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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1878 Session of  
1995

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INTRODUCED BY BARD, GEIST, MELIO, CORNELL AND MCGILL,  
JUNE 28, 1995

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REFERRED TO COMMITTEE ON TRANSPORTATION, JUNE 28, 1995

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AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, further providing for pedalcycle helmets.

3 The General Assembly of the Commonwealth of Pennsylvania  
4 hereby enacts as follows:

5 Section 1. Section 3510 of Title 75 of the Pennsylvania  
6 Consolidated Statutes is amended to read:

7 § 3510. Pedalcycle helmets [for certain persons].

8 (a) General rule.--A person [under 12 years of age] shall  
9 not operate a pedalcycle or ride as a passenger on a pedalcycle  
10 unless the person is wearing a pedalcycle helmet meeting the  
11 standards of the American National Standards Institute or of the  
12 Snell Memorial Foundation's Standards for Protective Headgear  
13 for Use in Bicycling. This subsection shall also apply to a  
14 person who rides:

15 (1) upon a pedalcycle while in a restraining seat  
16 attached to a pedalcycle; or

17 (2) in a trailer towed by a pedalcycle.

1 (b) Helmet to be labeled.--Any helmet sold or offered for  
2 sale for use by operators and passengers of pedalcycles shall be  
3 conspicuously labeled in accordance with the standard described  
4 in subsection (a), which shall constitute the manufacturer's  
5 certification that the helmet conforms to the applicable safety  
6 standards.

7 (b.1) Sale of helmet.--No person shall sell or offer for  
8 sale for use by an operator or passenger of a pedalcycle a  
9 helmet which is not of a type meeting the requirements  
10 established by this section.

11 (b.2) Waiver of fine.--If a person receives a citation  
12 issued by the proper authority for violation of subsection (a),  
13 a district justice, magistrate or judge shall dismiss the  
14 charges if the person prior to or at his hearing displays  
15 evidence of acquisition of a helmet meeting the standards  
16 prescribed in subsection (a) to such district justice,  
17 magistrate or judge. Sufficient evidence shall include a receipt  
18 mailed to the appropriate court officer which evidences purchase  
19 or transfer of such a helmet from another helmet owner,  
20 evidenced by a notarized letter.

21 (c) Civil actions.--In no event shall a violation or alleged  
22 violation of subsection (a) be used as evidence in a trial of  
23 any civil action; nor shall any jury in a civil action be  
24 instructed that any conduct did constitute or could be  
25 interpreted by them to constitute a violation of subsection (a);  
26 nor shall failure to use a pedalcycle helmet be considered as  
27 contributory negligence nor shall failure to use a pedalcycle  
28 helmet be admissible as evidence in the trial of any civil  
29 action.

30 (d) Penalty.--Notwithstanding any other provisions of law,

1 any violation of subsection (a) is punishable by a fine,  
2 including all penalties, assessments and court costs imposed on  
3 the convicted person not to exceed \$25. The court imposing and  
4 collecting any such fines shall transfer the fines thus  
5 collected to the State Treasurer for deposit in the Pedalcycle  
6 Helmet Fund, pursuant to section 3512 (relating to Pedalcycle  
7 Helmet Fund). The parent or legal guardian having control or  
8 custody of a person [under 12 years of age] whose conduct  
9 violates this section shall be jointly and severally liable with  
10 the person for the amount of the fine imposed.

11 (e) Definitions.--As used in this section, the term "wearing  
12 a pedalcycle helmet" means having a pedalcycle helmet of good  
13 fit fastened securely upon the head with the helmet straps.

14 Section 2. This act shall take effect in 60 days.