

DEPARTMENT OF SAFETY AND HOMELAND SECURITY
OFFICE OF HIGHWAY SAFETY

Statutory Authority: 21 Delaware Code, Section 4185(b), and 29 Delaware Code, Chapter 101
(21 Del.C. §4185(b) & 29 Del.C., Ch. 101)

PROPOSED

PUBLIC NOTICE

1206 Approved Motorcycle Helmets and Eye Protection

The Delaware Department of Safety and Homeland Security proposes to amend Regulation 1207 of the Office of Highway Safety's regulations to more clearly specify what motorcycle helmets and eye protection are approved for use in Delaware by the Secretary of the Department. Written comments concerning this proposed amendment should be submitted to Jana Simpler, Director, Office of Highway Safety, P. O. Box 1321, Dover, DE. 19903 on or before December 1, 2010, for consideration before a final regulation is adopted.

Regulation ~~30~~ 1206 Approved Motorcycle Helmets and Eye Protection

1.0 Types of Approved Helmets.

1.1 Pursuant to **21 Del.C., §4185**, the types of helmets approved by the Secretary of the Department of ~~Public Safety and Homeland Security~~ are ones that:

1.1.1 ~~Helmets which meet or exceed the Federal Motor Vehicle Safety Standard (FMVSS) 218 (D.O.T.) Standard located at 49 Code of Federal Regulations Section 571.218; and meet the Federal Motor Vehicle Safety Standard 218, labeling requirements.~~

~~Helmets which meet or exceed the A.N.S.I. Z90.1A-1973 Standard has amended.~~

~~Helmets used in the State should be labeled so that enforcement officers can identify approved helmets. This label, indicating the helmet, manufacturer's name or brand name (where brand name is different from the manufacturer's name) and the model name or number, should be placed at the outside or inside lower rear of each helmet in letters of not less than one quarter inch in height.~~

~~All helmets are to be either reflectorized by the manufacturer, or reflectorized by material purchased by owner and applied to the helmet. It must be applied so it is legible from all angles and the helmet when being worn. It must be securely affixed to left side, right side and rear of helmet, and should cover an area of at least four square inches in each of the specified areas.~~

1.2.1 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:

1.2.1.1 Manufacturer's name or identification.

1.2.1.2 Precise model designation.

1.2.1.3 Size.

1.2.1.4 Month and year of manufacture. This may be spelled out (e.g., June 1988), or expressed in numerals (e.g. 6/99).

1.2.1.5 The symbol DOT, constituting the manufacturer's certification that the helmet conforms to the applicable Federal Motor Vehicle Safety Standard. This symbol shall appear on the outer surface, in a color that contrasts with the background, in letters at least three-eighths inch (one centimeter) high.

1.2.2 Each helmet shall include the following information for the purchaser:

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

1.2.2.2 "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.)"

- 1.2.2.3 "Make no modifications to the helmet. Fasten helmet securely. If helmet experiences a severe blow, return it to the manufacturer for inspection, or destroy it and replace it."
- 1.2.2.4 "Any additional relevant safety information should be included at the time of purchase by means of an attached tag, brochure, or other suitable means."
- 1.2.2.5 "If a motorcycle helmet meeting the above federal requirements is equipped with an electronic device for transmitting sound, the speaker portion affixed to the helmet, must not enter or completely block the ear canals."

2.0 Approved Types of Eye Protection

- 2.1 Pursuant to **21 Del.C., §4185**, the types of eye protection approved by the Secretary of the Department of ~~Public Safety and Homeland Security~~ are as follows:
 - 2.1.1 Any type of goggles equipped with non-breakable lenses;
 - 2.1.2 A face shield; or
 - 2.1.3 Safety glasses excluding contact lenses. ~~Do NOT approve contact lens or any type of eye glasses unless the eye glasses are equipped with unbreakable lens. Windshields are highly recommended as an additional measure.~~

3.0 Reaffirming original eye protection requirement.

This Regulation reaffirms the original approval for eye protection, as issued by the Motor Vehicle Division on July 11, 1968, ~~and updates the types of helmets which were also approved at that time.~~

14 DE Reg. 432 (11/01/10) (Prop.)