

TITLE 150: DEPARTMENT OF PUBLIC SAFETY

SUBCHAPTER 150-50.4 SAFETY HELMET RULES AND REGULATIONS

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Subchapter Authority: 1 CMC § 2507; 9 CMC § 1204; 9 CMC § 5703.

Subchapter History: Adopted 23 Com. Reg. 17834 (Apr. 23, 2001); Proposed 23 Com. Reg. 17628 (Feb. 23, 2001).

Commission Comment: PL 1-8, tit. 1, ch. 10, codified as amended at 1 CMC §§ 2501-2507, creates the Department of Public Safety (DPS) within the Commonwealth government, composed of a police force. See 1 CMC § 2501; see also PL 14-25 § 3 (effective Aug. 20, 2004) (amending 1 CMC § 2501). 1 CMC § 2504(f) authorizes the Department to inspect motor vehicles and enforce motor vehicle registration laws. 1 CMC § 2507 directs the Department to adopt rules and regulations regarding activities over which it has jurisdiction.

Title 9 of the Commonwealth Code sets forth the vehicle code for the CNMI. 9 CMC § 1201 creates a Bureau of Motor Vehicles (BMV) within the Department of Public Safety. The BMV is authorized to administer the vehicle code and to develop rules and regulations necessary to carry out the administration of the laws vested in the Bureau for adoption by the Director of DPS. 9 CMC § 1204. 9 CMC § 5703 mandates that operators and passengers of motorcycles wear safety helmets approved by Director. Additionally, PL 12-84 (effective Jan. 18, 2002), codified at 9 CMC § 5758, requires operators and passengers under the age of 18 to wear safety helmets approved by the Commissioner of Public Safety while operating bicycles, human power vehicles, all terrain vehicles and mopeds.

Public Law 15-29, the Motor Scooter Act of 2006 effective September 26, 2006, amended the definitions of moped and motorcycle and added a definition for motor scooter in 9 CMC § 1102. PL 15-29, among other things, addresses the application of traffic laws and safety requirements for the operation of motorcycles, mopeds and motor scooters, including the use of helmets. PL 15-29 specifically includes a motor scooter as a motor vehicle and sets forth penalties for violations of operation requirements. PL 15-29 mandates that safety helmets must be worn by operators and passengers of motorcycles, mopeds and motor scooters “while being operated on any highway within the Commonwealth” regardless of the horsepower or speed of the vehicle. 9 CMC § 5703. The provisions of PL 15-29 supersede the sections of this subchapter to the extent that they conflict.

Part 001 - General Provisions

§ 150-50.4-001 Scope

The standard in this subchapter establishes minimum performance requirements for helmets designed for use by operators and passengers of motorcycles, motor scooters, and mopeds that produce over 2.5 horsepower and travel a speed in excess of 30 miles per hour on level ground.

Modified, 1 CMC § 3806(d), (g).

History: Adopted 23 Com. Reg. 17834 (Apr. 23, 2001); Proposed 23 Com. Reg. 17628 (Feb. 23, 2001).

Commission Comment: The Commission changed “produces” to “produce” and “travels” to “travel” to correct manifest errors. The Commission inserted a comma after the word “scooters” pursuant to 1 CMC § 3806(g).

§ 150-50.4-005 Purpose

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The purpose of the rules and regulations in this subchapter is to establish safety helmet standard for the Commonwealth of the Northern Mariana Islands, Department of Public Safety, in coordination with the Office of the Attorney General to enforce “The Safety Equipment” law in accordance with 9 CMC § 5703 which requires operators and passengers of motorcycles, motor scooters, and mopeds that produce over 2.5 horsepower and travel a speed in excess of 30 miles per hour on level ground, to wear fastened on their heads safety helmets to reduce deaths and injuries to motorcyclists and other motor vehicle users resulting from head impacts; and for other purposes.

Modified, 1 CMC § 3806(d), (g).

History: Adopted 23 Com. Reg. 17834 (Apr. 23, 2001); Proposed 23 Com. Reg. 17628 (Feb. 23, 2001).

Commission Comment: The Commission changed “produces” to “produce” and “travels” to “travel” to correct manifest errors. The Commission inserted a comma after the word “scooters” pursuant to 1 CMC § 3806(g).

§ 150-50.4-010 Application

The standard in this subchapter applies to all helmets designed for use by operators and passengers of motorcycles, motor scooters, and mopeds that produce over 2.5 horsepower and travel a speed in excess of 30 miles per hour on level ground.

Modified, 1 CMC § 3806(d), (g).

History: Adopted 23 Com. Reg. 17834 (Apr. 23, 2001); Proposed 23 Com. Reg. 17628 (Feb. 23, 2001).

Commission Comment: The Commission changed “produces” to “produce” and “travels” to “travel” to correct manifest errors. The Commission inserted a comma after the word “scooters” pursuant to 1 CMC § 3806(g).

Part 100 - Rules and Regulations

§ 150-50.4-101 Rules and Regulations

To implement the rules and regulations in this subchapter, the Department of Public Safety Patrol and Traffic Section and the Bureau of Motor Vehicles must ensure that safety helmets worn by operators and passengers of motorcycles, motor scooters and mopeds must be:

(a) Labeled. Each helmet shall be labeled permanently and legibly, in a manner such that the label(s) can be read easily without removing padding or any other permanent part, with the following:

- (1) Manufacturer’s name or identification.
- (2) Precise model designation.
- (3) Size.
- (4) Month and year of manufacture. This may be spelled out (for example; November, 1989), or expressed in numerals (for example, 11/89).
- (5) The symbol DOT (Department of Transportation), constituting the manufacturer’s certification that the helmet conforms to the applicable federal motor safety standards. This symbol shall appear on the outer surface, in a color that contrasts with the background, in letters at least 3/8 inch (1cm) high, centered laterally with the horizontal centerline of the symbol

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located a minimum of 1 1/8 inches (2.9 cm) and a maximum of 1 3/8 inches (3.5 cm) from the bottom edge of the posterior portion of the helmet.

(6) Instructions to the purchaser as follows:

(i) Shell and liner constructed of (identify type(s) of materials).

(ii) Helmet can be seriously damaged by some common substances without damage being visible to the user. Apply only the following: (Recommended cleaning agents, paints, adhesives, etc., as appropriate).

(iii) Make no modifications. Fasten helmet securely. If helmet experiences a severe blow, return it to the manufacturer for inspection, or destroy it and replace it.

(iv) Any additional relevant safety information should be applied at the time of purchase by means of an attached tag, brochure, or other suitable means.

(b) Make sure that all helmets must not have any rigid projections inside the 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).

(c) Must ensure all helmets have a retention system. Retention system means the complete assembly by which the helmet is retained in position on the head during use.

(d) Provide for public information and education to heighten awareness of the helmet requirement on all operators and passengers of motorcycles, motor scooters, and mopeds pursuant to 9 CMC § 5703.

Modified, 1 CMC § 3806(d), (f), (g).

History: Adopted 23 Com. Reg. 17834 (Apr. 23, 2001); Proposed 23 Com. Reg. 17628 (Feb. 23, 2001).

Commission Comment: In subsection (a)(1), the Commission corrected the spelling of "manufacturer's." The Commission inserted a comma after the word "scooters" in the initial paragraph and in subsection (d) pursuant to 1 CMC § 3806(g).