

**BICYCLE HELMET REQUIREMENTS**

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kraig Powell**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies the Traffic Code by amending provisions relating to protective headgear requirements when operating a bicycle or moped on a highway.

**Highlighted Provisions:**

This bill:

- ▶ provides that an owner of a bicycle or moped may not knowingly allow a person under the age of 12 to operate or ride on a bicycle or moped on a highway unless the person is wearing protective headgear;
- ▶ adopts the standards and specifications with which the protective headgear must comply; and
- ▶ provides that the failure to wear protective headgear:
  - does not constitute contributory or comparative negligence on the part of a person seeking recovery for injuries; and
  - may not be introduced as evidence in any civil litigation on the issue of negligence, injuries, or the mitigation of damages.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**



28 ENACTS:

29 **41-6a-1114.5**, Utah Code Annotated 1953

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31 *Be it enacted by the Legislature of the state of Utah:*

32 Section 1. Section **41-6a-1114.5** is enacted to read:

33 **41-6a-1114.5. Bicycle or moped -- Protective headgear.**

34 (1) (a) The owner of a bicycle or moped may not knowingly allow a person under the  
35 age of 12 to operate or ride on a bicycle or moped on a highway unless the person is wearing  
36 protective headgear that complies with specifications adopted under Subsection (2).

37 (b) For purposes of this section, a person under the age of 18 may not be considered to  
38 be the owner of a bicycle or moped.

39 (2) The protective headgear described in Subsection (1) shall comply with standards  
40 and specifications identified in 16 C.F.R. Part 1203 related to bicycle helmets.

41 (3) The failure to wear protective headgear:

42 (a) does not constitute contributory or comparative negligence on the part of a person  
43 seeking recovery for injuries; and

44 (b) may not be introduced as evidence in any civil litigation on the issue of negligence,  
45 injuries, or the mitigation of damages.

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**Legislative Review Note**  
**as of 2-15-11 12:57 PM**

**Office of Legislative Research and General Counsel**