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 **SENATE BILL 9001**

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**State of Washington** **64th Legislature** **2015 Regular Session**

**By** Senators \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Read first time XX/XX/XX. Referred to Committee on Transportation.

 AN ACT Relating to required use of helmets with nonmotorized vehicles.

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

NEW SECTION. **Sec.** The legislature finds that head injuries in children cost the residents of Washington state both in terms of human suffering and financial costs. Head injuries are the leading cause of death to children ages five to nine. A severe head injury can millions of dollars and have long-term effects on the person's quality of life.

 Nationally, over four hundred thousand children are admitted to emergency departments every year for injuries related to bicycle accidents. Almost half of serious injuries caused by bicycle accidents result in traumatic brain injuries. Of the hundreds of cyclists under fourteen years old who die from bicycle-related accidents, head injuries are the leading cause of death.

 Bicycles are a primary form of transportation and recreation for many children, which leads to children ages five to fourteen spending fifty percent more time riding bicycles than adult cyclists. The large amount of time spent riding bicycles increases the likelihood that these children will suffer an accident. Many head injuries to children involved in bicycle accidents can be avoided through the use of properly fitting helmets. Bicycle helmets can reduce the risk of serious head injury by eighty-five percent and brain injury by eighty-eight percent.

 Most bicycle accidents occur on bike paths, in parks, or in driveways and do not involve contact with automobiles. Other nonmotorized wheeled vehicles such as in-line skates, roller skates, skateboards, and scooters use these facilities and users can also benefit from the use of helmets.

 The legislature therefore intends to reduce the cost to the residents of Washington, both in terms of human suffering and financial costs, by requiring the use of protective helmets by children when using certain wheeled forms of transportation.

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

 (1) No person less than sixteen years old may operate or ride a bicycle, nonmotorized scooter, or skateboard, nor wear in-line skates or roller skates on a highway, county road, city street, public trail, bicycle path, or sidewalk, unless he or she is wearing a properly fitted and fastened protective helmet.

 (2)(a) It is unlawful for the guardian of a person under the age of sixteen years to knowingly allow or fail to take reasonable steps to prevent that person from operating or riding a bicycle on a highway, county road, city street, public trail, bicycle path, or sidewalk unless that person is wearing a helmet that meets the requirements in subsection (1).

 (b) For the purpose of this subsection, "guardian" means a parent, legal guardian, or any other adult person who maintains responsibility for the safety and welfare of a person under the age of sixteen years.

 (3) The Washington state patrol shall make available on its web site a list of manufacturers of protective helmets that meet the standards of either the American society for testing and materials or the United States consumer product safety commission.

 (4) The Washington state patrol may adopt rules to implement this section.

**--- END ---**

**SENATE BILL REPORT**

**SB 9001**

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| This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent. |

**Title**: An act relating to required use of helmets with nonmotorized vehicles.

**Brief Description**: Requires all people under sixteen years of age to wear helmets when riding a bicycle or other nonmotorized vehicle.

**Sponsor**: Senator \_\_\_\_\_\_\_\_\_\_\_.

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| SENATE COMMITTEE ON COMMERCE & LABOR |

**Staff**: [Teacher’s Name]

**Background**: Bicycle injuries kill over 800 people per year in the United States, and cause over 500,000 emergency room visits, according to the Centers for Disease Control. Lifetime medical costs from fatal and non-fatal bicycle injuries cost the economy up to $5 billion per year. Children and adolescents are at the highest risk for bicycle accidents, with adolescents in their late teens facing the highest risk of death. Head injuries are the most common cause of death from bicycle-related accidents.

Helmet laws enacted in other states and jurisdictions have proven effective for increasing helmet use and decreasing bicycle-related injuries and deaths in children. Proper helmet use can decrease the risk of head injury and death by up to 88% in children.

**Summary of Bill**: Individuals under the age of 16 are required to wear bicycle helmets while riding or operating a bicycle or various other nonmotorized vehicles. Guardians are required to take reasonable steps to prevent individuals under the age of 16 from riding a bicycle without a helmet.

The Washington State Patrol is authorized to make and enforce rules to implement these requirements, and is required to provide a list on its website of manufacturers of helmets that meet certain standards.

**Appropriation**: None.

**Effective Date**: Ninety days after adjournment of session in which bill is passed.

9001 AMENDMENT

 By Senator \_\_\_\_\_\_\_\_\_\_

**SB 9001** - S COMM AMD **1**

By Committee on Transportation

 On page 2, line 15, after "person", strike “less than sixteen years old”

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| --- | --- |
|  |   EFFECT: Requires all users of various nonmotorized vehicles to wear protective helmets, regardless of age.  |

**--- END ---**

9001 AMENDMENT

 By Senator \_\_\_\_\_\_\_\_\_\_

**SB 9001** - S COMM AMD **2**

By Committee on Transportation

 On page 2, after line 34, insert the following:

 "NEW SECTION. **Sec. 3.** A new section is added to chapter 46.61 RCW to read as follows:

 (1) The Washington State Patrol shall establish an educational awareness program about the importance of wearing protective helmets while bicycling, skateboarding, rollerblading, or using any other nonmotorized vehicle, as appropriate.

