



Ohio Legislative Service Commission

Bill Analysis

Andrea Holmes

S.B. 157

131st General Assembly
(As Introduced)

Sens. Jones, Patton, Brown

BILL SUMMARY

- Prohibits any person under 16 from operating a bicycle or being a passenger on a bicycle on the right-of-way of a street or highway, a bicycle or shared-use path, a sidewalk, a public park, or any other public land unless that person is wearing an approved helmet.
- Permits a court to waive the fine for violating the previously described prohibition if the court receives satisfactory proof that the offender has obtained an approved bicycle helmet and intends to use the helmet as required.
- Permits a municipal corporation to adopt bicycle helmet regulations that are as stringent as, or more stringent than, the regulations created by the bill.
- Requires a person regularly engaged in the business of renting bicycles to provide a written explanation of the requirements of this bill; to require the parent, guardian, or other person having custody of a person under 16 to attest that the person has read and understands the written explanation of the requirements; and to provide a helmet to the person under 16 if the person does not currently possess a helmet.
- Creates the bicycle safety fund within the state treasury to create, improve, and sustain a bicycle safety education program offered to the public in each county and to assist low-income families in the purchase of approved bicycle helmets.
- Prohibits any law enforcement officer from issuing a ticket, citation, or summons to a person who violates the bill's prohibitions for a period of one year after the bill's effective date.

CONTENT AND OPERATION

Operating a bicycle without a helmet

Prohibitions and penalties

The bill prohibits any person under 16 years of age from operating a bicycle on the right-of-way of a street or highway, a bicycle or shared-use path, a sidewalk, a public park, or any other public land unless that person is wearing an approved helmet that is of good fit and that is fastened securely on the person's head. Additionally, the bill prohibits any person under 16 years of age from being a passenger on a bicycle in any of those locations unless that person is wearing an approved helmet that is of good fit and that is fastened securely on the person's head.¹ An "approved helmet" is a helmet that meets or exceeds the standards for protective bicycle helmets established by the United States Consumer Product Safety Commission, the American Society for Testing and Materials, the Snell Memorial Foundation, or a safety standard established under Ohio or federal law.²

A person who violates either of these prohibitions will be fined not more than \$25 on the first offense, and not more than \$100 on the second or subsequent offense. The parent, guardian, or other person having custody of the person under 16 years of age is responsible for the payment of any fine. Upon receipt by the court of satisfactory proof that an offender has obtained an approved bicycle helmet and intends to use the helmet as required, the court may waive the fine for the violation.³

Admissibility in a civil action

The bill specifies that failure to wear a bicycle helmet as required under the bill or a substantially equivalent municipal ordinance is not admissible as evidence in any civil action.⁴

Municipal corporation bicycle helmet regulations

A municipal corporation may adopt bicycle helmet regulations that are as stringent as, or more stringent than, the regulations described above. Additionally, the new prohibitions do not apply in any municipal corporation that has in effect an

¹ R.C. 4511.531(A)(1) and (2).

² R.C. 4511.531(G)(1).

³ R.C. 4511.531(D)(1) and (2).

⁴ R.C. 4511.531(C)(1).

ordinance governing the use of bicycle helmets that was adopted prior to the bill's effective date.⁵

Bicycle rental businesses

The bill requires a person regularly engaged in the business of renting bicycles to do all of the following prior to providing a bicycle for use by a person under 16 years of age:⁶

- Provide a written explanation of the bill's requirements in a form established by the Director of Public Safety by rule.
- Require the parent, guardian, or other person having custody of a person under 16 years of age to attest that the parent, guardian, or other person has read and understands the written explanation of the requirements.
- Provide a helmet to the person under 16 years of age if the person does not currently possess a helmet and will operate a rental bicycle in an area where a helmet is required. The person regularly engaged in the business of renting bicycles may charge a reasonable fee for the helmet rental.

A person regularly engaged in the business of renting bicycles who complies with the requirements described above is not liable in a civil action for damages based upon any injuries caused by the failure of a person under 16 years of age who rented a bicycle to wear a helmet or to wear a helmet properly as required under the bill.⁷

Self-service bicycle rental companies

The bill requires a self-service bicycle rental company (defined under the bill as a business that operates self-service bicycle stations from which a person may rent a bicycle) to post a notice of the bill's requirements as required by the Director of Public Safety by rule. A self-service bicycle rental company is not required to provide a helmet to a person under 16 years of age.⁸

A self-service bicycle rental company is not liable in a civil action for damages based upon any injuries caused by the failure of a person under 16 years of age who

⁵ R.C. 4511.531(A)(3) and (F).

⁶ R.C. 4511.531(B)(1).

⁷ R.C. 4511.531(C)(2).

⁸ R.C. 4511.531(B)(2) and (G)(3).

rented a bicycle from the company to wear a helmet or to wear a helmet properly as required under the bill.⁹

Bicycle safety fund

The bill creates the bicycle safety fund within the state treasury. All fines collected for a violation of the prohibitions described under "**Prohibitions and penalties**," above, must be forwarded to the treasurer of state and credited to the bicycle safety fund. The Department of Public Safety must use the money credited to the fund to create, improve, and sustain a bicycle safety education program offered to the public in each county and to assist low-income families (defined under the bill as a family with an income not exceeding 200% of the federal poverty guidelines) in the purchase of approved bicycle helmets in accordance with guidelines established by the Director of Public Safety. All investment earnings of the bicycle safety fund must be credited to the fund.¹⁰

Rule-making authority

The bill requires the Director of Public Safety to adopt such rules as are necessary for the implementation of the bill and the establishment of a bicycle safety education program.¹¹

Delay in enforcement of prohibitions created by the bill

The bill prohibits any law enforcement officer from issuing a ticket, citation, or summons to a person who violates the bill's prohibitions for a period of one year after the bill's effective date. During that time, a law enforcement officer instead must issue to the person a written warning explaining the bill's provisions. The written warning may notify the person of the specific date, one year after the bill's effective date, when law enforcement officers must begin enforcing the bill's provisions.¹²

HISTORY

ACTION

DATE

Introduced

05-05-15

S0157-I-131.docx/emr

⁹ R.C. 4511.531(C)(3).

¹⁰ R.C. 4511.531(D)(3) and (G)(2).

¹¹ R.C. 4511.531(E).

¹² Section 2.

