

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas *As Engrossed: H1/25/99 H2/4/99 H2/22/99 H3/30/99*

2 82nd General Assembly

# A Bill

3 Regular Session, 1999

HOUSE BILL 1034

4

5 By: Representatives Lendall, Gullett, Womack, Biggs, Rackley

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## For An Act To Be Entitled

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"AN ACT TO BE KNOWN AS THE CHILD BICYCLE SAFETY ACT;

10

AND FOR OTHER PURPOSES. "

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## Subtitle

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"AN ACT TO BE KNOWN AS THE CHILD BICYCLE

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SAFETY ACT. "

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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SECTION 1. This act shall be known and may be cited as the "Child

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Bicycle Safety Act."

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SECTION 2. As used in this act:

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(a) "Bicycle" means a human-powered vehicle with two (2) wheels in

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tandem designed to transport, by the act of pedaling, one (1) or more persons

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seated on one (1) or more saddle seats on its frames. 'Bicycle' includes, but

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is not limited to, a human-powered vehicle designed to transport by the act of

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pedaling which has more than two (2) wheels when the vehicle is used on a

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public roadway, public bicycle path, or other public road or right-of-way;

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(b) "Operator" means a person who travels on a bicycle, seated on a

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saddle seat from which that person is intended to and can pedal the bicycle;

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(c) "Other public right-of-way" means any right-of-way other than a

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public roadway or public bicycle path that is under the jurisdiction and

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control of the state or a local political subdivision thereof;

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(d) "Passenger" means any person who travels on a bicycle in any manner

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except as an operator;

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(e) "Protective bicycle helmet" means a piece of headgear which meets

1 or exceeds the impact standard for protective bicycle helmets set by the  
2 American National Standards Institute, the Snell Memorial Foundation, the  
3 American Society for Testing and Materials, or any established safety standard  
4 adopted by the federal government on the effective date of this act;

5 (f) "Public bicycle path" means a right-of-way under the jurisdiction  
6 and control of the state, or a local political subdivision thereof, for use  
7 primarily by bicyclists and pedestrians; and

8 (g) "Public roadway" means a right-of-way under the jurisdiction and  
9 control of the state or a local political subdivision thereof for use  
10 primarily by motor vehicle traffic.

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12 SECTION 3. The purpose of this act is to reduce the incidence of a  
13 bicycle-related death and disability by requiring that, while riding on a  
14 bicycle on public roadways, public bicycle paths, or other public right of  
15 way, or parks and recreational areas under the jurisdiction and control of the  
16 state or a local political subdivision, all operators and passengers fourteen  
17 (14) years of age and under wear approved bicycle helmets.

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19 SECTION 4. It is unlawful for any persons fourteen (14) years of age or  
20 under to use a bicycle on a public roadway, public bicycle path, or the public  
21 rights-of-way, or a park or recreational area under the jurisdiction and  
22 control of the state or a local political subdivision under any one of the  
23 following conditions:

24 (1) For any persons fourteen (14) years of age or under to  
25 operate or be a passenger on a bicycle unless, at all times, the person wears  
26 a protective bicycle helmet fastened securely upon the head by the straps of  
27 the helmet;

28 (2) For any parent or legal guardian of a person ages fourteen  
29 (14) and under to knowingly permit the person to operate or be a passenger on  
30 a bicycle in violation of subdivision (a) of this section; and

31 (3) A local unit of government may adopt standards as strict or  
32 more stringent than the requirements of this section.

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34 SECTION 5. (a) A person regularly engaged in the business of renting  
35 bicycles shall require each person seeking to rent a bicycle to provide his or  
36 her signature either on the rental form or on a separate form, indicating both

1 of the following:

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

4 (2) A statement concerning whether a person ages fourteen (14)  
5 and under will operate the bicycle in an area where the use of a helmet is  
6 required.

7 (b) A person regularly engaged in the business of renting bicycles  
8 shall provide a helmet to any person who will operate the bicycle in an area  
9 requiring a helmet, if the person does not already have a helmet in his or her  
10 possession. A reasonable fee may be charged for the helmet rental.

11 (c) A person regularly engaged in the business of selling or renting  
12 bicycles who complies with this act shall not be liable in a civil action for  
13 damages for any physical injury sustained by a bicycle operator or passenger  
14 as a result of the operator's or passenger's failure to wear a helmet or to  
15 wear a properly fitted or fastened helmet in violation of this act.

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17 SECTION 6. Failure to wear a bicycle helmet as described in Section 4  
18 shall not be considered evidence of contributory negligence and shall be  
19 inadmissible in any civil action.

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21 SECTION 7. (a) The penalty for a violation of Section 4 shall be a  
22 fine not to exceed two dollars (\$2.00).

23 (b) Fines assessed to violators ages fourteen (14) and under will be  
24 the legal responsibility of the violator's parent or guardian.

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

28 (d) If a person is convicted, pleads guilty, pleads nolo contendere, or  
29 forfeits bond for a violation of this act, no court costs or other costs or  
30 fees shall be assessed.

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32 SECTION 8. The provisions of this act shall be effective on and after  
33 January 1, 2000.

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35 SECTION 9. All provisions of this Act of a general and permanent nature  
36 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code

1 Revision Commission shall incorporate the same in the Code.

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3 SECTION 10. If any provision of this Act or the application thereof to  
4 any person or circumstance is held invalid, such invalidity shall not affect  
5 other provisions or applications of the Act which can be given effect without  
6 the invalid provision or application, and to this end the provisions of this  
7 Act are declared to be severable.

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9 SECTION 11. All laws and parts of laws in conflict with this Act are  
10 hereby repealed.

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*/s/ Lendall, et al*

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