



126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 66

H.P. 69

House of Representatives, January 22, 2013

An Act To Require That Motorcyclists Wear Helmets

Reference to the Committee on Transportation suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BEAUDOIN of Biddeford.

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

2 **Sec. 1. 12 MRSA §13106-A, sub-§25, ¶A**, as corrected by RR 2011, c. 2, §12, is
3 amended to read:

4 A. A person operating a snowmobile on a snowmobile trail identified by the
5 Department of Agriculture, Conservation and Forestry, Division of Parks and Public
6 Lands as having been funded by the Snowmobile Trail Fund pursuant to section
7 1893, subsection 3:

8 (1) If the person is under 18 years of age, shall wear protective headgear ~~that~~
9 ~~conforms to the standards established under Title 29-A, section 2083, subsection~~
10 ~~3; and~~

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

14 **Sec. 2. 12 MRSA §13157-A, sub-§13**, as enacted by PL 2003, c. 655, Pt. B,
15 §414 and affected by §422, is amended to read:

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

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

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

24 **Sec. 3. 12 MRSA §13157-A, sub-§14**, as enacted by PL 2003, c. 655, Pt. B,
25 §414 and affected by §422, is amended to read:

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

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

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

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

35 **8. Helmets.** A person may not operate a motorcycle or be a passenger on or in a
36 sidecar attached to a motorcycle on a public way unless the person is wearing a protective
37 helmet that conforms with minimum standards of construction and performance as
38 prescribed by the American National Standards Institute specifications Z 90.1 or by the

1 Federal Motor Vehicle Safety Standard No. 218 for motorcycle helmets and the helmet is
2 properly secured to the person's head with a chin strap.

3 **Sec. 5. 29-A MRSA §2083**, as amended by PL 2009, c. 652, Pt. C, §5, is repealed.

4 **Sec. 6. 29-A MRSA §2120** is enacted to read:

5 **§2120. Operating a motorcycle without a helmet**

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

10 **SUMMARY**

11 Current law requires persons under 18 years of age to wear a helmet when operating a
12 motorcycle or riding as a passenger on a motorcycle as well as persons operating under a
13 learner's permit or within one year of completing a driving test and any passengers.

14 This bill requires all operators and passengers of motorcycles on public ways to wear
15 protective helmets.

16 This bill also corrects cross-references.