

2012 SESSION

INTRODUCED

12104143D

SENATE BILL NO. 633

Offered January 20, 2012

A *BILL to amend and reenact § 46.2-906.1 of the Code of Virginia, relating to wearing of helmets by bicyclists, etc.*

Patron—Barker

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-906.1 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-906.1. Riders of bicycles, electric personal assistive mobility devices, toy vehicles, and electric power-assisted bicycles to wear helmets.

~~The governing body of any county, city or town may, by ordinance, provide that every~~ Every person 14 years of age or younger shall wear a protective helmet that at least meets the ~~Consumer Product Safety Commission~~ ASTM International standard whenever riding or being carried on a bicycle, an electric personal assistive mobility device, a toy vehicle, or an electric power-assisted bicycle on any highway as defined in § 46.2-100, sidewalk, or public bicycle path.

Violation of ~~any such ordinance~~ *this section* shall be punishable by a fine of \$25. However, such fine shall be suspended (i) for first-time violators and (ii) for violators who, subsequent to the violation but prior to imposition of the fine, purchase helmets of the type required by the ordinance.

Violation of ~~any such ordinance~~ *this section* shall not constitute negligence, or assumption of risk, be considered in mitigation of damages of whatever nature, be admissible in evidence, or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation of any bicycle, electric personal assistive mobility device, toy vehicle, or electric power-assisted bicycle, nor shall anything in this section change any existing law, rule, or procedure pertaining to any civil action.

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