

Introduced by Senator Liu

February 10, 2015

An act to ~~amend Section 21212 of~~ *add and repeal Section 21213 of* the Vehicle Code, relating to bicycles.

LEGISLATIVE COUNSEL'S DIGEST

SB 192, as amended, Liu. Bicycles: helmets.

Existing law prohibits a person under 18 years of age from operating a bicycle, riding on a bicycle as a passenger, or riding in a trailer towed by a bicycle unless the person is wearing a bicycle helmet meeting specified standards. A violation of those provisions is an infraction punishable by a fine of not more than \$25.

~~This bill would require every person, regardless of age, to wear a bicycle helmet when operating a bicycle, riding on a bicycle as a passenger, or riding in a trailer towed by a bicycle. The bill would also require a person engaged in these activities in the darkness to wear retroreflective high-visibility safety apparel, as specified. Because a violation of this requirement would be a crime, the bill would impose a state-mandated local program: require the Office of Traffic Study, in coordination with the Department of the California Highway Patrol, to conduct a comprehensive study of bicycle helmet use, including specified information, and to report the study's findings to the Senate Committee on Transportation and Housing and the Assembly Committee on Transportation by January 1, 2017.~~

~~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~~-no.

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

1 SECTION 1. Section 21213 is added to the Vehicle Code, to
 2 read:

3 21213. (a) The Office of Traffic Study, in coordination with
 4 the department, shall conduct a comprehensive study of bicycle
 5 helmet use, including, but not limited to, determining the
 6 percentage of California bicyclists who do not wear helmets, and
 7 the fatalities or serious injuries that could have been avoided if
 8 helmets had been worn. A report of the study's findings shall be
 9 submitted to the Senate Committee on Transportation and Housing
 10 and the Assembly Committee on Transportation by January 1,
 11 2017.

12 (b) Pursuant to Section 10231.5 of the Government Code, this
 13 section is repealed on January, 1, 2021.

14 SECTION 1. ~~Section 21212 of the Vehicle Code is amended~~
 15 ~~to read:~~

16 ~~21212. (a) (1) A person shall not operate a bicycle, or ride~~
 17 ~~upon a bicycle as a passenger, upon a street, bikeway, as defined~~
 18 ~~in Section 890.4 of the Streets and Highways Code, or any other~~
 19 ~~public bicycle path or trail unless that person is wearing a properly~~
 20 ~~fitted and fastened bicycle helmet that meets the standards of either~~
 21 ~~the American Society for Testing and Materials (ASTM) or the~~
 22 ~~United States Consumer Product Safety Commission (CPSC), or~~
 23 ~~standards subsequently established by those entities. This~~
 24 ~~requirement also applies to a person who rides upon a bicycle~~
 25 ~~while in a restraining seat that is attached to the bicycle or in a~~
 26 ~~trailer towed by the bicycle.~~

27 ~~(2) A person shall not engage in the activities described in~~
 28 ~~paragraph (1) in the darkness, as defined in Section 280, unless~~
 29 ~~that person is wearing high-visibility safety apparel, which may~~
 30 ~~include a vest, jacket, or shirt, that is retroreflective and meets the~~
 31 ~~requirements of the American National Standard for High-Visibility~~
 32 ~~Safety Apparel and Headwear, published by the American National~~

1 Standards Institute/International Safety Equipment Association or
2 standards subsequently established by those entities.

3 ~~(b) A person under 18 years of age shall not operate a~~
4 ~~nonmotorized scooter or a skateboard, nor wear in-line or roller~~
5 ~~skates, nor ride upon a nonmotorized scooter or a skateboard as a~~
6 ~~passenger, upon a street, bikeway, as defined in Section 890.4 of~~
7 ~~the Streets and Highways Code, or any other public bicycle path~~
8 ~~or trail unless that person is wearing a properly fitted and fastened~~
9 ~~bicycle helmet that meets the safety standards described in~~
10 ~~subdivision (a).~~

11 ~~(c) Any helmet sold or offered for sale for use by operators and~~
12 ~~passengers of bicycles, nonmotorized scooters, skateboards, or~~
13 ~~in-line or roller skates shall be conspicuously labeled in accordance~~
14 ~~with the standard described in subdivision (a) which shall constitute~~
15 ~~the manufacturer's certification that the helmet conforms to the~~
16 ~~applicable safety standards.~~

17 ~~(d) No person shall sell, or offer for sale, for use by an operator~~
18 ~~or passenger of a bicycle, nonmotorized scooter, skateboard, or~~
19 ~~in-line or roller skates any safety helmet is not of a type meeting~~
20 ~~requirements established by this section.~~

21 ~~(e) Any charge under this subdivision shall be dismissed when~~
22 ~~the person charged alleges in court, under oath, that the charge~~
23 ~~against the person is the first charge against that person under this~~
24 ~~subdivision, unless it is otherwise established in court that the~~
25 ~~charge is not the first charge against the person.~~

26 ~~(f) (1) Except as provided in subdivision (c), a violation of this~~
27 ~~section is an infraction punishable by a fine of not more than~~
28 ~~twenty-five dollars (\$25).~~

29 ~~(2) The parent or legal guardian having control or custody of~~
30 ~~an unemancipated minor whose conduct violates this section shall~~
31 ~~be jointly and severally liable with the minor for the amount of~~
32 ~~the fine imposed pursuant to this subdivision.~~

33 ~~(g) Notwithstanding Section 1463 of the Penal Code or any~~
34 ~~other provision of law, the fines collected for a violation of this~~
35 ~~section shall be allocated as follows:~~

36 ~~(1) Seventy-two and one-half percent of the amount collected~~
37 ~~shall be deposited in a special account of the county health~~
38 ~~department, to be used for bicycle, nonmotorized scooter,~~
39 ~~skateboard, and in-line and roller skate safety education and for~~
40 ~~assisting low-income families in obtaining approved bicycle~~

1 helmets for children under 18 years of age, either on a loan or
2 purchase basis. The county may contract for the implementation
3 of this program, which, to the extent practicable, shall be operated
4 in conjunction with the child passenger restraint program pursuant
5 to Section 27360.

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

9 ~~(3) If the violation occurred within a city, 25 percent of the~~
10 ~~amount collected shall be transferred to and deposited in the~~
11 ~~treasury of that city. If the violation occurred in an unincorporated~~
12 ~~area, this 25 percent shall be deposited and used pursuant to~~
13 ~~paragraph (1).~~

14 ~~SEC. 2. No reimbursement is required by this act pursuant to~~
15 ~~Section 6 of Article XIII B of the California Constitution because~~
16 ~~the only costs that may be incurred by a local agency or school~~
17 ~~district will be incurred because this act creates a new crime or~~
18 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
19 ~~for a crime or infraction, within the meaning of Section 17556 of~~
20 ~~the Government Code, or changes the definition of a crime within~~
21 ~~the meaning of Section 6 of Article XIII B of the California~~
22 ~~Constitution.~~