

First Regular Session  
Sixty-sixth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 07-0453.01 Kristen Forrestal

HOUSE BILL 07-1117

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HOUSE SPONSORSHIP

Primavera,

SENATE SPONSORSHIP

(None),

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House Committees

Transportation & Energy

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING THE REQUIREMENT THAT A PROTECTIVE HELMET BE  
102 WORN BY A PERSON UNDER EIGHTEEN YEARS OF AGE DURING  
103 THE OPERATION OF CERTAIN VEHICLES.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Requires a person under 18 years of age who is an operator of a motorcycle or motorized bicycle and a person under 18 years of age who is a passenger on a motorcycle or motorized bicycle to wear a protective helmet that is designed according to certain specifications. Sets the penalty and surcharge for failing to wear a protective helmet at \$100 and \$15, respectively. Sets an additional \$10 surcharge for each violation to

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

be deposited in the Colorado traumatic brain injury trust fund.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** 42-4-1502, Colorado Revised Statutes, is amended  
3 BY THE ADDITION OF A NEW SUBSECTION to read:

4 **42-4-1502. Riding on motorcycles - protective helmet.**

5 (4.5) (a) A PERSON UNDER EIGHTEEN YEARS OF AGE MAY NOT OPERATE  
6 OR BE A PASSENGER ON A MOTORCYCLE ON A HIGHWAY IN THIS STATE  
7 UNLESS:

8 (I) THE PERSON IS WEARING A PROTECTIVE HELMET OF A TYPE AND  
9 DESIGN MANUFACTURED FOR USE BY OPERATORS OF MOTORCYCLES;

10 (II) THE PROTECTIVE HELMET CONFORMS TO THE DESIGN AND  
11 SPECIFICATIONS SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (4.5);  
12 AND

13 (III) THE PROTECTIVE HELMET IS SECURED PROPERLY ON THE  
14 PERSON'S HEAD WITH A CHIN STRAP WHILE THE MOTORCYCLE IS IN MOTION.

15 (b) A PROTECTIVE HELMET REQUIRED TO BE WORN BY THIS  
16 SUBSECTION (4.5) SHALL:

17 (I) BE DESIGNED TO REDUCE INJURIES TO THE USER RESULTING  
18 FROM HEAD IMPACTS AND TO PROTECT THE USER BY REMAINING ON THE  
19 USER'S HEAD, DEFLECTING BLOWS, RESISTING PENETRATION, AND  
20 SPREADING THE FORCE OF IMPACT;

21 (II) CONSIST OF LINING, PADDING, AND CHIN STRAP; AND

22 (III) MEET OR EXCEED THE STANDARDS ESTABLISHED IN THE  
23 UNITED STATES DEPARTMENT OF TRANSPORTATION FEDERAL MOTOR  
24 VEHICLE SAFETY STANDARD NO. 218, 49 CFR 571.218, FOR MOTORCYCLE  
25 HELMETS.

1           **SECTION 2.** 42-4-109 (13), Colorado Revised Statutes, is  
2 amended, and the said 42-4-109 is further amended BY THE ADDITION  
3 OF A NEW SUBSECTION, to read:

4           **42-4-109. Motorized bicycles, animals, skis, skates, and toy**  
5 **vehicles on highways.** (6.5) A PERSON UNDER THE AGE OF EIGHTEEN  
6 YEARS MAY NOT OPERATE OR BE A PASSENGER ON A MOTORIZED BICYCLE  
7 ON A HIGHWAY IN THIS STATE UNLESS THE PERSON IS WEARING A  
8 PROTECTIVE HELMET IN ACCORDANCE WITH THE PROVISIONS OF SECTION  
9 42-4-1502 (4.5).

10           (13) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF  
11 THIS SUBSECTION (13), any person who violates ~~any~~ A provision of this  
12 section commits a class B traffic infraction.

13           (b) ANY PERSON WHO VIOLATES SUBSECTION (6.5) OF THIS  
14 SECTION COMMITS A CLASS A TRAFFIC INFRACTION.

