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## **2001 SENATE BILL 113**

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.

- 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 minor 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:

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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 securely fastened to his or her head according to the
directions of the manufacturer of the helmet. The helmet shall meet or exceed the
standards for protective bicycle helmets established by the federal consumer product
safety commission.

- (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 the renter or lessor ascertains that the person under 18 years of age 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 the seller ascertains that a helmet that meets the requirements of par.(a) has been obtained for regular use by the person under 18 years of age.

**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, a helmet that meets the requirements of s. 346.79 (6) (a) has been obtained for regular use by the person under 18 years of age.

## SECTION 3. Effective date.

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

23 (END)