

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2001**

No. 5

Introduced by Council Member Robles and the Speaker (Council Member Vallone) (in conjunction with the Mayor) and Council Members Clarke, Malave-Dilan, Espada, Freed, Henry, Linares, Lopez, Marshall, McCaffrey, Michels, Nelson, Reed, Rodriguez, Warden, Povman, Fiala, Golden, Stabile and Oddo; also Council Members Foster, Leffler, O'Donovan, Robinson, Provenzano, Watkins, White and Wooten

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to requiring all minors under the age of fourteen to wear a helmet while operating a scooter.

Be it enacted by the Council as follows:

Section 1. Title 19 of the administrative code of the city of New York is amended by adding thereto a new section 19-171 to read as follows:

19-171 Helmet requirement for persons under the age of fourteen operating scooters. 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 "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 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 years of age shall operate a scooter 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 years of age 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 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 years of age.

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 shall distribute informational materials through the department's school health program, which shall include information explaining the hazards of operating scooters 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 shall take effect sixty days after it shall have become a law.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of the City of New York, passed by the Council on January 24, 2001, and approved by the Mayor on February 2, 2001.

RAYMOND C. TEATUM, 1st Deputy and Acting City Clerk

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW §27

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed Local Law (Local Law 5 of 2001, Council Int. No. 818-A) contains the correct text and:

Received the following vote at the meeting of the New York City Council on January 24, 2001:
44 for, 0 against, 0 not voting.

Was signed by the Mayor on February 2, 2001.

Was returned to the City Clerk on February 2, 2001.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel