STATE OF NEW YORK

6531

2017-2018 Regular Sessions

IN SENATE

June 1, 2017

Introduced by Sen. FELDER -- read twice and ordered printed, and when printed to be committed to the Committee on Cities

AN ACT to amend the administrative code of the city of New York, in relation to requiring all persons operating a bicycle to wear a helmet

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The administrative code of the city of New York is amended by adding a new section 10-157.2 to read as follows:

§ 10-157.2 Helmet requirement for persons operating bicycles. a. Definitions. For the purposes of this section:

(1) The term "bicycle" shall mean a two or three wheeled device upon which a person or persons may ride, propelled by human power through a belt, a chain or gears, with such wheels in a tandem or tricycle.

(2) The term "public highway" means any highway, road, street, roadway, sidewalk, avenue, alley, public place, public driveway or any other public way.

(3) The term "wearing a helmet" means having a helmet of good fit fastened securely upon the head with the helmet straps.

b. This section is applicable to the operation of a bicycle upon any public highway or any private road open to public motor vehicle traffic, and within a park or other area under the jurisdiction of the commissioner of parks and recreation.

c. No person shall operate a bicycle unless such person is wearing a helmet meeting the standards of the American National Standards Institute (ANSI Z 90.4 bicycle helmet standards), the Snell Memorial Foundation's standards for protective headgear for use in bicycling, the American Society of Testing and Materials (ASTM) standards for bicycle helmets, the Safety Equipment Institute standards for bicycle helmets, or the United States Consumer Product Safety Commission standards for bicycle helmets.

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

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d. It is a traffic infraction to violate the provisions of this section punishable, upon conviction, by a civil penalty of not more than fifty dollars. Such traffic infractions shall be heard and determined in accordance with article 2-A of the vehicle and traffic law. For a violation of this section by a person less than sixteen years of age, a hearing officer shall waive the civil penalty for which the parent or guardian of a person who violates the provisions of this section would be liable if such parent or guardian supplies proof that between the date of violation and the appearance date for such violation such parent or guardian purchased or rented a helmet that meets the requirements of this section. A hearing officer may waive the civil penalty for which the parent or guardian of a person who violates the provisions of this section would be liable if he or she finds that due to reasons of economic hardship such parent or guardian was unable to purchase or rent a helmet. A waiver of the civil penalty shall not apply to a second or subsequent conviction under this section.

e. The parent or guardian of a person less than sixteen years of age shall be liable for a violation of this section by such person less than sixteen years of age. A summons for a violation of this section by a person less than sixteen years of age shall only be issued to the parent or guardian of such person if the violation occurs in the presence of such 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 sixteen years of age.

f. The failure of any person to comply with the provisions of this section shall not constitute contributory negligence or assumption of risk, and shall not in any way bar, preclude or foreclose an action for personal injury or wrongful death by or on behalf of such person, nor in any way diminish or reduce the damages recoverable in any such action.

g. The department of health and mental hygiene shall distribute informational materials through the department's health information program, which shall include information explaining the hazards of operating bicycles without protective headgear. These informational materials shall be printed in multiple languages and shall be made available to any member of the public upon request.

h. The police department and the department of parks and recreation shall enforce the provisions of this section.

§ 2. This act shall take effect on the thirtieth day after it shall have become a law.