

LAWS OF DELAWARE
VOLUME 84
CHAPTER 71
152nd GENERAL ASSEMBLY
FORMERLY
SENATE BILL NO. 86

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE RULES OF THE ROAD.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 4185, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4185. ~~Riding on motoreycles.~~ Operating or riding as a passenger on a motorcycle; helmet and eye protection requirements for operating or riding as a passenger on a motorcycle.

(b)(1) ~~Every~~ Except as provided under paragraphs (b)(2) and (b)(3) of this section, a person operating or riding as a passenger on a motorcycle on the roadways of this State shall have in that person's possession a safety helmet approved by the Secretary of the Department of Safety and Homeland Security (~~hereinafter~~ "Secretary") through the Office of Highway Safety and shall wear eye protection approved by the ~~Secretary~~; Secretary.

~~(2) provided, however, that every~~ A person up to 19 years of age operating or riding as a passenger on a motorcycle on the roadways of this State shall wear a safety helmet and eye protection approved by the Secretary.

~~(3)a.~~ For the purposes of this paragraph (b)(3), a "newly endorsed person" means a person who obtains an endorsement for a motorcycle on or after [the effective date of this Act].

b. A newly endorsed person who is operating a motorcycle on the roadways of this State, or a person riding as a passenger on a motorcycle operated on the roadways of this State by a newly endorsed person, shall wear a safety helmet and eye protection approved by the Secretary for the first 2 years after the newly endorsed person obtains endorsement.

~~(4) A person operating or riding as a passenger on a motorcycle on the roadways of this State who fails to comply with this subsection is subject to a civil or administrative assessment of not less than \$25 nor more than \$50. An assessment or court cost other than those specified in this subsection may not be imposed. A violation of this subsection may not be classified as a criminal offense.~~

Section 2. This Act takes effect 30 days after its enactment into law.

Approved June 30, 2023