

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1045 Session of 2011

INTRODUCED BY RAFFERTY, ERICKSON, WILLIAMS, WASHINGTON, FONTANA,
BREWSTER AND FARNESE, MAY 16, 2011

REFERRED TO JUDICIARY, MAY 16, 2011

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in sports and amusements, providing
3 for an offense relating to helmets for certain persons
4 engaged in winter sporting activities.

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

7 Section 1. Title 18 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 7108. Helmets for certain persons engaged in winter sporting
10 activities.

11 (a) General rule.--The operator of a commercial venue or
12 recreational facility that offers a winter sporting activity to
13 members of the public for a fee shall offer a person under 12
14 years of age who intends to engage in the winter sporting
15 activity a helmet meeting the standards of the American National
16 Standards Institute, the American Society for Testing and
17 Materials, the Snell Memorial Foundation's Standards for
18 Protective Headgear for Use in Bicycling or any other nationally
19 recognized standard for helmet approval.

1 (b) Helmet to be labeled.--Any helmet offered to a person
2 under 12 years of age in accordance with subsection (a) shall be
3 labeled in accordance with the standard described in subsection
4 (a), which shall constitute the manufacturer's certification
5 that the helmet conforms to the applicable safety standards.

6 (c) Use of helmets.--No person shall offer to a person under
7 12 years of age in accordance with subsection (a) a helmet which
8 is not of a type meeting the requirements established by this
9 section.

10 (d) Exemption.--This section shall not apply to an operator
11 of a commercial venue or recreational facility required to
12 comply with subsection (a) if the child under 12 years of age in
13 question provided the operator with a statement from the
14 family's church authorities attesting that it is against the
15 tenets of the family's religion to wear a helmet.

16 (e) Civil actions.--In no event shall a violation or alleged
17 violation of subsection (a) be used as evidence in a trial of
18 any civil action; nor shall any jury in a civil action be
19 instructed that any conduct did constitute or could be
20 interpreted by them to constitute a violation of subsection (a);
21 nor shall failure to use a helmet be considered as contributory
22 negligence nor shall failure to use a helmet be admissible as
23 evidence in the trial of any civil action.

24 (f) Penalty.--Notwithstanding any other provisions of law,
25 any violation of subsection (a) is punishable by a fine,
26 including all penalties, assessments and court costs imposed on
27 the convicted person not to exceed \$25.

28 (g) Definitions.--As used in this section, the term "winter
29 sporting activity" means sledding or skiing on snow and
30 snowboarding. The term does not include ice skating.

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