VIRGINIA ACTS OF ASSEMBLY -- 1995 SESSION

CHAPTER 671

An Act to amend and reenact § 46.2-906.1 of the Code of Virginia, relating to local bicycle helmet ordinances.

Approved March 25, 1995

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. Local ordinances may require bicyclists to wear helmets.

The governing ~~body~~ *bodies* of ~~(i) any county having the urban county executive form of government, (ii) any city or town within or surrounded by such county, (iii) any county or city adjoining such county, (iv) any city or town within or surrounded by any such adjoining county, and (v) any town having a population of more than 34,000~~ *the Counties of Arlington, Fairfax, Loudoun, Prince William and any town within them; the Cities of Alexandria, Fairfax, Falls Church, Manassas, Manassas Park, and Virginia Beach; and the Town of Blacksburg* may, by ordinance, provide that every person fourteen years of age or younger shall wear a protective helmet that meets the standards promulgated by the American National Standards Institute or the Snell Memorial Foundation whenever riding or being carried on a bicycle on any highway as defined in § 46.2-100, sidewalk, or public bicycle path.

Violation of any such ordinance shall be punishable by a fine of twenty-five dollars. 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 shall not constitute negligence, 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, nor shall anything in this section change any existing law, rule, or procedure pertaining to any civil action.