

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 83rd General Assembly  
3 Regular Session, 2001

# A Bill

HOUSE BILL 1295

4  
5 By: Representative Lendall  
6  
7

## For An Act To Be Entitled

8  
9 AN ACT TO BE KNOWN AS THE CHILD BICYCLE SAFETY ACT;  
10 AND FOR OTHER PURPOSES.  
11

### Subtitle

12 THE CHILD BICYCLE SAFETY ACT.  
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16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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18 SECTION 1. This act shall be known and may be cited as the "Child  
19 Bicycle Safety Act."  
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21 SECTION 2. Definitions. As used in this act:

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

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

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

27 (2) "Bicycle path" means a right-of-way under the jurisdiction and  
28 control of the state, or a local political subdivision thereof, for use  
29 primarily by bicyclists and pedestrians;

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

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

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

- 1           (A) The American National Standards Institute;
- 2           (B) The Snell Memorial Foundation;
- 3           (C) The American Society for Testing and Materials; or
- 4           (D) Any established safety standard adopted by the federal
- 5 government;

6           (6) "Right-of-way" means any right-of-way, other than a public road or  
 7 public bicycle path, under the jurisdiction and control of the state or a  
 8 local political subdivision thereof; and

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

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13           SECTION 3. The purpose of this act is to reduce the incidence of  
 14 bicycle-related death and disability.

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16           SECTION 4. (a) It is unlawful for any person fourteen (14) years of  
 17 age or under to use a bicycle on a public road, bicycle path, or right-of-way,  
 18 or a park or recreational area under the jurisdiction and control of the state  
 19 or a local political subdivision unless, at all times, the person wears a  
 20 protective bicycle helmet fastened securely upon the head by the straps of the  
 21 helmet.

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

25           (c) A local unit of government may adopt standards as strict or more  
 26 stringent than the requirements of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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30 SECTION 8. Effective date. [THE ARKANSAS CODE REVISION COMMISSION IS  
31 NOT REQUIRED TO CODIFY THIS SECTION.]

32 This act shall become effective on January 1, 2002.

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