 (2) All Washington public schools serving students in grades K-12 shall display information on the importance of wearing protective helmets while bicycling, skateboarding, rollerblading, or using any other nonmotorized vehicle, as appropriate."

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|  |   EFFECT: Requires the Washington state patrol to develop information awareness materials about helmet safety, and public schools to display such information.  |

**--- END ---**

9001 AMENDMENT

 By Senator \_\_\_\_\_\_\_\_\_\_

**SB 9001** - S COMM AMD **3**

By Committee on Transportation

 On Page 2, after line 34, insert the following:

 “NEW SECTION.  **Sec. 3.**  A new section is added to chapter 5.40 RCW to read as follows:

     Failure to wear a bicycle helmet does not constitute fault, nor may such failure be admissible as evidence of the fault of any entity in any civil action.”

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|  |   EFFECT: Failure to wear a helmet cannot be used to determine fault in civil legal actions.  |

**--- END ---**

9001 AMENDMENT

 By Senator \_\_\_\_\_\_\_\_\_\_

**SB 9001** - S COMM AMD **4**

By Committee on Transportation

 Strike everything after the enacting clause and insert the following:

 "NEW SECTION. **Sec. 1.** The legislature recognizes that bicycling and other non-motorized vehicles are popular for all ages. Increased bicycling has many benefits: It is healthy, nonpolluting, energy-efficient, and does not cause wear to the road system. Bicycling is an enjoyable activity that people with a wide range of physical abilities can share. The nature of the activity creates conditions whereby a rider or passenger may fall or collide with the road surface or other objects and possibly sustain serious or fatal head injury. Head injuries cost the residents of Washington state both in terms of human suffering and financial costs. Almost half of serious injuries resulting from bicycle accidents include traumatic brain injuries. A severe head injury can cost over four million five hundred thousand dollars and have long-term effects on the person's quality of life. Therefore, it is beneficial for all bicyclists or passengers on bicycles within the state of Washington to wear protective helmets while riding.

 In order to provide an effective means of implementing a requirement for all bicyclists and their passengers to wear helmets, the legislature recognizes that programs of helmet awareness designed to promote use of helmets by all ages, undertaken by public and private agencies with existing resources, and with notification of the requirement must precede the date of total enforcement.

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

 (1) It is unlawful:

 (a) For a person to operate or ride upon a bicycle or other non-motorized vehicle on a state highway, county road, city street, public trail or pathway, or a public sidewalk unless wearing a protective helmet of a type certified to meet the requirements of a nationally recognized standard for bicycle helmet performance as the state patrol may adopt by rule. The helmet must be equipped with either a neck or chin strap that must be fastened securely while the vehicle is in motion;

 (b) For a person to transport a person upon a bicycle, non-motorized vehicle, or a seat or trailer attached to a bicycle or non-motorized vehicle unless the person transported is wearing a helmet that meets the requirements in (a) of this subsection;

 (c) For the guardian of a person under the age of sixteen years to knowingly allow, and fail to take reasonable steps to prevent, that person from operating or riding upon a bicycle or non-motorized vehicle on a state highway, county road, city street, public trail or pathway, or a public sidewalk unless that person is wearing a helmet that meets the requirements in (a) of this subsection. For the purpose of this subsection, "guardian" means a parent, legal guardian, or any other adult person who maintains responsibility for the safety and welfare of a person under the age of sixteen years;

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

 (e) For a person to rent a bicycle or other non-motorized vehicle for use by a person unless the person possesses a helmet that meets the requirements of (a) of this subsection.

 (2) The state patrol shall adopt rules to implement this section.

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

 (1) It is a traffic infraction for any person to violate the requirements of section 2 of this act.

 (2) No traffic infraction committed under section 2 of this act may be reported on a person's driving record maintained by the department of licensing.

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|  |   EFFECT: Prohibits any person from operating a bicycle or other non-motorized vehicle without wearing a protective helmet. Prohibits any person from transporting other persons on non-motorized vehicles without protective helmets. Requires the Washington State Patrol to adopt rules to enforce this rule as a traffic infraction. |

**--- END ---**

**Mock Role Sheet**

**HB 9001 – Bike Helmet Requirement**

**Committee:** Public Safety

**COMMITTEE MEMBERS**

*Study the bill, listen to and ask questions of lobbyists, propose amendments, vote on the bill and amendments*

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| --- | --- |
| **Majority Party** | **Minority Party** |
| Chair \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*Presides over the committee and majority caucus, decides how the meeting will run*Vice Chair \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*Assists the chair, proposes motions* \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | Ranking Member\_\_\_\_\_\_\_\_\_\_\_*Leads minority caucus* \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

**PRIME SPONSOR \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

*Testifies first at the hearing, as the legislator who proposed the bill*

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| **LOBBYISTS***Research their position on the bill and attempt to persuade legislators, by testifying at the hearing and lobbying*

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| **Pro** | **Con** |
| *Support passing the bill*Citizens for Safe Cyclists\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Bike injury survivor\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Concerned Parent\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Police Officer\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Emergency Room Doctor\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | *Oppose passing the bill* Freedom Riders Cycling Club\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Skateboarder\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Low-income cyclist\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Anti-Helmet Advocate\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

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| **With Concerns***Oppose the bill in its current form, but might support with amendments addressing problems* |  |  |  |
| Adult Bicyclist\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | Low-income cyclist\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |