

# STATE OF NEW YORK

7368

## IN SENATE

January 22, 2020

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

AN ACT to amend the vehicle and traffic law, in relation to requiring all persons in a city having a population of one million or more operating a bicycle, electric bicycle or electric scooter 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 vehicle and traffic law is amended by adding a new  
2 section 114-e to read as follows:

3 § 114-e. Electric bicycle. Every bicycle equipped with fully operable  
4 pedals and an electric motor with an output of less than seven hundred  
5 fifty watts whereby such electric motor engages only when the operator  
6 is pedaling and disengages or ceases to function when such bicycle's  
7 brakes are applied, the operator stops pedaling, or such bicycle  
8 achieves a speed of twenty miles per hour or more.

9 § 2. The vehicle and traffic law is amended by adding a new section  
10 114-f to read as follows:

11 § 114-f. Electric scooter. Every device weighing less than one hundred  
12 pounds that (i) has handlebars, a floorboard that can be stood upon by  
13 the operator, and an electric motor, (ii) can be powered by the electric  
14 motor and/or human power, and (iii) has a maximum speed of no more than  
15 twenty miles per hour on a paved level surface when powered solely by  
16 the electric motor.

17 § 3. The vehicle and traffic law is amended by adding a new section  
18 1242 to read as follows:

19 § 1242. Helmet requirement for operators of a bicycle, electric bicy-  
20 cle or electric scooter in a city having a population of one million or  
21 more. 1. This section is applicable to all persons in a city having a  
22 population of one million or more for the operation of a bicycle, elec-  
23 tric bicycle or electric scooter upon any public highway or any private  
24 road open to public motor vehicle traffic, and within a park or other  
25 area under the jurisdiction of the commissioner of parks and recreation.

26 2. No person shall operate a bicycle, electric bicycle or electric  
27 scooter unless such person is wearing a helmet meeting the standards of

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

LBD14924-01-0

1 the American National Standards Institute (ANSI Z 90.4 bicycle helmet  
2 standards), the Snell Memorial Foundation's standards for protective  
3 headgear for use in bicycling, the American Society of Testing and Mate-  
4 rials (ASTM) standards for bicycle helmets, the Safety Equipment Insti-  
5 tute standards for bicycle helmets, or the United States Consumer Prod-  
6 uct Safety Commission standards for bicycle helmets.

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

23 4. The parent or guardian of a person less than sixteen years of age  
24 shall be liable for a violation of this section by such person less than  
25 sixteen years of age. A summons for a violation of this section by a  
26 person less than sixteen years of age shall only be issued to the parent  
27 or guardian of such person if the violation occurs in the presence of  
28 such parent or guardian and where such parent or guardian is eighteen  
29 years of age or more. Such summons shall only be issued to such parent  
30 or guardian and shall not be issued to the person less than sixteen  
31 years of age.

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

37 § 4. This act shall take effect on the ninetieth day after it shall  
38 have become a law.