

Date of Hearing: April 12, 2021

ASSEMBLY COMMITTEE ON TRANSPORTATION

Laura Friedman, Chair

AB 974 (Luz Rivas) – As Amended April 6, 2021

SUBJECT: Equestrian safety

SUMMARY: Requires persons under the age of 18 to wear a helmet while riding an equestrian animal. Specifically, **this bill**:

- 1) Makes it an infraction with a base fine no more than \$25 for a person under the age of 18 to not wear a helmet while riding an equestrian animal on paved roads.
- 2) Makes it an infraction with a base fine of no more than \$25 for any person to not have reflective gear or a light on either the person or the animal while riding an equestrian animal, as specified.
- 3) Provides that a court shall waive the first violation in court if the defendant swears under oath that this is their first violation.
- 4) Provides that a parent or legal guardian is jointly and severally liable with the minor for the amount of the fine imposed.
- 5) Specifies that the helmet must meet the standards of either the American Society for Testing and Materials (ASTM) or the United States Consumer Product Safety Commission.
- 6) Provides that these requirements do not apply on unpaved roads or while crossing from an unpaved road to an unpaved road.
- 7) Provides that the helmet and reflective gear requirements do not apply when a person is participating in a parade or festival.
- 8) Specifies that, in a civil action, a violation of these provisions shall not establish negligence as a matter of law or negligence per se for comparative fault purposes, but negligence may be proven as a fact without regard to the violation.

EXISTING LAW:

- 1) Provides that any person riding or driving an animal upon a highway has all of the rights and is subject to all of the duties applicable to a driver of a vehicle by the vehicle code, except those provisions which by their very nature can have no application.
- 2) Requires the driver of a vehicle to reduce their speed or stop in a manner prescribed by rider to prevent the animal from becoming frightened and to ensure the safety of the animal.
- 3) Requires persons under the age of 18 to wear a helmet when riding a bicycle, motorized scooter, and other devices.

- 4) Provides that a person who violates the law of not wearing a seat belt shall not have that violation establish negligence as a matter of law or negligence per se for comparative fault purposes, but negligence may be proven as a fact without regard to the violation.

FISCAL EFFECT: Unknown

COMMENTS: According to the University of Connecticut College of Agriculture, Health, and Natural Resources, horseback riding carries a higher injury rate per hour of exposure than downhill ski racing, football, hang-gliding and motor cycle racing. Medical examiner reports show that 60% or more of horse-related deaths are caused by head injuries, and that helmets can reduce this possibility by 70% to 80%. They estimate that 70,000 people are treated in emergency rooms a year because of equestrian related activities.

The American Medical Equestrian Association calculates that a helmet that meets ASTM standards can reduce all riding-related head injuries by 30% and severe head injuries by 50%. Helmets that do not meet this standard are purely cosmetic and offer no protection whatsoever.

In Canada, all horse riders under the age of 18 are required to wear a helmet. New York also requires horse riders under 18 to wear a helmet; makes it a civil penalty up to \$250 for not wearing a helmet and applies that fine to the parents or guardians; and provides that the failure to wear a helmet does not constitute contributory negligence or assumption of risk. Florida also requires children under the age of 16 to wear an ASTM helmet while wearing protective gear.

Norco, California, nicknamed “Horsetown USA”, also has a city ordinance requiring riders under 18 to have an ASTM helmet while riding a horse in a public area. The fine for not wearing a helmet is \$25.

According to the author, “On an evening of October 2019, a vehicle struck two individuals riding their horses in the City of Lake View Terrace. This crash killed the two horses it struck, and left the two riders in critical condition. In certain communities, equines, their riders, and vehicle share the road. Vehicle and horse collisions are not uncommon. In Saugus, two riders were transported to the hospital for injuries while the two horses died as a result of the vehicle collision. A rider from Wilton was ejected from their horse and was transported to the hospital after sustaining serious injuries, while the horse had to be euthanized. It can be difficult for drivers to see the equine and riders in the evening. Horse and vehicle collisions are often devastating for the horse and its rider. AB 974 will increase the safety and visibility of our young riders and horses by requiring minors to wear a helmet when riding on a publicly shared road. Minors must also wear a reflective vest at sun down. Exemptions to this protective gear rule be provided during festivals and parades.”

