

HOUSE BILL 2662

By Matheny

AN ACT to amend Tennessee Code Annotated, Section 55-9-302, relative to optional crash helmets.

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 language as a new subsection:

(c)(1) This section shall not apply to any person twenty-one (21) years of age or older who maintains health insurance coverage provided by a policy with a limit of not less than fifteen thousand dollars (\$15,000). At the time the driver of a motorcycle who is not wearing a helmet is charged with any violation under chapters 8 and 10, parts 1-5, and chapter 50 of this title; any other local ordinance regulating traffic; or at the time of an accident for which notice is required under § 55-10-106, the officer shall request evidence of health insurance as required by this section.

(2) It is an offense to fail to provide evidence of health insurance pursuant to this section. Any violation is a Class C misdemeanor punishable only by a fine of not more than one hundred dollars (\$100).

(3) The fines imposed by this section shall be in addition to any other fines imposed by this title for any other violation under this title.

(4)

(A) On or before the court date, the person so charged may submit evidence of health insurance at the time of the violation. If it is the person's first violation of this section and the court is satisfied that the health insurance was in effect at the time of the violation, the charge of failure to provide evidence of health insurance shall be dismissed. Upon the person's second or subsequent

violation of this section, if the court is satisfied that the health insurance was in effect at the time of the violation, the charge of failure to provide evidence of health insurance may be dismissed. Any charge that is dismissed pursuant to this subdivision (4) shall be dismissed without costs to the defendant and no litigation tax shall be due or collected, notwithstanding any law to the contrary.

(B) A person who did not have health insurance that was in effect at the time of being charged with a violation of subsection (c)(1) shall not have that person's violation of subsection (c)(1) dismissed.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect July 1, 2012, the public welfare requiring it.