

HOUSE BILL No. 1174

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-13-2; IC 9-21-23; IC 10-15-3-15.

Synopsis: Youth helmet requirements. Requires an individual who is less than 18 years of age to wear a protective helmet when operating or riding on a bicycle or a bicycle child carrier, a skateboard, roller skates, inline skates, or a nonmotorized scooter while on public property (the helmet requirement). Provides that effective July 1, 2021: (1) an individual who violates the helmet requirement; or (2) a parent or guardian of an individual who authorizes or knowingly permits the individual to violate the helmet requirement; commits a Class D infraction punishable by a fine of not more than \$25. Provides that a law enforcement officer may impound a bicycle or a bicycle child carrier, a skateboard, roller skates, inline skates, or a nonmotorized scooter used in a violation of the helmet requirement, and that the law enforcement agency may not release the bicycle or bicycle child carrier, skateboard, roller skates, inline skates, or nonmotorized scooter until the parent or guardian of the individual who committed the violation: (1) appears in person at an office of the law enforcement agency that issued the citation; and (2) provides proof to the law enforcement agency that the individual less than 18 years of age has a protective helmet that complies with the helmet requirement. Provides that: (1) the failure to comply with the helmet requirement does not constitute fault and does not limit the liability of an insurer; and (2) evidence of the failure to comply with the helmet requirement may not be admitted in a civil action to mitigate damages. Establishes the youth helmet requirement fund (fund) administered by the Indiana homeland security foundation (foundation). Provides that the foundation shall, using money from the fund, purchase and distribute protective helmets to
(Continued next page)

Effective: July 1, 2020.

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January 8, 2020, read first time and referred to Committee on Veterans Affairs and Public Safety.



Digest Continued

each public safety agency requesting the protective helmets. Provides that the public safety agency receiving protective helmets from the foundation shall provide protective helmets to persons less than 18 years of age who: (1) attend an Indiana public school; and (2) qualify for the federal free or reduced price lunch program. Provides that each public safety agency requesting the protective helmets shall: (1) verify that the protective helmet is going to an individual less than 18 years of age; and (2) properly fit the protective helmet on the individual. Provides that, effective July 1, 2021, a township trustee shall contribute a certain amount of money annually to the fund and allows for any unused township contributions at the end of a fiscal year to be deducted from the required annual township contribution for the following fiscal year. Provides that a township trustee shall replenish and replace protective helmets that have been initially distributed by the foundation every fiscal year on an as needed basis.



Second Regular Session of the 121st General Assembly (2020)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

HOUSE BILL No. 1174



A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 9-13-2-14.5 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2020]: **Sec. 14.5. "Bicycle child carrier", for purposes of**
- 4 **IC 9-21-23, has the meaning set forth in IC 9-21-23-2.**
- 5 SECTION 2. IC 9-13-2-80.3 IS ADDED TO THE INDIANA CODE
- 6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 7 1, 2020]: **Sec. 80.3. "Inline skates", for purposes of IC 9-21-23, has**
- 8 **the meaning set forth in IC 9-21-23-3.**
- 9 SECTION 3. IC 9-13-2-111.5 IS ADDED TO THE INDIANA
- 10 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 11 [EFFECTIVE JULY 1, 2020]: **Sec. 111.5. "Nonmotorized scooter",**
- 12 **for purposes of IC 9-21-23, has the meaning set forth in**
- 13 **IC 9-21-23-4.**
- 14 SECTION 4. IC 9-13-2-145.5 IS ADDED TO THE INDIANA
- 15 CODE AS A **NEW** SECTION TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2020]: **Sec. 145.5. "Public safety agency", for**
 2 **purposes of IC 9-21-23, has the meaning set forth in IC 9-21-23-5.**

3 SECTION 5. IC 9-13-2-157.3 IS ADDED TO THE INDIANA
 4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 5 [EFFECTIVE JULY 1, 2020]: **Sec. 157.3. "Roller skates", for**
 6 **purposes of IC 9-21-23, has the meaning set forth in IC 9-21-23-6.**

7 SECTION 6. IC 9-13-2-167.2 IS ADDED TO THE INDIANA
 8 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2020]: **Sec. 167.2. "Skateboard", for**
 10 **purposes of IC 9-21-23, has the meaning set forth in IC 9-21-23-7.**

11 SECTION 7. IC 9-21-23 IS ADDED TO THE INDIANA CODE AS
 12 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 13 1, 2020]:

14 **Chapter 23. Helmet Requirement for Use of Bicycles or Bicycle**
 15 **Child Carriers, Skateboards, Roller Skates, Inline Skates, or**
 16 **Nonmotorized Scooters**

17 **Sec. 1. This chapter does not apply to the use of a bicycle or**
 18 **bicycle child carrier, skateboard, roller skates, inline skates, or**
 19 **nonmotorized scooter on private property.**

20 **Sec. 2. As used in this chapter, "bicycle child carrier" means:**

- 21 (1) a device manufactured to carry and transport a child on
 22 a bicycle; or
 23 (2) a trailer tandem manufactured to carry and transport a
 24 child that is towed by a bicycle.

