

# NY Bicycle Law Primer

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**PLEASE NOTE**— some of statutes cited below have been redacted or edited. Accordingly, you should always consult the latest official version of all statutes.

- **Bicyclists are required to file an MV-104** with DMV for all bicycle crashes involving death or serious injury.
- Report to the DMV within 10 days a bicycle accident involving death or serious injury (V & T §605(b)).
  - If no motor vehicle was involved, use a bicycle accident report (MV-104C).
  - If a motor vehicle was involved, use a motor vehicle accident report (MV-104A).
- **V & T §159-- A bicycle is NOT a "vehicle" (but see V & T §1231 for authority that bicycles have "all rights & duties" of a motor vehicle)**
  - § 159. Vehicle. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, **except devices moved by human power** or used exclusively upon stationary rails or tracks.
- **§ 102-a - Definition of Bicycle Lane**
  - A portion of the roadway that has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicycles.
- **§ 102-b - Definition of Bicycle Path**
  - A path physically separated from motorized vehicle traffic by an open space or barrier and either within the highway right-of-way or within an independent right-of-way and which is intended for the use of bicycles.
- **§ 375(24-a) - Headphones -- Rider cannot wear more than one earphone attached to radio, tape player or other audio device while riding.**

- **§1120. Drive on right side of roadway; exceptions.**
  - (a) Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:
  - 2. When overtaking or passing bicyclists, pedestrians, animals or obstructions on the right half of the roadway;
- **§1122-a. Overtaking a Bicycle-- N.Y.'s Safe Passing Law**
  - The operator of a vehicle overtaking, from behind, a bicycle proceeding on the same side of a roadway shall pass to the left of such bicycle at a safe distance until safely clear thereof.
- **§1146. Drivers to exercise due care.....to avoid colliding with any bicyclist.....-- N.Y.'s Vulnerable Road User Law**
  - § 1146. Drivers to exercise due care.
  - (a) Notwithstanding the provisions of any other law to the contrary, every driver of a vehicle shall exercise due care to avoid colliding with any bicyclist, pedestrian, or domestic animal upon any roadway and shall give warning by sounding the horn when necessary.
  - (b) 1. A driver of a motor vehicle who causes physical injury as defined in article ten of the penal law to a pedestrian or bicyclist while failing to exercise due care in violation of subdivision (a) of this section, shall be guilty of a traffic infraction punishable by a fine of not more than five hundred dollars or by imprisonment for not more than fifteen days or by both such fine and imprisonment.
    - 2. If such driver of a motor vehicle causes physical injury while failing to exercise due care in violation of subdivision (a) of this section, then there shall be a rebuttable presumption that, as a result of such failure to exercise due care, such person operated the motor vehicle in a manner that caused such physical injury.
  - (c) 1. A driver of a motor vehicle who causes serious physical injury as defined in article ten of the penal law to a pedestrian or bicyclist while failing to exercise due care in violation of subdivision (a) of this section, shall be guilty of a traffic infraction punishable by a fine of not more than seven hundred fifty dollars or by imprisonment for not more

than fifteen days **or by required participation in a motor vehicle accident prevention course** pursuant to paragraph (e-1) of subdivision two of section 65.10 of the penal law or by any combination of such fine, imprisonment or course, **and** by **suspension of a license or registration** pursuant to subparagraph (xiv) [**45 days for serious physical injury**] or (xv) [**75 days for death**] of paragraph b of subdivision two of section five hundred ten of this chapter.

- 2. If such driver of a motor vehicle causes serious physical injury while failing to exercise due care in violation of subdivision (a) of this section, then there shall be a rebuttable presumption that, as a result of such failure to exercise due care, such person operated the motor vehicle in a manner that caused such serious physical injury.
  - (d) A violation of subdivision (b) or (c) of this section committed by a person who has previously been convicted of any violation of such subdivisions within the preceding five years, shall constitute a class B misdemeanor punishable by a fine of not more than one thousand dollars in addition to any other penalties provided by law.
  - (e) Nothing contained in this section shall prevent the court from imposing any other authorized disposition, including a period of community service.
- **§1214-- OPENED DOOR UNSAFELY--** No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so...
  - **§1231. 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.
  - **§ 1232 - Riding on bicycles •Must ride on a permanent seat; •Feet must be on pedals; •Bike must carry only number of persons for which it is designed and equipped.**
  - **§ 1233 - Clinging to vehicles No attaching bike or person to another vehicle being operated on the roadway.**

- **§1234. 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 objects, vehicles, bicycles, in-line skates, pedestrians, animals, surface hazards 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.
- **§ 1235 - Carrying articles Rider must keep at least one hand on handlebars when carrying packages.**
- **§1236. Lights, Brakes, Bells, Reflectors**
  - Note: NY law only requires reflectors to be installed on NEW bikes-- the law does not say that every bike ridden after dark have a reflector-- it only requires lights.

- (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.
- NOTE: LAW ONLY REQUIRES LIGHTS/REFLECTORS IF USED AFTER SUNSET
- (b) No person shall operate a bicycle unless it is equipped with a **bell or other device capable of giving a signal [a rider's voice?] 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.
- NOTE: The law does NOT say what kind of brake is required so long as the wheel can be made to skid.
- **§ 1237 - Hand and arm signals •Bicyclists are required to use hand signals to turn left and right and to stop or decrease speed; •Rider can use either hand to signal a right turn.**
- **§1238—HELMETS AND CHILDREN-- Riders under 14 must wear a helmet (5-a), under 5 must be in a child carrier & wear helmet (2), no child on bike under 1 (1)**
  - § 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:
  - (a) such passenger is wearing a helmet ....; and
  - (b) such passenger is placed in a separate seat attached to the bicycle.....
- 3. Any person who violates the provisions of subdivision two 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. (a) 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.
- (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.

- 6. (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.
- (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.
- (c) The court may waive any fine for which a person who violates the provisions of subdivision five, five-a, or five-b 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.
- 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.
- **§1240 - Leaving the scene of an incident involving a wheeled non-motorized means of conveyance without reporting in the second degree.**
  - § 1240. 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.
- **§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.
- **THERE IS NOT A “BICYCLING WHILE INTOXICATED” LAW IN NY! V & T §1192 specifically defines the NY DWI law as applying to the operation of a “motor vehicle” and a bicycle does not fit within that definition.**