

PEDAL BICYCLES

A GUIDE TO COMPLYING WITH THE PRODUCT SAFETY STANDARD

PRODUCT SAFETY STANDARD: PEDAL BICYCLES

This Product Safety Standard aims to minimise the risk of injury to people through accidents caused by a failure in a bicycle's structure or parts, poor assembly, or lack of warnings about safety issues.

It is mandatory under the Product Safety Standards (Pedal Bicycle) Regulations 2000 and the 2003 amendment for most new bicycles supplied in New Zealand to comply with specific sections of the standard AS/NZS 1927:1998 *Pedal bicycles – Safety requirements*. It is illegal to supply a bicycle or bicycle components that do not comply with this Standard and the Regulations.

The Regulations set out the types of bicycles covered by the Standard, and what parts of the Standard apply to New Zealand.

The Standard sets out the specifications a bicycle must meet and the tests which have to be carried out to determine a bicycle meets those specifications.

The Regulations are issued under the Fair Trading Act 1986.



WHO DO THE REGULATIONS APPLY TO?

The Regulations apply to any person who supplies, offers to supply or advertises the supply of new bicycles or pre-assembled bicycles. Any person includes retailers, importers, distributors and manufacturers.

Supplying can be through displaying bicycles for sale in a shop, selling bicycles at a market or advertising bicycles for sale on an internet auction site.

Offering new bicycles for lease or as give-aways is also a type of supply and these bicycles must also comply with the requirements of the Standard and the Regulations.

WHAT TYPES OF BICYCLES ARE COVERED BY THE REGULATIONS?

A bicycle is defined in the Regulations as a two-wheel pedal vehicle propelled by human effort only and not by an engine.

The Regulations cover many types of bicycles including partially assembled bicycles and sub-assemblies of bicycles. To come under the Regulations, the bicycles must have a wheelbase of 640mm or greater. This includes most children's bicycles. The bicycle's wheelbase is measured by the horizontal distance between the centre of the front and back axles.

The Regulations apply to any person who supplies, offers to supply or advertises the supply of new bicycles or pre-assembled bicycles.

WHAT TYPES OF BICYCLES ARE NOT COVERED BY THE REGULATIONS?

The Regulations do not apply to these types of bicycles:

- bicycles with a wheelbase shorter than 640mm;
- second-hand bicycles;
- custom-made bicycles which are designed or made to order for an individual;
- engine-powered bicycles;
- recumbent bicycles; and
- some bicycles designed and intended to be used for competitions. These bikes must have a single crank-to-wheel ratio and no free-wheeling feature between the pedal and rear wheel.

WHAT ARE THE REQUIREMENTS OF THE SAFETY STANDARD?

The bicycle safety standard contains more details and requirements, some of which are very technical in their nature. You should read both the regulations and the safety standard to make sure you understand all the requirements and testing.

Bicycles must meet requirements relating to:

DESIGN

- sharp edges;
- wheels;
- projections;
- control cables;
- ground and toe clearance;
- fasteners used to attach or secure components;
- protective guards;
- the drive chain;
- pedals;
- the steering system;
- the seat pillar;
- brakes; and
- reflectors and lighting equipment.

PERFORMANCE REQUIREMENTS

Bicycles must meet performance requirements relating to:

- assembly instructions;
- roadworthiness;
- seat clamp strengths;
- steering stability; and
- braking.

LABELLING AND WARNING REQUIREMENTS

All labels must in writing, in English and clearly readable. The warnings can use different words but they must have the same effect and must not be misleading.

Manufacturer or supplier information

Bicycles must be permanently marked with the name and address of the manufacturer, importer or other supplier, with the identification number of the bicycle stamped or engraved on the bicycle frame.

Component or partially assembled bicycles

Bicycles that are supplied in component form or partially assembled must carry this label:

WARNING: *In the interests of safety it is recommended that you have this bicycle assembled by a skilled bicycle mechanic.*

Stunt and off-road look-alike bicycles

Bicycles that look like they could be used for off-road riding or for stunts, but are not suitable for those uses (for example, it looks like a BMX but isn't one), must carry this label:

WARNING: *This bicycle is not designed for off-road use or for stunting.*

OWNER'S MANUAL

You must supply an owner's manual with every bicycle you sell. For partially assembled bicycles, this manual can be placed with the consumer package. The manual will include simple and clear instructions for assembly, use, maintenance and repair.

WHO IS RESPONSIBLE FOR MAKING SURE THE BICYCLES I SUPPLY ARE SAFE?

Although a manufacturer may carry out the required tests and place warning labels on the bicycles they supply, you are responsible for making sure the bicycles you offer for sale are safe.

You should not assume that a bicycle complies with the Standard and Regulations simply because a supplier has offered to supply it to you. If you have any concern about the safety of the bicycles you have for sale, ask the supplier for proof that they have passed the relevant tests set out in the Standard.

