By: Delegates McIntosh, Bobo, Cane, Clippinger, Frush, Healey, Holmes, Hucker, B. Robinson, S. Robinson, Stein, and F. Turner

Introduced and read first time: January 25, 2013
Assigned to: Environmental Matters

A BILL ENTITLED

AN ACT concerning

Vehicle Laws – Bicycles – Required Use of Protective Headgear

FOR the purpose of expanding the requirement that certain bicycle operators or passengers wear certain protective headgear to apply to all persons; clarifying that this Act does not apply to a rider or passenger on a moped; making stylistic changes; and generally relating to protective headgear requirements for operators and passengers on a bicycle.

BY repealing and reenacting, with amendments,

Article – Transportation
Section 21–1207.1
Annotated Code of Maryland
(2012 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Transportation

21–1207.1.

(a) (1) [The provisions of this section apply] THIS SECTION APPLIES:

(i) At all times while a bicycle is being operated on any highway, bicycle way, or other property open to the public or used by the public for pedestrian or vehicular traffic; and

(ii) To a person [under the age of 16] who is riding on a bicycle, including a person [under the age of 16] who is a passenger on a bicycle:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
1. In a restraining seat attached to the bicycle; or
2. In a trailer being towed by the bicycle.

(2) [The provisions of this section do] **THIS SECTION DOES** not apply to [passengers]:

(I) **A RIDER OR A PASSENGER ON A MOPED; OR**

(II) **A PASSENGER in A commercial bicycle [rickshaws]**

(b) This section does not apply in the town of Ocean City, Maryland, on the boardwalk between the Ocean City inlet and 27th Street, during the hours in which bicycles are permitted by local ordinance to be operated on the boardwalk.

(c) A person to whom this section applies may not operate or ride as a passenger on a bicycle unless the person is wearing a helmet that meets or exceeds the standards of the American National Standards Institute, the Snell Memorial Foundation, or the American Society for Testing and Materials for protective headgear for use in bicycling.

(d) This section shall be enforced by the issuance of a warning that informs the offender of the requirements of this section and provides educational materials about bicycle helmet use.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2013.