

**STRICKEN AS OF END OF YEAR**

Intro. Res. No. 1508-2013

Laid on Table 6/18/2013

Introduced by Legislators Barraga and Schneiderman

**RESOLUTION NO. -2013, ADOPTING LOCAL LAW  
NO. -2013, A LOCAL LAW TO REQUIRE USE OF SAFETY  
HELMETS BY ALL BICYCLISTS IN SUFFOLK COUNTY**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on , 2013, a proposed local law entitled, "**A LOCAL LAW TO REQUIRE USE OF SAFETY HELMETS BY ALL BICYCLISTS IN SUFFOLK COUNTY**"; now, therefore be it

**RESOLVED**, that said local law be enacted in form as follows:

**LOCAL LAW NO. -2013, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO REQUIRE USE OF SAFETY HELMETS BY ALL  
BICYCLISTS IN SUFFOLK COUNTY**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF  
SUFFOLK**, as follows:

**Section 1. Legislative Intent.**

This Legislature hereby finds and determines that the County of Suffolk is a suburban County whose residents primarily depend upon automobiles for transportation.

This Legislature also finds and determines that a number of residents also use bicycles for transportation or pleasure purposes, which can be dangerous for anyone on roads with automobile traffic.

This Legislature determines that cycling was the number one cause of sports-related head injuries treated in emergency rooms throughout the United States in 2009, surpassing contact sports such as football and soccer by a wide margin.

This Legislature finds that the danger to bicyclists is exacerbated when a rider does not wear a safety helmet.

This Legislature also determines that bicycling without a safety helmet leaves riders exposed to serious facial, neck and head injuries, including traumatic brain injuries, in the event of an accident.

This Legislature also finds that safety helmet use is estimated to reduce the risk of head injuries by 85%.

This Legislature further finds that 91% of bicyclists killed in accidents in the United States in 2008 were not wearing safety helmets.

This Legislature determines that 87% of bicyclist deaths in 2008 were persons over the age of 16, with the majority of fatalities occurring to bicyclists between the ages of 24 and 65.

This Legislature further determines that the use of safety helmets is important for bicyclists of all ages.

Therefore, the purpose of this law is to amend Chapter 319 of the SUFFOLK COUNTY CODE to require all bicyclists in the County of Suffolk to wear safety helmets.

## **Section 2. Amendments.**

Chapter 319 of the SUFFOLK COUNTY CODE is hereby amended as follows:

### **CHAPTER 319. BICYCLES, SKATES, SKATEBOARDS AND SCOOTERS**

#### **Article I. Use of Helmets**

##### **§ 319-1. Legislative intent.**

- A. This Legislature hereby finds and determines that bicycling and in-line skating [by individuals under the age of 18] is inherently dangerous.
- B. This Legislature further finds and determines that this inherent danger is exacerbated when such skating or bicycle riding takes place without the use of a helmet.
- C. This Legislature further finds and determines that injuries associated with bicycle riding are generally more severe when the rider does not wear a safety helmet; that every dollar spent on bicycle safety helmets generates a direct savings in medical costs and other related costs estimated to be \$30; and that bicycle education programs alone are not sufficient to promote the use of bicycle helmets without a statutory requirement for such helmet use.
- D. Therefore, the purpose of this article is to require the use of helmets by anyone [between the ages of 14 and 17] while bicycling or in-line skating within the County of Suffolk in order to protect his or her health, safety, and general welfare.

\* \* \* \*

##### **§ 319-3. Use [by minors] required.**

- [A.] No individual [who is either 14, 15, 16 or 17 years of age] shall operate a bicycle, scooter or skateboard or skate or glide on in-line skates within the geographic boundaries of the County of Suffolk unless such individual is wearing a helmet meeting the requirements as set forth in New York Vehicle and Traffic Law § 1238(5-a), or successor standards set by the Commissioner of the New York State Department of Motor Vehicles. For the purposes of this article, "wearing a helmet" shall mean having a properly fitted helmet fastened securely upon the head of the wearer with the helmet straps securely fastened.

[B. No individual who is under the age of 14 years of age shall operate a bicycle, skateboard or scooter within the geographic boundaries of the County of Suffolk unless such individual is wearing a helmet meeting the requirements as set forth in New York Vehicle and Traffic Law § 1238(5-a), or successor standards set by the Commissioner of the New York State Department of Motor Vehicles. For the purposes of this article, "wearing a helmet" shall mean having a properly fitted helmet fastened securely upon the head of the wearer with the helmet straps securely fastened.]

\* \* \* \*

**Section 3. Applicability.**

This law shall apply to all actions occurring on or after the effective date of this law.

**Section 4. Severability.**

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**Section 5. SEQRA Determination.**

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

**Section 6. Effective Date.**

This law shall take effect immediately upon filing in the Office of the Secretary of State.

[ ] Brackets denote deletion of existing language

DATED:

APPROVED BY:

\_\_\_\_\_

County Executive of Suffolk County

Date: