

***Effective 5/9/2017***

**41-6a-1505 Motorcycle or motor-driven cycle -- Protective headgear -- Closed cab excepted -- Electric assisted bicycles, motor assisted scooters, electric personal assistive mobility devices.**

- (1) A person under the age of 21 may not operate or ride any of the following on a highway unless the person is wearing protective headgear that complies with specifications adopted under Subsection (3):
  - (a) a motorcycle;
  - (b) a motor-driven cycle;
  - (c) a class 3 electric assisted bicycle; or
  - (d) an auticycle that is not fully enclosed.
- (2) This section does not apply to persons riding within an enclosed cab.
- (3) The following standards and specifications for protective headgear are adopted:
  - (a) 49 C.F.R. 571.218 related to protective headgear for motorcycles; and
  - (b) 16 C.F.R. Part 1203 related to protective headgear for bicycles, motor assisted scooters, and electric personal assistive mobility devices.
- (4) A court shall waive \$8 of a fine charged to a person operating a vehicle described in Subsection (1) for a moving traffic violation if the person was:
  - (a) 21 years of age or older at the time of operation; and
  - (b) wearing protective headgear that complies with the specifications adopted under Subsection (3) at the time of operation.
- (5) The failure to wear protective headgear:
  - (a) does not constitute contributory or comparative negligence on the part of a person seeking recovery for injuries; and
  - (b) may not be introduced as evidence in any civil litigation on the issue of negligence, injuries, or the mitigation of damages.
- (6) Notwithstanding Subsection (4), a court may not waive \$8 of a fine charged to a person operating a motorcycle or motor-driven cycle for a driving under the influence violation of Section 41-6a-502.
- (7) A violation of this section is an infraction.

Amended by Chapter 369, 2017 General Session