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SENATE BILL 6308

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State of Washington

62nd Legislature

2012 Regular Session

By Senators Hatfield, Delvin, Hargrove, Morton, Roach, Stevens, Benton, Sheldon, Holmquist Newbry, Pridemore, Schoesler, Carrell, Shin, Kastama, and Zarelli

Read first time 01/17/12. Referred to Committee on Transportation.

1 AN ACT Relating to removing certain requirements for motorcycle  
2 helmet use; and amending RCW 46.37.530 and 46.37.535.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 46.37.530 and 2009 c 275 s 5 are each amended to read  
5 as follows:

6 (1) It is unlawful:

7 (a) For any person to operate a motorcycle, moped, or motor-driven  
8 cycle not equipped with mirrors on the left and right sides which shall  
9 be so located as to give the driver a complete view of the highway for  
10 a distance of at least two hundred feet to the rear of the motorcycle,  
11 moped, or motor-driven cycle: PROVIDED, That mirrors shall not be  
12 required on any motorcycle or motor-driven cycle over twenty-five years  
13 old originally manufactured without mirrors and which has been restored  
14 to its original condition and which is being ridden to or from or  
15 otherwise in conjunction with an antique or classic motorcycle contest,  
16 show, or other such assemblage: PROVIDED FURTHER, That no mirror is  
17 required on any motorcycle manufactured prior to January 1, 1931;

18 (b) For any person to operate a motorcycle, moped, or motor-driven

1 cycle which does not have a windshield unless wearing glasses, goggles,  
2 or a face shield of a type conforming to rules adopted by the state  
3 patrol;

4 ~~(c) ((For any person to operate or ride upon a motorcycle, motor-~~  
5 ~~driven cycle, or moped on a state highway, county road, or city street~~  
6 ~~unless wearing upon his or her head a motorcycle helmet except when the~~  
7 ~~vehicle is an antique motor-driven cycle or when the vehicle is~~  
8 ~~equipped with all of the following:~~

9 ~~(i) Steering wheel;~~

10 ~~(ii) Seat belts that conform to standards prescribed under 49~~  
11 ~~C.F.R. Part 571; and~~

12 ~~(iii) Partially or completely enclosed seating area for the driver~~  
13 ~~and passenger that is certified by the manufacturer as meeting the~~  
14 ~~standards prescribed under 49 C.F.R. Sec. 571.216.~~

15 ~~The motorcycle helmet neck or chin strap must be fastened securely~~  
16 ~~while the motorcycle, moped, or motor-driven cycle is in motion.~~  
17 ~~Persons operating electric-assisted bicycles and motorized foot~~  
18 ~~scooters shall comply with all laws and regulations related to the use~~  
19 ~~of bicycle helmets;~~

20 ~~(d)) For any person to transport a child under the age of five on~~  
21 ~~a motorcycle or motor-driven cycle;~~

22 ~~((e)) (d) For any person to sell or offer for sale a motorcycle~~  
23 ~~helmet that does not meet the requirements established by this section.~~

24 (2) The state patrol may adopt and amend rules concerning standards  
25 for glasses, goggles, and face shields.

26 (3) ~~((For purposes of this section, "motorcycle helmet" means a~~  
27 ~~protective covering for the head consisting of a hard outer shell,~~  
28 ~~padding adjacent to and inside the outer shell, and a neck or chin~~  
29 ~~strap type retention system, with the manufacturer's certification~~  
30 ~~applied in accordance with 49 C.F.R. Sec. 571.218 indicating that the~~  
31 ~~motorcycle helmet meets standards established by the United States~~  
32 ~~department of transportation.))~~

33 Persons operating electric-assisted  
34 bicycles and motorized foot scooters shall comply with all laws and  
regulations related to the use of bicycle helmets.

35 **Sec. 2.** RCW 46.37.535 and 1990 c 270 s 8 are each amended to read  
36 as follows:

1       It is unlawful for any person to rent out motorcycles, motor-driven  
2 cycles, or mopeds unless the person also has on hand for rent helmets  
3 of a type conforming to rules adopted by the state patrol.

4       (~~It shall be unlawful for any person to rent a motorcycle, motor-~~  
5 ~~driven cycle, or moped unless the person has in his or her possession~~  
6 ~~a helmet of a type approved by the state patrol, regardless of from~~  
7 ~~whom the helmet is obtained.))~~

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