

New York State Statutes and Regulations Relating to Motorcycles

VEHICLE AND TRAFFIC LAW CHAPTER SEVENTY-ONE OF THE CONSOLIDATED LAWS

§ 125. Motor vehicles

Every vehicle operated or driven upon a public highway which is propelled by any power other than muscular power, except (a) electrically-driven mobility assistance devices operated or driven by a person with a disability, (b) vehicles which run only upon rails or tracks, (c) snowmobiles as defined in article forty-seven of this chapter, and (d) all terrain vehicles as defined in article forty-eight-B of this chapter. For the purposes of title four, the term motor vehicle shall exclude fire and police vehicles other than ambulances. For the purposes of titles four and five the term motor vehicles shall exclude farm type tractors and all terrain type vehicles used exclusively for agricultural purposes, or for snow plowing, other than for hire, farm equipment, including self-propelled machines used exclusively in growing, harvesting or handling farm produce, and self-propelled caterpillar or crawler- type equipment while being operated on the contract site.

Vehicle and Traffic Law § 375:

24-a. It shall be unlawful to operate upon any public highway in this state a motor vehicle, limited use automobile, limited use motorcycle or bicycle while the operator is wearing more than one earphone attached to a radio, tape player or other audio device.

VEHICLE AND TRAFFIC LAW CHAPTER SEVENTY-ONE OF THE CONSOLIDATED LAWS TITLE III-SAFETY RESPONSIBILITY; FINANCIAL SECURITY; EQUIPMENT; INSPECTION; SIZE AND WEIGHT; AND OTHER PROVISIONS ARTICLE 9-EQUIPMENT OF MOTOR VEHICLES AND MOTORCYCLES

Current through L.2000, chs. 2 to 277, 279 to 405, 407 to 416

§ 381. Motorcycle equipment

1. (a) Every **motorcycle**, driven upon the public highways of this state, shall be provided with adequate brakes in good working order and sufficient to control such **motorcycle** at all times, when the same is in use, a suitable and adequate bell, horn or other device for signaling, one red to amber stop lamp and shall, whenever such **motorcycle** is being operated upon the public highways of the state, display one lighted lamp in front and one on the rear, or, when such **motorcycle** is operated with a passenger or other truck attached to the side or front two such lamps on the front and one on the rear; and in all cases the lamps on a **motorcycle** shall include a red light visible from the rear. The rays of such rear lamp shall shine upon the number plate carried on the rear of such **motorcycle** in such manner as to render the numerals thereon visible for at least fifty feet in the direction from which the **motorcycle** is proceeding. The light of the front lamp or lamps shall be visible at least two hundred feet in the direction in which the **motorcycle** is proceeding. Every such **motorcycle** shall have a suitable muffler or device to prevent unnecessary noise from exhaust gases, and the use of so-called "cut-outs" is prohibited.

(b) Driving a **motorcycle** without the display of one lighted lamp in front and one on the rear, during a period other than from one-half hour after sunset to one-half hour before sunrise, shall not be deemed to constitute negligence or contributory negligence in any action or proceeding arising out of the operation of such **motorcycle**.

(c) The provisions of this subdivision relating to the display of one lighted lamp in front and one on the rear during a period other than from one-half hour after sunset to one-half hour before sunrise shall not apply to a **motorcycle**, driven at a speed of less than twenty miles per hour, owned by a municipality and used for the collection of parking fees or the enforcement of parking regulations.

1-a. Every **motorcycle** registered in this state and manufactured or assembled after January first, nineteen hundred seventy-one and designated as a nineteen hundred seventy-one or subsequent year model shall be equipped with brakes acting on the front as well as the rear wheel.

2. No head lamp shall be used upon any **motorcycle** operated upon the public highways of the state, unless such lamp is approved by the commissioner or is equipped with a lens or other device approved by the commissioner. Every such head lamp, lens or other device shall be applied and adjusted in accordance with the requirements of the certificate approving the use thereof. Every such head lamp shall be firmly and substantially mounted on the **motorcycle** in such manner as to allow the lamp to be properly and readily adjusted. Each reflector which is used as a part of such head lamp shall have a polished silver or glass reflecting surface, or a reflecting surface which gives candle power intensity meeting the requirements of rules and regulations established by the commissioner, and shall be substantially free from dents, rust and other imperfections. The operator of every **motorcycle** shall permit any policeman, police officer or other person exercising police powers to inspect the equipment of such **motorcycle** and make such tests as may be necessary to determine whether the provisions of this section are being complied with. The commissioner may make reasonable rules and regulations relative to lights on **motorcycles** and the approval of the same which may be necessary to effectuate the foregoing provisions of this section.

