

(PRE-FILED)

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By: **Delegate Arnick**  
Requested: October 12, 2005  
Introduced and read first time: January 11, 2006  
Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Motor Scooters and Mopeds - Helmets and Eye-Protective**  
3 **Equipment for Minors**

4 FOR the purpose of prohibiting a minor from operating or riding on a motor scooter or  
5 moped unless the minor is wearing protective headgear that meets certain  
6 standards; prohibiting a minor from operating a motor scooter or moped unless  
7 the minor is wearing a certain type of eye-protective device or the motor scooter  
8 or moped is equipped with a windscreen; authorizing the Motor Vehicle  
9 Administrator to approve or disapprove protective headgear and eye-protective  
10 devices required by this Act and to adopt and enforce certain regulations;  
11 requiring the Administrator to publish a list of all approved protective headgear  
12 and eye-protective devices; prohibiting the failure of a minor to wear protective  
13 headgear required by this Act from being considered evidence of negligence or  
14 contributory negligence, limiting certain liability, or diminishing recovery for  
15 certain damages; prohibiting certain individuals from making reference to  
16 protective headgear during certain trials; clarifying that this Act may not be  
17 construed to prohibit the right to institute certain civil actions; requiring a court  
18 to order separate trials in certain civil actions; and generally relating to  
19 required equipment for minors operating or riding on motor scooters and  
20 mopeds.

21 BY adding to  
22 Article - Transportation  
23 Section 21-1207.3  
24 Annotated Code of Maryland  
25 (2002 Replacement Volume and 2005 Supplement)

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

1 **Article - Transportation**

2 21-1207.3.

3 (A) A MINOR MAY NOT OPERATE OR RIDE ON A MOTOR SCOOTER OR MOPED  
4 UNLESS THE MINOR IS WEARING PROTECTIVE HEADGEAR THAT MEETS THE  
5 STANDARDS ESTABLISHED BY THE ADMINISTRATOR.

6 (B) A MINOR MAY NOT OPERATE A MOTOR SCOOTER OR MOPED UNLESS:

7 (1) THE MINOR IS WEARING AN EYE-PROTECTIVE DEVICE OF A TYPE  
8 APPROVED BY THE ADMINISTRATOR; OR

9 (2) THE MOTOR SCOOTER OR MOPED IS EQUIPPED WITH A WINDSCREEN.

10 (C) THE ADMINISTRATOR:

11 (1) MAY APPROVE OR DISAPPROVE PROTECTIVE HEADGEAR AND  
12 EYE-PROTECTIVE DEVICES REQUIRED BY THIS SECTION;

13 (2) MAY ADOPT AND ENFORCE REGULATIONS ESTABLISHING  
14 STANDARDS AND SPECIFICATIONS FOR THE APPROVAL OF PROTECTIVE HEADGEAR  
15 AND EYE-PROTECTIVE DEVICES; AND

16 (3) SHALL PUBLISH LISTS OF ALL APPROVED PROTECTIVE HEADGEAR  
17 AND EYE-PROTECTIVE DEVICES BY NAME AND TYPE.

18 (D) (1) THE FAILURE OF A MINOR TO WEAR PROTECTIVE HEADGEAR  
19 REQUIRED UNDER SUBSECTION (A) OF THIS SECTION MAY NOT:

20 (I) BE CONSIDERED EVIDENCE OF NEGLIGENCE;

21 (II) BE CONSIDERED EVIDENCE OF CONTRIBUTORY NEGLIGENCE;

22 (III) LIMIT LIABILITY OF A PARTY OR AN INSURER; OR

23 (IV) DIMINISH RECOVERY FOR DAMAGES ARISING OUT OF THE  
24 OWNERSHIP, MAINTENANCE, OR OPERATION OF A MOTOR SCOOTER OR MOPED.

25 (2) SUBJECT TO THE PROVISIONS OF PARAGRAPH (3) OF THIS  
26 SUBSECTION, A PARTY, WITNESS, OR COUNSEL MAY NOT MAKE REFERENCE TO  
27 PROTECTIVE HEADGEAR DURING A TRIAL OF A CIVIL ACTION THAT INVOLVES  
28 PROPERTY DAMAGE, PERSONAL INJURY, OR DEATH IF THE DAMAGE, INJURY, OR  
29 DEATH IS NOT RELATED TO THE DESIGN, MANUFACTURE, SUPPLYING, OR REPAIR OF  
30 PROTECTIVE HEADGEAR.

31 (3) (I) NOTHING CONTAINED IN THIS SUBSECTION MAY BE  
32 CONSTRUED TO PROHIBIT THE RIGHT OF A PERSON TO INSTITUTE A CIVIL ACTION  
33 FOR DAMAGES AGAINST A DEALER, MANUFACTURER, DISTRIBUTOR, FACTORY  
34 BRANCH, OR OTHER APPROPRIATE ENTITY OR PERSON ARISING OUT OF AN INCIDENT

1 THAT INVOLVES PROTECTIVE HEADGEAR ALLEGED TO BE DEFECTIVELY DESIGNED,  
2 MANUFACTURED, OR REPAIRED.

3                   (II)       IN A CIVIL ACTION DESCRIBED UNDER SUBPARAGRAPH (I) OF  
4 THIS PARAGRAPH IN WHICH TWO OR MORE PARTIES ARE NAMED AS JOINT  
5 TORT-FEASORS, INTERPLEADED AS DEFENDANTS, OR IMPEADED AS DEFENDANTS,  
6 AND AT LEAST ONE OF THE JOINT TORT-FEASORS OR DEFENDANTS IS NOT  
7 INVOLVED IN THE DESIGN, MANUFACTURE, SUPPLYING, OR REPAIR OF PROTECTIVE  
8 HEADGEAR, A COURT SHALL ORDER ON A MOTION OF ANY PARTY SEPARATE TRIALS  
9 TO ACCOMPLISH THE ENDS OF JUSTICE.

10       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 2006.