

**SENATE . . . . . No. 2017**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Stephen M. Brewer**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Stephen M. Brewer	Worcester, Hampden, Hampshire and Franklin
Anne M. Gobi	5th Worcester
Michael R. Knapik	Second Hampden and Hampshire
Joyce A. Spiliotis	12th Essex
Angelo J. Puppolo, Jr.	12th Hampden
Todd M. Smola	1st Hampden
John D. Keenan	7th Essex
Scott P. Brown	Norfolk, Bristol and Middlesex
Christine E. Canavan	10th Plymouth
Jeffrey Davis Perry	5th Barnstable
Marc R. Pacheco	First Plymouth and Bristol
Bruce E. Tarr	First Essex and Middlesex
Robert L. Hedlund	Plymouth and Norfolk
Demetrius J. Atsalis	Second Barnstable
Stephen Kulik	1st Franklin
Richard J. Ross	9th Norfolk
Donald F. Humason, Jr.	4th Hampden
Karyn E. Polito	11th Worcester

# The Commonwealth of Massachusetts

In the Year Two Thousand and 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 attached to  
34 a motorcycle on a public street or highway a passenger who is not wearing protective headgear,  
35 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.