I Mina'Trentai Dos Na Liheslaturan Guahan

Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
87-32 (COR)	T. A. Morrison, M. F. Q. San Nicolas C. M. Duenas, B. J. F. Cruz, T. R. Muna Barnes	AN ACT TO AMEND §§3305 AND 3305.1 CHAPTER 3 OF 16GCA RELATIVE TO IMPLEMENTING A UNIVERSAL HELMET LAW.	4/10/2013 3:51PM	4/10/13	Committee on Aviation, Ground Transportation, Regulatory Concerns, and Future Generations	~~4/19/13, 11:00am~~ ~~5/28/13 4:00 p.m. (CANCELLED)~~ 6/13/13, 5:30pm		**Fiscal Note Requested 04/12/13 Fiscal Notes received 4/30/13 1:21p.m. Committee Report received 6/20/13 2:55 p.m.**
	DATE PASSED	**TITLE**	**TRANSMITTED**		**DUE DATE**	**DATE SIGNED BY I MAGA'LAHEN GUAHAN**	**PUBLIC LAW NO.**	**NOTES**
	6/26/2013	AN ACT TO *AMEND* §§3305 AND 3305.1, AND SUBSECTIONS (i), (k) AND (o) OF §3101; AND TO *ADD* NEW SUBSECTIONS (13) AND (14) TO §3101(f), AND A NEW §3101(p), ALL OF CHAPTER 3 OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO AMENDING THE PROVISIONS OF THE MOTORCYCLE OPERATORS LICENSE AND PERMIT, AND IMPLEMENTING A LIMITED HELMET LAW.	6/26/13	3:00pm	7/8/13			As substituted by the Committee on Aviation, Ground Transportation, Regulatory Concerns, and Future Generations; and amended on the Floor.

FILE COPY

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN*

This is to certify that **Substitute Bill No. 87-32 (COR), "AN ACT TO *AMEND* §§3305 AND 3305.1, AND SUBSECTIONS (i), (k) AND (o) OF §3101; AND TO *ADD* NEW SUBSECTIONS (13) AND (14) TO §3101(f), AND A NEW §3101(p), ALL OF CHAPTER 3 OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO AMENDING THE PROVISIONS OF THE MOTORCYCLE OPERATORS LICENSE AND PERMIT, AND IMPLEMENTING A LIMITED HELMET LAW",** was on the 24th day of June, 2013, duly and regularly passed.

Benjamin J.F. Cruz
Acting Speaker

Attested:

Thomas C. Ada
Acting Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 26th day of June, 2013, at 3:00 o'clock P.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 87-32 (COR)
As substituted by the Committee on Aviation, Ground Transportation, Regulatory Concerns, and Future Generations; and amended on the Floor.

Introduced by: Tommy Morrison
Michael F. Q. San Nicolas
Chris M. Dueñas
B. J.F. Cruz
T. R. Muña Barnes
Brant T. McCreadie
Michael T. Limtiaco
T. C. Ada
Frank B. Aguon, Jr.
V. Anthony Ada
Vicente (ben) C. Pangelinan
R. J. Respicio
Dennis G. Rodriguez, Jr.
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO *AMEND* §§3305 AND 3305.1, AND SUBSECTIONS (i), (k) AND (o) OF §3101; AND TO *ADD* NEW SUBSECTIONS (13) AND (14) TO §3101(f), AND A NEW §3101(p), ALL OF CHAPTER 3 OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO AMENDING THE PROVISIONS OF THE MOTORCYCLE OPERATORS LICENSE AND PERMIT, AND IMPLEMENTING A LIMITED HELMET LAW.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. §3305 of Chapter 3 of Title 16, Guam Code Annotated, is *amended* to read as follows:

"**§ 3305. Mandatory Safety Helmets.**

Any driver under eighteen years of age and any passenger under eighteen years of age *shall* wear a safety helmet, of a type that meets or exceeds the safety standards established by the United States Department of Transportation, when riding on a motorcycle, scooter or moped, including a bicycle equipped with a motor. No passenger under the age of twelve shall be permitted as a passenger on a motorcycle, scooter or moped, or bicycle equipped with a motor. In addition, any driver who has not been licensed to operate a motorcycle for *at least* three years shall wear a safety helmet of a type that meets or exceeds the safety standards established by the United States Department of Transportation. Anyone who violates this Section *shall* be subject to a fine of not less than Fifty Dollars ($50.00) and not more than Five Hundred Dollars ($500.00)."

