

**ASSEMBLY BILL**

**No. 1412**

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**Introduced by Assembly Members Ducheny, Morrow,  
Granlund, Bordonaro, Cardoza, and Oller**  
(Coauthors: Senators Monteith and Peace)

February 28, 1997

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An act to amend Section 27803 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1412, as introduced, Ducheny. Motorcycles: helmets.

Under existing law, it is unlawful for any person to operate a motorcycle, motor-driven cycle, or motorized bicycle if the driver or any passenger is not wearing a safety helmet. Existing law also makes it unlawful to ride as a passenger on a motorcycle if the driver or any passenger is not wearing a safety helmet.

This bill would make the above prohibitions applicable only to persons under 18 years of age. The bill would also delete a statement of legislative intent regarding the wearing of safety helmets.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 27803 of the Vehicle Code is  
2 amended to read:

1 27803. (a) A driver *under 18 years of age* and any  
2 passenger *under 18 years of age* shall wear a safety helmet  
3 meeting requirements established pursuant to Section  
4 27802 when riding on a motorcycle, motor-driven cycle,  
5 or motorized bicycle.

6 (b) It is unlawful to operate a motorcycle,  
7 motor-driven cycle, or motorized bicycle if the driver or  
8 any passenger is not wearing a safety helmet as required  
9 by subdivision (a).

10 (c) It is unlawful to ride as a passenger on a  
11 motorcycle, motor-driven—~~eyeles~~ cycle, or motorized  
12 bicycle if the driver or any passenger is not wearing a  
13 safety helmet as required by subdivision (a).

14 (d) This section applies to persons who are riding on  
15 motorcycles, motor-driven cycles, or motorized bicycles  
16 operated on the highways.

17 (e) For the purposes of this section, “wear a safety  
18 helmet” or “wearing a safety helmet” means having a  
19 safety helmet meeting the requirements of Section 27802  
20 on the person’s head that is fastened with the helmet  
21 straps and that is of a size that fits the wearing person’s  
22 head securely without excessive lateral or vertical  
23 movement.

24 ~~(f) In enacting this section, it is the intent of the~~  
25 ~~Legislature to ensure that all persons are provided with~~  
26 ~~an additional safety benefit while operating or riding a~~  
27 ~~motoreycle, motor-driven eyele, or motorized bicycle.~~

