

1 H.2

2 Introduced by Representatives Harrison of Chittenden and Till of Jericho

3 Referred to Committee on

4 Date:

5 Subject: Bicycles; children; helmets

6 Statement of purpose of bill as introduced: This bill proposes to require a child
7 under 16 years of age to wear a bicycle helmet while operating, or as a
8 passenger on, a bicycle on a highway, bicycle route, or trail and to establish
9 other obligations and limitations on liability with respect to the helmet
10 requirement.

11 An act relating to bicycle helmets

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. 23 V.S.A. § 1137a is added to read:

14 § 1137a. BICYCLE HELMETS

15 (a) Definitions. As used in this section:

16 (1) “Bicycle helmet” means protective headgear intended for bicycle
17 operators and passengers that meets or exceeds the standards of the Consumer
18 Products Safety Commission.

19 (2) “Bicycle route” has the same meaning as in 19 V.S.A. § 2301(2) and
20 includes bicycle lanes and bicycle paths.

1 (3) "Trail" has the same meaning as in 19 V.S.A. § 301(8).

2 (b) Helmet requirement.

3 (1) A child under 16 years of age shall wear a securely fastened bicycle
4 helmet when he or she operates or is a passenger on a bicycle on a highway,
5 bicycle route, or trail.

6 (2) A parent or guardian of a child under 16 years of age who is on a
7 bicycle with the child, or who is proximate to the child, shall make reasonable
8 efforts to ensure that the child complies with subdivision (1) of this subsection.

9 (c) Enforcement. If an individual violates subsection (b) of this section and
10 is subject to a traffic stop by an enforcement officer:

11 (1) In the case of a first offense, the enforcement officer shall provide
12 the individual information about the requirements of this section.

13 (2) In the case of a second or subsequent offense:

14 (A) a child who violates subdivision (b)(1) of this section shall be
15 subject to a civil penalty of not more than \$25.00;

16 (B) a parent or guardian who violates subdivision (b)(2) of this
17 section shall be subject to a civil penalty of not more than \$75.00, and
18 subsection 1096(b) of this title shall not apply; and

19 (C) the penalties prescribed in this subdivision (c)(2) shall be exempt
20 from the surcharges under 13 V.S.A. § 7282.

1 (d) Obligation of rental businesses. A person who is in the business of
2 renting bicycles shall post in a conspicuous location at the person's place of
3 business a notice of the requirements of this section. Upon request, an
4 appropriate helmet shall be provided to an operator or passenger who is under
5 16 years of age, and a reasonable fee may be charged for the helmet rental. A
6 rental business that complies with this subsection is not liable in a civil suit for
7 damages for any physical injuries sustained by a bicycle operator or passenger
8 as a result of the operator's or passenger's failure to use a helmet or to fasten a
9 helmet securely.

10 (e) Education. The Department of Motor Vehicles, in consultation with the
11 Department of Health, may create educational materials and conduct a
12 campaign to raise public awareness of the dangers of riding bicycles without a
13 securely fastened bicycle helmet and to promote the use of bicycle helmets
14 while riding bicycles.

15 Sec. 2. 23 V.S.A. § 1143 is amended to read:

16 § 1143. NOT EVIDENCE OF NEGLIGENCE

17 A violation of any provision of sections 1136 through 1141 of this title by
18 any person under 16 years of age is not negligence ~~or~~ and shall not be admitted
19 as evidence of negligence in any proceeding.

1 Sec. 3. 23 V.S.A. § 1096 is amended to read:

2 § 1096. GENERAL PENALTIES

3 * * *

4 (b) ~~A~~ Except as otherwise provided in subsection 1137a(c) of this title, a
5 parent or guardian who knowingly permits a child under ~~the age of~~ 16 years, of
6 age in his or her custody, to violate any provision of sections 1136 through
7 1141, inclusive, of this title shall be ~~fin~~ subject to a civil penalty of not more
8 than \$25.00.

9 Sec. 4. EFFECTIVE DATE

10 This act shall take effect on July 1, 2019.