

A001-0405

10 AN ACT CONCERNING

20 **Vehicle Laws – Protective Headgear Requirement for Motorcycle Riders – Exceptions**

30 FOR the purpose of providing certain exceptions to the prohibition against operating or riding on a
40 motorcycle without certain protective headgear; and generally relating to the requirement that
50 protective headgear be worn by operators or riders of a motorcycle.

60 BY repealing and reenacting, with amendments,
70 Article – Transportation
80 Section 21-1306
90 Annotated Code of Maryland
100 (2002 Replacement Volume and 2003 Supplement)

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

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 may not operate or ride on a motorcycle unless the
160 individual is wearing protective headgear that meets the standards established by the
170 Administrator.
180 (1) THE ABOVE SUBSECTION DOES NOT APPLY TO:
190 (I) THE OPERATOR OR OCCUPANT OF ANY THREE-WHEELED
200 MOTORCYCLE EQUIPPED WITH AN ENCLOSED CAB;
210 (II) AN INDIVIDUAL AT LEAST 21 YEARS OLD WHO HAS BEEN
220 LICENSED TO OPERATE A MOTORCYCLE FOR AT LEAST 2
230 YEARS;
240 (III) AN INDIVIDUAL AT LEAST 21 YEARS OLD WHO HAS
250 COMPLETED A MOTORCYCLE-RIDER SAFETY COURSE
260 APPROVED BY THE ADMINISTRATOR OR BY THE
270 MOTORCYCLE SAFETY FOUNDATION; OR
280 (IV) AN INDIVIDUAL AT LEAST 18 YEARS OLD WHO IS COVERED
290 BY AN INSURANCE POLICY PROVIDING FOR AT LEAST
300 \$10,000 IN MEDICAL BENEFITS FOR INJURIES INCURRED AS
310 A RESULT OF A CRASH WHILE OPERATING OR RIDING ON A
320 MOTORCYCLE
330 (V) AN INDIVIDUAL AT LEAST 21 YEARS OLD WHO IS A
340 PASSENGER ON A MOTORCYCLE OPERATED BY AN
350 INDIVIDUAL DESCRIBED IN ITEM (II) OR (III) OF THIS
360 PARAGRAPH.
370 (c) Required eye-protective device or windscreen.- A person may not operate a motorcycle
380 unless:
390 (1) He is wearing an eye-protective device of a type approved by the Administrator;
400 or
410 (2) The motorcycle is equipped with a windscreen.
420 (d) Approval of protective devices by Administrator.- The Administrator:
430 (1) May approve or disapprove protective headgear and eye-protective devices
440 required by this section;
450 (2) May adopt and enforce regulations establishing standards and specifications for
460 the approval of protective headgear and eye-protective devices; and
470 (3) Shall publish lists of all protective headgear and eye-protective devices that he
480 approves, by name and type.

- 490 (e) Failure to use required headgear; evidence; civil actions.-
500 (1) The failure of an individual to wear protective headgear required under
510 subsection (b) of this section may not:
520 (i) Be considered evidence of negligence;
530 (ii) Be considered evidence of contributory negligence;
540 (iii) Limit liability of a party or an insurer; or
550 (iv) Diminish recovery for damages arising out of the ownership,
560 maintenance, or operation of a motorcycle.
570 (2) Subject to the provisions of paragraph (3) of this subsection, a party, witness, or
580 counsel may not make reference to protective headgear during a trial of a civil
590 action that involves property damage, personal injury, or death if the damage,
600 injury, or death is not related to the design, manufacture, supplying, or repair of
610 protective headgear.
620 (3) (i) Nothing contained in this subsection may be construed to prohibit the
630 right of a person to institute a civil action for damages against a dealer,
640 manufacturer, distributor, factory branch, or other appropriate entity or
650 person arising out of an incident that involves protective headgear
660 alleged to be defectively designed, manufactured, or repaired.
670 (ii) In a civil action described under subparagraph (i) of this paragraph in
680 which 2 or more parties are named as joint tort-feasors, interpleaded as
690 defendants, or impleaded as defendants, and at least 1 of the joint tort-
700 feasors or defendants is not involved in the design, manufacture,
710 supplying, or repair of protective headgear, a court shall order on a
720 motion of any party separate trials to accomplish the ends of justice.

730 **SECTION 1.** BE IT FURTHER ENACTED, That this take effect on July 1, 2005.

740 **MANDATES:** Governor Robert L. Ehrlich, Jr.
750 Senate President Thomas V. "Mike" Miller
760 Senator Minority Leader J. Lowell Stoltzfus
770 Brian E. Frosh, Chair of the Senate Judicial Proceedings Committee
780 Leo E. Green, Vice-Chair of the Senate Judicial Proceedings Committee
790 Senator John J. Hafer, Sponsor of SB611_2004
800 Senator David R. Brinkley, Co-Sponsor of SB611_2004
810 House Speaker Michael Busch
820 Delegate Joseph F. Vallario, Jr., Chair of the House Judiciary Committee
830 Anthony G. Brown, Vice-Chair of the House Judiciary Committee

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