

SENATE BILL NO. 188

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY SENATOR ELLIS

Introduced: 1/10/00

Referred: Transportation, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act requiring a person under 16 years of age to wear a helmet when riding
2 a bicycle; and providing for an effective date."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new
5 section to read:

6 SHORT TITLE. This Act may be known as the "Child Helmet Law and Brain Injury
7 Prevention Act."

8 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section
9 to read:

10 PURPOSE. The purpose of this Act is to

11 (1) prevent the disability and death of children in the state resulting from head
12 injuries sustained in bicycle accidents;

13 (2) prevent head injuries, which are the leading cause of disability and death
14 from bicycle accidents;

1 (3) reduce costs to the state associated with head injuries, including long-term
2 care costs; and

3 (4) reduce the risk involved in bicycling on a public highway, roadway, or
4 vehicular way or area by mandating that children's heads are protected.

5 * **Sec. 3.** AS 05.90 is amended by adding a new section to read:

6 **Sec. 05.90.010. Required use of bicycle helmet.** (a) A person who is under
7 16 years of age may not ride a bicycle on a public highway, roadway, vehicular way
8 or area, bicycle path, or other public right-of-way, unless the person, at all times,
9 wears a protective helmet of good fit, fastened securely upon the person's head with
10 the straps of the helmet.

11 (b) A parent or legal guardian of a person under 16 years of age may not
12 knowingly permit the person under 16 years of age to ride a bicycle in violation of (a)
13 of this section.

14 (c) A municipality may adopt standards as strict as or more stringent than the
15 requirements of this section.

16 (d) A person who violates this section is guilty of a violation and is subject
17 to the following penalties:

18 (1) for a first offense, a warning or a fine not to exceed \$25; a court
19 may waive the fine imposed under this paragraph upon presentation of evidence that
20 the violator has purchased or procured a bicycle helmet and demonstrates the intention
21 of using the helmet as required by law;

22 (2) for a second or subsequent offense, a fine not to exceed \$50.

23 (e) In this section,

24 (1) "bicycle" means a human-powered vehicle with two or more wheels
25 designed to transport, by the action of pedaling, one or more persons seated on one or
26 more saddle seats on the vehicle's frame;

27 (2) "bicycle helmet" means a piece of headgear that meets or exceeds
28 the impact standard for protective bicycle helmets set by the American National
29 Standards Institute, the Snell Memorial Foundation, or the American Society for
30 Testing and Materials, or an established safety standard adopted by law;

31 (3) "highway" has the meaning given in AS 28.40.100;

- 1 (4) "roadway" has the meaning given in AS 28.40.100;
- 2 (5) "vehicular way or area" has the meaning given in AS 28.40.100.
- 3 * **Sec. 4.** This Act takes effect July 1, 2000.