

HOUSE BILL No. 5038

June 30, 2005, Introduced by Reps. Drolet and Farrah and referred to the Committee on Government Operations.

A bill to amend 1949 PA 300, entitled
 "Michigan vehicle code,"
 by amending section 658 (MCL 257.658), as amended by 2002 PA 494.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 658. (1) ~~A person~~ **AN INDIVIDUAL** propelling a bicycle or
 2 operating a motorcycle or moped shall not ride other than upon and
 3 astride a permanent and regular seat attached to that vehicle.

4 (2) ~~A~~ **AN INDIVIDUAL SHALL NOT USE A** bicycle or motorcycle
 5 ~~shall not be used~~ to carry more ~~persons~~ **INDIVIDUALS** at 1 time
 6 than the number for which it is designed and equipped.

7 (3) ~~A~~ **AN INDIVIDUAL SHALL NOT USE A** moped or an electric
 8 personal assistive mobility device ~~shall not be used~~ to carry
 9 more than 1 ~~person~~ **INDIVIDUAL** at a time.

10 (4) ~~A person~~ **AN INDIVIDUAL** operating or riding on a

1 motorcycle, and any ~~person less than~~ **INDIVIDUAL UNDER** 19 years of
 2 age operating a moped on a public thoroughfare shall wear a crash
 3 helmet on his or her head. ~~Crash helmets shall be approved by the~~
 4 ~~department of state police. The department of state police shall~~
 5 ~~promulgate rules for the implementation of this section pursuant to~~
 6 ~~the administrative procedures act of 1969, 1969 PA 306, MCL 24.201~~
 7 ~~to 24.328. Rules in effect on June 1, 1970, shall apply to helmets~~
 8 ~~required by this act.~~ This subsection does not apply to ~~a person~~
 9 **AN INDIVIDUAL** operating or riding in an autocycle if the vehicle is
 10 equipped with a roof ~~which~~ **THAT** meets or exceeds standards for a
 11 crash helmet.

12 (5) ~~A person~~ **AN INDIVIDUAL** operating or riding in an
 13 autocycle shall wear **A seat** ~~belts~~ **BELT** when on a public highway
 14 in this state.

15 (6) **ALL OF THE FOLLOWING APPLY TO A CRASH HELMET DESCRIBED IN**
 16 **SUBSECTION (4):**

17 (A) **THE DEPARTMENT OF STATE POLICE MUST APPROVE OF THE CRASH**
 18 **HELMET FOR AN INDIVIDUAL TO USE IT IN THIS STATE.**

19 (B) **THE DEPARTMENT OF STATE POLICE SHALL PROMULGATE RULES FOR**
 20 **THE IMPLEMENTATION OF THIS SUBSECTION UNDER THE ADMINISTRATIVE**
 21 **PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO 24.328. RULES IN**
 22 **EFFECT ON JUNE 1, 1970 APPLY TO HELMETS REQUIRED BY THIS ACT.**

23 (C) **THE DEPARTMENT OF STATE POLICE SHALL NOT APPROVE OF A**
 24 **CRASH HELMET UNDER SUBDIVISION (A) THAT DOES NOT BEAR THE FOLLOWING**
 25 **WARNING ON THE OUTSIDE OF THE HELMET:**

26 **"WARNING!**

27 **-- MAY NOT WITHSTAND IMPACT ABOVE 13 MPH**

- 1 -- MAY NOT PREVENT CLOSED HEAD INJURY
- 2 -- MAY NOT PREVENT BLUNT TRAUMA BELOW HEAD
- 3 -- MAY NOT PREVENT A CRASH
- 4 -- MAY SLOW REFLEXES IN HOT WEATHER
- 5 -- MAY BREAK THE NECK IN A CRASH
- 6 -- MAY NOT STAY ON HEAD IN A CRASH
- 7 -- MAY CAUSE NECK, BACK, OR CHEST STRAIN
- 8 -- MAY NOT PREVENT SKULL FRACTURE IN A CRASH
- 9 -- MAY ADD TO FATIGUE ON EXTENDED RIDES"