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HOUSE BILL NO. 1872

Offered January 9, 2019

Prefiled January 3, 2019

A BILL to amend and reenact § 46.2-910 of the Code of Virginia, relating to protective helmets on motorcycles and autocycles; organ donor exemption.

Patrons—Webert, Hope and Morefield

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. Motorcycle and autocycle operators to wear helmets, etc.; certain sales prohibited; penalty.

A. Every person operating a motorcycle or autocycle shall wear a face shield, safety glasses or goggles, or have his motorcycle or autocycle 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 or autocycles that 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 (i) any operator of or passenger on a motorcycle or autocycle who is 21 years of age or older and a registered organ donor in any state or (ii) operators of or passengers on motorcycles or autocycles being operated (i) (a) 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) (b) at speeds of no more than 15 miles per hour.

No citation for failure to wear a protective helmet shall be issued unless the officer issuing such citation has cause to stop or arrest the operator of such motorcycle or autocycle for the violation of some other provision of this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or any criminal statute.

No motorcycle or autocycle operator shall use any face shield, safety glasses, or goggles, or have his motorcycle or autocycle equipped with safety glass or a windshield, unless of a type either (i) (a) approved by the Superintendent prior to July 1, 1996, or (ii) (b) 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 is a Class 4 misdemeanor.

INTRODUCED

HB1872