

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 46.2-906.1 of the Code of Virginia, relating to expansion of authority*
3 *to enact bicycle helmet ordinances.*

4 [H 1745]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 46.2-906.1 of the Code of Virginia is amended and reenacted as follows:**

8 § 46.2-906.1. Local ordinances may require bicyclists to wear helmets.

9 The governing body of (i) any county, ~~having the urban county executive form of government,~~ (ii)
10 ~~any city or town within or surrounded by such county,~~ (iii) ~~any county or city adjoining such county,~~
11 ~~(iv) any city or town within or surrounded by any such adjoining county,~~ and (v) ~~any town having a~~
12 ~~population of more than 34,000~~ may, by ordinance, provide that every person fourteen years of age or
13 younger shall wear a protective helmet that meets the standards promulgated by the American National
14 Standards Institute or the Snell Memorial Foundation whenever riding or being carried on a bicycle on
15 any highway as defined in § 46.2-100, sidewalk, or public bicycle path.

16 Violation of any such ordinance shall be punishable by a fine of twenty-five dollars. However, such
17 fine shall be suspended (i) for first-time violators and (ii) for violators who, subsequent to the violation
18 but prior to imposition of the fine, purchase helmets of the type required by the ordinance.

19 Violation of any such ordinance shall not constitute negligence, assumption of risk, be considered in
20 mitigation of damages of whatever nature, be admissible in evidence, or be the subject of comment by
21 counsel in any action for the recovery of damages arising out of the operation of any bicycle, nor shall
22 anything in this section change any existing law, rule, or procedure pertaining to any civil action.

ENROLLED

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