

# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, No. 2195**

# **STATE OF NEW JERSEY**

DATED: SEPTEMBER 16, 1996

The Assembly Law and Public Safety Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 2195.

This Assembly Committee Substitute for Assembly, No. 2195 establishes the requirement that all persons under the age of 18 years must wear a protective helmet when riding a bicycle or operating any roller skates or skateboard on public property.

Currently, only bicycle riders under the age of 14 are statutorily required to wear protective helmets.

The provisions of the substitute supplement chapter 4 of Title 39 of the Revised Statutes and amend P.L.1991, c.465 (C.39:4-10.1 et seq.) to require that all persons under the age of 18 years wear a protective helmet when riding a bicycle or operating any roller skates or skateboard on public property. "Roller skates," as defined in the substitute, means not only traditional roller skates, but also roller blades and in-line skates. The helmet worn must meet the standards of the American National Standards Institute (ANSI Z90.4 bicycle helmet standard), the Snell Memorial Foundations 1990 Standard for Protective Headgear for Use in Bicycling, the American Society for Testing and Materials (ASTM) standard, or other such standard as appropriate.

A person who violates the provisions of this substitute by failing to wear an approved helmet would be warned of the violation by the enforcing official. The parent or legal guardian of the violator may be fined a maximum of \$25 for a first offense and a maximum of \$100 for a subsequent offense. These penalties may be waived, however, if the parent or legal guardian of the violator presents suitable proof that an approved helmet has been purchased since the violation occurred.

All moneys collected as fines are to be deposited into the "Bicycle and Skating Safety Fund." This fund is a revised version of the "Bicycle Safety Fund" which was established under section 2 of P.L.1991, c.465 (C.39:4-10.2) as the depository of fines assessed under the bicycle helmet law. The moneys deposited in this new fund are to be used to provide educational programs for roller skating and skateboard safety as well as the current programs for bicycle safety. As with the "Bicycle Safety Fund," the substitute provides that if there

are sufficient moneys in the "Bicycle and Skating Safety Fund," the director may utilize those moneys to assist low income families in purchasing approved helmets.

The substitute specifies that the failure to wear a helmet would not constitute negligence per se, contributory negligence, or assumption of risk, and would not in any way bar, preclude or foreclose an action for personal injury or wrongful death.

Finally, the substitute clarifies that roller skaters and skateboarders, like bicycle riders, have all the rights and are subject to all of the duties applicable to them under the State's motor vehicle statutes when operating upon a public roadway.