

Senate Study Bill 1198

Bill Text

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1 1 Section 1. NEW SECTION. 135.110 BICYCLE SAFETY FUND.
1 2 1. The director shall publish a list of bicycle helmets
1 3 which meet the standards of the American national standards
1 4 institute or the 1990 standard for protective headgear for use
1 5 in bicycling produced by the Snell memorial foundation or
1 6 another appropriate standard as adopted by the director by
1 7 rule.
1 8 2. A bicycle safety fund is created in the state treasury
1 9 under the control of the department. All moneys collected in
1 10 fines for bicycle helmet violations under section 321.435
1 11 shall be deposited in the fund. Moneys in the fund shall be
1 12 used to provide bicycle safety education programs and assist
1 13 low-income families in purchasing bicycle helmets approved by
1 14 the director pursuant to subsection 1. Notwithstanding
1 15 section 12C.7, subsection 2, interest or earnings on moneys
1 16 deposited in the fund shall accrue to the fund.
1 17 Sec. 2. NEW SECTION. 321.435 BICYCLE HELMETS.
1 18 1. a. A person under fourteen years of age shall not
1 19 operate a bicycle, or ride on a bicycle as a passenger, unless
1 20 that person is wearing a properly fitted and fastened bicycle
1 21 helmet which meets the standards of the American national
1 22 standards institute or the 1990 standard for protective
1 23 headgear for use in bicycling produced by the Snell memorial
1 24 foundation or another appropriate standard as adopted by the
1 25 director of the department of public health pursuant to
1 26 section 135.110.
1 27 b. A person under fourteen years of age who rides on a
1 28 bicycle while in a restraining seat which is attached to the
1 29 bicycle or in a trailer towed by a bicycle shall also wear a
1 30 helmet as required by this section.
1 31 2. a. A person regularly engaged in the business of
1 32 renting bicycles shall require each person seeking to rent a
1 33 bicycle to provide the person's signature either on the rental
1 34 form or on a separate form indicating both of the following:
1 35 (1) Receipt of a written explanation of the provisions of
2 1 this section and the penalties for violations.
2 2 (2) A statement concerning whether a person under fourteen
2 3 years of age will operate the bicycle.
2 4 b. A person regularly engaged in the business of renting
2 5 bicycles shall provide a helmet to any person required to wear
2 6 a helmet under this section who will operate the bicycle, if
2 7 the person does not already have a helmet. A reasonable fee
2 8 may be charged for the helmet rental.
2 9 c. A person regularly engaged in the business of renting
2 10 bicycles who complies with this section is not liable for
2 11 damages for any injuries sustained by a bicycle operator or
2 12 passenger as a result of the operator's or passenger's failure
2 13 to wear a helmet or to wear a properly fitted or fastened
2 14 helmet in violation of this section.
2 15 3. a. A person who violates subsection 1 shall receive a
2 16 warning of the violation. The parent or legal guardian of a
2 17 person who violates subsection 1 prior to July 1, 2000, shall
2 18 also receive a warning of the violation. The parent or legal
2 19 guardian of a person who violates subsection 1 on or after
2 20 July 1, 2000, is subject to a scheduled fine under section
2 21 805.8, subsection 2, paragraph "ai", unless the parent or

2 22 legal guardian, within a reasonable time, provides proof that
2 23 the person has purchased or otherwise acquired a bicycle
2 24 helmet which meets the standards in subsection 1.
2 25 b. A person who violates subsection 2 on or after
2 26 September 1, 1999, is subject to a scheduled fine under
2 27 section 805.8, subsection 2, paragraph "ai".
2 28 Sec. 3. Section 805.8, subsection 2, Code 1999, is amended
2 29 by adding the following new paragraph:
2 30 NEW PARAGRAPH. ai. For violations of section 321.435
2 31 which are subject to a fine pursuant to that section, the
2 32 scheduled fine is fifteen dollars. Notwithstanding sections
2 33 602.8106 and 602.8108, all moneys collected pursuant to this
2 34 paragraph shall be deposited in the bicycle safety fund
2 35 created in section 135.110.

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

3 4 This bill requires persons under 14 years of age who are
3 5 operating or riding on a bicycle, including children in
3 6 restraining seats or trailers, to wear bicycle helmets. It
3 7 provides for a warning to be issued to a violator and, for
3 8 violations occurring prior to July 1, 2000, to the parent or
3 9 legal guardian of a violator. The parent or legal guardian of
3 10 a violator is subject to a scheduled fine of \$15 for
3 11 violations occurring on or after July 1, 2000, unless the
3 12 parent or legal guardian provides proof of acquisition of a
3 13 bicycle helmet within a reasonable time.

3 14 The bill requires persons renting bicycles to the public to
3 15 have renters sign a release form and to provide helmets to
3 16 renters for a reasonable fee. The bill also provides that
3 17 persons renting bicycles in compliance with the requirements
3 18 are not liable for damages sustained as a result of an
3 19 operator's or passenger's failure to properly wear a helmet.
3 20 A person violating the requirements on or after September 1,
3 21 1999, is also subject to the \$15 scheduled fine.

3 22 Finally, the bill requires the director of the department
3 23 of public health to publish a list of approved bicycle helmets
3 24 and creates a bicycle safety fund under the control of the
3 25 department of public health to provide bicycle safety
3 26 education programs and assist low-income families in
3 27 purchasing bicycle helmets. Moneys collected for violations
3 28 of this bill are deposited in the bicycle safety fund.

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

4 1 LSB 2325SC 78
4 2 nh/cf/24