



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB2627

Introduced 1/21/2010, by Sen. Ira I. Silverstein

SYNOPSIS AS INTRODUCED:

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

Amends the Illinois Vehicle Code. Provides that it is unlawful for any person under the age of 16 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, 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 12 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 16 on a highway, multipurpose public path, or other public right-of-way unless certain conditions are met. Provides that in no event shall failure to wear a protective bicycle helmet or to secure a passenger to a restraining seat be admissible as evidence in a trial of any civil action. Provides that a law enforcement officer observing any violation of this amendatory Act shall issue a warning to the person for the first offense and a citation to the person for the second or subsequent offense, but shall not arrest or take into custody any person solely for a violation of this amendatory Act. Effective immediately.

LRB096 16886 AJT 32198 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

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

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

6 (625 ILCS 5/1-148.3f new)

7 Sec. 1-148.3f. Multipurpose public path. A right-of-way
8 under the jurisdiction and control of this State or local
9 authorities for use primarily by bicycles or pedestrians or
10 both.

11 (625 ILCS 5/11-1517 new)

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

13 (a) The purpose of this Section is to reduce the incidence
14 of disability and death resulting from injuries incurred in
15 bicycling accidents by requiring that, while riding on a
16 bicycle on state highways, streets and sidewalks, all bicycle
17 operators and passengers under 16 years of age wear approved
18 protective bicycle helmets; and that all bicycle passengers who
19 weigh less than 40 pounds or who are less than 40 inches in
20 height be seated in separate restraining seats.

21 (b) As used in this Section:

22 "Bicycle safety seat" means a seat, separate from that of

1 the operator of the bicycle, that is fastened securely to the
2 frame of the bicycle and is adequately equipped to restrain the
3 passenger in the seat and protect the passenger from the moving
4 parts of the bicycle.

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

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

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

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

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

21 (c) It shall be unlawful for any person under the age of 16
22 to operate or be a passenger on a bicycle on a highway,
23 multipurpose public path, or other public right-of-way unless
24 at all times when the person is so-engaged he or she wears a
25 protective bicycle helmet of good fit fastened securely upon
26 the head with the straps of the helmet.

1 (d) It shall be unlawful for any person to be a passenger
2 on a bicycle on a highway, multipurpose public path, or other
3 public right-of-way unless, with respect to any person who
4 weighs fewer than 40 pounds or is less than 40 inches in
5 height, the person can be and is properly seated in and
6 adequately secured to a bicycle safety seat.

7 (e) It shall be unlawful for any parent or legal guardian
8 of a person below the age of 12 to permit the person to operate
9 or be a passenger on a bicycle in violation of subsections (c)
10 or (d) of this Section. A person violating this subsection is
11 subject to a civil penalty not exceeding \$2, plus court costs.
12 In the case of a first offense in a 12 month period, the court
13 shall waive the civil penalty upon receipt of satisfactory
14 proof that the person in violation of this subsection has since
15 the date of the violation purchased or otherwise obtained an
16 appropriate protective bicycle helmet or bicycle safety seat.

17 (e) It shall be unlawful to rent or lease any bicycle to or
18 for the use of any person under the age of 16 on a highway,
19 multipurpose public path, or other public right-of-way unless:

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

22 (2) the rental or lease includes a protective bicycle
23 helmet of good fit, and the person intends to wear the
24 helmet, as required by subsection (c) of this Section, at
25 all times while operating or being a passenger on the
26 bicycle.

1 (f) In no event shall failure to wear a protective bicycle
2 helmet or to secure a passenger to a restraining seat be
3 admissible as evidence in a trial of any civil action.

4 (g) A law enforcement officer observing any violation of
5 this Section shall issue a warning to the person for the first
6 offense and a citation to the person for the second or
7 subsequent offense, but shall not arrest or take into custody
8 any person solely for a violation of this Section.

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