

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H.B. 267
Mar 5, 2019
HOUSE PRINCIPAL CLERK

H

D

HOUSE BILL DRH40112-MW-27

Short Title: Require Safety Helmets/Under 21.

(Public)

Sponsors: Representative Torbett.

Referred to:

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 section,
15 the operator and all passengers thereon wear on their heads, with a retention
16 strap properly secured, safety helmets of a type that complies with Federal
17 Motor Vehicle Safety Standard (FMVSS) 218. This subdivision shall not
18 apply to an operator of, or any passengers within, an autocycle that has
19 completely enclosed seating.

20 (a1) A person 21 years of age or older may operate a motorcycle without wearing a safety
21 helmet if (i) the operator held a motorcycle license or motorcycle endorsement for more than 12
22 months or (ii) the operator has successfully completed the course of instruction offered by the
23 Motorcycle Safety Instruction Program authorized in G.S. 115D-72 or its equivalent as
24 determined by the Commissioner.

25 (a2) A person 21 years of age or older may ride upon a motorcycle as a passenger without
26 wearing a safety helmet if the operator is allowed to operate a motorcycle without a helmet
27 pursuant to subsection (a1) of this section.

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

30 (c) Any person convicted of violating this section shall have committed an infraction and
31 shall pay a penalty of ~~twenty five dollars and fifty cents (\$25.50) plus the following court costs:~~
32 ~~the General Court of Justice fee provided for in G.S. 7A-304(a)(4), the telephone facilities fee~~
33 ~~provided for in G.S. 7A-304(a)(2a), and the law enforcement training and certification fee~~
34 ~~provided for in G.S. 7A-304(a)(3b).~~ twenty-five dollars and fifty cents (\$25.50) but shall not be
35 assessed any court costs. Conviction of an infraction under this section has no other consequence.

36"



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