

HOUSE No. 5416

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, April 8, 1991.

The committee on Public Safety, to whom was referred the petition (accompanied by bill, House, No. 2708) of Barbara E. Gray and other members of the General Court for legislation to require the use of helmets for children who are passengers on bicycles, reports recommending that the accompanying bill (House, No. 5416) ought to pass.

For the committee,

PAUL E. CARON.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-One.

AN ACT TO REQUIRE THE USE OF HELMETS FOR CHILDREN WHO ARE PASSENGERS ON BICYCLES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 The second paragraph of Section 11B of Chapter 85 of the
2 Massachusetts General Laws, as amended by Section 1 of Chapter
3 476 of the Acts of 1990, is hereby amended by striking out clause
4 (2) and inserting in place thereof the following clause: —

5 2(A) The operator shall ride only upon or astride a permanent
6 and regular seat attached to the bicycle.

7 (B) The operator shall not carry another person on a bicycle,
8 except on a “baby seat,” so called, attached to the bicycle in which
9 such other person shall be able to “sit upright,” or else astride a
10 regular seat and operating pedals of a tandem bicycle; provided,
11 however, that such seat is equipped with a harness to hold such
12 other person securely in the seat and that protection is provided
13 against the feet of such person hitting the spokes of the wheel of
14 the bicycle.

15 (C) It shall also be provided that any such passenger four years
16 old or younger or weighing 40 pounds or less, shall wear a helmet.
17 Said helmet shall fit the person’s head and be equipped with straps
18 to secure it in place and shall meet the standard for helmets of
19 the American National Standards Institute (ANSI Z 90.4), or
20 most current subsequent bicycle helmet standards, or the Snell
21 Memorial Foundation’s 1984 standard for Protective Headgear
22 for use in bicycling. This will not apply, however, if the passenger
23 is in an enclosed trailer or other device which adequately retains
24 the passenger in place and which meets or exceeds current
25 nationally recognized standards of design and manufacture for the
26 protection of the passenger’s head from impact in an accident
27 without the need for a helmet.

28 (D) A passenger exceeding 40 pounds or four years of age, may
29 only ride astride a regular seat of a tandem bicycle or in an
30 enclosed trailer or other device as defined in (C).

31 (E) The first violation of (B), (C), or (D) shall be dismissed if
32 the person charged submits proof that equipment meeting the
33 requirements of the relevant section has been acquired for use by
34 the passenger.

35 (F) Failure to observe the provisions of sections (B) through
36 (D) shall not be admissible as evidence of liability in a court of
37 law.

