

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 839

Short Title: Require Safety MC Helmets/Under 21 Only. (Public)

Sponsors: Representatives Current, Hill (Primary Sponsors); Burris-Floyd, Hilton, Hughes, Neumann, Sager, and Spear.

Referred to: Transportation, if favorable, Judiciary III.

March 30, 2009

A BILL TO BE ENTITLED

AN ACT TO REQUIRE ANY PERSON RIDING ON A MOTORCYCLE WHO IS LESS THAN TWENTY-ONE YEARS OF AGE TO WEAR A SAFETY HELMET.

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 on their heads, with a retention strap properly secured, safety helmets of a type that complies with Federal Motor Vehicle Safety Standard (FMVSS) 218. This subdivision does not apply to operators and passengers who are 21 years of age or older.

(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)~~ not more than fifty dollars (\$50.00). This offense is an offense for which a defendant may waive the right to a hearing or trial and admit responsibility for the infraction pursuant to G.S. 7A-148. No drivers license points, insurance surcharge, or court costs shall be assessed as a result of a violation of this section."

SECTION 2. This act becomes effective December 1, 2009, and applies to offenses committed on or after that date.

