

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1328 Session of
2002

INTRODUCED BY C. WILLIAMS, BODACK, COSTA AND WOZNIAK,
MARCH 5, 2002

REFERRED TO TRANSPORTATION, MARCH 5, 2002

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] No person shall operate a pedalcycle or ride as a passenger
10 on a pedalcycle unless the person is wearing a pedalcycle helmet
11 meeting the standards of the American National Standards
12 Institute, the American Society for Testing and Materials, the
13 Snell Memorial Foundation's Standards for Protective Headgear
14 for Use in Bicycling or any other nationally recognized standard
15 for pedalcycle helmet approval. This subsection shall also apply
16 to a person who rides:

17 (1) upon a pedalcycle while in a restraining seat

1 attached to a pedalcycle; or

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

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

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

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

22 (b.3) Exemption.--This section shall not apply to a child
23 under [12] 18 years of age who can produce a statement from the
24 family's church authorities attesting that it is against the
25 tenets of the family's religion to wear a helmet.

26 [(c) Civil actions.--In no event shall a violation or
27 alleged violation of subsection (a) be used as evidence in a
28 trial of any civil action; nor shall any jury in a civil action
29 be instructed that any conduct did constitute or could be
30 interpreted by them to constitute a violation of subsection (a);

1 nor shall failure to use a pedalcycle helmet be considered as
2 contributory negligence nor shall failure to use a pedalcycle
3 helmet be admissible as evidence in the trial of any civil
4 action.]

5 (d) Penalty.--Notwithstanding any other provisions of law,
6 any violation of subsection (a) is punishable by a fine,
7 including all penalties, assessments and court costs imposed on
8 the convicted person not to exceed \$25. The parent or legal
9 guardian having control or custody of a person under [12] 18
10 years of age whose conduct violates this section shall be
11 jointly and severally liable with the person for the amount of
12 the fine imposed.

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

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