



MICHIGAN STATE POLICE LEGAL UPDATE

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CRIMINAL LAW AND PROCEDURE MANUAL

The 2010 edition of *Michigan Criminal Law and Procedure: A Manual for Michigan Police Officers* is available for purchase.

The manual is published by [Kendall Hunt Publishing Co.](#) Copies may be ordered by calling Kendall Hunt Customer Service at (800) 228-0810, or through their [online catalog](#) (search by title or ISBN: [978-0-7575-8710-8](#)).

VEHICLE CODE

Motorcycle helmet use

Public Act 98 of 2012 amended MCL 257.658, effective immediately, repealing Michigan's mandatory motorcycle helmet requirement for certain motorcycle operators and passengers.

A motorcycle operator is not required to wear a helmet if all of the following conditions apply:

- The operator is at least 21 years of age
- The operator has had his or her motorcycle endorsement for at least two years or has successfully passed a motorcycle safety course conducted according to [MCL 257.811a](#) or [MCL 257.811b](#)
- The operator has in effect a security for the first-party medical benefits payable if he or she is involved in a motorcycle crash for at least \$20,000 for the operator or \$20,000 per person if the operator is carrying an additional passenger and the passenger does not have at least \$20,000 security

A motorcycle passenger is not required to wear a crash helmet if all of the following conditions apply:

- The passenger is at least 21 years of age

- The passenger has in effect at least a \$20,000 security for the first party medical benefits payable if he or she is involved in a motorcycle accident or the operator of the motorcycle has in effect a security that covers the operator and the passenger for at least \$20,000 per person

MCL 257.658 does not require a motorcycle operator to carry proof that he or she has possessed a motorcycle endorsement for at least two years or has successfully passed the motorcycle safety course.

Additionally, the law does not require a motorcycle operator or passenger carry proof of the \$20,000 security required to operate or ride a motorcycle without a helmet.

Operators and passengers who violate MCL 257.658 are responsible for a civil infraction as detailed in [MCL 257.656](#).

Officers are reminded that an officer must have articulable and reasonable suspicion that a violation of the Michigan Vehicle Code has occurred in order to lawfully stop a vehicle for a violation of the Michigan Vehicle Code. For example, officers may not stop a motorcycle operator for not wearing a helmet based on the mere possibility the operator or passenger may not be exempt from the requirement to wear a helmet. Officers must possess facts rising to the level of reasonable suspicion that the operator or passenger is required to wear and helmet and is violating the requirement.

Public Act 98 of 2012

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This update is provided for informational purposes only. Officers should contact their local prosecutor for an interpretation before applying the information contained in this update.