

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 453

H.P. 341

House of Representatives, February 10, 2009

An Act To Require Motorcyclists To Wear Helmets

Reference to the Committee on Transportation suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BEAUDOIN of Biddeford.
Cosponsored by Senator BOWMAN of York and
Representatives: BRIGGS of Mexico, CASAVANT of Biddeford, CONNOR of Kennebunk,
GOODE of Bangor, PRATT of Eddington, TUTTLE of Sanford, VALENTINO of Saco.

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

2 **Sec. 1. 12 MRSA §13106-A, sub-§25, ¶A**, as enacted by PL 2003, c. 655, Pt. B,
3 §394 and affected by §422, is amended to read:

4 A. A person operating a snowmobile on a snowmobile trail identified by the
5 Department of Conservation, Bureau of Parks and Lands as having been funded by
6 the Snowmobile Trail Fund pursuant to section 1893, subsection 3:

7 (1) If the person is under 18 years of age, shall wear protective headgear that
8 ~~conforms to the standards established under Title 29-A, section 2083, subsection~~
9 ~~3; and~~

10 (2) May not carry a passenger under 18 years of age on the snowmobile unless
11 the passenger is wearing protective headgear that ~~conforms to the standards~~
12 ~~established under Title 29-A, section 2083, subsection 3.~~

13 **Sec. 2. 12 MRSA §13157-A, sub-§13**, as enacted by PL 2003, c. 655, Pt. B,
14 §414 and affected by §422, is amended to read:

15 **13. Operating ATV without protective headgear.** ~~Notwithstanding Title 29-A,~~
16 ~~section 2083, a~~ **A** person under 18 years of age may not operate an ATV without
17 protective headgear.

18 A. A person who violates this subsection commits a civil violation for which a fine
19 of not less than \$100 nor more than \$500 may be adjudged.

20 B. A person who violates this subsection after having been adjudicated as having
21 committed 3 or more civil violations under this Part within the previous 5-year period
22 commits a Class E crime.

23 **Sec. 3. 12 MRSA §13157-A, sub-§14**, as enacted by PL 2003, c. 655, Pt. B,
24 §414 and affected by §422, is amended to read:

25 **14. Carrying passenger on ATV without headgear.** ~~Notwithstanding Title 29-A,~~
26 ~~section 2083, a~~ **A** person may not carry a passenger under 18 years of age on an ATV
27 unless the passenger is wearing protective headgear.

28 A. A person who violates this subsection commits a civil violation for which a fine
29 of not less than \$100 nor more than \$500 may be adjudged.

30 B. A person who violates this subsection after having been adjudicated as having
31 committed 3 or more civil violations under this Part within the previous 5-year period
32 commits a Class E crime.

33 **Sec. 4. 29-A MRSA §2062, sub-§8** is enacted to read:

34 **8. Helmets.** A person may not operate a motorcycle or be a passenger on or in a
35 sidecar attached to a motorcycle on a public way unless the person is wearing a protective
36 helmet that conforms with minimum standards of construction and performance as
37 prescribed by the American National Standards Institute specifications Z 90.1 or by the

1 Federal Motor Vehicle Safety Standard No. 218 for motorcycle helmets and the helmet is
2 properly secured to the person's head with a chin strap.

3 **Sec. 5. 29-A MRSA §2083**, as amended by PL 2005, c. 577, §33, is repealed.

4 **Sec. 6. 29-A MRSA §2117** is enacted to read:

5 **§2117. Operating a motorcycle without a helmet**

6 A person commits a traffic infraction for which a fine of not more than \$500 may be
7 adjudged if that person operates or is a passenger on or in a sidecar attached to a
8 motorcycle on a public way without wearing a helmet as required in section 2062,
9 subsection 8.

10 **SUMMARY**

11 This bill makes statutory changes to require operators and passengers of motorcycles
12 on public ways to wear protective helmets.

13 This bill also corrects cross-references.