Besides the City of Norco, California currently has no requirements for wearing a helmet while riding a horse or any requirements for reflective gear. This bill specifies that minors have to wear an ASTM approved helmet, and all persons have to have reflective gear or to have a light while riding a horse. The bill makes it an infraction to not wear a helmet or have proper reflective gear or lighting. The reflective gear requirements mirror the requirements set for a bicycle in statute. A person would either have to have reflective gear on themselves or the horse, or would have to have lighting on themselves or the horse that makes them visible to drivers.

The cost of fines and fees associated with traffic and parking citations has steadily increased over the last few decades. After adding on fees to base fines, tickets can total in the hundreds of

dollars. Add-on fees for minor offenses double or quadruple the original fine, and until recently California suspended driver's licenses for failure to pay traffic fines or for failing to appear to court for a traffic infraction.

According to the Judicial Council, there is a total outstanding uncollected fine debt of \$8.6 billion as of the 2019-2020 fiscal year. The Legislature and Governor have made several efforts to collect unpaid debt and to address the negative consequences of unpaid fines. In the 2017 Budget Act, the state removed the court's authority to notify the DMV for the suspension of individuals' driver's licenses for unpaid traffic fines. The 2018 Budget Act created a pilot program that allows a pilot court to issue an ability-to-pay determination prior to a court hearing date. This determination could result in an individual either completing community service in lieu of the total fine amount, or suspend the total amount due in whole or in part. Governor Brown also signed AB 503 (Lackey), Chapter 741, Statutes of 2017, which requires a payment program to be offered to indigent individuals before agencies can use DMV to collect unpaid parking tickets.

This bill mirrors the fine for a child not wearing a helmet while riding a bicycle. That fine comes out to \$197 after all penalty assessments are added. In addition, like bicycles, the fine has to be paid by the parent, not the minor. Finally, the bill requires a judge to waive the fine if it is the person's first violation.

Adding safety requirements in law could have an impact in negligence lawsuits and wrongful cause of death lawsuits. During the damages stage of a negligence lawsuit, courts look at contributory negligence on behalf of the complainant. Violating a state law automatically satisfies a negligence or contributory negligence standard. When California passed its seatbelt law in 1986, the Legislature added protections against a reduction in damages for contributory negligence as a matter of law, but not as a matter of fact. However other similar laws, like requiring a helmet to be worn by a child while riding a bicycle, or the requirement to wear a seatbelt while on a charter bus, did not include this language.

The Committee suggested and the author took amendments to add the language in the seatbelt statute to ensure that children not wearing a helmet do not automatically receive less money for the injuries or death caused by another person because they did not comply with the provisions of this bill. A jury may still find as a matter of fact that the person not wearing a helmet was contributorily negligent. New York has a similar provision in its law requiring helmet use while riding a horse.

Previous legislation:

AB 3077 (Caballero) Chapter 502, Statutes of 2018, allows a person under the age of 18 that is cited for not wearing a bicycle helmet to correct the violation within 120 days by proving they have a properly fitting helmet and by attending a bicycle safety course if one is available.

SB 20 (Hill) Chapter 593, Statutes of 2017, requires bus drivers and passengers to wear seat belts in buses that are equipped with them and requires drivers to notify passengers of this requirement and the fine for not wearing a seat belt either before departure or with posted signs or placards.

SB 1924 (O'Connell), Chapter 475, Statutes of 2002, required a person under the age of 18 to wear a helmet while operating, or riding as a passenger, a non-motorized scooter or skateboard or while wearing in-line or roller skates.

AB 2268 (Caldera), Chapter 1000, Statutes of 1993, required a person under 18 to wear a properly fitted helmet to operate a bicycle, with violation of the statute being an infraction with a penalty of not more than \$25.

REGISTERED SUPPORT / OPPOSITION:**Support**

None on file

Opposition

None on file

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