Section 2. §3305.1 of Chapter 3 of Title 16, Guam Code Annotated, is *amended* to read as follows:

"**§ 3305.1. Sale of Safety Helmets.**

No person shall sell or offer for sale for use by an operator or passenger of a motorcycle, or bicycle equipped with a motor, a helmet which is not of a type meeting the requirements established by the United States Department of Transportation. Anyone who violates this Section *shall* be guilty of a petty misdemeanor. "

Section 3. New Subsections (13) and (14) are hereby *added* to §3101(f) of Chapter 3 of Title 16 of the Guam Code Annotated to read:

"(13) (defensive driving/driver safety) a valid Certificate of Completion of a motorcycle safety/defensive driving education course by the applicant from an instructor approved and licensed for this purpose by the Department of Revenue and Taxation. This provision *shall* be effective for

licenses issued to first-time licensees after January 1, 2015. The standards for such motorcycle safety/defensive driving education course *shall* be determined by the Department of Revenue and Taxation and approved and promulgated by the Department Director.

(14) License Limitation on Engine Size. A licensee is prohibited from operating a motorcycle/motorbike on public roads with an engine larger than the engine in the motorcycle/motorbike for which he/she used to take the road exam. Licensees may qualify to operate larger motorcycles/motorbikes by passing a qualifying road exam. This provision *shall* be effective for licenses issued to first-time licensees after January 1, 2015."

Section 4. Subsection (i) of § 3101 of Chapter 3 of Title 16 of the Guam Code Annotated is *amended* to read:

"(i) An applicant is *not* entitled to an operator's or chauffeur's license or instruction permit:

(1) who is not of legal age to receive such license or permit.

An applicant for a new operator's license or instruction permit must

(A) have a valid Certificate of Completion of a drivers education course and in the case of a motorcycle operator's application, a valid Certificate of Completion of a motorcycle safety/defensive driving education course; and"

Section 5. Subsection (k) of § 3101 of Chapter 3 of Title 16 of the Guam Code Annotated is hereby *amended* to read:

"(k) Every license and permit *shall* state whether it is an operator's or chauffeur's license or instruction permit and *shall* bear thereon the distinguishing number assigned to the application, the dates of issue and expiration, the name, date of birth, residence address, height, weight, color

of eyes, a photograph of the licensee (except that the instruction permit *shall not* bear a photograph of the licensee), the maximum engine size of a motorcycle that the motorcycle operator is authorized to operate, and a space upon which the licensee *shall* write his usual signature. No license shall be valid until it has been signed by the licensee. In the case of a chauffeur's license, the license *shall* also state whether it is a general or restricted license, and if restricted, the type of vehicle or combination of vehicles the licensee is permitted to operate. Each license and permit *shall* also contain a space for common restrictive requirements, such as corrective lenses, hearing aid, hand control or pedal extension, left foot accelerator, no night driving, or other."

Section 6. Subsection (o) of § 3101 of Chapter 3 of Title 16 of the Guam Code Annotated is *amended* to read:

"(o) After passing an examination as required under Subsection (g) to include an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motorcycle and satisfying the Certificate of Completion requirements of Subsection (i), or upon qualifying under Subsection (d) of this Section an applicant may have his operator's, or chauffeur's or motorcycle permit endorsed by the Director of Revenue and Taxation, or his designee, authorizing the applicant to operate a motorcycle on the highways of Guam. The Director of Revenue and Taxation may, in his discretion, accept evidence of a military motorcycle permit in lieu of this examination and endorsement. No person shall operate a motorcycle on the highway without first complying with this Section, *except* that a person having in his immediate possession a valid motorcycle operator's license issued by any other territory or state of the United States, or by a foreign country, may operate a motorcycle upon the highways for a period *not*

exceeding thirty days from the date such person arrived in Guam. The requirement that the person pass an examination and receive an endorsement for operation of a motorcycle *shall not* be applicable to the operation of a motorcycle or when a sidecar is attached to the motorcycle. Any person who operates a motorcycle in violation of this Title *shall* be guilty of a petty misdemeanor."

