



# HOUSE BILL 91: Require Safety Helmets/Under 21.

2017-2018 General Assembly

<b>Committee:</b>	House Transportation. If favorable, re-refer to Insurance. If favorable, re-refer to Finance	<b>Date:</b>	April 24, 2017
<b>Introduced by:</b>	Reps. Torbett, Speciale	<b>Prepared by:</b>	Wendy Ray
<b>Analysis of:</b>	PCS to First Edition H91-CSSU-17		Staff Attorney

**OVERVIEW:** *The Proposed Committee Substitute for House Bill 91 would allow operators of motorcycles and passengers not to wear helmets under certain circumstances and would remove court costs as a penalty for violating the helmet requirement.*

*The PCS reduces the penalty for violation from \$25.50 to an even \$25.00.*

**CURRENT LAW:** It is unlawful for a person to operate a motorcycle or moped upon a highway or public vehicular area unless the operator and all passengers are wearing helmets. A violation of the helmet requirement is an infraction with a penalty of \$25.50 plus court costs.

**BILL ANALYSIS:** The PCS for House Bill 91 would create exceptions to the helmet requirement for some operators of and passengers riding on motorcycles.

**Operators.** An operator, 21 years of age or older, would not be required to wear a helmet if:

- He or she held a motorcycle license or endorsement for more than 12 months, or
- Successfully completed the Motorcycle Safety Instruction Program or its equivalent as determined by the Commissioner of Insurance.

However, under no circumstances, would an operator be allowed to drive a motorcycle without a helmet unless he or she was covered by an insurance policy providing at least \$10,000 in medical benefits for injuries resulting from a motorcycle crash.

**Passengers.** A passenger, 21 years of age or older, would not be required to wear a helmet if the operator meets the above requirements and the passenger is covered by a policy of insurance that would provide at least \$10,000 in medical benefits for injuries resulting from a motorcycle crash.

**Penalty for a Violation.** A person that commits a violation of the helmet requirement would be guilty of an infraction which is defined in G.S. 14-3.1 as a noncriminal violation. The person would have to pay a penalty of \$25.00, but no court costs.

**EFFECTIVE DATE:** The act would become effective October 1, 2017, and apply to violations occurring on or after that date.

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