

A005-0203

10 AN ACT CONCERNING

20 **Motorcyclist's Rights**

30 FOR the purpose of giving rights back to the public, specifically any adult who rides a motorcycle  
40 and wishes not to wear headgear.

50 BY repealing and adding to  
60 Article - Courts and Judicial Proceedings  
70 Section 11-1306  
80 Annotated Code of Maryland  
90 (2001 Replacement Volume)

100 SECTION 1. BE IT ENACTED BY THE MARYLAND STUDENT LEGISLATURE, That  
110 the Laws of Maryland read as follows:

120 **Article – Courts and Judicial Proceedings**

130 § 21-1306. Equipment for riders.

140 (a) Exception - This section does not apply to any person riding in an enclosed cab.

150 (b) Required headgear - ~~An individual~~ MINOR may not operate or ride on motorcycle unless  
160 the individual is wearing protective headgear that meets the standards established by the  
170 administrator.

180 (c) Required eye-protective device or windscreen - A person may not operate a motorcycle  
190 unless:

200 (1) He is wearing an eye-protective device of a type approved by the Administrator;  
210 or

220 (2) The motorcycle is equipped with a windscreen.

230 (d) Approval of protective devices by Administrator.- The Administrator:

240 (1) May approve or disapprove protective headgear and eye-protective devices  
250 required by this section;

260 (2) May adopt and enforce regulations establishing standards and specifications  
270 for the approval of protective headgear and eye-protective devices; and

280 (3) Shall publish lists of all protective headgear and eye-protective devices that  
290 he approves, by name and type.

300 (e) Failure to use required headgear; evidence; civil actions.-

310 (1) The failure of an individual to wear protective headgear required under  
320 subsection (b) of this section may not:

330 (i) Be considered evidence of negligence;

340 (ii) Be considered evidence of contributory negligence;

- 350 (iii) Limit liability of a party or an insurer; or
- 360 (iv) Diminish recovery for damages arising out of the ownership,  
370 maintenance, or operation of a motorcycle.
- 380 (2) Subject to the provisions of paragraph (3) of this subsection, a party, witness,  
390 or counsel may not make reference to protective headgear during a trial of a civil action  
400 that involves property damage, personal injury, or death if the damage, injury, or death is  
410 not related to the design, manufacture, supplying, or repair of protective headgear.
- 420 (3) (i) Nothing contained in this subsection may be construed to prohibit the  
430 right of a person to institute a civil action for damages against a dealer,  
440 manufacturer, distributor, factory branch, or other appropriate entity or person  
450 arising out of an incident that involves protective headgear alleged to be  
460 defectively designed, manufactured, or repaired.
- 470 (ii) In a civil action described under subparagraph (i) of this paragraph in  
480 which 2 or more parties are named as joint tort-feasors, interpleaded as  
490 defendants, or impleaded as defendants, and at least 1 of the joint tort-feasors or  
500 defendants is not involved in the design, manufacture, supplying, or repair of  
510 protective headgear, a court shall order on a motion of any party separate trials  
520 to accomplish the ends of justice.
- 530 (4) A RIDER WHO IS OF LEGAL AGE TO OPERATE A MOTORCYCLE AND  
540 IS FOUND NOT TO BE WEARING APPROPRIATE HEADGEAR ARE SUBJECT  
550 TO A FINE OF NO MORE THAN FIFTY DOLLARS. IF ANYONE UNDER THE  
560 AGE OF SIXTEEN IS CAUGHT RIDING WITHOUT THE APPROPRIATE  
570 HEADGEAR, THE ADULT IN CONTROL OF THE MOTORCYCLE WILL BE SEEN  
580 AS NEGLIGANT AND CHARGED WITH CHILD ENDANGERMENT.

590 SECTION 2. AND BE IT FURTHER ENACTED, That this act shall take effect on January 1,  
600 2003.

610 MANDATES: Governor-elect Robert Ehrlich  
620 Lt. Governor-elect Michael Steele

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