

SENATE BILL 239

R6
SB 178/97 – JPR

9lr1182

By: **Senators Hafer, Haines, Mooney, Astle, Stoltzfus, Colburn, and Munson**
Introduced and read first time: February 3, 1999
Assigned to: Judicial Proceedings

Committee Report: Favorable
Senate action: Adopted
Read second time: March 9, 1999

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws – Motorcycle Helmets – Minors**

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

9 BY repealing and reenacting, with amendments,
10 Article – Transportation
11 Section 21–1306(b) and (e)
12 Annotated Code of Maryland
13 (1998 Replacement Volume and 1998 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 21–1306.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



SENATE BILL 239

(i) Be considered evidence of negligence;

(ii) Be considered evidence of contributory negligence;

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

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

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

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1999.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.