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AN ACT
RELATING TO CHILD SAFETY; ENACTING THE CHILD HELMET SAFETY
ACT; PROVIDING CIVIL PENALTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE.--This act may be cited as the
"Child Helmet Safety Act".

Section 2. DEFINITIONS.--As used in the Child Helmet
Safety Act:

A. "bicycle" means a human-powered vehicle with
two wheels in tandem designed to transport, by the act of
pedaling, one or more persons seated on one or more saddle
seats on its frame and includes a human-powered vehicle
designed to transport by the act of pedaling, which has more
than two wheels when the vehicle is used on a public roadway,
public bicycle path or other public road or right of way,
including a tricycle;

B. "minor" means a person under eighteen years of
age;

C. "operator" means a person under eighteen years
of age who travels on a bicycle seated on a saddle seat from
which that person is intended to and can pedal the bicycle,
or who propels himself by way of using inline skates, roller
skates, a skateboard or a scooter;

D. "passenger" means a person under eighteen years

SB 397
Page 1

1 of age who travels on a bicycle or scooter in any manner
2 except as an operator;

3 E. "protective helmet" means a piece of headgear
4 that meets or exceeds the impact standard for protective
5 helmets set by the United States consumer product safety
6 commission federal safety standard and those standards
7 developed by the American national standards institute, the
8 Snell memorial foundation or the American society for testing
9 and materials;

10 F. "public bicycle path" means a right of way
11 under the jurisdiction and control of the state or a local
12 political subdivision for use primarily by bicyclists and
13 pedestrians;

14 G. "public roadway" means a right of way under the
15 jurisdiction and control of the state or a local political
16 subdivision for use primarily by motor vehicular traffic;

17 H. "public skateboard park" means an area of
18 public property set aside, designed and maintained for
19 recreation by persons using bicycles, scooters, skateboards
20 or skates;

21 I. "scooter" means a wheeled vehicle, regardless
22 of the number or placement of those wheels, that has
23 handlebars, designed to be stood on by the operator or
24 passenger and used to glide or propel the operator or
25 passenger over the ground;

1 J. "skateboard" means a set of wheels attached to
2 a platform or flat surface, regardless of the number or
3 placement of those wheels, and used to glide or propel the
4 operator over the ground; and

5 K. "skates" means a pair of devices worn on the
6 feet with a set of wheels attached and used to glide or
7 propel the user over the ground and may be either inline or
8 roller, but "skates" does not include a pair of devices,
9 similar to a pair of common shoes, that has one or more
10 wheels embedded in the sole of each device.

11 Section 3. HELMET USE REQUIREMENTS--CIVIL PENALTY.--

12 A. It is unlawful for a parent or legal guardian
13 of a minor to knowingly permit that minor to operate or be a
14 passenger on a bicycle, skates, scooter or skateboard unless
15 that minor wears a well-fitted protective bicycle helmet,
16 fastened securely upon the head with the straps of the
17 helmet.

18 B. Except as provided in Subsection C of this
19 section, a parent or legal guardian found guilty of violating
20 Subsection A of this section shall pay a civil penalty of not
21 more than ten dollars (\$10.00). Magistrate and municipal
22 courts shall have concurrent jurisdiction.

23 C. If a violation of Subsection A of this section
24 is a first offense, the magistrate or municipal court may
25 issue a verbal warning or require, in lieu of the fine

1 imposed in Subsection B of this section, that the person
2 found in violation provide proof that a protective helmet has
3 been purchased for use by the minor found on the bicycle,
4 skates, scooter or skateboard without a protective helmet.

5 D. A municipal court may issue only a verbal
6 warning for a first or later violation.

7 Section 4. EQUIPMENT SALES OR RENTALS.--A person
8 engaged in the business of renting bicycles, skates, scooters
9 or skateboards shall provide a protective helmet to a minor
10 who will be an operator of or passenger on a rented bicycle,
11 skates, scooter or skateboard if the minor does not already
12 have a helmet in the minor's possession. A reasonable fee
13 may be charged for the protective helmet rental.

14 Section 5. NEGLIGENCE.--Failure to wear a protective
15 helmet shall not limit or apportion damages.

16 Section 6. EFFECTIVE DATE.--The effective date of the
17 provisions of this act is July 1, 2007. _____

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