

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1887

Session of
1993

INTRODUCED BY CORNELL, FICHTER, MASLAND, BISHOP, GIGLIOTTI,
LAUB, TRELLO, PETTIT, MICOZZIE, DERMODY, E. Z. TAYLOR, GEIST,
ADOLPH, L. I. COHEN, CIVERA AND HARLEY, JUNE 23, 1993

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF
REPRESENTATIVES, AS AMENDED, APRIL 19, 1994

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for the use of safety helmets by
3 pedalcycle users; ESTABLISHING THE PEDALCYCLE HELMET FUND; <—
4 AND PROVIDING FOR CIVIL IMMUNITY.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

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

9 § 3510. Pedalcycle helmets for certain persons.

10 (a) General rule.--~~No person shall operate a pedalcycle and~~ <—
11 ~~no person operating a pedalcycle shall allow any person [who is~~
12 ~~five years of age or younger] to~~ [NO PERSON OPERATING A <—
13 PEDALCYCLE SHALL ALLOW ANY PERSON WHO IS FIVE YEARS OF AGE OR
14 YOUNGER TO] A PERSON UNDER 12 YEARS OF AGE SHALL NOT OPERATE A <—
15 PEDALCYCLE OR ride as a passenger on a pedalcycle unless [that <—
16 ~~operator and that~~ passenger] THE PERSON ~~[is]~~ are wearing a <—
17 PEDALCYCLE helmet meeting the standards of the American National <—
18 Standards Institute or of the Snell Memorial Foundation's

1 Standards for Protective Headgear for Use in Bicycling. THIS <—
2 SUBSECTION SHALL ALSO APPLY TO A PERSON WHO RIDES:

3 (1) UPON A PEDALCYCLE WHILE IN A RESTRAINING SEAT
4 ATTACHED TO A PEDALCYCLE; OR

5 (2) IN A TRAILER TOWED BY A PEDALCYCLE.

6 [(b) Proof of purchase.--The first violation of subsection <—
7 (a) by any person may be dismissed by the court if the person
8 charged produces proof that a helmet meeting the standards
9 prescribed in subsection (a) has been purchased for use {by the <—
10 passenger five years of age or younger}-.] <—

11 (B) HELMET TO BE LABELED.--ANY HELMET SOLD OR OFFERED FOR
12 SALE FOR USE BY OPERATORS AND PASSENGERS OF PEDALCYCLES SHALL BE
13 CONSPICUOUSLY LABELED IN ACCORDANCE WITH THE STANDARD DESCRIBED
14 IN SUBSECTION (A), WHICH SHALL CONSTITUTE THE MANUFACTURER'S
15 CERTIFICATION THAT THE HELMET CONFORMS TO THE APPLICABLE SAFETY
16 STANDARDS.

17 (B.1) SALE OF HELMET.--NO PERSON SHALL SELL OR OFFER FOR
18 SALE FOR USE BY AN OPERATOR OR PASSENGER OF A PEDALCYCLE A
19 HELMET WHICH IS NOT OF A TYPE MEETING THE REQUIREMENTS
20 ESTABLISHED BY THIS SECTION.

21 (B.2) WAIVER OF FINE.--IF A PERSON RECEIVES A CITATION
22 ISSUED BY THE PROPER AUTHORITY FOR VIOLATION OF SUBSECTION (A),
23 A DISTRICT JUSTICE, MAGISTRATE OR JUDGE SHALL DISMISS THE
24 CHARGES IF THE PERSON PRIOR TO OR AT HIS HEARING DISPLAYS
25 EVIDENCE OF ACQUISITION OF A HELMET MEETING THE STANDARDS
26 PRESCRIBED IN SUBSECTION (A) TO SUCH DISTRICT JUSTICE,
27 MAGISTRATE OR JUDGE. SUFFICIENT EVIDENCE SHALL INCLUDE A RECEIPT
28 MAILED TO THE APPROPRIATE COURT OFFICER WHICH EVIDENCES PURCHASE
29 OR TRANSFER OF SUCH A HELMET FROM ANOTHER HELMET OWNER,
30 EVIDENCED BY A NOTARIZED LETTER.

1 (c) Civil actions.--In no event shall a violation or alleged
2 violation of subsection (a) be used as evidence in a trial of
3 any civil action; nor shall any jury in a civil action be
4 instructed that any conduct did constitute or could be
5 interpreted by them to constitute a violation of subsection (a);
6 nor shall failure to use a pedalcycle helmet be considered as
7 contributory negligence nor shall failure to use a pedalcycle
8 helmet be admissible as evidence in the trial of any civil
9 action.

