

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

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May 18, 1994

File No.: 5.A4575

Mr. Mark Temple
4448 Arrowood Court
Sacramento, CA 95842

Dear Mr. Temple:

I am writing in response to your letter of April 26, 1994 regarding California Vehicle Code (CVC) Sections 27802 and 27803. The following information is provided to answer your questions.

1. Is testing of every helmet, prior to use on the road, required by the harmonized statutes of CVC 27802 & 27803?

Section 27802 states that no person shall sell or offer for sale a motorcycle helmet that does not meet, as a minimum, Federal Motor Vehicle Safety Standard (FMVSS) 218. Also, each helmet offered for sale shall be labeled as required by FMVSS 218 and that labeling constitutes the manufacturers' certification that the helmet conforms to the standard. There is no requirement that manufacturers' back up their certification with test results prior to offering a helmet for sale. Helmets are required to meet the FMVSS in effect at the time of manufacture.

2. Do CVC Sections 27802 & 27803 require the user to purchase a helmet for use on the road?

Section 27803 requires riders to wear helmets that meet the requirements of Section 27802, namely FMVSS 218. Section 27803(d) states that the Section applies to persons who are riding motorcycles, motor-driven cycles, or motorized bicycles operated on the highways.

3. Under the provisions of CVC Section 27803, is it unlawful for a motorcyclist to fabricate his own helmet for personal use?

No, provided the manufacturer labels the helmet properly and certifies that it meets FMVSS 218.

Sincerely,

A handwritten signature in black ink, appearing to read "D. R. Follett".

D. R. FOLLETT, Captain
Commander
Office of Special Projects