



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB6114

Introduced 2/11/2010, by Rep. Julie Hamos

SYNOPSIS AS INTRODUCED:

625 ILCS 5/1-148.3f new
625 ILCS 5/11-1517 new

Amends the Illinois Vehicle Code. Provides that the amendatory Act may be referred to as the Child Bicycle Helmet Safety Law. Provides that it is unlawful for any person under the age of 18 to operate or be a passenger on a bicycle on a highway, multipurpose public path, or other public right-of-way unless at all times when the person is so-engaged he or she wears a protective bicycle helmet of good fit fastened securely upon the head with the straps of the helmet. Provides that it is unlawful for any person to be a passenger on a bicycle on a highway, multipurpose public path, or other public right-of-way unless (i) the person is able to maintain an erect, seated position on the bicycle and is at least one year of age, (ii) the person is properly seated alone on a saddle seat, or (iii) with respect to any person who weighs fewer than 40 pounds, or is less than 40 inches in height, the person can be and is properly seated in and adequately secured to a bicycle safety seat. Provides that it is a civil offense for any parent or legal guardian of a person below the age of 18 to permit the person to operate or be a passenger on a bicycle in an unlawful manner. Provides that it is unlawful to rent or lease any bicycle to or for the use of any person under the age of 18 on a highway, multipurpose public path, or other public right-of-way unless certain conditions are met. Effective immediately.

LRB096 17880 AJT 33248 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning transportation, which may be referred to
2 as the Child Bicycle Helmet Safety Law.

3 **Be it enacted by the People of the State of Illinois,**
4 **represented in the General Assembly:**

5 Section 1. Legislative findings.

6 (a) The General Assembly finds the following:

7 (1) Disability and death of children resulting from
8 injuries sustained in bicycling crashes are a serious
9 threat to the public health, welfare, and safety of the
10 people of this State, and the prevention of such disability
11 and death is a goal of the people.

12 (2) Head injuries are the leading cause of disability
13 and death from bicycling crashes.

14 (3) The risk of head injury from bicycling crashes is
15 significantly reduced for bicyclists who wear proper
16 protective bicycle helmets, but helmets are not worn by
17 most child bicyclists nationwide.

18 (4) The risk of head injury or of any other injury to a
19 small child who is a passenger on a bicycle operated by
20 another person would be significantly reduced if any
21 child-passenger sat in a separate seat, such as a saddle
22 seat on a tandem bicycle or a bicycle safety seat designed
23 for a bicycle.

24 (b) The purpose of this Act is to reduce the incidence of

1 disability and death resulting from injuries incurred in
2 bicycling crashes by requiring:

3 (1) that while riding on a bicycle on the highways,
4 multipurpose public paths, and other public rights-of-way
5 of this State, all bicycle operators and passengers under
6 the age of 18 years wear protective bicycle helmets
7 approved by the U.S. Consumer Product Safety Commission;

8 (2) that all bicycle passengers who weigh less than 40
9 lbs or are less than 40 inches in height be seated in
10 separate child passenger seats; and

11 (3) that no person who is unable to maintain an erect,
12 seated position or is less than one year of age shall be a
13 passenger on a bicycle safety seat and all other bicycle
14 passengers shall be seated on saddle seats.

15 Section 5. The Illinois Vehicle Code is amended by adding
16 Sections 1-148.3f and 11-1517 as follows:

17 (625 ILCS 5/1-148.3f new)

18 Sec. 1-148.3f. Multipurpose public path. A right-of-way
19 under the jurisdiction and control of this State or local
20 authorities for use primarily by bicycles or pedestrians or
21 both.

22 (625 ILCS 5/11-1517 new)

23 Sec. 11-1517. Bicycle helmets and safety seats.

1 (a) As used in this Section:

2 "Bicycle safety seat" means a seat, separate from that of
3 the operator of the bicycle, that is fastened securely to the
4 frame of the bicycle and is adequately equipped to protect the
5 passenger from the moving parts of the bicycle.

6 "Other public right-of-way" means any right-of-way other
7 than a highway or multipurpose public path that is under the
8 jurisdiction and control of this State or local authorities and
9 is designed for use and used by vehicular or pedestrian traffic
10 or both.

11 "Passenger" means any person who travels on a bicycle in
12 any manner except as an operator.

13 "Protective bicycle helmet" means a piece of headgear which
14 meets or exceeds the impact standards for protective bicycle
15 helmets set by:

16 (1) the U.S. Consumer Product Safety Commission for
17 headgear purchased on or after March 10, 1999; or

18 (2) the American National Standards Institute (ANSI),
19 the American Society of Testing and Materials (ASTM), or
20 the Snell Memorial Foundation for headgear purchased
21 before March 10, 1999.

22 (b) It shall be unlawful for any person under the age of 18
23 to operate or be a passenger on a bicycle on a highway,
24 multipurpose public path, or other public right-of-way unless
25 at all times when the person is so-engaged he or she wears a
26 protective bicycle helmet of good fit fastened securely upon

1 the head with the straps of the helmet.

2 (c) It shall be unlawful for any person to be a passenger
3 on a bicycle on a highway, multipurpose public path, or other
4 public right-of-way unless all of the following conditions are
5 met:

6 (1) The person is able to maintain an erect, seated
7 position on the bicycle and is at least one year of age;

8 (2) Except as provided in paragraph (3) of this
9 subsection, the person is properly seated alone on a saddle
10 seat; and

11 (3) With respect to any person who weighs fewer than 40
12 pounds, or is less than 40 inches in height, the person can
13 be and is properly seated in and adequately secured to a
14 bicycle safety seat.

15 (d) It shall be unlawful for any parent or legal guardian
16 of a person below the age of 18 to permit the person to operate
17 or be a passenger on a bicycle in violation of subsections (b)
18 or (c) of this Section. A person violating this subsection
19 shall be guilty of a civil offense and pay a civil penalty not
20 exceeding \$30 including court costs. In the case of a first
21 offense in a 12 month period, the court may waive the civil
22 penalty upon receipt of satisfactory proof that the person in
23 violation of this subsection has since the date of the
24 violation purchased or otherwise obtained an appropriate
25 protective bicycle helmet or bicycle safety seat.

26 (e) It shall be unlawful to rent or lease any bicycle to or

1 for the use of any person under the age of 18 on a highway,
2 multipurpose public path, or other public right-of-way unless:

3 (1) the person is in possession of a protective bicycle
4 helmet of good fit at the time of such rental or lease; or

5 (2) the rental or lease includes a protective bicycle
6 helmet of good fit, and the person intends to wear the
7 helmet, as required by subsection (b) of this Section, at
8 all times while operating or being a passenger on the
9 bicycle.

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.