

Introduced by Legislator John R. Ferretti, Jr. and Thomas McKeivitt

LOCAL LAW 17 -2019

A LOCAL LAW TO AMEND TITLE 45 OF THE MISCELLANEOUS LAWS OF NASSAU COUNTY

Passed by the Nassau County Legislature on September 23, 2019

Voting: ayes: 18, nays: 0, abstained: 0

Became a law on October 23, 2019 with the approval of the County Executive

APPROVED AS TO FORM

  
Majority Counsel

BE IT ENACTED by the County Legislature of the County of Nassau as follows:

Section 1. Title 45 of the Miscellaneous Laws of Nassau County is amended to read as follows:

TITLE 45

CHILD HELMET SAFETY LAW

Section 1. **Legislative findings.**

- a) The Legislature of Nassau County hereby finds that young persons riding or operating, bicycles, motorized bicycles, foot powered or motorized scooters or skateboards, or skating or gliding on in-line skates on public and private roads, on sidewalks, and in other places are at risk of sustaining serious injury due to falls occurring while the operator is riding at high speed; and that incidence of serious injuries are reduced by the wearing of safety helmets and other safety equipment; and that a law requiring young persons to protect themselves by using safety equipment including safety helmets is in the public interest.

Section 2. **Helmet requirements.**

- a) No person under age eighteen years shall operate a bicycle, motorized bicycle, foot powered or motorized scooter or skateboard, or skate or glide on in-line skates, or ride as a passenger on a bicycle, motorized bicycle, foot powered or motorized scooter unless such operator, person skating or gliding, or passenger is wearing a helmet meeting the standards of the American National Standards Institute (Ansi Z. 90.4 bicycle helmet standards) or of the Snell Memorial Foundation 1984 Standard for Protective Headgear for Use in Bicycling or by the United States Consumer Product Safety Commission, as last revised by said organizations, or 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.
- b) For purposes of this law, “wearing a helmet,” means having a helmet of good fit fastened securely upon the head with the helmet straps.

**Section 3. Enforcement.**

- a) The Nassau County Police Department, or any village or city police department, shall take any and all actions to enforce this law in any court of competent jurisdiction.
- b) A police officer shall only issue an appearance ticket or summons and local criminal court accusatory instrument, as those terms are defined in the Criminal Procedure Law, for a violation of section 2 of this Law by a person less than sixteen of age to the parent or guardian of such person if the violation by such person occurs in the presence of such person’s parent or guardian and where such parent or guardian is eighteen years of age or more. Such appearance ticket or summons and local criminal court accusatory instrument shall only be issued to such parent or guardian, and shall not be issued to the person less than sixteen years of age.

**§ 2. Severability**

If any section or subdivision of this title is held to be wholly or partially invalid by a final decree or a court of competent jurisdiction, the remainder of this title shall be valid, and no other section or subsection shall be deemed invalid.

**§ 3. SEQRA Determination**

If is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. Section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that the adoption of this local law is a “Type II” Action within the meaning of Section 617(c)(20) and (27) of 6

N.Y.C.R.R., and, accordingly is of a class of actions which do not have a significant effect on the environment, and no further review is required.

§ 4. Effective Date

This law shall take effect immediately.

**APPROVED**

  
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**Deputy Executive**

10-23-19