

PERMITTING A CHILD UNDER 16 YEARS OF AGE TO [OPERATE] [BE A PASSENGER ON] A BICYCLE WITHOUT A PROTECTIVE BICYCLE HELMET<sup>1</sup>. G.S. 20-171.9. INFRACTION.<sup>2</sup>

The defendant has been charged with permitting a child under 16 years of age to [operate] [be a passenger on] a bicycle<sup>3</sup> without a protective bicycle helmet<sup>4</sup>.

For you to find the defendant guilty of this offense, the State must prove four things beyond a reasonable doubt:

First, that the defendant was the [parent] [legal guardian] of the child.

Second, that the child [operated]<sup>5</sup> [was a passenger on]<sup>6</sup> a bicycle.

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<sup>1</sup>See also G.S. 20-171.9(b), which mandates when a passenger on a bicycle who is under 16 years of age must be seated in a restraining seat.

<sup>2</sup>Violation of this section shall be an infraction, and any parent or guardian found responsible for violation of this section may be ordered to pay a civil fine of up to \$10.00, inclusive of all penalty assessments and court costs. G.S. 20-171.9(d). In the case of a first conviction of this section, the court may waive the fine upon receipt of satisfactory proof that the person responsible for the infraction has purchased or otherwise obtained a protective bicycle helmet, and uses and intends to use it whenever required under this section. G.S. 20-171.9(e).

<sup>3</sup>"Bicycle" means "a human-powered vehicle with two wheels in tandem designed to transport, by the action of pedaling, one or more persons seated on one or more saddle seats on its frame. This term also includes a human-powered vehicle, designed to transport by the action of pedaling which has more than two wheels, where the vehicle is used on a public roadway, public bicycle path, or other public right-of-way, but does not include a tricycle." G.S. 20-171.8(1). "Public bicycle path," "public roadway," and "other public right-of-way" are defined in G.S. 20-171.8(3), (6), (7).

<sup>4</sup>"Protective bicycle helmet" means "a piece of headgear that meets or exceeds the impact standards for protective bicycle helmets set by the American National Standards Institute (ANSI) or the Snell Memorial Foundation." G.S. 20-171.8(5).

<sup>5</sup>"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." G.S. 20-171.8(2).

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Third, that the defendant knowingly permitted the child to [operate] [be a passenger on] the bicycle while not wearing a protective bicycle helmet of good fit fastened securely upon the head with the straps of the helmet.

And Fourth, that at the time the child was [operating] [a passenger on] a bicycle without a protective bicycle helmet, he was below the age of 16 years.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant was the [parent] [legal guardian] of the child, who at that time was below the age of 16 years, and that the defendant knowingly permitted the child to [operate] [be a passenger on] a bicycle while not wearing a protective bicycle helmet of good fit fastened securely upon the head with the straps of the helmet, it would be your duty to return a verdict of responsible. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not responsible.

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<sup>6</sup>"Passenger" means "a person who travels on a bicycle in any manner except as an operator." G.S. 20-171.8(4).