25 **Sec. 3. As used in this chapter, "inline skates" means shoes to**
 26 **which wheels are:**

- 27 (1) attached; and
 28 (2) arranged singly in a tandem line rather than in pairs.

29 **Sec. 4. As used in this chapter, "nonmotorized scooter" means**
 30 **a foot operated vehicle consisting of:**

- 31 (1) a footboard mounted between two (2) wheels arranged in
 32 tandem; and
 33 (2) an upright steering handle that is attached to the front
 34 wheel.

35 **Sec. 5. As used in this chapter, "public safety agency" means:**

- 36 (1) a state or local law enforcement agency;
 37 (2) a state or local fire protection agency, including a
 38 volunteer fire department; or
 39 (3) an entity that provides emergency medical services (as
 40 defined in IC 16-18-2-110).

41 **Sec. 6. As used in this chapter, "roller skates" means:**

- 42 (1) shoes to which a set of wheels is attached; or



1 **(2) a frame:**

2 **(A) to which wheels are attached; and**

3 **(B) that can be fitted to the sole of a shoe.**

4 **Sec. 7. As used in this chapter, "skateboard" means a short**
 5 **footboard mounted on wheels that is used for coasting and**
 6 **performing stunts.**

7 **Sec. 8. (a) A person less than eighteen (18) years of age who**
 8 **operates or rides on:**

9 **(1) a bicycle or bicycle child carrier;**

10 **(2) a skateboard;**

11 **(3) roller skates;**

12 **(4) inline skates; or**

13 **(5) a nonmotorized scooter;**

14 **on public property shall wear a protective helmet at all times while**
 15 **the person is in motion on the bicycle or bicycle child carrier,**
 16 **skateboard, roller skates, inline skates, or nonmotorized scooter.**

17 **(b) Subject to subsection (c), a protective helmet required by**
 18 **this section must:**

19 **(1) meet or exceed the minimum bicycle helmet safety**
 20 **standards set by the:**

21 **(A) American National Standards Institute (ANSI);**

22 **(B) United States Consumer Product Safety Commission**
 23 **(CPSC);**

24 **(C) American Society for Testing and Materials (ASTM);**
 25 **or**

26 **(D) Snell Memorial Foundation;**

27 **(2) properly fit the person wearing the helmet;**

28 **(3) be in working condition; and**

29 **(4) be securely fastened to the wearer's head with the helmet's**
 30 **straps.**

31 **(c) A skateboard helmet must meet:**

32 **(1) all the requirements described in subsection (b); or**

33 **(2) the American Society for Testing and Materials (ASTM)**
 34 **F1492 skateboard helmet standard.**

35 **Sec. 9. (a) This section applies after June 30, 2021.**

36 **(b) A person who violates this chapter commits a Class D**
 37 **infraction.**

38 **(c) Except as provided in IC 34-28-5-4, a civil judgment of not**
 39 **more than twenty-five dollars (\$25) may be imposed for a violation**
 40 **of this chapter.**

41 **(d) A law enforcement officer who observes a violation of this**
 42 **chapter may:**



1 (1) issue a citation to:

2 (A) the individual; or

3 (B) the parent or guardian of the individual;

4 the law enforcement officer observes violating this chapter;
5 and

6 (2) impound the bicycle or bicycle child carrier, skateboard,
7 roller skates, inline skates, or nonmotorized scooter used in
8 the commission of the violation.

9 (e) The law enforcement agency that employs a law enforcement
10 officer who impounds a bicycle or bicycle child carrier, a
11 skateboard, roller skates, inline skates, or a nonmotorized scooter
12 under subsection (d) may hold the bicycle or bicycle child carrier,
13 skateboard, roller skates, inline skates, or nonmotorized scooter
14 until the parent or guardian of the individual who committed the
15 violation:

16 (1) appears in person at an office of the law enforcement
17 agency designated on the citation issued by the law
18 enforcement agency for the violation; and

19 (2) provides proof to the law enforcement agency under
20 subdivision (1) that the individual less than eighteen (18) years
21 of age has a protective helmet that complies with section 8 of
22 this chapter.

