

1 STATE OF SOUTH CAROLINA
2 COUNTY OF HORRY
3 CITY OF MYRTLE BEACH
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ORDINANCE 2008-64

6 IN CHAPTER 14, ARTICLE X, SECTION 14-223 THROUGH 14-227, AN
7 ORDINANCE TO REQUIRE SAFETY HELMETS AND PROTECTIVE
8 EYEWEAR WHILE ON A MOTORCYCLE; THE VIOLATION OF WHICH IS
9 AN ADMINISTRATIVE INFRACTION
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11 **Sec. 14-223** In enacting this section, it is the intent of the City Council to ensure that
12 all persons are provided with an additional safety benefit while on any motorcycle, as
13 defined and licensed by the state of origin, or any motor-driven cycle that does not
14 completely encase a person within the body of the vehicle, or motorcycles as defined by
15 the South Carolina Department of Motor Vehicles, hereinafter “motorcycle or cycle”.
16 While on a cycle, the operators and passengers must be helmeted as set forth herein and
17 wear a form of protective eyewear.
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19 **Sec. 14-224** Whether on public or private property abutting a right of way within the
20 city limits, a driver and any passenger shall wear a safety helmet meeting requirements as
21 established herein and protective eyewear when on or operating a cycle. It shall be an
22 administrative infraction to be on a cycle if the driver or any passenger is not wearing a
23 safety helmet and protective eyewear as required.
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25 **Sec. 14-225** No person within the city limits shall sell, or offer for sale, for use by a
26 driver or passenger of a cycle any safety helmet for the purpose of road use that is not of
27 a type meeting requirements as herein established. Each helmet sold or offered for sale
28 for use by drivers and passengers of cycles shall be conspicuously labeled in accordance
29 with the federal standard which shall constitute the manufacturer's certification that the
30 helmet conforms to the applicable federal motor vehicle safety standards, or shall
31 otherwise meet the safety standards contained herein.
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33 **Sec. 14-226** Safety Helmets Minimum Standards
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- 35 A. Safety Helmets shall include, but are not limited to, the requirements imposed by
36 Federal Motor Vehicle Safety Standard No. 218 (49 C.F.R. Sec. 571.218) and
37 may include compliance with that federal standard by incorporation of its
38 requirements by reference, or as federal regulations are amended in section or
39 content.
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- 41 B. Two Federal stickers showing compliance with standards. The federal standards
42 require manufacturers of conforming helmets to place a notice on the inside of the
43 helmet, in a place that can be viewed without removing the inside padding. 49
44 C.F.R. § 571.218(S5.6.1)(f). This notice sticker must include information on
45 substances that can compromise the helmet's integrity, such as paints and
46 solvents, and to warn purchasers not to modify the helmet. The name of the

47 manufacturer of the helmet must also appear, along with the model designation,
48 size, and month and year of manufacture. 49 C.F.R. § 571.218(S5.6.1)(a-d). The
49 absence of these stickers is a well-founded indication that the helmet does not
50 comply with safety standards, as they are almost universally inside the helmet and
51 thus less likely to fall off.

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C. Standards showing compliance

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1. Helmets that comply with the NHTSA standards are constructed of a
55 plastic or fiberglass shell to achieve proper protection from penetration
56 and a polystyrene inner liner to absorb the energy of an impact to the head
57 49 C.F.R. § 571.218(S5.1)(S5.2), and has material used to attenuate
58 impact in the event of a crash. There is presumption that helmets without
59 at least a one-inch thickness of polystyrene foam or other impact resistant
60 material are inadequate to pass the NHTSA standard. Novelty helmets will
61 usually have only an outer shell and some comfort padding. These helmets
62 without the impact absorbing materials do not meet NHTSA standards.

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2. Helmets may not have any rigid projections that extend more than 0.20
65 inches or 5 millimeters. This allows the helmet to have snap fasteners on
66 the outside, but very little else. 49 C.F.R. § 571.218(S5.5).

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3. The final indicator of compliance is the chinstrap used to hold the helmet
69 on the head. The retention system must be able to handle certain loads
70 without separating from the helmet. The fastening system must be easy to
71 engage, but must also stand up to certain loads, as specified in the
72 regulation. 49 C.F.R. § 571.218(S5.3). Retention systems that comply with
73 the standards will have secure rivets that are firmly attached to the helmet.
74 Novelty helmets will have rivets that are loose and do not appear to be
75 secure.

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D. A safety helmet that is missing the "DOT" stickers, but otherwise meeting the
78 NHTSA standards as set forth above, may still be legally worn.

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E. Other Stickers showing compliance. There exist other stickers that may appear on
81 a legal helmet showing that the helmet has passed additional scrutiny and has
82 been found to comply with the standards. Private foundations, such as Snell
83 Memorial Foundation (SNELL) and American National Standards institute
84 (ANSI) test helmets and certify that these helmets pass the standards. Legitimate
85 stickers from these bodies can be relied upon to determine that the helmet is in
86 compliance.

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F. Therefore, a rebuttable presumption of non-compliance with helmet safety
89 standards exists if:

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1. There is neither of the two stickers showing safety standards compliance met through DOT in 49 C.F.R. § 571.218, which may be rebutted by a showing that the helmet conforms to the standards contained herein; or
2. There is no sticker showing conformance with the standards of SNELL or ANSI; or
3. The safety helmet lacks impact-absorbing material between the shell and the comfort lining of the helmet of not less than one-inch thickness of polystyrene foam or other impact resistant material; or
4. The outer shell is not composed of rigid plastic or fiberglass; or
5. The outer shell has rigid projections that extend more than 0.20 inches or 5 millimeters; or
6. The outer shell has no retention system, or has an inadequate retention system.

Sec. 14-227 An administrative infraction of this division by a person is hereby declared to implicate public health, safety and welfare, and such infraction constitutes a public nuisance that affects public economy. Statistics concerning the use of proper motorcycle helmets indicate the riders are forty percent more likely to have a fatal accident without a helmet than with a helmet. In addition, in the most traumatic accidents involving head injuries, it has been shown that the public at large bears a major portion of the costs of treatment, thus negatively impacting the public economy. See "How to Identify Unsafe Motorcycle Helmets" published by the U.S. Department of Transportation, National Highway Transportation Safety Administration, DOT HS 807 880 (reprinted February 2001); Position Statement of the American Academy of Orthopedic Surgeons, December 1985.

This ordinance shall take effect 90 days after adoption.

JOHN RHODES
MAYOR

ATTEST:

JOAN GROVE, CITY CLERK

1st Reading: September 9, 2008
2nd Reading: