

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H.B. 91
Feb 14, 2017
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40052-ML-73 (02/07)

Short Title: Require Safety Helmets/Under 21. (Public)

Sponsors: Representative Torbett.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO REVISE THE MOTOR VEHICLE LAWS TO PROVIDE CERTAIN EXCEPTIONS TO THE REQUIREMENT THAT ALL OPERATORS AND PASSENGERS ON MOTORCYCLES OR MOPEDS WEAR A SAFETY HELMET AND TO REMOVE THE ASSESSMENT OF COURT COSTS FROM THE PENALTIES APPLIED TO PERSONS FOUND GUILTY OF A HELMET USE INFRACTION.

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~~ Unless, except as provided in subsections (a1) and (a2) of this section, the operator and all passengers thereon wear on their heads, with a retention strap properly secured, safety helmets of a type that complies with Federal Motor Vehicle Safety Standard (FMVSS) 218. This subdivision shall not apply to an operator of, or any passengers within, an auticycle that has completely enclosed seating.

(a1) A person 21 years of age or older may operate a motorcycle without wearing a safety helmet if (i) the operator held a motorcycle license or motorcycle endorsement for more than 12 months or (ii) the operator has successfully completed the course of instruction offered by the Motorcycle Safety Instruction Program authorized in G.S. 115D-72 or its equivalent as determined by the Commissioner, but in no case may a person operate a motorcycle without wearing a safety helmet unless the operator is covered by an insurance policy providing for at least ten thousand dollars (\$10,000) in medical benefits for injuries incurred as a result of a crash while operating or riding on a motorcycle.

(a2) A person 21 years of age or older may ride upon a motorcycle as a passenger without wearing a safety helmet if the operator is allowed to operate a motorcycle without a helmet pursuant to subsection (a1) of this section and the person is covered by an insurance policy providing for at least ten thousand dollars (\$10,000) in medical benefits for injuries incurred as a result of a crash while riding on a motorcycle.

(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 pay a penalty of ~~twenty-five dollars and fifty cents (\$25.50) plus the following court costs:~~



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1 ~~the General Court of Justice fee provided for in G.S. 7A-304(a)(4), the telephone facilities fee~~
2 ~~provided for in G.S. 7A-304(a)(2a), and the law enforcement training and certification fee~~
3 ~~provided for in G.S. 7A-304(a)(3b). twenty-five dollars and fifty cents (\$25.50) but shall not be~~
4 ~~assessed any court costs.~~ Conviction of an infraction under this section has no other consequence.

5"

6 **SECTION 2.** This act becomes effective October 1, 2017, and applies to violations
7 occurring on or after that date.