

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Require Motorcyclists To Wear Helmets**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**8. Helmets.** A person may not operate a motorcycle or be a passenger on or in a sidecar attached to a motorcycle on a public way unless the person is wearing a protective helmet that conforms with minimum standards of construction and performance as prescribed by the American National Standards Institute specifications Z 90.1 or by the Federal Motor Vehicle Safety Standard No. 218 for motorcycle helmets and the helmet is properly secured to the person's head with a chin strap.

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

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

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

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

**SUMMARY**

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

This bill also corrects cross-references.