

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 961

Short Title: Child Bicycle Safety Act.

(Public)

Sponsors: Senators Allran; Carpenter, Cooper, Forrester, Martin of Guilford, and Winner.

Referred to: Judiciary.

April 17, 1997

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE USE OF CERTAIN SAFETY EQUIPMENT BY CHILDREN WHEN THEY ARE BICYCLE OPERATORS OR PASSENGERS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 20 of the General Statutes is amended by adding a new Part to Article 3 to read:

"PART 10B. CHILD BICYCLE SAFETY ACT.

"§ 20-171.6. Short title.

This Part shall be known and may be cited as the 'Child Bicycle Safety Act.'

"§ 20-171.7. Definitions.

As used in this Part, the following terms have the following meanings:

(1) 'Bicycle' means a human-powered vehicle with two wheels in tandem designed to transport, by the action of pedaling, one or more persons seated on one or more saddle seats on its frame. 'Bicycle' also includes a human-powered vehicle designed to transport, by action of pedaling, which has two wheels where the vehicle is used on a public roadway, public bicycle path, or other public right-of-way, but does not include a tricycle.

(2) '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.

- 1 (3) 'Other public right-of-way' means any right-of-way other than a public
2 roadway or public bicycle path that is under the jurisdiction and control
3 of this State or a local political subdivision of the State and is designed
4 for use and used by vehicular or pedestrian traffic.
- 5 (4) 'Passenger' means a person who travels on a bicycle in any manner
6 except as an operator.
- 7 (5) 'Protective bicycle helmet' means a piece of headgear which meets or
8 exceeds the impact standards for protective bicycle helmets set by the
9 American National Standards Institute (ANSI) or the Snell Memorial
10 Foundation.
- 11 (6) 'Public bicycle path' means a right-of-way under the jurisdiction and
12 control of this State or a local political subdivision of the State for use
13 primarily by bicycles or pedestrians.
- 14 (7) 'Public roadway' means a right-of-way under the jurisdiction and control
15 of this State or a local political subdivision of the State for use primarily
16 by motor vehicles.
- 17 (8) 'Restraining seat' means a seat separate from the saddle seat of the
18 operator of the bicycle that is fastened securely to the frame of the
19 bicycle and is adequately equipped to restrain the passenger in the seat
20 and to protect the passenger from the moving parts of the bicycle.
- 21 (9) 'Tricycle' means a three-wheeled, human-powered vehicle designed for
22 use as a toy by a single child under the age of six years, the seat of
23 which is no more than two feet from ground level.

24 **"§ 20-171.8. Requirements for helmet and restraining seat use.**

25 With regard to any bicycle used on a public roadway, public bicycle path, or other
26 public right-of-way:

- 27 (1) It shall be unlawful for any person under the age of 16 to operate or be a
28 passenger on a bicycle unless at all times when the person is so engaged
29 he or she wears a protective bicycle helmet of good fit fastened securely
30 upon the head with the straps of the helmet.
- 31 (2) It shall be unlawful for any person to be a passenger on a bicycle unless
32 all of the following conditions are met:
- 33 a. The person is able to maintain an erect, seated position on the
34 bicycle;
- 35 b. Except as provided in sub-subdivision c. of this subdivision, the
36 person is properly seated alone on a saddle seat (as on a tandem
37 bicycle); and
- 38 c. With respect to any person who weighs less than 40 pounds, or is
39 less than 40 inches in height, the person can be and is properly
40 seated in and adequately secured to a restraining seat.
- 41 (3) It shall be unlawful for any parent or legal guardian of a person below
42 the age of 16 to knowingly permit that child to operate or be a passenger
43 on a bicycle in violation of subdivision (1) or (2) of this section.

- 1 (4) It shall be unlawful to rent or lease any bicycle to or for the use of any
2 person under the age of 16 unless:
3 a. The person is in possession of a protective bicycle helmet of
4 good fit at the time of the rental or lease; or
5 b. The rental or lease includes a protective helmet of good fit, and
6 the person intends to wear the helmet, as required by sub-
7 subdivision a. of this subdivision, at all times while operating or
8 being a passenger on the bicycle.
9 (5) No negligence or liability shall be assessed on or imputed to any party
10 on account of violation of subdivision (1), (2), or (3) of this section.

11 **"§ 20-171.9. Penalties.**

12 (a) Except as provided in subsection (b) of this section, any person violating any
13 requirement set forth in G.S. 20-171.8 shall have committed an infraction as defined in
14 G.S. 14-3.1 and may be ordered to pay a fine of up to ten dollars (\$10.00). The
15 procedure for charging and trying the infraction is the same as for a misdemeanor, but
16 conviction of an infraction has no consequence other than payment of a fine. A person
17 convicted of an infraction may not be assessed court costs.

18 (b) In the case of a first conviction within a 12-month period of G.S. 20-171.8(1),
19 (2), or (3), the court may waive the fine upon receipt of satisfactory proof that the person
20 responsible for the infraction has purchased or otherwise obtained, as appropriate, a
21 protective bicycle helmet or a restraining seat, and uses or intends to use it whenever
22 required under G.S. 20-171.8.

23 **"§ 20-171.10. Effect of local standards.**

24 Nothing in this Part shall prohibit a unit of local government from adopting more
25 stringent standards for bicycle safety by ordinance, including, but not limited to, making
26 the provisions of this Part applicable to persons 16 years of age or older."

27 Section. 2. This act becomes effective December 1, 1997.