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**SUBSTITUTE HOUSE BILL 1081**

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**State of Washington**

**52nd Legislature**

**1991 Regular Session**

**By** House Committee on Transportation (originally sponsored by Representatives Morris, R. Fisher, Braddock, Winsley, Moyer, Paris, Day, G. Fisher, Prentice, H. Sommers, Cooper, R. Johnson, Rust, Dellwo, Pruitt, Phillips, Sprenkle, Riley, Wineberry, Basich, Jacobsen, Leonard, Roland, Bowman, Brekke, Orr, Appelwick and Anderson).

Read first time February 22, 1991.

1 AN ACT Relating to bicycle safety; amending RCW 46.04.670,  
2 46.61.990, and 46.37.480; adding a new section to chapter 43.43 RCW;  
3 adding a new section to chapter 47.36 RCW; and adding new sections to  
4 chapter 47.04 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.43 RCW  
7 to read as follows:

8 Bicycling is increasing in popularity as a form of recreation and  
9 as an alternative mode of transportation. To make bicycling safer, the  
10 various law enforcement agencies should enforce traffic regulations for  
11 bicyclists. By enforcing bicycle regulations, law enforcement officers  
12 are reinforcing educational programs. Bicycling takes more skill than  
13 most people realize. Since bicyclists have a low profile in traffic  
14 and are unprotected, they need more defensive riding skills than  
15 motorists do.

1 A bicycle awareness program is created within the Washington state  
2 patrol. In developing the curriculum for the bicycle awareness program  
3 the patrol shall consult with the traffic safety commission and with  
4 bicycling groups providing bicycle safety education. The patrol shall  
5 conduct the program in conjunction with the safety education officer  
6 program and may use other law enforcement personnel and volunteers to  
7 implement the program for children in grades kindergarten through six.  
8 The patrol shall ensure that each safety educator presenting the  
9 bicycle awareness program has received specialized training in bicycle  
10 safety education and has been trained in effective defensive bicycle  
11 riding skills.

12 **Sec. 2.** RCW 46.04.670 and 1979 ex.s. c 213 s 4 are each amended to  
13 read as follows:

14 "Vehicle" includes every device capable of being moved upon a  
15 public highway and in, upon, or by which any persons or property is or  
16 may be transported or drawn upon a public highway, ~~((excepting))~~  
17 including bicycles. The term does not include devices other than  
18 bicycles moved by human or animal power or used exclusively upon  
19 stationary rails or tracks ~~((, except that))~~. Mopeds shall be  
20 considered vehicles or motor vehicles only for the purposes of chapter  
21 46.12 RCW, but not for the purposes of chapter 46.70 RCW. Bicycles  
22 shall not be considered vehicles for the purposes of chapter 46.12,  
23 46.16, or 46.70 RCW.

24 **Sec. 3.** RCW 46.61.990 and 1965 ex.s. c 155 s 92 are each amended  
25 to read as follows:

26 Sections 1 through 52 and 54 through 86 of ~~((this amendatory act))~~  
27 chapter 155, Laws of 1965 ex. sess. are added to chapter 12, Laws of  
28 1961 and shall constitute a new chapter in Title 46 of the Revised Code

1 of Washington and sections 54, 55, and 63 as herein amended and RCW  
2 46.48.012, 46.48.014, 46.48.015, 46.48.016, 46.48.023, 46.48.025,  
3 46.48.026, 46.48.041, 46.48.046, 46.48.050, 46.48.060, 46.48.080,  
4 46.48.110, 46.48.120, 46.48.150, 46.48.160, 46.48.340, 46.56.030,  
5 46.56.070, 46.56.100, 46.56.130, 46.56.135, 46.56.190, 46.56.200,  
6 46.56.210, 46.56.220, 46.56.230, 46.56.240, 46.60.260, 46.60.270,  
7 46.60.330, and 46.60.340 shall be recodified as and be a part of said  
8 chapter. The sections of the new chapter shall be organized under the  
9 following captions: "OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS",  
10 "TRAFFIC SIGNS, SIGNALS AND MARKINGS", "DRIVING ON RIGHT SIDE OF  
11 ROADWAY--OVERTAKING AND PASSING--USE OF ROADWAY", "RIGHT OF WAY",  
12 "PEDESTRIANS' RIGHTS AND DUTIES", "TURNING AND STARTING AND SIGNALS ON  
13 STOPPING AND TURNING", "SPECIAL STOPS REQUIRED", "SPEED RESTRICTIONS",  
14 "RECKLESS DRIVING, DRIVING WHILE INTOXICATED AND NEGLIGENT HOMICIDE BY  
15 VEHICLE", "STOPPING, STANDING AND PARKING", "MISCELLANEOUS RULES", and  
16 "OPERATION OF ((BICYCLES AND PLAY)) NONMOTORIZED VEHICLES". Such  
17 captions shall not constitute any part of the law.

