
SENATE BILL 5331

State of Washington

54th Legislature

1995 Regular Session

By Senators Franklin, Moyer, Fairley, Winsley, Wojahn, C. Anderson, Kohl and Fraser

Read first time 01/19/95. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to bicycle safety; amending RCW 46.61.750,
2 28A.220.050, 46.20.095, 46.82.430, and 46.83.040; adding a new section
3 to chapter 46.61 RCW; adding a new section to chapter 46.04 RCW;
4 creating a new section; and prescribing penalties.

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

6 NEW SECTION. **Sec. 1.** The legislature recognizes that bicycling is
7 popular for all ages. Almost all families now have bicycles.
8 Bicycling is increasing in our state. What used to be simply a
9 children's activity is now a common form of transportation and
10 recreation for children, adults, and families. Increased bicycling has
11 many benefits: It is healthy, nonpolluting, energy-efficient, and does
12 not cause wear to the road system. Bicycling is an enjoyable activity
13 that people with a wide range of physical abilities can share. The
14 nature of the activity creates conditions whereby a rider or passenger
15 may fall or collide with the road surface or other objects and possibly
16 sustain serious or fatal head injury. Helmets are a proven and
17 effective way to prevent or reduce head injuries. Therefore, it is
18 beneficial for all bicyclists or passengers on bicycles within the
19 state of Washington to wear protective helmets while riding.

1 In order to provide an effective means of implementing a
2 requirement for all bicyclists and their passengers to wear helmets,
3 the legislature recognizes that programs of helmet awareness undertaken
4 by public and private agencies with existing resources, designed to
5 promote use of helmets by all ages, and with notification of the
6 requirement must precede the date of total enforcement. Therefore,
7 section 2 of this act shall take effect as provided.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.61 RCW
9 to read as follows:

10 (1) Beginning January 1, 1996, it is a traffic infraction:

11 (a) For a person to operate or ride upon a bicycle on a state
12 highway, county road, city street, public trail or pathway, or a public
13 sidewalk adjacent to the foregoing unless wearing a protective helmet
14 of a type certified to meet the requirements of standard Z-90.4 of the
15 American National Standards Institute or such subsequent nationally
16 recognized standard for bicycle helmet performance as the state patrol
17 may adopt by rule. The helmet must be equipped with either a neck or
18 chin strap that shall be fastened securely while the cycle is in
19 motion;

20 (b) For a person to transport a person upon, in a restraining seat
21 that is attached to, or in a trailer towed by a bicycle on a state
22 highway, county road, city street, public trail or pathway, or a public
23 sidewalk adjacent to the foregoing unless the person transported is
24 wearing a helmet that meets the requirements in (a) of this subsection.
25 A person with a bona fide health or physical condition that prevents
26 the person from wearing a bicycle helmet is exempt from this
27 requirement;

28 (c) For the guardian of a person to knowingly allow, and fail to
29 take reasonable steps to prevent, that person from operating or riding
30 upon a bicycle on a state highway, county road, city street, public
31 trail or pathway, or a public sidewalk adjacent to the foregoing unless
32 that person is wearing a helmet that meets the requirements in (a) of
33 this subsection. For the purpose of this subsection, "guardian" means
34 a parent, legal guardian, or any other adult person who maintains
35 responsibility for the safety and welfare of a person;

36 (d) For a person to sell or offer for sale a bicycle helmet that
37 does not meet the requirements established by (a) of this subsection;

1 (e) For a person to rent a bicycle for use by a person unless the
2 person possesses a helmet that meets the requirements of (a) of this
3 subsection, and the one renting is reasonably satisfied that the person
4 will operate or ride upon the cycle while wearing such a helmet in the
5 manner described in (a) of this subsection.

6 (2) This section does not apply to a person being transported in a
7 pedicab.

8 (3) Evidence of failure to wear a bicycle helmet may be admitted in
9 the discretion of the court with respect to a plaintiff's duty to
10 mitigate damages, but not with respect to contributory fault.

11 (4) Effective January 1, 1996, this section preempts and supersedes
12 any county, city, town, or other local ordinances or statutes requiring
13 the wearing of bicycle helmets.

14 **Sec. 3.** RCW 46.61.750 and 1982 c 55 s 6 are each amended to read
15 as follows:

16 (1) It is a traffic infraction for any person to do any act
17 forbidden or fail to perform any act required in RCW 46.61.750 through
18 46.61.780 or section 2 of this act.

19 (2) (~~These regulations applicable to bicycles apply whenever a~~
20 ~~bicycle is operated upon any highway or upon any bicycle path, subject~~
21 ~~to those exceptions stated herein.)) No traffic infraction committed
22 under section 2 of this act may be reported on a person's driving
23 record maintained by the department of licensing.~~

24 (3) In order to educate the public concerning the provisions of
25 section 2 of this act, during the period from January 1, 1996, to
26 January 1, 1997, a person violating section 2 of this act will not be
27 subject to a traffic infraction, though a written warning of the
28 violation may be issued. After January 1, 1997, a violator may be
29 issued a regular notice of traffic infraction. If this is the first
30 time a person has been issued a notice of traffic infraction for a
31 violation of section 2 of this act and he or she provides evidence to
32 the court in writing that he or she has obtained a bicycle helmet in
33 order to comply with section 2 of this act, the court shall dismiss the
34 notice of traffic infraction without costs.

35 (4) In lieu of a traffic infraction for a person under the age of
36 twelve, a law enforcement officer shall provide to the violator and to
37 the violator's parent or guardian written information about the
38 importance of wearing helmets, where helmets may be purchased or

1 obtained at little or no cost, and the contents of the law relating to
2 bicycle helmets.

3 NEW SECTION. **Sec. 4.** A new section is added to chapter 46.04 RCW
4 to read as follows:

5 "Pedicab" means a bicycle with three or more wheels that carries
6 passengers for hire.

7 **Sec. 5.** RCW 28A.220.050 and 1986 c 93 s 4 are each amended to read
8 as follows:

9 The superintendent of public instruction shall include information
10 on the proper use of the left-hand lane by motor vehicles on multilane
11 highways and on bicyclists' rights and responsibilities in
12 instructional material used in traffic safety education courses.

13 **Sec. 6.** RCW 46.20.095 and 1986 c 93 s 3 are each amended to read
14 as follows:

15 The department shall include information on the proper use of the
16 left-hand lane by motor vehicles on multilane highways and on
17 bicyclists' rights and responsibilities in its instructional
18 publications for drivers.

19 **Sec. 7.** RCW 46.82.430 and 1986 c 93 s 5 are each amended to read
20 as follows:

21 Instructional material used in driver training schools shall
22 include information on the proper use of the left-hand lane by motor
23 vehicles on multilane highways and on bicyclists' rights and
24 responsibilities.

25 **Sec. 8.** RCW 46.83.040 and 1961 c 12 s 46.83.040 are each amended
26 to read as follows:

27 It shall be the purpose of every traffic school which may be
28 established hereunder to instruct, educate, and inform all persons
29 appearing for training in the proper, lawful, and safe operation of
30 motor vehicles, including but not limited to rules of the road and the
31 limitations of persons, vehicles, and bicycles and roads, streets, and
32 highways under varying conditions and circumstances.

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