

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
4

As Engrossed: H2/11/03 H4/9/03

A Bill

HOUSE BILL 1315

5 By: Representatives Blair, J. Johnson, Judy
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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 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 January 1, 2003:

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.

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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.

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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
36 her possession.

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.

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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.

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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.

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26 SECTION 8. Effective date.

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

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29 */s/ Blair, et al*
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