

**2001 DRAFTING REQUEST**

**Bill**

Received: 12/12/2001

Received By: agary

Wanted: Soon

Identical to LRB:

For: Frank Urban (608) 266-9175

By/Representing: Sara Buschman (aide)

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: **Transportation - traffic laws**

Extra Copies: **RCT**

Submit via email: YES

Requester's email: **Rep.Urban@legis.state.wi.us**

Carbon copy (CC:) to: **Sara.Buschman@legis.state.wi.us**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Requiring use of bicycle helmets by persons under 14 years old

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**Instructions:**

See Attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	agary 12/17/2001	csicilia 12/19/2001		_____			S&L
/1			kfollet 12/19/2001	_____	lrb_docadmin 12/19/2001	lrb_docadmin 01/30/2002	

01/30/2002 11:25:38 AM

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FE Sent For: at intro 2/15

<END>

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1?	agary	1 cis 12/19 01	18/12/19	18/12/19			

FE Sent For:

<END>

LRB 4422

12/12/01

Telephone conversation with Sara Buschman in Rep. Urban's office. Wants a draft based upon SB-113 but with modifications. Wants to eliminate provisions related to items 1. to 3. in analysis, reduce age from 18 to 14, and change penalty to provide for a warning to violator and a letter to violator's parents for a first violation and a forfeiture of up to \$30 for a second or subsequent violation (take out provision allowing avoidance of forfeiture by showing proof that helmet was obtained after the violation).

ARG

4422/1  
4/22/1  
LRB-002149  
kmg:km  
ARC Ejs

2001 ~~SENATE~~ BILL 113

Needed by 12/19  
end of day  
forward in 12/17

March 28, 2001 - Introduced by Senators RISSER, BURKE and ROSENZWEIG, cosponsored by Representatives URBAN, BERCEAU, YOUNG, RILEY, J. LEHMAN, MILLER and MORRIS-TATUM. Referred to Committee on Human Services and Aging.

Repeal

1 AN ACT to create 346.79 (6) and 346.82 (3) of the statutes; relating to: the use  
2 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 ~~(minor)~~ is riding a bicycle upon a highway, bicycle lane, or bicycle way, the ~~minor~~ person wear an approved bicycle helmet properly fastened to his or her head. ~~The bill also:~~

- 1. Prohibits parents and guardians of minors from knowingly permitting a minor to ride or be a passenger on a bicycle without properly wearing an approved bicycle helmet.
- 2. Prohibits any person from renting or leasing a bicycle for the use of a minor unless the minor is in possession of an approved bicycle helmet.
- 3. Prohibits any person from selling a bicycle for the use of a minor without first ascertaining that the minor owns an approved bicycle helmet.

A violator may be required to forfeit not more than \$30, except that no forfeiture may be assessed against a parent, guardian, or minor if the parent, guardian, or minor provides proof that, within 30 days after the citation was issued, the minor obtained a helmet for his or her regular use.

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

3 SECTION 1. 346.79 (6) of the statutes is created to read:

or carried on  
Insert A

Insert B

SENATE BILL 113

SECTION 1

Insert C.

14

1 346.79 (6) (a) Any operator or passenger on a bicycle who has not attained 18  
2 years of age shall wear a helmet securely fastened to his or her head according to the  
3 directions of the manufacturer of the helmet. The helmet shall meet or exceed the  
4 standards for protective bicycle helmets established by the federal consumer product  
5 safety commission.

6 (b) No parent or guardian, as defined in s. 146.34 (1) (d), of a person under 18  
7 years of age may knowingly permit that person to violate par. (a).

8 (c) No person may rent or lease a bicycle to or for the use of any person under  
9 18 years of age unless the renter or lessor ascertains that the person under 18 years  
10 of age is in possession of a helmet that meets the requirements of par. (a).

11 (d) No person may sell any bicycle to or for the use of a person under 18 years  
12 of age unless the seller ascertains that a helmet that meets the requirements of par.

13 (a) has been obtained for regular use by the person under 18 years of age.

14 SECTION 2. 346.82 (3) of the statutes is created to read:

15 346.82 (3) Any person violating s. 346.79 (6) <sup>(a)</sup> may be required to forfeit not more  
16 than \$30, except that no forfeiture may be assessed for a violation of s. 346.79 (6) (a)  
17 or (b) if the person provides proof that, within 30 days after the uniform traffic  
18 citation was issued, a helmet that meets the requirements of s. 346.79 (6) (a) has been  
19 obtained for regular use by the person under 18 years of age.

20 SECTION 3. Effective date.

21 (1) This act takes effect on the first day of the 2nd month beginning after  
22 publication.

23 (END)

unless the person has previously been issued a  
warning notice under s. 346.79 (6) (b).



2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-4422/lins  
ARG:.....

Insert A

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.

Insert B

SECTION 1. 343.23 (2) (a) (intro.) of the statutes is amended to read:

343.23 (2) (a) (intro.) The department shall maintain a file for each licensee or other person containing the application for license, permit or endorsement, a record of reports or abstract of convictions, the status of the person's authorization to operate different vehicle groups, a record of any out-of-service orders issued under s. 343.305 (7) (b) or (9) (am), a record of any warning notices issued under s. 346.79 (6) (b), and a record of any reportable accident in which the person has been involved, including specification of any type of license and endorsements issued under this chapter under which the person was operating at the time of the accident and an indication whether or not the accident occurred in the course of any of the following:

Insert C

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

**Emery, Lynn**

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**From:** Buschman, Sara  
**Sent:** Wednesday, January 30, 2002 11:15 AM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB-4422/1 Topic: Requiring use of bicycle helmets by persons under 14 years old

It has been requested by <Buschman, Sara> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB-4422/1 Topic: Requiring use of bicycle helmets by persons under 14 years old