2-a. It shall be unlawful for any person to operate on the public highways of the state any **motorcycle** manufactured or assembled after October first, nineteen hundred sixty-eight and designated as a nineteen hundred sixty-nine or subsequent year model unless such **motorcycle** is equipped with the lamps required by this section, which lamps shall be of a type, design and construction approved by the commissioner.

3. Except as hereinafter provided, only a white or yellow light shall be displayed upon a **motorcycle** so as to be visible from a point directly in front of the vehicle. Any color light, except blue, may be displayed, so as to be visible from a point directly in front of the vehicle, on a police vehicle or on a **motorcycle** operated by a sheriff or regular deputy sheriff when engaged in the performance of duty as a police officer. Any color light, including blue, may be displayed, so as to be visible from a point directly in front of the vehicle, on a **motorcycle** operated by a chief or assistant chief of a fire department, a county or deputy county fire coordinator, or a county or assistant county fire marshal. A blue light may be displayed upon a **motorcycle**, so as to be visible from a point directly in front of the vehicle, when operated by an active volunteer member of a fire department or company duly authorized as hereinafter provided, and while such vehicle is in use for fire or other emergency service. No volunteer fireman shall be permitted to display a blue light upon a **motorcycle** as hereinbefore provided except while actually enroute to the scene of a fire or other emergency requiring his services and unless he shall be an active volunteer member of a fire department or company and shall have been authorized in writing to so display a blue light by the chief of the fire department or company of which he is a member, which authorization shall be subject to revocation at any time by the chief who issued the same, or his successor in office.

4. Every **motorcycle** shall have at least one adequate red reflector securely attached to the rear. Such reflector may be a part of the rear lamp. No reflector shall be deemed adequate within the meaning of this subdivision unless it is of a size and type approved by the commissioner, and unless it is so designed, located and maintained as to be visible for at least two hundred feet when opposed by a motor vehicle displaying lawful undimmed headlights at night on an unlighted highway. The provisions of this subdivision with respect to reflectors shall be applicable, both day and night, whenever

the **motorcycle** is on a public highway.

5. No person shall operate on a public highway a **motorcycle** on which the handle bars or grips are more than fifteen inches higher than the seat or saddle for the operator.

6. It shall be unlawful for any person to operate or ride upon a **motorcycle** unless he wears a protective helmet of a type which meets the requirements set forth in section 571.218 of the federal motor vehicle safety standards as may from time to time be amended. The commissioner is hereby authorized and directed to adopt regulations for helmets which are consistent with the requirements as specified in section 571.218 of the federal motor vehicle safety standards as may from time to time be amended. The police authorities of a city, town or village may issue a permit exempting members of organizations sponsoring or conducting parades or other public exhibitions from the provisions of this subdivision while such members are participating in such parades or other public exhibitions.

7. It shall be unlawful, on and after January first, nineteen hundred sixty- seven, for any person to operate a **motorcycle** unless he wears goggles or a face shield of a type approved by the commissioner. The commissioner is hereby authorized and empowered to adopt and amend regulations covering types of goggles and face shields and the specifications therefor and to establish and maintain a list of approved goggles and face shields which meet the specifications as established hereunder.

8. It shall be unlawful to operate on any public highway in this state any **motorcycle** registered in this state which is equipped with a wind screen, unless such wind screen meets the specifications established therefor by the commissioner. The commissioner is hereby authorized to adopt and amend regulations covering types of wind screens and specifications therefor.

9. It shall be unlawful to sell, offer for sale or distribute any goggles or face shields for use by the operators of **motorcycles** unless they are of a type and specification approved by the commissioner and appear on the list of approved devices maintained by the commissioner.

