
SUBSTITUTE HOUSE BILL 1804

State of Washington 65th Legislature 2017 Regular Session

By House Business & Financial Services (originally sponsored by Representatives Kirby and Ormsby)

READ FIRST TIME 02/17/17.

1 AN ACT Relating to financial responsibility insurance
2 requirements with respect to motorcycles, motor-driven cycles, and
3 mopeds; and amending RCW 46.30.020 and 46.37.530.

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

5 **Sec. 1.** RCW 46.30.020 and 2013 2nd sp.s. c 23 s 20 are each
6 amended to read as follows:

7 (1)(a)(i) No person may operate a motor vehicle subject to
8 registration under chapter 46.16A RCW in this state unless the person
9 is insured under a motor vehicle liability policy with liability
10 limits of at least the amounts provided in RCW 46.29.090, is self-
11 insured as provided in RCW 46.29.630, is covered by a certificate of
12 deposit in conformance with RCW 46.29.550, or is covered by a
13 liability bond of at least the amounts provided in RCW 46.29.090.
14 Proof of financial responsibility for motor vehicle operation must be
15 provided on the request of a law enforcement officer in the format
16 specified under RCW 46.30.030.

17 (ii) A person age eighteen or over must be insured under a motor
18 vehicle liability policy with liability limits of at least the
19 amounts provided in RCW 46.29.090, or otherwise satisfy the
20 requirements of this subsection (1)(a), if the person is operating a
21 motorcycle, a motor-driven cycle, or a moped, and the person is not

1 wearing upon the person's head a motorcycle helmet in accordance with
2 RCW 46.37.530.

3 (b) A person who drives a motor vehicle that is required to be
4 registered in another state that requires drivers and owners of
5 vehicles in that state to maintain insurance or financial
6 responsibility shall, when requested by a law enforcement officer,
7 provide evidence of financial responsibility or insurance as is
8 required by the laws of the state in which the vehicle is registered.

9 (c) When asked to do so by a law enforcement officer, failure to
10 display proof of financial responsibility for motor vehicle operation
11 as specified under RCW 46.30.030 creates a presumption that the
12 person does not have motor vehicle insurance.

13 (d) Failure to provide proof of motor vehicle insurance is a
14 traffic infraction and is subject to penalties as set by the supreme
15 court under RCW 46.63.110 or community restitution.

16 (e) For the purposes of this section, when a person uses a
17 portable electronic device to display proof of financial security to
18 a law enforcement officer, the officer may only view the proof of
19 financial security and is otherwise prohibited from viewing any other
20 content on the portable electronic device.

21 (f) Whenever a person presents a portable electronic device
22 pursuant to this section, that person assumes all liability for any
23 damage to the portable electronic device.

24 (2) If a person cited for a violation of subsection (1) of this
25 section appears in person before the court or a violations bureau and
26 provides written evidence that at the time the person was cited, he
27 or she was in compliance with the financial responsibility
28 requirements of subsection (1) of this section, the citation shall be
29 dismissed and the court or violations bureau may assess court
30 administrative costs of twenty-five dollars at the time of dismissal.
31 In lieu of personal appearance, a person cited for a violation of
32 subsection (1) of this section may, before the date scheduled for the
33 person's appearance before the court or violations bureau, submit by
34 mail to the court or violations bureau written evidence that at the
35 time the person was cited, he or she was in compliance with the
36 financial responsibility requirements of subsection (1) of this
37 section, in which case the citation shall be dismissed without cost,
38 except that the court or violations bureau may assess court
39 administrative costs of twenty-five dollars at the time of dismissal.

40 (3) The provisions of this chapter shall not govern:

1 (a) The operation of a motor vehicle registered under RCW
2 46.18.220 or 46.18.255, governed by RCW 46.16A.170, or registered
3 with the Washington utilities and transportation commission as common
4 or contract carriers; or

5 (b) The operation of a motorcycle as defined in RCW 46.04.330, a
6 motor-driven cycle as defined in RCW 46.04.332, or a moped as defined
7 in RCW 46.04.304, ~~((or))~~ by a person who is wearing upon the person's
8 head a motorcycle helmet; or

9 (c) The operation of a wheeled all-terrain vehicle as defined in
10 RCW 46.09.310.

11 (4) RCW 46.29.490 shall not be deemed to govern all motor vehicle
12 liability policies required by this chapter but only those certified
13 for the purposes stated in chapter 46.29 RCW.

14 (5) For purposes of this section, "motorcycle helmet" has the
15 same meaning as in RCW 46.37.530(3).

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

18 (1) It is unlawful:

19 (a) For any person to operate a motorcycle, moped, or motor-
20 driven cycle not equipped with mirrors on the left and right sides
21 which shall be so located as to give the driver a complete view of
22 the highway for a distance of at least two hundred feet to the rear
23 of the motorcycle, moped, or motor-driven cycle: PROVIDED, That
24 mirrors shall not be required on any motorcycle or motor-driven cycle
25 over twenty-five years old originally manufactured without mirrors
26 and which has been restored to its original condition and which is
27 being ridden to or from or otherwise in conjunction with an antique
28 or classic motorcycle contest, show, or other such assemblage:
29 PROVIDED FURTHER, That no mirror is required on any motorcycle
30 manufactured prior to January 1, 1931;

31 (b) For any person to operate a motorcycle, moped, or motor-
32 driven cycle which does not have a windshield unless wearing glasses,
33 goggles, or a face shield of a type conforming to rules adopted by
34 the state patrol;

35 (c) For any person under the age of eighteen to operate or ride
36 upon a motorcycle, motor-driven cycle, or moped on a state highway,
37 county road, or city street unless wearing upon his or her head a
38 motorcycle helmet except when the vehicle is an antique motor-driven
39 cycle or when the vehicle is equipped with all of the following:

1 (i) Steering wheel;

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

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

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

12 (d) For any person age eighteen or over who is not wearing upon
13 the person's head a motorcycle helmet meeting the requirements of (c)
14 of this subsection, to operate or ride upon a motorcycle, motor-
15 driven cycle, or moped on a state highway, county road, or city
16 street, and who is not insured under:

17 (i) A motor vehicle liability policy with liability limits of at
18 least the amounts provided in RCW 46.29.090, or does not otherwise
19 satisfy the requirements of RCW 46.30.020(1)(a); and

20 (ii) A medical insurance policy that meets the minimum essential
21 coverage requirement in 26 U.S.C. Sec. 5000A of the patient
22 protection and affordable care act;

23 (e) For any person to transport a child under the age of five on
24 a motorcycle or motor-driven cycle;

25 ~~((e))~~ (f) For any person to sell or offer for sale a motorcycle
26 helmet that does not meet the requirements established by this
27 section.

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

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

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