

# VIRGINIA ACTS OF ASSEMBLY -- 1996 SESSION

## CHAPTER 690

*An Act to amend and reenact § 46.2-910 of the Code of Virginia, relating to helmets, etc., to be used by motorcyclists; prohibition of certain sales; penalty.*

[H 1093]

Approved April 6, 1996

**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 Superintendent of State Police shall establish standards for the~~ windshields, face shields, glasses or goggles, and protective helmets required ~~in~~ 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.

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.*