

HOUSE No. 3265

The Commonwealth of Massachusetts

PRESENTED BY:

Peter V. Kocot

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act requiring the use of helmets for equine riders and drivers.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|-----------------------|----------------------|------------------|
| <i>Peter V. Kocot</i> | <i>1st Hampshire</i> | <i>1/20/2017</i> |

HOUSE No. 3265

By Mr. Kocot of Northampton, a petition (accompanied by bill, House, No. 3265) of Peter V. Kocot for legislation to require the use of helmets for horseback riders and drivers of horse-drawn wagons. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 4510 OF 2015-2016.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act requiring the use of helmets for equine riders and drivers.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 2D of chapter 128 of the General Laws, is hereby amended by
2 inserting after the word “section” in line 1 the following section 2D ½.

3 SECTION 2. Said chapter 128 is hereby further amended by inserting after section 2D
4 the following section:-

5 Section 2D ½ , For the purpose of this section, the following words shall have the
6 following meanings:-

7 “Rider” – any person who is mounted on a horse.

8 “Organized horse show”- competitions or exhibitions that involve any or all breeds of
9 equines and any of the equine disciplines, including, but not limited to, dressage, hunter and

10 jumper competitions, grand prix jumping, eventing , rodeos, riding, driving, pulling, cutting,
11 polo, English and western performance riding, endurance trail riding, gymkhana games and
12 hunting.

13 “Certified – shall mean that the helmet’s manufacturer agrees to the rules and provisions
14 of a system that includes independent testing and quality control audits, and that each helmet
15 manufactured by such manufacturer is permanently marked with the certifying body’s registered
16 mark or logo before such helmet is sold or offered for sale.

17 “Helmet” protective headgear that must meet current standards for equipment designed
18 and manufactured for use while riding horses as established by the American Society of Testing
19 and Materials (ASTM) and the Safety Equipment Institute (SEI). For the purpose of this
20 section, wearing a helmet shall mean, having the helmet fastened securely upon the head using
21 the manufacturer’s fitting guidelines for the particular model used.

22 Every rider of a horse under the age of 18, except those referenced hereafter shall wear a
23 helmet while riding on public property or on a public way. No person owning or in control of a
24 horse shall knowingly permit any person to ride such horse without wearing a helmet on public
25 property or on a public way. No equine professional shall permit any riding lesson or instruction
26 of a rider under the age of 18 with any horse unless the rider has and is correctly wearing a
27 helmet meeting or exceeding ASTM F1163 (American Society of Testing and Materials)
28 equestrian standard.

29 The following shall be exempt from the helmet requirements. A) Those engaged in racing
30 will adhere to the protective gear requirements established by the racing authorities. B) Those
31 participating in an official Concours d’Elegance or Currier Ives class at a horse show or parade.

32 C) Those depicting an historical event and/or time period for re-enactment. D) Those riding on
33 privately owned land even if the land is occasionally separated by a public road or right-of-way
34 that must be crossed; E. Horse shows and events held on private property.

35 No equine professional shall permit any rider under the age of 18 to actively engage in
36 riding instruction unless the rider is correctly using the standards so forth above. The parent or
37 guardian of any person under age 18 shall be responsible for having said rider wear a helmet
38 while riding or driving a horse under the provisions of this section. It shall be the parent's
39 responsibility to ensure that that the rider or driver under the age of 18 wears a helmet while
40 riding a horse.

41 Any person who violates this section shall pay a civil fine not to exceed \$50. A police
42 officer shall cite for a violation of this section by a person less than 17 years the parent or
43 guardian of such person. Such situation shall only be issued to such parent or guardian and shall
44 not be issued to the person less than 17. If the violation is 17 years of age or older he shall be
45 responsible for the penalty. A) Police officers who witness a rider riding a horse without wearing
46 a helmet may request the rider to dismount and retrieve a helmet before remounting. B) Police
47 officers who witness a driver under the age of 18 driving a horse without wearing a helmet may
48 request the driver to step from the vehicle retrieve a helmet before returning to the vehicle.

49 The court shall waive any civil fines for which a person who violates the provisions of
50 this section would be liable if such person supplies the court with proof that between the date of
51 violation and the appearance date for such violation such person purchased or rented a helmet.

