

## Model Helmet Ordinance Example 1

### *Section 1. Short Title.*

This Act shall be known and may be cited as the "Child Bicycle Helmet Safety Act."

### *Section 2. Legislative Findings and Purpose.*

(a) The legislature hereby finds and declares that:

(1) Disability and death of children resulting from injuries sustained in bicycling crashes are a serious threat to the public health, welfare, and safety of the people of this State, and the prevention of such disability and death is a goal of such people.

(2) Head injuries are the leading cause of disability and death from bicycling crashes.

(3) The risk of head injury from bicycling crashes is significantly reduced for bicyclists who wear proper protective bicycle helmets; yet helmets are not worn by most child bicyclists nationwide.

(4) The risk of head injury or of any other injury to a small child who is a passenger on a bicycle operated by another person would be significantly reduced if any such child-passenger sat in a separate seat, such as a saddle seat on a tandem bicycle or a child passenger seat designed for a bicycle.

(b) The purpose of this Act is to reduce the incidence of disability and death resulting from injuries incurred in bicycling crashes by requiring that while riding on a bicycle on the public roads, public bicycle paths, and other public rights-of-way of this State, all bicycle operators and passengers under the age of eighteen (18) years wear protective bicycle helmets approved by the US Consumer Product Safety Commission; that all bicycle passengers who weigh less than forty (40) lbs or are less than forty inches (40") in height be seated in separate child passenger seats; and that no person who is unable to maintain an erect, seated position or is less than one year of age shall be a passenger on a bicycle restraining seat and all other bicycle passengers shall be seated on saddle seats.

### *Section 3. Definitions.*

As used in this Act, the following terms have the following meanings:

(a) "Bicycle" means a human-powered vehicle designed to transport, by the action of pedaling, one or more persons seated on one or more saddle seats on its frame. Such term also includes a human-powered vehicle designed to transport by pedaling which has two or more wheels where the vehicle is used on a public roadway, public bicycle path or other public right-of-way.

(b) "Public roadway" means a right-of-way under the jurisdiction and control of this State or a local political subdivision thereof for use primarily by motor vehicles.

(c) "Public bicycle path" means a right-of-way under the jurisdiction and control of this State or a local political subdivision thereof for use primarily by bicycles and pedestrians.

(d) "Other public right-of-way" means any right-of-way other than a public roadway or public bicycle path that is under the jurisdiction and control of this State or a local political subdivision thereof and is designed for use and used by vehicular and/or pedestrian traffic.

(e) "Protective bicycle helmet" means a piece of headgear which meets or exceeds the impact standards for protective bicycle helmets set by:

(i) the U.S. Consumer Product Safety Commission for headgear purchased on or after March 10, 1999, or

(ii) the American National Standards Institute (ANSI), the American Society of Testing and Materials (ASTM), or the Snell Memorial Foundation for headgear purchased before March 10, 1999.

**(f)** "Child Passenger seat" means a seat, separate from that of the operator of the bicycle, that is fastened securely to the frame of the bicycle and is adequately equipped to protect such passenger from the moving parts of the bicycle.

**(g)** "Passenger" means any person who travels on a bicycle in any manner except as an operator.

**(h)** "Operator" means a person who travels on a bicycle seated on a saddle seat from which that person is intended to and can pedal the bicycle.

*Section 4. Requirements for Helmet and Restraining Seat Use.*

With regard to any bicycle used on a public roadway, public bicycle path, or other public right-of-way:

**(a)** It shall be unlawful for any person under the age of eighteen (18) to operate or be a passenger on a bicycle unless at all times when the person is so-engaged he or she wears a protective bicycle helmet of good fit fastened securely upon the head with the straps of the helmet.

**(b)** It shall be unlawful for any person to be a passenger on a bicycle unless all of the following conditions are met:

(i) the person is able to maintain an erect, seated position on the bicycle and is at least one year of age;

(ii) except as provided in paragraph (iii), the person is properly seated alone on a saddle seat (as on a tandem bicycle); and

(iii) with respect to any person who weighs fewer than forty (40) pounds, or is less than forty inches (40") in height, the person can be and is properly seated in and adequately secured to a child passenger seat. (c) It shall be unlawful for any parent or legal guardian of a person below the age of eighteen (18) to permit such person to operate or be a passenger on a bicycle in violation of subsection (a) or (b) of this section.

