

HELMET REQUIREMENT AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brian E. Shiozawa

House Sponsor: James A. Dunnigan

LONG TITLE

General Description:

This bill raises the age at which an individual can legally operate certain vehicles on a highway without a helmet.

Highlighted Provisions:

This bill:

- ▶ increases the age, from 18 to 21, under which an individual must wear protective headgear to operate certain vehicles on a highway; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-6a-1505, as last amended by Laws of Utah 2016, Chapters 40, 173 and last amended by Coordination Clause, Laws of Utah 2016, Chapter 173

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **41-6a-1505** is amended to read:

41-6a-1505. Motorcycle or motor-driven cycle -- Protective headgear -- Closed cab excepted -- Electric assisted bicycles, motor assisted scooters, electric personal assistive mobility devices.

(1) A person under the age of ~~[18]~~ 21 may not operate or ride any of the following on a highway unless the person is wearing protective headgear that complies with specifications adopted under Subsection (3):

- (a) a motorcycle;
- (b) a motor-driven cycle;
- (c) a class 3 electric assisted bicycle; or
- (d) an auticycle that is not fully enclosed.

(2) This section does not apply to persons riding within an enclosed cab.

(3) The following standards and specifications for protective headgear are adopted:

- (a) 49 C.F.R. 571.218 related to protective headgear for motorcycles; and
- (b) 16 C.F.R. Part 1203 related to protective headgear for bicycles, motor assisted scooters, and electric personal assistive mobility devices.

(4) A court shall waive \$8 of a fine charged to a person operating a ~~[motorcycle or motor-driven cycle]~~ vehicle described in Subsection (1) for a moving traffic violation if the person was:

- (a) ~~[18]~~ 21 years of age or older at the time of operation; and
- (b) wearing protective headgear that complies with the specifications adopted under Subsection (3) at the time of operation.

(5) The failure to wear protective headgear:

- (a) does not constitute contributory or comparative negligence on the part of a person seeking recovery for injuries; and
- (b) may not be introduced as evidence in any civil litigation on the issue of negligence, injuries, or the mitigation of damages.

(6) Notwithstanding Subsection (4), a court may not waive \$8 of a fine charged to a person operating a motorcycle or motor-driven cycle for a driving under the influence violation of Section [41-6a-502](#).

(7) A violation of this section is an infraction.