Section 7. A new Subsection (p) is *added* to § 3101 of Title 16, Guam Code Annotated, to read as follows:

"(p) Motorcycle road/skills tests *shall* be administered by the Division of Motor Vehicles of the Department of Revenue and Taxation, or, by up to five examining entities, which have been approved by the Department of Revenue and Taxation through established rules and regulations, to certify the competence of prospective licenses to operate a vehicle on Guam's roads and highways. Examining entities/examiners that are qualified, approved and authorized to conduct road exams pursuant to §31A05(a) of this Chapter are further authorized to conduct motorcycle road/skills tests; provided, that (1) the examiner conducting the test has had a valid motorcycle license for a period of *not less than* five years; and (2) the road course used for the examination has been approved by the Director of the Department of Revenue and Taxation. Organizations engaged in the sale of motorcycles, scooters or mopeds, including a bicycle equipped with a motor, shall be ineligible to be designated as an examining entity for the purposes of this Section."

LEGISLATIVE SESSION

I MINA'TRENTAI DOS NA LIHESLATURAN

2013 (FIRST) Regular Session

Voting Sheet

Speaker Antonio R. Unipingco Legislative Session Hall

SBill No: 87-32 (COR)

NAME	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent
Senator Thomas "Tom" C. ADA	✓				
Senator V. Anthony "Tony" ADA	✓				
Senator Frank Blas AGUON Jr.	✓				
Vice-Speaker Benjamin J.F. CRUZ	✓				
Senator Christopher M. DUENAS	✓				
Senator Michael LIMTIACO	✓				
Senator Brant McCREADIE	✓				
Senator Thomas "Tommy" MORRISON	✓				
Senator Tina Rose MUÑA BARNES	✓				
Senator Vicente (ben) Cabrera PANGELINAN	✓	11			
Senator Rory J. RESPICIO		✓			
Senator Dennis G. RODRIGUEZ, Jr.		✓			
Senator Michael F. Q.SAN NICOLAS	✓				
Speaker Judith T. WON PAT, Ed.D.	✓				
Senator Aline A. YAMASHITA, Ph.D.	✓				
TOTAL	13	2			
	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent

CERTIFIED TRUE AND CORRECT:

I = Pass

Clerk of the Legislature

June 21, 2013

COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • *www.guamlegislature.com*
E-mail: *roryforguam@gmail.com* • Tel: (671)472-7679 • Fax: (671)472-3547

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MAJORITY LEADER

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Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

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MINORITY LEADER

Senator
Aline Yamashita
Member

April 30, 2013

Memorandum

To: **Rennae Meno**
Clerk of the Legislature

From: **Senator Rory J. Respicio**
Majority Leader & Rules Chair

Subject: **Fiscal Notes**

Hafa Adai!

Attached please find the fiscal notes for the bill numbers listed below. Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

FISCAL NOTES:
Bill Nos.: 62-32 (COR), 63-32(COR), 83-32(COR), 85-32(COR), 87-32(COR), and 97-32(LS)

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

Si Yu'os ma'åse'!

2013 APR 30 PM 1:21

BUREAU OF BUDGET & MANAGEMENT RESEARCH

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR

JOHN A. RIOS
DIRECTOR

RAY TENORIO
LIEUTENANT GOVERNOR

APR 29 2013

Senator Rory J. Respicio
Chairperson, Committee on Rules
I Mina'trentai Unu na Liheslaturan Guåhan
The 31st Guam Legislature
155 Hesler Place
Hagåtna, Guam 96932

Hafa Adai Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: **62-32(COR), 63-32(COR), 83-32(COR), 85-32(COR), 87-32(COR), and 97-32(LS).**

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.

JOHN A. RIOS
Director

Enclosures

cc: Senator Vicente (ben) Pangelinan

Bureau of Budget & Management Research
Fiscal Note of Bill No. 87-32 (COR)

AN ACT TO AMEND §§3305 AND 3305.1 CHAPTER 3 OF 16GCA RELATIVE TO IMPLEMENTING A UNIVERSAL HELMET LAW.

