2024 Regular Session

HOUSE BILL NO. 317

BY REPRESENTATIVE SCHAMERHORN

MOTOR VEHICLES: Removes the helmet requirement for certain motorcycle operators

| 1 | AN ACT | |
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| 2 | To amend and reenact R.S. 32:190(A), relative to use of safety helmets; to remove the | |
| 3 | requirement to wear safety helmets for operators and riders of motorcycles who meet | |
| 4 | certain requirements; and to provide for related matters. | |
| 5 | Be it enacted by the Legislature of Louisiana: | |
| 6 | Section 1. R.S. 32:190(A) is hereby amended and reenacted to read as follows: | |
| 7 | §190. Safety helmets | |
| 8 | A.(1) No person shall operate or ride upon any motorcycle, motor-driven | |
| 9 | cycle, or motorized bicycle unless the person is equipped with and is wearing on the | |
| 10 | head a safety helmet of the type and design manufactured for use by operators of | |
| 11 | such vehicles, which shall be secured properly with a chin strap while the vehicle is | |
| 12 | in motion. All such safety helmets shall consist of lining, padding, visor, and chin | |
| 13 | strap and shall meet such other specifications as shall be established by the | |
| 14 | commissioner. | |
| 15 | (2) For the purposes of this Subsection, operators and riders of motorcycles | |
| 16 | shall only include the following: | |
| 17 | (a) Persons under the age of twenty-one years. | |
| 18 | (b) Persons who are twenty-one years of age and up who have not completed | |
| 19 | a motorcycle safety course or who have not obtained proof of hospitalization on their | |
| 20 | insurance. | |
| 16 17 18 19 | <u>shall only include the following:</u> (a) Persons under the age of twenty-one years. (b) Persons who are twenty-one years of age and up who have not completed a motorcycle safety course or who have not obtained proof of hospitalization on their | |

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

| 1 | (3) Enforcing the provisions contained in this Section shall not be the |
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| 2 | primary reason for law enforcement to conduct a traffic stop on operators of |
| 3 | motorcycles. |
| 4 | * * * |
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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

| HB 317 Engrossed | 2024 Regular Session | Schamerhorn |
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Abstract: Changes the requirements for wearing a safety helmet while operating or riding a motorcycle to include only those under twenty-one and those twenty-one and up who do not meet certain requirements.

<u>Present law</u> prohibits a person from operating or riding any motorcycle, motor-driven cycle, or motorized bicycle unless the person is equipped with and is wearing on the head a safety helmet of the type and design manufactured for use by operators of such vehicles, which must be secured properly with a chin strap while the vehicle is in motion.

<u>Proposed law</u> changes the requirement in <u>present law</u> by making it apply only to those under the age of 21 and those aged 21 and over who have not completed a motorcycle safety training course or who have not obtained proof of hospitalization on their insurance.

<u>Proposed law</u> specifies that enforcing provisions in <u>proposed law</u> cannot be the primary reason for a traffic stop to be conducted.

<u>Present law</u> specifies that all such safety helmets must consist of lining, padding, visor, and chin strap and must meet such other specifications as established by the commissioner.

Proposed law retains present law.

(Amends R.S. 32:190(A))

Summary of Amendments Adopted by House

- The Committee Amendments Proposed by <u>House Committee on Transportation</u>, <u>Highways and Public Works</u> to the <u>original</u> bill:
- 1. Change the exception requirement for persons over 21 years of age <u>from</u> proof of a motorcycle endorsement on their insurance policy to proof of hospitalization on their insurance.