

IN THE SENATE

SENATE BILL NO. 1072

BY TRANSPORTATION COMMITTEE

AN ACT

1 RELATING TO BICYCLE HELMETS; AMENDING SECTION 49-103, IDAHO CODE, TO DEFINE  
2 TERMS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 7, TITLE 49,  
3 IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-725, IDAHO CODE, TO PRO-  
4 VIDE FOR A BICYCLE HELMET REQUIREMENT, PARENT OR GUARDIAN RESPONSIBIL-  
5 ITY AND CIVIL PENALTIES.  
6

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Section 49-103, Idaho Code, be, and the same is hereby  
9 amended to read as follows:

10 49-103. DEFINITIONS -- B. (1) "Bicycle" means every vehicle propelled  
11 exclusively by human power upon which any person may ride, having two (2)  
12 tandem wheels or three (3) wheels, any one (1) of which is more than twelve  
13 (12) inches in diameter, and except scooters and similar devices. "Bicycle"  
14 shall include any attached trailers, sidecars and other devices being towed  
15 by a bicycle.

16 (2) "Bicycle helmet" means a head covering designed for safety that  
17 meets or exceeds safety standards adopted by the consumer product safety  
18 commission (CPSC) or such subsequent nationally recognized standards for  
19 bicycle helmet performance. In the absence of an applicable CPSC standard,  
20 the head covering must meet or exceed the current standards adopted by ei-  
21 ther the American society for testing and materials or the Snell memorial  
22 foundation until such applicable CPSC standard exists or such subsequent  
23 nationally recognized standards for bicycle helmet performance is adopted.  
24 The bicycle helmet must be equipped with either a neck or chin strap that  
25 shall be fastened securely while the bicycle is in motion.

26 (3) "Board" means the Idaho transportation board.

27 (34) "Boat transporter" means any vehicle combination designed and  
28 used specifically to transport assembled boats and boat hulls.

29 (45) "Broker" means a person who, for a fee, commission, or other valu-  
30 able consideration, arranges or offers to arrange a transaction involving  
31 the sale, but not resale, of a new vehicle, and who is not:

32 (a) A representative or an agent or employee of a representative;

33 (b) A distributor, agent or employee of a distributor; or

34 (c) At any point in the transaction, the owner of the vehicle involved  
35 in the transaction.

36 (56) "Bus" means every motor vehicle designed for carrying more than  
37 ten (10) passengers and used for the transportation of persons; and every mo-  
38 tor vehicle, other than a taxicab, designed and used for the transportation  
39 of persons for compensation. A motor vehicle used in a ridesharing arrange-  
40 ment that has a seating capacity for not more than fifteen (15) persons, in-  
41 cluding the driver, shall not be a "bus" under the provisions of this title  
42 relating to equipment requirements, rules of the road, or registration.

1           (~~6~~7) "Business district." (See "District", section 49-105, Idaho  
2 Code)

3           (~~7~~8) "Buy." (See "Sell", "sold", and "purchase", section 49-120,  
4 Idaho Code)

5           SECTION 2. That Chapter 7, Title 49, Idaho Code, be, and the same is  
6 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
7 ignated as Section 49-725, Idaho Code, and to read as follows:

8           49-725. BICYCLE HELMET. (1) Helmet requirement. No child who is  
9 twelve (12) years of age or younger shall operate or be a passenger on a bicy-  
10 cle on any roadway unless the child is wearing a bicycle helmet.

11           (2) Parent or guardian responsibility. The parent or guardian of a  
12 child who operates or is a passenger on a bicycle in violation of the provi-  
13 sions of subsection (1) of this section shall be responsible for requiring  
14 that the child wears a bicycle helmet.

15           (3) Civil penalty. Any parent or guardian who fails to meet the respon-  
16 sibility set forth in subsection (2) of this section shall be fined twenty-  
17 five dollars (\$25.00) for the first offense and fifty dollars (\$50.00) for  
18 each subsequent offense. The court may dismiss all charges if presented with  
19 convincing evidence that the parent or guardian has purchased or obtained a  
20 bicycle helmet for the child and has instructed the child to wear the bicy-  
21 cle helmet in conformance with this section. The political subdivision en-  
22 forcing this section shall retain one-half (1/2) of all civil penalties col-  
23 lected pursuant to this section and shall remit the remaining one-half (1/2)  
24 to the state treasurer for deposit in the general fund.