

SENATE BILL 439

R5
HB 1410/17 – ENV

8lr1999

By: **Senators Norman, Astle, Edwards, Hough, Manno, Mathias, Ready, Salling, Simonaire, and Waugh**

Introduced and read first time: January 25, 2018

Assigned to: Judicial Proceedings

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 has
9 completed a certain safety course; making stylistic changes; and generally relating
10 to the requirement that protective headgear be worn by operators and 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 2017 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.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Administrator.

2 **(2) THIS SUBSECTION DOES NOT APPLY TO AN INDIVIDUAL AT LEAST**
3 **21 YEARS OLD WHO:**

4 **(I) HAS BEEN LICENSED TO OPERATE A MOTORCYCLE FOR AT**
5 **LEAST 2 YEARS;**

6 **(II) HAS COMPLETED A MOTORCYCLE RIDER SAFETY COURSE**
7 **APPROVED BY THE ADMINISTRATOR OR THE MOTORCYCLE SAFETY FOUNDATION;**
8 **OR**

9 **(III) IS A PASSENGER ON A MOTORCYCLE OPERATED BY AN**
10 **INDIVIDUAL DESCRIBED IN ITEM (I) OR (II) OF THIS PARAGRAPH.**

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

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

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

15 (d) The Administrator:

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

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

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

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

24 (i) Be considered evidence of negligence;

25 (ii) Be considered evidence of contributory negligence;

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

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

29 (2) Subject to the provisions of paragraph (3) of this subsection, a party,

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

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

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

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
16 1, 2018.