

ASSEMBLY BILL

No. 2497

Introduced by Assembly Member Garrick
(Principal coauthor: Senator Ducheny)

February 21, 2008

An act to amend Section 27803 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2497, as introduced, Garrick. Motorcycles: safety helmets.

Existing law requires a driver and a passenger to wear a safety helmet meeting specified requirements when riding on a motorcycle, motor-driven cycle, or motorized bicycle.

This bill would make technical, nonsubstantive changes in that provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 27803 of the Vehicle Code is amended
2 to read:
3 27803. (a) A driver and ~~any~~ a passenger shall wear a safety
4 helmet meeting requirements established pursuant to Section 27802
5 when riding on a motorcycle, motor-driven cycle, or motorized
6 bicycle.
7 (b) It is unlawful to operate a motorcycle, motor-driven cycle,
8 or motorized bicycle if the driver or any passenger is not wearing
9 a safety helmet as required by subdivision (a).

1 (c) It is unlawful to ride as a passenger on a motorcycle,
 2 motor-driven cycles, or motorized bicycle if the driver or ~~any~~ a
 3 passenger is not wearing a safety helmet as required by subdivision
 4 (a).

5 (d) This section applies to ~~persons~~ a person who ~~are riding on~~
 6 ~~motorcycles, motor-driven cycles, or motorized bicycles~~ is riding
 7 on a motorcycle, motor-driven cycle, or motorized bicycle operated
 8 on the highways.

9 (e) For the purposes of this section, “wear a safety helmet” or
 10 “wearing a safety helmet” means having a safety helmet meeting
 11 the requirements of Section 27802 on the person’s head that is
 12 fastened with the helmet straps and that is of a size that fits the
 13 wearing person’s head securely without excessive lateral or vertical
 14 movement.

15 (f) This section does not apply to a person operating, or riding
 16 as a passenger in, a fully enclosed three-wheeled motor vehicle
 17 that is not less than seven feet in length and not less than four feet
 18 in width, and has an unladen weight of 900 pounds or more, if the
 19 vehicle meets or exceeds all of the requirements of this code, the
 20 Federal Motor Vehicle Safety Standards, and the rules and
 21 regulations adopted by the United States Department of
 22 Transportation and the National Highway Traffic Safety
 23 Administration.

24 (g) In enacting this section, it is the intent of the Legislature to
 25 ensure that all persons are provided with an additional safety
 26 benefit while operating or riding a motorcycle, motor-driven cycle,
 27 or motorized bicycle.