

Department of Legislative Services
2018 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 439

(Senator Norman, *et al.*)

Judicial Proceedings

Vehicle Laws - Protective Headgear Requirement for Motorcycle Riders -
Exception

This bill exempts an individual age 21 or older who (1) has been licensed to operate a motorcycle for at least two years; (2) has completed an approved motorcycle rider safety course; or (3) is a passenger on a motorcycle operated by a rider who meets either of these criteria from the requirement to wear specified protective headgear while operating or riding on a motorcycle. **The bill takes effect June 1, 2018.**

Fiscal Summary

State Effect: General fund revenues from traffic citations decrease minimally beginning in FY 2018. Transportation Trust Fund (TTF) expenditures increase by about \$21,900 in FY 2018 only for programming changes. Potential increase in Medicaid expenditures beginning in FY 2018, not reflected below.

(in dollars)	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
GF Revenue	(-)	(-)	(-)	(-)	(-)
SF Expenditure	\$21,900	\$0	\$0	\$0	\$0
Net Effect	(\$21,900)	(-)	(-)	(-)	(-)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: None.

Small Business Effect: Potential minimal.

Analysis

Current Law: An individual may not operate or ride on a motorcycle unless the individual is wearing protective headgear that meets the standards established by the Motor Vehicle Administration (MVA) administrator. The administrator is authorized to approve or disapprove of the protective headgear required for motorcycle operators and may adopt and enforce regulations that establish protective headgear standards. An individual who is riding in an enclosed cab is exempt from the protective headgear requirement. An individual may not operate a motorcycle unless the individual is wearing an eye-protective device approved by the administrator or the motorcycle is equipped with a windscreen.

“Protective helmet or headgear” means a device primarily intended to protect the upper part of the wearer’s head against a blow or impact. *The Federal Motor Vehicle Safety Standard 218, Motorcycle Helmets, 49 CFR § 571.218 (1991)*, which is incorporated by reference in Maryland regulations, is adopted as the minimum standard for helmets required to be worn by operators and passengers on motorcycles. The protective headgear must be worn on the head with the chin strap properly fastened and in contact with the chin or jaw by both operator and passenger at all times that the motorcycle is in motion.

A violation of the protective headgear or eye-protective device/windscreen requirement is a misdemeanor, subject to a maximum fine of \$500. The prepayment penalty assessed by the District Court is \$110.

The failure of an individual to wear required protective headgear may not be considered evidence of negligence or contributory negligence; limit liability of a party or an insurer; or diminish recovery for damages arising out of the ownership, maintenance, or operation of a motorcycle. For motorcycles, an insurer may either exclude economic loss benefits or offer the economic loss benefits with deductibles, options, or specific exclusions.

Background: As of January 2018, according to the Insurance Institute for Highway Safety, 19 states and the District of Columbia require all motorcyclists to wear a helmet, while 28 states require only some motorcyclists to wear a helmet (typically riders age 17 and younger). Illinois, Iowa, and New Hampshire have no motorcycle helmet laws. Three states allow the following individuals to ride without a helmet similar to the exemptions proposed under the bill:

- **Michigan:** Individuals age 21 and older if they have additional insurance and have either (1) held a motorcycle endorsement for at least two years or (2) passed an approved motorcycle safety course;
- **Pennsylvania:** Individuals older than age 21 who have either (1) two years of riding experience or (2) completed an approved motorcycle safety course;

- **Texas:** Individuals age 21 and older if they can show proof of either (1) successfully completing a motorcycle operator training and safety course or (2) having health insurance.

The Maryland Institute for Emergency Medical Services Systems reports that Maryland's trauma centers treated 1,000 patients involved in motorcycle crashes during fiscal 2017. Ninety percent of these patients (903) were 21 years of age or older. Twenty-seven percent of patients (270) sustained a head injury, of whom 19 subsequently died. Of the 270 riders who sustained head injuries, 222 (82.2%) were wearing a helmet, 47 (17.4%) were not, and it was unknown whether one of the patients wore a helmet or not. All 270 required treatment and 165 were admitted. Eighteen (10.9%) of the admitted patients stayed in the hospital for 1 day. Thirteen of the admitted patients required hospitalization for more than 28 days.

State Revenues: General fund fine revenues decrease minimally beginning in fiscal 2018 due to a reduction in the number of citations issued for failure to wear a helmet while riding on or operating a motorcycle. In fiscal 2017, approximately 162 citations were issued statewide. The citation carries a prepayment penalty of \$110, including court costs. The actual decrease in general fund fine revenues cannot be reliably estimated at this time and depends on the number of individuals who qualify for the exemptions under the bill.

State Expenditures: TTF expenditures increase by an estimated \$21,900 in fiscal 2018, which reflects the bill's June 1, 2018 effective date. This estimate reflects the cost for MVA to contract with an outside vendor for one-time-only programming costs to allow its computer system to notify law enforcement agencies which drivers have taken an approved motorcycle rider safety course. Additional internal computer programming is also required but can be handled within existing budgeted resources.

Medicaid expenditures (60% federal funds, 40% general funds) may increase beginning in fiscal 2018 to the extent that the exemption from the protective headgear requirement results in a reduction in helmet use and an associated increase in head injuries to crash-involved motorcyclists not otherwise covered by insurance.

Additional Comments: The District Court advises that, despite the bill's effective date of June 1, 2018, the *Schedule of Pre-Set Fines and/or Penalty Deposits* used by law enforcement will not be revised until the annual printing and distribution for October 1, 2018. The District Court would notify law enforcement by teletype about the change to this traffic charge.

Additional Information

Prior Introductions: HB 1410 of 2017 and HB 559 of 2016 both received an unfavorable report from the House Environment and Transportation Committee. Related legislation was introduced in prior sessions.

Cross File: None.

Information Source(s): Insurance Institute for Highway Safety; Maryland Institute for Emergency Medical Services Systems; Judiciary (Administrative Office of the Courts); Maryland Department of Transportation; Department of Legislative Services

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Analysis by: Jennifer B. Chasse

Direct Inquiries to:
(410) 946-5510
(301) 970-5510