

Date of Hearing: April 16, 2018

**ASSEMBLY COMMITTEE ON TRANSPORTATION**

Jim Frazier, Chair

AB 3077 (Caballero) – As Amended April 9, 2018

**SUBJECT:** Vehicles: bicycle helmets

**SUMMARY:** Allows a person under the age of 18 that is cited for not wearing a bicycle helmet to correct the violation by proving they have a properly fitting helmet and by attending a bicycle safety course if one is available. Specifically, **this bill**:

- 1) Authorizes a person under the age of 18 to correct a violation of not wearing a properly fitted and fastened helmet, as defined, while riding on or being a passenger on, a bicycle, non-motorized scooter, or a skateboard, or while wearing in-line or roller skates unless there are disqualifying conditions, as defined, without having to pay a fine.
- 2) Allows the violation to be dismissed if the parent or legal guardian delivers proof to the issuing agency that:
  - a) The person has a helmet that meets all of the requirements, as defined; and,
  - b) The person attends a bicycle or related safety course as prescribed by the authorities in that jurisdiction, if one is available.

**EXISTING LAW:**

- 1) Requires a person under the age of 18 to wear properly fitted and fastened helmet, as defined, while riding on, or being a passenger on, a bicycle, non-motorized scooter, or a skateboard, or while wearing in-line or roller skates.
- 2) Requires the helmet be worn when riding on a street, bikeway, bike path, or trail.
- 3) Requires bicycle helmets to be labeled with the manufacturer's certification that they meet safety standards.
- 4) Prohibits safety helmets that do not meet these standards from being offered for sale to the users of bicycles, non-motorized scooter, skateboards, or in-line or roller skates.
- 5) Requires a fine for the violation of these provisions to be not more than \$25.
- 6) Authorizes the court to dismiss a charge for a violation of these provisions if it is the first offense.
- 7) Requires the proceeds from fines levied for violations of these provisions to be allocated as follows:
  - a) 72.5% for safety education training and to assist low income families in obtaining approved bicycle helmets;

- b) 2.5% for county administration; and,
- c) 25% for the city or county depending on where the violation occurred.

**FISCAL EFFECT:** Unknown

**COMMENTS:** In California, anyone under the age of 18 must wear a properly fitted helmet when riding a bicycle on a street, bikeway or public bicycle path or trail, and when riding a scooter, skateboard or when using inline or roller skates. For a first offense, California law requires the charge of riding without a helmet to be dismissed if the rider states in court and under oath that it is their first offense. Otherwise, the base fine is no more than \$25. If a minor is charged with riding without a helmet, parents are responsible for paying the fine. With other fees and adjustments, the \$25 fine could cost over \$200.

The California Legislature first enacted the bicycle helmet law in 1993 in response to the alarming number of children's head injuries seen in emergency rooms due to bicycle crashes. The proper use of a helmet has shown to reduce head injuries by more than 65% during a bicycle crash. A 2010 American Academy of Pediatrics (AAP) study of 1,200 child-involved bicycle crashes in Los Angeles showed that the primary reason for a fatality involving a bicycle crash was head injury/brain injury, and that in eight out of nine bike crashes resulting in a childhood fatality the child did not have on a helmet.

The 2017 California State Bicycle and Pedestrian Plan sets a statewide goal of tripling bicycling by 2020. Additionally, the Department of Transportation's (Caltrans) Strategic Management Plan sets targets to reduce bicycle fatalities by 10% per year. In fact, between 2005 and 2014 there were roughly 134, 000 bicyclists involved collisions in California, resulting in 1,350 fatalities – more than 2.5 fatalities per week. Although overall bicycling fatalities have declined, they are an increasing share of the total fatalities on our roadways. As noted in the AAP study, wearing a helmet can dramatically reduce head injuries and fatalities.

According to the sponsor of this bill, the California Coalition for Children's Safety and Health, at the time of the passage of the original bicycle helmet law, "Local law enforcement, schools, and children's health and safety groups worked together to encourage the use of and access to helmets. The helmet use in many California communities reached 60%. Since then the traffic fine involving helmets has risen to \$300, which has had the effect of breaking the collaborative efforts between school, parents, local law enforcement, and bicycle safety groups."

Some believe that the rising level of the cost of the infraction may have led to decreased enforcement among law enforcement agencies as they may be reluctant to issue a citation to a minor that may cost hundreds of dollars. To that end, writing in support of the bill, the Children's Advocacy Institute, notes that by making the citation a "fix it ticket," meaning allowing a family to obtain a helmet and go through a local bike safety course to have the ticket waived, this bill will renew the collaborative efforts to increase helmet use.

*Committee Comments:* As the state continues to champion a move to more active transportation policies and programs, enforcement laws must evolve to keep pace. According to the California Highway Patrol, last year roughly 100 citations were issued by their agency for this offense statewide. Making compliance with the helmet law a "fix it ticket" and requiring kids to prove

they have a proper helmet and attend a bike safety course may help increase enforcement action among California's law enforcement agencies. Additionally, to help in this effort, in the future the Legislature may want to consider a broader discussion on the availability of bicycle safety education courses, overall bicycle safety awareness, and programs that provide helmets for kids.

*Related Legislation:* AB 2989 (Flora) would require a person under the age of 18 to wear a helmet while operating a standup electric scooter. AB 2989 is set for hearing in this committee on April 23, 2018.

*Previous Legislation:* AB 902 (Bloom), Chapter 306, Statutes of 2015, expanded the existing authorized diversion programs for non-motor vehicle traffic violations to a person over the age of 18.

SB 1924 (O'Connell), Chapter 475, Statutes of 2002, required a person under the age of 18 to wear a helmet while operating, or riding as a passenger, a non-motorized scooter or skateboard or while wearing in-line or roller skates.

AB 2268 (Caldera), Chapter 1000, Statutes of 1993, required a person under 18 to wear a properly fitted helmet to operate a bicycle, with violation of the statute being an infraction with a penalty of not more than \$25.

#### **REGISTERED SUPPORT / OPPOSITION:**

##### **Support**

California Coalition for Children's Safety and Health (Sponsor)  
Allstate Insurance  
American Academy of Pediatrics, California  
Children's Advocacy Institute

##### **Opposition**

None on file

**Analysis Prepared by:** Melissa White / TRANS. / (916) 319-2093