

# HOUSE BILL REPORT

## SB 5141

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### As Reported by House Committee On: Transportation

**Title:** An act relating to allowing motorcycles to stop and proceed through traffic control signals under certain conditions.

**Brief Description:** Allowing motorcycles to stop and proceed through traffic control signals under certain conditions.

**Sponsors:** Senators King, Eide, Rivers, Sheldon, Hatfield, Delvin, Ericksen, Carrell, Padden, Harper, Keiser, Rolfes, Shin, Holmquist Newbry, Roach and Kline.

#### **Brief History:**

##### **Committee Activity:**

Transportation: 3/19/13, 3/28/13 [DPA].

#### **Brief Summary of Bill (As Amended by Committee)**

- Allows motorcycles, under certain circumstances, to proceed through a vehicle-activated traffic control signal that is inoperable due to the size of the motorcycle.
- Requires the Washington Traffic Safety Commission to provide a report and recommendations to the Legislature regarding the bill's implementation
- Sets an expiration date of August 1, 2016, for the Act.

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### HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass as amended. Signed by 24 members: Representatives Clibborn, Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Overstreet, Assistant Ranking Minority Member; Angel, Bergquist, Freeman, Johnson, Klippert, Kochmar, Kretz, Kristiansen, Moeller, Morris, Riccelli, Rodne, Ryu, Sells, Shea, Takko, Tarleton and Zeiger.

**Minority Report:** Do not pass. Signed by 4 members: Representatives Liias, Vice Chair; Farrell, Habib and Hayes.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Staff:** Andrew Russell (786-7143).

**Background:**

The driver of a vehicle must obey every official traffic control device. Drivers must stop when a traffic signal shows a steady red indication, and they generally may not turn if the signal shows a steady red arrow in the direction of the turn. Failure to follow a traffic control device is a traffic infraction, which carries a fine of up to \$250.

At some intersections, vehicle-activated traffic control signals are used to regulate the flow of traffic. A vehicle-activated traffic control signal detects the presence of a motor vehicle, including a motorcycle or bicycle, in order to trigger a change in the signal phase. If such a control signal cannot reliably detect motorcycles or bicycles, the equipment must be adjusted. Generally, the vehicle-detection equipment is located immediately before the stop-line or crosswalk and in the middle of the lane. If the equipment is located somewhere else, it must be clearly marked.

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**Summary of Amended Bill:**

If a vehicle-activated traffic control signal fails to detect the presence of a street-legal motorcycle, the operator of the motorcycle may, while exercising due care, proceed through the traffic signal. The operator may do so, however, only after he or she has come to a full and complete stop at the intersection and has waited either for 90 seconds or for the signal to go through a full cycle. In proceeding, the operator may go through the intersection or may turn left, as appropriate. It is not a defense to a violation if the operator incorrectly believed that a traffic signal was vehicle-activated, when it was not, or that the vehicle-activated traffic control signal was inoperative due to the size of the motorcycle, when it was not.

Additionally, the Washington Traffic Safety Commission is directed to provide a report to the Legislature regarding the implementation of the bill. This report must include, among other things, any issues caused by the change, recommendations as to whether or not vehicles and bicycles should be given the same ability, and any other appropriate recommendations.

Finally, the Act would expire on August 1, 2016.

**Amended Bill Compared to Original Bill:**

The amended bill adds that motorcycle operators may proceed after waiting at the traffic signal for 90 seconds. Additionally, the amended bill adds that the Washington Traffic Safety Commission must provide a report to the Legislature regarding the change in the law. Finally, the amended bill adds a date on which the section expires.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Amended Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) There will not be an increase in accidents, as motorcycles are doing this already. This provides a legal basis for a conversation with law enforcement if a motorcycle operator is pulled over for doing this. If cars and bicycles want to have the same ability, this can be model legislation to move forward in the future for those vehicles.

Several other states already have a similar law on the books, and they have not experienced an increase in accidents. Municipalities have not properly adjusted the detection devices to detect motorcycles and bicycles. This is common sense and would be a good remedy for the situation.

(Opposed) There is a genuine concern about collisions occurring because people are disregarding a traffic control device by turning in front of other vehicles or pedestrians, confusing other traffic, and influencing other motorists. This might create liability on the part of the state by inserting into statute the ability to legally disregard a control device. There is currently a reporting mechanism with cities and counties to resolve any deficiencies. There are also law enforcement concerns regarding enforcement of the traffic laws and traffic cameras. The number of motorcycle accidents has not declined over the years, and this does not address the problem.

Cities have concerns with public safety, liability, and enforcement. These signals must routinely and reliably detect motorcycles and bicycles, and local jurisdictions are required to have procedures to file complaints about these signals.

**Persons Testifying:** (In support) Larry Walker, Washington Road Rider's Association; and Ron Fryer, A Brotherhood Against Totalitarian Enactments.

(Opposed) Rob Huss, Washington State Patrol; and Alison Hellberg, Association of Washington Cities.

**Persons Signed In To Testify But Not Testifying:** None.