

The State of Wisconsin
Department of Justice
Madison
53702

MVD 18

ROBERT W. WARREN
ATTORNEY GENERAL

DAVID C. MEBANE
DEPUTY ATTORNEY GENERAL

September 13, 1973

Mr. James O. Peterson, Administrator
Division of Motor Vehicles
Department of Transportation
4802 Sheboygan Avenue
Madison, Wisconsin 53702

Dear Mr. Peterson:

You have requested our consent pursuant to sec. 227.025, Stats., for the Division of Motor Vehicles to adopt Wis. Adm. Code Chapter MVD 18, by incorporating by reference in the proposed rules the American National Standard Specifications for Protective Headgear for Vehicular Users, ANSI Z90.1-1971.

These materials are utilized primarily by people dealing in the field of helmet manufacture and, therefore, meet the statutory test of "limited public interest." Copies of these standards are readily available and are on file in the offices of the Division of Motor Vehicles, Secretary of State, and Revisor of Statutes. The Division of Motor Vehicles has found the American National Standard Institute to be an organization of recognized national standing.

If there are any secondary references by incorporation, other than scientific or objective standards, within these reference publications, such incorporated substantive references or materials must specifically be deleted. If they are essential or necessary, they must be promulgated as a specific rule as required by ch. 227, Stats.

Because these standards adopted by reference are subject to revision or amendment beyond your control, your adoption of them is valid only in their present form, and does not include future amendments.

It appears that your proposed rule is of limited public interest, that such incorporation by reference will avoid unwarranted expense, that the reference material

Mr. James O. Peterson, Administrator
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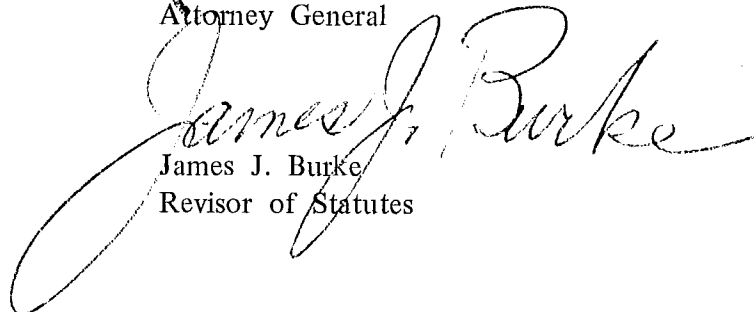
is a publication of an organization of recognized national standing and said material is readily available.

Accordingly, we hereby consent to the incorporation by reference of the material described herein in your proposed rule, Wis. Adm. Code Chapter MVD 18.

Sincerely yours,



Robert W. Warren
Attorney General



James J. Burke
Revisor of Statutes

RWW/ph



State of Wisconsin \ DEPARTMENT OF TRANSPORTATION



September 4, 1973

DIVISION OF MOTOR VEHICLES
4802 SHEBOYGAN AVENUE
MADISON, WISCONSIN 53702

Mr. James J. Burke
Revisor of Statutes
411 West, Capitol
Madison, Wisconsin 53702

Dear Mr. Burke:

The Division of Motor Vehicles proposes to adopt a revision of Chapter MVD 18, Wisconsin Administrative Code, and incorporate a standard by reference. MVD 18 relates to protective headgear standards and specifications for operators of motorcycles.

A copy of the reference, American National Standard Specifications for Protective Headgear for Vehicular Users, ANSI Z90.1-1971, is enclosed.

Approval to utilize this standard is requested, as directed by section 227.025, Wis. Stats.

Sincerely,

A handwritten signature in cursive script that reads "James O. Peterson".

JAMES O. PETERSON
Administrator

JOP:Mjd
Enclosure

A PROPOSAL TO REPEAL AND RECREATE
CHAPTER MVD 18, PROTECTIVE HEADGEAR
STANDARDS AND SPECIFICATIONS

CHAPTER MVD 18
PROTECTIVE HEADGEAR - STANDARDS
AND SPECIFICATIONS

NOTE: Section 347.485, Wis. Stats., provides for the approval of standards, specifications, and type of protective headgear and the manner of wearing such headgear.

Section 347.485 (1) (a), Wis. Stats. No person shall operate or ride upon a motor-driven cycle on any highway unless such person is wearing protective headgear of a type and in the manner approved by the administrator.

Section 347.485 (1) (b), Wis. Stats. No person shall sell or offer for sale any protective headgear for use by a driver or passenger on a motor-driven cycle, not meeting the standards and specifications approved by the administrator.

Section 347.485 (1) (c), Wis. Stats. The standards and specifications for protective headgear referred to in this section shall be such as to provide a high level of protection at reasonable cost to the consumer.

MVD 18.01 Applicability. (1) Every non-resident shall use protective headgear as prescribed, except that such headgear will be approved for usage in Wisconsin even though it does not comply with this order, but meets the standards and specifications of his state of residence. If his state of residence does not have standards or specifications for protective headgear, then such headgear shall be in compliance with this order.

(2) Protective headgear shall not be required of operators or passengers of three-wheeled vehicles which are equipped with cabs entirely enclosing the passenger compartment.

(3) Protective headgear purchased by a resident prior to July 1, 1968 which can be identified as meeting these requirements, will be acceptable by the division.

MVD 18.02 Test Standards. (1) The administrator will accept the protective headgear certification program of the American Association of Motor Vehicles (AAMVA) as being the valid certification program in Wisconsin. The AAMVA equipment approval program for protective headgear shall use the American National Standards Institute Z90.1-1971 standard as the basis of approval or denial of certification.

NOTE: This standard is obtainable from the American National Standards Institute, Inc., 1430 Broadway, New York, New York, 10018. This reference is available in the Office of the Division of Motor Vehicles, The Revisor of Statutes, and the Secretary of State.

(2) A manufacturer desiring approval to market protective headgear in Wisconsin shall submit such test reports as are required by AAMVA to AAMVA for certification.

NOTE: The American Association of Motor Vehicle Administrators (AAMVA) address is 1828 L Street, N.W. Suite 500, Washington, D.C. 20036.

MVD 18.03 Reporting. (1) The AAMVA shall periodically report the current certified headgear meeting established standards to the division.

MVD 18.04 Identification Requirements. (1) Every headgear offered for sale shall have durable labeling which will give the model designation and allow the identification of the manufacturer to be made.

MVD 18.05 Reflectorization. (1) Protective headgear may have a reflectorized surface or have reflectorized material affixed on the left or right side of the headgear.

MVD 18.06 Manner of Wearing. (1) The protective headgear shall be worn on the head with the chin strap properly fastened, and in contact with the chin or jaw.