

Senate Bill 192

By: Senators Brush of the 24th, Crotts of the 17th and Thomas of the 10th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 40-6-315 of the Official Code of Georgia Annotated, relating to
2 headgear and eye-protective devices for riders of motorcycles, so as to provide an exception
3 from the protective headgear requirements of said Code section for motorcycle operators who
4 are 18 years of age or older and who meet certain other criteria; to provide for related
5 matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 40-6-315 of the Official Code of Georgia Annotated, relating to headgear and
9 eye-protective devices for riders of motorcycles, is amended by striking said Code section
10 in its entirety and inserting in lieu thereof the following:

11 "40-6-315.

12 ~~(a) No person shall operate or ride upon a motorcycle unless he is wearing protective~~
13 ~~headgear which complies with standards established by the Board of Public Safety.~~

14 ~~(b) No person shall operate or ride upon a motorcycle if the motorcycle is not equipped~~
15 ~~with a windshield unless he is wearing an eye-protective device of a type approved by the~~
16 ~~Board of Public Safety.~~

17 ~~(c) This Code section shall not apply to persons riding within an enclosed cab or motorized~~
18 ~~cart. This Code section shall not apply to a person operating a three-wheeled motorcycle~~
19 ~~used only for agricultural purposes.~~

20 ~~(d) The Board of Public Safety is authorized to approve or disapprove protective headgear~~
21 ~~and eye-protective devices required in this Code section and to issue and enforce~~
22 ~~regulations establishing standards and specifications for the approval thereof. The Board~~
23 ~~of Public Safety shall publish lists of all protective headgear and eye-protective devices by~~
24 ~~name and type which have been approved by it.~~

25 (a) Except as otherwise provided in subsection (b) of this Code section, no person shall
26 operate or ride upon a motorcycle unless the person is wearing protective headgear which

1 conforms with the Federal Motor Vehicle Safety Standard 218 and those standards
2 established by the commissioner of motor vehicle safety.

3 (b) A person 18 years of age or older who has met the following requirements may operate
4 a motorcycle without wearing the protective headgear required by subsection (a) of this

5 Code section:

6 (1) Possessed a valid Class M motorcycle license for 12 months; or

7 (2) Completed the Motorcycle Safety Foundation Rider Education Course and possesses
8 a valid Class M motorcycle license.

9 (c) Any person who rides as a passenger on a motorcycle shall wear protective headgear
10 as prescribed by subsection (a) of this Code section unless he or she is 18 years of age or
11 older and the operator of said motorcycle meets the requirements of subsection (b) of this
12 Code section.

13 (d) No person shall operate or ride upon a motorcycle if the motorcycle is not equipped
14 with a windshield unless he or she is wearing an eye-protective device which provides
15 minimal requirements for motorcyclists' eye protection and meets the criteria established
16 by Rule 570-12-01 issued by the commissioner.

17 (e) This Code section shall not apply to persons riding within an enclosed cab or motorized
18 cart. This Code section shall not apply to a person operating a three-wheeled motorcycle
19 used only for agricultural purposes.

20 (f) A violation of this Code section shall not be a moving traffic violation for purposes of
21 Code Section 40-5-57."

22 SECTION 2.

23 All laws and parts of laws in conflict with this Act are repealed.