

2001 ASSEMBLY BILL 822

February 18, 2002 – Introduced by Representative URBAN, cosponsored by Senator RISSER. Referred to Committee on Public Health.

1 **AN ACT** *to amend* 343.23 (2) (a) (intro.); and *to create* 346.79 (6) and 346.82 (3)
2 of the statutes; **relating to:** the use of bicycle helmets and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill requires that, whenever a person younger than 14 years of age is riding or carried on a bicycle upon a highway, bicycle lane, or bicycle way, the person wear an approved bicycle helmet properly fastened to his or her head.

A person who violates this requirement may be issued a warning notice, copied to the person's parent or guardian, but not a citation, for a first violation, and may be required to forfeit not more than \$30 for a second or subsequent violation.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 343.23 (2) (a) (intro.) of the statutes is amended to read:
4 343.23 **(2)** (a) (intro.) The department shall maintain a file for each licensee or
5 other person containing the application for license, permit or endorsement, a record
6 of reports or abstract of convictions, the status of the person's authorization to

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1 operate different vehicle groups, a record of any out-of-service orders issued under
2 s. 343.305 (7) (b) or (9) (am), a record of any warning notices issued under s. 346.79
3 (6) (b), and a record of any reportable accident in which the person has been involved,
4 including specification of any type of license and endorsements issued under this
5 chapter under which the person was operating at the time of the accident and an
6 indication whether or not the accident occurred in the course of any of the following:

7 **SECTION 2.** 346.79 (6) of the statutes is created to read:

8 346.79 (6) (a) Any operator or passenger on a bicycle who has not attained 14
9 years of age shall wear a helmet securely fastened to his or her head according to the
10 directions of the manufacturer of the helmet. The helmet shall meet or exceed the
11 standards for protective bicycle helmets established by the federal consumer product
12 safety commission.

13 (b) If a law enforcement officer has probable cause to believe that a person has
14 committed a violation of par. (a) and the person has not previously been issued a
15 warning notice for violation of par. (a), the law enforcement officer may issue to the
16 person a warning notice, but not a citation. A law enforcement officer issuing a
17 warning notice shall provide a copy of the warning notice with an explanatory letter
18 to the person's parent or guardian, as defined in s. 146.34 (1) (d).

19 **SECTION 3.** 346.82 (3) of the statutes is created to read:

20 346.82 (3) Any person violating s. 346.79 (6) (a) may be required to forfeit not
21 more than \$30, except that no forfeiture may be assessed for a violation of s. 346.79
22 (6) (a) unless the person has previously been issued a warning notice under s. 346.79
23 (6) (b).

24 **SECTION 4. Effective date.**

