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HOUSE BILL NO. 1267

Offered January 19, 2010

A *BILL to amend and reenact § 46.2-910 of the Code of Virginia, relating to wearing of motorcycle helmets, etc.; penalty.*

 Patron—Gear

 Referred to Committee on Militia, Police and Public Safety

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. Motorcyclist 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.

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.

Any person who violates this subsection shall be subject to a civil penalty of \$25 to be paid into the state treasury and credited to the Literary Fund, and no court costs shall be assessed.

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

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