10 (d) Penalty.--Notwithstanding any other provisions of law,
11 any violation of subsection (a) is punishable by a fine,
12 including all penalties, assessments and court costs imposed on
13 the convicted person not to exceed \$25. [Persons age 17 and <—
14 under shall not be subject to the penalty provisions of this
15 subsection on the first offense.] THE COURT IMPOSING AND <—
16 COLLECTING ANY SUCH FINES SHALL TRANSFER THE FINES THUS
17 COLLECTED TO THE STATE TREASURER FOR DEPOSIT IN THE PEDALCYCLE
18 HELMET FUND, PURSUANT TO SECTION 3512 (RELATING TO PEDALCYCLE
19 HELMET FUND). THE PARENT OR LEGAL GUARDIAN HAVING CONTROL OR
20 CUSTODY OF A PERSON UNDER 12 YEARS OF AGE WHOSE CONDUCT VIOLATES
21 THIS SECTION SHALL BE JOINTLY AND SEVERALLY LIABLE WITH THE
22 PERSON FOR THE AMOUNT OF THE FINE IMPOSED.

23 (e) Definitions.--As used in this section, the term "wearing
24 a PEDALCYCLE helmet" means having a PEDALCYCLE helmet of good <—
25 fit fastened securely upon the head with the helmet straps.

26 SECTION 2. TITLE 75 IS AMENDED BY ADDING SECTIONS TO READ: <—
27 § 3512. PEDALCYCLE HELMET FUND.

28 THE PEDALCYCLE HELMET FUND IS ESTABLISHED IN THE GENERAL FUND
29 AS A SPECIAL RESTRICTED RECEIPTS ACCOUNT EARMARKED FOR AND
30 APPROPRIATED TO THE DEPARTMENT OF TRANSPORTATION. THIS FUND

1 SHALL CONSIST OF ALL FINES DEPOSITED PURSUANT TO SECTION 3510
2 (RELATING TO PEDALCYCLE HELMETS FOR CERTAIN PERSONS), ALL
3 FEDERAL FUNDS GRANTED FOR SUCH USE AND ANY MONEY DONATED TO THE
4 FUND. ALL MONEY IN THE PEDALCYCLE HELMET FUND SHALL BE USED
5 SOLELY FOR THE PURPOSE OF PURCHASING PEDALCYCLE HELMETS MEETING
6 THE STANDARDS OF THE AMERICAN NATIONAL STANDARDS INSTITUTE OR OF
7 THE SNELL MEMORIAL FOUNDATION'S STANDARDS FOR PROTECTIVE
8 HEADGEAR FOR USE IN BICYCLING AND MAKING SUCH HELMETS AVAILABLE
9 TO QUALIFIED LOANER PROGRAMS WITHIN THIS COMMONWEALTH. A
10 QUALIFIED LOANER PROGRAM SHALL BE ONE DETERMINED BY THE
11 DEPARTMENT TO LEND APPROVED PEDALCYCLE HELMETS TO PARENTS OR
12 LEGAL GUARDIANS OF CHILDREN UNDER 12 YEARS OF AGE WHO, DUE TO
13 FINANCIAL OR ECONOMIC HARDSHIP, ARE UNABLE TO COMPLY WITH THE
14 PROVISIONS OF SECTION 3510. THE DEPARTMENT SHALL ADOPT SUCH
15 REGULATIONS AS ARE NECESSARY TO EFFECTUATE THE PURPOSE OF THIS
16 SECTION.

17 § 3513. CIVIL IMMUNITY FOR LENDERS OF PEDALCYCLE HELMETS.

18 NO PERSON OR ORGANIZATION WHO OR WHICH LENDS TO ANOTHER
19 PERSON OR ORGANIZATION A PEDALCYCLE HELMET, AS DESCRIBED IN
20 SECTION 3510 (RELATING TO PEDALCYCLE HELMETS FOR CERTAIN
21 PERSONS), SHALL BE LIABLE FOR ANY CIVIL DAMAGES RESULTING FROM
22 ANY ACT OR OMISSION, EXCEPT ANY ACT OR OMISSION INTENTIONALLY
23 DESIGNED TO HARM OR ANY GROSSLY NEGLIGENT ACT OR OMISSION
24 RESULTING IN HARM TO ANOTHER.

25 Section 2 3. This act shall take effect in 60 days.

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