

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, Nos. 537 and 475**

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 7, 1996

The Assembly Law and Public Safety Committee reports favorably a Senate Committee Substitute with committee amendments for Senate Bill Nos. 537 and 475.

The Senate Committee Substitute for Senate Bill No. 537 and Senate Bill No. 475, as amended by the committee, establishes the requirement that all persons under the age of 18 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, as amended by the committee, supplement chapter 4 of Title 39 of the Revised Statutes and amend P.L.1991, c.465 (C.39:§-10.1 et seq) to require that all persons under the age of 18 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 Foundation's 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, as amended by the committee, 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 \$50 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 would 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 use the 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 amended version of the substitute clarifies that roller skaters and skateboards, like bicycle riders, have all the rights and are subject to all of the duties applicable to them under the State's, motor vejoc;e statutes when operating upon a public roadway.

The Senate Committee Substitute for Senate Bill No. 537 and Senate Bill No. 475, as amended by the committee, is identical to the Assembly Committee Substitute for Assembly Bill No. 2195.