

FILED MAR 01 1995

SENATE FILE 224
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 54)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act requiring protective headgear for motorcyclists and
2 providing penalties.

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

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S.F. 224

1 Section 1. NEW SECTION. 321.444A HELMETS.

2 1. A motorcycle shall not be operated upon a highway
3 unless the person who is operating the motorcycle or a person
4 who is riding as a passenger on the motorcycle or in a sidecar
5 attached to the motorcycle is wearing protective headgear as
6 required by rules adopted by the department. A person
7 operating a motorcycle shall not permit any other person to
8 ride as a passenger unless the person is wearing protective
9 headgear as required by this section. For purposes of this
10 section, "motorcycle" includes a motorized bicycle.

11 2. A person shall not possess for the purpose of sale,
12 offer for sale, or sell protective headgear for use by a
13 person operating or riding a motorcycle unless the protective
14 headgear meets the requirements adopted by the department by
15 rule.

16 Sec. 2. Section 805.8, subsection 2, paragraph e, Code
17 1995, is amended to read as follows:

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

25 EXPLANATION

26 Section 321.444A is created in this bill. The section
27 requires persons who are riding a motorcycle or motorized
28 bicycle on the highway to wear protective headgear.

29 The section also prohibits a person from possessing for
30 sale, offering for sale, or selling protective headgear which
31 does not meet requirements adopted by rule by the department.
32 A person who does so may be charged with a simple misdemeanor
33 which is punishable by a fine of at least \$50 but no more than
34 \$100 or up to 30 days' imprisonment.

35 Section 805.8 is amended to provide a scheduled fine for

1 failure to wear protective headgear of \$50 for the operator
2 and \$25 for the passenger.

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**SENATE FILE 224
FISCAL NOTE**

The estimate for Senate File 224 is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 224 requires persons operating or riding on a motorcycle or motorized bicycle on a highway to wear protective headgear. This Bill prohibits the sale of protective headgear that does not meet requirements adopted by rule by the Department of Transportation. For failure to wear protective headgear, this bill establishes a scheduled fine of \$50 for the operator and \$25 for the passenger.

Fiscal Effect

With the passage, by Congress, of the Intermodal Surface Transportation Act of 1991, the State of Iowa was given an alternative to either pass a mandatory motorcycle helmet law or transfer a portion of the State's federal highway apportionment funds to traffic safety programs. As a result of the General Assembly not passing a mandatory helmet law by September 30, 1994, Iowa was required to transfer 1.5% (\$2.0 million) of the federal highway apportionment funds to traffic safety programs in federal fiscal year (FFY) 1995. If the General Assembly elects not to pass a mandatory helmet law by September 30, 1995, Iowa will be required to transfer 3.0% (\$4.0 million) of the State's federal highway apportionment funds to traffic safety programs in FFY 1996 and each year thereafter or until the General Assembly passes a mandatory helmet law.

The Governor's Traffic Safety Bureau of the Department of Public Safety is the State agency responsible for administering the federal highway safety funds. Prior to FY 1995, this agency administered a total of \$2.0 million in federal highway safety funds. The transferred highway funds increased the amount of funds available for highway safety projects to \$4.0 million in FY 1995. Iowa's Highway Traffic Safety Program will increase to \$6.0 million in FY 1996 unless a mandatory helmet law is passed.

Correctional Impact

There is no impact to the State correctional system.

(LSB 1850sv, DLR)

FILED MARCH 7, 1995

BY DENNIS PROUTY, FISCAL DIRECTOR

Szymoniak
Duorsky
Tinsman

SSB-54

Human Resources

Succeeded By
SENATE FILE 234

BY (PROPOSED COMMITTEE ON HUMAN
RESOURCES BILL BY CHAIR-
PERSON SZYMONIAK)

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1 Section 1. NEW SECTION. 321.444A HELMETS.

2 1. A motorcycle or motorized bicycle shall not be operated
3 upon a highway unless the person who is operating or riding
4 the motorcycle or motorized bicycle is wearing protective
5 headgear which complies with standards and specifications
6 established under 49 C.F.R. § 571.218. For purposes of this
7 section, "wearing protective headgear" means having a safety
8 helmet on the person's head that is fastened with the helmet
9 straps and that is of a size that fits the person's head
10 securely without excessive lateral or vertical movement.

11 2. A person shall not possess for the purpose of sale,
12 offer for sale, or sell protective headgear for use by a
13 person operating or riding a motorcycle or motorized bicycle
14 unless the protective headgear meets the standards and
15 specifications required under this section.

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