

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 910

Short Title: Child Bicycle Safety Act.

(Public)

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Sponsors: Representatives McAllister, Russell; and H. Hunter.

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Referred to: Business and Labor.

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April 12, 1995

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 10B to Article 3 to read:

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

**"§ 20-171.6. Short title.**

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

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

(a) The General Assembly finds and declares that:

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

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

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

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

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

13 **"§ 20-171.8. Definitions.**

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

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

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

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

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

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

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

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

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

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

4 **"§ 20-171.9. Requirements for helmet and restraining seat use.**

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

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

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

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

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

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

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

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

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

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

30           (e) It shall be unlawful to sell any bicycle to or for the use of any person under the  
31 age of 18 unless that person presents satisfactory proof of ownership of a protective  
32 bicycle helmet of good fit, or purchases the same at the time of the purchase of the  
33 bicycle.

34 **"§ 20-171.10. Civil penalties.**

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

39           (b) In the case of a first conviction within a 12-month period of G.S. 20-171.9(a),  
40 (b), or (c), the court may waive the fine upon receipt of satisfactory proof that the person  
41 responsible for the infraction has purchased or otherwise obtained, as appropriate, a  
42 protective bicycle helmet or a restraining seat, and uses and intends to use it whenever  
43 required under G.S. 20-171.9."

1           Sec. 2. This act becomes effective October 1, 1995.