

1 STATE OF SOUTH CAROLINA
2 COUNTY OF HORRY
3 CITY OF MYRTLE BEACH
4
5

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
10

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 or
13 moped as defined and licensed by the state of origin, or any other two wheeled motorized
14 cycle, or motorcycles as defined by South Carolina Department of Motor Vehicles,
15 hereinafter “motorcycle or cycle”. While on a cycle, the operators and passengers must
16 be helmeted as set forth herein and wear a form of protective eyewear.
17

18 **Sec. 14-224** Whether on public or private property abutting a right of way within the
19 city limits, a driver and any passenger shall wear a safety helmet meeting requirements as
20 established herein and protective eyewear when on or operating a cycle. It shall be an
21 administrative infraction to be on a cycle if the driver or any passenger is not wearing a
22 safety helmet and protective eyewear as required.
23

24 **Sec. 14-225** No person within the city limits shall sell, or offer for sale, for use by a
25 driver or passenger of a cycle any safety helmet for the purpose of road use that is not of
26 a type meeting requirements as herein established. Each helmet sold or offered for sale
27 for use by drivers and passengers of cycles shall be conspicuously labeled in accordance
28 with the federal standard which shall constitute the manufacturer's certification that the
29 helmet conforms to the applicable federal motor vehicle safety standards, or shall
30 otherwise meet the safety standards contained herein.
31

32 **Sec. 14-226** Safety Helmets Minimum Standards
33

34 A. Safety Helmets shall include, but are not limited to, the requirements imposed by
35 Federal Motor Vehicle Safety Standard No. 218 (49 C.F.R. Sec. 571.218) and
36 may include compliance with that federal standard by incorporation of its
37 requirements by reference, or as federal regulations are amended in section or
38 content.
39

40 B. Two Federal stickers showing compliance with standards. The federal standards
41 require manufacturers of conforming helmets to place a notice on the inside of the
42 helmet, in a place that can be viewed without removing the inside padding. 49
43 C.F.R. § 571.218(S5.6.1)(f). This notice sticker must include information on
44 substances that can compromise the helmet's integrity, such as paints and
45 solvents, and to warn purchasers not to modify the helmet. The name of the
46 manufacturer of the helmet must also appear, along with the model designation,

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

51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92

C. Standards showing compliance

1. Helmets that comply with the NHTSA standards are constructed of a plastic or fiberglass shell to achieve proper protection from penetration and a polystyrene inner liner to absorb the energy of an impact to the head 49 C.F.R. § 571.218(S5.1)(S5.2), and has material used to attenuate impact in the event of a crash. There is presumption that helmets without at least a one-inch thickness of polystyrene foam or other impact resistant material are inadequate to pass the NHTSA standard. Novelty helmets will usually have only an outer shell and some comfort padding. These helmets without the impact absorbing materials do not meet NHTSA standards.
2. Helmets may not have any rigid projections that extend more than 0.20 inches or 5 millimeters. This allows the helmet to have snap fasteners on the outside, but very little else. 49 C.F.R. § 571.218(S5.5).
3. The final indicator of compliance is the chinstrap used to hold the helmet on the head. The retention system must be able to handle certain loads without separating from the helmet. The fastening system must be easy to engage, but must also stand up to certain loads, as specified in the regulation. 49 C.F.R. § 571.218(S5.3). Retention systems that comply with the standards will have secure rivets that are firmly attached to the helmet. Novelty helmets will have rivets that are loose and do not appear to be secure.

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

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

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

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

- 93 2. There is no sticker showing conformance with the standards of SNELL or
94 ANSI; or
95 3. The safety helmet lacks impact-absorbing material between the shell and the
96 comfort lining of the helmet of not less than one-inch thickness of
97 polystyrene foam or other impact resistant material; or
98 4. The outer shell is not composed of rigid plastic or fiberglass; or
99 5. The outer shell has rigid projections that extend more than 0.20 inches or 5
100 millimeters; or
101 6. The outer shell has no retention system, or has an inadequate retention
102 system.
103

104 **Sec. 14-227** An administrative infraction of this division by a person is hereby declared
105 to implicate public health, safety and welfare, and such infraction constitutes a public
106 nuisance that affects public economy. Statistics concerning the use of proper motorcycle
107 helmets indicate the riders are forty percent more likely to have a fatal accident without a
108 helmet than with a helmet. In addition, in the most traumatic accidents involving head
109 injuries, it has been shown that the public at large bears a major portion of the costs of
110 treatment, thus negatively impacting the public economy. See "How to Identify Unsafe
111 Motorcycle Helmets" published by the U.S. Department of Transportation, National
112 Highway Transportation Safety Administration, DOT HS 807 880 (reprinted February
113 2001); Position Statement of the American Academy of Orthopedic Surgeons, December
114 1985.
115

116 This ordinance shall take effect 90 days after adoption.
117
118

119 S/John Rhodes
120 JOHN RHODES
121 MAYOR
122

123 ATTEST:
124

125 S/Joan Grove
126 JOAN GROVE, CITY CLERK
127

128 1st Reading: September 9, 2008
129 2nd Reading: September 23, 2008
130