Many of the faults the Commerce Commission finds with bicycles concern loose items such as handlebars, controls, seats and sharp edges. It is important to make a final assembly inspection of each bicycle you sell to make sure it meets the Standard and Regulations.

CAN I AVOID THE REGULATIONS BY SELLING THE BICYCLE AS PARTS?

No. The Regulations provide minimum requirements for the sale of bicycle parts and partially-assembled bicycles.

I HAVE A BICYCLE I WANT TO PASS ON TO A FRIEND. DO I HAVE TO COMPLY WITH THESE REGULATIONS?

If the bicycle is new, you will have to comply with the Regulations. The Regulations do not apply to the supply of second-hand bicycles.

If you intend to give away or sell a second-hand bicycle, you should have it checked by a qualified mechanic.

WHAT HAPPENS IF I SUPPLY A BICYCLE THAT DOES NOT COMPLY WITH THE STANDARD?

Selling a non-compliant bicycle could put the rider at risk of injury or death.

You will also have breached the Regulations. It is an offence under section 30 of the Fair Trading Act to supply, offer to supply or advertise to supply bicycles that do not comply with the Standard or the Regulations.

The Commerce Commission, which enforces the Fair Trading Act, may take a prosecution against you in court. Companies can be fined up to \$200,000 for each breach of the Act. Individuals can be fined up to \$60,000. For more information on the range of enforcement actions, from warnings through to prosecutions, see the Commission's website at www.comcom.govt.nz

In addition to any action taken by the Commerce Commission, you may have to conduct a recall of any bicycles that you have supplied which do not comply with the Standard. Information on carrying out a product recall is available from the Ministry of Consumer Affairs website: www.consumeraffairs.govt.nz/productsafety/businessinfo/recalling_products.html.

EXAMPLE

A business was convicted and fined for selling bicycles that failed the Safety Standard. The business had previously been warned by the Commission to improve its checking systems after nine out of 16 bikes inspected at one shop did not appear to comply with the bicycle safety standard and the regulations. Three weeks later, Commission staff bought three bicycles at different stores of the same business. All three were tested and all failed the Safety Standard.

WHERE CAN I GET MORE INFORMATION ON THIS PRODUCT SAFETY STANDARD?

The Standard AS/NZS 1927:1998 *Pedal bicycles – Safety requirements* is available to buy from Standards New Zealand by calling 0800 782 632 or via its website: www.standards.co.nz (enter keyword 1927).

You can access the regulations and the Fair Trading Act online at the government's legislation website www.legislation.govt.nz. The information on this website is free.

You can buy a copy of the regulations and the Fair Trading Act from selected bookshops.

WHAT OTHER PRODUCTS ARE COVERED BY PRODUCT SAFETY STANDARDS?

There are five other Product Safety Standards, covering:

- children's toys;
- children's nightwear;
- cots;
- baby walkers; and
- cigarette lighters.

A factsheet is available for each Product Safety Standard from the Commission's website at www.comcom.govt.nz

For further information on the Fair Trading Act, you can visit the Commission's website at www.comcom.govt.nz

USEFUL TERMS

- Breach – to break the law or not comply with an Act or regulations
- Comply – to meet obligations and rules
- Consumer – a person who buys from a retailer, an end-user
- In trade – a person who runs a business selling goods or services such as a retailer, manufacturer or importer
- Mandatory – compulsory, a set of rules or guidelines that *must* be followed
- Regulations – legislation made under an Act, in this case under the Fair Trading Act
- Supply – supply by gifting, sale (including online sales), exchange, lease, hire or hire purchase.

To check for updates to this fact sheet visit:
www.comcom.govt.nz/publications

This fact sheet is part of a series looking at the Fair Trading Act. Other fact sheets can be downloaded from www.comcom.govt.nz/publications

CONTACT

Contact the Commerce Commission with information about false or misleading trading practices.

TELEPHONE

Our Contact Centre during office hours on 0800 943 600

WRITE

To us at Contact Centre,
PO Box 2351, Wellington 6140

EMAIL

Us at contact@comcom.govt.nz

This fact sheet is a guideline only, and reflects the Commerce Commission's view. The publication is not intended to be definitive, and should not be used instead of legal advice. It is traders' responsibility to remain up to date with legislation.

The purpose of the Commerce Commission is to promote dynamic and responsive markets so that New Zealanders benefit from competitive prices, better quality and greater choice. The Commission does this by enforcing legislation that promotes competition in New Zealand markets and prohibits misleading and deceptive conduct by traders.

Only the courts can make an authoritative ruling on breaches of the Fair Trading Act. Courts may fine companies found guilty of breaching provisions of the Fair Trading Act up to \$200,000 and individuals up to \$60,000.