



Ohio Legislative Service Commission

Bill Analysis

Jeff Grim

H.B. 93

128th General Assembly
(As Introduced)

Reps. Skindell, Murray, Letson, Harris, Phillips, S. Williams, Boyd, Domenick, Luckie, Chandler, Okey

BILL SUMMARY

- Requires a bicycle operator and any passenger under 18 to wear a protective helmet when operating a bicycle on a roadway and imposes a \$25 fine for a violation of the requirement.
 - Establishes the Bicycle Safety Fund to be used by the Department of Public Safety to assist low-income families in the purchase of bicycle helmets.
 - For one year after the bill's effective date, requires law enforcement officers to issue a written warning rather than a citation for a violation of the requirement to wear a bicycle helmet.
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CONTENT AND OPERATION

The bill prohibits any person under 18 from operating or being a passenger on a bicycle on a roadway unless the bicycle operator and any passenger each are wearing an approved helmet that is of good fit and is fastened securely on the person's head. The bill specifically includes persons in a restraining seat or in a bicycle trailer as bicycle passengers required to wear an approved helmet. (R.C. 4511.531(A).) "Approved helmet" is defined by the bill as "a helmet that meets or exceeds the standards for protective bicycle helmets established by the American National Standards Institute, the American Society for Testing and Materials, or the Snell Memorial Foundation" (R.C. 4511.531(D)(1)).

Violation of the requirement to wear a helmet is punishable by a \$25 fine, which may be waived by the court upon satisfactory proof that the offender has a protective

helmet. The bill specifies that the parent, guardian, or other person having custody of the offender is responsible for the payment of the fine. (R.C. 4511.531(B)(1) and (2).)

All fines collected for a bicycle helmet violation must be forwarded to the Treasurer of State for deposit in the Bicycle Safety Fund, which the bill creates in the state treasury. Under the bill, all investment earnings of the Bicycle Safety Fund must be credited to it. Money in the fund must be used by the Department of Public Safety to assist low-income families in the purchase of approved bicycle helmets in accordance with guidelines the bill requires the Director of Public Safety to establish. (R.C. 4511.531(B)(3).) "Low-income family" is defined as a family with an income not exceeding the federal poverty guidelines. (R.C. 4511.531(D)(2).)

The bill specifies that for the period of one year after its effective date, no law enforcement officer may issue a ticket, citation, or summons to a person who violates the bicycle helmet requirement. During that time, the law enforcement officer instead must issue the person a written warning explaining the bill's provisions. The written warning may notify the person of the specific date when law enforcement officers must begin enforcing the bicycle helmet requirement. (Section 2.)

The bill specifies that neither its provisions nor a violation of those provisions may be used as evidence in any civil action (R.C. 4511.531(C)).

HISTORY

ACTION	DATE
Introduced	03-24-09

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