Department/Agency Appropriation Information		
Dept./Agency Affected: Department of Revenue & Taxation	Dept./Agency Head: John P. Camacho	
Department's General Fund (GF) appropriation(s) to date:		9,164,180
Department's Other Fund (Specify) appropriation(s) to date: Tax Collection Enhancement Fund ($686,717) / Better Public Service Fund ($1,390,554)		2,077,271
Total Department/Agency Appropriation(s) to date:		$11,241,451

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2012 Unreserved Fund Balance[1]		$0	$0
FY 2013 Adopted Revenues	$561,985,725	$0	$561,985,725
FY 2013 Appro. (P.L. 31-233)	($548,971,874)	$0	($548,971,874)
Sub-total:	$13,013,851	$0	$13,013,851
Less appropriation in Bill	$0	$0	$0
Total:	$13,013,851	$0	$13,013,851

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2013 (if applicable)	FY 2014	FY 2015	FY 2016	FY 2017
General Fund	$0	$0	$0	$0	$0	$0
(Specify Special Fund)	$0	$0	$0	$0	$0	$0
Total	$0	$0	$0	$0	$0	$0

1. Does the bill contain "revenue generating" provisions? / x / Yes / / No
   If Yes, see attachment
2. Is amount appropriated adequate to fund the intent of the appropriation? / x / N/A / / Yes / / No
   If no, what is the additional amount required? $ _____ / x / N/A
3. Does the Bill establish a new program/agency? / / Yes / x / No
   If yes, will the program duplicate existing programs/agencies? / x / N/A / / Yes / / No
   Is there a federal mandate to establish the program/agency? / / Yes / x / No
4. Will the enactment of this Bill require new physical facilities? / / Yes / x / No
5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: / x / Yes / / No
   / x / Requested agency comments not received as of the due date / / Other:

Analyst: _____ Date: 4/23/13 Director: _____ Date: 4/25/13
Michael M. Aflague, B&M Analyst IV John A. Rios, Director

Footnotes: see attachment.

Bureau of Budget & Management Research
Attachment to Fiscal Note Bill No. 87-32 (COR)
(for revenue generating provisions)

Projected Multi-Year Revenues					
	Year 1	Year 2	Year 3	Year 4	Year 5
General Fund	$0	$0	$0	$0	$0
Special Fund	$0	$0	$0	$0	$0
Total	$0	$0	$0	$0	$0

Comments:

Bill 87-32 amends Section 3305 of Ch. 3 of 16GCA requiring drivers and passengers, regardless of age, to wear a helmet. The number of violators below the age of 18 relative to the imposed fine of $50 - $500 is the anticipated increase in revenues. The Bureau has requested data from the Department of Revenue and Taxation; however, information has not been received as of these comments.

COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
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Senator
Aline Yamashita
Member

April 12, 2013

2013 APR 12 PM 4:16

VIA FACSIMILE
(671) 472-2825

John A. Rios
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Note – Bill Nos. 79-32(COR), 81-32(COR), 82-32(COR), 83-32(COR), 84-32(COR), 85-32(COR), 86-32(COR), and 87-32(COR)

Håfa Adai Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bill. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bill.

Si Yu'os ma'åse' for your attention to this matter.

