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:

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

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

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

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

(b) The court shall waive any fine for which a person who violates the provisions of subdivision five [~~or subdivision~~], five-c**, or five-d** of 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.

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

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

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