

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

A Bill

HOUSE BILL 1997

5 By: Representative Kizzia
6

For An Act To Be Entitled

8 AN ACT TO REQUIRE BICYCLE HELMETS ON RIDERS UNDER AGE
9 14; TO IMPOSE PENALTIES FOR VIOLATIONS; AND FOR OTHER
10 PURPOSES.
11

Subtitle

12 TO REQUIRE BICYCLE HELMETS ON RIDERS
13 UNDER AGE 14; AND TO IMPOSE PENALTIES FOR
14 VIOLATIONS.
15
16

17
18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code Title 20, Chapter 27, is amended to add an
22 additional subchapter to read as follows:

SUBCHAPTER 27

- Child Bicycle Safety Act

20-27-2701. Title.

23
24
25
26
27 This subchapter shall be known and may be cited as the "Child Bicycle
28 Safety Act".
29

20-27-2702. Definitions.

30
31 As used in this subchapter:

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

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

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



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

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

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

9 (5) "Protective bicycle helmet" means a piece of headgear that,
10 on the effective date of this subchapter, meets or exceeds the impact
11 standard for
12 protective bicycle helmets set by the United States Consumer Product Safety
13 Commission, as in effect January 1, 2003, the Snell Memorial Foundation, as
14 in effect January 1, 2003, and the ASTM International, as in effect January
15 1, 2003;

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

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

22
23 20-27-2703. Protective bicycle helmet required for persons under
24 fourteen (14) years of age – Liability of parent or guardian.

25 (a) It is unlawful for any person fourteen (14) years of age or under
26 to operate a bicycle on a public road, bicycle path, or right-of-way, or in a
27 park or recreational area under the jurisdiction and control of the state or
28 a political subdivision of the state unless, at all times, the person wears a
29 protective bicycle helmet fastened securely upon the head by the straps of
30 the protective bicycle helmet.

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

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

1
2 20-27-2704. Bicycle rentals.

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

6 (1) Receipt of a written explanation of the provisions of this
7 subchapter and the penalties for violations; and

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

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

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

17 (d) A person regularly engaged in the business of renting bicycles who
18 complies with this subchapter shall not be liable in a civil action for
19 damages for any physical injury sustained by a bicycle operator or passenger
20 as a result of the operator's or passenger's failure to wear a protective
21 bicycle helmet or to wear a properly fitted or fastened protective bicycle
22 helmet in violation of this subchapter.

23
24 20-27-2706. Effect of noncompliance.

25 Failure to wear a protective bicycle helmet as required by this
26 subchapter shall not be considered evidence of contributory negligence and
27 shall be inadmissible in any civil action.

28
29 20-27-2707. Penalty.

30 (a) The penalty for a violation of this subchapter shall be a fine not
31 to exceed two dollars (\$2.00).

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

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

1 (d) If a person pleads guilty or nolo contendere to, or is found
2 guilty of, a violation of this subchapter, no court costs or other costs or
3 fees shall be assessed.

4 (e) If a person forfeits bond for a violation of this subchapter, no
5 court costs or other costs or fees shall be assessed.

6
7 SECTION 2. EFFECTIVE DATE. This subchapter is effective on and after
8 January 1, 2014.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36