

By Mr. Sullivan of Braintree, petition of Joseph C. Sullivan and another relative to wearing protective head gear while operating or a passenger on a motorcycle. Public Safety.

The Commonwealth of Massachusetts

In the Year Two Thousand and One.

AN ACT RELATIVE TO HELMET LAW STANDARDS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 7 of chapter 90 of the General Laws, as
2 appearing in the 1998 Official Edition, is hereby amended by
3 striking out all, beginning with the word "every", in line 141, and
4 ending with the word "gear", in line 147.

1 SECTION 2. Said section 7 of said chapter 90 is hereby further
2 amended by adding at the end thereof the following new para-
3 graphs:—

4 Every person operating a motorcycle or riding as a passenger
5 on a motorcycle or in a sidecar attached to a motorcycle who is
6 under the age of twenty-one must wear protective head gear con-
7 forming with such minimum standards and construction as the
8 registrar may prescribe, and no person operating a motorcycle
9 shall permit any other person under the age of twenty-one to ride
10 as a passenger on such motorcycle unless said passenger is
11 wearing protective head gear unless said operator has completed a
12 motorcycle ride education course approved by the registrar and is
13 not under the age of eighteen.

14 In accordance with section 1392(d) of the National Traffic and
15 Motor Vehicle Safety Act of 1966, no citation or fine shall be
16 issued to any motorcycle operator or passenger who is wearing
17 protective head gear that may not conform with standards set forth
18 by the registrar unless (a) a determination of non-compliance for
19 said head gear model has been issued by the National Highway

20 Transportation Safety Administration, (b) a manufacturer recall of
21 said head gear model has been issued because of non-compliance
22 with FMVSS 218 and (c) there is proof that said operator had
23 actual knowledge of a determination of non-conformity with fed-
24 eral standards and of a manufacturer recall of said head gear
25 because of non-compliance with protective head gear standards
26 set forth by the registrar.