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SENATE FILE 153

BY TINSMAN and SZYMONIAK

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

A BILL FOR

1 An Act requiring protective headgear for juvenile bicyclists,
 2 creating a bicycle safety fund, and providing for a helmet
 3 rental fee and a penalty.

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

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SF 153
 HUMAN RESOURCES

1 Section 1. NEW SECTION. 135.110 BICYCLE SAFETY FUND.

2 1. The director shall publish a list of bicycle helmets
3 which meet the standards of the American national standards
4 institute or the 1990 standard for protective headgear for use
5 in bicycling produced by the Snell memorial foundation or
6 another appropriate standard as adopted by the director by
7 rule.

8 2. A bicycle safety fund is created in the state treasury
9 under the control of the department. All moneys collected in
10 fines for bicycle helmet violations under section 321.435
11 shall be deposited in the fund. Moneys in the fund shall be
12 used to provide bicycle safety education programs and assist
13 low-income families in purchasing bicycle helmets approved by
14 the director pursuant to subsection 1. Notwithstanding
15 section 12C.7, subsection 2, interest or earnings on moneys
16 deposited in the fund shall accrue to the fund.

17 Sec. 2. NEW SECTION. 321.435 BICYCLE HELMETS.

18 1. a. A person under fourteen years of age shall not
19 operate a bicycle, or ride on a bicycle as a passenger, unless
20 that person is wearing a properly fitted and fastened bicycle
21 helmet which meets the standards of the American national
22 standards institute or the 1990 standard for protective
23 headgear for use in bicycling produced by the Snell memorial
24 foundation or another appropriate standard as adopted by the
25 director of the department of public health pursuant to
26 section 135.110.

27 b. A person under fourteen years of age who rides on a
28 bicycle while in a restraining seat which is attached to the
29 bicycle or in a trailer towed by a bicycle shall also wear a
30 helmet as required by this section.

31 2. a. A person regularly engaged in the business of
32 renting bicycles shall require each person seeking to rent a
33 bicycle to provide the person's signature either on the rental
34 form or on a separate form indicating both of the following:

35 (1) Receipt of a written explanation of the provisions of

1 this section and the penalties for violations.

2 (2) A statement concerning whether a person under fourteen
3 years of age will operate the bicycle.

4 b. A person regularly engaged in the business of renting
5 bicycles shall provide a helmet to any person required to wear
6 a helmet under this section who will operate the bicycle, if
7 the person does not already have a helmet. A reasonable fee
8 may be charged for the helmet rental.

9 c. A person regularly engaged in the business of renting
10 bicycles who complies with this section is not liable for
11 damages for any injuries sustained by a bicycle operator or
12 passenger as a result of the operator's or passenger's failure
13 to wear a helmet or to wear a properly fitted or fastened
14 helmet in violation of this section.

15 3. a. A person who violates subsection 1 shall receive a
16 warning of the violation. The parent or legal guardian of a
17 person who violates subsection 1 prior to July 1, 2000, shall
18 also receive a warning of the violation. The parent or legal
19 guardian of a person who violates subsection 1 on or after
20 July 1, 2000, is subject to a scheduled fine under section
21 805.8, subsection 2, paragraph "ai", unless the parent or
22 legal guardian, within a reasonable time, provides proof that
23 the person has purchased or otherwise acquired a bicycle
24 helmet which meets the standards in subsection 1.

25 b. A person who violates subsection 2 on or after
26 September 1, 1999, is subject to a scheduled fine under
27 section 805.8, subsection 2, paragraph "ai".

28 Sec. 3. Section 805.8, subsection 2, Code 1999, is amended
29 by adding the following new paragraph:

30 NEW PARAGRAPH. ai. For violations of section 321.435
31 which are subject to a fine pursuant to that section, the
32 scheduled fine is fifteen dollars. Notwithstanding sections
33 602.8106 and 602.8108, all moneys collected pursuant to this
34 paragraph shall be deposited in the bicycle safety fund
35 created in section 135.110.

1 Sec. 4. IMPLEMENTATION OF ACT. Section 25B.2, subsection
2 3, shall not apply to this Act.

3 EXPLANATION

4 This bill requires persons under 14 years of age who are
5 operating or riding on a bicycle, including children in
6 restraining seats or trailers, to wear bicycle helmets. It
7 provides for a warning to be issued to a violator and, for
8 violations occurring prior to July 1, 2000, to the parent or
9 legal guardian of a violator. The parent or legal guardian of
10 a violator is subject to a scheduled fine of \$15 for
11 violations occurring on or after July 1, 2000, unless the
12 parent or legal guardian provides proof of acquisition of a
13 bicycle helmet within a reasonable time.

14 The bill requires persons renting bicycles to the public to
15 have renters sign a release form and to provide helmets to
16 renters for a reasonable fee. The bill also provides that
17 persons renting bicycles in compliance with the requirements
18 are not liable for damages sustained as a result of an
19 operator's or passenger's failure to properly wear a helmet.
20 A person violating the requirements on or after September 1,
21 1999, is also subject to the \$15 scheduled fine.

22 Finally, the bill requires the director of the department
23 of public health to publish a list of approved bicycle helmets
24 and creates a bicycle safety fund under the control of the
25 department of public health to provide bicycle safety
26 education programs and assist low-income families in
27 purchasing bicycle helmets. Moneys collected for violations
28 of this bill are deposited in the bicycle safety fund.

29 This bill may include a state mandate as defined in Code
30 section 25B.3. This bill makes inapplicable Code section
31 25B.2, subsection 3, which would relieve a political
32 subdivision from complying with a state mandate if funding for
33 the cost of the state mandate is not provided or specified.
34 Therefore, political subdivisions are required to comply with
35 any state mandate included in this bill.