

Calendar No. 108

103D CONGRESS
1ST SESSION

S. 228

[Report No. 103-68]

A BILL

To establish a grant program under the National Highway Traffic Safety Administration for the purpose of promoting the use of bicycle helmets by individuals under the age of 16.

JUNE 24 (legislative day, JUNE 22), 1993

Reported without amendment

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IN THE SENATE OF THE UNITED STATES

JANUARY 27 (legislative day, JANUARY 5), 1993

Mr. BRYAN (for himself, Mr. DANFORTH, Mr. DECONCINI, Mr. MCCAIN, and Mr. BOND) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

JUNE 24 (legislative day, JUNE 22), 1993

Reported by Mr. HOLLINGS, without amendment

A BILL

To establish a grant program under the National Highway Traffic Safety Administration for the purpose of promoting the use of bicycle helmets by individuals under the age of 16.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Children’s Bicycle Hel-
3 met Safety Act of 1993”.

4 **SEC. 2. FINDINGS.**

5 The Congress finds that—

6 (1) 90 million Americans ride bicycles and 20
7 million ride a bicycle more than once a week;

8 (2) between 1984 and 1988, 2,985 bicyclists in
9 the United States died from head injuries and
10 905,752 suffered head injuries that were treated in
11 hospital emergency rooms;

12 (3) 41 percent of bicycle-related head injury
13 deaths and 76 percent of bicycle-related head inju-
14 ries occurred among American children under age
15 15;

16 (4) deaths and injuries from bicycle accidents
17 cost society \$7.6 billion annually; and a child suffer-
18 ing from a head injury, on average, will cost society
19 \$4.5 million over the child’s lifetime;

20 (5) universal use of bicycle helmets in the Unit-
21 ed States would have prevented 2,600 deaths from
22 head injuries and 757,000 injuries; and

23 (6) only 5 percent of children in the Nation who
24 ride bicycles wear helmets.

1 **SEC. 3. ESTABLISHMENT OF PROGRAM.**

2 The Administrator of the National Highway Traffic
3 Safety Administration may, in accordance with section 4,
4 make grants to States, State political subdivisions, and
5 nonprofit organizations for programs that require or en-
6 courage individuals under the age of 16 to wear approved
7 bicycle helmets. In making those grants, the Adminis-
8 trator shall allow grantees to use wide discretion in design-
9 ing programs that effectively promote increased bicycle
10 helmet use.

11 **SEC. 4. PURPOSES FOR GRANTS.**

12 A grant made under section 3 may be used by a
13 grantee to—

14 (1) enforce a law that requires individuals
15 under the age of 16 to wear approved bicycle hel-
16 mets on their heads while riding on bicycles;

17 (2) assist individuals under the age of 16 to ac-
18 quire approved bicycle helmets;

19 (3) develop and administer a program to edu-
20 cate individuals under the age of 16 and their fami-
21 lies on the importance of wearing such helmets in
22 order to improve bicycle safety; or

23 (4) carry out any combination of the activities
24 described in paragraphs (1), (2), and (3).

1 **SEC. 5. STANDARDS.**

2 (a) IN GENERAL.—Bicycle helmets manufactured 9
3 months or more after the date of the enactment of this
4 Act shall conform to—

5 (1) any interim standard described under sub-
6 section (b), pending the establishment of a final
7 standard pursuant to subsection (c); and

8 (2) the final standard, once it has been estab-
9 lished under subsection (c).

10 (b) INTERIM STANDARDS.—The interim standards
11 are as follows:

12 (1) The American National Standards Institute
13 standard designated as “Z90.4–1984”.

14 (2) The Snell Memorial Foundation standard
15 designated as “B–90”.

16 (3) Any other standard that the Consumer
17 Product Safety Commission determines is appro-
18 priate.

19 (c) FINAL STANDARD.—Not later than 60 days after
20 the date of the enactment of this Act, the Consumer Prod-
21 uct Safety Commission shall begin a proceeding under sec-
22 tion 553 of title 5, United States Code, to—

23 (1) review the requirements of the interim
24 standards set forth in subsection (a) and establish a
25 final standard based on such requirements;

1 (2) include in the final standard a provision to
2 protect against the risk of helmets coming off the
3 heads of bicycle riders;

4 (3) include in the final standard provisions that
5 address the risk of injury to children; and

6 (4) include additional provisions as appropriate.

7 Sections 7 and 9 of the Consumer Product Safety Act (15
8 U.S.C. 2056 and 2058) shall not apply to the proceeding
9 under this subsection and section 11 of such Act (15
10 U.S.C. 2060) shall not apply with respect to any standard
11 issued under such proceeding. The final standard shall
12 take effect 1 year from the date it is issued.

13 (d) FAILURE TO MEET STANDARDS.—

14 (1) FAILURE TO MEET INTERIM STANDARD.—

15 Until the final standard takes effect, a bicycle hel-
16 met that does not conform to an interim standard
17 as required under subsection (a)(1) shall be consid-
18 ered in violation of a consumer product safety stand-
19 ard promulgated under the Consumer Product Safe-
20 ty Act.

21 (2) STATUS OF FINAL STANDARD.—The final
22 standard developed under subsection (c) shall be
23 considered a consumer product safety standard pro-
24 mulgated under the Consumer Product Safety Act.

1 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

2 For the National Highway Traffic Safety Adminis-
3 tration to carry out the grant program authorized by this
4 Act, there are authorized to be appropriated \$2,000,000
5 for fiscal year 1994, \$3,000,000 for fiscal year 1995, and
6 \$4,000,000 for fiscal year 1996.

7 **SEC. 7. DEFINITION.**

8 In this Act, the term “approved bicycle helmet”
9 means a bicycle helmet that meets—

10 (1) any interim standard described in section
11 5(b), pending establishment of a final standard
12 under section 5(c); and

13 (2) the final standard, once it is established
14 under section 5(c).