

1 HB294  
2 214818-1  
3 By Representative Kiel  
4 RFD: Public Safety and Homeland Security  
5 First Read: 08-FEB-22

SYNOPSIS: Under existing law, no person may operate a motorcycle unless the person is wearing protective headgear.

This bill would authorize a person who is 21 years of age or older to operate a motorcycle without wearing protective headgear if the person has a separate health insurance policy insuring the person for \$10,000 or more in medical benefits for injuries incurred as a result of a crash while operating a motorcycle.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to motorcycles; to amend Section 32-5A-245, Code of Alabama 1975, to authorize the operation of a motorcycle without protective headgear under certain conditions.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1           Section 1. Section 32-5A-245, Code of Alabama 1975,  
2 is amended to read as follows:

3           "§32-5A-245.

4           "(a) (1) No ~~Except as provided in subdivision (2),~~ no  
5 person shall operate or ride upon a motorcycle or motor-driven  
6 cycle unless he or she is wearing protective headgear which  
7 complies with standards established by Section 32-12-41.

8           "(2) A person 21 or more years of age may operate or  
9 ride upon a motorcycle without wearing protective headgear  
10 securely fastened upon his or her head if the person is  
11 covered by an insurance policy providing for ten thousand  
12 dollars (\$10,000) or more in medical benefits for injuries  
13 incurred as a result of a crash while operating or riding upon  
14 a motorcycle.

15           "(b) No person shall operate or ride upon a  
16 motorcycle or motor-driven cycle unless he or she is wearing  
17 shoes.

18           "(c) This section shall not apply to persons riding  
19 within an enclosed cab.

20           "~~The Director of Public Safety is hereby~~  
21 ~~authorized to~~ Secretary of the Alabama State Law Enforcement  
22 Agency may approve or disapprove protective headgear, and ~~to~~  
23 ~~issue~~ may adopt and enforce ~~regulations~~ rules establishing  
24 standards and specifications for the approval thereof. The  
25 ~~Director of Public Safety~~ Secretary of ALEA shall publish  
26 lists of all protective headgear ~~which~~ that have been approved  
27 ~~by him or her.~~

1           "(e) No person shall knowingly permit or allow any  
2 juvenile for whom he or she is a parent or guardian to operate  
3 or ride upon a motorcycle or motor-driven cycle while not  
4 wearing a protective helmet of the kind authorized by Section  
5 32-12-41.

6           "(f) No person shall knowingly permit or allow any  
7 juvenile for whom he or she is a parent or guardian to operate  
8 or ride upon a motorcycle or motor-driven cycle while not  
9 wearing shoes.

10           "(g) No manufacturer, retailer or other person shall  
11 sell or offer for sale motorcycle helmets that fail to comply  
12 with the ~~standards established by the Director of Public~~  
13 ~~Safety~~ rules adopted pursuant to this section."

14           Section 2. This act shall become effective on the  
15 first day of the third month following its passage and  
16 approval by the Governor, or its otherwise becoming law.