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 As Engrossed: H2/11/03	
2	84th General Assembly A B1II	
3	Regular Session, 2003 HOUSE BIL	L 1315
4		
5	By: Representatives Lendall, Blair	
6		
7		
8	For An Act To Be Entitled	
9	THE CHILD BICYCLE SAFETY ACT.	
10		
11	Subtitle	
12	THE CHILD BICYCLE SAFETY ACT.	
13		
14		
15	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:	
16		
17	SECTION 1. <u>Title.</u>	
18	This act shall be known and may be cited as the "Child Bicycle Sa	fety
19	Act".	
20		
21	SECTION 2. <u>Definitions.</u>	
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 o	<u>ne (1)</u>
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 a	. <u>nd</u>
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 o	<u>n a</u>
32	saddle seat, from which that person is intended to and can pedal the bi	cycle;
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 fo	r



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1	protective bicycle helmets set by the Consumer Product Safety Council, as in
2	effect January 1, 2003, the Snell Memorial Foundation, as in effect January
3	1, 2003, and the American Society for Testing and Materials, as in effect
4	<u>January 1, 2003:</u>
5	(6) "Right-of-way" means any right-of-way, other than a public road or
6	public bicycle path, under the jurisdiction and control of the state or a
7	city, town, or county of the state; and
8	(7) "Road" means a right-of-way under the jurisdiction and control of
9	the state or a local political subdivision thereof for use primarily by motor
10	vehicle traffic.
11	
12	SECTION 3. (a) It is unlawful for any person fourteen (14) years of
13	age or under to use a bicycle on a public road, bicycle path, or right-of-
14	way, or a park or recreational area under the jurisdiction and control of the
15	state or a political subdivision of the state unless, at all times, the
16	person wears a protective bicycle helmet fastened securely upon the head by
17	the straps of the helmet.
18	(b) It is unlawful for any parent or legal guardian of a person
19	fourteen (14) years of age or under to knowingly permit the person to operate
20	or be a passenger on a bicycle in violation of subsection (a) of this
21	section.
22	(c) A city, town, or county of the state may adopt standards more
23	stringent than the requirements of this section.
24	
25	SECTION 4. (a) A person regularly engaged in the business of renting
26	bicycles shall require each person seeking to rent a bicycle to provide his
27	or her signature either on the rental form or on a separate form, indicating:
28	(1) Receipt of a written explanation of the provisions of this
29	act and the penalties for violations; and
30	(2) A statement concerning whether a person fourteen (14) years
31	of age or under will operate the bicycle in an area where the use of a helmet
32	is required.
33	(b) A person regularly engaged in the business of renting bicycles
34	shall provide a helmet to any person who will operate the bicycle in an area
35	requiring a helmet, if the person does not already have a helmet in his or

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1	(c) A reasonable fee may be charged for helmet rental by a person
2	regularly engaged in the business of renting bicycles.
3	(d) A person regularly engaged in the business of renting bicycles who
4	complies with this act shall not be liable in a civil action for damages for
5	any physical injury sustained by a bicycle operator or passenger as a result
6	of the operator's or passenger's failure to wear a helmet or to wear a
7	properly fitted or fastened helmet in violation of this act.
8	
9	SECTION 6. Failure to wear a bicycle helmet as required by this act
10	shall not be considered evidence of contributory negligence and shall be
11	inadmissible in any civil action.
12	
13	SECTION 7. (a) The penalty for a violation of this act shall be a
14	fine not to exceed two dollars (\$2.00).
15	(b) Fines assessed to violators fourteen (14) years of age or under
16	are the legal responsibility of the violator's parent or guardian.
17	(c) The court may waive the fine on a first offense upon presentation
18	of evidence that the violator has purchased or procured an approved bicycle
19	helmet.
20	(d) If a person pleads guilty or nolo contendere to, or is found
21	guilty of, a violation of this act, no court costs or other costs or fees
22	shall be assessed.
23	(e) If a person forfeits bond for a violation of this act, no court
24	costs or other costs or fees shall be assessed.
25	
26	SECTION 8. Effective date.
27	This act shall become effective on January 1, 2004.
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29	/s/ Lendall, et al
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