
By: Delegates Owings, Morgan, Exum, C. Davis, Harkins, Bissett, Mossburg, M. Burns, Rzepkowski, D. Hughes, D. Murphy, McKee, DeCarlo, Beck, Valderrama, and Montague

Introduced and read first time: February 2, 1996
Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Motorcycles - Protective Headgear Requirements - Exemption**

3 FOR the purpose of exempting certain individuals who successfully complete the
4 Motorcycle Safety Program from certain provisions of law requiring an individual
5 operating or riding on a motorcycle to wear protective headgear; requiring the
6 Motorcycle Safety Program to include instruction on the proper use of protective
7 headgear; and generally relating to an exemption from compulsory headgear
8 requirements for certain individuals who complete the Motorcycle Safety Program.

9 BY repealing and reenacting, with amendments,
10 Article - Transportation
11 Section 16-603 and 21-1306
12 Annotated Code of Maryland
13 (1992 Replacement Volume and 1995 Supplement)

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

16 **Article - Transportation**

17 16-603.

18 (a) The Department and the Administration shall administer the Motorcycle
19 Safety Program.

20 (b) The Administration, a State or community college, State university, an agency
21 of a political subdivision or any other person approved and designated by the
22 Administration may organize and manage a motorcycle safety training center and may
23 offer motorcycle safety courses at those centers that it operates.

24 (c) The Administration may operate a mobile training center to provide courses
25 at various locations in the State.

26 (d) (1) Subject to the regulations adopted under this subtitle, any resident of
27 this State who possesses a valid Class E or Class M driver's license, a Class E or Class M

2

1 learner's instructional permit, or is eligible for a Class M learner's instructional permit,
2 may enroll in a course.

3 (2) AN ELIGIBLE INDIVIDUAL AT LEAST 18 YEARS OLD WHO
4 SUCCESSFULLY COMPLETES THE MOTORCYCLE SAFETY PROGRAM IN EXEMPT
5 FROM THE PROVISIONS OF § 21-1306 OF THIS ARTICLE RELATING TO THE
6 COMPULSORY USE OF PROTECTIVE HEADGEAR.

7 [(2)] (3) A nonresident may apply for and be accepted for enrollment in
8 courses authorized under this subtitle; however, the reimbursement provided under §
9 16-605(b) may not be made for a nonresident trainee.

10 [(3)] (4) An eligible individual may take a course more than one time, but
11 the reimbursement provided in § 16-605(b) of this subtitle may only be paid one time for
12 any individual.

13 [(4)] (5) For a course that is to be reimbursed under this subtitle, a training
14 center may charge a trainee a reasonable course registration fee.

15 [(5)] (6) For a course offered at a training center operated by the
16 Administration, the Administration may collect a reasonable course registration fee
17 established by the Administration.

18 (e) (1) The courses may be offered throughout the calendar year.

19 (2) THE COURSES OFFERED SHALL INCLUDE INSTRUCTION ON THE
20 PROPER USE OF PROTECTIVE HEADGEAR.

21 (f) (1) The Department shall provide a program coordinator to organize and
22 administer all tasks related to the achievement of the purpose of the Motorcycle Safety
23 Program as provided under this subtitle.

24 (2) The program coordinator shall be experienced in the motorcycle safety
25 field and shall possess those qualifications as may be specified by the Secretary.

26 21-1306.

27 (a) This section does not apply to [any]:

28 (1) A person riding in an enclosed cab; OR

29 (2) AN INDIVIDUAL AT LEAST 18 YEARS OLD WHO SUCCESSFULLY
30 COMPLETES THE MOTORCYCLE SAFETY PROGRAM UNDER § 16-603 OF THIS ARTICLE.

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

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

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

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

37 (d) The Administrator:

3

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

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

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

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

9 (i) Be considered evidence of negligence;

10 (ii) Be considered evidence of contributory negligence;

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

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

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

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

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

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 1996.