



Legislation Text

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Int. No. 869

By Council Members Greenfield, Fidler, Gennaro, Gonzalez, Koo, Koppell, Koslowitz, Palma, Recchia, Rodriguez and Comrie

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

Be it enacted by the Council as follows:

Section 1. Chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-171.2 to read as follows:

§19-171.2 Helmet requirements for persons operating bicycles.

a. Definitions. For the purposes of this section:

1. The term “bicycle” shall have the same meaning as such term is defined pursuant to section 19-176 of the code.

2. The term “public highway” shall have the same meaning as such term is defined pursuant to section 19-171 of the code.

3. The term “wearing a helmet” shall have the same meaning as such term is defined pursuant to section 19-171 of the code.

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

c. No person 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 standards set forth by the consumer product safety commission in title 16, part 1203 of the code of federal regulations.

d. It is a traffic infraction to violate the provisions of this section punishable, upon conviction, by a civil penalty of not more than twenty five dollars for a first offense of this section, not more than fifty dollars for in the aggregate a second offense within a one year period and not more than one hundred dollars for in the aggregate a third offense within a two year period. Such traffic infractions shall be heard and determined in accordance with article 2-A of the vehicle and traffic law.

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

§2. This local law shall take effect ninety days after enactment.