

AMENDED IN ASSEMBLY JUNE 25, 2002

AMENDED IN SENATE APRIL 11, 2002

SENATE BILL

No. 1924

Introduced by Senator O'Connell
(Coauthor: Senator Speier)
(Coauthor: Assembly Member Dutra)

February 22, 2002

An act to amend Section 21212 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1924, as amended, O'Connell. Vehicles.

Existing law requires a person under 18 years of age to wear a properly fitted and fastened bicycle helmet while operating a bicycle or riding upon a bicycle as a passenger upon the streets or any other public bicycle path.

This bill would also require that persons under 18 years of age wear a helmet while operating a nonmotorized scooter or skateboard, while wearing in-line or roller skates, or while riding upon a nonmotorized scooter or skateboard as a passenger. Because this bill would expand the scope of an existing crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 21212 of the Vehicle Code is amended
2 to read:
3 21212. (a) A person under 18 years of age shall not operate
4 a bicycle, a nonmotorized scooter, or a skateboard, nor shall they
5 wear in-line or roller skates, nor ride upon a bicycle, a
6 nonmotorized scooter, or a skateboard as a passenger, upon a
7 street, bikeway, as defined in Section 890.4 of the Streets and
8 Highways Code, or any other public bicycle path or trail unless that
9 person is wearing a properly fitted and fastened bicycle helmet that
10 meets the standards of ~~the American National Standards Institute~~
11 ~~(ANSI Z 90.4 bicycle helmet standard), the Snell Memorial~~
12 ~~Foundation’s Standard for Protective Headgear for Use in~~
13 ~~Bicycling, or the American Society for Testing Materials (ASTM~~
14 ~~F-1447 standard) either the American Society for Testing and~~
15 ~~Materials (ASTM) or the United States Consumer Product Safety~~
16 ~~Commission (CPSC), or standards subsequently established by~~
17 ~~those entities.~~ This requirement also applies to a person who rides
18 upon a bicycle while in a restraining seat that is attached to the
19 bicycle or in a trailer towed by the bicycle.
20 (b) Any helmet sold or offered for sale for use by operators and
21 passengers of bicycles, nonmotorized scooters, skateboards, or
22 in-line or roller skates shall be conspicuously labeled in
23 accordance with the standard described in subdivision (a) which
24 shall constitute the manufacturer’s certification that the helmet
25 conforms to the applicable safety standards.
26 (c) No person shall sell, or offer for sale, for use by an operator
27 or passenger of a bicycle, nonmotorized scooter, skateboard, or
28 in-line or roller skates any safety helmet which is not of a type
29 meeting requirements established by this section.
30 (d) Any charge under this subdivision shall be dismissed when
31 the person charged alleges in court, under oath, that the charge
32 against the person is the first charge against that person under this
33 subdivision, unless it is otherwise established in court that the
34 charge is not the first charge against the person.



1 (e) Except as provided in subdivision (d), a violation of this
2 section is an infraction punishable by a fine of not more than
3 twenty-five dollars (\$25).

4 The parent or legal guardian having control or custody of an
5 unemancipated minor whose conduct violates this section shall be
6 jointly and severally liable with the minor for the amount of the
7 fine imposed pursuant to this subdivision.

8 (f) Notwithstanding Section 1463 of the Penal Code or any
9 other provision of law, the fines collected for a violation of this
10 section shall be allocated as follows:

11 (1) Seventy-two and one-half percent of the amount collected
12 shall be deposited in a special account of the county health
13 department, to be used for bicycle, nonmotorized scooter,
14 skateboard, and in-line and roller skate safety education and for
15 assisting low-income families in obtaining approved bicycle
16 helmets for children under the age of 18 years, either on a loan or
17 purchase basis. The county may contract for the implementation
18 of this program, which, to the extent practicable, shall be operated
19 in conjunction with the child passenger restraint program pursuant
20 to Section 27360.

21 (2) Two and one-half percent of the amount collected shall be
22 deposited in the county treasury to be used by the county to
23 administer the program described in paragraph (1).

24 (3) If the violation occurred within a city, 25 percent of the
25 amount collected shall be transferred to and deposited in the
26 treasury of that city. If the violation occurred in an unincorporated
27 area, this 25 percent shall be deposited and used pursuant to
28 paragraph (1).

29 SEC. 2. No reimbursement is required by this act pursuant to
30 Section 6 of Article XIII B of the California Constitution because
31 the only costs that may be incurred by a local agency or school
32 district will be incurred because this act creates a new crime or
33 infraction, eliminates a crime or infraction, or changes the penalty
34 for a crime or infraction, within the meaning of Section 17556 of
35 the Government Code, or changes the definition of a crime within
36 the meaning of Section 6 of Article XIII B of the California
37 Constitution.

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