23 Sec. 10. A:

24 (1) parent of a child less than eighteen (18) years of age; or

25 (2) guardian of a protected person (as defined in IC 29-3-1-13)
26 less than eighteen (18) years of age;

27 may not authorize or knowingly permit the child or protected
28 person to violate this chapter.

29 Sec. 11. (a) Failure to comply with section 8 or 9 of this chapter
30 does not constitute fault under IC 34-51-2 and does not limit the
31 liability of an insurer, as applicable.

32 (b) Evidence of the failure to comply with section 8 or 9 of this
33 chapter may not be admitted in a civil action to mitigate damages.

34 Sec. 12. (a) The Indiana homeland security foundation
35 established by IC 10-15-2-1 shall administer the youth helmet
36 requirement fund established by IC 10-15-3-15.

37 (b) Money from the youth helmet requirement fund shall be
38 used to purchase protective helmets to be distributed to a public
39 safety agency requesting the protective helmets to comply with the
40 youth helmet requirement as described in section 8 of this chapter,
41 so long as sufficient funds are available and the individuals from
42 the public safety agency have successfully received training on



- 1 helmet selection and fitting.
- 2 **Sec. 13. (a) The Indiana homeland security foundation shall**
- 3 **distribute protective helmets purchased under this chapter to each**
- 4 **public safety agency requesting the protective helmets.**
- 5 **(b) The public safety agency receiving protective helmets from**
- 6 **the Indiana homeland security foundation as described under**
- 7 **subsection (a) shall provide protective helmets to persons less than**
- 8 **eighteen (18) years of age who:**
- 9 **(1) attend an Indiana public school; and**
- 10 **(2) qualify for the federal free or reduced price lunch**
- 11 **program;**
- 12 **in order for the persons to comply with the helmet requirement**
- 13 **under this chapter.**
- 14 **(c) Each public safety agency requesting the protective helmets**
- 15 **under subsection (a) shall:**
- 16 **(1) verify that the protective helmet is going to an individual**
- 17 **less than eighteen (18) years of age; and**
- 18 **(2) properly fit the protective helmet on the individual.**
- 19 **Sec. 14. (a) This section applies after June 30, 2021.**
- 20 **(b) A township trustee shall contribute annually to the youth**
- 21 **helmet requirement fund established by IC 10-15-3-15 in the**
- 22 **following amount:**
- 23 **(1) A township with a population of one hundred eighty**
- 24 **thousand (180,000) or more shall contribute twenty thousand**
- 25 **dollars (\$20,000).**
- 26 **(2) A township with a population of more than forty-nine**
- 27 **thousand (49,000) but less than one hundred eighty thousand**
- 28 **(180,000) shall contribute ten thousand dollars (\$10,000).**
- 29 **(3) A township with a population of more than nine thousand**
- 30 **nine hundred ninety-nine (9,999) but less than fifty thousand**
- 31 **(50,000) shall contribute five thousand dollars (\$5,000).**
- 32 **(4) A township with a population of more than zero (0) but**
- 33 **less than ten thousand (10,000) shall contribute one thousand**
- 34 **dollars (\$1,000).**
- 35 **(c) At the end of a fiscal year, any unused township**
- 36 **contributions described in subsection (b) shall be deducted from**
- 37 **the required annual township contribution for the following fiscal**
- 38 **year.**
- 39 **(d) A township trustee shall replenish and replace protective**
- 40 **helmets that have been initially purchased and distributed by the**
- 41 **Indiana homeland security foundation under this chapter to an**
- 42 **individual who qualifies for a free protective helmet under section**



1 **13 of this chapter on an as needed basis.**
2 SECTION 8. IC 10-15-3-15 IS ADDED TO THE INDIANA CODE
3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
4 1, 2020]: **Sec. 15. (a) The youth helmet requirement fund is**
5 **established for the purpose of providing protective helmets under**
6 **IC 9-21-23 to individuals less than eighteen (18) years of age. The**
7 **Indiana homeland security foundation shall administer the fund.**
8 **The fund consists of donations, gifts, and money received from any**
9 **source, including transfers from other funds or accounts. Money**
10 **described in this fund shall be used to comply with the youth**
11 **helmet requirement as described in IC 9-21-23.**
12 (b) The expenses of administering the fund shall be paid from
13 money in the fund.
14 (c) The treasurer of state shall invest the money in the fund not
15 currently needed to meet the obligations of the fund in the same
16 manner as other public money may be invested. Interest that
17 accrues from these investments shall be deposited in the fund.
18 (d) Money in the fund at the end of a state fiscal year does not
19 revert to the state general fund.

