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DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

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.

SYNOPSIS

Currently, every adult operating or riding as a passenger on a motorcycle is required to have a helmet in their possession and wear eye protection while operating or riding a motorcycle and every person up to 19 years of age must wear a helmet and eye protection.

This Act requires that everyone who obtains a new endorsement for a motorcycle on or after the effective date of this Act, or someone riding with the newly endorsed person, to wear a helmet and eye protection for the first 2 years after the newly endorsed person receives the endorsement.

In 2022, Delaware experienced 10 motorcycle fatalities where the rider was not wearing a helmet. Over the last 5 years, among crashes involving a Delaware licensed motorcycle rider, 25% of fatal and serious injury crashes involved a rider in their first 2 years of having a motorcycle endorsement. Helmets and eye protection are already required for those operating with a temporary motorcycle instruction permit as required under § 2703 of Title 21 of the Delaware Code and no passengers are allowed.

Nineteen states and the District of Columbia currently require all motorcyclists to wear a helmet. According to research from the National Highway Traffic Safety Administration, helmets are highly effective in protecting motorcycle riders' heads in crashes and significantly reduce deaths and serious head injuries in crashes.

This Act creates a civil penalty for violation of the helmet law, both the existing law and the law created by this Act.

Author: Senator Sokola