
**By: Chairman, Commerce and Government Matters Committee (Departmental -
Transportation)**

Introduced and read first time: January 15, 1997

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Equipment for Motorcycle Riders**

3 FOR the purpose of amending the motorcycle equipment law by eliminating the
4 requirement that the Motor Vehicle Administration provide a list of approved
5 helmets and eye-protective devices; clarifying the Motor Vehicle Administrator's
6 authority to carry out and enforce the motorcycle equipment law; requiring the
7 Administrator to adopt and enforce certain regulations; prohibiting a person,
8 subject to certain exceptions, from manufacturing for sale, selling, possessing with
9 intent to sell, or distributing certain motorcycle helmets that do not meet certain
10 standards or reproductions of certain symbols or labels; prohibiting a person from
11 reproducing or affixing certain symbols or labels onto a helmet under certain
12 circumstances; and generally relating to the equipment for motorcycle riders.

13 BY repealing and reenacting, with amendments,
14 Article - Transportation
15 Section 21-1306
16 Annotated Code of Maryland
17 (1992 Replacement Volume and 1996 Supplement)

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

20 **Article - Transportation**

21 21-1306.

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

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

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

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

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

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1 (d) The Administrator[:

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

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

6 (3) Shall publish lists of all protective headgear and eye-protective devices
7 that he approves, by name and type] NECESSARY TO CARRY OUT THIS SECTION.

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

10 (i) Be considered evidence of negligence;

11 (ii) Be considered evidence of contributory negligence;

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

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

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

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

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

30 (F) (1) A PERSON MAY NOT MANUFACTURE FOR SALE, SELL, OFFER FOR
31 SALE, DISTRIBUTE, INTRODUCE OR DELIVER FOR INTRODUCTION IN COMMERCE IN
32 THIS STATE, OR POSSESS IN THIS STATE WITH THE INTENT TO SELL:

33 (I) A HELMET FOR USE IN THE OPERATION OF A MOTORCYCLE
34 WHICH IS NOT PROTECTIVE HEADGEAR THAT MEETS THE STANDARDS
35 ESTABLISHED BY THE ADMINISTRATOR; OR

36 (II) ANY REPRODUCTION OF A DOT SYMBOL OR OTHER LABEL
37 REQUIRED BY 49 CFR § 571.218.5.6.1.

38 (2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO A
39 MANUFACTURER OF HELMETS THAT CONFORM TO APPLICABLE FEDERAL

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1 STANDARDS OR TO AN AGENT OF THE MANUFACTURER EXPLICITLY ACTING ON
2 BEHALF OF THE MANUFACTURER.

3 (3) A PERSON MAY NOT REPRODUCE OR AFFIX A DOT SYMBOL OR
4 LABEL REQUIRED BY 49 CFR § 571.218.5.6.1 ONTO A HELMET THAT THE INDIVIDUAL
5 KNOWS:

6 (I) DOES NOT MEET THE STANDARDS ESTABLISHED BY THE
7 ADMINISTRATOR; OR

8 (II) IS NOT CERTIFIED BY THE MANUFACTURER AS BEING IN
9 CONFORMANCE WITH THE NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACT
10 OF 1966.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 July 1, 1997.