

Helmets must be conspicuously labeled to show the manufacturer's certification of compliance with applicable federal standards. (*Ibid.*) Subdivision (b) of the statute prohibits anyone from selling or offering for sale a motorcycle helmet not complying with DMV-established standards.

[5] As noted, the legislative purpose underlying section 27803 is to provide "an additional safety benefit" to motorcyclists and their passengers. (s 27803, subd. (f).) The statute requires motorcyclists and their passengers, when riding on the highways, to wear helmets complying with section 27802, and makes it unlawful for them to fail to do so. (s 27803, subds. (a), (b), (c) and (d).) It defines "wearing a safety helmet" as "having a safety helmet meeting the requirements of Section 27802 on the person's head ... fastened with the helmet straps and ... of a size that fits the wearing person's head securely without excessive lateral or vertical movement." (s 27803, subd. (e).)

Appellants contend the helmet law is void for vagueness under the federal and state constitutions in that it "prescribes a standard which cannot be understood by persons of ordinary intelligence." They assert neither motorcyclists nor police officers can tell whether a particular helmet complies.

Their first claim in this respect is the law is *too specific*: The incorporated federal safety standards are so technical one must be a physicist or an engineer testing the product in a laboratory to ascertain whether a particular helmet complies. But underlying this argument is the proposition that the statute requires the *consumer* or *enforcement officer* to decide if the helmet is properly fabricated, and such a reading of section 27803 is absurd. When sections 27802 and 27803 are harmonized, as they must be (*Bowland v. Municipal Court* (1976) 18 Cal.3d 479, 489, 134 Cal.Rptr. 630, 556 P.2d 1081), it is clear the law requires only that the consumer wear a helmet bearing a certification of compliance.

Appellants next claim the law is *too general*, i.e., it requires a motorcyclist to wear a helmet which fits the head "without excessive lateral or vertical movement." According to appellants, they must guess whether the helmet fits, and then a police officer, also guessing, may disagree and issue a citation. But the description "excessive lateral or vertical movement" is not so amorphous as to defy intelligent analysis. As noted in *County of Nevada v. MacMillen* (1974) 11 Cal.3d 662, 114 Cal.Rptr. 345, 522 P.2d 1345, "the terms 'substantial conflict' and 'material economic effect' are relative terms subject to some interpretation [sic], and ... reasonable [persons] may differ with respect to the meaning of those terms." (*Id.* at p. 672, 114 Cal.Rptr. 345, 522 P.2d 1345.) Yet the Legislature's use of subjective terms does not mean a statute is impermissibly vague; statutes "must be given a reasonable and practical construction in accordance with the probable intent of the Legislature. [Citations.]" "Reasonable certainty is all that is required. A statute will not be held void for uncertainty if any reasonable and practical construction can be given its language.' ... It will be upheld if its terms may be made reasonably certain by reference to other definable sources." [Citation.]" (*Id.* at p. 673, 114 Cal.Rptr. 345, 522 P.2d 1345.)