

III. PROCEDURE**A. DEFINITIONS:**

1. **California Vehicle Code 27803** requires that all drivers and passengers of motorcycles, motor-driven cycles, or motorized bicycles wear a safety helmet. For the purposes of this section, "Wear a safety helmet" means having a safety helmet meeting the requirements of 27802 on the person's head that fits securely without excessive lateral or vertical movement.
2. **California Vehicle Code 27802** adopts the standards set forth in the Federal Motor Vehicle Safety Standards (FMVSS) 218.
3. **"DOT"** United States Department of Transportation
4. **"DOT Certified"** A motorcycle helmet that meets the requirements set forth in FMVSS 218. The helmet manufacturer is required to test (or have tested) each helmet model before affixing the DOT sticker on the rear of the helmet. This is the manufacturer's statement that it has met the standard.
5. **DOT Compliance Testing:** Helmet manufacturers are required to do their own testing but the DOT selects numerous models each year to be re-tested for compliance. Those found to be in non-compliance are required to re-call those helmets not meeting the standard.
6. **Motorcycle:** (a) A "motorcycle" is any motor vehicle having a seat or saddle for the use of the rider, designed to travel on not more than three wheels in contact with the ground, and weighing less than 1,500 pounds.
(b) A motor vehicle that has four wheels in contact with the ground, two of which are a functional part of a sidecar, is a motorcycle if the vehicle otherwise comes within the definition of subdivision (a).
(c) A motor vehicle that is electrically powered, has a maximum speed of 45 miles per hour, and weighs less than 2,500 pounds, is a motorcycle if the vehicle otherwise comes within the definition of subdivision (a).
(d) A farm tractor is not a motorcycle.
(e) A three-wheeled motor vehicle that otherwise meets the requirements of subdivision (a), has a partially or completely enclosed seating area for the driver and passenger, is used by local public agencies for the enforcement of parking control provisions, and is operated at slow speeds on public streets, is not a motorcycle. However, a motor vehicle described in this subdivision shall comply with the applicable sections of this code imposing equipment installation requirements on motorcycles. (California Vehicle Code 400)
7. **Federal Motor Vehicle Safety Standards 218: (FMVSS 218)** This standard establishes minimum performance requirements for helmets designed for use by motorcyclists and other motor vehicle users. This standard applies to all helmets designed for use by motorcyclists and other motor vehicle users. The complete standard can be viewed at:
www.nhtsa.gov/people/injury/pedbimot/fmvss218.htm
8. **Projections.** A helmet shall not have any rigid projections inside its shell. Rigid projections outside any helmet's shell shall be limited to those required for operation of essential accessories, and shall not protrude more than 0.20 inch (5 mm). Snaps for the attachment of face shields and sun visors are legal.

9. **Retention system** The complete assembly by which the helmet is retained in position on the head during use. Commonly known as a chin strap.
10. **Training:** Prior to enforcement action, officers will attend a helmet law training session provided by authorized personnel. Enforcement officers shall be presented with examples of conforming and non-conforming helmets. Ideally, several example helmets should be cut in half so that the officers have a clear understanding of helmet construction. Enforcement officers shall view the Department of Transportation video Fake Helmets- Unsafe on Any Head. This is a video on how to identify motorcyclists who are wearing fake helmets, i.e., those that do not comply with federal safety standards. Several ways to spot these unsafe, illegal helmets are discussed. Total running time: 12:30 minutes.

B: The traffic stop enforcement process should be:

1. You recognize through formal departmental training and personal experience a possible illegal helmet per 27803(e) VC.
2. A traffic stop confirms the illegal helmet so you cite for 27803(a) VC. Make it a non-correctable citation per 40610(b)(2) – “The violation presents an immediate safety hazard.”
3. If you allow the rider to ride from the scene with the helmet make sure that you note on the citation that s/he was *advised per 24004 VC*. 24004 VC states that no person “shall operate except as necessary to return to the residence, place of business or garage until the violation can be corrected.
4. It is desirable to photograph the helmet at the scene as violators have been known to present a legal helmet in court.

C: General Indicators of a non-conforming helmet:

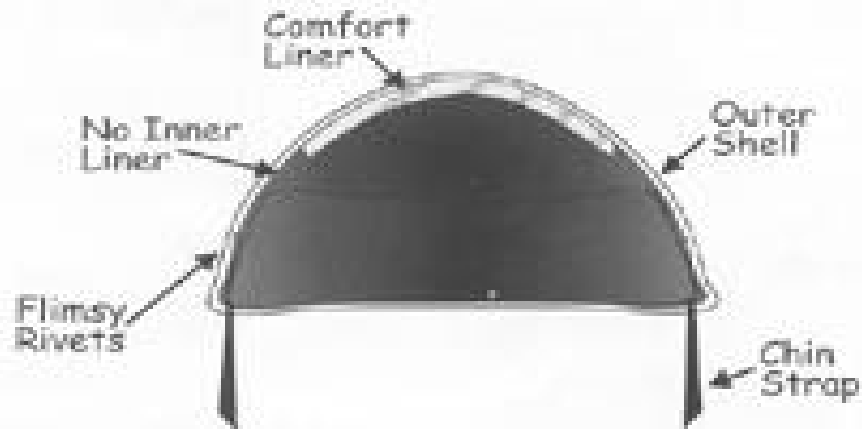
1. If there are protrusions from the helmet such as the old German style with a spike on the top (World War I vintage), it will not meet the FMVSS standard. Any protrusion longer than 5 mm is a violation.
2. If the helmet consists of a beanie that covers only the very top of the rider's head, it doesn't meet the standard. FMVSS requires that the helmet cover the
3. If the helmet has a web liner, no padding, or padding only, or a thin shell of less than one inch of polystyrene on the inside, it will not meet FMVSS 218.
4. Fake or "Novelty" helmets usually weigh less than one pound, whereas legal helmets usually weigh more than three pounds.
5. If the strap is less than one-half inch wide, or with a single strap attached to the helmet, it will not meet the federal standard.
6. If the strap is poorly attached with small rivets, it doesn't meet the standard.

7. If a DOT label is on the lower back of the helmet, but you suspect it really does not meet FMVSS 218, inspect the inside of the helmet to see if the manufacturer has complied with the labeling as to:
- Manufacturer's name or identification.
 - Precise model designation.
 - Size.
 - Month and year of manufacture (i.e., June 1988 or 6/88).
 - Instructions to the purchaser regarding construction and other safety-related information.

If all labeling requirements are not met, the helmet does not meet FMVSS requirements.

8. Helmets may have labels from the American National Standards Institute (ANSI) or the Snell Memorial Foundation, which has somewhat different requirements. However, the DOT standard is the only one the helmet is required by law to meet.

UNSAFE Helmet Interior



SAFE Helmet Interior

