S T A T E O F N E W Y O R K

6741

2011-2012 Regular Sessions

I N A S S E M B L Y

March 28, 2011

Introduced by M. of A. KAVANAGH, LANCMAN -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to enacting the bicycle delivery person protection act

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Short title. This act shall be known and may be cited as the "bicycle delivery person protection act".

S 2. The labor law is amended by adding a new section 202-l to read as follows:

S 202-1. BICYCLE OPERATOR SAFETY. 1. EVERY PERSON OR ENTITY WHICH ENGAGES IN THE COURSE OF ITS BUSINESS, EITHER ON BEHALF OF ITSELF OR OTHERS, IN DELIVERING PACKAGES, PARCELS, PAPERS OR ARTICLES OF ANY TYPE BY BICYCLE:

(A) SHALL PROVIDE, AT ITS OWN EXPENSE, PROTECTIVE HEADGEAR SUITABLE FOR EACH BICYCLE OPERATOR AND MEETING THE STANDARDS SET FORTH BY THE CONSUMER PRODUCT SAFETY COMMISSION IN PART 1203 OF TITLE 16 OF THE CODE OF FEDERAL REGULATIONS, AND SHALL ENSURE THAT SUCH PROTECTIVE HEADGEAR IS PROPERLY WORN BY THE BICYCLE OPERATOR WHILE MAKING DELIVERIES OR OTHERWISE OPERATING A BICYCLE ON BEHALF OF SUCH BUSINESS; AND

(B) SHALL ENSURE THAT EACH BICYCLE OPERATED IN THE COURSE OF ITS BUSINESS MEETS THE REQUIREMENTS SET FORTH IN SECTION 1236 OF THE VEHICLE AND TRAFFIC LAW.

2. ANY PERSON OR ENTITY RESPONSIBLE FOR PROVIDING PROTECTIVE HEADGEAR TO A BICYCLE OPERATOR SHALL BE LIABLE FOR A CIVIL PENALTY FOR ANY VIOLATION OF ANY PROVISIONS OF THIS SECTION. SUCH VIOLATION SHALL BE TRIABLE IN A PROCEEDING BEFORE A HEARING OFFICER OF THE DEPARTMENT AND, UPON CONVICTION OF A PERSON OR ENTITY, SHALL BE PUNISHABLE BY A FINE OF FIVE HUNDRED DOLLARS FOR EACH VIOLATION. SUCH CIVIL PENALTY MAY BE RECOVERED IN AN ACTION OR PROCEEDING IN ANY COURT OF COMPETENT JURISDICTION.

S 3. This act shall take effect on the ninetieth day after it shall have become a law.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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