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HOUSE BILL 340

42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996

INTRODUCED BY

ROBERT A. PERLS

AN ACT

RELATING TO TRANSPORTATION; ESTABLISHING REQUIREMENTS FOR THE
USE, SALE AND LEASE OF BICYCLE SAFETY HELMETS FOR MINORS;
IMPOSING A PENALTY; ENACTING NEW SECTIONS OF THE MOTOR VEHICLE
CODE; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Motor Vehicle Code is
enacted to read:

"[NEW MATERIAL] SHORT TITLE. -- This act may be cited as the
"Bicycle Safety Helmet Act". "

Section 2. A new section of the Motor Vehicle Code is
enacted to read:

"[NEW MATERIAL] DEFINITIONS. -- As used in the Bicycle
Safety Helmet Act:

A. "bicycle safety helmet" means a protective

Underscored material = new
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1 headgear that meets safety standards for bicycling;

2 B. "minor" means a person under sixteen years of
3 age; and

4 C. "safety standards" means the standards
5 established by the American national standards institute for
6 bicycle safety helmets or any other nationally recognized
7 standards for bicycle safety helmets."

8 Section 3. A new section of the Motor Vehicle Code is
9 enacted to read:

10 "[NEW MATERIAL] SAFETY STANDARDS FOR BICYCLE SAFETY
11 HELMET. -- A bicycle safety helmet shall meet safety standards
12 adopted by the division."

13 Section 4. A new section of the Motor Vehicle Code is
14 enacted to read:

15 "[NEW MATERIAL] MANDATORY USE, SALE AND LEASE OF BICYCLE
16 SAFETY HELMETS. --

17 A. A minor shall not operate a bicycle, ride upon a
18 bicycle as a passenger, ride in a restraining seat that is
19 attached to a bicycle or ride in a trailer towed by a bicycle
20 unless the minor is wearing a bicycle safety helmet.

21 B. A person shall not sell, or offer to sell, for
22 use by a minor any bicycle safety helmet that does not meet
23 safety standards adopted by the division.

24 C. A bicycle safety helmet sold or offered for sale
25 for use by a minor shall, by conspicuous manufacturer label,

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1 disclose to consumers that it meets safety standards adopted by
2 the division. The label constitutes the manufacturer's
3 certification that the bicycle safety helmet conforms with
4 safety standards adopted by the division.

5 D. A person shall not lease or rent a bicycle to a
6 minor unless the lessee or the renter shows that he possesses a
7 bicycle safety helmet or unless a bicycle safety helmet is
8 included for use, lease or rent during the term of the bicycle
9 lease or rent."

10 Section 5. A new section of the Motor Vehicle Code is
11 enacted to read:

12 "[NEW MATERIAL] VIOLATION AND PENALTIES--USE OF PENALTY
13 COLLECTIONS.--

14 A. A violation of the provisions of the Bicycle
15 Safety Helmet Act is punishable by a fine of not more than
16 twenty-five dollars (\$25.00). The fines collected under this
17 section shall be allocated to the department of health to be
18 used for bicycle safety education programs and for a program
19 assisting low-income families in obtaining an approved bicycle
20 safety helmet for a minor. The department of health may
21 contract for services to implement this program.

22 B. The parent or legal guardian having control and
23 custody of a minor whose conduct violates the provisions of the
24 Bicycle Safety Helmet Act shall be jointly and severally liable,
25 with the minor, for the amount of a fine imposed pursuant to the

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1 provisions of the Bicycle Safety Helmet Act. "

2 Section 6. APPROPRIATION. --Ten thousand dollars (\$10,000)
3 is appropriated from the general fund to the department of
4 health for expenditure in fiscal year 1997 for the purpose of
5 assisting low-income families in obtaining an approved bicycle
6 safety helmet for a minor, as provided in the Bicycle Safety
7 Helmet Act. Any unexpended or unencumbered balance remaining at
8 the end of fiscal year 1997 shall revert to the general fund.

9 Section 7. EFFECTIVE DATE. --The effective date of the
10 provisions of this act is July 1, 1996.

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State of New Mexico
House of Representatives

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FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996

January 30, 1996

Mr. Speaker:

Your RULES AND ORDER OF BUSINESS COMMITTEE, to
whom has been referred

HOUSE BILL 340

has had it under consideration and finds same to be
GERMANE in accordance with constitutional provisions.

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Respectfully submitted,

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Barbara A. Perea Casey,

Chairperson

Adopted _____

Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 7 For 1 Against

Yes: 7

No: Casey

Excused: Nicely, Olguin, Pederson, R. G. Sanchez, J. G. Taylor,

Wallach, S. Williams

Absent: None

H0340RC1