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SENATOR BEUTLER: A child has to have a helmet. However, in the section that Senator Jensen quoted, it said, enforcement of this section--okay, that's enforcement of the passenger provision, as well as enforcement of the driver provision--enforcement of this section by state or local law shall be accomplished only by a secondary action, secondary offense. Now, let me ask you this. If a police officer sees a five-year-old child on a motorcycle without a helmet, can that officer, without a...without seeing some other offense, stop that motorcycle driver and say, take that five-year-old off the cycle?

SENATOR SMITH: I don't think they could demand that they take the five-year-old off the cycle.

SENATOR BEUTLER: Could they stop it?

SENATOR SMITH: For that infraction alone?

SENATOR BEUTLER: For the child not having a helmet.

SENATOR SMITH: Probably not. Let me...

SENATOR BEUTLER: Thank you, Senator. I mean, that...you know, we can spin things certain ways. But telling you how the law will operate is not a spin. That's telling you what's going to happen. And the fact of the matter is, unless you can find something to stick on the driver, it appears that what Senator Jensen says is true. You could not get a five-year-old without a helmet or a six-year-old without a helmet or a eight- or a nine- or a ten-year-old without a helmet off that motorcycle unless you can find some offense to stick on the driver of the motorcycle, because the law includes the passenger provision under the secondary offense provision. That's the way I read it. That's the way Senator Smith has conceded it to be. That's the way Senator Jensen has asserted it. That appears to be the truth of the matter. And that is a serious, serious flaw in the green copy of the bill, which is incorporated in AM1770.

SENATOR JANSSEN: Thank you, Senator Beutler. Senator Byars.

SENATOR BYARS: Thank you, Mr. President. I read the language