

As Introduced

131st General Assembly

Regular Session

2015-2016

S. B. No. 157

Senator Jones

Cosponsors: Senators Patton, Brown

A BILL

To enact section 4511.531 of the Revised Code to
generally require any person under sixteen years
of age to wear a helmet while on a bicycle, to
require bicycle rental businesses to inform any
person under sixteen years of age who rents a
bicycle of this requirement and provide helmet
rentals, and to provide limited civil immunity
for bicycle rental businesses that comply with
these requirements.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 4511.531 of the Revised Code be
enacted to read as follows:

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Sec. 4511.531. (A) (1) No person under sixteen years of age
shall operate a bicycle on the right-of-way of a street or
highway, a path set aside for the exclusive use of bicycles, a
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.

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(2) No person under sixteen years of age shall be a

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passenger on a bicycle on the right-of-way of a street or 19
highway, a path set aside for the exclusive use of bicycles, a 20
shared-use path, a sidewalk, a public park, or any other public 21
land unless that person is wearing an approved helmet that is of 22
good fit and that is fastened securely on the person's head. 23

(3) A municipal corporation may adopt bicycle helmet 24
regulations that are as stringent as, or more stringent than, 25
the regulations contained in divisions (A) (1) and (2) of this 26
section. 27

(B) (1) A person regularly engaged in the business of 28
renting bicycles shall do all of the following prior to 29
providing a bicycle for use by a person under sixteen years of 30
age: 31

(a) Provide a written explanation of the requirements of 32
this section in a form established by the director of public 33
safety by rule; 34

(b) Require the parent, guardian, or other person having 35
custody of a person under sixteen years of age to attest that 36
the parent, guardian, or other person having custody of the 37
person under sixteen years of age has read and understands the 38
written explanation of the requirements of this section; 39

(c) Provide a helmet to the person under sixteen years of 40
age if the person does not currently possess a helmet and will 41
operate a rental bicycle in an area where a helmet is required 42
under division (A) of this section. The person regularly engaged 43
in the business of renting bicycles may charge a reasonable fee 44
for the helmet rental. 45

(2) A self-service bicycle rental company shall post a 46
notice of the requirements of this section as required by the 47

director of public safety by rule. A self-service bicycle rental 48
company is not required to provide a helmet to a person under 49
sixteen years of age under this section. 50

(C) (1) Failure to wear a bicycle helmet as required by 51
division (A) (1) or (2) of this section or a substantially 52
equivalent municipal ordinance shall not be admissible as 53
evidence in any civil action. 54

(2) A person regularly engaged in the business of renting 55
bicycles who complies with the requirements under division (B) 56
(1) of this section is not liable in a civil action for damages 57
based upon any injuries caused by the failure of a person under 58
sixteen years of age who rented a bicycle to wear a helmet or to 59
wear a helmet properly as required by division (A) (1) or (2) of 60
this section. 61

(3) A self-service bicycle rental company is not liable in 62
a civil action for damages based upon any injuries caused by the 63
failure of a person under sixteen years of age who rented a 64
bicycle from the company to wear a helmet or to wear a helmet 65
properly as required by division (A) (1) or (2) of this section. 66

(D) (1) Whoever violates division (A) (1) or (2) of this 67
section shall be fined as follows: 68

(a) On the first offense, not more than twenty-five 69
dollars; 70

(b) On the second or subsequent offense, not more than one 71
hundred dollars. 72

The parent, guardian, or other person having custody of a 73
person under sixteen years of age is responsible for the payment 74
of any fine imposed under division (D) (1) of this section. 75

(2) Upon receipt by the court of satisfactory proof that 76
an offender has obtained an approved bicycle helmet and intends 77
to use the helmet as required by divisions (A) (1) and (2) of 78
this section, the court may waive the fine for the violation. 79

(3) All fines collected for a violation of division (A) (1) 80
or (2) of this section shall be forwarded to the treasurer of 81
state and credited to the bicycle safety fund, which is hereby 82
created in the state treasury. The department of public safety 83
shall use the money credited to the fund to create, improve, and 84
sustain a bicycle safety education program offered to the public 85
in each county and to assist low-income families in the purchase 86
of approved bicycle helmets in accordance with guidelines the 87
director of public safety shall establish. All investment 88
earnings of the bicycle safety fund shall be credited to the 89
fund. 90

(E) The director of public safety shall adopt such rules 91
as are necessary for the implementation of this section and the 92
establishment of a bicycle safety education program. 93

(F) This section does not apply in any municipal 94
corporation that has in effect an ordinance governing the use of 95
bicycle helmets that was adopted prior to the effective date of 96
this section. 97

(G) As used in this section: 98

(1) "Approved helmet" means a helmet that meets or exceeds 99
the standards for protective bicycle helmets established by the 100
the United States consumer product safety commission, the 101
American society for testing and materials, the Snell memorial 102
foundation, or a safety standard established under federal law 103
or a law of this state. 104

(2) "Low-income family" means a family with an income not 105
exceeding two hundred per cent of the federal poverty guidelines 106
as defined in section 5101.46 of the Revised Code. 107

(3) "Self-service bicycle rental company" means a business 108
that operates self-service bicycle stations from which a person 109
may rent a bicycle. 110

Section 2. Notwithstanding any provision of law to the 111
contrary, for a period of one year after the effective date of 112
this act, no law enforcement officer shall issue a ticket, 113
citation, or summons to a person who violates division (A) (1) or 114
(2) of section 4511.531 of the Revised Code. During that time, a 115
law enforcement officer instead shall issue to the person a 116
written warning explaining the provisions of section 4511.531 of 117
the Revised Code. The written warning may notify the person of 118
the specific date, one year after the effective date of this 119
act, when law enforcement officers shall begin enforcing the 120
provisions of section 4511.531 of the Revised Code. 121