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HOUSE BILL 1125

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State of Washington

66th Legislature

2019 Regular Session

By Representatives Blake, Griffey, Walsh, and Young

Prefiled 01/11/19. Read first time 01/14/19. Referred to Committee on Transportation.

1 AN ACT Relating to motorcycle helmet use; amending RCW 46.37.530  
2 and 46.30.020; adding a new section to chapter 43.59 RCW; providing  
3 an effective date; and providing expiration dates.

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

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

7 (1) It is unlawful:

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

20 (b) For any person to operate a motorcycle, moped, or motor-  
21 driven cycle which does not have a windshield unless wearing glasses,

1 goggles, or a face shield of a type conforming to rules adopted by  
2 the state patrol;

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

8 (i) Steering wheel;

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

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

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

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

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

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

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

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

34 (1)(a)(i) No person may operate a motor vehicle subject to  
35 registration under chapter 46.16A RCW in this state unless the person  
36 is insured under a motor vehicle liability policy with liability  
37 limits of at least the amounts provided in RCW 46.29.090, is self-  
38 insured as provided in RCW 46.29.630, is covered by a certificate of  
39 deposit in conformance with RCW 46.29.550, or is covered by a

1 liability bond of at least the amounts provided in RCW 46.29.090.  
2 Proof of financial responsibility for motor vehicle operation must be  
3 provided on the request of a law enforcement officer in the format  
4 specified under RCW 46.30.030.

5 (ii) This subsection (1)(a) applies to persons age twenty-one or  
6 older who are not wearing a helmet while operating a motorcycle as  
7 defined in RCW 46.04.330, a motor-driven cycle as defined in RCW  
8 46.04.332, or a moped as defined in RCW 46.04.304.

9 (b) A person who drives a motor vehicle that is required to be  
10 registered in another state that requires drivers and owners of  
11 vehicles in that state to maintain insurance or financial  
12 responsibility shall, when requested by a law enforcement officer,  
13 provide evidence of financial responsibility or insurance as is  
14 required by the laws of the state in which the vehicle is registered.

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

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

22 (e) For the purposes of this section, when a person uses a  
23 portable electronic device to display proof of financial security to  
24 a law enforcement officer, the officer may only view the proof of  
25 financial security and is otherwise prohibited from viewing any other  
26 content on the portable electronic device.

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

30 (2) If a person cited for a violation of subsection (1) of this  
31 section appears in person before the court or a violations bureau and  
32 provides written evidence that at the time the person was cited, he  
33 or she was in compliance with the financial responsibility  
34 requirements of subsection (1) of this section, the citation shall be  
35 dismissed and the court or violations bureau may assess court  
36 administrative costs of twenty-five dollars at the time of dismissal.  
37 In lieu of personal appearance, a person cited for a violation of  
38 subsection (1) of this section may, before the date scheduled for the  
39 person's appearance before the court or violations bureau, submit by  
40 mail to the court or violations bureau written evidence that at the

1 time the person was cited, he or she was in compliance with the  
2 financial responsibility requirements of subsection (1) of this  
3 section, in which case the citation shall be dismissed without cost,  
4 except that the court or violations bureau may assess court  
5 administrative costs of twenty-five dollars at the time of dismissal.

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

7 (a) The operation of a motor vehicle registered under RCW  
8 46.18.220 or 46.18.255, governed by RCW 46.16A.170, or registered  
9 with the Washington utilities and transportation commission as common  
10 or contract carriers; ((~~or~~))

11 (b) The operation of a motorcycle as defined in RCW 46.04.330, a  
12 motor-driven cycle as defined in RCW 46.04.332, or a moped as defined  
13 in RCW 46.04.304, ((~~or~~)) by a person who is wearing a helmet; or

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

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

19 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.59  
20 RCW to read as follows:

21 (1) The commission must work with the appropriate state and local  
22 agencies to collect statistics related to motorcyclist fatalities  
23 during the helmet use pilot program created in this act. The  
24 commission must provide a report on the statistics collected in the  
25 pilot program to the legislature by December 1, 2022.

26 (2) This section expires December 1, 2022.

27 NEW SECTION. **Sec. 4.** This act takes effect September 1, 2019.

28 NEW SECTION. **Sec. 5.** Sections 1 and 2 of this act expire  
29 September 1, 2022.

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