

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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HOUSE BILL 267  
PROPOSED COMMITTEE SUBSTITUTE H267-PCS40427-SUF-15

Short Title: Require Safety Helmets/Under 21.

(Public)

Sponsors:

Referred to:

March 6, 2019

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 autocycle 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 has 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.

(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 under subsection (a1) of this section.

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

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1                   **SECTION 2.** This act becomes effective December 1, 2019, and applies to violations  
2 occurring on or after that date.