

Date note under section 1301 of Title 49, Transportation.

## CHAPTER 86—CHILDREN'S BICYCLE HELMET SAFETY

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### § 6001. Establishment of program

#### (a) In general

The Administrator of the National Highway Traffic Safety Administration may, in accordance with section 6002 of this title, make grants to States, political subdivisions of States, and nonprofit organizations for programs that require or encourage individuals under the age of 16 to wear approved bicycle helmets. In making those grants, the Administrator shall allow grantees to use wide discretion in designing programs that effectively promote increased bicycle helmet use.

#### (b) Federal share

The amount provided by a grant under this section shall not exceed 80 percent of the cost of the program for which the grant is made. In crediting the recipient State, political subdivision, or nonprofit organization for the non-Federal share of the cost of such a program (other than planning and administration), the aggregate of all expenditures made by such State, political subdivision, or nonprofit organization (exclusive of Federal funds) for the purposes described in section 6002 of this title (other than expenditures for planning and administration) shall be available for such crediting, without regard to whether such expenditures were actually made in connection with such program.

(Pub. L. 103-267, title II, §202, June 16, 1994, 108 Stat. 726.)

#### SHORT TITLE

Pub. L. 103-267, title II, §201, June 16, 1994, 108 Stat. 726, provided that: “This title [enacting this chapter] may be cited as the ‘Children’s Bicycle Helmet Safety Act of 1994.’”

### § 6002. Purposes for grants

A grant made under section 6001 of this title may be used by a grantee to—

- (1) enforce a law that requires individuals under the age of 16 to wear approved bicycle helmets on their heads while riding on bicycles;
- (2) provide assistance, to individuals under the age of 16 who may not be able to afford approved bicycle helmets, to enable such individuals to acquire such helmets;
- (3) develop and administer a program to educate individuals under the age of 16 and their families on the importance of wearing such helmets in order to improve bicycle safety; or
- (4) carry out any combination of the activities described in paragraphs (1), (2), and (3).

The Administrator shall review grant applications for compliance with this section prior to awarding grants.

(Pub. L. 103-267, title II, §203, June 16, 1994, 108 Stat. 727.)

### § 6003. Report to Congress

Not later than May 1, 1997, the Administrator of the National Highway Traffic Safety Administration shall report to Congress on the effectiveness of the grant program established by section 6001 of this title. The report shall include a list of grant recipients, a summary of the types of programs implemented by the grantees, and any recommendation by the Administrator regarding how the program should be changed in the future.

(Pub. L. 103-267, title II, §204, June 16, 1994, 108 Stat. 727.)

### § 6004. Standards

#### (a) In general

Bicycle helmets manufactured 9 months or more after June 16, 1994, shall conform to—

- (1) any interim standard described under subsection (b), pending the establishment of a final standard pursuant to subsection (c); and
- (2) the final standard, once it has been established under subsection (c).

#### (b) Interim standards

The interim standards are as follows:

- (1) The American National Standards Institute standard designated as “Z90.4-1984”.
- (2) The Snell Memorial Foundation standard designated as “B-90”.
- (3) The American Society for Testing and Materials (ASTM) standard designated as “F 1447”.
- (4) Any other standard that the Commission determines is appropriate.

#### (c) Final standard

Not later than 60 days after June 16, 1994, the Commission shall begin a proceeding under section 553 of title 5 to—

- (1) review the requirements of the interim standards set forth in subsection (a) and establish a final standard based on such requirements;
- (2) include in the final standard a provision to protect against the risk of helmets coming off the heads of bicycle riders;
- (3) include in the final standard provisions that address the risk of injury to children; and
- (4) include additional provisions as appropriate.

Sections 7, 9, and 30(d)<sup>1</sup> of the Consumer Product Safety Act (15 U.S.C. 2056, 2058, 2079(d)) shall not apply to the proceeding under this subsection and section 11 of such Act (15 U.S.C. 2060) shall not apply with respect to any standard issued under such proceeding. The final standard shall take effect 1 year from the date it is issued.

#### (d) Failure to meet standards

##### (1) Failure to meet interim standard

Until the final standard takes effect, a bicycle helmet that does not conform to an interim standard as required under subsection

<sup>1</sup> See References in Text note below.