

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

Senate Bill 371 (Senator Hafer, *et al.*)
Judicial Proceedings

Vehicle Laws - Motorcycle Helmets - Minors

This bill provides that motorcycle helmet laws apply only to minors.

Fiscal Summary

State Effect: Potential minimal decrease in general fund revenues due to fewer citations for helmet violations.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: This bill provides that a minor may not operate or ride on a motorcycle unless the minor is wearing protective headgear that meets the standards established by the Motor Vehicle Administration (MVA). The failure of a minor to wear protective headgear may not be considered evidence of negligence or contributory negligence, limit an insurer's or a party's liability, or diminish recovery for damages arising out of the ownership, maintenance, or operation of a motorcycle. The bill may not be construed to prohibit the right of a minor to bring a civil action relating to the design, repair, or manufacture of protective headgear.

Current Law: An individual may not operate or ride on a motorcycle unless the individual is wearing protective headgear that meets standards established by the MVA. The failure of an individual to wear protective headgear may not be considered evidence of negligence or contributory negligence, limit the liability of an insurer or a party, or

diminish recovery for damages arising from the ownership, maintenance, or operation of a motorcycle. A party, witness, or counsel may not make reference to protective headgear during a civil action that involves property damage, personal injury, or death, if those events are not related to the design, manufacture, repair, or supplying of protective headgear. A person is not prohibited from initiating a civil action against a dealer or other appropriate party relating to the defective design, manufacture, or repair of protective headgear.

Background: According to the National Conference of State Legislatures, 27 states have limited coverage of their motorcycle helmet laws, usually to drivers under the age of 18 or riders that lack adequate medical insurance coverage in the event of injury. Colorado, Illinois, and Iowa do not mandate helmet use. Twenty states (including Maryland) and the District of Columbia require all motorcycle drivers to wear helmets.

State Fiscal Effect: Approximately 300 citations are issued statewide each year for failure to wear a helmet while riding on or operating a motorcycle. Presumably, most of these citations are issued to adults, but those numbers are not readily available. The citation carries a fine of \$60. General fund revenues could decrease minimally if fewer citations are issued for violations of helmet laws. As a point of reference, if all of these citations resulted in collection of the \$60 fine, revenues would decrease by \$18,000.

Additional Information

Prior Introductions: This bill is a reintroduction of SB 167 of the 2002 session. SB 167 was referred to the Judicial Proceedings Committee, where it was not reported out. In 2001, SB 197 was favorably reported by the Judicial Proceedings Committee, but failed on second reading in the Senate. In 1999, SB 239 also failed on second reading after being favorably reported by Judicial Proceedings.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene, Department of Legislative Services

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