

# STATE OF NEW YORK

1375

2023-2024 Regular Sessions

## IN SENATE

January 11, 2023

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-f to read as follows:

3 § 114-f. 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 1242-b to read as follows:

11 § 1242-b. Helmet requirement for operators of a bicycle, electric  
12 bicycle or electric scooter in a city having a population of one million  
13 or more. 1. This section is applicable to all persons in a city having a  
14 population of one million or more for the operation of a bicycle, elec-  
15 tric bicycle or electric scooter upon any public highway or any private  
16 road open to public motor vehicle traffic, and within a park or other  
17 area under the jurisdiction of the commissioner of parks and recreation.

18 2. No person shall operate a bicycle, electric bicycle or electric  
19 scooter unless such person is wearing a helmet meeting the standards of  
20 the American National Standards Institute (ANSI Z 90.4 bicycle helmet  
21 standards), the Snell Memorial Foundation's standards for protective  
22 headgear for use in bicycling, the American Society of Testing and Mate-  
23 rials (ASTM) standards for bicycle helmets, the Safety Equipment Insti-

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

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1 tute standards for bicycle helmets, or the United States Consumer Prod-  
2 uct Safety Commission standards for bicycle helmets.

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

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

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

33 § 3. This act shall take effect on the ninetieth day after it shall  
34 have become a law.