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SENATE FILE 2326  
BY SZYMONIAK

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the use of protective headgear when operating  
2 or riding certain motor vehicles and the sale of such headgear  
3 and providing penalties.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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*SF 2326*

1 Section 1. NEW SECTION. 321.444A HELMETS.

2 1. HELMET REQUIRED DURING OPERATION. A motor vehicle  
3 which is subject to registration under this chapter and which  
4 is designed to travel on not more than three wheels in contact  
5 with the ground shall not be operated upon a highway unless  
6 the person who is operating or riding the vehicle is properly  
7 wearing protective headgear which complies with standards and  
8 specifications established by the director. An operator of a  
9 motor vehicle who is first charged for a violation of this  
10 subsection and who has not purchased or otherwise acquired  
11 headgear which complies with the standards and specifications  
12 established by the director shall not be convicted if the  
13 person produces in court, within a reasonable time, proof that  
14 the operator has purchased or otherwise acquired protective  
15 headgear which meets the established standards and  
16 specifications. This subsection does not apply to motor  
17 vehicles when used in a parade authorized by proper permit  
18 from local authorities and does not apply to persons riding  
19 within an enclosed cab.

20 2. INSURANCE EXCEPTION TO HELMET REQUIREMENT.

21 Notwithstanding subsection 1, a person may operate or ride a  
22 motor vehicle which is designed to travel on not more than  
23 three wheels in contact with the ground without wearing  
24 protective headgear if the person carries insurance to pay one  
25 million dollars toward the health care, long-term care, and  
26 disability resulting from a head injury of the person while  
27 operating or riding the motor vehicle.

28 3. APPROVED HEADGEAR. The director shall adopt rules  
29 under chapter 17A establishing standards and specifications  
30 for the approval of protective headgear and shall approve  
31 headgear which meets the standards and specifications. The  
32 director shall publish lists of all approved protective  
33 headgear. A person shall not possess for the purpose of sale  
34 or offer for sale, or sell protective headgear for use by a  
35 person riding or operating a motor vehicle, unless the

1 equipment is of a type listed as approved by the director, and  
2 unless the equipment carries the trademark or name under which  
3 it was approved by the director so as to be immediately  
4 legible to a person examining the equipment. A person who in  
5 the course of business regularly offers for sale or sells  
6 protective headgear for use by a person riding or operating a  
7 motor vehicle shall maintain and display a list of the  
8 protective headgear approved by the director. As used in this  
9 subsection, "motor vehicle" means only a motor vehicle which  
10 is subject to registration under this chapter and which is  
11 designed to travel on not more than three wheels in contact  
12 with the ground.

13 Sec. 2. Section 805.8, subsection 2, paragraph e, Code  
14 1991, is amended to read as follows:

15 e. For improperly used or nonused or defective or improper  
16 equipment under sections 321.383, 321.384, 321.385, 321.386,  
17 321.398, 321.402, 321.403, 321.404, 321.409, 321.419, 321.420,  
18 321.423, 321.430, and 321.433, the scheduled fine is twenty  
19 dollars. For failing to wear protective headgear under  
20 section 321.444A, the scheduled fine is fifty dollars for the  
21 operator of the motor vehicle and twenty-five dollars for a  
22 rider.

23 EXPLANATION

24 This bill requires persons who are riding or operating a  
25 motor vehicle on the highway to wear protective headgear if  
26 the motor vehicle is subject to registration under chapter 321  
27 and is designed to travel on not more than three wheels in  
28 contact with the ground. This does not apply to the operation  
29 of a vehicle when used in a parade authorized by proper  
30 permit. This also does not apply to persons who are insured  
31 for \$1,000,000 toward health care, long-term care, and  
32 disability from a head injury during the operation of the  
33 motor vehicle. A violation results in a \$50 scheduled fine  
34 for the operator and a \$25 scheduled fine for the rider,  
35 subject to surcharges. However, an operator who is first

1 charged with failing to wear the proper headgear and who has  
2 not purchased or otherwise acquired the headgear will not be  
3 convicted if the operator produces in court proof that the  
4 operator has acquired the headgear.

5 The bill provides that the director of transportation shall  
6 establish standards and specifications for protective headgear  
7 and requires the director to publish a list of approved  
8 headgear. A person who offers for sale headgear which is not  
9 approved by the director is guilty of a simple misdemeanor.

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