

Senate Bill 742

Sponsored by Senator EDWARDS

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires person under 18 years of age to wear protective headgear while operating or riding on bicycle, riding on skateboard or scooter or using in-line skates or roller skates, on public or private land.

A BILL FOR AN ACT

1
2 Relating to protective headgear; amending ORS 814.485, 814.486, 814.487, 814.488, 814.600, 815.052
3 and 815.281; and repealing ORS 814.484.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 814.485 is amended to read:

6 814.485. (1) **As used in this section, "bicycle" has the meaning given in ORS 801.150 except**
7 **that:**

8 (a) **It also includes vehicles that meet the criteria specified in ORS 801.150 (1) to (4) but**
9 **that have wheels less than 14 inches in diameter.**

10 (b) **It does not include tricycles designed to be ridden by children.**

11 (2) A person commits the offense of failure [*of a bicycle operator or rider*] to wear protective
12 headgear if the person is under [*16*] **18** years of age, operates or rides on a bicycle [*on a highway*
13 *or on premises open to the public*] and is not wearing protective headgear of a type approved under
14 ORS 815.052.

15 [(2)] (3) Exemptions from this section are as provided in ORS 814.487.

16 [(3)] (4) The offense described in this section, failure [*of a bicycle operator or rider*] to wear
17 protective headgear, is a specific fine traffic violation. The presumptive fine for failure of a bicycle
18 operator or rider to wear protective headgear is \$25.

19 **SECTION 2.** ORS 814.486 is amended to read:

20 814.486. (1) **As used in this section, "bicycle" has the meaning given in ORS 801.150 except**
21 **that:**

22 (a) **It also includes vehicles that meet the criteria specified in ORS 801.150 (1) to (4) but**
23 **that have wheels less than 14 inches in diameter.**

24 (b) **It does not include tricycles designed to be ridden by children.**

25 (2) A person commits the offense of endangering a bicycle operator or passenger if:

26 (a) The person is operating a bicycle [*on a highway or on premises open to the public*] and the
27 person carries [*another person*] **a child** on the bicycle who is under [*16*] **18** years of age and is not
28 wearing protective headgear of a type approved under ORS 815.052; or

29 (b) The person is the parent, legal guardian or person with legal responsibility for the safety
30 and welfare of a child under [*16*] **18** years of age and the child operates or rides on a bicycle [*on a*
31 *highway or on premises open to the public*] without wearing protective headgear of a type approved

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 under ORS 815.052.

2 [(2)] (3) Exemptions from this section are as provided in ORS 814.487.

3 [(3)] (4) The offense described in this section, endangering a bicycle operator or passenger, is
4 a specific fine traffic violation. The presumptive fine for endangering a bicycle operator or passenger
5 is \$25.

6 **SECTION 3.** ORS 814.600 is amended to read:

7 814.600. (1) A person commits the offense of failure of a skateboarder, scooter rider, [or] in-line
8 skater **or roller skater** to wear protective headgear if the person is under [16] 18 years of age, rides
9 on a skateboard or scooter or uses in-line skates **or roller skates** [on a highway or on premises open
10 to the public] and is not wearing protective headgear of a type approved under ORS 815.052.

11 (2) The offense described in this section, failure of a skateboarder, scooter rider, [or] in-line
12 skater **or roller skater** to wear protective headgear, is a specific fine traffic violation punishable
13 by a maximum fine of \$25. The presumptive fine for failure of a skateboarder, scooter rider, [or]
14 in-line skater **or roller skater** to wear protective headgear is \$25.

15 **SECTION 4.** ORS 814.487 is amended to read:

16 814.487. A person is exempt from the requirements under ORS 814.485 and 814.486 to wear pro-
17 tective headgear[,] if:

18 (1) Wearing the headgear would violate a religious belief or practice of the person[.]; **or**

19 (2) **The person is operating or riding on a three-wheeled nonmotorized vehicle on a beach**
20 **while the beach is closed to motor vehicle traffic.**

21 **SECTION 5.** ORS 814.488 is amended to read:

22 814.488. (1) If a child in violation of ORS 814.485 is 11 years of age or younger, any citation is-
23 sued shall be issued to the parent, legal guardian or person with legal responsibility for the safety
24 and welfare of the child for violation of ORS 814.486, rather than to the child for violation of ORS
25 814.485.

26 (2) If a child in violation of ORS 814.485 is at least 12 years of age and is under [16] 18 years
27 of age, a citation may be issued to the child for violation of ORS 814.485 or to the parent, legal
28 guardian or person with legal responsibility for the safety and welfare of the child for violation of
29 ORS 814.486, but not to both.

30 (3) The first time a person is convicted of an offense described in ORS 814.485 or 814.486, the
31 person shall not be required to pay a fine if the person proves to the satisfaction of the court that
32 the person has protective headgear of a type approved under ORS 815.052.

33 **SECTION 6.** ORS 815.052 is amended to read:

34 815.052. (1) **As used in this section, "bicycle" has the meaning given in ORS 801.150 except**
35 **that:**

36 (a) **It also includes vehicles that meet the criteria specified in ORS 801.150 (1) to (4) but**
37 **that have wheels less than 14 inches in diameter.**

38 (b) **It does not include tricycles designed to be ridden by children.**

39 (2) The Department of Transportation shall adopt and enforce rules establishing minimum stan-
40 dards and specifications for safe protective headgear to be worn by people operating bicycles, by
41 passengers on bicycles and by people riding on skateboards or scooters or using in-line skates **or**
42 **roller skates.** The rules shall conform, insofar as practicable, to national safety standards and
43 specifications for such headgear.

44 **SECTION 7.** ORS 815.281 is amended to read:

45 815.281. (1) **As used in this section, "bicycle" has the meaning given in ORS 801.150 except**

1 **that:**

2 (a) **It also includes vehicles that meet the criteria specified in ORS 801.150 (1) to (4) but**
3 **that have wheels less than 14 inches in diameter.**

4 (b) **It does not include tricycles designed to be ridden by children.**

5 (2) A person commits the offense of selling noncomplying bicycle equipment if the person sells
6 or offers for sale any bicycle headgear that does not meet the standards established by the Depart-
7 ment of Transportation under ORS 815.052.

8 [(2)] (3) A person commits the offense of unlawfully renting or leasing a bicycle to another if the
9 person:

10 (a) Is in the business of renting or leasing bicycles; and

11 (b) Does not have bicycle headgear approved under ORS 815.052 available for rental for use by
12 persons under [16] 18 years of age.

13 (4) **The offense described in subsection (3) of this section does not apply to a person**
14 **renting or leasing three-wheeled nonmotorized vehicles for use on a beach while the beach**
15 **is closed to motor vehicle traffic.**

16 [(3)] (5) The offenses described in this section are Class D traffic violations.

17 **SECTION 8. ORS 814.484 is repealed.**

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