52 The court may waive any civil fine for which a person who violates the provisions of this
53 section would be liable if the court finds that due to reasons of economic hardship such person
54 was unable to purchase a helmet.

55 Every city or town shall provide a non-criminal ticket procedure against violators. They
56 shall print notices of such violations in tag form in the same manner as notices pursuant to
57 section 20A or section 20C of chapter 90.

58 A police officer taking cognizance of any such violation may request the offender to state
59 his true name and address. Whoever, upon such request, refuses to state his name and address,
60 or states a false name and address or a name and address which is not his name and address in
61 ordinary use, shall be punished by a fine of not less than \$20 nor more than \$50.

62 Every police officer who takes cognizance of such violations may give the offender a
63 notice, which shall be in tag form, as provided in this section, to appear before the clerk of the
64 district court having jurisdiction, at any time during office hours, not later than 21 days after the
65 date of such violation. If the offender is under 17 years of age, the officer may give such notice
66 to the parent of guardian of the offender. All tags shall be prepared in triplicate and shall be pre-
67 numbered.

68 Said tag shall contain but shall not be limited to the following information: the name and
69 address of the offender, if served with notice in hand at the time of such violation; the date, time,
70 place and nature of the violation; the amount of the fine; instructions for the return of the tag; and
71 a notice which reads as follows: This notice may be returned by mail, personally, or by an
72 authorized person, and if properly returned shall be deemed non-criminal. A court hearing may
73 be obtained upon the written request of the offender. Failure to obey this notice within 21 days

74 after the date of the violation will result in the offender's appearance in court on a criminal
75 complaint. Such notice shall be signed by the officer and shall be signed by the offender
76 whenever practicable in acknowledgment that the notice has been received. The officer shall, if
77 possible, deliver to the offender at the time and place of the violation a copy of said notice.
78 Whenever it is not possible to deliver a copy of said notice at the time and place of the
79 violation, said copy shall be mailed or delivered by the officer, or by his commanding officer or
80 any person so authorized, to the said offender shall be deemed a sufficient notice, and a
81 certificate of the officer or person stating that such notice has been mailed in accordance with
82 this section shall be deemed prima facie evidence thereof, and shall be admissible in any court of
83 the commonwealth as to the facts contained herein.

84 At or before the completion of each tour of duty, the officer shall give to his commanding
85 officer those copies of each notice of such a violation taken cognizance of during such tour. Said
86 commanding officer shall retain and safely preserve one of such copies and shall at a time not
87 later than the beginning of the next court day after receipt of such notice deliver another of such
88 copies to the clerk of the court before whom the offender has been notified to appear. The clerk
89 of each district court shall maintain a separate docket of all such notices to appear.

90 Any person notified to appear before the clerk of a district court, as provided herein, any
91 appear before such clerk and confess the offense charged, either personally or through an agent
92 duly authorized in writing, or by mailing to such clerk the notice accompanied by the fine
93 provided therein, such payment to be made only by postal note, money order or check made out
94 to the clerk of the court. Returning the notice to the clerk of the court and payment of the fine
95 established shall operate as a final disposition of the case. Proceedings under this section shall
96 not be deemed criminal; and no person notified to appear before the clerk of a district court as

97 provided herein shall be required to report to any probation officer, and no record of the case
98 shall be entered in the probation records.

99 If any person notified to appear before the clerk of the district court fails to appear or,
100 having appeared, desire not to avail himself of the benefits of the procedure established by this
101 section, the clerk shall, as soon as may be, notify the officer concerned, who shall forthwith
102 make a complaint against the offender and follow the procedure established for criminal cases.
103 If any person fails to appear in accordance with the summons issued upon such complaint, the
104 clerk shall send such person by registered mail, return receipt requested, a notice that the
105 complaint is pending and that if the person fails to appear within 21 days from the mailing such
106 notice the court shall issue a warrant for his arrest. The notice to appear, provided herein, shall
107 be printed in such form as the administrative justice for the Boston municipal court department
108 and administrative justice for the district court department may prescribe for the respective
109 departments; provided, however, that any city or town may request that the notice prepared for
110 said city or town pursuant to section 20A or section 20C of chapter 90 be so revised or adapted
111 that said notice may also be used for the notice provided for in this section.