

# STATE OF NEW YORK

695

2019-2020 Regular Sessions

## IN SENATE

(Prefiled)

January 9, 2019

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:

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

3 § 10-157.2 Helmet requirement for persons operating bicycles. a. Defi-  
4 nitions. For the purposes of this section:

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

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

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

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

17 c. No person shall operate a bicycle unless such person is wearing a  
18 helmet meeting the standards of the American National Standards Insti-  
19 tute (ANSI Z 90.4 bicycle helmet standards), the Snell Memorial Founda-  
20 tion's standards for protective headgear for use in bicycling, the Amer-  
21 ican Society of Testing and Materials (ASTM) standards for bicycle  
22 helmets, the Safety Equipment Institute standards for bicycle helmets,  
23 or the United States Consumer Product Safety Commission standards for  
24 bicycle helmets.

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

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

17 e. The parent or guardian of a person less than sixteen years of age  
18 shall be liable for a violation of this section by such person less than  
19 sixteen years of age. A summons for a violation of this section by a  
20 person less than sixteen years of age shall only be issued to the parent  
21 or guardian of such person if the violation occurs in the presence of  
22 such parent or guardian and where such parent or guardian is eighteen  
23 years of age or more. Such summons shall only be issued to such parent  
24 or guardian and shall not be issued to the person less than sixteen  
25 years of age.

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

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

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

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