



SPONSOR: Rep. D. Short & Sen. Ennis;
Reps. Hudson, Gray, Kenton, Miro, Outten, Wilson,
Baumbach, Heffernan, Lynn, Mitchell, K. Williams; Sens.
Lopez, Richardson

HOUSE OF REPRESENTATIVES
148th GENERAL ASSEMBLY

HOUSE BILL NO. 73

AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO SALE OF HELMETS.

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

1 Section 1. Amend Title 6 of the Delaware Code by making deletions as shown by strike through and insertions as
2 shown by underline as follows:

3 Chapter 51. Sale of Helmets

4 § 5101 Definitions

5 As used in this chapter:

6 (1) “Advertise” means any verbal statement, written statement, photograph, graphic, emblem, logo, or
7 any other form of message that is capable of being interpreted by a consumer in a specific way.

8 (2) “Consumer” means a person who buys for personal use, or for the use of another but not for resale.

9 (3) “Helmet” means a protective covering for the head consisting of a hard outer shell.

10 (4) “Retail Seller” means any person who regularly offers for sale helmets to a consumer.

11 § 5102 Sale of Helmets.

12 (a) No retail seller shall advertise that a helmet is capable for use when operating a motorcycle unless the helmet
13 has been approved by the Secretary of Safety and Homeland Security through the Office of Highway Safety for use when
14 operating a motorcycle.

15 (b) In the event a helmet is advertised as being capable for use when operating a motorcycle as a result of actions
16 other than from the retail seller, and the helmet has not been approved by the Secretary of Safety and Homeland Security
17 through the Office of Highway Safety for use when operating a motorcycle, than the retail seller shall disclose to the
18 consumer this fact prior to the sale of the helmet.

19 § 5103: Penalties

20 Whoever violates this chapter shall be fined not less than \$200 nor more than \$1000 for each violation.

SYNOPSIS

Currently, there are helmets being sold in Delaware that are being advertised as being appropriate for use when operating a motorcycle even though they are not approved for highway use. This bill will prohibit retailers from advertising or stating that a helmet is qualified for use when driving a motorcycle if the helmet is not approved for highway use under Delaware law.