

1 July 18, 2003

2 Before the Board of Health of King County, State of Washington

3 RULES AND REGULATIONS NO. 03-5

4 An amendment for the protection of the public health and safety from bicycle helmet  
5 prevented injury by; revising Title 9 of the King County Board of Health; enacted  
6 pursuant to RCW 70.05.060(3) including the latest amendments or revisions thereto.

7 **BE IT ADOPTED BY THE KING COUNTY BOARD OF HEALTH:**

8

9 **Title 9**

10 **BICYCLE HELMETS**

11

12 Chapters:

13 9.01 Citation and Purpose

14 9.04 Findings

15 9.07 Definitions

16 9.10 General Requirements Regarding Bicycle Helmets

17 9.15 Enforcement

18 9.16 Effective Date

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21 **Chapter 9.01 CITATION AND PURPOSE**

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23 **9.01.010 Title**

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25 This title may be cited and referred to, and shall be known as the "King County  
26 Bicycle Helmet Regulations." (R&R 84 §1 (part), 12-4-92)

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28 **9.01.020 Purpose and policy declared.**

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30 A. This title is enacted as an exercise of the authority of the King County board  
31 of health to protect and preserve the public health and welfare. Its provisions shall be  
32 liberally construed for the accomplishment of these purposes.

33 B. It is the express purpose of this title to provide for and to promote the health  
34 and welfare of the general public and not to create or otherwise establish or designate any  
35 particular class or group of persons who will or should be especially protected or  
36 benefited by the terms of this title.

37 C. It is the specific intent of this title to place the obligation of complying with its  
38 requirements upon any person falling within its scope, and no provision of, nor term used  
in, this title is intended to impose any duty whatsoever upon King County or any of its

1 officers or employees, for whom the implementation or enforcement of this title shall be  
2 discretionary and not mandatory.

3 D. Nothing contained in this title is intended to be, nor shall be construed to  
4 create or to form the basis for, a liability on the part of the King County, or its officers,  
5 employees or agents, for any injury or damage resulting from the failure of any person to  
6 comply with this title. (R&R 84 §1 (part), 12-4-92)

7  
8 **9.01.030 Local Municipal Ordinances**

9 **A. Nothing in this regulation is intended to limit the ability of local**  
10 **jurisdictions to adopt and enforce requirements regarding bicycle helmets.**  
11

12 **9.01.100 Severability.**

13 The provisions of this title are declared to be separate and severable. The  
14 invalidity of any clause, sentence, paragraph, subdivision, section or portions of this title,  
15 or the invalidity of the application thereof to any person or circumstance, shall not affect  
16 the validity of the remainder of this title or the validity of its application to other persons  
17 or circumstances. (R&R 84 §1 (part), 12-4-92)  
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20 **Chapter 9.04**

21 **FINDINGS**  
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24 **9.04.10 Findings**

25 ~~———— A. Head injuries area a major cause of death and disability associated with the~~  
26 ~~operation of a bicycle on public roadways and bike paths. Every year approximately one~~  
27 ~~thousand (1,000) Americans die of bicycle related injuries. Approximately seventy five~~  
28 ~~percent (75%) of those deaths are due to head injuries. Between January 1, 1984, and~~  
29 ~~July 1, 1992, the medical examiner's office reported twenty two (22) bicycle related~~  
30 ~~deaths in King county including Seattle. Eighteen (18) of these deaths resulted from head~~  
31 ~~injuries. Statistics from the King County emergency medical services division show that~~  
32 ~~EMT's and paramedics responded to five hundred twenty nine (529) injuries involving~~  
33 ~~bicyclists in King county, outside of Seattle in 1991. A significant number of those~~  
34 ~~individuals who survive head injuries don't return to a normal life. They are often left~~  
35 ~~with profound, disabling and long lasting sequelae.~~

36 ~~———— B. Children between the ages of eight (8) and twelve (12) are most at risk.~~  
37 ~~Statistics from the Harborview Medical Center and Children's Hospital and Medical~~  
38 ~~Center show that in 1986, seventy percent (70%) of the one hundred seventy six (176)~~  
39 ~~people treated for bicycle related trauma were under the age of thirteen (13). Almost half~~  
40 ~~suffered head injuries. Of the one hundred eighty nine (189) children under the age of~~  
41 ~~thirteen (13) treated in 1991 by EMT's and paramedics in King County, outside of~~  
42 ~~Seattle, forty five percent (45%) suffered head injuries.~~

