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HOUSE BILL 1964

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State of Washington                      61st Legislature                      2009 Regular Session

By Representatives Kretz, DeBolt, Hinkle, and Upthegrove

Read first time 02/04/09. Referred to Committee on Transportation.

1            AN ACT Relating to motorcycle helmet use; and amending RCW  
2 46.37.530 and 46.37.535.

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

4            **Sec. 1.** RCW 46.37.530 and 2003 c 197 s 1 are each amended to read  
5 as follows:

6            (1) It is unlawful:

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

18            (b) For any person to operate a motorcycle or motor-driven cycle

1 which does not have a windshield unless wearing glasses, goggles, or a  
2 face shield of a type conforming to rules adopted by the state patrol;

3 (c) For any person under the age of twenty-one years to operate or  
4 ride upon a motorcycle, motor-driven cycle, or moped on a state  
5 highway, county road, or city street unless wearing upon his or her  
6 head a motorcycle helmet except when the vehicle is an antique motor-  
7 driven cycle or automobile that is licensed as a motorcycle or when the  
8 vehicle is equipped with seat belts and roll bars approved by the state  
9 patrol. The motorcycle helmet neck or chin strap must be fastened  
10 securely while the motorcycle or motor-driven cycle is in motion.  
11 Persons operating electric-assisted bicycles shall comply with all laws  
12 and regulations related to the use of bicycle helmets;

13 (d) For any person twenty-one years old or older to operate or ride  
14 upon a motorcycle, motor-driven cycle, or moped on a state highway,  
15 county road, or city street unless wearing upon his or her head a  
16 motorcycle helmet, except when the operator (i) is covered by a health  
17 insurance plan providing the operator with at least ten thousand  
18 dollars in medical benefits for injuries incurred as a result of an  
19 accident while operating or riding on a motorcycle or (ii) has  
20 successfully completed a motorcycle skills education program under  
21 chapter 46.81A RCW;

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

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

26 (2) The state patrol may adopt and amend rules, pursuant to the  
27 Administrative Procedure Act, concerning standards for glasses,  
28 goggles, and face shields.

29 (3) For purposes of this section and RCW 46.37.535, "motorcycle  
30 helmet" means a protective covering for the head consisting of a hard  
31 outer shell, padding adjacent to and inside the outer shell, and a neck  
32 or chin strap type retention system, with a sticker indicating that the  
33 motorcycle helmet meets standards established by the United States  
34 Department of Transportation.

35 **Sec. 2.** RCW 46.37.535 and 1990 c 270 s 8 are each amended to read  
36 as follows:

37 (1) It is unlawful for any person to rent out motorcycles, motor-

1 driven cycles, or mopeds unless the person also has on hand for rent  
2 motorcycle helmets (~~(of a type conforming to rules adopted by the state~~  
3 ~~patrol))~~ as defined in RCW 46.37.530.

4 (2) It (~~shall be~~) is unlawful for any person under the age of  
5 twenty-one years to rent a motorcycle, motor-driven cycle, or moped  
6 unless the person has in his or her possession a motorcycle helmet (~~(of~~  
7 ~~a type approved by the state patrol, regardless of from whom the helmet~~  
8 ~~is obtained))~~ as defined in RCW 46.37.530.

9 (3) It is unlawful for any person twenty-one years of age or older  
10 to rent a motorcycle, motor-driven cycle, or moped unless the person  
11 has in his or her possession a motorcycle helmet as defined in RCW  
12 46.37.530, except if the person is (a) covered by a health insurance  
13 plan providing the person with at least ten thousand dollars in medical  
14 benefits for injuries incurred as a result of an accident while  
15 operating or riding on a motorcycle or (b) has successfully completed  
16 a motorcycle skills education program under chapter 46.81A RCW.

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