

Title 10 Regulation of Activities

Division I. Penal Code

Chapter 10.17 Helmet Safety

Section 10.17.030 Helmet Required

- A. Any person riding or otherwise operating any bicycle, electric-assisted bicycle, electric personal assistive mobility device, in-line skates, roller skate(s), skate shoe(s), scooter or skateboard, including any passenger thereon and/ or person being towed thereby, on any public area in the City shall wear an approved helmet, and shall have either the neck or chin strap of the helmet fastened securely while the device is in motion.
- B. No person shall transport another person on or tow another person on a device listed in subsection (A) of this section upon any public area in the jurisdiction of the City, unless the passenger is wearing an approved helmet.
- C. A guardian is responsible for requiring that a child under the age of sixteen years who is under the guardian's care wears an approved helmet, the neck or chin strap of which is fastened securely, while upon a device listed in subsection (A) of this section in motion, or riding as a passenger on a device listed in subsection (A) of this section in any public area in the City.
- D. It is an affirmative defense to a violation of this section that the guardian responsible for a child under the age of sixteen did require the child to wear an approved helmet at all times that the child was in the guardian's presence.
- E. It is an affirmative defense to a violation of this section for a person wearing an unapproved helmet that the helmet was furnished in conjunction with his rental, lease or use of a device listed in subsection (A) of this section by a person or organization engaged in the business of renting, leasing or loaning such devices, and that the helmet was fastened securely while riding.
- F. Provisions of this chapter shall not apply to any wheeled devices such as, but not limited to, electronic scooters or wheelchairs that are

designed and utilized for medically related reasons.

- G. For purposes of this chapter, the requirement to wear a helmet shall mean that the helmet shall be worn on the head of the person(s) who is required to wear a helmet with the neck or chin strap of the helmet fastened securely while the device is in motion.

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[Section 10.17.080](#) Penalties – Civil Infraction

- A. Any person violating [SMC 10.17.030\(A\)](#), [SMC 10.17.040\(A\)](#), [SMC 10.17.050\(A\)](#) or [SMC 10.17.060\(A\)](#) shall have committed a class 4 civil infraction and shall be liable for monetary penalties as set forth in [SMC 1.05.210](#).
- B. The court may waive, reduce or suspend the civil penalty and clear the civil infraction as a warning for a person who has not been cited under this chapter within one year and provides proof that he has acquired an approved helmet at the time of appearance in court or has taken class on helmet safety sponsored by the Spokane Regional Health District.
- C. A guardian may be cited for a separate violation of this chapter for each child under sixteen years of age riding on or in tow of a device listed in [SMC 10.17.030\(A\)](#) not wearing an approved helmet.
- D. Each rental and each event under subsection (A) of this section shall be a separate violation.

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[Section 10.17.090](#) Enforcement

- A. The City of Spokane police department shall be responsible for enforcement of the provisions of this chapter.

- B. For the purpose of this chapter, law enforcement officers may at their discretion:
1. enter, during business hours, the premises of a business selling, repairing, leasing, loaning or renting bicycles or selling sporting or recreation equipment, to determine compliance with this chapter;
 2. post outside the premises of a business that offers for sale, rent, lease, loan or other public purpose a list of helmets that do not meet the safety standards of this chapter, so that the public is informed; and
 3. stop a participant in a race or organized event involving any of the devices listed in [SMC 10.17.030\(A\)](#) or a tour that takes place in a public area when there is a violation of the requirements of this chapter.

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[Section 10.17.100](#) Information and Education

- A. Information about the need for helmets, safe helmet use, traffic safety education and helmet safety programs are available at the City of Spokane police department and the Spokane Regional Health District.
- B. The City encourages any person engaging in the business of selling bicycles or any of the devices listed [SMC 10.17.030\(A\)](#) to include information on helmet safety and the helmet requirements of this chapter with each bicycle or devices sold.
- C. The City encourages any person engaging in the business of selling helmets to include information on safe helmet usage with each helmet sold.