



# SENATE BILL No. 116

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-13-2; IC 9-21-11.

**Synopsis:** Child bicycle safety. Requires a person who is less than 18 years of age to wear a properly fitted protective bicycle helmet when the person operates or is a passenger on a bicycle on a street, highway, or public bicycle path. Provides that a passenger on a bicycle must be either on a saddle seat or in a restraining seat. Prohibits the rental, lease, or sale of a bicycle to or for the use of a person who is less than 18 years of age unless the person shows possession of a properly fitted protective helmet or acquires a properly fitted bicycle helmet at the time of the rental, lease, or sale. Provides that a violation is a Class C infraction, the penalty for which is waived if the person acquires a protective helmet or restraining seat when ordered to do so by a court.

**Effective:** July 1, 1998.

## Simpson, Wyss

January 6, 1998, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.



Introduced

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

## SENATE BILL

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A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 9-13-2-14.3 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 1998]: **Sec. 14.3. "Bicycle passenger", for**  
4 **purposes of IC 9-21-11, means an individual who:**

- 5 (1) **rides on a bicycle; and**  
6 (2) **is not the operator of the bicycle.**

7 SECTION 2. IC 9-13-2-14.5 IS ADDED TO THE INDIANA  
8 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
9 [EFFECTIVE JULY 1, 1998]: **Sec. 14.5. "Bicycle path" means a**  
10 **right-of-way under the jurisdiction and control of the state or a**  
11 **political subdivision that is used primarily by individuals on**  
12 **bicycles and pedestrians.**

13 SECTION 3. IC 9-13-2-118 IS AMENDED TO READ AS  
14 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 118. (a) "Operator"  
15 means, except as provided in subsection (b), when used in reference to  
16 a motor vehicle, a person, other than a chauffeur or a public passenger



1 chauffeur, who:

- 2 (1) drives or is in actual physical control of a motor vehicle upon  
3 a highway; or  
4 (2) is exercising control over or steering a motor vehicle being  
5 towed by a motor vehicle.

6 (b) "Operator", for purposes of IC 9-25, means a person other than  
7 a chauffeur who is in actual physical control of a motor vehicle upon a  
8 highway of Indiana.

9 (c) **"Operator", for purposes for IC 9-21-11, means an**  
10 **individual who rides a bicycle while seated on a saddle seat from**  
11 **which the person is intended to and may pedal the bicycle.**

12 SECTION 4. IC 9-13-2-139.5 IS ADDED TO THE INDIANA  
13 CODE AS A NEW SECTION TO READ AS FOLLOWS  
14 [EFFECTIVE JULY 1, 1998]: **Sec. 139.5. "Protective bicycle**  
15 **helmet" means a piece of headgear that meets or exceeds the**  
16 **impact standards for protective bicycle helmets set by the**  
17 **American National Standards Institute or the Snell Memorial**  
18 **Foundation.**

19 SECTION 5. IC 9-13-2-153.5 IS ADDED TO THE INDIANA  
20 CODE AS A NEW SECTION TO READ AS FOLLOWS  
21 [EFFECTIVE JULY 1, 1998]: **Sec. 153.5. "Restraining seat" means**  
22 **a seat that is:**

- 23 (1) **separate from the saddle seat of the operator of a bicycle;**  
24 (2) **fastened securely to the frame of the bicycle; and**  
25 (3) **adequately equipped to:**  
26 (A) **restrain a bicycle passenger in the seat; and**  
27 (B) **protect the bicycle passenger from the moving parts of**  
28 **the bicycle.**

29 SECTION 6. IC 9-21-11-4 IS AMENDED TO READ AS  
30 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 4. (a) A bicycle may  
31 not be used to carry more persons at one (1) time than the number for  
32 which the bicycle is designed and equipped.

33 (b) **An individual who is a bicycle passenger on a street,**  
34 **highway, or bicycle path must meet the following conditions:**

- 35 (1) **The individual is able to maintain an erect, seated position**  
36 **on the bicycle.**  
37 (2) **The individual is either:**  
38 (A) **properly seated alone on a saddle seat; or**  
39 (B) **if the individual weighs less than forty (40) pounds or**  
40 **is less than forty (40) inches in height, the individual is**  
41 **properly seated in and adequately secured to a restraining**



1                    **seat.**

2                    SECTION 7. IC 9-21-11-14 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 14. (a) **Except as**  
4 **provided in subsections (b) and (c)**, a person who violates this chapter  
5 commits a Class C infraction.

6                    (b) **This subsection and subsection (c) apply to a violation of**  
7 **section 15 or 16 of this chapter. If at a proceeding to enforce**  
8 **section 4(b)(2)(B) or 15 of this chapter the court finds that a**  
9 **person:**

10                    (1) **has violated either section 4(b)(2)(B) or 15 of this chapter;**  
11 **and**

12                    (2) **does not possess or has not acquired:**

13                    (A) **a restraining seat, in violation of section 4(b)(2)(B) of**  
14 **this chapter; or**

15                    (B) **a protective bicycle helmet, in violation of section 15 of**  
16 **this chapter;**

17 **the court shall enter judgment against the person and shall order**  
18 **the person to provide proof of possession or acquisition within**  
19 **thirty (30) days of a restraining seat, if the person has violated**  
20 **section 4(b)(2)(B) of this chapter, or a protective bicycle helmet, if**  
21 **the person has violated section 15 of this chapter.**

22                    (c) **Notwithstanding IC 34-4-32-4, if the person:**

23                    (1) **complies with a court order under subsection (b); and**

24                    (2) **does not have a previous judgment of violation of section**  
25 **4(b)(2)(B) or 15 of this chapter against the person;**

26 **the person is not liable for any costs or a monetary judgment.**

27                    SECTION 8. IC 9-21-11-15 IS ADDED TO THE INDIANA CODE  
28 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE  
29 JULY 1, 1998]: Sec. 15. **A person less than eighteen (18) years of**  
30 **age who operates a bicycle or is a bicycle passenger on a street,**  
31 **highway, or bicycle path shall wear a protective bicycle helmet at**  
32 **all times while the bicycle is in motion. A protective bicycle helmet**  
33 **worn under this section must:**

34                    (1) **properly fit the person who wears the helmet; and**

35                    (2) **be securely fastened with the helmet's straps.**

36                    SECTION 9. IC 9-21-11-16 IS ADDED TO THE INDIANA CODE  
37 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE  
38 JULY 1, 1998]: Sec. 16. **A person may not rent or lease a bicycle to**  
39 **or for the use of a person who is less than eighteen (18) years of age**  
40 **unless:**

41                    (1) **the person who is to ride the bicycle shows possession of a**



1           **properly fitted protective helmet; or**  
2           **(2) the rental or lease of the bicycle includes the provision of**  
3           **a properly fitted protective helmet for a person who is to ride**  
4           **the bicycle.**  
5           SECTION 10. IC 9-21-11-17 IS ADDED TO THE INDIANA  
6           CODE AS A NEW SECTION TO READ AS FOLLOWS  
7           [EFFECTIVE JULY 1, 1998]: **Sec. 17. A person may not sell a**  
8           **bicycle to or for the use of a person who is less than eighteen (18)**  
9           **years of age unless the person who is purchasing the bicycle:**  
10           **(1) presents satisfactory proof of ownership of a properly**  
11           **fitted protective helmet by the operator of the bicycle; or**  
12           **(2) purchases a properly fitted bicycle helmet for the operator**  
13           **of the bicycle at the same time the bicycle is purchased.**

