

House File 2202 - Introduced

HOUSE FILE 2202

BY MASCHER

A BILL FOR

1 An Act relating to helmet usage by motorcycle and motorized
2 bicycle operators and passengers under eighteen years of age
3 and providing a penalty.

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

1 Section 1. Section 321.210, subsection 2, Code 2011, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *f.* Violations of motorcycle helmet
4 requirements under section 321.447.

5 Sec. 2. NEW SECTION. **321.447 Persons under age eighteen —**
6 **motorcycle helmet required.**

7 1. A person under eighteen years of age who is operating
8 a motorcycle or motorized bicycle or who is being transported
9 on a motorcycle or motorized bicycle shall wear a properly
10 adjusted and fastened motorcycle helmet any time the vehicle
11 is in motion on a street or highway. For purposes of this
12 section, "*motorcycle helmet*" means a helmet that complies with
13 the standards and specifications established under 49 C.F.R.
14 § 571.218.

15 2. The operator and passenger may each be charged separately
16 for a violation of this section. A person who violates this
17 section commits a simple misdemeanor punishable as a scheduled
18 violation under section 805.8A, subsection 14, paragraph "*c*".

19 Sec. 3. Section 321.555, subsection 2, Code 2011, is amended
20 to read as follows:

21 2. Six or more of any separate and distinct offenses within
22 a two-year period in the operation of a motor vehicle, which
23 are required to be reported to the department by section
24 321.491 or chapter 321C, except equipment violations, parking
25 violations as defined in section 321.210, violations of
26 registration laws, violations of sections 321.445, ~~and~~ 321.446,
27 and 321.447, violations of section 321.276, operating a vehicle
28 with an expired license or permit, failure to appear, weights
29 and measures violations and speeding violations of less than
30 fifteen miles per hour over the legal speed limit.

31 Sec. 4. Section 805.8A, subsection 14, paragraph *c*, Code
32 Supplement 2011, is amended by adding the following new
33 subparagraph:

34 NEW SUBPARAGRAPH. (3) For a violation under section
35 321.447, the scheduled fine is fifty dollars.

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EXPLANATION

2 This bill requires that a person under 18 years of age shall
3 wear a properly adjusted and fastened motorcycle helmet when
4 operating or being transported on a motorcycle or motorized
5 bicycle. The helmet must comply with federal standards and
6 specifications for motorcycle helmets.

7 A violation of the helmet requirement is a simple
8 misdemeanor punishable by a scheduled fine of \$50. The
9 operator of the motorcycle or motorized bicycle and the
10 passenger may each be charged separately with a violation.
11 However, violations of helmet requirements may not be taken
12 into account for purposes of determining a person to be a
13 habitual violator of traffic laws subject to administrative
14 suspension of a driver's license. These penalty provisions
15 mirror existing law pertaining to the use of seat belts.