

HOUSE BILL 894

By Keisling

AN ACT to amend Tennessee Code Annotated, Title 55, to enact the "Motorcyclist Liberty Restoration Act".

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

SECTION 1. This act shall be known and may be cited as the "Motorcyclist Liberty Restoration Act".

SECTION 2. Tennessee Code Annotated, Section 55-9-302, is amended by deleting the following language from subsection (a):

(a) The driver of a motorcycle, motorized bicycle, as defined in chapter 8 of this title, or motor-driven cycle, and any passenger on any of these, shall be required to wear either a crash helmet meeting federal standards contained in 49 CFR 571.218, or, if the driver or passenger is twenty-one (21) years of age or older, a helmet meeting the following requirements:

and substituting the following:

(a) The driver of a motorcycle, motorized bicycle, as defined in chapter 8 of this title, or motor-driven cycle who is less than twenty-one (21) years of age, and any passenger on any of these who is less than twenty-one (21) years of age, shall be required to wear a crash helmet meeting federal standards contained in 49 CFR 571.218. A driver or passenger who is twenty-one (21) years of age or older may wear a crash helmet meeting federal standards contained in 49 CFR 571.218, no helmet, or a helmet meeting the following requirements:

SECTION 3. Tennessee Code Annotated, Section 55-50-323(a)(2), is amended in subdivision (D) by deleting the language "seventeen dollars and fifty cents (\$17.50)" and by substituting instead the language "nineteen dollars and fifty cents (\$19.50)".

SECTION 4. Tennessee Code Annotated, Section 55-50-324, is amended by adding a new subsection thereto, as follows:

(e) Any funds realized through the two-dollar (\$2.00) increase in motorcycle (Class M) license fees effective July 1, 2013, whether in the 2013-2014 fiscal year or in any fiscal year thereafter, shall be earmarked and transferred to the bureau of TennCare.

SECTION 5. The department of health, working with the department of safety, shall prepare a report on the number of motorcycle accidents on Tennessee roads and highways involving riders without a helmet and the costs to TennCare to care for such riders. The motorcycle accidents included in such report shall not include those accidents in which:

- (1) Another driver caused the motorcycle accident;
- (2) The driver of the other motor vehicle maintained financial responsibility for such motor vehicle; and
- (3) Liability of all parties for such motorcycle accident has not been determined.

SECTION 6. The commissioner of health shall also report on the funds received by the increase in motorcycle license fees pursuant to this act. The commissioner of health, or the commissioner's designee, shall report to the house and senate finance, ways and means committees, and the house transportation committee and the senate transportation and safety committee by February 1, 2015, relative to such study.

SECTION 7. This act shall take effect July 1, 2013, the public welfare requiring it.