18 NEW SECTION. **Sec. 4.** A new section is added to chapter 47.36 RCW  
19 to read as follows:

20 The department of transportation shall, by January 1, 1992, adopt  
21 minimum pavement marking standards for the area designating the limits  
22 of the vehicle driving lane along the right edge for arterials that do  
23 not have curbs or sidewalks and are inside urbanized areas. In  
24 preparing the standards, the department of transportation shall take  
25 into consideration all types of pavement markings, including flat,  
26 raised, and recessed markings, and their effect on pedestrians,  
27 bicycle, and motor vehicle safety.

28 The standards shall provide that a jurisdiction shall conform to  
29 these requirements, at such time thereafter that it undertakes to (1)

1 renew or install permanent markings on the existing or new roadway, and  
2 (2) remove existing nonconforming raised pavement markers at the time  
3 the jurisdiction prepares to resurface the roadway, or earlier, at its  
4 option. These standards shall be in effect, as provided in this  
5 section, unless the legislative authority of the local governmental  
6 body finds that special circumstances exist affecting vehicle and  
7 pedestrian safety that warrant a variance to the standard.

8 For the purposes of this section, "urbanized area" means an area  
9 designated as such by the United States bureau of census and having a  
10 population of more than fifty thousand. Other jurisdictions that  
11 install pavement marking material on the right edge of the roadway  
12 shall do so in a manner not in conflict with the minimum state  
13 standard.

14 **Sec. 5.** RCW 46.37.480 and 1988 c 227 s 6 are each amended to read  
15 as follows:

16 (1) No person shall drive any motor vehicle equipped with any  
17 television viewer, screen, or other means of visually receiving a  
18 television broadcast which is located in the motor vehicle at any point  
19 forward of the back of the driver's seat, or which is visible to the  
20 driver while operating the motor vehicle.

21 (2) No person shall operate any bicycle or motor vehicle on a  
22 public highway while wearing any headset or earphones connected to any  
23 electronic device capable of receiving a radio broadcast or playing a  
24 sound recording for the purpose of transmitting a sound to the human  
25 auditory senses and which headset or earphones muffle or exclude other  
26 sounds to both ears. This subsection does not apply to students and  
27 instructors participating in a Washington state motorcycle safety  
28 program.

29 (3) This section does not apply to authorized emergency vehicles.

1        NEW SECTION.    **Sec. 6.**    A new section is added to chapter 47.04 RCW  
2 to read as follows:

3        (1) The department of transportation is responsible for the  
4 initiation, coordination, and operation of a bicycle transportation  
5 management program.

6        (2) To assist in the operation of the bicycle transportation  
7 management program, a full-time staff position of state bicycle program  
8 manager is established within the department of transportation.

9        NEW SECTION.    **Sec. 7.**    A new section is added to chapter 47.04 RCW  
10 to read as follows:

11        The state bicycle program manager shall:

12        (1) Design programs that encourage the use of bicycling for  
13 transportation;

14        (2) Coordinate bicycle safety related programs and bicycle tourism  
15 programs in all state agencies;

16        (3) Assist the department of transportation and the cities and  
17 counties of the state in assigning priorities to, programming, and  
18 developing bicycle-related projects;

19        (4) Serve as a clearinghouse for bicycle program information and  
20 resources;

21        (5) Provide assistance in revising and updating bicycle material of  
22 the superintendent of public instruction and the state patrol;

23        (6) Promote the use of bicycle helmets of a type certified to meet  
24 the requirements of standard Z-90.4 of the American National Standards  
25 Institute or such subsequent nationally recognized standard for bicycle  
26 helmet performance; and

27        (7) Promote bicycle safety equipment.