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HOUSE BILL NO. 1360

Offered January 22, 2016

A BILL to amend and reenact § 46.2-906.1 of the Code of Virginia, relating to protective helmets to be worn by riders of bicycles or electric power-assisted bicycles.

Patron—Yost

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 and electric power-assisted bicycles to wear helmets; local ordinances may require helmets for riders of electric personal assistive mobility devices or toy vehicles.**

~~The governing body of any county, city or town may, by ordinance, provide that every~~ Every person 14 less than 18 years of age or younger shall wear a protective helmet that at least meets the Consumer Product Safety Commission standard whenever riding or being carried on a bicycle; ~~or an electric power-assisted bicycle~~ on any highway as defined in § 46.2-100, sidewalk, or public bicycle path. ~~The governing body of any county, city, or town may, by ordinance, provide that every person 14 years of age or younger shall wear a protective helmet~~ that at least meets the Consumer Product Safety Commission standard whenever riding or being carried on an electric personal assistive mobility device; ~~or 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 ~~this section~~ or any such ordinance 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 ~~this section~~ or the ordinance.

Violation of ~~this section~~ or any such ordinance 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.

INTRODUCED

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