Very Truly Yours,

Rory J. Respicio

Senator Rory J. Respicio
Chairperson, Committee on Rules

Attachments

Cc: Clerk of the Legislature

Bill Nos.	Sponsor	Title
79-32 (COR)	Judith T. Won Pat, Ed.D.	AN ACT TO AMEND S106911(k) OF CHAPTER 106, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE TRANSFER OF DORMANT AND UNCLAIMED BANK ACCOUNT FUNDS FROM THE TREASURER OF GUAM TO THE GUAM HOUSING CORPORATIONS'S HOUSING TRUST FUND.
80-32 (COR)	WITHDRAWN	
81-32 (COR)	Vicente (ben) Pangelinan	AN ACT TO PROVIDE HEALTH INSURANCE TO GOVERNMENT OF GUAM EMPLOYEES AND RETIREES FOR FISCAL YEAR 2014
82-32 (COR)	Frank B. Aguon, Jr.	AN ACT TO REPEAL CHAPTER 25 OF TITLE 8 GUAM CODE ANNOTATED
83□32 (COR)	Judith T. Won Pat, Ed.D.	AN ACT TO AMEND §77403, §77404, §77405 AND §77407 OF CHAPTER 77, ARTICLE 4, DIVISION 2, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO THE CONSTRUCTION, DEVELOPMENT, UPGRADING, REPAIR OR MAINTENANCE OF PUBLIC SCHOOL SPORTS FACILITIES.
84-32 (COR)	Vicente (ben) Pangelinan Tina Rose Muña Barnes	AN ACT TO ADD A NEW SUBSECTION (f) to SECTION 2, PART III, CHAPTER II OF PUBLIC LAW 31-233, RELATIVE TO THE APPROPRIATION TO THE GUAM COMMUNITY COLLEGE APPRENTICESHIP PROGRAM
85-32 (COR)	Vicente (ben) Pangelinan	AN ACT TO PROHIBIT THE USE OF GOVERNMENT FUNDS FOR THE APPEAL OF CIVIL CASE 1:11-CV-00008, REA MIALIZA O. PAESTE ET AL V. GOVERNMENT OF GUAM AND EDDIE BAZA CALVO, BENITA MANGLONA, AND JOHN CAMACHO, IN THEIR OFFICIAL CAPACITIES AND TO ADD A NEW SUBSECTION (i) TO SECTION 30109, CHAPTER 30 OF TITLE 5 GUAM CODE ANNOTATED.
86□32 (COR)	T.C. Ada	AN ACT TO ADD §10238 TO ARTICLE 2, CHAPTER 10 OF TITLE 12 GUAM CODE ANNOTATED TO AUTHORIZETHE JOSE D. LEON GUERRERO PORT AUTHORITY OF GUAM (PORT) TO WAIVE SOVEREIGN IMMUNITY TO SATISFY A PREREQUISITE FOR APPROVAL OF A $10,000,000 COMMERCIAL LOAN
87□32 (COR)	T. A. Morrison, M. F. Q. San Nicolas, C. M. Duenas, B. J. F. Cruz, T. R. Muna Barnes	AN ACT TO AMEND §§3305 AND 3305.1 CHAPTER 3 OF 16GCA RELATIVE TO IMPLEMENTING A UNIVERSAL HELMET LAW.

COMMITTEE ON RULES

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April 12, 2013

VIA FACSIMILE
(671) 472-2825

2013 APR 12 AM 10:14

John A. Rios
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Note – Bill Nos. 79-32(COR), 80-32(COR), 81-32(COR), 82-32(COR), 83-32(COR), 84-32(COR), 85-32(COR), 86-32(COR), and 87-32(COR)

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Rory J. Respicio

Senator Rory J. Respicio
Chairperson, Committee on Rules

Attachments

Cc: Clerk of the Legislature

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MINORITY LEADER

Senator
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Member

April 10, 2013

MEMORANDUM

To: **Rennae Meno**
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Rory J. Respicio**
Majority Leader & Rules Chair

Subject: **Referral of Bill No. 87-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my re referral of Bill No. **87-32(COR)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan.*

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

Attachment

2013 APR 10 PM 3:51

I MINA' TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 87-32(COR)

Introduced by: T. A. Morrison
M. F. Q. San Nicolas
C. M. Duenas
B. J. F. Cruz
T. R. Muna Barnes

AN ACT TO AMEND §§3305 AND 3305.1 CHAPTER 3 OF 16GCA RELATIVE TO IMPLEMENTING A UNIVERSAL HELMET LAW.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Section 3305 of Chapter 3 of 16GCA is *amended* to read as follows:

"§3305. Mandatory Safety Helmets.

Any driver ~~under eighteen (18) years of age~~ and any passenger ~~under eighteen (18) years of age~~ shall wear a safety helmet, of a type approved by the Department of Revenue and Taxation or the United States Department of Transportation, when riding on a motorcycle, including a bicycle equipped with a motor. Anyone who violates this section shall be subject to a fine of not less than Fifty Dollars ($50.00) and not more than Five Hundred Dollars ($500.00)."

Section 2. Section 3305.1 of Chapter 3 of 16GCA is *amended* to read as follows:

"§3305.1. Sale of Safety Helmets.

No person shall sell or offer for sale for use by an operator or passenger of a motorcycle, or bicycle equipped with a motor, a helmet which is not of a type meeting the requirements established by the Department of Revenue & Taxation or

the United States Department of Transportation. Anyone who violates this Section shall be guilty of a petty misdemeanor. "