

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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HOUSE DRH30209-LKf-183 (4/11)

Short Title: Amend Motorcycle Helmet Law.

(Public)

Sponsors: Representative Sauls.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE REQUIREMENT FOR THE USE OF HELMETS BY OPERATORS AND PASSENGERS ON MOTORCYCLES AND TO ADJUST THE FEE ON PRIVATE MOTORCYCLE REGISTRATIONS IN ORDER TO PROVIDE ADDITIONAL FUNDS FOR THE MOTORCYCLE SAFETY PROGRAM.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 20-140.4 reads as rewritten:

**"§ 20-140.4. Special provisions for motorcycles and mopeds.**

(a) ~~No person shall operate a motorcycle or moped upon a highway or public vehicular area:~~

(1) ~~When the number of persons upon such motorcycle or moped, including the operator, shall exceed the number of persons which it was designed to carry.~~

(2) ~~Unless the operator and all passengers thereon wear safety helmets of a type approved by the Commissioner of Motor Vehicles.~~

(b) ~~Violation of any provision of this section shall not be considered negligence per se or contributory negligence per se in any civil action.~~

(c) ~~Any person convicted of violating this section shall have committed an infraction and shall be fined according to G.S. 20-135.2A(e) and (f).~~

(a) No person shall operate a motorcycle or moped upon a highway or public vehicular area when the number of persons on the motorcycle or moped, including the operator, exceeds the number of persons that it was designed to carry.

(b) Except as provided in subsections (c) and (d) of this section, a person may not operate or ride upon a motorcycle or moped unless the person is properly wearing a safety helmet of a type approved by the Commissioner of Motor Vehicles.

1       (c) Notwithstanding subsection (b) of this section, a person over 21 years of age  
2 may operate a motorcycle without wearing a safety helmet if the operator held a  
3 motorcycle license or a motorcycle endorsement prior to October 1, 2004, or if the  
4 following conditions are met:

5           (1) The operator has successfully completed the course of instruction  
6 offered by the Motorcycle Safety Instruction Program authorized in  
7 G.S. 115D-72, or its equivalent as determined by the Commissioner,  
8 and the operator has had a motorcycle license or a motorcycle  
9 endorsement for more than 12 months.

10          (2) The operator is covered by an insurance policy providing for at least  
11 ten thousand dollars (\$10,000) in medical benefits for injuries incurred  
12 as a result of a crash while operating or riding on a motorcycle.

13       (d) Notwithstanding subsection (b) of this section, a person over 21 years of age  
14 may ride upon a motorcycle without wearing a safety helmet if the operator is allowed  
15 to operate a motorcycle without a helmet pursuant to subsection (c) of this section, and  
16 the person is covered by an insurance policy providing for at least ten thousand dollars  
17 (\$10,000) in medical benefits for injuries incurred as a result of a crash while riding on  
18 a motorcycle.

19       (e) Violation of any provision of this section shall not be considered negligence  
20 per se or contributory negligence per se in any civil action.

21       (f) Any person convicted of violating this section shall have committed an  
22 infraction and shall be fined according to G.S. 20-135.2A(e) and (f)."

23       **SECTION 2.** G.S. 20-87(6) is repealed.

24       **SECTION 3.** G.S. 20-87 is amended by adding a new subdivision to read:

25 **"§ 20-87. Passenger vehicle registration fees.**

26       These shall be paid to the Division annually, as of the first day of January, for the  
27 registration and licensing of passenger vehicles, fees according to the following  
28 classifications and schedules:

29       ...

30       (13) Private motorcycles. – The fee on private passenger motorcycles shall  
31 be fourteen dollars (\$14.00). When a motorcycle is equipped with an  
32 additional form of device designed to transport persons or property, the  
33 fee shall be twenty-one dollars (\$21.00). Five dollars (\$5.00) of the  
34 fees collected pursuant to this subdivision shall be used, in addition to  
35 any other funds appropriated for this purpose, to fund the Motorcycle  
36 Safety Instruction Program established pursuant to G.S. 115D-72."

37       **SECTION 4.** This act becomes effective December 1, 2005, and applies to  
38 violations occurring on or after that date.