
Introduced by Senators Ducheny and Morrow

February 22, 2005

An act to amend Section 27803 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 969, as introduced, Ducheny. Vehicles: motorcycles: safety helmets: exceptions.

Existing law requires a driver and any passenger to wear a safety helmet meeting certain requirements when riding on a motorcycle, motor-driven cycle, or motorized bicycle.

This bill would exempt from this requirement a specified driver who is 18 years of age or older and either has completed a motorcycle rider training program or has been issued a class M1 license or endorsement, or a comparable license or endorsement from another jurisdiction, for 2 years or more.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 27803 of the Vehicle Code is amended
2 to read:

3 27803. (a) A driver and any passenger shall wear a safety
4 helmet meeting requirements established pursuant to Section
5 27802 when riding on a motorcycle, motor-driven cycle, or
6 motorized bicycle.

7 (b) It is unlawful to operate a motorcycle, motor-driven cycle,
8 or motorized bicycle if the driver or any passenger is not wearing
9 a safety helmet as required by subdivision (a).

1 (c) It is unlawful to ride as a passenger on a motorcycle,
2 motor-driven cycles, or motorized bicycle if the driver or any
3 passenger is not wearing a safety helmet as required by
4 subdivision (a).

5 (d) This section applies to persons who are riding on
6 motorcycles, motor-driven cycles, or motorized bicycles operated
7 on the highways.

8 (e) For the purposes of this section, “wear a safety helmet” or
9 “wearing a safety helmet” means having a safety helmet meeting
10 the requirements of Section 27802 on the person’s head that is
11 fastened with the helmet straps and that is of a size that fits the
12 wearing person’s head securely without excessive lateral or
13 vertical movement.

14 (f) This section does not apply to a person operating, or riding
15 as a passenger in, a fully enclosed three-wheeled motor vehicle
16 that is not less than seven feet in length and not less than four
17 feet in width, and has an unladed weight of 900 pounds or more,
18 if the vehicle meets or exceeds all of the requirements of this
19 code, the Federal Motor Vehicle Safety Standards, and the rules
20 and regulations adopted by the United States Department of
21 Transportation and the National Highway Traffic Safety
22 Administration.

23 (g) *This section does not apply to a driver who is 18 years of*
24 *age or older and meets either of the following requirements:*

25 (1) *Has completed a motorcycle rider training program that*
26 *complies with Section 2932.*

27 (2) *Has been issued a class M1 license or endorsement, or a*
28 *comparable license from another jurisdiction, for two years or*
29 *more.*

30 (h) In enacting this section, it is the intent of the Legislature to
31 ensure that all persons are provided with an additional safety
32 benefit while operating or riding a motorcycle, motor-driven
33 cycle, or motorized bicycle.