15           **SECTION 3.** 42-4-1701 (4) (a) (I) (C) and (4) (a) (I) (O),  
16 Colorado Revised Statutes, are amended to read:

17           **42-4-1701. Traffic offenses and infractions classified -**  
18 **penalties - penalty and surcharge schedule.** (4) (a) (I) Except as  
19 provided in paragraph (c) of subsection (5) of this section, every person  
20 who is convicted of, who admits liability for, or against whom a judgment  
21 is entered for a violation of any provision of this title to which the  
22 provisions of paragraph (a) or (b) of subsection (5) of this section apply  
23 shall be fined or penalized, and have a surcharge levied thereon pursuant  
24 to section 24-4.2-104 (1) (b) (I), C.R.S., in accordance with the penalty  
25 and surcharge schedule set forth in sub-subparagraphs (A) to (P) of this  
26 subparagraph (I); or, if no penalty or surcharge is specified in the  
27 schedule, the penalty for class A and class B traffic infractions shall be

1 fifteen dollars, and the surcharge shall be two dollars. These penalties  
 2 and surcharges shall apply whether the defendant acknowledges the  
 3 defendant's guilt or liability in accordance with the procedure set forth by  
 4 paragraph (a) of subsection (5) of this section or is found guilty by a court  
 5 of competent jurisdiction or has judgment entered against the defendant  
 6 by a county court magistrate. Penalties and surcharges for violating  
 7 specific sections shall be as follows:

| 8  | <b>Section Violated</b>                  | <b>Penalty</b> | <b>Surcharge</b> |
|----|------------------------------------------|----------------|------------------|
| 9  | <b>(C) Traffic regulation generally:</b> |                |                  |
| 10 | 42-4-1412                                | \$ 15.00       | \$ 2.60          |
| 11 | 42-4-109 (13) (a)                        | 15.00          | 2.60             |
| 12 | 42-4-109 (13) (b)                        | 100.00         | 15.00            |
| 13 | 42-4-1211                                | 15.00          | 2.60             |
| 14 | 42-4-1405                                | 15.00          | 2.60             |
| 15 | <b>(O) Motorcycle violations:</b>        |                |                  |
| 16 | 42-4-1502 (1), (2), (3), OR (4)          | \$ 15.00       | \$ 2.60          |
| 17 | 42-4-1502 (4.5)                          | 100.00         | 15.00            |
| 18 | 42-4-1503                                | 15.00          | 2.60             |
| 19 | 42-4-1504                                | 15.00          | 2.60             |

20 **SECTION 4.** 42-4-1701 (4) (e), Colorado Revised Statutes, is  
 21 amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

22 **42-4-1701. Traffic offenses and infractions classified -**  
 23 **penalties - penalty and surcharge schedule.** (4) (e) (III) AN  
 24 ADDITIONAL TEN DOLLARS SHALL BE ASSESSED FOR A VIOLATION OF A  
 25 TRAFFIC REGULATION UNDER SUB-SUBPARAGRAPH (C) OF SUBPARAGRAPH  
 26 (I) OF PARAGRAPH (a) OF THIS SUBSECTION (4) FOR A VIOLATION OF  
 27 SECTION 42-4-109 (13) (b), IN ADDITION TO THE PENALTIES STATED IN

1 SUB-SUBPARAGRAPH (C). AN ADDITIONAL TEN DOLLARS SHALL BE  
2 ASSESSED FOR A MOTORCYCLE VIOLATION UNDER SUB-SUBPARAGRAPH (O)  
3 OF SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS SUBSECTION (4) FOR A  
4 VIOLATION OF SECTION 42-4-1502 (4.5), IN ADDITION TO THE PENALTIES  
5 STATED IN SUB-SUBPARAGRAPH (O). MONEYS COLLECTED PURSUANT TO  
6 THIS SUBPARAGRAPH (III) SHALL BE TRANSMITTED TO THE STATE  
7 TREASURER, WHO SHALL DEPOSIT THE MONEYS IN THE COLORADO  
8 TRAUMATIC BRAIN INJURY TRUST FUND CREATED PURSUANT TO SECTION  
9 26-1-309, C.R.S., TO BE USED FOR THE PURPOSES SET FORTH IN SECTIONS  
10 26-1-301 TO 26-1-310, C.R.S.

11 **SECTION 5. Effective date - applicability.** This act shall take  
12 effect July 1, 2007, and shall apply to traffic infractions committed on or  
13 after said date.

14 **SECTION 6. Safety clause.** The general assembly hereby finds,  
15 determines, and declares that this act is necessary for the immediate  
16 preservation of the public peace, health, and safety.