

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 232

Short Title: Bo Thomas–Bicycle Safety Act.

(Public)

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Sponsors: Senators Martin of Guilford, Purcell, Phillips, Cochrane, and Warren.

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Referred to: Judiciary II.

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March 4, 1999

A BILL TO BE ENTITLED

AN ACT TO ENACT THE "BO THOMAS CHILD BICYCLE SAFETY ACT" TO  
REQUIRE THE USE OF CERTAIN SAFETY EQUIPMENT BY CHILDREN  
WHEN THEY ARE BICYCLE OPERATORS AND 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 Part shall be known and may be cited as the '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. Such term also includes a human-powered vehicle designed to transport, by the action of pedaling, which has more than 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.

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

26 **"§ 20-171.8. Requirements for helmet and restraining seat use.**

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

29       (a) It shall be unlawful for any person under the age of 19 to operate or be a  
30 passenger on a bicycle unless at all times when the person is so engaged he or she wears a  
31 protective bicycle helmet of good fit fastened securely upon the head with the straps of  
32 the helmet.

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

- 35           (1) The person is able to maintain an erect, seated position on the bicycle;  
36           (2) Except as provided in subdivision (3) of this subsection, the person is  
37 properly seated alone on a saddle seat (as on a tandem bicycle); and  
38           (3) With respect to any person who weighs less than 40 pounds, or is less  
39 than 40 inches in height, the person can be and is properly seated in and  
40 adequately secured to a restraining seat.

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

1       (d) It shall be unlawful to rent or lease any bicycle to or for the use of any person  
2 under the age of 19 unless:

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

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

9       (e) No negligence or liability shall be assessed on or imputed to any party on  
10 account of a violation of subsection (a), (b), or (c) 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 an 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(a),  
19 (b), or (c), 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 and intends to use it whenever  
22 required under G.S. 20-171.8.

23 **"§ 20-171.10. Effect on 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 19 years of age or older."

27       Section 2. This act becomes effective December 1, 1999.