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

S. 2007 A. 1890

2013-2014 Regular Sessions

S E N A T E - A S S E M B L Y

(PREFILED)

January 9, 2013

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

IN ASSEMBLY -- Introduced by M. of A. THIELE, SWEENEY, RAIA, MONTESANO, LOSQUADRO, FINCH -- Multi-Sponsored by -- M. of A. BOYLAND, BRENNAN, GOTTFRIED, MARKEY, McKEVITT -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law and the general business law, in relation to requiring that persons less than eighteen years of age wear a helmet when riding a horse

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

Section 1. Subdivisions 1 and 2 of section 1265 of the vehicle and traffic law, as added by chapter 455 of the laws of 1999, are amended to read as follows:

1. No person less than [fourteen] EIGHTEEN years of age shall ride a horse unless such person is wearing a helmet meeting or exceeding ASTM F1163 (Safety Equipment Institute certified) Equestrian Standard. For purposes of this section, "certified" shall mean that the helmet's manufacturer agrees to the rules and provisions of a system that includes independent testing and quality control audits, and that each helmet manufactured by such manufacturer is permanently marked with the certifying body's registered mark or logo before such helmet is sold or offered for sale. For the purposes of this section, wearing a helmet means having a helmet fastened securely upon the head using the manufacturer's fitting guidelines for the particular model used.

2. Any person who violates the provisions of this section shall pay a civil fine not to exceed TWO HUNDRED fifty dollars. A police officer shall only issue a summons for a violation of this section by a person

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

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less than [fourteen] EIGHTEEN years of age to the parent or guardian of such person if the violation by such person occurs in the presence of such person's parent or guardian and where such parent or guardian is eighteen years of age or more. Such summons shall only be issued to such parent or guardian, and shall not be issued to the person less than [fourteen] EIGHTEEN years of age.

S 2. Subdivisions 2 and 4 of section 396-dd of the general business law, as added by chapter 455 of the laws of 1999, are amended to read as follows:

2. Every horse provider shall provide protective helmets to beginning riders and to riders less than [fourteen] EIGHTEEN years of age at no cost beyond the rental fee; offer all riders the use of such protective helmets regardless of their age or experience; and provide appropriate helmet safety information to all riders.

4. A knowing violation of this section shall be subject to a civil penalty not to exceed TWO HUNDRED fifty dollars for each such violation.

S 3. This act shall take effect immediately.