

STATE OF NEW YORK

3073--B

2023-2024 Regular Sessions

IN ASSEMBLY

February 2, 2023

Introduced by M. of A. PAULIN, FAHY -- read once and referred to the Committee on Transportation -- recommitted to the Committee on Transportation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law, in relation to requiring certain persons to wear a helmet when operating a class one or class two bicycle with electric assist

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

1 Section 1. Section 1238 of the vehicle and traffic law is amended by
2 adding a new subdivision 5-d to read as follows:

3 5-d. No person sixteen or seventeen years of age shall ride upon,
4 propel or otherwise operate a class one bicycle with electric assist or
5 a class two bicycle with electric assist unless such person is wearing a
6 helmet meeting standards established by the commissioner. For the
7 purposes of this subdivision, wearing a helmet means having a properly
8 fitting helmet fixed securely on the head of such wearer with the helmet
9 straps securely fastened.

10 § 2. Subdivision 6 of section 1238 of the vehicle and traffic law, as
11 amended by section 6 of part XX of chapter 58 of the laws of 2020, is
12 amended to read as follows:

13 6. (a) Any person who violates the provisions of subdivision five,
14 five-a, five-b [~~ex~~], five-c, or five-d of this section shall pay a civil
15 fine not to exceed fifty dollars.

16 (b) The court shall waive any fine for which a person who violates the
17 provisions of subdivision five [~~or subdivision~~], five-c, or five-d of
18 this section would be liable if such person supplies the court with

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

LBD03090-03-4

1 proof that between the date of violation and the appearance date for
2 such violation such person purchased or rented a helmet.

3 (c) The court may waive any fine for which a person who violates the
4 provisions of subdivision five, five-a, five-b, [~~ex~~] five-c, or five-d
5 of this section would be liable if the court finds that due to reasons
6 of economic hardship such person was unable to purchase a helmet or due
7 to such economic hardship such person was unable to obtain a helmet from
8 the statewide in-line skate and bicycle helmet distribution program, as
9 established in section two hundred six of the public health law, or a
10 local distribution program. Such waiver of a fine shall not apply to a
11 second or subsequent violation of subdivision five-c of this section.

12 § 3. This act shall take effect on the first of April next succeeding
13 the date upon which it shall have become a law. Effective immediately,
14 the addition, amendment and/or repeal of any rule or regulation neces-
15 sary for the implementation of this act on its effective date are
16 authorized to be made and completed on or before such effective date.