STATE OF NEW YORK

9037

IN SENATE

April 11, 2024

Introduced by Sen. MAY -- 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 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 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

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

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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.