



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 1142 (as introduced 9-12-96)
Sponsor: Senator Robert Geake
Committee: Transportation and Tourism

Date Completed: 9-19-96

CONTENT

The bill would amend the Michigan Vehicle Code to require a person under 14 years of age to wear a helmet while operating or riding as a passenger on a bicycle; specify that violation of the bill would be a civil infraction and establish fines for first and subsequent violations; and, require local governments, after payment of court costs, to use fine revenues for bicycle safety education and the purchase of helmets for persons who were unable to buy a helmet.

A person under 14 operating or riding as a passenger on a bicycle or in a carrier or trailer attached to a bicycle would have to wear a properly fitted helmet properly fastened on his or her head that met the appropriate standard approved by the Snell Memorial Foundation, the American Standards Institute, or the U.S. Department of Transportation.

The bill specifies that it would not prohibit a local government from adopting standards as strict or more stringent than the bill's requirements.

Penalties

A parent, guardian, or person responsible for supervision of a person under 14 who permitted him or her to operate or ride as a passenger on a bicycle or in a carrier or trailer attached to a bicycle in violation of the bill would be responsible for a civil infraction. For a violation of the bill, a civil fine could not exceed \$10. For a second or subsequent violation, the civil fine and court costs ordered under the Code would be \$25.

Safety Education

After the assessment of court costs as prescribed in the Code, a civil fine ordered under the Code for a violation of the bill would have to be retained by the local unit(s) of government and used for bicycle safety education and for the purchase of bicycle helmets for persons under 14 who otherwise were unable to purchase a helmet.

(Under the Code, if a civil fine is ordered to be paid, the judge, district court referee, or district court magistrate must tax and determine the costs of the action, which cannot be limited to the costs taxable in ordinary civil actions, and may include all direct and indirect expenses up to the entry of judgment. Except for a parking violation, costs of at least \$5 must be ordered. Costs cannot be

ordered for more than \$100. Except as otherwise provided, costs must be paid to the general fund of the plaintiff.)

MCL 257.658 et al.

Legislative Analyst: L. Arasim

FISCAL IMPACT

Enforcement costs and revenue generated from fines would depend on the number of violations.

Fiscal Analyst: B. Bowerman

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.