1 ——— C. Bicycle helmets have been shown to be an effective deterrent to head injuries  
2 suffered by bicycle riders during a crash. A study completed in 1989 by investigators at  
3 Group Health Cooperative of Puget Sound and the Harborview Injury Prevention and  
4 Research Center shows that helmet use could reduce the number of head injuries  
5 involving bicycling by eighty five percent (85%). While educational and promotional  
6 efforts in King County have increased helmet use from five percent (5%) in 1985 to  
7 thirty eight percent (38%) in 1991, regulations requiring the use of bicycle helmets would  
8 be a more effective approach to reducing the number and severity of head injuries  
9 resulting from bicycle crashes. The board of health therefore finds that bicycle helmets  
10 are required for the safe operation of bicycles or cycles not powered by motor on public  
11 roadways, bicycle paths or any right of way or publicly owned facility under the  
12 jurisdiction of King County. (R&R §1 (part) 12-4-92)

13 A. Head injuries are a major cause of death and disability associated with the  
14 operation of a bicycle on public roadways and bike paths. Every year approximately one  
15 thousand (1,000) Americans die of bicycle-related injuries. Approximately seventy-five  
16 percent (75%) of those deaths are due to head injuries. A significant number of those  
17 individuals who survive head injuries don't return to a normal life. They are often left  
18 with profound, disabling and long-lasting conditions. From 1989 through 1998, there  
19 were thirty-five (35) bicycle-related deaths and 2,003 bicycle-related hospitalizations in  
20 King County, including Seattle.

21 B. Bicycle helmets have been shown to prevent head injuries suffered by bicycle  
22 riders during a crash or fall. Studies completed in 1989 and 1996 by investigators at  
23 Group Health Cooperative of Puget Sound and the Harborview Injury Prevention and  
24 Research Center show that helmet use could reduce the number of head injuries involving  
25 bicycling by sixty-nine (69%) to eighty-five percent (85%). The Medical Examiner  
26 noted that of the 8 bicycle-related deaths in 2000, 4 were not wearing helmets.  
27 Moreover, the King County Child Death Review (CDR) found that of the 5 children who  
28 died while riding a bicycle from July 1998 through April 2002, 4 were unhelmeted; the  
29 CDR experts concluded that 3 of the children would have likely survived if a helmet had  
30 been worn. Finally, using tools developed by The Centers for Disease Control and  
31 Prevention it is estimated that nearly \$10 million dollars would be saved annually in both  
32 direct and indirect costs for bicycle-related head injuries if every cyclist were wearing a  
33 helmet in King County.

34 C. Educational and promotional efforts in King County have increased helmet  
35 use from two percent (2%) in 1985 to 61 percent (61%) in 1999 for children ages 5-12.  
36 In 1999, bicycle helmet use in adults was observed to be 71%. However, these effects  
37 have plateaued. Additional efforts are needed to augment helmet use.

38 D. Studies in the United States and elsewhere demonstrate that  
39 legislation is effective in increasing helmet use. Helmet laws in Georgia, Maryland, and  
40 New York increased helmet use by 26% to 40%. In North Carolina, helmet use increased  
41 2-3 fold after legislation. Furthermore, New Zealand found a 30% reduction in head  
42 injuries after passage of a helmet law. Thus, regulations requiring the use of bicycle  
43 helmets enhance the effectiveness of educational efforts to reduce the number and  
44 severity of head injuries resulting from bicycle crashes. The board of health therefore  
45 finds that bicycle helmets are required for the safe operation of bicycles not powered by

1 motor on public roadways, bicycle paths or any right-of-way or publicly owned facility  
2 located in King County, including Seattle. (R&R 84 §1 (part), 12-4-92)  
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4

5 **Chapter 9.07**

6 **DEFINITIONS**

7  
8  
9 Sections:

10 9.07.005 Definitions Adopted

11 9.07.101 Guardian

12 9.07.020 ~~Bicycle or cycle~~ not powered by motor  
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14 **9.07.005 Definitions adopted.**

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15 The following definitions of this chapter are adopted for this title. (R&R 84 §1  
16 (part), 12-4-92)  
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18 **9.07.010 Guardian.**

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19 "Guardian" means a parent, legal guardian or temporary guardian who maintains  
20 responsibility, whether voluntary or otherwise, for the safety and welfare of a person  
21 under the age of eighteen (18) years. (R&R 84 §1 (part), 12-4-92)  
22

23 **9.07.020 ~~Bicycle or cycle~~ not powered by motor.**

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24 ~~"Bicycle or cycle not powered by motor" is defined to specifically exclude~~  
25 ~~tricycles. (R &R 84§1 (part), 12-4-92)~~  
26

27 "Bicycle means every device propelled solely by human power upon which  
28 person or persons may ride, having two tandem wheels, either of which is sixteen inches  
29 or more diameter, or three wheels, any one of which is more than twenty inches in  
30 diameter (RCW 46.04.071). Within this chapter, the term bicycle shall include any  
31 attached trailers, side cars, and/or device being towed by a bicycle".  
32

