

2024 Regular Session

HOUSE BILL NO. 317

BY REPRESENTATIVES SCHAMERHORN, FIRMENT, MCCORMICK, AND MCFARLAND

MOTOR VEHICLES: Removes the helmet requirement for certain motorcycle operators

1 AN ACT

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; to prohibit recovery of damages in certain circumstances; and
5 to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 32:190(A) is hereby amended and reenacted to read as follows:

8 §190. Safety helmets

9 A.(1) No person shall operate or ride upon any motorcycle, motor-driven
10 cycle, or motorized bicycle unless the person is equipped with and is wearing on the
11 head a safety helmet of the type and design manufactured for use by operators of
12 such vehicles, which shall be secured properly with a chin strap while the vehicle is
13 in motion. All such safety helmets shall consist of lining, padding, visor, and chin
14 strap and shall meet such other specifications as shall be established by the
15 commissioner.

16 (2) For the purposes of this Subsection, operators and riders of motorcycles
17 shall include only the following:

18 (a) Persons under the age of twenty-one years.

Proposed law requires that any person aged 21 and over who elects not to wear a helmet under provisions of proposed law obtain \$100,000 bodily injury or death medical payments coverage in any one accident and must furnish proof of that coverage to law enforcement upon request.

Proposed law prohibits recovery of damages for a head injury from any party or entity by any operator or passenger of a motorcycle who chooses not to wear a helmet.

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

Present law 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 House Committee on Transportation, Highways and Public Works to the original bill:

1. Change the exception requirement for persons over 21 years of age from proof of a motorcycle endorsement on their insurance policy to proof of hospitalization on their insurance.

The House Floor Amendments to the engrossed bill:

1. Add coverage to proof of hospitalization on insurance.
2. Require that any person aged 21 and over who elects not to wear a helmet under provisions of proposed law obtain \$100,000 bodily injury or death medical payments coverage in any one accident and must furnish proof of that coverage to law enforcement upon request.
3. Prohibit recovery of damages for a head injury from any party or entity by any operator or passenger of a motorcycle who chooses not to wear a helmet