

Department of Legislative Services
Maryland General Assembly
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FISCAL AND POLICY NOTE

House Bill 437 (Delegate Elliott, *et al.*)
Environmental Matters

Bicycles, Mopeds, and Motor Scooters - Minors - Protective Headgear

This bill prohibits a person, younger than age 18, from operating or riding as a passenger on a bicycle or motor scooter on any highway, bicycle way, or other property open to or used by the public for pedestrian or vehicular traffic unless the individual is wearing a helmet. The bill also clarifies that the definition of “bicycle” includes a “moped.”

The bill takes effect June 1, 2009.

Fiscal Summary

State Effect: Potential significant general and federal fund savings beginning in FY 2010 for the Department of Health and Mental Hygiene (DHMH) to the extent the bill reduces debilitating injuries from bicycle and motor scooter accidents. The helmet requirements are not punishable by a fine. Enforcement can be handled with existing resources.

Local Effect: None. Enforcement can be handled with existing resources.

Small Business Effect: Potential minimal increase in revenues from increased sales of helmets.

Analysis

Current Law: An individual younger than age 16 may not ride a bicycle on any highway, bicycle way, or other property open to or used by the public for pedestrian or vehicular traffic unless the individual is wearing a helmet. This helmet requirement also applies to a person younger than age 16 who is a passenger in an attached restraining seat

or in a trailer being towed by the bicycle. The helmet requirement does not apply to the boardwalk between the Ocean City inlet and 27th Street during specified hours in the Town of Ocean City. The helmet has to meet or exceed the standards of the American National Standards Institute, the Snell Memorial Foundation, or the American Society of Testing and Measurements for protective headgear for use in bicycling. The provision is enforced by the issuance of a warning that informs the offender of the helmet requirement and provides educational materials about helmet use.

A “motor scooter” is a two-wheeled, nonpedal vehicle with automatic transmission, a seat, and a step-through chassis. A motor scooter motor has a rating of 2.7 horsepower or less or, if the motor is an internal combustion engine, it has a capacity of 50 cc or less. Motorcycles, all-terrain vehicles, other vehicles made for off-road use are not considered motor scooters. A person may not ride a motor scooter on any roadway where the maximum speed limit exceeds 50 miles per hour; on any expressway (except on an adjacent bicycle path or way approved by the Maryland State Highway Administration); or on any other controlled access highway prohibited by specified signage. Maryland has no helmet requirement for motor scooters.

Background: Head injuries are the most serious type of injury and the most common cause of death for bicyclists. Bicycle helmets are 85% to 88% effective in mitigating head injuries, yet according to the National Highway Traffic Safety Administration as few as 20% to 25% of all bicyclists wear helmets. The Bike Helmet Safety Institute reports that 45% to 88% of cyclists’ brain injuries could be prevented by helmet use, saving an estimated \$81 million annually in injury-related direct costs.

Twenty-one states, the District of Columbia, and at least 149 municipal localities have age-specific bicycle helmet laws, most of which only cover bicyclists younger than age 16. Fourteen states have no state or local helmet laws. No state requires bicycle helmet use for all ages; however, many municipalities (including the Town of Sykesville) require bicycle helmet use by riders of all ages. Twenty-three states specifically require helmet use while riding a moped, 12 of which apply only to certain minors.

The laws concerning motor scooters vary widely because states define motor scooters differently. Many states include motor scooters in the definition of “motor driven cycle” along with motorcycles. Twenty states (including Maryland) and the District of Columbia require all motorcyclists to wear a helmet, while 27 states require only riders under a specified age to wear helmets. The threshold age ranges from 14 to 20. Three states (Illinois, Iowa, and New Hampshire) do not require motorcycle riders to wear protective headgear.

State Fiscal Effect: To the extent the bill reduces debilitating injuries resulting from bicycle and motor scooter accidents, potentially significant savings could be generated

for DHMH. Individuals with traumatic brain injuries often receive care in nursing homes, chronic hospitals, and State psychiatric institutions due to a lack of funding for community-based services. Individuals enrolled in the Medicaid program for treatment from traumatic brain injury receive residential and day habilitation and supported employment services at a cost of about \$120,000 per enrollee per year. There are insufficient data at this time to estimate the number of traumatic head injuries that could be avoided and the resulting potential savings to the Medicaid program.

If additional Maryland bicycle and motor scooter riders younger than age 21 comply with this bill by wearing the specified helmets and there are fewer head injuries as a result, general fund expenditures for the Developmental Disabilities Administration could be reduced because fewer individuals injured before age 21 would need ongoing funding and services. There is insufficient data at this time to reliably estimate the number of injuries that could be avoided and the resulting potential savings.

Additional Information: HB 187 of 2009 prohibits a person, *regardless of age*, from operating or riding as a passenger on a bicycle or motor scooter without a helmet.

Additional Information

Prior Introductions: HB 496 of 2006 would have required an individual who operates a motor scooter or moped to wear the same protective headgear required while riding a motorcycle. The bill was heard by the Environmental Matters Committee, but no further action was taken.

Cross File: None.

Information Source(s): National Highway Traffic Safety Administration, Bicycle Helmet Safety Institute, National Conference of State Legislatures, Department of Health and Mental Hygiene, Maryland Department of Transportation, Department of Legislative Services

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