9-a. It shall be unlawful to sell, offer for sale or distribute any protective helmets for use by the operators or passengers of **motorcycles** unless they are consistent with the regulations of the commissioner as provided in subdivision six of this section and within the requirements specified in section 571.218 of the federal motor vehicle safety standards as may from time to time be amended.

10. It shall be unlawful after July first, nineteen hundred sixty-seven to operate on any public highway in this state any **motorcycle** registered in this state, unless such **motorcycle** is equipped with a rear view mirror which shall be adjusted so that the operator of such **motorcycle** shall have a clear view of the road and condition of traffic behind such **motorcycle**.

11. No person shall operate a **motorcycle** on any highway which is: (1) not equipped with a muffler to prevent excessive or unusual noise; (2) equipped with a muffler from which the baffle plates, screens or other original internal parts have been removed or altered; (3) equipped with an exhaust device without internal baffles, known as "straight pipes"; or (4) equipped with an exhaust system that has been modified in a manner that will amplify or increase the noise emitted by the motor of such vehicle above that emitted by the exhaust system originally installed on the vehicle.

12. No person shall operate a **motorcycle** on any highway which is equipped with an exhaust device that is intentionally designed to allow for the internal baffling to be fully or partially removed or interchangeable. This subdivision shall not apply to a **motorcycle** manufactured or assembled prior to nineteen hundred seventy-nine or a **motorcycle** registered as a limited use vehicle or an all terrain vehicle pursuant to article forty-eight-A or forty-eight-B of this chapter.

13. A violation of any of the provisions of this section shall be punishable by a fine not exceeding one hundred dollars or by imprisonment for not exceeding thirty days, or by both such fine and imprisonment.

OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE OF NEW
YORK

TITLE 15. DEPARTMENT OF MOTOR VEHICLES
CHAPTER I. REGULATIONS OF THE COMMISSIONER
SUB-CHAPTER D. - EQUIPMENT

PART 54. PROTECTIVE HELMETS, GOGGLES, FACE SHIELDS AND WIND SCREENS FOR
MOTORCYCLES

PROTECTIVE HELMET SPECIFICATIONS

Text is current through October 31, 2000, and annotations
are current through February 2000.

Note: Rules are promulgated by the Commissioner of Motor Vehicles. They are not statutes enacted by the legislature.

Section 54.1 Introduction.

(a) The operation of **motorcycles** has been found to result in a high incidence of disabling personal injuries. The effects of such injuries extend beyond the person injured to the family of the person injured and to the people of this State. Any disabling personal injury may have an economic impact on the public by requiring the furnishing of medical, rehabilitative or welfare aid or assistance. Therefore, the prevention or mitigation of injuries resulting from the more common types of **motorcycle** accidents by the use of protective helmets, goggles, face shields or wind screens is deemed to be a legitimate concern of this State.

(b) Chapter 979 of the Laws of 1966 provides that the Commissioner of Motor Vehicles shall establish specifications with respect to protective helmets, goggles, face shields and wind screens for **motorcycles**, and that on and after January 1, 1967, no protective helmet, goggles, or face shield may be sold, offered for sale or distributed for use on a **motorcycle**, unless such device is approved by the Commissioner of Motor Vehicles in accordance with the regulations established herein.

Section 54.2 Definitions.

(a) Protective helmet. A device primarily intended to protect the upper part of the wearer's head against a blow.

(b) Goggles or face shield. An eye protection device as defined in Regulation VESC-8.

(c) [Reserved]

(d) Wind screen. A device mounted on a **motorcycle** forward of the rider designed to deflect wind and/or small flying objects from the body and face of the rider.

(e-f) [Reserved]

(g) Harness. The complete assembly by means of which the protective headgear is maintained in position on the wearer's head.

(h-i) [Reserved]

(j) Projection. Any part that juts out or extends beyond the surface in abrupt fashion.

(k) Reference plane. A plane 2.36 inches (60 mm) above and parallel to the basic (anatomical) plane, which shall be located on each head form.

(l) Shell. The outer material that provides the general form of the headgear.

(m) Sagittal plane. Pertaining to the anterioposterior median plane of the body.

