LRB-2912/2 PEN:kaf:km

1997 SENATE BILL 222

May 29, 1997 – Introduced by Senators RISSER, BURKE, COWLES, ROSENZWEIG and RUDE, cosponsored by Representatives R. Young, Urban, Hanson, Notestein and Handrick. Referred to Committee on Labor, Transportation and Financial Institutions.

- 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 18 years of age (minor) is riding a bicycle upon a highway, bicycle lane or bicycle way, the 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, he or she purchased a helmet.

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

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346.79 (6) (a) Any operator or passenger on a bicycle who has not attained 18
years of age shall wear a helmet that meets the requirements of this paragraph
securely fastened to his or her head according to the directions of the manufacturer
of the helmet. A helmet meets the requirements of this paragraph if it meets or
exceeds the impact standards for protective bicycle helmets established by the
American National Standards Institute or the Snell Memorial Foundation in effect
on the effective date of this paragraph [revisor inserts date].

- (b) No parent or guardian, as defined in s. 146.34 (1) (d), of a person under 18 years of age may knowingly permit that person to violate par. (a).
- (c) No person may rent or lease a bicycle to or for the use of any person under 18 years of age unless he or she has ascertained that the person is in possession of a helmet that meets the requirements of par. (a).
- (d) No person may sell any bicycle to or for the use of a person under 18 years of age unless that person presents satisfactory proof of ownership of a helmet that meets the requirements of par. (a).

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

346.82 (3) Any person violating s. 346.79 (6) may be required to forfeit not more than \$30, except that no forfeiture may be assessed for a violation of s. 346.79 (6) (a) or (b) if the person provides proof that, within 30 days after the uniform traffic citation was issued, he or she purchased a helmet that meets the requirements of s. 346.79 (6) (a).

SECTION 3. Effective date.

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