
Transportation Committee

HB 1125

Brief Description: Concerning motorcycle helmet use.

Sponsors: Representatives Blake, Griffey, Walsh and Young.

Brief Summary of Bill

- As a three-year pilot program, permits individuals 21 years of age and older to operate or ride on a motorcycle, motor-driven cycle, or moped without wearing a motorcycle helmet as long as they satisfy the state's motor vehicle liability insurance or financial responsibility requirements.
- Requires the Washington Traffic Safety Commission to provide a report to the Legislature on motorcyclist fatalities that occur during the pilot's duration by December 1, 2022.

Hearing Date: 2/4/19

Staff: Jennifer Harris (786-7143).

Background:

Vehicle Definitions.

1. A "motorcycle" is defined as a motor vehicle designed to travel on no more than three wheels on which the driver: (1) rides on a seat or saddle and the motor vehicle is designed to be steered with a handlebar; or (2) rides on a seat in a partially or completely enclosed seating area that is equipped with safety belts and the motor vehicle is designed to be steered with a steering wheel. The following are excluded from this definition: farm tractors, power wheelchairs, electric personal assistive mobility devices, motorized foot scooters, electric-assisted bicycles, and mopeds.

A "motor-driven cycle" is defined as every motorcycle, including every motor scooter, with a motor that produces no greater than 5 brake horsepower (developed by a prime mover, as

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measured by a brake applied to the driving shaft). A motor-driven cycle does not include a moped, a power wheelchair, a motorized foot scooter, or an electric personal assistive mobility device.

A "moped" is defined as a motorized device designed to travel with no more than three wheels in contact with the ground that has an electric or a liquid fuel motor with a cylinder displacement no greater than 50 cubic centimeters and that produces no greater than 2 gross break horsepower (developed by a prime mover, as measured by a brake applied to the driving shaft) that is capable of propelling the device at not more than 30 miles per hour on ground level.

Helmet Requirement.

A person is required to wear a motorcycle helmet when operating or riding on a motorcycle, motor-driven cycle, or moped on a state highway, county road, or city street except when the vehicle is: (1) an antique motor-driven cycle; or (2) equipped with a steering wheel, seat belts that meet federal standards, and a partially or completely enclosed seating area for the driver and passenger that is certified by the manufacturer as meeting federal standards.

A "motorcycle helmet" is defined as a protective covering for the head that includes a hard outer shell, padding adjacent to and inside the outer shell, and a neck or chin strap type retention system, and which bears a manufacturer's certification that it meets federal standards.

The motorcycle helmet neck or chin strap must be fastened while the motorcycle, motor-driven cycle, or moped is in motion.

Insurance or Equivalent Requirements.

The insurance requirements described below do not apply to motorcycles, motor-driven cycles, and mopeds.

No person may operate a motor vehicle required to be registered in the state unless the person is insured under a motor vehicle liability policy, self-insured, covered by a certificate of deposit, or covered by a liability bond. A motor vehicle liability policy or bond must be issued by an insurance or surety company authorized to do business in the state and must provide a minimum coverage level of \$25,000 for bodily injury or death of a single person in any one accident, \$50,000 for bodily injury or death of two or more people in any one accident, and \$10,000 for injury to or destruction of property of others in any one accident.

To be self-insured, a person must have more than 25 vehicles registered in that person's name and the Department of Licensing (DOL) must find that the person possesses the ability to pay a judgment obtained against him or her. The DOL will issue a certificate of deposit to the person named in it once that person has deposited \$60,000 in cash or securities that may legally be purchased by savings banks or for trust funds for a market value of \$60,000.

Proof of insurance or the equivalent for motor vehicle operation must be provided at the request of a law enforcement officer. When asked to do so by a law enforcement officer, failure to display this proof for motor vehicle operation is a traffic infraction and is subject to a fine of \$250 (\$550 including additional fees and assessments). If a person cited for this violation

provides written evidence either in person or by mail that, at the time the person was cited, he or she was in compliance with this requirement, the citation will be dismissed and the court may assess administrative costs of \$25 at the time of dismissal.

Financial Responsibility Requirements.

The driver and owner of any motor vehicle required to be registered in the state that does not meet the insurance or equivalent requirements noted above must meet certain financial responsibility requirements if involved in an accident that resulted in the bodily injury or death of any person or damage to the property of any one person equal to or greater than a minimum amount set by administrative rule, currently \$1,000 (which may only be adjusted for inflation). The DOL determines the amount of security sufficient to satisfy any judgment(s) for damages resulting from the accident that may be covered against each driver or owner based on reports or other information submitted.

If a person required to deposit security fails to do so within 60 days after the DOL has sent the person notice, the DOL must suspend the driver's license of each driver involved in the accident and of the owner of each vehicle subject to registration that was involved in the accident.

Washington Traffic Safety Commission.

The Washington Traffic Safety Commission (WTSC) oversees efforts to improve safety on Washington's public highways. The WTSC is the federally recognized highway safety office in Washington. It collects fatal and serious-injury crash data, engages in research, and oversees highway safety pilot projects.

Summary of Bill:

Under a helmet use pilot program, a person at least 21 years of age is not required to wear a motorcycle helmet while operating or riding on a motorcycle, motor-driven cycle, or moped from September 1, 2019, until September 1, 2022. If a person at least 21 years of age does not wear a motorcycle helmet while operating or riding on a motorcycle, motor-driven cycle, or moped during the time when the pilot program is in effect, he or she is required to be insured under a motor vehicle liability policy, self-insured, or covered by a certificate of deposit or liability bond at the coverage levels currently mandated for other motor vehicles.

The WTSC must work with appropriate state and local agencies to collect statistics related to motorcyclist fatalities during the helmet use pilot program, and must provide a report to the Legislature on the statistics collected by December 1, 2022.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

Effective Date: The bill takes effect on September 1, 2019.