

SUBJECT: Helmet requirement for bicyclists under age 18

COMMITTEE: Public Safety — favorable, without amendment

VOTE: 6 ayes — Oakley, Bailey, Allen, Carter, Edwards, Luna

0 nays

3 absent — Driver, Madden, McCoulskey

SENATE VOTE: On final passage, April 10 — 22-11 (Bivins, Brown, Cain, Harris, Henderson, Nelson, Nixon, Ratliff, Rosson, Shapiro, Sibley)

WITNESSES: For — Glen Gadbois

Against — None

DIGEST: SB 337 would require persons younger than age 18 who are operators or passengers on bicycles to wear properly fitting protective bicycle helmets fastened by its straps securely on their heads. The helmets would have to be worn while the children were using their bikes on public roadways, public bicycle paths or other public rights-of-way, not including a road on private property or a driveway to a residence.

A parent or legal guardian of a child younger than age 18 could not knowingly or recklessly permit the child to operate a bicycle without a protective bicycle helmet.

Individuals engaged in the rental or sale of bicycles would be would be required to post a sign in a conspicuous place of the business establishment notifying consumers of the requirement that children under age 18 would be required to wear a helmet when operating or riding on a bicycle.

A person could not rent a bicycle to or for the use of children under age 18 unless the child operator or passenger possessed a properly fitting protective bicycle helmet at the time the bicycle was rented, or the rental agreement included the provision of a properly fitting protective bicycle helmet for the operator or passenger.

Compliance or noncompliance with the provisions of this bill would not be admissible as evidence in a civil trial.

A protective bicycle helmet would be defined as headgear that meets or exceeds the impact standards for protective bicycle helmets by the American National Standards Institute (ANSI), the Snell Memorial Foundation or an appropriate state agency.

The Department of Public Safety could solicit and accept gifts, grants and donations from individuals, business, foundations or government agencies to subsidize the purchase of protective bicycle helmets for children from low income families and to educate all children about bicycle safety issues.

The bill would take effect on September 1, 1995.

**SUPPORTERS
SAY:**

A helmet law to safeguard children who operate or are passengers on bicycles makes good sense for the whole state. The simple use of an appropriate helmet has been proved to reduce unnecessary bicycle-related deaths and injuries. Bicycle helmets are comfortable, affordable and provide a solid and effective tool in reducing serious head injuries. They have been shown to reduce the risk of head injuries by approximately 85 percent. In 1993 alone 52 Texans were killed and over 2,700 were injured in bicycle-related accidents with head injuries being the most common cause of serious disability and death in bicycle-related crashes.

Between 1988 and 1992, 295 Texans died in bicycle-related crashes. It is estimated that 183 (62 percent) of these deaths involved head injuries. Head injuries can severely affect a victim's cognitive and motor skills, requiring extensive rehabilitation and medical treatment. This can have a devastating effect on not only victims and their families, but on insurers and taxpayers if the victims lack adequate health insurance. The median cost for acute inpatient treatment and rehabilitation of a bicycle-related head injury is approximately \$11,306. The average life-long cost for a person who has a severe brain injury is \$4.5 million. Helmets provides an effective and easy answer to reducing head-related injuries caused by bicycle accidents. Because of the effectiveness of helmets in reducing death and injuries, nine states and numerous other counties and municipalities have adopted bicycle helmet laws.

OPPONENTS
SAY:

SB 337 would not authorize any penalties for parents or children who violate the provisions of the legislation. On the one hand, this makes the bill ineffective. On the other hand the bill would open a real possibility that a future legislature might be convinced to attach provisions to punish parents and others over the helmet requirement.

The Legislature should get out of the business of telling parents how to take care of their children and should stop passing laws that intrude into peoples' lives. Parents should be the ones to take personal responsibility for their children's safety rather than the Legislature, and parents alone should determine whether their children should wear bicycle helmets.

The fact that between 1988 and 1992, 295 Texans died in bicycle-related crashes, with an estimated 183 of the deaths involving head injuries is not an overwhelming statistic given the fact that Texas has a population of about 17 million.

A more realistic approach would be for the Legislature to appropriate funds for bicycle safety education programs. Bicycles are the only vehicles allowed on Texas roads without undergoing some type of basic safety instruction before hitting the road. Public service announcements and literature to parents on the beneficial aspects of their children wearing bicycle helmets would be as effective as a mandatory law.

By passing SB 337, the Legislature would penalize parents who do not have \$25 to \$100 to buy new helmets for each of their kids, especially when it was all they could do to get their children bicycles. This would unfairly discriminate against these children and prevent them from participating in cycling when the chances are remote that they would be injured, particularly if they are just bicycling around their neighborhood.

OTHER
OPPONENTS
SAY:

Singling out children under 18 for the bicycle helmet requirement would send a mixed message about the Legislature's commitment to bicycle helmet safety and the belief that these helmets make a difference. Either a bicycle helmet law is good for all Texans who ride bicycles or for none of them. The bill would not require 18-year-old high school seniors to wear helmets, for example, but would apply to younger classmates.

The bill should at least include a penalty as an enforcement mechanism.

NOTES:

A related bill, HB 619 by Carter, which would impose a \$50 fine for failing to use a helmet while on a bicycle, is pending in the Public Safety Committee.