

# HOUSE BILL No. 1063

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## 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 16 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 16 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:** Upon passage.

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## Bales, Kruzan

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January 6, 1998, read first time and referred to Committee on Roads and Transportation.

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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 a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

## HOUSE BILL No. 1063

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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 CODE  
2 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE  
3 UPON PASSAGE]: **Sec. 14.3. "Bicycle passenger", for purposes of**  
4 **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 CODE  
8 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE  
9 UPON PASSAGE]: **Sec. 14.5. "Bicycle path" means a right-of-way**  
10 **under the jurisdiction and control of the state or a political**  
11 **subdivision that is used primarily by individuals on bicycles and**  
12 **pedestrians.**

13 SECTION 3. IC 9-13-2-118 IS AMENDED TO READ AS  
14 FOLLOWS [EFFECTIVE UPON PASSAGE]: 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  
17 chauffeur, who:

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1 (1) drives or is in actual physical control of a motor vehicle upon  
2 a highway; or

3 (2) is exercising control over or steering a motor vehicle being  
4 towed by a motor vehicle.

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

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

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

17 SECTION 5. IC 9-13-2-153.5 IS ADDED TO THE INDIANA  
18 CODE AS A NEW SECTION TO READ AS FOLLOWS  
19 [EFFECTIVE UPON PASSAGE]: **Sec. 153.5. "Restraining seat"  
20 means a seat that is:**

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

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

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

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

40 SECTION 7. IC 9-21-11-14 IS AMENDED TO READ AS  
41 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) **Except as  
42 provided in subsections (b) and (c), a person who violates this chapter**



1 commits a Class C infraction.

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

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

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

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

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

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

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

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

21 **(2) has no previous judgments of violation of section**  
 22 **4(b)(2)(B) or 15 of this chapter against the person;**

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

24 **SECTION 8. IC 9-21-11-15 IS ADDED TO THE INDIANA CODE**  
 25 **AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**  
 26 **UPON PASSAGE]: Sec. 15. A person less than sixteen (16) years of**  
 27 **age who operates a bicycle or is a bicycle passenger on a street,**  
 28 **highway, or bicycle path shall wear a protective bicycle helmet**  
 29 **while the bicycle is in motion. A protective bicycle helmet worn**  
 30 **under this section must:**

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

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

33 **SECTION 9. IC 9-21-11-16 IS ADDED TO THE INDIANA CODE**  
 34 **AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**  
 35 **UPON PASSAGE]: Sec. 16. A person may not rent or lease a bicycle**  
 36 **to or for the use of a person who is less than sixteen (16) years of**  
 37 **age unless:**

38 **(1) the person who is to ride the bicycle shows possession of a**  
 39 **properly fitted protective helmet; or**

40 **(2) the rental or lease of the bicycle includes the provision of**  
 41 **a properly fitted protective helmet for a person who is to ride**  
 42 **the bicycle.**



1           SECTION 10. IC 9-21-11-17 IS ADDED TO THE INDIANA  
2 CODE AS A NEW SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE UPON PASSAGE]: **Sec. 17. A person may not sell a**  
4 **bicycle to or for the use of a person who is less than sixteen (16)**  
5 **years of age unless the person who is purchasing the bicycle:**  
6           **(1) presents proof of ownership of a properly fitted protective**  
7           **helmet by the operator of the bicycle; or**  
8           **(2) purchases a properly fitted bicycle helmet for the operator**  
9           **of the bicycle at the same time the bicycle is purchased.**  
10          SECTION 11. An emergency is declared for this act.

