
SENATE BILL 6820

State of Washington 61st Legislature 2010 Regular Session

By Senators Holmquist and Sheldon

Read first time 02/01/10. 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 2009 c 275 s 5 are each amended to read
5 as follows:

6 (1) It is unlawful:

7 (a) For any person to operate a motorcycle, moped, or motor-driven
8 cycle not equipped with mirrors on the left and right sides which shall
9 be so located as to give the driver a complete view of the highway for
10 a distance of at least two hundred feet to the rear of the motorcycle,
11 moped, 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, moped, or motor-driven

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

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

- 9 (i) Steering wheel;
- 10 (ii) Seat belts that conform to standards prescribed under 49
11 C.F.R. Part 571; and
- 12 (iii) Partially or completely enclosed seating area for the driver
13 and passenger that is certified by the manufacturer as meeting the
14 standards prescribed under 49 C.F.R. Sec. 571.216.

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

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

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

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

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

35 (3) For purposes of this section and RCW 46.37.535, "motorcycle
36 helmet" means a protective covering for the head consisting of a hard
37 outer shell, padding adjacent to and inside the outer shell, and a neck
38 or chin strap type retention system, with the manufacturer's

1 certification applied in accordance with 49 C.F.R. Sec. 571.218
2 indicating that the motorcycle helmet meets standards established by
3 the United States department of transportation.

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

6 (1) It is unlawful for any person to rent out motorcycles, motor-
7 driven cycles, or mopeds unless the person also has on hand for rent
8 motorcycle helmets ((of a type conforming to rules adopted by the state
9 patrol)) as defined in RCW 46.37.530.

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

15 (3) It is unlawful for any person twenty-one years of age or older
16 to rent a motorcycle, motor-driven cycle, or moped unless the person
17 has in his or her possession a motorcycle helmet as defined in RCW
18 46.37.530, except if the person is (a) covered by a health insurance
19 plan providing the person with at least ten thousand dollars in medical
20 benefits for injuries incurred as a result of an accident while
21 operating or riding on a motorcycle or (b) has successfully completed
22 a motorcycle skills education program under chapter 46.81A RCW.

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