

**ARTICLE 374
CHILD BICYCLE SAFETY ACT**

374.01 Definitions

374.03 Sale of bicycle helmets

374.02 Requirements for helmet use

374.04 Civil actions

374.01 DEFINITIONS

As used in this Article:

- (a) **"Bicycle"** means a human-powered vehicle with wheels designed to transport, by the action of pedaling, one or more persons seated on one or more saddle seats on its frame. Such term also includes a human-powered vehicle, and any attachment to such vehicle designed to transport by pedaling when the vehicle is used on a public roadway, public bicycle path or other public right-of-way, but does not include a tricycle.
- (b) **"Tricycle"** means a three-wheeled human-powered vehicle designed for use as a toy by a single child under the age of six years, the seat of which is no more than two feet from ground level.
- (c) **"Public roadway"** means a right-of-way under the jurisdiction and control of the Town of Belle for use primarily by motor vehicles.
- (d) **"Public bicycle path"** means a right-of-way under the jurisdiction and control of the Town of Belle for use primarily by bicycles and pedestrians.
- (e) **"Other public right-of-way"** means any right-of-way other than a public roadway or public bicycle path that is under the jurisdiction and control of the Town of Belle and is designed for use and used by vehicular or pedestrian traffic.
- (f) **"Protective bicycle helmet"** means a piece of headgear which meets or exceeds the impact standards for protective bicycle helmets set by the American National Standards Institute (ANSI) or the Snell Memorial Foundation's Standards (ASTM) for use in bicycling.
- (g) **"Passenger"** means any person who travels on a bicycle in any manner except as an operator.
- (h) **"Operator"** means a person who travels on a bicycle seated on a saddle seat from which that person is intended to and can pedal the bicycle.

374.02 RECOMMENDATIONS FOR HELMET USE

It is recommended that persons under the age of fifteen years at all times when he/she is so engaged to operate or be a passenger on a bicycle or any attachment to a bicycle used on a public roadway, public bicycle path or public right-of-way, that he/she wears a protective bicycle helmet of good fit, fastened securely upon the head with the straps of the helmet.

374.03 SALE OF BICYCLE HELMETS

Any helmet sold or offered for sale by operator and passengers of bicycles shall meet all safety standards as required by the State of West Virginia.

374.04 CIVIL ACTIONS

Failure of an individual to comply with Section 374.02 of this Article is not admissible as evidence of negligence or contributory negligence or comparative negligence in any civil action or proceeding for damages, and shall not be admissible in mitigation of damages. (Passed 7/2/1996)

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