
By: Delegates Owings, Morgan, M. Burns, Rzepkowski, O'Donnell, Bissett, Exum, McKee, DeCarlo, D. Murphy, D. Hughes, Faulkner, Oaks, C. Davis, and Mossburg

Requested: September 5, 1996

Introduced and read first time: January 8, 1997

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Motorcycle Helmets - Minors**

3 FOR the purpose of applying to minors only a certain provision of law that prohibits
4 operating or riding on a motorcycle unless the operator or passenger is wearing
5 certain protective headgear; applying to minors certain evidentiary and procedural
6 standards and certain provisions relating to certain civil actions; and generally
7 relating to the use of protective headgear when operating or riding on a motorcycle.

8 BY repealing and reenacting, with amendments,
9 Article - Transportation
10 Section 21-1306(b) and (e)
11 Annotated Code of Maryland
12 (1992 Replacement Volume and 1996 Supplement)

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

15 **Article - Transportation**

16 21-1306.

17 (b) [An individual] A MINOR may not operate or ride on a motorcycle unless the
18 [individual] MINOR is wearing protective headgear that meets the standards established
19 by the Administrator.

20 (e) (1) The failure of [an individual] A MINOR to wear protective head gear
21 required under subsection (b) of this section may not:

22 (i) Be considered evidence of negligence;

23 (ii) Be considered evidence of contributory negligence;

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

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

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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
5 headgear.

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

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

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 1997.