

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 84th General Assembly  
3 Regular Session, 2003

# A Bill

HOUSE BILL 1315

4  
5 By: Representatives Lendall, Blair  
6  
7

## For An Act To Be Entitled

8 THE CHILD BICYCLE SAFETY ACT.  
9

### Subtitle

10 THE CHILD BICYCLE SAFETY ACT.  
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15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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17 SECTION 1. Title.

18 This act shall be known and may be cited as the "Child Bicycle Safety  
19 Act".  
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21 SECTION 2. Definitions.

22 As used in this act:

23 (1) "Bicycle" means a human-powered vehicle:

24 (A) With two (2) or more wheels in tandem, designed to  
25 transport, by the act of pedaling, one (1) or more persons, seated on one (1)  
26 or more saddle seats on its frame; and

27 (B) Used on a public road, bicycle path, or right-of-way;

28 (2) "Bicycle path" means a right-of-way under the jurisdiction and  
29 control of the state, or a city, town or county of the state, for use  
30 primarily by bicyclists and pedestrians;

31 (3) "Operator" means a person who travels on a bicycle, seated on a  
32 saddle seat, from which that person is intended to and can pedal the bicycle;

33 (4) "Passenger" means any person who travels on a bicycle in any  
34 manner except as an operator;

35 (5) "Protective bicycle helmet" means a piece of headgear which, on  
36 the effective date of this act, meets or exceeds the impact standard for



1 protective bicycle helmets set by the Department of Health:

2 (6) "Right-of-way" means any right-of-way, other than a public road or  
3 public bicycle path, under the jurisdiction and control of the state or a  
4 city, town, or county of the state; and

5 (7) "Road" means a right-of-way under the jurisdiction and control of  
6 the state or a local political subdivision thereof for use primarily by motor  
7 vehicle traffic.

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9 SECTION 3. (a) It is unlawful for any person fourteen (14) years of  
10 age or under to use a bicycle on a public road, bicycle path, or right-of-  
11 way, or a park or recreational area under the jurisdiction and control of the  
12 state or a political subdivision of the state unless, at all times, the  
13 person wears a protective bicycle helmet fastened securely upon the head by  
14 the straps of the helmet.

15 (b) It is unlawful for any parent or legal guardian of a person  
16 fourteen (14) years of age or under to knowingly permit the person to operate  
17 or be a passenger on a bicycle in violation of subsection (a) of this  
18 section.

19 (c) A city, town, or county of the state may adopt standards more  
20 stringent than the requirements of this section.

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22 SECTION 4. (a) A person regularly engaged in the business of renting  
23 bicycles shall require each person seeking to rent a bicycle to provide his  
24 or her signature either on the rental form or on a separate form, indicating:

25 (1) Receipt of a written explanation of the provisions of this  
26 act and the penalties for violations; and

27 (2) A statement concerning whether a person fourteen (14) years  
28 of age or under will operate the bicycle in an area where the use of a helmet  
29 is required.

30 (b) A person regularly engaged in the business of renting bicycles  
31 shall provide a helmet to any person who will operate the bicycle in an area  
32 requiring a helmet, if the person does not already have a helmet in his or  
33 her possession.

34 (c) A reasonable fee may be charged for helmet rental by a person  
35 regularly engaged in the business of renting bicycles.

36 (d) A person regularly engaged in the business of renting bicycles who

1 complies with this act shall not be liable in a civil action for damages for  
2 any physical injury sustained by a bicycle operator or passenger as a result  
3 of the operator's or passenger's failure to wear a helmet or to wear a  
4 properly fitted or fastened helmet in violation of this act.

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6 SECTION 6. Failure to wear a bicycle helmet as required by this act  
7 shall not be considered evidence of contributory negligence and shall be  
8 inadmissible in any civil action.

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10 SECTION 7. (a) The penalty for a violation of this act shall be a  
11 fine not to exceed two dollars (\$2.00).

12 (b) Fines assessed to violators fourteen (14) years of age or under  
13 are the legal responsibility of the violator's parent or guardian.

14 (c) The court may waive the fine on a first offense upon presentation  
15 of evidence that the violator has purchased or procured an approved bicycle  
16 helmet.

17 (d) If a person pleads guilty or nolo contendere to, or is found  
18 guilty of, a violation of this act, no court costs or other costs or fees  
19 shall be assessed.

20 (e) If a person forfeits bond for a violation of this act, no court  
21 costs or other costs or fees shall be assessed.

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23 SECTION 8. Effective date.

24 This act shall become effective on January 1, 2004.  
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