



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

DELAWARE STATE SENATE
144th GENERAL ASSEMBLY

SENATE BILL NO. 174

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:

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

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

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

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

9 WHEREAS, current Delaware law contains outdated references to helmet safety standards;

10 NOW THEREFORE:

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

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

15 “(a) A person under 18 years of age shall not operate or ride as a passenger upon any bicycle unless that person is
16 wearing an approved, properly fitted and fastened bicycle helmet. This requirement shall apply to a person who
17 rides upon a bicycle while in a restraining seat which is attached to the bicycle or in a trailer towed by the bicycle.
18 For purposes of this section, an approved helmet means a bicycle helmet which conforms to the following
19 standards:

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

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

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

28 Section 3. Amend §4198K(e), Title 21, Delaware Code, by striking the number “16” as it appears therein and
29 substituting in lieu thereof the number “18”.

30 Section 4. Amend §4198N(h), Title 21, Delaware Code, by striking subsection (1) in its entirety and substituting
31 in lieu thereof the following:

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

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

SYNOPSIS

This Act updates the Delaware Code to reflect the Consumer Product Safety Commission’s adoption of regulations in 1999 establishing helmet manufacturing safety standards. These standards, codified at 16 C.F.R. Part 1203, apply to both bicycle and mixed use helmets. This Act also requires 16-17 year olds to wear a conforming helmet when operating bicycles and motorized scooters and skateboards (which can attain speeds up to 35-40 m.p.h.). The Bicycle Helmet Safety Institute supports mandatory helmet laws covering all age groups. Although some states have statewide helmet laws, many jurisdictions regulate helmet use at the local government level. Counties in Arizona, Kentucky, Maryland, Michigan, New Mexico, New York, Ohio, Oklahoma, Texas, Washington, and West Virginia require helmet use by bicyclists up to age 18.

Author: Senator Henry