

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

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HOUSE BILL 109  
Committee Substitute Favorable 3/27/13

Short Title: Require Safety Helmets/Under 21.

(Public)

Sponsors:

Referred to:

February 18, 2013

1 A BILL TO BE ENTITLED  
2 AN ACT TO REVISE THE MOTOR VEHICLE LAWS TO PROVIDE CERTAIN  
3 EXCEPTIONS TO THE REQUIREMENT THAT ALL OPERATORS AND  
4 PASSENGERS ON MOTORCYCLES OR MOPEDS WEAR A SAFETY HELMET AND  
5 TO REMOVE THE ASSESSMENT OF COURT COSTS FROM THE PENALTIES  
6 APPLIED TO PERSONS FOUND GUILTY OF A HELMET USE INFRACTION.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 20-140.4 reads as rewritten:

9 "**§ 20-140.4. Special provisions for motorcycles and mopeds.**

10 (a) No person shall operate a motorcycle or moped upon a highway or public vehicular  
11 area:

12 (1) When the number of persons upon such motorcycle or moped, including the  
13 operator, shall exceed the number of persons which it was designed to carry.

14 (2) ~~Unless~~ Unless, with the exceptions set forth in subsections (a1) and (a2) of  
15 this section, the operator and all passengers thereon wear on their heads,  
16 with a retention strap properly secured, safety helmets of a type that  
17 complies with Federal Motor Vehicle Safety Standard (FMVSS) 218.

18 (a1) A person 21 years of age or older may operate a motorcycle without wearing a  
19 safety helmet if (i) the operator held a motorcycle license or motorcycle endorsement for more  
20 than 12 months or (ii) the operator has successfully completed the course of instruction offered  
21 by the Motorcycle Safety Instruction Program authorized in G.S. 115D-72 or its equivalent as  
22 determined by the Commissioner, but in no case may a person operate a motorcycle without  
23 wearing a safety helmet unless the operator is covered by an insurance policy providing for at  
24 least ten thousand dollars (\$10,000) in medical benefits for injuries incurred as a result of a  
25 crash while operating or riding on a motorcycle.

26 (a2) A person 21 years of age or older may ride upon a motorcycle as a passenger  
27 without wearing a safety helmet if the operator is allowed to operate a motorcycle without a  
28 helmet pursuant to subsection (a1) of this section and the person is covered by an insurance  
29 policy providing for at least ten thousand dollars (\$10,000) in medical benefits for injuries  
30 incurred as a result of a crash while riding on a motorcycle.

31 (b) Violation of any provision of this section shall not be considered negligence per se  
32 or contributory negligence per se in any civil action.

33 (c) Any person convicted of violating this section shall have committed an infraction  
34 and shall pay a penalty of ~~twenty five dollars and fifty cents (\$25.50) plus the following court~~  
35 ~~costs: the General Court of Justice fee provided for in G.S. 7A-304(a)(4), the telephone~~  
36 ~~facilities fee provided for in G.S. 7A-304(a)(2a), and the law enforcement training and~~



1 ~~certification fee provided for in G.S. 7A-304(a)(3b), twenty-five dollars and fifty cents (\$25.50)~~  
2 ~~but shall not be assessed any court costs.~~ Conviction of an infraction under this section has no  
3 other consequence.

4 (d) No drivers license points or insurance surcharge shall be assessed on account of  
5 violation of this section."

6 **SECTION 2.** This act becomes effective October 1, 2013, and applies to violations  
7 occurring on or after that date.