Fiscal Note & Local Impact Statement

122 nd General Assembly of Ohio

BILL: **S.B. 143** DATE: **July 1, 1997**

STATUS: **As Introduced** SPONSOR: **Sen. Drake**

LOCAL IMPACT STATEMENT REQUIRED: **No — Minimal cost**

CONTENTS: **Require children under age 18 to wear bicycle helmets**

State Fiscal Highlights

STATE FUND	FY 1997	FY 1998	FUTURE YEARS
Bicycle Safety Fund (new)			
Revenues	- 0 -	Indeterminate gain	Indeterminate gain
Expenditures	- 0 -	Indeterminate increase	Indeterminate increase

- The newly created Bicycle Helmet Fund would receive all fine revenue for violation of the bill's provisions and any donations. Any investment earnings would also be credited to the fund. The amount of fine revenue would depend on public response and enforcement. Moneys, in turn, would be used for educational materials and to purchase helmets for children in low-income families.

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 1997	FY 1998	FUTURE YEARS
Counties, municipalities and townships			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	- 0 -	Minimal increase	Minimal increase

- Local law enforcement agencies would incur minimal costs for warning notices and, possibly, for citation forms.

Detailed Fiscal Analysis

The bill mandates children under 18 years old to wear protective helmets when riding bicycles. A law enforcement officer could take the bike if a child is not wearing a properly fitted and fastened helmet. The bike would then be released to the parent with the issuance of a citation. In addition, a parent could not allow a child, under one year old, to be a passenger on a bike. This would also apply to a child older than one year, if the child weighs less than 40 pounds or measures less than 40 inches tall, unless the child is fastened securely in a bicycle restraining seat.

The Director of Public Safety is charged with several responsibilities. First, the director would be required to adopt rules for safety standards for bicycle helmets and restraining seats. The standards must meet or exceed the impact standards for bike helmets established by the American Standards Institute or the Snell Memorial Foundation. Second, the director would have to establish a program to assist low-income families in the purchase of bicycle helmets. Finally, the director would have to provide a written report on the effects to the House Speaker and the Senate President within 18 months of implementation.

As the basis for the director's report, the newly created Bicycle Helmet Study Committee would be required to conduct a scientifically designed study comparing the number of children wearing helmets before and after implementation. This seven-member committee would consist of three Senate members, three House members, and the director of Public Safety (or designee). Committee members would serve without compensation but may accept gifts, grants, and contributions for its necessary expenses. A spokesperson for the Department stated that they are uncertain how such a study would be conducted.[1] (It is possible that it could be contracted out.) According to an article about a study, helmet use as required in the State of New Jersey rose from three percent to 60 percent with passage of its law.[2] However, the LBO was unable to obtain study details from state officials.

Bicycle Safety Fund and Penalties

The bill creates the Bicycle Safety Fund to be used by the Director to: (1) prepare educational materials about bicycle helmet use and safety, (2) distribute these materials to local nonprofit organizations that conduct bike safety programs, and (3) assist low-income families in the purchase of helmets. The fund would receive any fines imposed for those who violate the

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[1]"Bicycle Helmet Use Among Maryland Children: Effect of Legislation and Education." Pediatrics, Vol. 89, No. 6, June 1992. Researchers observed helmet use in three Maryland counties before (July 28, 1990) and after passage (May 4, 1991) of the Howard, County, Maryland law (first U.S. jurisdiction to mandate children's use of bicycle helmets). The three counties were Howard County, and two adjacent counties, Montgomery and Baltimore. Pairs of volunteer observers were assigned to one of four sites on one of ten routes (chosen to represent various socioeconomic strata). Age (estimated), gender, race, and helmet use were recorded. Because awareness of the study might have influenced helmet use, in Howard County a simultaneous interview survey was conducted by interviewers accompanying observer pairs. Helmeted adult bicyclists were asked questions regarding their awareness of the study and their helmet use. Prelaw use rates for children were 4 percent, 8 percent, and 19 percent. Post law rates were 47 percent, 19 percent, and 4 percent, respectively.

[2]"Bicycle Helmets Save Lives." Traffic Safety, May/June 1994, pp. 16-19.

bill's provisions. The fine would be $20. The court could waive the fine if the violator shows proof that purchase was made of a helmet or restraining seat. The fund would also receive any donations and investment earnings. (Donation information would have to be noted on the educational materials listed above.)

For one year following the bill's effective date, no person could be cited for a violation. In lieu of a citation or ticket, the person would be issued a written warning containing a summary of the prohibitions, the penalties, and an explanation that the person is not being charged. The citation could also include a warning that a violation 90 days from the bill's effective date would result in a citation. The cost of forms would be incurred by local law enforcement agencies.

It is not known how much fine revenue would be generated from violation of the bill's provisions. This would depend on the degree of compliance by the public and the level of enforcement. It is possible that compliance would increase over time (as it has with seatbelts) thereby lowering revenues.

Legislation in Other States

The New Jersey law, referenced above, requires all persons under 14 to wear a helmet when riding a bicycle *(effective July 1, 1992)*. This also applies to those riding in a restraining seat or in a trailer towed by the bicycle. A municipality may, by ordinance, exempt persons riding a bicycle on a roadway, path, or trail closed to motor vehicle traffic and limited to pedestrian or bicycle use. A person who violates the law is warned. The parent may be charged a maximum $25 fine for a first offense, and a maximum $100 fine for a subsequent offense if proven that the parent did not exercise reasonable supervision over the child's conduct. Penalties can be waived if it is shown that a helmet was owned at the time of the violation or purchased since the violation took place.

Fines are deposited into New Jersey's Bicycle Safety Fund and used to provide educational programs devoted to bicycle safety. If sufficient funds are available, moneys may also be used to purchase helmets for low-income families. A person who sells or rents bicycles is responsible for providing a written explanation of the act's provisions and penalties, but is not liable if physical injury is sustained from the person's failure to wear a properly fitted or fastened helmet.

The table on the following page lists the 15 states that mandate bicycle helmet use.[3]

[3]Provided by National Safe Kids Campaign, May 1996. According to a June 30, 1997 phone conversation with a spokesperson of this organization there is no change to this information.

State	Effective Date	Target Population	Enforcement
Alabama	9-19-95	Under 16	1st offense: counseling on bike safety; 2nd: citation to child/parent; 3rd: bike temporarily confiscated; all other: $50 fine
California	10-8-93	Under 18	Maximum $25 fine*
Connecticut	10-1-93	Under 12	Verbal warnings only
Delaware	4-1-96	Under 16	1st: $25 fine*; 2nd: $50 fine*
Florida	1-1-97	Under 16	$17 fine* or community service
Georgia	7-1-93	Under 16	No provision
Maryland	10-1-95	Under 16	Verbal warnings only
Massachusetts	3-8-94	Under 13	No provision
New Jersey	7-1-92	Under 14	1st: maximum $25 fine*; all other: maximum $100 fine*
New York	6-1-94	Under 14	Maximum $50 fine*
Oregon	7-1-94	Under 16	Maximum $25 fine*
Pennsylvania	2----94	Under 12	Maximum $25 fine*
Rhode Island	7-1-96	Under 9	No provision
Tennessee	1-1-94	Under 12	Maximum $2 fine plus court costs*
West Virginia	7-1-96	Under 15	$10 fine* or community service

*Penalty may be waived if violator provides proof of helmet purchase within a specified time period.

In addition to those states listed above, several communities have passed ordinances including Dallas and Austin, Texas. Note that no state has a helmet law that applies to all riders.

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