



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB0055

Introduced 1/27/2011, by Sen. Ira I. Silverstein

SYNOPSIS AS INTRODUCED:

625 ILCS 5/1-148.3f new
625 ILCS 5/11-1517 new

Amends the Illinois Vehicle Code. Makes it unlawful: for a person under the age of 16 to operate or be a passenger on a bicycle unless he or she wears a protective bicycle helmet; for a person who weighs less than 40 pounds or is less than 40 inches in height to be a passenger on a bicycle unless the person can be and is properly seated in and adequately secured to a bicycle safety seat; and for a parent or legal guardian of a person below the age of 12 to permit the person to operate or be a passenger on a bicycle in violation of the foregoing provisions. Provides for a civil penalty, and that moneys collected under this Act shall be deposited into the Share the Road Fund. Provides that, in the case of a first offense in a 12 month period, the court shall waive the civil penalty upon receipt of satisfactory proof that the violator has, since the date of the violation, purchased or otherwise obtained an appropriate protective bicycle helmet or bicycle safety seat. Provides that failure to wear a protective bicycle helmet or to secure a passenger to a restraining seat is not admissible as evidence in a trial of any civil action. Provides that except in cases involving a parent or legal guardian of a person below the age of 12, a law enforcement officer observing a violation of the new provisions shall issue a warning to the person and shall not arrest or take into custody any person solely for a violation. Contains definitions and a statement of purpose. Effective immediately.

LRB097 00050 HEP 45574 b

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by adding
5 Sections 1-148.3f and 11-1517 as follows:

6 (625 ILCS 5/1-148.3f new)

7 Sec. 1-148.3f. Multipurpose public path. A right-of-way
8 under the jurisdiction and control of this State or local
9 authorities for use primarily by bicycles or pedestrians or
10 both.

11 (625 ILCS 5/11-1517 new)

12 Sec. 11-1517. Bicycle helmets and safety seats.

13 (a) The purpose of this Section is to reduce the incidence
14 of disability and death resulting from injuries incurred in
15 bicycling accidents by requiring that, while riding on a
16 bicycle on State highways, streets, and sidewalks, all bicycle
17 operators and passengers under 16 years of age wear approved
18 protective bicycle helmets; and that all bicycle passengers who
19 weigh less than 40 pounds or who are less than 40 inches in
20 height be seated in separate restraining seats.

21 (b) As used in this Section:

22 "Bicycle safety seat" means a seat, separate from that of

1 the operator of the bicycle, that is fastened securely to the
2 frame of the bicycle and is adequately equipped to restrain the
3 passenger in the seat and protect the passenger from the moving
4 parts of the bicycle.

5 "Other public right-of-way" means any right-of-way other
6 than a highway or multipurpose public path that is under the
7 jurisdiction and control of this State or local authorities and
8 is designed for use and used by vehicular or pedestrian traffic
9 or both.

10 "Passenger" means any person who travels on a bicycle in
11 any manner except as an operator.

12 "Protective bicycle helmet" means a piece of headgear which
13 meets or exceeds the impact standards for protective bicycle
14 helmets set by:

15 (1) the U.S. Consumer Product Safety Commission for
16 headgear purchased on or after March 10, 1999; or

17 (2) the American National Standards Institute (ANSI),
18 the American Society of Testing and Materials (ASTM), or
19 the Snell Memorial Foundation for headgear purchased
20 before March 10, 1999.

21 (c) It is unlawful for any person under the age of 16 to
22 operate or be a passenger on a bicycle on a highway,
23 multipurpose public path, or other public right-of-way unless,
24 at all times when the person is so engaged, he or she wears a
25 protective bicycle helmet of good fit fastened securely upon
26 the head with the straps of the helmet.

1 (d) It is unlawful for any person who weighs less than 40
2 pounds or is less than 40 inches in height to be a passenger on
3 a bicycle on a highway, multipurpose public path, or other
4 public right-of-way unless the person can be and is properly
5 seated in and adequately secured to a bicycle safety seat.

6 (e) It is unlawful for any parent or legal guardian of a
7 person below the age of 12 to permit the person to operate or
8 be a passenger on a bicycle in violation of subsection (c) or
9 (d) of this Section. A parent or legal guardian violating this
10 subsection is subject to a civil penalty not exceeding \$2. In
11 the case of a first offense in a 12 month period, the court
12 shall waive the civil penalty upon receipt of satisfactory
13 proof that the parent or guardian in violation of this
14 subsection has since the date of the violation purchased or
15 otherwise obtained an appropriate protective bicycle helmet or
16 bicycle safety seat. All moneys collected under this Section
17 shall be deposited into the Share the Road Fund.

18 (f) In no event shall failure to wear a protective bicycle
19 helmet or to secure a passenger to a restraining seat be
20 admissible as evidence in a trial of any civil action.

21 (g) Except as provided in subsection (e), a law enforcement
22 officer observing any violation of this Section shall issue a
23 warning to the person and shall not arrest or take into custody
24 any person solely for a violation of this Section.

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.