

SENATE BILL 173

R5
SB 246/13 – JPR

4r1110
CF 4r1836

By: **Senators Astle, Edwards, and Shank**
Introduced and read first time: January 15, 2014
Assigned to: Judicial Proceedings

A BILL ENTITLED

AN ACT concerning

Vehicle Laws – Protective Headgear Requirement for Motorcycle Riders – Exception

FOR the purpose of providing that a certain prohibition against operating or riding on a motorcycle without certain protective headgear does not apply to an individual at least a certain age who carries at least a certain amount of health insurance coverage for certain injuries; and generally relating to the requirement that protective headgear be worn by operators or riders of motorcycles.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–1306
Annotated Code of Maryland
(2012 Replacement Volume and 2013 Supplement)

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

Article – Transportation

21–1306.

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

(b) **(1)** An individual may not operate or ride on a motorcycle unless the individual is wearing protective headgear that meets the standards established by the Administrator.

(2) THIS SUBSECTION DOES NOT APPLY TO AN INDIVIDUAL AT LEAST 21 YEARS OLD WHO CARRIES AT LEAST \$10,000 IN HEALTH INSURANCE

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



COVERAGE FOR INJURIES THAT MAY BE INCURRED IN A MOTORCYCLE ACCIDENT.

(c) A person may not operate a motorcycle unless:

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

(2) The motorcycle is equipped with a windscreen.

(d) The Administrator:

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

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

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

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

(i) Be considered evidence of negligence;

(ii) Be considered evidence of contributory negligence;

(iii) Limit liability of a party or an insurer; or

(iv) Diminish recovery for damages arising out of the ownership, maintenance, or operation of a motorcycle.

(2) Subject to the provisions of paragraph (3) of this subsection, a party, witness, or counsel may not make reference to protective headgear during a trial of a civil action that involves property damage, personal injury, or death if the damage, injury, or death is not related to the design, manufacture, supplying, or repair of protective headgear.

(3) (i) Nothing contained in this subsection may be construed to prohibit the right of a person to institute a civil action for damages against a dealer, manufacturer, distributor, factory branch, or other appropriate entity or person arising out of an incident that involves protective headgear alleged to be defectively designed, manufactured, or repaired.

(ii) In a civil action described under subparagraph (i) of this paragraph in which 2 or more parties are named as joint tort-feasors, interpleaded as

defendants, or impleaded as defendants, and at least 1 of the joint tort-feasors or defendants is not involved in the design, manufacture, supplying, or repair of protective headgear, a court shall order on a motion of any party separate trials to accomplish the ends of justice.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.