

HOUSE BILL 559

R5

6lr1495

By: **Delegates Bromwell, Anderson, Anderton, Arentz, Aumann, Buckel, Cassilly, Cluster, Fisher, Fraser-Hidalgo, Glass, Grammer, Impallaria, Kipke, Kittleman, Knotts, Kramer, Krebs, Mautz, McDonough, Metzgar, W. Miller, Morgan, O'Donnell, Oaks, Reilly, Rey, Simonaire, Szeliga, Vaughn, and B. Wilson**

Introduced and read first time: February 3, 2016

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Protective Headgear Requirement for Motorcycle Riders –**
3 **Exception**

4 FOR the purpose of providing that a certain prohibition against operating or riding on a
5 motorcycle without certain protective headgear does not apply to an individual at
6 least a certain age who has been licensed to operate a motorcycle for a certain period
7 of time, has completed a certain motorcycle safety course, or is a passenger on a
8 motorcycle operated by a driver who has been licensed for a certain period or
9 completed a certain safety course; making stylistic changes; and generally relating
10 to the requirement that protective headgear be worn by operators or riders of
11 motorcycles.

12 BY repealing and reenacting, with amendments,
13 Article – Transportation
14 Section 21–1306
15 Annotated Code of Maryland
16 (2012 Replacement Volume and 2015 Supplement)

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

19 **Article – Transportation**

20 21–1306.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

4 (2) **THIS SUBSECTION DOES NOT APPLY TO AN INDIVIDUAL AT LEAST**
5 **21 YEARS OLD WHO:**

6 (i) **HAS BEEN LICENSED TO OPERATE A MOTORCYCLE FOR AT**
7 **LEAST 2 YEARS;**

8 (ii) **HAS COMPLETED A MOTORCYCLE RIDER SAFETY COURSE**
9 **APPROVED BY THE ADMINISTRATOR OR THE MOTORCYCLE SAFETY FOUNDATION;**
10 **OR**

11 (iii) **IS A PASSENGER ON A MOTORCYCLE OPERATED BY AN**
12 **INDIVIDUAL DESCRIBED IN ITEM (I) OR (II) OF THIS PARAGRAPH.**

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

14 (1) [He] **THE PERSON** is wearing an eye-protective device of a type
15 approved by the Administrator; or

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

17 (d) The Administrator:

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

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

22 (3) Shall publish lists of all protective headgear and eye-protective devices
23 that [he] **THE ADMINISTRATOR** approves, by name and type.

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

26 (i) Be considered evidence of negligence;

27 (ii) Be considered evidence of contributory negligence;

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

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

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

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

10 (ii) In a civil action described under subparagraph (i) of this
11 paragraph in which 2 or more parties are named as joint tort-feasors, interpleaded as
12 defendants, or impleaded as defendants, and at least 1 of the joint tort-feasors or
13 defendants is not involved in the design, manufacture, supplying, or repair of protective
14 headgear, a court shall order on a motion of any party separate trials to accomplish the
15 ends of justice.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
17 1, 2016.