HLS 24RS-118 REENGROSSED

2024 Regular Session

HOUSE BILL NO. 317

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BY REPRESENTATIVES SCHAMERHORN, FIRMENT, MCCORMICK, AND MCFARLAND

MOTOR VEHICLES: Removes the helmet requirement for certain motorcycle operators

AN ACT

2 To amend and reenact R.S. 32:190(A), relative to use of safety helmets; to remove the 3 requirement to wear safety helmets for operators and riders of motorcycles who meet 4 certain requirements; to prohibit recovery of damages in certain circumstances; and 5 to provide for related matters. 6 Be it enacted by the Legislature of Louisiana: 7 Section 1. R.S. 32:190(A) is hereby amended and reenacted to read as follows: 8 §190. Safety helmets 9 A.(1) No person shall operate or ride upon any motorcycle, motor-driven 10 cycle, or motorized bicycle unless the person is equipped with and is wearing on the 11 head a safety helmet of the type and design manufactured for use by operators of 12 such vehicles, which shall be secured properly with a chin strap while the vehicle is 13 in motion. All such safety helmets shall consist of lining, padding, visor, and chin 14 strap and shall meet such other specifications as shall be established by the 15 commissioner. 16 (2) For the purposes of this Subsection, operators and riders of motorcycles 17 shall include only the following: 18 (a) Persons under the age of twenty-one years.

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1	(b) Persons who are twenty-one years of age and older who have not
2	completed a motorcycle safety course or who have not obtained proof of
3	hospitalization coverage on their insurance.
4	(3) Enforcing the provisions contained in this Section shall not be the
5	primary reason for law enforcement to conduct a traffic stop on operators of
6	motorcycles.
7	(4) Notwithstanding any provision of law to the contrary, any person twenty-
8	one years of age or older who elects not to wear a helmet as provided in Paragraph
9	(1) of this Subsection shall obtain a motor vehicle insurance policy with medical
10	payments coverage in a minimum amount of one hundred thousand dollars for bodily
11	injury or death of one person in any one accident. In connection with the
12	enforcement of traffic laws of this state, a person who elects not to wear a helmet as
13	provided in Paragraph (1) of this Subsection shall furnish proof of such coverage to
14	any law enforcement officer upon the request of the officer.
15	(5) Any operator or passenger of a motorcycle who chooses not to wear a
16	helmet and is involved in an accident that results in a head injury shall not be entitled
17	to recover damages for the head injury from any party or entity.
18	* * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 317 Reengrossed

2024 Regular Session

Schamerhorn

Abstract: Changes the requirements for wearing a safety helmet while operating or riding a motorcycle to include only those under 21 and those 21 and up who do not meet certain requirements and prohibits recovery in certain circumstances.

Present law prohibits a person from operating or riding any motorcycle, motor-driven cycle, or motorized bicycle unless the person is equipped with and is wearing on the head a safety helmet of the type and design manufactured for use by operators of such vehicles, which must be secured properly with a chin strap while the vehicle is in motion.

<u>Proposed law</u> changes the requirement in <u>present law</u> by making it apply only to those under the age of 21 and those aged 21 and over who have not completed a motorcycle safety training course or who have not obtained proof of hospitalization coverage on their insurance.

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CODING: Words in struck through type are deletions from existing law; words underscored are additions.

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<u>Proposed law</u> requires that any person aged 21 and over who elects not to wear a helmet under provisions of <u>proposed law</u> obtain \$100,000 bodily injury or death medical payments coverage in any one accident and must furnish proof of that coverage to law enforcement upon request.

<u>Proposed law</u> prohibits recovery of damages for a head injury from any party or entity by any operator or passenger of a motorcycle who chooses not to wear a helmet.

<u>Proposed law</u> specifies that enforcing provisions in <u>proposed law</u> cannot be the primary reason for a traffic stop to be conducted.

<u>Present law</u> specifies that all such safety helmets must consist of lining, padding, visor, and chin strap and must meet such other specifications as established by the commissioner.

Proposed law retains present law.

(Amends R.S. 32:190(A))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by <u>House Committee on Transportation</u>, Highways and Public Works to the original bill:

1. Change the exception requirement for persons over 21 years of age <u>from</u> proof of a motorcycle endorsement on their insurance policy <u>to</u> proof of hospitalization on their insurance.

The House Floor Amendments to the engrossed bill:

- 1. Add coverage to proof of hospitalization on insurance.
- 2. Require that any person aged 21 and over who elects not to wear a helmet under provisions of <u>proposed law</u> obtain \$100,000 bodily injury or death medical payments coverage in any one accident and must furnish proof of that coverage to law enforcement upon request.
- 3. Prohibit recovery of damages for a head injury from any party or entity by any operator or passenger of a motorcycle who chooses not to wear a helmet