



# BICYCLE FRIENDLY STATE BICYCLE HELMET LAWS

The League of American Bicyclists has a longstanding [position](#) encouraging bicyclists to wear helmets and strongly recommends the wearing of helmets. The experience of countries with greater bicycle use than the United States tells us that safer bicycling comes from many policy decisions — especially safer infrastructure — and does not require mandatory helmet use laws. Learn more at [bikeleague.org/bike-law-university](http://bikeleague.org/bike-law-university).

State	Statute	Age for Helmet Requirement	Limitation on use of helmet law in civil cases
Alabama	32-5A-283	under 16	No state law
Alaska		No State Law	
Arizona		No State Law	
Arkansas		No State Law	
California	21212	under 18	No state law
Colorado		No State Law	
Connecticut	14-286d	15 and under	14-286d(b)
Delaware	§ 4198K	under 18	§ 4198K(e)
District of Columbia	§ 50-1605; 50-1606	under 16	§ 50-1606
Florida	316.2065	under 16	316.2065(18)
Georgia	§ 40-6-292; § 40-6-296	under 16	40-6-296(e)(5)
Hawaii	§291C-150	under 16	None, but the evidence of nonuse of a helmet may be found <a href="#">not relevant and inadmissible</a>
Idaho		No State Law	
Illinois		No State Law	
Indiana		No State Law	
Iowa		No State Law	
Kansas		No State Law	
Kentucky		No State Law	
Louisiana	§199	under 12	§199(D)
Maine	§2323	under 16	§2328
Maryland	§ 21-1207.1	under 16	No state law
Massachusetts	Ch. 85, §11B(2)(iii)	16 or under	Ch. 85, §11B(2)(iv)
Michigan		No State Law	
Minnesota		No State Law	
Mississippi		No State Law	
Missouri		No State Law	
Montana		No State Law	

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State	Statute	Age for Helmet Requirement	Limitation on use of helmet law in civil cases
Nebraska		No State Law	
Nevada		No State Law	
New Hampshire	265:144(X)	under 16	No state law
New Jersey	39:4-10.1	under 17	39:4-10.7
New Mexico	32A-24-3	32A-24-2 (under 18)	32A-24-5
New York	§ 1238	under 14	§ 1238(7)
North Carolina	§ 20-171.9	under 16	§ 20-171.9©
North Dakota		No State Law	
Ohio		No State Law	
Oklahoma		No State Law	
Oregon	814.485	under 16	814.489
Pennsylvania	§ 3510	under 12	§ 3510(c )
Rhode Island	§ 31-19-2.1	15 and under	§ 31-19-2.1
South Carolina		No State Law	
South Dakota		No State Law	
Tennessee	55-52-105	under 16	55-52-106
Texas		No State Law	
Utah		No State Law	
Vermont		No State Law	
Virginia	§ 46.2-906.1	14 or younger	§ 46.2-906.1
Washington		No State Law	
West Virginia	§17C-11A-8; §17C-11A-4	under 15	§17C-11A-6
Wisconsin		No State Law	
Wyoming		No State Law	

## Spotlight: NEW YORK - VAT §1238

Limitation on Effect of Law – When you create a mandatory helmet use law you open up injured bicyclists to losing out on their ability to recover damages when they are injured if they were not wearing a helmet in compliance with the law. In certain situations, such as being hit by a speeding car, this could create inequity between injured bicyclists, or the families of deceased bicyclists, because of the law rather than the circumstances of the crash. By limiting the ability to consider compliance with a mandatory helmet use law ensures that the focus is on the circumstances of a crash rather than the compliance of the bicyclist with the law.

(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.”