

SENATE FILE 264
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 48)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act requiring protective headgear for bicyclists, creating a
2 bicycle safety fund, providing an effective date, and creating
3 a penalty.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

S.F. 264

1 Section 1. NEW SECTION. 321.435 BICYCLE HELMETS.

2 1. a. A person under sixteen years of age shall not
3 operate, or ride upon a bicycle as a passenger, unless that
4 person is wearing a properly fitted and fastened bicycle
5 helmet which meets the standards of the American National
6 Standards Institute (ANSI Z90.4 bicycle helmet standard) or
7 the Snell Memorial Foundation's 1984 Standard for Protective
8 Headgear for Use in Bicycling. This section also applies to a
9 person who rides upon a bicycle while in a restraining seat
10 which is attached to the bicycle or in a trailer towed by the
11 bicycle.

12 b. The director shall publish a list of bicycle helmets
13 which meet the standards described in paragraph "a" of this
14 subsection and shall provide for their distribution in as many
15 locations frequented by the public as the director deems
16 appropriate and practicable.

17 c. A helmet shall be worn, in accordance with this
18 subsection, at all times while a bicycle is being operated.

19 2. a. A person who violates a requirement of this section
20 shall be warned of the violation by the law enforcement
21 official. The parent or legal guardian of that person may be
22 subject to a scheduled fine under section 805.8, subsection 2,
23 paragraph "z" of ten dollars for the person's first offense
24 and twenty dollars for a subsequent offense if it can be shown
25 that the parent or guardian failed to exercise reasonable
26 supervision or control over the person's conduct.

27 b. A bicycle safety fund shall be created in the state
28 treasury. The fund shall be administered by the department of
29 public health. All money collected as fines under paragraph
30 "a" shall be deposited in the bicycle safety fund. Interest
31 earned on money deposited in the fund shall accrue to the
32 fund. Money in the fund shall be used to provide bicycle
33 safety education programs and to assist low-income families in
34 purchasing approved bicycle helmets.

35 3. A person regularly engaged in the business of renting

1 bicycles shall provide bicycle helmets for use in accordance
2 with subsection 1.

3 Sec. 2. Section 805.8, subsection 2, Code 1995, is amended
4 by adding the following new paragraph:

5 NEW PARAGRAPH. z. For a bicycle helmet violation under
6 section 321.435, the scheduled fine is ten dollars for the
7 first violation and twenty dollars for a subsequent violation.
8 Notwithstanding sections 602.8106 and 602.8108, all moneys
9 collected pursuant to this paragraph shall be deposited in the
10 bicycle safety fund created under section 321.435.

11 Sec. 3. This Act takes effect August 1, 1995.

12 EXPLANATION

13 New section 321.435 is created in this bill. The section
14 requires persons under 16 years of age who are operating or
15 riding upon a bicycle to wear protective headgear.

16 The bill provides for a warning to be issued to a violator.
17 The parent or legal guardian of a violator may be subject to a
18 fine of \$10 for a first offense and \$20 for a subsequent
19 offense if it can be shown that the parent or guardian failed
20 to exercise reasonable supervision or control over the
21 person's conduct.

22 A bicycle safety fund is created with moneys in the fund
23 appropriated to the department of public health to provide
24 bicycle safety education programs and to assist low-income
25 families to purchase helmets. Any moneys collected for a
26 violation of this bill are deposited in the bicycle safety
27 fund.

28 The bill requires the director of transportation to publish
29 a list of approved bicycle helmets and requires a person who
30 rents bicycles to provide approved helmets.

31
32
33
34
35

Szymoniak - ch
Newbauer
Kramer

SSB-48
Human Resources

Succeeded By
SENATE ~~FILE~~ 264
BY (PROPOSED COMMITTEE ON HUMAN
RESOURCES BILL BY CHAIR-
PERSON SZYMONIAK)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act requiring protective headgear for bicyclists and creating
2 a penalty.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

1 Section 1. NEW SECTION. 321.444A HELMETS.

2 1. A bicycle shall not be ridden upon a highway unless the
3 person who is riding the bicycle is wearing protective
4 headgear which complies with standards and specifications
5 adopted by the department. For purposes of this section,
6 "wearing protective headgear" means having a safety helmet on
7 the person's head that is fastened with the helmet straps and
8 that is of a size that fits the person's head securely without
9 excessive lateral or vertical movement.

10 2. A person shall not possess for the purpose of sale,
11 offer for sale, or sell protective headgear for use by a
12 person riding a bicycle unless the protective headgear meets
13 the standards and specifications required under this section.

14 Sec. 2. Section 805.8, subsection 2, paragraph e, Code
15 1995, is amended to read as follows:

16 e. For improperly used or nonused or defective or improper
17 equipment under sections 321.383, 321.384, 321.385, 321.386,
18 321.398, 321.402, 321.403, 321.404, 321.409, 321.419, 321.420,
19 321.423, 321.430, and 321.433, the scheduled fine is twenty
20 dollars. For failing to wear protective headgear as required
21 under section 321.444A, the scheduled fine is fifty dollars.

22 EXPLANATION

23 New section 321.444A is created in this bill. The section
24 requires persons who are riding a bicycle on the highway to
25 wear protective headgear.

26 The bill also prohibits a person from possessing for sale,
27 offering for sale, or selling protective headgear which does
28 not meet standards and specifications adopted by the
29 department. A person who does so may be charged with a simple
30 misdemeanor which is punishable by a fine of at least \$50 but
31 no more than \$100 or up to 30 days' imprisonment.

32 Section 805.8 is amended to provide a scheduled fine for
33 failure to wear protective headgear of \$50.

34

35