STATE OF NEW YORK

320

2019-2020 Regular Sessions

IN SENATE

(Prefiled)

January 9, 2019

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

AN ACT authorizing the commissioner of transportation to conduct a comprehensive study on the efficacy of motorcycle helmets

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

Section 1. Legislative intent. The legislature recognizes that head injuries are the leading cause of death in motorcycle crashes nationwide, but also may be prevented in many cases with the use of proper protective headgear. As such, it is vitally important that all motorcyclists and passengers wear federal department of transportation (DOT) approved helmets as required by section 381 of the vehicle and traffic law to prevent injuries and fatalities. Moreover, it is imperative that a motorcyclist utilize a DOT-approved helmet that is the correct style for the type of riding that they are engaged in and that is an appropriate size and fit for their head shape and face structure so that it can function properly in the event of a crash.

To date, there has not been a comprehensive study conducted in New York state to examine the efficacy of the variety of styles of DOT-approved motorcycle helmets or the guidelines and safety protocols that inform the rider of how to properly fit and use this equipment. The legislature therefore supports the commissioning of such a study in order to assess the effectiveness of motorcycle helmets in preventing fatality and injury, the functionality of a helmet when improperly worn and the protocols in place to inform the consumer of how to properly fit and wear this equipment.

§ 2. The department of transportation shall undertake a comprehensive study on the effectiveness of motorcycle helmets in preventing injuries and fatalities. The scope of this study shall include:

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

LBD00071-01-9

1. the efficacy of different styles and types of DOT-approved motorcycle helmets in preventing injury and death; and

2. the adequacy of established state, federal and manufacturer use and safety guidelines that inform the consumer of proper helmet fitment and wear; and

3. evidence of injury or death resulting from improper helmet fitment and/or wear; and

4. any other related information that the commissioner may deem necessary or relevant in carrying out this study.

§ 3. The department of transportation shall make a report to the governor and the legislature of its findings, conclusions and recommendations no later than one year after the effective date of this act and shall submit with this report such legislative proposals as it deems necessary to implement its recommendations.

§ 4. If the department of transportation finds that it does not have access to adequate state resources to conduct the study defined in section two of this act the commissioner is authorized to contract with an independent entity to conduct such study.

§ 5. This act shall take effect immediately.