

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 898

Short Title: Child Bicycle Safety Act.

(Public)

Sponsors: Representatives McAllister; Adams, Alexander, Barbee, Brown, Church, Fitch, Hurley, Kinney, Mosley, and Warner.

Referred to: Highway Safety, if favorable, Ways and Means.

April 1, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THE USE OF CERTAIN SAFETY EQUIPMENT BY
3 CHILDREN WHILE THEY ARE BICYCLE OPERATORS OR PASSENGERS.
4 The General Assembly of North Carolina enacts:

5 Section 1. Chapter 20 of the General Statutes is amended by adding a new Part
6 10B to Article 3 to read:

7 **"PART 10B. CHILD BICYCLE SAFETY ACT."**

8 **"§ 20-171.6. Short title."**

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

10 **"§ 20-171.7. Legislative findings and purpose."**

11 (a) The General Assembly finds and declares that:

12 (1) Disability and death of children resulting from injuries sustained in
13 bicycling accidents are a serious threat to the public health, welfare, and
14 safety of the people of this State, and the prevention of that disability
15 and death is a goal of all North Carolinians.

16 (2) Head injuries are the leading cause of disability and death from
17 bicycling accidents.

1 (3) The risk of head injury from bicycling accidents is significantly reduced
2 for bicyclists who wear proper protective bicycle helmets; yet helmets
3 are worn by fewer than five percent (5%) of child bicyclists nationwide.

4 (4) The risk of head injury or of any other injury to a small child who is a
5 passenger on a bicycle operated by another person would be
6 significantly reduced if any child passenger sat in a separate restraining
7 seat.

8 (b) The purpose of this Article is to reduce the incidence of disability and death
9 resulting from injuries incurred in bicycling accidents by requiring that while riding on a
10 bicycle on the public roads, public bicycle paths, and other public rights-of-way of this
11 State, all bicycle operators and passengers under the age of 18 years wear approved
12 protective bicycle helmets; that all bicycle passengers who weigh less than 40 pounds or
13 are less than 40 inches in height be seated in separate restraining seats; and that no person
14 who is unable to maintain an erect, seated position shall be a passenger in a bicycle
15 restraining seat and all other bicycle passengers shall be seated on saddle seats.

16 **§ 20-171.8. Definitions.**

17 As used in this Article, the following terms have the following meanings:

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

25 (2) 'Operator' means a person who travels on a bicycle seated on a saddle
26 seat from which that person is intended to and can pedal the bicycle.

27 (3) 'Other public right-of-way' means any right-of-way other than a public
28 roadway or public bicycle path that is under the jurisdiction and control
29 of this State or a local political subdivision thereof and is designed for
30 use and used by vehicular and/or pedestrian traffic.

31 (4) 'Passenger' means a person who travels on a bicycle in any manner
32 except as an operator.

33 (5) 'Protective bicycle helmet' means a piece of headgear which meets or
34 exceeds the impact standards for protective bicycle helmets set by the
35 American National Standards Institute (ANSI) or the Snell Memorial
36 Foundation.

37 (6) 'Public bicycle path' means a right-of-way under the jurisdiction and
38 control of this State or a local political subdivision thereof for use
39 primarily by bicycles and pedestrians.

40 (7) 'Public roadway' means a right-of-way under the jurisdiction and control
41 of this State or a local political subdivision thereof for use primarily by
42 motor vehicles.

1 (8) 'Restraining seat' means a seat separate from the saddle seat of the
2 operator of the bicycle that is fastened securely to the frame of the
3 bicycle and is adequately equipped to restrain the passenger in such seat
4 and protect such passenger from the moving parts of the bicycle.

5 (9) 'Tricycle' means a three-wheeled human-powered vehicle designed for
6 use as a toy by a single child under the age of six years, the seat of
7 which is no more than two feet from ground level.

8 **"§ 20-171.9. Requirements for helmet and restraining seat use.**

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

11 (a) It shall be unlawful for any person under the age of 18 to operate or be a
12 passenger on a bicycle unless at all times when the person is so engaged he or she wears a
13 protective bicycle helmet of good fit fastened securely upon the head with the straps of
14 the helmet.

15 (b) It shall be unlawful for any person to be a passenger on a bicycle unless all of
16 the following conditions are met:

17 (1) The person is able to maintain an erect, seated position on the bicycle;

18 (2) Except as provided in subdivision (3) of this subsection, the person is
19 properly seated alone on a saddle seat (as on a tandem bicycle); and

20 (3) With respect to any person who weighs less than 40 pounds, or is less
21 than 40 inches in height, the person can be and is properly seated in and
22 adequately secured to a restraining seat.

23 (c) It shall be unlawful for any parent or legal guardian of a person below the age
24 of 18 to knowingly permit such person to operate or be a passenger on a bicycle in
25 violation of subsection (a) or (b) of this section.

26 (d) It shall be unlawful to rent or lease any bicycle to or for the use of any person
27 under the age of 18 unless:

28 (1) The person is in possession of a protective bicycle helmet of good fit at
29 the time of such rental or lease; or

30 (2) The rental or lease includes a protective bicycle helmet of good fit, and
31 the person intends to wear the helmet, as required by subsection (a) of
32 this section, at all times while operating or being a passenger on the
33 bicycle.

34 (e) No negligence or liability shall be assessed on or imputed to any party on
35 account of a violation of subsections (a), (b), or (c) of this section.

36 **"§ 20-171.10. Civil penalties.**

37 (a) Except as provided in subsection (b) of this section, any person violating any
38 requirement set forth in G.S. 20-171.9 shall be held responsible for an infraction and may
39 pay a civil fine of up to thirty dollars (\$30.00), inclusive of all penalty assessments and
40 court costs.

41 (b) In the case of a first conviction within a 12-month period of G.S. 20-171.9(a),
42 (b), or (c), the court may waive the fine upon receipt of satisfactory proof that the person
43 responsible for the infraction has purchased or otherwise obtained, as appropriate, a

1 protective bicycle helmet or a restraining seat, and uses and intends to use it whenever
2 required under G.S. 20-171.9."

3 Section 2. This act becomes effective October 1, 1999.