

FILED JAN 28 1998

HUMAN RESOURCES

SENATE FILE 2078

BY 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 bicycle safety fund and a penalty.
 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2078

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.

9 b. A person who rides upon a bicycle while in a
10 restraining seat which is attached to the bicycle or in a
11 trailer towed by the bicycle shall also wear a helmet as
12 required by this section.

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

15 d. The director shall publish a list of bicycle helmets
16 which meet the standards described in paragraph "a" and shall
17 provide for the distribution of the list in as many locations
18 frequented by the public as the director deems appropriate and
19 practicable.

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

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

1 3. A person regularly engaged in the business of renting
2 bicycles shall provide bicycle helmets for use in accordance
3 with subsection 1.

4 Sec. 2. Section 805.8, subsection 2, Code Supplement 1997,
5 is amended by adding the following new paragraph:

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

12 EXPLANATION

13 This bill creates a new section. The section requires
14 persons under 16 years of age who are operating or riding upon
15 a bicycle, including children in restraining seats or
16 trailers, to wear protective headgear.

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

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

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

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**SENATE FILE 2078
FISCAL NOTE**

A fiscal note for Senate File 2078 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 2078 requires all persons under the age of 14 to wear protective headgear while riding a bicycle or riding in bicycle trailers. The parent or legal guardian of a violator may be fined \$10 for a first offense and \$20 for all subsequent offenses. The Bill creates the Bicycle Safety Fund within the Department of Public Health to provide bicycle safety education programs and to assist low-income families purchase helmets. The fines collected under this Bill are deposited into the Bicycle Safety Fund.

FISCAL IMPACT

The fiscal effect of SF 2078 cannot be determined. The amount of revenue to be generated for the Bicycle Safety Fund will be dependent upon the number of violators issued a citation. In addition, the Department of Public Health estimates that if substantial fees are generated, the Department will incur administrative costs of approximately 5.0% to support the Bicycle Safety Program.

SOURCE

Department of Transportation
Department of Public Health

(LSB 3441SS, DLR)

FILED FEBRUARY 23, 1998

BY DENNIS PROUTY, FISCAL DIRECTOR