

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

2

HOUSE BILL 839  
Committee Substitute Favorable 5/13/09

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

(Public)

Sponsors:

Referred to:

March 30, 2009

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

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 20-140.4 reads as rewritten:

6 "**§ 20-140.4. Special provisions for motorcycles and mopeds.**

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

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

11 (2) Unless the operator and all passengers thereon wear on their heads, with a  
12 retention strap properly secured, safety helmets of a type that complies with  
13 Federal Motor Vehicle Safety Standard (FMVSS) 218. This subdivision does  
14 not apply to operators and passengers who are 21 years of age or older in a  
15 parade or in a speed zone of 45 miles per hour or less.

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

18 (c) Any person convicted of violating this section shall have committed an infraction  
19 and shall be fined ~~according to G.S. 20-135.2A(e) and (f)~~ not more than fifty dollars (\$50.00).  
20 This offense is an offense for which a defendant may waive the right to a hearing or trial and  
21 admit responsibility for the infraction pursuant to G.S. 7A-148. No drivers license points,  
22 insurance surcharge, or court costs shall be assessed as a result of a violation of this section."

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

