

HOUSE BILL 42

By Reedy

AN ACT to amend Tennessee Code Annotated, Section 55-9-302, relative to crash helmet requirements for riders and passengers of motorcycles, motorized bicycles, and motor-driven cycles.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-9-302, is amended by adding the following new subsection:

(c) Notwithstanding subsection (a):

(1) A pilot program is established to authorize drivers and passengers of motorcycles, motorized bicycles, or motor-driven cycles who are twenty-one (21) years of age or older to elect to wear a crash helmet. The pilot program begins on July 1, 2023, and concludes on July 1, 2027, as a four-year pilot program, and operates during the first week in September and the last week of May of each year of the program; and

(2) During the operation of the pilot program:

(A) The driver of a motorcycle, motorized bicycle, or motor-driven cycle, and any passenger on any of these vehicles, shall wear a crash helmet meeting federal standards contained in 49 CFR 571.218 if the driver or passenger is less than twenty-one (21) years of age;

(B) The driver of a motorcycle, motorized bicycle, or motor-driven cycle, and any passengers on these vehicles or in an unenclosed side car or unenclosed cab attached to these vehicles, are not required to wear a crash helmet if the driver and passengers are twenty-one (21) years of

age or older and maintain medical or health insurance that is not provided pursuant to title 71, chapter 5, or otherwise provided through the bureau of TennCare. A driver or passenger who does not maintain insurance as required by this subdivision (c)(2)(B) shall wear a crash helmet in accordance with subsection (a); and

(C) A law enforcement officer shall not issue a citation to a person pursuant to this section based solely upon evidence of a violation of this section. A law enforcement officer may issue a citation pursuant to this section if the person is issued a citation for another separate traffic offense in violation of a municipal ordinance or in violation of this chapter or chapter 8 of this title.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.