

SENATE No. 2017

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to standards for protective headgear for operators or passengers on motorcycles..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 7 of chapter 90 of the general laws, as appearing in the 2004
2 Official Edition, is hereby amended by striking out the following sentence: “Every person
3 operating a motorcycle or riding as a passenger on a motorcycle or in a sidecar attached to a
4 motorcycle shall wear protective head gear conforming with such minimum standards of
5 construction and performance as the registrar may prescribe, and no person operating a
6 motorcycle shall permit any other person to ride as a passenger on such motorcycle or in a
7 sidecar attached to such motorcycle unless such passenger is wearing such protective head gear,
8 except that no protective head gear shall be required if the motorcyclist is participating in a
9 properly permitted public parade and is 18 years of age or older. If a motorcycle is not equipped
10 with a windshield or screen, the operator of such motorcycle shall wear eye glasses, goggles or a
11 protective face shield when operating such vehicle.”

12 And inserting at the end of the first paragraph of said section 7, the following new
13 sentences: Except as provided in this section, every person operating a motorcycle or riding as a
14 passenger on a motorcycle or in a sidecar attached to a motorcycle shall wear protective head

15 gear, as provided in subsection (a) and no person operating a motorcycle shall permit any other
16 person to ride as a passenger on such motorcycle or in a sidecar attached to such motorcycle
17 unless such passenger is wearing such protective head gear, except that no protective head gear
18 shall be required if the motorcyclist is participating in a properly permitted public parade and is
19 18 years of age or older. If a motorcycle is not equipped with a windshield or screen, the operator
20 of such motorcycle shall wear eye glasses, goggles or a protective face shield when operating
21 such vehicle.

22 (a) To provide for the safety and welfare of every person operating a motorcycle or riding
23 as a passenger or in a sidecar attached to the motorcycle, the Registrar shall prescribe minimum
24 safety standards and construction for protective headgear used by motorcyclists in the
25 commonwealth.

26 (b) The Registrar may adopt any part or all of the American National Standards Institute's
27 standards and construction for protective headgear for vehicular users.

28 (c) On request of a manufacturer of protective headgear, the department shall make the
29 safety standards prescribed by the department available to the manufacturer.

30 (d) Penalties relative to not wearing headgear, exceptions. A person commits an offense
31 if the person: (1) operates, or rides as a passenger, on a motorcycle on a public street or highway;
32 and (2) is not wearing protective headgear that meets safety standards adopted by the Registrar.

33 (e) A person commits an offense if the person carries on a motorcycle or in a sidecar
34 attached to a motorcycle on a public street or highway a passenger who is not wearing protective
35 headgear, that meets safety standards and construction adopted by the Registrar.

36 (f) It is an exception to the application of Subsection (a) or (b) that if, at the time the
37 offense was committed, the person required to wear protective headgear was at least 21 years
38 old,, had successfully completed, at the expense of the applicant, a motorcycle operator training
39 and safety course as prescribed by the Registrar or has been designated by the Division of
40 Insurance as an experienced rider, and was covered by a health insurance plan providing the
41 person with at least \$50,000 in medical benefits for injuries incurred as a result of an accident
42 while operating a motorcycle or riding as a passenger on a motorcycle or in a sidecar attached to
43 a motorcycle .

44 (g) The Registry of Motor Vehicles shall promulgate regulations required to implement
45 the provisions of subsection (f).

46 (h) There shall be an assessment of not less than \$125 against a person who, by a court
47 of the commonwealth, is convicted of, is placed on probation for, or is granted a continuance
48 without a finding for or otherwise pleads guilty to or admits to a finding of sufficient facts of
49 operating a motorcycle without a helmet or permitting another person to ride as a passenger on
50 said motorcycle or in a sidecar attached to a motorcycle unless exempted pursuant to the
51 provisions of subsection (f); provided, however, that moneys collected pursuant to said
52 assessment shall be deposited by the court with the treasurer into the Head Injury Treatment
53 Services Trust Fund established by section 59 of chapter 10. In the discretion of the court, an
54 assessment pursuant to this paragraph may be reduced or waived only upon a written finding of
55 fact that such payment would cause the person against whom the assessment is imposed severe
56 financial hardship. Such a finding shall be made independently of a finding of indigency for
57 purposes of appointing counsel. If the person is sentenced to a correctional facility in the

58 commonwealth and the assessment has not been paid, the court shall note the assessment on the
59 mittimus.

60 (i) In this section, "health insurance plan" means an individual, group, blanket, or
61 franchise insurance policy, insurance agreement, evidence of coverage, group hospital services
62 contract, health maintenance organization membership, or employee benefit plan that provides
63 benefits for health care services or for medical or surgical expenses incurred as a result of a
64 motor cycle accident.

65 (j) The provisions of this section shall be enforced by law enforcement agencies only
66 when an operator of a motorcycle has been stopped for a violation of the motor vehicle laws or
67 some other offense.