

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 91
PROPOSED COMMITTEE SUBSTITUTE H91-PCS30379-SU-17

Short Title: Require Safety Helmets/Under 21.

(Public)

Sponsors:

Referred to:

February 15, 2017

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

7 The General Assembly of North Carolina enacts:

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

9 "**§ 20-140.4. Special provisions for motorcycles and mopeds.**

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

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

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

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

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

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

35 (c) Any person convicted of violating this section shall have committed an infraction
36 and shall pay a penalty of ~~twenty five dollars and fifty cents (\$25.50) plus the following court~~



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1 ~~costs: the General Court of Justice fee provided for in G.S. 7A-304(a)(4), the telephone~~
2 ~~facilities fee provided for in G.S. 7A-304(a)(2a), and the law enforcement training and~~
3 ~~certification fee provided for in G.S. 7A-304(a)(3b). twenty-five dollars (\$25.00) but shall not~~
4 ~~be assessed any court costs.~~ Conviction of an infraction under this section has no other
5 consequence.

6"

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