CHAPTER 20

BICYCLE AND ROLLER SKIS SAFETY EDUCATION ACT

§2321. Short title

This chapter may be known and cited as the "Bicycle and Roller Skis Safety Education Act." [PL 2009, c. 484, §9 (AMD).]

SECTION HISTORY

PL 1999, c. 331, §1 (NEW). PL 2009, c. 484, §9 (AMD).

§2322. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1999, c. 331, §1 (NEW).]

1. Bicycle. "Bicycle" means a vehicle primarily propelled by human power, operated by a person usually seated on a seat and driven on the ground on wheels by the operator.
[PL 1999, c. 331, §1 (NEW).]

2. Bicycle helmet. "Bicycle helmet" means a piece of protective headgear intended for bicyclists that meets or exceeds the Consumer Products Safety Commission's standards.
[PL 1999, c. 331, §1 (NEW).]

3. Bicycle passenger. "Bicycle passenger" means any person who is traveling on a bicycle, a bicycle trailer or a similar product but is not an operator.
[PL 1999, c. 331, §1 (NEW).]

4. Bicycle passenger seat. "Bicycle passenger seat" means a seat separate from the saddle or seat for the operator of the bicycle or bicycle trailer or similar product that is securely fastened to the frame of the bicycle and is specifically designed for bicycle passenger use.
[PL 1999, c. 331, §1 (NEW).]

5. Bicycle taxi. "Bicycle taxi" means a bicycle designed to carry passengers.
[PL 1999, c. 331, §1 (NEW).]

6. Bicycle taxi passenger. "Bicycle taxi passenger" means a person who is traveling on a bicycle taxi but is not the operator of the bicycle taxi.
[PL 1999, c. 331, §1 (NEW).]

7. Bikeway. "Bikeway" means a vehicle way, paved or unpaved, upon which bicycles, unicycles or other vehicles propelled by human power may be pedaled. The bikeway may be part of a road or highway or it may be adjacent to a road or highway. A bikeway is a right-of-way under the jurisdiction and control of the State or a local subdivision of the State for use primarily by bicyclists and pedestrians.
[PL 1999, c. 331, §1 (NEW).]

8. Operator. "Operator" means a person who travels on and controls a bicycle or roller skis.
[PL 2009, c. 484, §10 (AMD).]

9. Public roadway. "Public roadway" means a right-of-way under the jurisdiction and control of the State or a local political subdivision of the State for the use primarily by motor vehicular traffic.
[PL 1999, c. 331, §1 (NEW).]

SECTION HISTORY

PL 1999, c. 331, §1 (NEW). PL 2009, c. 484, §10 (AMD).

§2323. Bicyclist and roller skier helmet use; passenger seat use

1. Use of helmet. A person under 16 years of age who is an operator or a passenger on a bicycle or an operator of roller skis on a public roadway or a public bikeway shall wear a helmet of good fit, positioned properly and fastened securely upon the head by helmet straps.
[PL 2009, c. 484, §11 (AMD).]

2. Passenger seat. A bicycle passenger must be seated properly in a bicycle passenger seat.
[PL 1999, c. 331, §1 (NEW).]

SECTION HISTORY

PL 1999, c. 331, §1 (NEW). PL 2009, c. 484, §11 (AMD).

§2324. Obligation of rental businesses

A person who is in the business of renting bicycles or roller skis shall post or make available to a person renting a bicycle or roller skis a written notice explaining the provisions of this chapter and shall provide an appropriate helmet to an operator or passenger who is under 16 years of age. A reasonable fee may be charged for the helmet rental. [PL 2009, c. 484, §12 (AMD).]

SECTION HISTORY

PL 1999, c. 331, §1 (NEW). PL 2009, c. 484, §12 (AMD).

§2325. Limitation of liability

A person who is in the business of selling or renting bicycles or roller skis who complies with this chapter is not liable in a civil suit for damages for any physical injuries sustained by an operator or bicycle passenger as a result of the operator's or passenger's failure to use a helmet. [PL 2009, c. 484, §13 (AMD).]

SECTION HISTORY

PL 1999, c. 331, §1 (NEW). PL 2009, c. 484, §13 (AMD).

§2326. Education; violations and enforcement

A person who violates section 2323, subsection 1 commits a traffic infraction. [PL 2013, c. 482, §5 (AMD).]

1. Education. For a first violation of section 2323, subsection 1, a law enforcement officer may provide safety information to the person. The officer may also inform that person's parent or guardian about the provisions of this chapter and about where to obtain an appropriate helmet.
[PL 2009, c. 484, §14 (AMD).]

2. Forfeiture. For a 2nd or subsequent violation of section 2323, subsection 1, a forfeiture of no more than $25 may be adjudged. The fine may be waived if a person presents proof of purchase of a bicycle helmet since the citation.
[PL 2007, c. 400, §11 (NEW).]

SECTION HISTORY

PL 1999, c. 331, §1 (NEW). PL 2007, c. 400, §11 (RPR). PL 2009, c. 484, §14 (AMD). PL 2013, c. 482, §5 (AMD).

§2327. Exemption

Bicycle taxi passengers are exempt from this Act. [PL 1999, c. 331, §1 (NEW).]

SECTION HISTORY

PL 1999, c. 331, §1 (NEW).

§2328. Evidence

In an accident involving a bicycle or a roller skier, the nonuse of a helmet by the operator or passenger is not admissible as evidence in a civil or criminal trial. [PL 2009, c. 484, §15 (AMD).]

SECTION HISTORY

PL 1999, c. 331, §1 (NEW). PL 2009, c. 484, §15 (AMD).

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