

ENROLLED HOUSE
CONCURRENT
RESOLUTION NO. 1003

By: Voskuhl of the House

and

Weedn of the Senate

A Concurrent Resolution stating legislative intent on bicycle-related brain injuries; encouraging municipalities to enact ordinances requiring bicycle helmet use for persons less than sixteen years of age on bicycles under the jurisdiction of a municipality; and directing distribution.

WHEREAS, traumatic brain injuries are the leading cause of death among children and young adults in Oklahoma, and after the first year of life, traumatic brain injuries result in more childhood deaths than all diseases combined; and

WHEREAS, persons who suffer severe brain injuries have persistent physical and behavioral problems which may require months or years of rehabilitation, and survivors and families of persons who experience traumatic brain injuries often face enormous financial, emotional, and social problems; and

WHEREAS, persons who suffer mild and moderate brain injuries often have persistent headaches, behavioral problems, and difficulties performing tasks at home, work, or school; and

WHEREAS, bicycle crashes are a leading cause of brain injuries among children five (5) through fourteen (14) years of age in Oklahoma.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE 1ST SESSION OF THE 46TH OKLAHOMA LEGISLATURE, THE SENATE CONCURRING THEREIN:

THAT the State of Oklahoma is concerned about the safe operation of bicycles on public highways, public rights-of-way, and public land.

THAT municipalities are hereby encouraged to enact reasonable ordinances requiring the use of safety helmets by bicycle operators and passengers who are less than sixteen (16) years of age.

THAT it is recommended the municipal ordinances include the following components:

1. The provisions of the ordinances shall be applicable throughout the municipality on public rights-of-way, including but not limited to, streets and highways, publicly owned land, and publicly owned facilities under the jurisdiction of the municipality, or other subdivisions of the municipality;

2. A parent, guardian, or legal custodian of a minor shall not authorize or knowingly permit the minor to violate the ordinances;

3. For purposes of the ordinances, wearing a helmet means having a helmet of good fit fastened securely upon the head with a strap or otherwise;

4. For purposes of the ordinances, a bicycle shall be defined as a vehicle designed:

- a. to be propelled only by human power,
- b. to carry one or more persons, and
- c. with two (2) wheels, one of which is at least sixteen (16) inches in diameter,

and shall include bicycles equipped with training wheels; and

5. A person who provides bicycles for hire shall be prohibited from renting a bicycle to a person unless every person who is less than sixteen (16) years of age and will ride on the bicycle has a bicycle helmet.

THAT bicycle helmets should meet or exceed the standards then in effect as set either by the American National Standards Institute, the Snell Memorial Foundation, or any other nationally recognized standard-setting organization, as such standard may be amended or revised from time to time.

THAT municipalities shall determine penalties for violation of the ordinances and that recommended penalties shall include a fine of Twenty-five Dollars (\$25.00) or less.

THAT municipal ordinances pertaining to fines include the following components:

1. Municipal courts may waive any fine for a first violation of the ordinance if the person establishes that between the date of the violation and the date of trial the person obtained a bicycle safety helmet which meets the requirements of the ordinance; and

2. The failure of any person to comply with the provisions of the ordinance shall not constitute contributory negligence or assumption of the risk, and shall not in any way bar, preclude, or foreclose an action for personal injury or wrongful death by or on behalf of such persons nor in any way diminish or reduce the damages recoverable in any such action.

THAT copies of this resolution be distributed to the Oklahoma Municipal League.

Adopted by the House of Representatives the 25th day of
February, 1997.

of Speaker of the House
s Representative

Adopted by the Senate the 1st day of April, 1997.

Senate President of the