33 **Chapter 9.10**

34 **GENERAL REQUIREMENTS REGARDING BICYCLE HELMETS**

35  
36 Sections:

37 9.10.10 Requirements regarding bicycle helmets  
38

39 **9.10.10 Requirements regarding bicycle helmets.**

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1 A. Any person operating or riding on a bicycle not powered by motor on a public  
2 roadway, bicycle path or on any right-of-way or publicly owned facilities ~~under the~~  
3 ~~jurisdiction of~~ located in King County including Seattle, shall wear a protective helmet  
4 designed for bicycle safety. Such helmet shall meet or exceed the ~~requirements~~ safety of  
5 standards adopted by the U.S. Consumer Product Safety Commission (CPSC) 15 USCS  
6 6004, or Z-90.4 set by the American National Standards Institute (ANSI), the Snell  
7 Foundation, the ASTM (American Society for Testing and Materials), or such subsequent  
8 nationally recognized standard for bicycle helmet performance as the county may adopt.  
9 The helmet must be equipped with either a neck or chinstrap that shall be fastened  
10 securely while the bicycle is in motion.

11 B. The guardian of a person under the age of eighteen (18) years shall not  
12 knowingly allow, or fail to take reasonable steps to prevent, that person from operating or  
13 riding on a bicycle ~~or any other cycle~~ not powered by motor on a public roadway, bicycle  
14 path or on any right-of-way or publicly owned facilities ~~under the jurisdiction of~~ located  
15 in King County including Seattle, unless that person is wearing a helmet that meets the  
16 requirements of subsection (A) of this section.

17 C. No person shall transport another person upon a bicycle ~~or any other cycle~~ not  
18 powered by motor on a public roadway, bicycle path or on any right-of-way or publicly  
19 owned facilities ~~under the jurisdiction of~~ located in King County including Seattle,  
20 unless that other person is wearing a helmet that meets the requirements of subsection (A)  
21 of this section.

22 D. No person shall sell or offer for sale a bicycle helmet that does not meet the  
23 requirements of subsection (A) of this section.

24 E. No person shall rent a bicycle ~~or cycle~~ not powered by motor for use ~~by~~ to  
25 another person unless ~~that other person~~ the renter possesses a helmet that meets the  
26 requirements of subsection (A) of this section. (R&R 84 §1 (part), 12-4-92)  
27

## 28 CHAPTER 9.15

### 29 ENFORCEMENT

30  
31 Sections:

32 9.15.010 Enforcement.  
33

#### 34 **9.15.010 Enforcement.**

35 A. A violation of this regulation is designated a civil infraction, to which the  
36 provisions of RCW Chapter 7.80 shall apply, except as set forth hereafter.

37 B. Any duly commissioned law enforcement officer having law enforcement  
38 authority at the place where a violation of this regulation occurs is authorized to enforce  
39 the provisions of this regulation.

40 C. Any person found to have committed a violation of this regulation shall be  
41 assessed a monetary penalty of thirty (\$30) for each such violation, not including  
42 applicable court costs.

1 D. Whenever a court under this regulation imposes a monetary penalty, it is  
2 immediately payable. If the person is unable to pay at the time the penalty is imposed;  
3 the court may grant an extension of the period in which the penalty may be paid.

4 E. The court may waive, reduce or suspend the monetary penalty prescribed  
5 herein, and may impose such conditions on any waiver, reduction or suspension as it  
6 deems just. If the court determines that a person has insufficient funds to pay the  
7 monetary penalty, the court may order performance of a number of hours of community  
8 service in lieu of a monetary penalty, at the rate of the then state minimum wage per  
9 hour.

10 F. The first time a person has been issued a notice of infraction for violation of  
11 this regulation, if such person appears in person before the court and supplies the court  
12 with proof that between the date of the notice of infraction and the appearance date in  
13 court the person purchased a helmet that meets the requirements of this regulation, the  
14 court shall dismiss the notice of infraction without costs. Alternatively, the person issued  
15 a notice of infraction may supply the Court or police department with such proof by mail,  
16 and the Court, at its discretion, may elect to dismiss the notice of infraction without costs,  
17 or, if not satisfied with this proof, may require a personal appearance.(R&R 84 §1 (part),  
18 12-4-92)

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20  
21 **CHAPTER 9.16**

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23 **EFFECTIVE DATE**

24  
25 **Sections:**

26  
27 **9.16.010 Effective Date**

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30 **A. This amendment shall take effect thirty days from the date of its adoption**  
31 **by the Board.**

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33 Adopted this 18<sup>th</sup> day of July, 2003.

34 King County Board of Health  
35 King County, Washington

36 \_\_\_\_\_  
37 Chair

38  
39 ATTEST:

40 \_\_\_\_\_  
41 Director of Health  
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