



www.lsc.ohio.gov

# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 97  
133rd General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsor:** Rep. Skindell

Margaret E. Marcy, Attorney

### Summary

- Requires a bicycle operator or passenger under 18 to wear a protective helmet when operating a bicycle on a roadway.
- Imposes a \$25 fine for a violation of the bicycle helmet requirement, but requires law enforcement officers to issue a written warning rather than a citation for one year after the bill's effective date.
- Establishes the Bicycle Safety Fund to be used by the Department of Public Safety to assist low-income families in the purchase of bicycle helmets.

### Detailed Analysis

The bill prohibits any person under 18 from operating or being a passenger on a bicycle on a roadway unless the person is wearing an approved helmet that fits well and is fastened securely on the person's head. Under the bill, a passenger specifically includes a person riding in a restraining seat or in a bicycle trailer.<sup>1</sup> An approved helmet is a helmet that meets or exceeds the standards for protective bicycle helmets established by the American National Standards Institute, the American Society for Testing and Materials, or the Snell Memorial Foundation.<sup>2</sup>

Violation of the requirement to wear a helmet (as an operator or passenger) is punishable by a \$25 fine, which may be waived by the court upon satisfactory proof that the offender has a protective helmet. The bill specifies that this is a strict liability offense and that

<sup>1</sup> R.C. 4511.531(B).

<sup>2</sup> R.C. 4511.531(A)(1).

the parent, guardian, or other person having custody of the offender is responsible for the payment of the fine.<sup>3</sup>

All fines collected for a violation of the bill's provisions must be forwarded to the Treasurer of State for deposit in the Bicycle Safety Fund, which the bill creates in the state treasury. All investment earnings of the Bicycle Safety Fund must be credited to it. The Department of Public Safety must use the money in the Fund to assist low-income families in the purchase of approved bicycle helmets in accordance with guidelines established by the Director of Public Safety under the bill.<sup>4</sup> A low-income family is a family with an income not exceeding the federal poverty guidelines.<sup>5</sup>

For the period of one year after the bill's effective date, no law enforcement officer may issue a ticket, citation, or summons to a person who violates the bicycle helmet requirement. During that time, the law enforcement officer instead must issue the person a written warning explaining the bill's provisions. The written warning may notify the person of the specific date when law enforcement officers must begin enforcing the bicycle helmet requirement.<sup>6</sup>

The bill specifies that neither its provisions nor a violation of those provisions may be used as evidence in any civil action.<sup>7</sup>

---

## History

Action	Date
Introduced	02-21-19

---

H0097-I-133/ks

---

<sup>3</sup> R.C. 4511.531(C)(1) and (2) and (E).

<sup>4</sup> R.C. 4511.531(C)(3).

<sup>5</sup> R.C. 4511.531(A)(2).

<sup>6</sup> Section 2.

<sup>7</sup> R.C. 4511.531(D).