

ASSEMBLY BILL

No. 1205

Introduced by Assembly Member Logue
(Coauthors: Assembly Members Adams, Duvall, Garrick, and
Miller)
(Coauthors: Senators Denham, Ducheny, and Huff)

February 27, 2009

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1205, as introduced, Logue. Vehicles: motorcycles: safety helmets: exceptions.

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

This bill would exempt from this requirement a driver who is 18 years of age or older who has either completed a motorcyclist safety training program, or has been issued a class M1 license or endorsement, or a comparable license from another jurisdiction, for 2 years or more.

Vote: majority. Appropriation: no. Fiscal committee: yes. 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

1 when riding on a motorcycle, motor-driven cycle, or motorized
2 bicycle.

3 (b) It is unlawful to operate a motorcycle, motor-driven cycle,
4 or motorized bicycle if the driver or ~~any~~ a passenger is not wearing
5 a safety helmet as required by subdivision (a).

6 (c) It is unlawful to ride as a passenger on a motorcycle,
7 ~~motor-driven-eyeles cycle~~, or motorized bicycle if the driver or
8 ~~any~~ the passenger is not wearing a safety helmet as required by
9 subdivision (a).

10 (d) This section applies to ~~persons~~ a person who ~~are~~ is riding
11 on ~~motorcycles, motor-driven eyeles, or motorized bieceles~~ a
12 motorcycle, motor-driven cycle, or motorized bicycle operated on
13 the highways.

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

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

29 (g) *This section does not apply to a driver who is 18 years of*
30 *age or older and meets either of the following requirements:*

31 (1) *Has completed a motorcyclist safety training program that*
32 *complies with Section 2932.*

33 (2) *Has been issued a class MI license or endorsement, or a*
34 *comparable license from another jurisdiction, for two years or*
35 *more.*

36 ~~(g)~~

37 (h) In enacting this section, it is the intent of the Legislature to
38 ensure that all persons are provided with an additional safety

- 1 benefit while operating or riding a motorcycle, motor-driven cycle,
- 2 or motorized bicycle.

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