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## HOUSE BILL NO. 1173

Offered January 9, 2008

Prefiled January 9, 2008

A *BILL to amend and reenact § 46.2-910 of the Code of Virginia, relating to wearing of helmets by motorcyclists.*

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Patron—Lingamfelter

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Referred to Committee on Transportation

**Be it enacted by the General Assembly of Virginia:****1. That § 46.2-910 of the Code of Virginia is amended and reenacted as follows:**

§ 46.2-910. Certain motorcyclists to wear helmets, etc.; certain sales prohibited; penalty.

A. Every person operating a motorcycle shall wear a face shield, safety glasses or goggles, or have his motorcycle equipped with safety glass or a windshield at all times while operating the vehicle, and operators and any passengers thereon shall wear protective helmets. Operators and passengers riding on motorcycles with wheels of eight inches or less in diameter or in three-wheeled motorcycles which have nonremovable roofs, windshields and enclosed bodies shall not be required to wear protective helmets. The windshields, face shields, glasses or goggles, and protective helmets required by this section shall meet or exceed the standards and specifications of the Snell Memorial Foundation, the American National Standards Institute, Inc., or the federal Department of Transportation. Failure to wear a face shield, safety glasses or goggles, or protective helmets shall not constitute negligence per se in any civil proceeding. The provisions of this section requiring the wearing of protective helmets shall not apply to operators of or passengers on motorcycles being operated (i) as part of an organized parade authorized by the Department of Transportation or the locality in which the parade is being conducted and escorted, accompanied, or participated in by law-enforcement officers of the jurisdiction wherein the parade is held and (ii) at speeds of no more than fifteen miles per hour, *nor shall they apply to operators and passengers who are at least 21 years old and either (a) have held a motorcycle classification for at least two years or (b) have successfully completed a motorcycle rider safety training course offered by a provider licensed under Article 23 (§ 46.2-1188 et seq.) of Chapter 10 and either (1) are a member of or covered by any health maintenance organization, healthcare cooperative, or other general-health-care-providing organization, (2) have an irrevocable letter of credit, health care savings account, bond or any other surety in a minimum amount of \$10,000, which may be drawn upon directly by the Commonwealth to recover costs incurred by the Commonwealth related to injuries the operator sustains as a direct result of not wearing a helmet, or (3) are covered by an insurance policy that provides for a minimum of \$10,000 in operator coverage for medical expenses payments.*

*No citation for failure to wear a helmet shall be issued unless the officer issuing such citation has cause to stop or arrest the operator of such motorcycle for the violation of some other provision of this Code or local ordinance relating to the operation, ownership, or maintenance of a motorcycle or any criminal statute. If stopped, the operator and passenger, if any, may present documentation to demonstrate compliance with the provisions of this subsection.*

No motorcycle operator shall use any face shield, safety glasses or goggles, or have his motorcycle equipped with safety glass or a windshield unless of a type either (i) approved by the Superintendent prior to July 1, 1996, or (ii) that meets or exceeds the standards and specifications of the Snell Memorial Foundation, the American National Standards Institute, Inc., or the federal Department of Transportation and is marked in accordance with such standards.

B. It shall be unlawful to sell or offer for sale, for highway use in Virginia, any protective helmet that fails to meet or exceed any standard as provided in the foregoing provisions of this section. Any violation of this subsection shall constitute a Class 4 misdemeanor.

INTRODUCED

HB1173