Legislation Details (With Text)

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Title:	A Local Law to amend the administrative code of the city of New York, in relation to making the reckless operation of a bicycle resulting in death or serious injury a misdemeanor		
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Attachments:	1. Summary of Int. No. 831, 2. Int. No. 831, 3. April 25, 2018 - Stated Meeting Agenda with Links to Files, 4. Hearing Transcript - Stated Meeting 4-25-18, 5. Minutes of the Stated Meeting - April 25, 2018		

Date	Ver.	Action By	Action	Result
4/25/2018	*	City Council	Introduced by Council	
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Int. No. 831

By Council Members Chin and Koslowitz

A Local Law to amend the administrative code of the city of New York, in relation to making the reckless operation of a bicycle resulting in death or serious injury a misdemeanor

Be it enacted by the Council as follows:

Section 1. Section 19-176.1 of the administrative code of the city of New York, as added by local law number 43 for the year 1996, is amended to read as follows:

§ 19-176.1 Reckless operation of roller skates, in-line skates, [and] skateboards and bicycles prohibited. a. Definitions. For purposes of this section, the following terms have the following meanings:

Bicycle. The term "bicycle" means a two or three wheeled device upon which a person or persons may ride, propelled by human power through a belt, a chain or gears, with such wheels in a tandem or tricycle, except that it shall not include such a device having solid tires and intended for use only on a sidewalk by a child.

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[(1)] In-line skate. The term "in-line skate" [shall mean] means a manufactured or assembled device consisting of an upper portion that is intended to be secured to a human foot, with a frame or chassis attached along the length of the bottom of such upper portion, with such frame or chassis holding two or more wheels that are longitudinally aligned and used to skate or glide, by means of human foot and leg power while having such device attached to each such foot or leg.

[(2)] Reckless operation. The term "reckless operation" [shall mean] means operating roller skates, in-line skates, [or] a skateboard or a bicycle [on a public street, highway or sidewalk] in such a manner as to endanger the safety or property of another.

[(3)] Roller skate. The term "roller skate" [shall mean] means a manufactured or assembled device consisting of a frame or shoe having clamps or straps or both for fastening, with a pair of small wheels near the toe and another pair at the heel mounted or permanently attached thereto, for skating or gliding by means of human foot and leg power.

Serious physical injury. The term "serious physical injury" has the same meaning as set forth in section 10 of the penal law.

[(4)] Sidewalk. The term "sidewalk" [shall mean] means that portion of the street, whether paved or unpaved, between the curb lines or the lateral lines of a roadway and the adjacent property lines, intended for the use of pedestrians. Where it is not clear which section is intended for the use of pedestrians the sidewalk will be deemed to be that portion of the street between the building line and the curb.

[(5)] Skateboard. The term "skateboard" [shall mean] means a device consisting of a platform usually curved upwards at each end, to which are mounted or permanently attached two swiveling frames, each of which is used to support and guide a pair of small wheels, which device glides or is propelled by means of human foot or leg power.

b. No person shall engage in the reckless operation of roller skates, in-line skates or a skateboard on a public street, highway or sidewalk.

c. A violation of subdivision b of this section shall be a traffic infraction and shall be punishable in accordance with section 1800 of the vehicle and traffic law. Any person who is found guilty of the reckless operation of roller skates, in-line skates or a skateboard shall be subject to a fine of not less than [fifty dollars] $50 nor more than [one hundred dollars] $100.

d. No person shall engage in the reckless operation of a bicycle on a public street or highway.

e. Any person who violates subdivision d shall be guilty of a traffic infraction punishable by a fine of not less than $50 nor more than $100, except that any person who violates subdivision d in a manner that results in death or serious physical injury of any other person shall be guilty of a misdemeanor punishable by a fine of not more than $150 or imprisonment for not more than 20 days, or both such fine and imprisonment.

[d.] f. The provisions of this section shall be enforced by the department, the police department and the department of parks and recreation.

§ 2. This local law takes effect 60 days after it becomes law.

AS
LS # 5422
3/16/2018