

1
2
3
4
5
6
7
8

9
10
11
12
13
14
15
16
17
18
19
20

S.57

Introduced by Senators Perchlik, Benning, Collamore, Starr and White

Referred to Committee on

Date:

Subject: Motor vehicles; motorcycles; helmets; headgear; primary
enforcement; secondary enforcement

Statement of purpose of bill as introduced: This bill proposes to eliminate
primary enforcement of the motorcycle helmet law

An act relating to secondary enforcement of the motorcycle helmet law

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 23 V.S.A. § 1256 is amended to read:

§ 1256. ~~MOTORCYCLES; HEADGEAR~~ MOTORCYCLE HELMETS

(a) ~~A person~~ An individual may not operate or ride upon a motorcycle ~~upon~~
on a highway unless he or she properly wears ~~protective headgear~~ a helmet of a
type that conforms to the federal Motor Vehicle Safety Standards contained in
49 C.F.R. § 571.218, as ~~may be~~ amended. The requirement of this section
shall not apply to occupants of fully enclosed autcycles.

(b) This section may be enforced only if a law enforcement officer has
detained the operator or rider of a motorcycle for another suspected traffic
violation. An operator or rider shall not be subject to a penalty under this

1 section unless the operator or rider is required to pay a penalty for the primary
2 violation.

3 Sec. 2. 23 V.S.A. § 4(44) is amended to read:

4 (44) "Moving violation" means any violation of any provision of this
5 title, while the motor vehicle is being operated on a public highway, over
6 which operation the operator has discretion as to commission of the act, except
7 for offenses pertaining to:

8 * * *

9 (C) motorcycle ~~headgear~~ helmets under section 1256 of this title.

10 Sec. 3. EFFECTIVE DATE

11 This act shall take effect on July 1, 2021.