

§ 460-78 Prohibitions.

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A.

No person operating a bicycle shall carry an infant under the age of one year as a passenger by any means whatsoever, including use of a bicycle seat, body pack or by any other means.

B.

No person operating a bicycle shall carry as a passenger any person between the ages of one year and five years unless such passenger is placed in a separate seat, securely attached to the bicycle, and such seat is capable of retaining the passenger in place and protecting the passenger from the moving parts of the bicycle.

C.

No person shall operate a two-wheeled bicycle or be carried as a passenger unless such person is wearing a **helmet** meeting the standards of the American National Standards Institute (ANSI) or the Snell Memorial Foundation's standards for protective headgear for use in bicycling.

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§ 460-79 Penalties for offenses; waiving of fine; failure to comply.

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A.

Any person who violates any of the provisions of this article shall, upon conviction, be guilty of a violation and liable for a civil fine not to exceed \$50.

B.

The court may waive any fine for a person who violates any provision of this article where the court is supplied with proof that between the date of violation and the appearance date for violation of this article a person accused of a violation has purchased, rented or otherwise secured possession of a **helmet**.

C.

The court may, in its discretion, waive any fine for which a person who violates the provisions of this article would otherwise be liable if the court finds that due to reasons of economic hardship such person was unable to purchase a **helmet** or due to such economic hardship such person was unable to obtain a **helmet** from the statewide bicycle **helmet** distribution program, as established in § 206 of the Public Health Law, or other local distribution program.

D.

The failure of any person to comply with the provisions of this article shall not constitute contributory negligence or assumption of risk and shall not in any way bar, preclude or

foreclose an action for personal injury or wrongful death by or on behalf of such person, nor in any way diminish or reduce the damages recoverable in any such action.