

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 1264
Committee Substitute Favorable 5/10/89
Third Edition Engrossed 5/11/89
Judiciary I Senate Committee Substitute Adopted 7/12/89
Fifth Edition Engrossed 7/14/89

Short Title: Motorcycle Helmet Usage.

(Public)

Sponsors:

Referred to:

April 12, 1989

A BILL TO BE ENTITLED

AN ACT TO REDUCE THE PENALTY FOR FAILURE TO WEAR HELMETS ON
MOTORCYCLES, TO MAKE FAILURE TO WEAR HELMETS ON MOPEDS
AN INFRACTION, AND TO AMEND THE DRIVING WHILE IMPAIRED
STATUTES RELATING TO THE DEFINITION OF VEHICLE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-140.4 reads as rewritten:

"§ 20-140.4. **Special provisions for motorcycles and mopeds.**

(a) No person shall operate a motorcycle or moped upon a highway or public
vehicular area:

(1) When the number of persons upon such motorcycle or moped,
including the operator, shall exceed the number of persons which it
was designed to carry.

(2) Unless the operator and all passengers thereon wear safety helmets of a
type approved by the Commissioner of Motor Vehicles.

(b) Violation of any provision of this section shall not be considered negligence
per se or contributory negligence per se in any civil action.

(c) Any person convicted of violating this section shall have committed an
infraction and shall be fined according to G.S. 20-135.2A(e) and (f)."

1 Sec. 2. G.S. 20-138.1 is amended by adding a new subsection at the end to
2 read:

3 "(e) Exception. – Notwithstanding the definition of 'vehicle' pursuant to G.S. 20-
4 4.01(49), for purposes of this section the word 'vehicle' does not include a horse,
5 bicycle, or lawnmower."

6 Sec. 3. This act shall become effective October 1, 1989.