

2002 2003
HUMAN RESOURCES

HOUSE FILE 473
BY FORD

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act requiring protective headgear for juvenile bicyclists,
2 creating a bicycle safety fund, and providing for a helmet
3 rental fee and a penalty.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 473

1 Section 1. NEW SECTION. 135.113 BICYCLE HELMET LIST --
2 BICYCLE SAFETY FUND.

3 1. The director shall publish a list of bicycle helmets
4 which meet the standards of the American national standards
5 institute or the 1990 standard for protective headgear for use
6 in bicycling produced by the Snell memorial foundation or
7 another appropriate standard as adopted by the director by
8 rule.

9 2. A bicycle safety fund is created in the state treasury
10 under the control of the department. All moneys collected in
11 fines for bicycle helmet violations under section 321.435
12 shall be deposited in the fund. Moneys in the fund shall be
13 used to provide bicycle safety education programs and assist
14 low-income families in purchasing bicycle helmets approved by
15 the director pursuant to subsection 1. Notwithstanding
16 section 12C.7, subsection 2, interest or earnings on moneys
17 deposited in the fund shall accrue to the fund.

18 Sec. 2. NEW SECTION. 321.435 BICYCLE HELMETS.

19 1. a. A youth, as defined in this section, shall not
20 operate a bicycle, or ride on a bicycle as a passenger, unless
21 the youth is wearing a properly fitted and fastened bicycle
22 helmet which meets the standards of the American national
23 standards institute or the 1990 standard for protective
24 headgear for use in bicycling produced by the Snell memorial
25 foundation or another appropriate standard as adopted by the
26 director of the department of public health pursuant to
27 section 135.113.

28 b. A youth who rides on a bicycle while in a restraining
29 seat which is attached to the bicycle or in a trailer towed by
30 a bicycle shall also wear a helmet as required by this
31 section.

32 2. a. A person regularly engaged in the business of
33 renting bicycles shall require each person seeking to rent a
34 bicycle to provide the person's signature either on the rental
35 form or on a separate form indicating both of the following:

1 (1) Receipt of a written explanation of the provisions of
2 this section and the penalties for violations.

3 (2) A statement concerning whether a youth will operate
4 the bicycle.

5 b. A person regularly engaged in the business of renting
6 bicycles shall provide a helmet to a youth required to wear a
7 helmet under this section who will operate the bicycle, ride
8 on the bicycle, or be towed by the bicycle, if the youth does
9 not already have a helmet. A reasonable fee may be charged
10 for the helmet rental.

11 c. A person regularly engaged in the business of renting
12 bicycles who complies with this section is not liable for
13 damages for any injuries sustained by a bicycle operator or
14 passenger as a result of the operator's or passenger's failure
15 to wear a helmet or to wear a properly fitted or fastened
16 helmet in violation of this section.

17 3. a. A youth who violates subsection 1 shall receive a
18 warning of the violation. The parent or legal guardian of a
19 youth who violates subsection 1 prior to July 1, 2002, shall
20 also receive a warning of the violation. The parent or legal
21 guardian of a youth who violates subsection 1 on or after July
22 1, 2002, is subject to a scheduled fine under section 805.8,
23 subsection 2, paragraph "aj", unless the parent or legal
24 guardian, within a reasonable time, provides proof that the
25 youth has acquired a bicycle helmet which meets the standards
26 in subsection 1.

27 b. A person who violates subsection 2 on or after
28 September 1, 2001, is subject to a scheduled fine under
29 section 805.8, subsection 2, paragraph "aj".

30 4. For purposes of this section, "youth" means a child
31 under twelve years of age except for a child under twelve
32 years of age who has completed the fifth grade.

33 Sec. 3. Section 805.8, subsection 2, Code 2001, is amended
34 by adding the following new paragraph:

35 NEW PARAGRAPH. aj. For violations of section 321.435

1 which are subject to a fine pursuant to that section, the
2 scheduled fine is fifteen dollars. Notwithstanding sections
3 602.8106 and 602.8108, all moneys collected pursuant to this
4 paragraph shall be deposited in the bicycle safety fund
5 created in section 135.113.

6 Sec. 4. IMPLEMENTATION OF ACT. Section 25B.2, subsection
7 3, shall not apply to this Act.

8 EXPLANATION

9 This bill requires persons under 12 years of age, except
10 persons under 12 who have completed the fifth grade, who are
11 operating or riding on a bicycle, including children in
12 restraining seats or trailers, to wear bicycle helmets. It
13 provides for a warning to be issued to a violator and, for
14 violations occurring prior to July 1, 2002, to the parent or
15 legal guardian of a violator. The parent or legal guardian of
16 a violator is subject to a scheduled fine of \$15 for
17 violations occurring on or after July 1, 2002, unless the
18 parent or legal guardian provides proof of acquisition of a
19 bicycle helmet within a reasonable time.

20 The bill requires persons renting bicycles to the public to
21 have renters sign an acknowledgement form and to provide
22 helmets to renters for a reasonable fee. The bill also
23 provides that persons renting bicycles in compliance with the
24 requirements are not liable for damages sustained as a result
25 of an operator's or passenger's failure to properly wear a
26 helmet. A person violating the requirements on or after
27 September 1, 2001, is also subject to the \$15 scheduled fine.

28 Finally, the bill requires the director of the department
29 of public health to publish a list of approved bicycle helmets
30 and creates a bicycle safety fund under the control of the
31 department of public health to provide bicycle safety
32 education programs and assist low-income families in
33 purchasing bicycle helmets. Moneys collected for violations
34 of this bill are deposited in the bicycle safety fund.

35 The bill may include a state mandate as defined in Code

1 section 25B.3. This bill makes inapplicable Code section
2 25B.2, subsection 3, which would relieve a political
3 subdivision from complying with a state mandate if funding for
4 the cost of the state mandate is not provided or specified.
5 Therefore, political subdivisions are required to comply with
6 any state mandate included in this bill.

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