**(d)** It shall be unlawful to rent or lease any bicycle to or for the use of any person under the age of eighteen (18) unless:

(i) the person is in possession of a protective bicycle helmet of good fit at the time of such rental or lease; or

(ii) the rental or lease includes a protective bicycle helmet of good fit, and the person intends to wear the helmet, as required by subsection (a), at all times while operating or being a passenger on the bicycle.

*Section 5. Civil Penalties.*

**(a)** Except as provided in subsection (b) below, any parent or guardian violating the requirement set forth in Section 4(c) shall be guilty of a violation and upon conviction sentenced to pay a civil fine of \$30, inclusive of all penalty assessments and court costs.

**(b)** In the case of a first conviction within a twelve month period of subsection 4(a) or 4(b), the court may waive the fine upon receipt of satisfactory proof that the convicted person has since the date of the violation purchased or otherwise obtained, as appropriate, a protective bicycle helmet.

*Section 6. Effective Date.*

This Act shall be effective sixty (60) days from the date of enactment.

## **Model Helmet Ordinance Example 2**

*Section 1 Helmet requirements.*

(a) A person under 16 years of age shall not operate, ride upon or ride as a passenger any bicycle, unless that person is wearing a properly fitted and fastened bicycle helmet which meets or exceeds the standard of the American National Standards Institute (ANSI Z90.4 bicycle helmet standard or subsequent standard) or the Snell Memorial Foundation's 1984 Standard (or subsequent standard) for Protective Headgear for Use in Bicycling. This requirement shall apply to a person who rides upon a bicycle while in a restraining seat which is attached to the bicycle or in a trailer towed by the bicycle.

(b) Any guardian who fails to cause that guardian's child to wear a bicycle helmet, as provided herein, shall be fined for the 1st offense \$25, and for each subsequent offense, \$50.

(c) The Court may dismiss all charges pursuant to this section upon presentation of evidence that a violator hereof has purchased or obtained a bicycle helmet which meets or exceeds the standards set forth herein subsequent to the violation.

(d) The requirements of this section shall apply at all times while a bicycle is being operated on any property open to the public or used by the public for pedestrian and vehicular purposes.

(e) Failure to wear a bicycle helmet as herein described shall not be considered evidence of either comparative or contributory negligence in any civil suit arising out of any accident in which a person under 16 years of age is injured, nor shall failure to wear a bicycle helmet be admissible as evidence in the trial of any civil action.

### **Model Helmet Ordinance Example 3**

Under City Ordinance Number XX, children under 18 who operate or ride on a bicycle or any side car, trailer, child carrier, seat, or other device attached to a bicycle in the Village of XX must wear a bicycle helmet. The ordinance further states:

- It is unlawful for a parent to let a child under age 18 operate or ride on a bicycle or any side car, trailer, child carrier, seat, or other device attached to a bicycle unless the child is wearing a helmet. The ordinance does not apply to private property.
- The first time a person is ticketed for riding a bicycle or in any device attached to a bicycle without a helmet, the ticket may be dismissed by a judge if the person can prove he or she owns or has acquired a helmet prior to the court hearing and promises the court that the helmet will be used in the future.
- Bicycle dealers are required to provide customers with this written explanation of the law.
- Bicycle dealers who rent bicycles must provide a helmet for each person under 18 who will ride or operate a bike or determine that each such person has his or her own helmet. The dealer is permitted to charge an additional fee for the use of the helmet he or she provides.
- Violation of the ordinance is a misdemeanor, and conviction carries with it a fine not to exceed \$50 on the first offense or \$100 on the second and subsequent offenses. Municipal Courts are urged to consider deferred depositions when circumstances warrant.
- Helmets must meet standards promulgated by the American National Standards Institute (ANSI), the American Society for Testing and Materials (ASTM), or the Snell Memorial Foundation.

There is a six month period beginning XXXX, 200X, during which only warnings will be issued for violation of the ordinance.