

Article 34
OPERATION OF BICYCLES AND PLAY DEVICES
(1995, heading [chgd. by chap. 694](#), eff. 1/1/96.)

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Article 34
L95 OPERATION OF BICYCLES AND PLAY DEVICES
LM (1995, heading [chgd. by chap. 694](#), eff. 1/1/96.)

§1230. Effect of regulations.

(a) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this article.

^k (b) These regulations applicable to bicycles or to in-line skates shall apply whenever a bicycle is, or in-line skates are, operated upon any highway, upon private roads open to public motor vehicle traffic and upon any path set aside for the exclusive use of bicycles, or in-line skates, or both. *Lg* (1995, [chgd. by chap. 694](#), eff. 1/1/96.)

&9s1231. Traffic laws apply to persons riding bicycles or skating or gliding on

in-line skates.

Every person riding a bicycle or skating or gliding on in-line skates upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this title, except as to special regulations in this article and except as to those provisions of this title which by their nature can have no application. *Lu (1995, [chgd. by](#) chap. 694, eff. 1/1/96.)*

§1232. Riding on bicycles.

(a) A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto, nor shall he ride with his feet removed from the pedals.

(b) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

§1233. Clinging to vehicles.

Las 1. No person riding upon any bicycle, coaster, in-line skates, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle being operated upon a roadway. *L95 (1995, [chgd. by](#) chap. 694, eff. 1/1/96.)*

2. No person shall ride on or attach himself to the outside of any vehicle being operated upon a roadway.

The provisions of this section shall not apply to:

(i) vehicles in an emergency operation as defined in section one hundred fourteen-b of this chapter; and

(ii) farm type tractors used exclusively for agricultural purposes or other farm equipment; and

(iii) riding on the open, uncovered cargo area of a truck with the permission of the operator of such truck; and

(iv) vehicles employed by a municipality for local garbage collection; and

(v) vehicles participating in a parade pursuant to a municipal permit.

3. No vehicle operator shall knowingly permit any person to attach any device or himself to such operator's vehicle in violation of subdivision one or subdivision two of this section.

1/21234. Riding on roadways, shoulders, bicycle or in-line skate lanes and bicycle or in-line skate paths.

(a) Upon all roadways, any bicycle or in-line skate shall be driven either on a usable bicycle or in-line skate lane or, if a usable bicycle or in-line skate lane has not been provided, near the right-hand curb or edge of the roadway or upon a usable right-hand shoulder in such a manner as to prevent undue interference with the flow of traffic except when preparing for a left turn or when reasonably necessary to avoid conditions that would make it unsafe to continue along near the right-hand curb or edge. Conditions to be taken into consideration include, but are not limited to, fixed or

moving
or traffic lanes too narrow for a bicycle or person on in-line skates and a vehicle to travel safely side-by-side within the lane.

(b) Persons riding bicycles or skating or gliding on in-line skates upon a roadway shall not ride more than two abreast. Persons riding bicycles or skating or gliding on in-line skates upon a shoulder, bicycle or in-line skate lane, or bicycle or in-line skates path, intended for the use of bicycles or in-line skates may ride two or more abreast if sufficient space is available, except that when passing a vehicle, bicycle or person on in-line skates, or pedestrian, standing or proceeding along such shoulder, lane or path, persons riding bicycles or skating or gliding on in-line skates shall ride, skate, or glide single file. Persons riding bicycles or skating or gliding on in-line skates upon a roadway shall ride, skate, or glide single file when being overtaken by a vehicle.

(c) Any person operating a bicycle or skating or gliding on in-line skates who is entering the roadway from a private road, driveway, alley or over a curb shall come to a full stop before entering the roadway.

L2§ (1995, *chgd. by* chap. 694; 1996, *chgd. by* chap. 16, eff. 2/20/96.)

L1235- Carrying articles -

No person operating a bicycle shall carry any package, bundle, or article which prevents the driver from keeping at least one hand upon the handle bars. No person skating or gliding on in-line skates shall carry any package, bundle, or article which obstructs his or her vision in any direction. L (1995, *chgd. by* chap. 694, eff. 1/1/96.)

§1236. Lamps and other equipment on bicycles .

(a) Every bicycle when in use during the period from one-half hour after sunset to one-half hour before sunrise shall be equipped with a lamp on the front which shall emit a white light visible during hours of darkness from a distance of at least five hundred feet to the front and with a red light visible to the rear for three hundred feet. Effective July first, nineteen hundred seventy-six, at least one of these lights shall be visible for two hundred feet from each side .

(b) No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred feet, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.

(c) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement .

(d) Every new bicycle shall be equipped with reflective tires or, alternately, a reflex reflector mounted on the spokes of each wheel, said tires and reflectors to be of types approved by the commissioner. The reflex reflector mounted on the front wheel shall be colorless or amber, and the reflex reflector mounted on the rear wheel shall be colorless or red.

(e) Every bicycle when in use during the period from one-half hour after sunset to one-half hour before sunrise shall be equipped with reflective devices or material meeting the standards established by rules and regulations promulgated by the

commissioner; provided, however, that such standards shall not be inconsistent with or otherwise conflict with the requirements of subdivisions (a) and (d) of this section.

§1237. Method of giving hand and arm signals by bicyclists .

All signals herein required to be given by bicyclists by hand and arm shall be given in the following manner and such signals shall indicate as follows:

1. Left turn. Left hand and arm extended horizontally .
2. Right turn. Left hand and arm extended upward or right hand and arm extended horizontally.
3. Stop or decrease speed. Left hand and arm extended downward .

L93 §1238. Passengers on bicycles under one year of age prohibited; passengers and operators under fourteen years of age to wear protective headgear .

1. No person operating a bicycle shall allow a person who is under one year of age to ride as a passenger on a bicycle nor shall such person be carried in a pack fastened to the operator. A first violation of the provisions of this subdivision shall result in no fine. A second violation shall result in a civil fine not to exceed **fifty dollars**.

2. No person operating a bicycle shall allow a person one or more years of age and less than five years of age to ride as a passenger on a bicycle unless :

Lgg(a) such passenger is wearing a helmet meeting standards established by the commissioner. For the purposes of this subdivision wearing a helmet means having a helmet of good fit fastened securely upon the head with the helmet straps; and Lpg (1999, *chgd. by chap. 457*, eff. 1/5/2000.)

(b) such passenger is placed in a separate seat attached to the bicycle and such seat shall have adequate provision for retaining the passenger in place and for protecting the passenger from the moving parts of the bicycle.

42-a. The commissioner shall promulgate rules and regulations establishing standards for helmets required to be worn while bicycling or in-line skating. Such standards, to the extent practicable, shall reflect the standards recommended by the Snell Memorial Foundation, Safety Equipment Institute, or United States Consumer Product Safety Commission. kgg (1999, added *by chap. 457*, eff. 1/5/2000.)

3. Any person who violates the provisions of subdivision two or three of this section shall pay a civil fine not to exceed fifty dollars .

4. The court shall waive any fine for which a person who violates the provisions of paragraph (a) of subdivision two of this section would be liable if such person supplies the court with proof that between the date of violation and the appearance date for such violation such person purchased or rented a helmet, which meets the requirements of paragraph (a) of subdivision two of this section. Further, the court shall waive any fine for which a person who violates the provisions of paragraph (b) of subdivision two of this section would be liable if such person supplies the court with proof that between the date of violation and the appearance date for such violation such person purchased or rented a seat which meets the requirements of paragraph (b) of subdivision two of this section. The court may waive any fine for which a person who violates the provisions of

subdivision two of this section would be liable if the court finds that due to reasons of economic hardship such person was unable to purchase a helmet or seat. Such waiver of fine shall not apply to a second or subsequent conviction under paragraph (a) or (b) of subdivision two of this section .

&5. La) No person operating a bicycle shall allow a person five or more years of age and less than fourteen years of age to ride as a passenger on a bicycle unless such passenger is wearing a helmet meeting standards established by the commissioner.

L (b) No person, one or more years of age and less than fourteen years of age, shall operate a bicycle unless such person is wearing a helmet meeting standards established by the commissioner.

*&gg (1999, [chgd. by](#) chap. 457, *off.* 1/5/2000.)*

(c) For the purposes of this subdivision wearing a helmet means having a helmet of good fit fastened securely upon the head with the helmet straps.

*k2l(1994, [chgd. by](#) chap. 132, *off.* 6/1/94.)*

L 5-a. No person, one or more years of age and less than fourteen years of age, shall skate or glide on in-line skates unless such person is wearing a helmet meeting standards established by the commissioner. For the purposes of this subdivision, wearing a helmet means having a helmet of good fit fastened securely on the head of such wearer with the helmet straps securely fastened. *Lu (1995, added by chap. 694; 1996, [chgd. by](#) chap. 16; 1999, [chgd. by](#) chap. 457, *off.* 1/5/2000.)*

koi 5-b. No person less than fourteen years of age shall ride upon, propel or otherwise operate a two-wheeled vehicle commonly called a scooter unless such person is wearing a helmet meeting standards established by the commissioner. As used in this subdivision, wearing a helmet means having a properly fitting helmet fixed securely on the head of such wearer with the helmet straps securely fastened. *£o4 (2001, added by chap. 402 *off.* 7/1/2002.)*

6. -Lo. (a) Any person who violates the provisions of subdivision five, five-a or five-b of this section shall pay a civil fine not to exceed **fifty** dollars. *LO (1995, [chgd. by](#) chap. 694; 2001, [chgd. by](#) chap. 402, *off.* 7/1/2002.)*

(b) The court shall waive any fine for which a person who violates the provisions of subdivision five of this section would be liable if such person supplies the court with proof that between the date of violation and the appearance date for such violation such person purchased or rented a helmet .

L96 (c) The court may waive any fine for which a person who violates the provisions of subdivision five or five-a of this section would be liable if the court finds that due to reasons of economic hardship such person was unable to purchase a helmet or due to such economic hardship such person was unable to obtain a helmet from the statewide in-line skate and bicycle helmet distribution program, as established in section two hundred six of the public health law, or a local distribution program. L (1995, [chgd. by](#) chap. 694; 1996, [chgd. by](#) chap. 16, *off.* 2/120/96.)

7. The failure of any person to comply with the provisions of this section shall not constitute contributory negligence or assumption of risk, and shall not in any way bar, preclude or foreclose an action for personal injury or wrongful death by or on

behalf of such person, nor in any way diminish or reduce the damages recoverable in any such action.

& 8. A police officer shall only issue a summons for a violation of subdivision two, five, or five-a of this section by a person less than fourteen years 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 summons shall only be issued to such parent or guardian, and shall not be issued to the person less than fourteen years of age. &pj(1994, [chgd. by](#) chap. 132; 1995, [chgd. by](#) chap. 694, *off.* 1/1/96.)

L0 9. Subdivisions five, five-a, five-b and six of this section shall not be applicable to any county, city, town or village that has enacted a local law or ordinance prior to the effective date of this subdivision that prohibits a person who is one or more years of age and less than fourteen years of age from operating a bicycle or skating or gliding on in-line skates without wearing a bicycle helmet meeting the standards of the American National Standards Institute (Ansi Z 90.4 bicycle helmet standards), the Snell Memorial Foundation's Standards for Protective Headgear for use in Bicycling, or the American Society of Testing and Materials (ASTM) bike helmet standards, or that prohibits a person operating a bicycle from allowing a person five or more years of age and less than fourteen years of age to ride as a passenger on a bicycle unless such passenger is wearing a bicycle helmet that meets such standards. The failure of any person to comply with any such local law or ordinance shall not constitute contributory negligence or assumption of risk, and shall not in any way bar, preclude or foreclose an action for personal injury or wrongful death by or on behalf of such person, nor in any way diminish or reduce the damages recoverable in any such action. The legislative body of a county, city, town or village may enact a local law or ordinance that prohibits a person who is fourteen or more years of age from skating or gliding on in-line skates or from operating or riding as a passenger on a bicycle without wearing a bicycle helmet. [L](#) (1994, [chgd. by](#) chap. 132; 1995, [chgd. by](#) chap. 694; 1996, [chgd. by](#) chap. 16; 2001, [chgd. by](#) chap. 402, *off.* 7/1/2002.)

L 10. No person shall skate or glide on in-line skates outside during the period of time between one-half hour after sunset and one-half hour before sunrise unless such person is wearing readily visible reflective clothing or material which is of a light or bright color. [L](#) (1995, *added by* chap. 694; 1996, [chgd. by](#) chap. 16, *off.* 2/20/96.)

gj (1993, [chgd. by](#) chaps. 266, 267, *off.* 6/1/94.)

Lot §1239. Reflective material and devices for in-line skating.

The commissioner is hereby directed to promulgate rules and regulations to establish standards for reflective devices and/or material to be equipped into in-line skates pursuant to section three hundred ninety-one-m of the general business law. [Lot](#) (2000, *added by* chap. 18, *off.* 4/3/2002; 2001, [chgd. by](#) chap. 351, *off.* 9/19/2001.)

Lo1124O. Leaving the scene of an incident involving a wheeled non-motorized means of conveyance without reporting in the second degree .

1. Any person age eighteen years or older operating a wheeled non-motorized means of conveyance, including, but not limited to bicycles, in-line skates, roller skates and skate boards, who, knowing or having cause to know, that physical injury, as defined in subdivision nine of section 10.00 of the penal law, has been caused to another person,

due to the operation of such non-motorized means of conveyance by such person, shall, before leaving the place where the said physical injury occurred, stop, and provide his name and residence, including street and street number, to the injured party, if practical, and also to a police officer, or in the event that no police officer is in the vicinity of the place of said injury, then such person shall report said incident as soon as physically able to the nearest police station or judicial officer.

2. Leaving the scene of an incident involving a wheeled non-motorized means of conveyance without reporting in the second degree is a violation.

Lu (2001, added by chap. 468, eff 11/1/2002.)

LL 1241. **Leaving the scene of an incident involving a wheeled non-motorized means of conveyance without reporting in **the first** degree.**

1. Any person age eighteen years or older operating a wheeled non-motorized means of conveyance, including, but not limited to bicycles, in-line skates, roller skates and skate boards, who, knowing or having cause to know, that serious physical injury, as defined in subdivision ten of section 10.00 of the penal law, has been caused to another person, due to the operation of such non-motorized means of conveyance by such person, shall, before leaving the place where the said serious physical injury occurred, stop, and provide his name and residence, including street and street number, to the injured party, if practical, and also to a police **officer**, or in the event that no police officer is in the vicinity of the place of said injury, then such person shall report said incident as soon as physically able to the nearest police station or judicial **officer**.

2. Leaving the scene of an incident involving a wheeled non-motorized means of conveyance without reporting in the first degree is a class B misdemeanor.

Lnj (2001, added by chap. 468, off. 11/1/2002.)