

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
89th General Assembly
Regular Session, 2013

A Bill

HOUSE BILL 1997

By: Representative Kizzia

For An Act To Be Entitled

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

Subtitle

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

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

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

SUBCHAPTER 27

- Child Bicycle Safety Act

20-27-2701. Title.

This subchapter shall be known and may be cited as the "Child Bicycle Safety Act".

20-27-2702. Definitions.

As used in this subchapter:

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

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

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



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

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

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

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

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

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

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

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

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

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

20-27-2704. Bicycle rentals.

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

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

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

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

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

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

20-27-2706. Effect of noncompliance.

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

20-27-2707. Penalty.

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

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

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

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

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

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