

---

HOUSE BILL 1244

---

State of Washington

64th Legislature

2015 Regular Session

By Representatives Shea, Scott, Taylor, Holy, G. Hunt, Griffey, Young, McCaslin, and Magendanz

Read first time 01/16/15. Referred to Committee on Transportation.

1 AN ACT Relating to reducing motorcycle rider liability for  
2 actions required of helmet manufacturers; amending RCW 46.37.530; and  
3 creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the current  
6 state statute governing motorcycle helmet use references a federal  
7 regulation that applies to the manufacturing of helmets, requiring  
8 testing and precise measurements of the helmet. This federal  
9 regulation also has requirements applied at the time of purchase.  
10 Riders of motorcycles have an obligation to wear a helmet, not ensure  
11 that the manufacturers complied with a particular federal regulation.  
12 The removal of this federal regulation reference will not reduce the  
13 obligation of helmet manufacturers to build helmets in accordance  
14 with the regulation and will not remove the requirement for  
15 motorcycle riders to wear a helmet with a manufacturer's  
16 certification. The removal of this federal regulation reference will  
17 remove liability from the rider for whether the manufacturer complied  
18 with the federal regulation as indicated on the helmet.

19 **Sec. 2.** RCW 46.37.530 and 2009 c 275 s 5 are each amended to  
20 read as follows:

1 (1) It is unlawful:

2 (a) For any person to operate a motorcycle, moped, or motor-

3 driven cycle not equipped with mirrors on the left and right sides

4 which shall be so located as to give the driver a complete view of

5 the highway for a distance of at least two hundred feet to the rear

6 of the motorcycle, moped, or motor-driven cycle: PROVIDED, That

7 mirrors shall not be required on any motorcycle or motor-driven cycle

8 over twenty-five years old originally manufactured without mirrors

9 and which has been restored to its original condition and which is

10 being ridden to or from or otherwise in conjunction with an antique

11 or classic motorcycle contest, show, or other such assemblage:

12 PROVIDED FURTHER, That no mirror is required on any motorcycle

13 manufactured prior to January 1, 1931;

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

15 driven cycle which does not have a windshield unless wearing glasses,

16 goggles, or a face shield of a type conforming to rules adopted by

17 the state patrol;

18 (c) For any person to operate or ride upon a motorcycle, motor-

19 driven cycle, or moped on a state highway, county road, or city

20 street unless wearing upon his or her head a motorcycle helmet except

21 when the vehicle is an antique motor-driven cycle or when the vehicle

22 is equipped with all of the following:

23 (i) Steering wheel;

24 (ii) Seat belts that conform to standards prescribed under 49

25 C.F.R. Part 571; and

26 (iii) Partially or completely enclosed seating area for the

27 driver and passenger that is certified by the manufacturer as meeting

28 the standards prescribed under 49 C.F.R. Sec. 571.216.

29 The motorcycle helmet neck or chin strap must be fastened

30 securely while the motorcycle, moped, or motor-driven cycle is in

31 motion. Persons operating electric-assisted bicycles and motorized

32 foot scooters shall comply with all laws and regulations related to

33 the use of bicycle helmets;

34 (d) For any person to transport a child under the age of five on

35 a motorcycle or motor-driven cycle;

36 (e) For any person to sell or offer for sale a motorcycle helmet

37 that does not meet the requirements established by this section.

38 (2) The state patrol may adopt and amend rules concerning

39 standards for glasses, goggles, and face shields.

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

--- END ---