

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1587 Session of
2011

INTRODUCED BY HENNESSEY, DePASQUALE, BISHOP, D. COSTA, CURRY,
DALEY, FABRIZIO, GEIST, GILLESPIE, GINGRICH, GOODMAN,
HARKINS, KIRKLAND, KORTZ, KULA, MOUL, MURT, MYERS, ROCK,
SCAVELLO, K. SMITH, SWANGER AND VULAKOVICH, MAY 24, 2011

REFERRED TO COMMITTEE ON TOURISM AND RECREATIONAL DEVELOPMENT,
MAY 24, 2011

AN ACT

1 Requiring certain persons to wear helmets when sledding or
2 snowboarding under certain circumstances.

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

5 Section 1. Short title.

6 This act shall be known and may be cited as the Safe Sledding
7 and Snowboarding Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Facility." A business entity that charges an admission
13 price or fee to the general public for the privilege of
14 operating a sled or snowboard.

15 "Helmet." A helmet meeting the standards of the American
16 National Standards Institute, the American Society for Testing

1 and Materials, the Snell Memorial Foundation's Standards for
2 Protective Headgear for Use in Bicycling or any other nationally
3 recognized standard for helmet approval.

4 "Public land." A State forest, State park, county park,
5 municipal park, State game lands or school.

6 "Sled." A runner sled, plastic sled, slider, snow scooter,
7 saucer, toboggan, bobsled, snow tube or related nonmotorized
8 device used for coasting or sliding on snow or ice.

9 "Snowboard." A board equipped with bindings for a person's
10 feet that is used for descending snow-covered slopes on foot
11 without ski poles.

12 Section 3. Helmets for certain persons.

13 (a) General rule.--No person who is under 13 years of age
14 may operate a sled or a snowboard or ride as a passenger on a
15 sled or a snowboard on public land or at a facility unless the
16 person wears a helmet of good fit that is fastened securely upon
17 the person's head with the helmet straps.

18 (b) Helmet to be labeled.--A helmet sold or offered for
19 sale, or offered for rent or use by a facility for use by
20 operators and passengers of sleds or snowboards, shall be
21 labeled in accordance with the standard described in this
22 section, which shall constitute the manufacturer's certification
23 that the helmet conforms to the applicable safety standards.

24 (c) Sale, rental or use of helmet.--No person may sell or
25 offer for sale, or offer for rent or use by an operator or
26 passenger, a helmet that does not comply with the requirements
27 of this section.

28 (d) Waiver of fine.--

29 (1) If an operator or passenger of a sled or snowboard
30 receives a citation issued by the proper authority for a

1 violation of subsection (a), a magisterial district judge,
2 magistrate or judge shall dismiss the charges if the person,
3 prior to or at the person's hearing, displays evidence of
4 acquisition of a helmet meeting the standards prescribed in
5 this section to the magisterial district judge, magistrate or
6 judge.

7 (2) Sufficient evidence shall include a receipt mailed
8 to the appropriate court officer that evidences purchase or
9 transfer of such a helmet from another helmet owner and that
10 consists of a notarized letter.

11 (e) Exemption.--This section shall not apply to a child who
12 is under 13 years of age and can produce a statement from the
13 family's religious authorities attesting that it is against the
14 tenets of the family's religion to wear a helmet.

15 (f) Facilities to offer helmets.--A facility shall have a
16 sufficient number of helmets that comply with the requirements
17 of this section available for rental or use by patrons.

18 (g) Civil actions.--

19 (1) In no event shall a violation or alleged violation
20 of subsection (a) be used as evidence in a trial of any civil
21 action.

22 (2) No jury in a civil action may be instructed that any
23 conduct construed or could be interpreted by them to
24 constitute a violation of subsection (a).

25 (3) The failure to use a helmet shall not be considered
26 as contributory negligence, nor shall failure to use a helmet
27 be admissible as evidence in the trial of any civil action.

28 (h) Penalty.--Notwithstanding any other provision of law,
29 any violation of subsection (a) is punishable by a fine,
30 including all penalties, assessments and court costs imposed on

1 the convicted person not to exceed \$25. The parent or legal
2 guardian having control or custody of a person under 13 years of
3 age whose conduct violates this act shall be jointly and
4 severally liable with the person for the amount of the fine
5 imposed.

6 Section 4. Effective date.

7 This act shall take effect in 60 days.