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Helmet Laws

The Nevada helmet law basically refers back to FMVSS 218. We need to come up with one that is clear and easily enforceable. Our Department of Public Safety would like to get a start on re-writing it for a legislative session a couple of years from now.

Do any of you have a law that law enforcement supports (and enforces) and can you share with me the wording?

VERMONT

Vermont's helmet law is as follows:

1256. Motorcycles-Headgear

A person may not operate or ride upon a motorcycle upon a highway unless he or she properly wears protective headgear of a type that conforms to the federal Motor Vehicle Safety Standards contained in 49 C.F.R. ? 571.218 and any amendment or addition to the regulations that may be adopted by the U.S. Secretary of Transportation.

~Paul Graves

MINNESOTA

Minnesota's law references standards established by the Commissioner of Public Safety. Public safety rules reference FMVSS 218.

MN State Statute 169.974, subdivision 4

Equipment for operator and passenger.

(a) No person under the age of 18 shall operate or ride a motorcycle on the streets and highways of this state without wearing protective headgear that complies with standards established by the commissioner of public safety; and no person shall operate a motorcycle without wearing an eye-protective device.

(b) The provisions of this subdivision shall not apply to persons during their participation in a parade for which parade a permit or other official authorization has been granted by a local governing body or other governmental authority or to persons riding within an enclosed cab.

MN Rules 7460.0300 Minimum Standards for Design and Construction Protective headgear required to be worn by operators or passengers of motorcycles shall be designed and constructed so as to equal or exceed the specifications contained in Standard No. 218 of the Federal Motor Vehicle Safety Standards as published in Code of Federal Regulations 1980, title 49, section 571.218. Protective headgear meeting this standard is deemed approved by the commissioner of public safety.

~Bill Shaffer

WASHINGTON

Washington State's Motorcycle Helmet Law is listed below.

46.37.530

Motorcycles, motor-driven cycles, mopeds, electric-assisted bicycles - Helmets, other equipment - Children - Rules.

(1) It is unlawful:

(a) For any person to operate a motorcycle, moped, or motor-driven cycle not equipped with mirrors on the left and right sides which shall be so located as to give the driver a complete view of the highway for a distance of at least two hundred feet to the rear of the motorcycle, moped, or motor-driven cycle: PROVIDED, That mirrors shall not be required on any motorcycle or motor-driven cycle over twenty-five years old originally manufactured without mirrors and which has been restored to its original condition and which is being ridden to or from or otherwise in conjunction with an antique or classic motorcycle contest, show, or other such assemblage: PROVIDED FURTHER, That no mirror is required on any motorcycle manufactured prior to January 1, 1931;

(b) For any person to operate a motorcycle, moped, or motor-driven cycle which does not have a windshield unless wearing glasses, goggles, or a face shield of a type conforming to rules adopted by the state patrol;

(c) For any person to operate or ride upon a motorcycle, motor-driven cycle, or moped on a state highway, county road, or city street unless wearing upon his or her head a motorcycle helmet except when the vehicle is an antique motor-driven cycle or when the vehicle is equipped with all of the following:

(i) Steering wheel;

(ii) Seat belts that conform to standards prescribed under 49 C.F.R. Part 571; and

(iii) Partially or completely enclosed seating area for the driver and passenger that is certified by the manufacturer as meeting the standards prescribed under 49 C.F.R. Sec. 571.216.

The motorcycle helmet neck or chin strap must be fastened securely while the motorcycle, moped, or motor-driven cycle is in motion. Persons operating electric-assisted bicycles and motorized foot scooters shall comply with all laws and regulations related to the use of bicycle helmets;

(d) For any person to transport a child under the age of five on a motorcycle or motor-driven cycle;

(e) For any person to sell or offer for sale a motorcycle helmet that does not meet the requirements established by this section.

(2) The state patrol may adopt and amend rules concerning standards for glasses, goggles, and face

shields.

(3) For purposes of this section, "motorcycle helmet" means a protective covering for the head consisting of a hard outer shell, padding adjacent to and inside the outer shell, and a neck or chin strap type retention system, with the manufacturer's certification applied in accordance with 49 C.F.R. Sec. 571.218 indicating that the motorcycle helmet meets standards established by the United States department of transportation

~Mark Medalen

NORTH CAROLINA

Following is a scan of a card carried by North Carolina Law Enforcement. It was printed and distributed by the Governor's Highway Safety Program. It has the actual law followed by what to look for in a compliant helmet. The reverse side gives advice to the officer concerning enforcement of the law.

I hope this helps!

[\[cid:image002.png@01D02E7F.9BA5E810\]](#)

~Bob Wagner

NEBRASKA

Nebraska Law Since 1989

60-6,279. Protective helmets; required; when.

A person shall not operate or be a passenger on a motorcycle or moped on any highway in this state unless such person is wearing a protective helmet of the type and design manufactured for use by operators of such vehicles and unless such helmet is secured properly on his or her head with a chin strap while the vehicle is in motion. All such protective helmets shall be designed to reduce injuries to the user resulting from head impacts and shall be designed to protect the user by remaining on the user's head, deflecting blows, resisting penetration, and spreading the force of impact. Each such helmet shall consist of lining, padding, and chin strap and shall meet or exceed the standards established in the United States Department of Transportation's Federal Motor Vehicle Safety Standard No. 218, 49 C.F.R. 571.218, for motorcycle helmets.

~Fred Zwonechek

New Hampshire

Below is the headgear statute from New Hampshire:

265:122 Protective Headgear. -

I. No person less than 18 years of age may drive or ride upon a motorcycle unless he wears protective headgear of a type approved by the director. Such headgear shall be equipped with either a neck or chin strap.

II. The director is hereby authorized and empowered to adopt rules pursuant to RSA 260:5 covering the types of protective headgear and the specifications therefor and to establish and maintain a list of approved

headgear which meet his established specifications.

III. If federal law is altered so that the mandatory wearing of protective headgear on motorcycles by persons less than 18 years of age is not required as a condition to the receipt by the state of any federal funds, paragraphs I and II shall be void.

IV. Any motorcycle operator who transports a person under the age of 18 years, when such person is in violation of paragraph I, shall be guilty of a violation.

~Lawrence Crowe

MARYLAND

Happy New Year. How goes it in Nevada?

Ditto on what Peter Moe said. Attached are several items for your consideration:

THE MARYLAND HELMET LAW - This handout attempts to explain our law and references the court decision.

THE FOUR TESTS FOR A COMPLIANT HELMET - We sometimes hear the argument that the FMVS 218 is too hard to understand. This flyer attempts to illustrate what helmet characteristics are the FMVSS 218. We will be updating this form to include the new NHTSA DOT labeling.

HOW TO IDENTIFY NON-COMPLIANT HELMETS - This flyer is adapted from the NHTSA brochure: How to Identify Unsafe Motorcycle Helmets. We prefer to use the terms non-compliant or non-certified.

HELMET IDENTIFICATION - Our Community Traffic Safety Programs (CTSP) conduct Seatbelt Observations. They position themselves at select high-traffic areas and observe drivers going by and count who is and is not wearing their belt. It was suggested that the CTSPs could also do a Helmet Use Observation Study. This flyer was created to help the folks doing the actual observations to ID helmets. It worked very well.

I hope this information will be helpful.

~Phil Sause