

Chapter 9.41 BICYCLE HELMETS

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9.41.010 Purpose and policy declared.

A. It is the express purpose of this chapter to provide for and to promote the health, safety, and welfare of the general public and not to create, establish, or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter.

B. It is the specific intent of this chapter to place the obligation of complying with its terms upon any person falling within its scope. No provision of this chapter is intended to impose any duty upon the city of Kent or any of its officers, employees, or agents for any damage or injury resulting from the failure of a person to comply with this chapter. Implementation and enforcement of this chapter by the city of Kent and its officers or employees shall be discretionary and not mandatory. This chapter is not intended to form the basis for liability of the city of Kent, or any of its officers, employees, or agents, in the event that a person is injured or property is damaged as a result of the failure of any person to comply with its terms.

(Ord. No. 3465, § 1, 7-6-99)

9.41.020 Definitions.

For the purposes of this chapter, the following terms shall have the following meanings:

A. *Bicycle* means every device propelled solely by human power upon which a person or persons may ride, having two (2) tandem wheels, either of which is eight (8) inches or more in diameter, or three (3) wheels, any one of which is more than twenty (20) inches in diameter. The term “bicycle” shall include any child-seat, trailer, side-car, or other device attached to a bicycle. A device meeting the definition of a bicycle shall be considered a bicycle notwithstanding the fact that training wheels are affixed to the device.

B. *Guardian* means a person legally responsible for the care and management of a person under the age of sixteen (16). “Guardian” shall include the parent, a person with legal custody, a person with temporary custody, or a person who is temporarily caring for the child.

C. *Child* means a person under the age of sixteen (16).

D. *Approved bicycle helmet* means a head covering designed to protect the head that meets or exceeds safety standards adopted by the United States Consumer Product Safety Commission (CPSC), the American National Standards Institute (ANSI), or the Snell Foundation.

E. *Public area* means the public roadways, sidewalks, bicycle paths, parks, public property, public rights-of-way, and publicly owned facilities within the city limits of the city of Kent.

(Ord. No. 3465, § 1, 7-6-99)

9.41.030 Bicycle helmet required.  

A. Any person riding a bicycle, including a passenger on a bicycle or a person in tow of a bicycle, upon any public area, shall wear an approved bicycle helmet and shall have either the neck or chin strap of the helmet fastened securely while the bicycle is in motion.

B. No person shall transport another person on a bicycle or in tow of a bicycle upon any public area, unless the passenger is wearing an approved bicycle helmet. Each person transported in violation of this subsection shall be considered a separate offense chargeable to the person in control of the bicycle.

C. The guardian of a child is responsible for requiring that the child under his or her care wears an approved bicycle helmet while bicycling, or riding as a passenger on a bicycle or in tow of a bicycle, in any public area, and that the child has the neck or chin strap of the helmet fastened securely. Each child not wearing an approved bicycle helmet in violation of this section shall be considered a separate offense chargeable to the parent or guardian.

D. It is a defense to this section for a person wearing an unapproved bicycle helmet that the helmet was furnished in conjunction with his or her lease of the bicycle by a person engaged in the business of leasing bicycles and that the helmet was fastened securely while bicycling.

(Ord. No. 3465, § 1, 7-6-99)

9.41.040 Bicycle races and events – Bicycle helmet required.  

The person managing, organizing, or promoting a bicycle race, tour, or event shall include notice of the bicycle **helmet** requirement on all promotional brochures and on all registration materials.

(Ord. No. 3465, § 1, 7-6-99)

9.41.050 Bicycle on lease or loan – Bicycle **helmet to be provided.**  

A. Any person regularly engaged in the business of renting or loaning (e.g., “a test drive”) a bicycle for use in any public area shall have an approved bicycle **helmet** available, shall offer such **helmet** to the person renting or borrowing the bicycle, and shall retain proof that such person was offered the use of an approved bicycle **helmet**.

B. Each rental or lease in violation of this section shall constitute a separate offense.

(Ord. No. 3465, § 1, 7-6-99)

9.41.060 **Helmet sales – Safety standards.**  

No person who is regularly engaged in the selling of bicycle helmets shall sell or offer for sale a bicycle **helmet** that does not meet or exceed the safety standards approved in KCC [9.41.020\(D\)](#). Each sale in violation of this section shall constitute a separate offense.

(Ord. No. 3465, § 1, 7-6-99)

9.41.070 Enforcement.  

A. Any person who violates any provision of this chapter shall have committed a traffic infraction punishable by a monetary penalty in the amount of twenty-five dollars (\$25).

B. In the event that a person is charged with a violation of KCC [9.41.030](#), the court may, upon proof that the person has not been cited with a previous violation of this chapter or a similar ordinance, and upon proof that the person has obtained an approved bicycle **helmet** and upon presentation of a receipt therefor, may dismiss the charge.

(Ord. No. 3465, § 1, 7-6-99)