



Legislation Text

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**File #:** Int 1160-2018, **Version:** \*

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Int. No. 1160

By Council Members Miller, Rosenthal, Powers, Maisel, Holden, Rivera and Grodenchik

A Local Law to amend the administrative code of the city of New York, in relation to requiring all persons under the age of 18 to wear a helmet while operating a bicycle.

Be it enacted by the Council as follows:

Section 1. Section 19-171 of subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended to read as follows:

§ 19-171. Helmet requirement for persons [under the age of fourteen] operating scooters and bicycles.

a. Definitions. For the purposes of this section:

(1) The term “public highway” means any highway, road, street, roadway, sidewalk, avenue, alley, public place, public driveway or any other public way.

(2) The term “scooter” means a device propelled by muscular power, consisting of a footboard between end wheels and an upright handle attached to a front wheel or to the footboard.

(3) The term “bicycle” means a vehicle composed of two wheels held in a frame one behind the other, propelled by muscular power exerted on pedals and steered with handlebars attached to the front wheel.

(4) The term “wearing a helmet” means having a helmet of good fit fastened securely upon the head with the helmet straps.

b. This section is applicable to the operation of a scooter or bicycle upon any public highway or any private road open to public motor vehicle traffic, and within a park or other area under the jurisdiction of the commissioner of parks and recreation.

c. No person less than [fourteen] 14 years of age shall operate a scooter and no person less than 18 years

of age shall operate a bicycle unless such person is wearing a helmet meeting the standards of the American National Standards Institute (ANSI Z 90.4 bicycle helmet standards), the Snell Memorial Foundation's standards for protective headgear for use in bicycling, the American Society of Testing and Materials (ASTM) standards for bicycle helmets, the Safety Equipment Institute standards for bicycle helmets, or the United States Consumer Product Safety Commission standards for bicycle helmets.

d. It is a traffic infraction to violate the provisions of this section punishable, upon conviction, by a civil penalty of not more than fifty dollars. Such traffic infractions shall be heard and determined in accordance with article 2-A of the vehicle and traffic law. A hearing officer shall waive the civil penalty for which the parent or guardian of a person who violates the provisions of this section would be liable if such parent or guardian supplies proof that between the date of violation and the appearance date for such violation such parent or guardian purchased or rented a helmet that meets the requirements of this section. A hearing officer may waive the civil penalty for which the parent or guardian of a person who violates the provisions of this section would be liable if he or she finds that due to reasons of economic hardship such parent or guardian was unable to purchase or rent a helmet. A waiver of the civil penalty shall not apply to a second or subsequent conviction under this section.

e. The parent or guardian of a person less than [fourteen] 14 or 18 years of age, as applicable, shall be liable for a violation of this section by such person [less than fourteen years of age]. A summons for a violation of this section [by a person less than fourteen years of age] shall only be issued to the parent or guardian of such person if the violation occurs in the presence of such parent or guardian and where such parent or guardian is [eighteen] 18 years of age or more. Such summons shall only be issued to such parent or guardian and shall not be issued to the person less than [fourteen] 14 or 18 years of age, as applicable.

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

damages recoverable in any such action.

g. The department of health and mental hygiene shall distribute informational materials through the department's school health program, which shall include information explaining the hazards of operating scooters and bicycles without protective headgear. These informational materials shall be printed in multiple languages and shall be made available to any member of the public upon request.

h. The police department and the department of parks and recreation shall enforce the provisions of this section.

§ 2. This local law takes effect 120 days after it becomes law.

BM  
LS # 6590  
5/1/2018 5:30 p.m.