

SENATE BILL 371

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R6  
SB 167/02 - JPR

2003 Regular Session  
3r1336

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By: **Senators Hafer, Astle, Brinkley, Colburn, DeGrange, Della, Dyson,  
Exum, Giannetti, Haines, Hooper, Jacobs, Kittleman, Mooney, Munson,  
Stoltzfus, and Stone**

Introduced and read first time: January 31, 2003

Assigned to: Judicial Proceedings

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A BILL ENTITLED

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 (2002 Replacement Volume)

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:

23 (i) Be considered evidence of negligence;

24 (ii) Be considered evidence of contributory negligence;

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

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

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

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

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

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
20 effect October 1, 2003.