



SPONSOR: Sen. Henry & Rep. Ewing
Rep. Spence

DELAWARE STATE SENATE

144th GENERAL ASSEMBLY

SENATE BILL NO. 174
AS AMENDED BY
HOUSE AMENDMENT NO. 1
AND
SENATE AMENDMENT NOS. 1 & 2

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO CHILD HELMET REQUIREMENTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

WHEREAS, the National Conference on State Legislatures reports that bicycle helmets decrease the risk of head and brain injuries by 85 to 88 percent and middle and upper face injuries by 67 percent; and

WHEREAS, the National Safe Kids Campaign estimates that 75 percent of bicycle-related fatalities among children could be prevented with a bicycle helmet; and

WHEREAS, a National Center for Injury Prevention and Control study found a high fatality rate for bicyclists between the ages of 15 and 19; and

WHEREAS, current Delaware law does not require helmet use by minors aged 16 and 17 for bicycles and motorized scooters and skateboards; and

WHEREAS, current Delaware law contains outdated references to helmet safety standards;

NOW THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend §4198K, Title 21, Delaware Code, by striking subsection (a) in its entirety and substituting in lieu thereof the following:

“(a) A person under 18 years of age shall not operate or ride as a passenger upon any bicycle unless that person is wearing an approved, properly fitted and fastened bicycle helmet. This requirement shall apply to a person who

rides upon a bicycle while in a restraining seat which is attached to the bicycle or in a trailer towed by the bicycle.

For purposes of this section, an approved helmet means a bicycle helmet which conforms to the following standards:

(1) A bicycle helmet that was manufactured prior to March 11, 1999 shall meet or exceed the minimum bicycle helmet safety standards set by the American National Standards Institute (ANSI), the American Society for Testing and Materials (ASTM), or the Snell Memorial Foundation;

(2) A bicycle helmet that was manufactured on or after March 11, 1999 shall meet or exceed the minimum bicycle helmet safety standards set by the Consumer Products Safety Commission.

Section 2. Amend §4198K(b), Title 21, Delaware Code, by striking the phrase “guardian who fails to cause the guardian’s child” and substituting in lieu thereof the phrase “parent or guardian who fails to cause the parent’s or guardian’s child”.

Section 3. Amend § 4198K(d), Title 21 of the Delaware Code by inserting the phrase between the word “a” and the word “bicycle”.

Section 4. Amend § 4198K by adding a new ‘§ 4198K(f)’ to read as follows:

“(f) It is an affirmative defense to a violation of the helmet requirements of this section that the violator is a member of a recognized church or religious denomination and whose religious convictions, in accordance with the tenets and practices of the violator’s church or religious denomination, are against the wearing of a helmet.”

Section 5. Amend §4198K(e), Title 21, Delaware Code, by striking the number “16” as it appears therein and substituting in lieu thereof the number “18”.

Section 6. Amend §4198N(h), Title 21, Delaware Code, by striking subsection (1) in its entirety and substituting in lieu thereof the following:

(1) A person under 18 years of age shall not operate or ride as a passenger upon any motorized skateboard or scooter unless that person is wearing a properly fitted and fastened bicycle helmet which meets or exceeds the standards set forth in §4198K of this title.

Section 7. Amend §4198N(h)(5), Title 21, Delaware Code, by deleting the number “16” as it appears therein and substituting in lieu thereof the number “18”.