

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

HOUSE BILL NO. 2021

By: Hamilton (Jeff)

AS INTRODUCED

An Act relating to motor vehicles; enacting the Child Bicycle Safety Act; providing short title; providing legislative intent and purpose; providing definitions; providing requirements for helmet and restraining seat use; providing civil penalties; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 11-1210 of Title 47, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Child Bicycle Safety Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 11-1211 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. The Legislature hereby 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 such disability and death is a goal of the people of this state;

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; and

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

B. The purpose of the Child Bicycle Safety Act is to reduce the incidence of disability and death resulting from injuries incurred in bicycling accidents by requiring that while riding on a bicycle on the public roads, public bicycle paths, and other public rights-of-way of this state:

1. All bicycle operators and passengers under the age of eighteen (18) years wear approved protective bicycle helmets;

2. That all bicycle passengers who weigh less than forty (40) pounds or are less than forty (40) inches in height be seated in separate restraining seats;

3. That no person who is unable to maintain an erect, seated position shall be a passenger in a bicycle restraining seat; and

4. All other bicycle passengers shall be seated on saddle seats.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 11-1212 of Title 47, unless there is created a duplication in numbering, reads as follows:

As used in the Child Bicycle Safety Act:

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 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;

2. "Tricycle" means a three-wheeled human-powered vehicle designed for use as a toy by a child under the age of six (6) years, the seat of which is no more than two (2) feet from ground level;

3. "Public roadway" means a right-of-way under the jurisdiction and control of this state or a local political subdivision thereof for use primarily by motor vehicles;

4. "Public bicycle path" means a right-of-way under the jurisdiction and control of this state or a local political subdivision thereof for use primarily by bicycles and pedestrians;

5. "Other public right-of-way" means any right-of-way other than a public roadway or public bicycle path that is under the jurisdiction and control of this state or a local political subdivision thereof and is used by vehicular traffic or pedestrian traffic or both vehicular and pedestrian traffic;

6. "Protective bicycle helmet" means a piece of headgear which meets or exceeds the impact standards for protective bicycle equipment standards set by the American National Standards Institute (ANSI) or the Snell Memorial Foundation;

7. "Restraining seat" means a seat separate from the saddle seat of the operator of the bicycle that is fastened securely to the frame of the bicycle and is adequately equipped to restrain the passenger in the seat and protect the passenger from the moving parts of the bicycle;

8. "Passenger" means any person who travels on a bicycle in any manner except as an operator; and

9. "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.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 11-1213 of Title 47, unless there is created a duplication in numbering, reads as follows:

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

1. It shall be unlawful for any person under eighteen (18) years of age to operate or be a passenger on a bicycle unless at all times when the person is so engaged, the person wears a protective bicycle helmet of good fit fastened securely upon the head with the straps of the helmet;

2. It shall be unlawful for any person to be a passenger on a bicycle unless all of the following conditions are met:

- a. the person is able to maintain an erect, seated position on the bicycle,
- b. except as provided in subparagraph c of this paragraph, the person is properly seated alone on a saddle seat, and
- c. with respect to any person who weighs fewer than forty (40) pounds, or is less than forty (40) inches in height, the person can be and is properly seated in and adequately secured to a restraining seat;

3. It shall be unlawful for any parent or legal guardian of a person under the age of eighteen (18) to knowingly permit the person to operate or be a passenger on a bicycle in violation of paragraph 1 or 2 of this section; and

4. It shall be unlawful to rent or lease any bicycle to or for the use of any person under the age of eighteen (18) unless:

- a. the person is in possession of a protective bicycle helmet of good fit at the time of the rental or lease, or
- b. the rental or lease includes a protective bicycle helmet of good fit, and the person intends to wear the

helmet, as required by paragraph 1 of this section, at all times while operating or being a passenger on the bicycle.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 11-1214 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. Except as provided in subsection B of this section, any person violating any requirement set forth in Section 4 of this act shall be guilty of a violation and upon conviction sentenced to pay a civil fine of Thirty Dollars (\$30.00), inclusive of all penalty assessments and court costs.

B. In the case of a first conviction within a twelve month period of violating either paragraph 1, 2, 3 or 4 of Section 4 of this act, the court may waive the fine upon receipt of satisfactory proof that the convicted person has since the date of the violation purchased or otherwise obtained, as appropriate, a protective bicycle helmet or a restraining seat, and uses and intends to use the same as required by the Child Bicycle Safety Act.

SECTION 6. This act shall become effective September 1, 1994.

44-2-8091 AJW