

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 AND CIVERA, JUNE 23, 1993

REFERRED TO COMMITTEE ON TRANSPORTATION, JUNE 23, 1993

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.

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

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

8 § 3510. Pedalcycle helmets for certain persons.

9 (a) General rule.--No person shall operate a pedalcycle and
10 no person operating a pedalcycle shall allow any person [who is
11 five years of age or younger] to ride as a passenger on a
12 pedalcycle unless that operator and that passenger [is] are
13 wearing a helmet meeting the standards of the American National
14 Standards Institute or of the Snell Memorial Foundation's
15 Standards for Protective Headgear for Use in Bicycling.

16 (b) Proof of purchase.--The first violation of subsection
17 (a) by any person may be dismissed by the court if the person
18 charged produces proof that a helmet meeting the standards

1 prescribed in subsection (a) has been purchased for use [by the
2 passenger five years of age or younger].

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

12 (d) Penalty.--Notwithstanding any other provisions of law,
13 any violation of subsection (a) is punishable by a fine,
14 including all penalties, assessments and court costs imposed on
15 the convicted person not to exceed \$25. Persons age 17 and under
16 shall not be subject to the penalty provisions of this
17 subsection on the first offense.

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

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