CASE NOTES:

Wearing of required helmet "cowboy style," that is on back of head, resting on shoulder blades, defeats stated purpose of helmet requirement, and, so, does not fulfill Vehicle & Traffic Law §381(6), requiring that helmet be worn. People v. Bloomfield, 1985, 495 N.Y.S.2d 133, 130 Misc.2d 151

Section 54.3 Test procedure.

The test procedure for approval of protective helmets shall be the test procedures described in the USA Standard Specifications for Protective Headgear for Vehicular Users Z90.1--1966, as indicated herein. Portions of that test procedure to be employed in tests under this section include the following, with the exceptions and additions given:

(a) Sampling for testing.

(b) Conditioning for testing.

(c) Impact test (titled "Tests for helmets" in USA Standard Z90.1--1966) except that:

(1) If the helmet is designed with external projections on or above the reference plane for the attachment of goggles, face shield or other accessory equipment, impacts shall be delivered to each of these sites; impacts on any such projection may serve as an area impact.

(d) Penetration test, except that:

(1) The padding or harness shall not be removed. The helmet shall rest upon the head form.

(i) If sizing pads are furnished with the helmet, the thinnest size of pad shall be used for this test. If the helmet is equipped with suspension harness, the harness shall be adjusted to the maximum size position.

(2) The outer surface of the head form shall provide suitable electrical contact and circuitry capable of recording electrical contacts of one mille second duration.

(3) The radius of the striking point shall be .0197 inches (0.5 mm).

(4) The diameter of the striker shall be two inches, plus or minus .010 inch.

(5) Height of fall shall be measured from the tip of the striker to the outer surface of the helmet mounted on the test head form.

(6) The helmet shall be subjected to impact of the striker dropped (free fall) onto the outside surface of the helmet in a direction perpendicular to the surface. The points of impact shall be one in each 60 degree quadrant of the helmet at a radial distance four and one-half plus or minus one-half inch from the apex and also at the apex. Ten impacts in these

quadrants shall be accomplished on total sample of four helmets with at least one impact on each sample.

(e) Test of retaining system, except:

(1) The required weight or tension shall be maintained for two minutes.

(f) Preparation of test equipment.

(g) Test equipment, including the head form set forth in figures 1 through 5 of the USA Standard Z90.1--1966 procedure.

Section 54.4 Requirements for approval.

A protective helmet shall be approved only if:

(a) it is equipped with reflectorized material in compliance with section 54.5 of this Part;

(b) it meets the identification requirements set forth in section 54.6 of this Part;

(c) it meets the standards established in USAS Specifications for Protective Headgear for Vehicular Users Z90.1--1966 with respect to:

(1) construction, except that the helmet shall provide visual clearance to the extent of 120 degrees to each side of the sagittal plane;

(2) materials;

(3) extent of protection;

(4) labelling;

(5) acceleration levels, for first impacts only; and

(6) retention;

(d) contact of the striker tip as recorded by the electrical circuitry on the outer surface of the head form in the penetration test does not occur and vertical deflection does not exceed 0.788 inches (2 cm).

Section 54.5 Reflector requirements.

Each protective helmet approved by the commissioner shall have a reflectorized surface or have securely affixed thereto reflectorized material on both the left and right side of such helmet. Such reflectorization must cover an area of at least four square inches on each side of the helmet. If reflectorized material is attached to the helmet, it must be affixed with a suitable permanent, weather-proof and water-resistant adhesive substance.

Section 54.6 Identification requirements.

Each helmet approved by the commissioner shall be labelled on the outside of the helmet above the base of the rear of the helmet with letters or numbers at least one-quarter inch in height with the manufacturer's trade name and model name

or number, which shall be the same name or number under which the helmet has been approved.

Section 54.11 Eye protection.

(a) A **motorcyclist** may use any eye protection device that has been manufactured in conformity the Regulation VESC-8. A **motorcyclist** may not operate a **motorcycle** unless he is wearing such eye protection.

(b) Regulation VESC-8 refers to the eighth regulation of the Vehicle Equipment Safety Commission. Such regulation may be obtained by writing to Vehicle Equipment Safety Commission, Suite 802, 4660 Kenmore Avenue, Alexandria, VA 22304.