

AN ACT

Codification
District of
Columbia
Code
2001 Supp.

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the District of Columbia Comprehensive Bicycle Transportation and Safety Act of 1984 to require children under 16 years of age to wear helmets while riding bicycles.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Child Helmet Safety Amendment Act of 2000".

Sec. 2. The District of Columbia Comprehensive Bicycle Transportation and Safety Act of 1984, effective March 16, 1985 (D.C. law 5-179; D.C. Code § 40-1401 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Code § 40-1401) is amended by adding new subsections (e)-(i) to read as follows:

Amend
§ 40-1401

"(e) Disability and death from injuries sustained in bicycling accidents are a serious threat to the health, welfare and safety of District children.

"(f) Each year approximately 290 children are involved in fatal accidents, and nearly 400,000 are injured with varying degrees of severity in bicycle related injuries or crashes.

"(g) Head injuries account for over 60% of bicycle related fatalities and _ of bicycle related emergency room visits.

"(h) Use of a bicycle helmet is the single, most effective preventive measure of reducing head injuries by 85%, and brain injuries or serious disabilities by 88% from bicycle accidents.

"(i) Only 15% of bicyclists use proper head protective equipment, and some studies show that bicycle helmet usage for children under 16 years of age ranges from 5% to 15%."

(b) New sections 6,7,8, 9 and 10 are added to read as follows:

"Sec. 6. Helmet use requirements.

"(a) It shall be unlawful for any person under 16 years of age to operate or to be a passenger on a bicycle or any attachment to a bicycle on a public roadway, public bicycle path or other public right-of-way, unless that person wears a protective helmet of good fit, fastened securely upon the head with the straps of the helmet.

New
§ 40-1405

ENROLLED ORIGINAL

"(b) It shall be unlawful for any parent or legal guardian of a child under 16 years of age to knowingly permit the child to operate or to be a passenger on a bicycle on a public roadway, public bicycle path, or other public right-of-way, unless at all times when the child is so engaged, he or she wears a protective bicycle helmet of good fit, fastened securely upon the head with the straps of the helmet.

"(c) The parents or legal guardians of any child under 16 years of age found in violation of this section shall be liable for paying a fine of \$25. However, the fine shall be suspended for :

"(1) First time violators; or

"(2) Violators who subsequent to the violation, but prior to the imposition of fine, purchase a helmet of the type required by this act.

"(d) The penalties provided for pursuant to subsection (c) of this section shall not be enforced until 90 days after the effective date of the Child Helmet Safety Amendment Act of 2000.

"(e) Any helmet sold or rented, or offered for sale or rent, for use by operators and passengers of bicycles shall be conspicuously labeled in accordance with the standard described in section 10(5).

"(f)(1) A person regularly engaged in the business of renting bicycles shall require each person seeking to rent a bicycle to provide his or her signature, either on the rental form, or on a separate form containing each of the following:

"(A) A written explanation of the provisions of this act and the penalties for violations; and

"(B) A statement concerning whether a person under 16 years of age will operate the bicycle in an area where a helmet is required.

"(2) A person regularly engaged in the business of renting bicycles shall provide a properly fitted helmet to any person who will operate the bicycle in an area requiring a helmet, if the person does not already have a helmet in his or her possession. A reasonable fee may be charged for the helmet rental.

"(3) A person regularly engaged in the business of selling or renting bicycles who complies with this act shall not be liable in a civil action for damages for any physical injuries sustained by a bicycle operator or passenger as a result of the operator's or passenger's failure to wear a helmet or to wear a properly fitted or fastened helmet in violation of this act.

"Sec. 7. Contributory negligence.

Failure to wear a helmet as described in this act shall not be considered as evidence of either negligence per se, contributory negligence, or assumption of the risk in any civil suit arising out of any accident in which a person under 16 years of age is injured. Failure to wear a helmet shall not be admissible as evidence in the trial of any civil action, nor in any way diminish or reduce the damages recoverable in such action.

"Sec. 8. Child safety helmet education program.

"(a) Within 60 days of the effective date of the Child Helmet Safety Amendment Act of

New
§ 40-1406

New
§ 40-1407

ENROLLED ORIGINAL

2000, the Department of Public Works, in conjunction with the Metropolitan Police Department and District of Columbia Public Schools, shall develop and implement a public education program to educate adults and children under 16 years of age on the requirements of the Child Helmet Safety Amendment Act of 2000 and the importance of properly wearing bicycle safety helmets.

"(b) By October 1, of each year, the Department of Public Works shall provide the Council of the District of Columbia, Committee on Public Works and the Environment, or a successor committee, a report summarizing the public education activities completed during the previous fiscal year, along with any statistics collected regarding bicycle accidents and injuries during the preceding fiscal year.

"Sec. 9. Child safety helmet assistance program.

New
§ 40-1408

The District of Columbia Department of Public Works shall adopt a helmet assistance program which shall include grants and discount programs to assist indigent parents and guardians of children under 16 years of age in obtaining safety helmets.

"Sec.10. Definitions.

New
§ 40-1409

"For the purposes of this act the term:

"(1) "Bicycle" means a human-powered vehicle with wheels designed to transport, by pedaling, one or more persons seated on one or more saddle seats on its frame. "Bicycle" also includes a human-powered vehicle, and any attachment to the vehicle designed to transport by pedaling when the vehicle is used on a public roadway, public bicycle path or other public right-of-way. The term "Bicycle" also includes a "tricycle," which is a 3-wheeled human-powered vehicle designed for use as a toy by a single child under 6 years of age, the seat of which is no more than 2 feet from ground level.

"(2) "Operator" means a person under 16 years of age who travels on a bicycle seated on a saddle seat from which that person is intended to and can pedal the bicycle.

"(3) "Other public right-of-way" means any right-of-way other than a public roadway or public bicycle path that is under the jurisdiction and control of the District of Columbia and is designed for use and used by vehicular or pedestrian traffic.

"(4) "Passenger" means any person, under 16 years of age, who travels on a bicycle in any manner except as an operator.

"(5) "Protective bicycle helmet" means a piece of headgear which meets or exceeds the impact standards for protective bicycle helmets set by the American National Standards Institute (ANSI) or the Snell Memorial Foundation's standards for protective headgear or American Society for Testing and Materials (ASTM) for use in bicycling.

"(6) "Public bicycle path" means a right-of-way under the jurisdiction and control of the District of Columbia for use primarily by bicycles and pedestrians.

"(7) "Public roadway" means a right-of-way under the jurisdiction and control of the District of Columbia for use primarily by motor vehicles."

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Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia