

# New York Equestrian Helmet Statute

New York is the first state in the United States to enact a statute requiring the wearing of an approved equestrian helmet while riding a horse. The bill was signed into law on September 7, 1999 and becomes effective January 5, 2000.

Vehicle and Traffic Law

## **§ 1265. WEARING OF HELMETS.**

1. NO PERSON LESS THAN FOURTEEN YEARS OF AGE SHALL RIDE A HORSE UNLESS SUCH PERSON IS WEARING A HELMET MEETING OR EXCEEDING ASTM F1163 (SAFETY EQUIPMENT INSTITUTE CERTIFIED) EQUESTRIAN STANDARD. FOR PURPOSES OF THIS SECTION, "CERTIFIED" SHALL MEAN THAT THE HELMET'S MANUFACTURER AGREES TO THE RULES AND PROVISIONS OF A SYSTEM THAT INCLUDES INDEPENDENT TESTING AND QUALITY CONTROL AUDITS, AND THAT EACH HELMET MANUFACTURED BY SUCH MANUFACTURER IS PERMANENTLY MARKED WITH THE CERTIFYING BODY'S REGISTERED MARK OR LOGO BEFORE SUCH HELMET IS SOLD OR OFFERED FOR SALE. FOR THE PURPOSES OF THIS SECTION, WEARING A HELMET MEANS HAVING A HELMET FASTENED SECURELY UPON THE HEAD USING THE MANUFACTURER'S FITTING GUIDELINES FOR THE PARTICULAR MODEL USED.

2. ANY PERSON WHO VIOLATES THE PROVISIONS OF THIS SECTION SHALL PAY A CIVIL FINE NOT TO EXCEED FIFTY DOLLARS. A POLICE OFFICER SHALL ONLY ISSUE A SUMMONS FOR A VIOLATION 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.

3. (A) THE COURT SHALL WAIVE ANY CIVIL FINE FOR WHICH A PERSON WHO VIOLATES THE PROVISIONS 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.

(B) THE COURT MAY WAIVE ANY CIVIL FINE FOR WHICH A PERSON WHO VIOLATES THE PROVISIONS OF THE SECTION WOULD BE LIABLE IF THE COURT FINDS THAT DUE TO REASONS OF ECONOMIC HARDSHIP SUCH PERSON WAS UNABLE TO PURCHASE A HELMET.

4. 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.

General Business Law

**§ 396-DD. RENTING OF HORSES; HELMETS AND SAFETY INFORMATION.**

1. FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

A. "HORSE" INCLUDES A HORSE, PONY, MULE OR HINNY.

B. "HORSE PROVIDER" INCLUDES ANY PERSON, FIRM, CORPORATION OR OTHER LEGAL ENTITY HIRING OR RENTING OUT HORSES FOR RIDING OR PROVIDING TRAINING IN THE RIDING OF HORSES FOR CONSIDERATION.

2. EVERY HORSE PROVIDER SHALL PROVIDE PROTECTIVE HELMETS TO BEGINNING RIDERS AND TO RIDERS LESS THAN FOURTEEN YEARS OF AGE AT NO COST BEYOND THE RENTAL FEE; OFFER ALL RIDERS THE USE OF SUCH PROTECTIVE HELMETS REGARDLESS OF THEIR AGE OR EXPERIENCE; AND PROVIDE APPROPRIATE HELMET SAFETY INFORMATION TO ALL RIDERS.

3. SUCH HELMETS SHALL COMPLY WITH THE REQUIREMENTS OF SECTION TWELVE HUNDRED SIXTY-FIVE OF THE VEHICLE AND TRAFFIC LAW.

4. A KNOWING VIOLATION OF THIS SECTION SHALL BE SUBJECT TO A CIVIL PENALTY NOT TO EXCEED FIFTY DOLLARS FOR EACH SUCH VIOLATION.

**Introducer's Memorandum in Support of New York Equestrian Helmet Bill**

**When Assembly Bill 355 was introduced into the New York legislature in January 1999, its sponsor, Assemblyman Robin L. Schimminger filed the following memorandum in support:**

**PURPOSE OR GENERAL IDEA OF BILL:** Although horseback riding is considered a recreational activity, more and more accidents are occurring and causing more severe

injuries. With enactment of this bill, it is hoped that the number of head injuries as a result of horseback riding accidents will decrease.

**EFFECTS OF PRESENT LAW WHICH THIS BILL WOULD ALTER:** Currently there are no laws requiring the use of helmets while horseback riding.

**SUMMARY OF SPECIFIC PROVISIONS:** The Vehicle and Traffic law is amended to add a new section which makes it mandatory for riders under the age of sixteen to wear helmets when riding a horse. The General Business law is amended to provide that every horse provider shall provide helmets to beginning riders and riders under sixteen years of age. If a rider over the age of sixteen chooses not to wear a helmet, a waiver indicating their choice shall be signed by the rider.

**JUSTIFICATION:** Horseback riding is a popular activity that over 30 million people in the U.S. enjoy. Presently there are no safety standards or guidelines in New York State to facilitate the reduction of injuries resulting from horseback riding. It is noted that the incidence of serious injuries is higher for horseback riders than for even motorcyclists and automobile racers. The American Medical Association has reported that the greatest decrease in head injuries occurred when people voluntarily wore helmets. Other sports, such as bike riding, that are considered even less dangerous than horseback riding, already enforce helmet laws.

In 1989, when 23-year-old Robyn Czerwinski from Buffalo died as a result of a horseback riding accident, she was not wearing a helmet. It is not known if wearing a helmet would have saved her life, but The New England Journal of Medicine has reported that wearing helmets reduces head and brain injuries by 85%. In a more high profile case, actor Christopher Reeve was wearing a helmet when he was jolted off his horse. It has been said that had he not been wearing a helmet, he would have died. Wearing a helmet is a painless and inexpensive way to save lives.