

CONSTITUTIONAL LAW: Statute requiring operators or passengers
MOTORCYCLE: on motorcycles to wear helmets constitutional.
HIGHWAY PATROL:

OPINION NO. 179

March 23, 1967

Honorable John A. Grellner
State Representative, 40th District
St. Louis County
7446 Richmond
Maplewood, Missouri 63143



Dear Representative Grellner:

This is in response to your letter of February 16, 1967, in which you request an opinion from this office as to the constitutionality of mandatory legislation requiring operators and riders of motorcycles to wear safety helmets. Due to the fact that such a bill is now pending before a legislative committee, you requested a prompt opinion on this matter.

Due to the urgency of this opinion request on this matter, our research has been limited, but we have been unable to find any court decisions in any state or in this state concerning the issue. It is a fundamental rule applied by the courts of this state in construing statutes to presume the statute constitutional until the contrary plainly appears, and it is only when it manifestly infringes on some provision of the Constitution that it can be considered void.

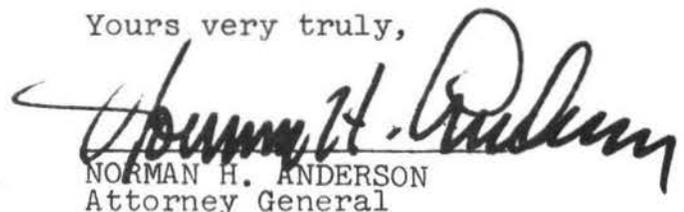
We do not find any constitutional provision that we believe would be violated by legislation requiring drivers and passengers on motorcycles to wear safety helmets.

We are in this letter passing only on the question you raised as to whether legislation requiring drivers and passengers on motorcycles to wear safety helmets is unconstitutional.

We do not pass upon the specific provisions of House Bill No. 225 of the 74th General Assembly as to any objections that might be raised concerning such Bill on any other point.

The foregoing opinion, which I hereby approve was prepared by my assistant Moody Mansur.

Yours very truly,


NORMAN H. ANDERSON
Attorney General