

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1700

H. P. 1590

Office of the Clerk of the House

The Committee on Transportation suggested. Approved for introduction by the Legislative Council pursuant to Joint Rule 26.

Presented by Mrs. Lewis of Auburn.

EDWIN H. PERT, Clerk of the House

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY

AN ACT to Require that Children who are under 15 Years of Age Wear Helmets when they are Passengers on Motorcycles.

Be it enacted by the People of the State of Maine, as follows:

29 MRSA § 1376 is enacted to read:

§ 1376. Protective headgear for motorcycle riders and motor driven cycle riders who are minors

Every person under the age of 15 years who rides as a passenger on a motorcycle or motor driven cycle or in a sidecar attached to a motorcycle or motor driven cycle shall wear protective headgear conforming with those minimum standards of construction and performance which the Secretary of State may prescribe.

No operator of a motorcycle or motor driven cycle shall allow a passenger under the age of 15 years to ride in violation of this section.

Violation of this section is a civil violation for which a forfeiture of \$25 for the first violation and \$50 for each subsequent violation shall be adjudged.

STATEMENT OF FACT

This bill would require every motorcycle and motor driven cycle passenger

under the age of 15 to wear protective headgear.

The previous motorcycle helmet law, which required headgear protection for all motorcycle operators and passengers, was repealed because it was felt that the statute infringed the right of a motorcycle operator or passenger to make his own choice as to whether he wanted to be protected or not.

However, in most cases minors do not understand the risks involved in riding a motorcycle or a motor driven cycle while going bare headed and they cannot make an informed choice as to whether to wear a helmet or not.

This bill, while preserving an adult's right to take a conscious risk and not wear a helmet, would require a minor to wear a helmet and thus be protected.

Something must be done to cut down the large number of children and adolescents who are suffering grave head injuries when they are involved in motorcycle and motor driven cycle accidents. This bill provides a solution to this serious problem.