

**SUBSTITUTE FOR
SENATE BILL NO. 291**

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 propelling a bicycle or operating a
2 motorcycle or moped shall not ride other than upon and astride a
3 permanent and regular seat attached to that vehicle.

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

7 (3) A moped or an electric personal assistive mobility device
8 shall not be used to carry more than 1 person at a time.

9 (4) A person ~~operating or riding on a motorcycle, and any~~

1 ~~person~~ less than 19 years of age operating a moped on a public
 2 thoroughfare shall wear a crash helmet on his or her head. **A PERSON**
 3 **LESS THAN 21 YEARS OF AGE OPERATING OR RIDING ON A MOTORCYCLE SHALL**
 4 **WEAR A CRASH HELMET ON HIS OR HER HEAD.**

5 (5) SUBJECT TO SUBSECTION (9), A PERSON 21 YEARS OF AGE OR
 6 OLDER OPERATING OR RIDING ON A MOTORCYCLE IS NOT REQUIRED TO WEAR A
 7 CRASH HELMET ON HIS OR HER HEAD IF HE OR SHE HAS HAD A MOTORCYCLE
 8 ENDORSEMENT ON HIS OR HER OPERATOR'S OR CHAUFFEUR'S LICENSE FOR NOT
 9 LESS THAN 2 YEARS OR THE PERSON PASSES A MOTORCYCLE SAFETY COURSE
 10 CONDUCTED UNDER SECTION 811A OR 811B, AND HE OR SHE HAS IN EFFECT
 11 SECURITY IN THE AMOUNT OF \$100,000.00 FOR THE PAYMENT OF FIRST-
 12 PARTY MEDICAL BENEFITS PAYABLE IF HE OR SHE IS INVOLVED IN A
 13 MOTORCYCLE ACCIDENT AS PROVIDED IN SECTION 3103 OF THE INSURANCE
 14 CODE OF 1956, 1956 PA 218, MCL 500.3103.

15 (6) Crash helmets shall be approved by the department of state
 16 police. The department of state police shall promulgate rules for
 17 the implementation of this section ~~pursuant to~~ **UNDER** the
 18 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
 19 24.328. Rules in effect on June 1, 1970, ~~shall~~ apply to helmets
 20 required by this act. ~~This subsection~~

21 (7) **SUBSECTION (4)** does not apply to a person operating or
 22 riding in an autocycle if the vehicle is equipped with a roof ~~which~~
 23 **THAT** meets or exceeds standards for a crash helmet.

24 (8) ~~(5)~~ A person operating or riding in an autocycle shall
 25 wear seat belts when on a public highway in this state.

26 (9) **SUBSECTION (5) DOES NOT APPLY BEGINNING 4 YEARS AFTER THE**
 27 **EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION.**

1 (10) THE SECRETARY OF STATE SHALL CONDUCT A STUDY OF
2 MOTORCYCLE ACCIDENTS RESULTING IN INJURIES OR FATALITIES OF
3 MOTORCYCLE OPERATORS OR MOTORCYCLE PASSENGERS, OR BOTH. NOT MORE
4 THAN 4 YEARS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT
5 ADDED THIS SUBSECTION, THE SECRETARY OF STATE SHALL REPORT ITS
6 FINDINGS TO THE STANDING COMMITTEES OF THE SENATE AND HOUSE OF
7 REPRESENTATIVES ON TRANSPORTATION. THE REPORT UNDER THIS SUBSECTION
8 SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, ALL OF THE FOLLOWING
9 FACTORS:

10 (A) THE TYPES AND SEVERITIES OF INJURIES OF MOTORCYCLE
11 OPERATORS AND PASSENGERS WHO WERE WEARING HELMETS VERSUS THOSE WHO
12 WERE NOT.

13 (B) THE NUMBER OF DEATHS OF MOTORCYCLE OPERATORS AND
14 PASSENGERS WHO WERE WEARING HELMETS VERSUS THOSE WHO WERE NOT.

15 (C) THE NUMBER OF MOTORCYCLE OPERATORS AND PASSENGERS WHOSE
16 ACCIDENTS OCCURRED FOLLOWING THEIR USE OF ALCOHOLIC LIQUOR.

17 (D) THE NUMBER OF MOTORCYCLE OPERATORS WHO HAD PASSED A
18 CERTIFIED MOTORCYCLE SAFETY COURSE VERSUS THOSE WHO HAD NOT.

19 (E) THE WEATHER CONDITIONS.

20 (F) WHETHER OR NOT THE ACCIDENT OCCURRED DURING A HOLIDAY
21 WEEKEND.

22 (11) MONEY FROM THE MOTORCYCLE SAFETY FUND SHALL BE USED TO
23 DEFRAY THE SECRETARY OF STATE'S COST FOR COMPLYING WITH THE STUDY
24 AND REPORTING REQUIREMENTS OF SUBSECTION (10).