

**CONFIDENTIAL**  
**LEGISLATIVE BILL REVIEW FORM: 2016**

Bill Number: S161 Name of Bill: Act Relating to Motor Cycle Helmet Exemption

Agency/Dept: VSP Author of Bill SSgt John Helfant  
Review: \_\_\_\_\_

Date of Bill Review: Jan. 12, 2016 Related Bills and Key Players: Sen. Peg Flory and Joe Benning

Status of Bill: (check one)

Upon Introduction       As passed by 1<sup>st</sup> body       As passed by both bodies

Recommended Position:

Support       Oppose       Remain Neutral       Support with modifications identified in # 8 below

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**Analysis of Bill**

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**1. Summary of bill and issue it addresses.**

An act relating to an exemption from the motorcycle helmet law for parade participants.

**2. Is there a need for this bill?**

If the bill were for closed parade routes then there is no need for the bill as parade routes are not public highways open to the general circulation of traffic, they are closed roadways during the time of the parade and thus closed to the general circulation of traffic. Therefore, the helmet law, just as the law on signals, stop signs or one way travel, does not apply.

If the bill is for motorcycle rallies such as the Viet Nam veterans ride from Sharon to St Albans then the bill would be needed if helmets were not to be required.

**3. What are likely to be the fiscal and programmatic implications of this bill for this Department?**

There are no fiscal issues for the DPS VSP related to this bill.

**4. What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?**

There are no fiscal implications for any other agency in state government related to this bill.

**5. What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it?**

There are no fiscal implications to others related to this bill.

**6. Other Stakeholders:**

**6.1 Who else is likely to support the proposal and why?**

On January 12, 2016 I spoke with bill co-sponsor Senator Joe Benning. Sen Benning indicated that the bill was meant for closed parade routes and for motorcycle rallies on the Interstate or State Highway system.

I attempted to contact bill sponsor Sen. Peg Flory on January 11 and 12, 2016 and she failed to respond.

On January 13, 2016 I spoke with John Lyon of Wilkins Harley, South Barre, VT. Lyon advised that many of his customers would like having an exemption for parade routes and rallies and that he often hears from customers that they would like to ride helmetless in such events. Lyon did say that he always wears his helmet and recommends full helmets for customers due to the safety concerns.

**6.2 Who else is likely to oppose the proposal and why?**

On January 12, 2016 I spoke with Alta Brooks of Brooks Ins., Newport VT, an agent of Concord Group Ins. Brooks indicated that the insurance industry would not support motorcyclists not wearing helmets at highway speeds on Interstate and State Highways.

On January 12, 2016 I spoke with Director William Elovirta of VT DMV. Dir. Elovirta advised that his department had not completed review of S161 but in all likelihood would not support a bill which allowed motorcyclists to not wear helmets while interacting with other motorists on an Interstate or State Highway. Dir. Elovirta also indicated that if the bill were meant for closed parade routes then the exception would not be necessary as closed parade routes are not public highways open to the general circulation of traffic.

**6. Rationale for recommendation:**

The DPS VSP could remain neutral or even support this bill, See 2, if it were solely for closed parade routes. The bill would not be necessary under current law but would neither hinder nor enhance the DPS VSP or public safety. Since the bill also incorporates motorcycle rallies on the Interstate Highway System or other State Highways then the DPS VSP should oppose the bill as proposed due to the public safety concerns for the motorcyclists and the general motoring public.

States that have repealed their helmet laws have seen a significant increase in motorcycle injuries and deaths.

**7. Specific modifications that would be needed to recommend support of this bill**

“Parade Participants” would have to be changed to “Closed Parade Route Participants” and effectively defined to not permit highway speed operation on Interstate or State Highways.

**8. Will this bill create a new board or commission AND/OR add or remove appointees to an existing one? If so, which one and how many?**

**No Boards or Commissions will be created.**

Secretary/Commissioner has reviewed  
this document



2/1/16

*Please return this bill review as a Microsoft Word or PDF document to [Jahala.Dudley@vermont.gov](mailto:Jahala.Dudley@vermont.gov) and Jessica [Mishaan@vermont.gov](mailto:Mishaan@vermont.gov)*