

House Bill 797

By: Representatives Kirby of the 114<sup>th</sup>, Yates of the 73<sup>rd</sup>, Williams of the 168<sup>th</sup>, Powell of the 32<sup>nd</sup>, Raffensperger of the 50<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 13 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated,  
2 relating to special provisions for certain vehicles, so as to require only those riders who are  
3 under 18 years of age to wear protective headgear while operating a motorcycle; to require  
4 only those riders who are under 18 years of age to wear protective headgear while operating  
5 a moped; to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 13 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to  
9 special provisions for certain vehicles, is amended by revising Code Section 40-6-315,  
10 relating to approved head and eye protection, as follows:

11 "40-6-315.

12 (a) No person under 18 years of age shall operate or ride upon a motorcycle unless he or  
13 she is wearing protective headgear which complies with standards established by the  
14 commissioner of public safety.

15 (b) No person shall operate or ride upon a motorcycle if the motorcycle is not equipped  
16 with a windshield unless he or she is wearing an eye-protective device of a type approved  
17 by the commissioner of public safety.

18 (c) This Code section shall not apply to persons riding within an enclosed cab or motorized  
19 cart. This Code section shall not apply to a person operating a three-wheeled motorcycle  
20 used only for agricultural purposes.

21 (d) The commissioner of public safety is authorized to approve or disapprove protective  
22 headgear and eye-protective devices required in this Code section and to issue and enforce  
23 regulations establishing standards and specifications for the approval thereof. The  
24 commissioner shall publish in print or electronically lists of all protective headgear and  
25 eye-protective devices by name and type which have been approved."

26 **SECTION 2.**

27 Said article is further amended by revising Code Section 40-6-352, relating to protective  
28 headgear required for mopeds, as follows:

29 "40-6-352.

30 (a) No person under 18 years of age shall operate or ride as a passenger upon a moped  
31 unless he or she is wearing protective headgear which complies with standards established  
32 by the commissioner of public safety. The commissioner in determining such standards  
33 shall consider the size, speed, and operational characteristics of the moped. Such standards  
34 need not necessarily be the same as for motorcyclists; however, any moped operator  
35 wearing an approved motorcycle helmet shall be deemed in compliance with this  
36 subsection. Operators of electric assisted bicycles may wear a properly fitted and fastened  
37 bicycle helmet which meets the standards of the American National Standards Institute or  
38 the Snell Memorial Foundation's Standards for Protective Headgear for Use in Bicycling,  
39 rather than a motorcycle helmet.

40 (b) The commissioner of public safety is authorized to approve or disapprove protective  
41 headgear for moped operators and to issue and enforce regulations establishing standards  
42 and specifications for the approval thereof. He or she shall publish in print or  
43 electronically lists by name and type of all protective headgear which have been approved  
44 by him or her."

45 **SECTION 3.**

46 All laws and parts of laws in conflict with this Act are repealed.