
By: **Delegates Bronrott, Bobo, V. Clagett, Frush, Lawton, Montgomery,
Parker, Pugh, and Stern**

Introduced and read first time: January 30, 2006

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Scooters and Mopeds - Protective Headgear - Requirement**

3 FOR the purpose of prohibiting an individual from operating or riding on a motor
4 scooter or moped unless the individual is wearing certain protective headgear;
5 and generally relating to protective headgear requirements for operators and
6 riders of motor scooters and mopeds.

7 BY repealing and reenacting, with amendments,
8 Article - Transportation
9 Section 21-1306
10 Annotated Code of Maryland
11 (2002 Replacement Volume and 2005 Supplement)

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

14 **Article - Transportation**

15 21-1306.

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

17 (b) An individual may not operate or ride on a motorcycle, MOTOR SCOOTER,
18 OR MOPED unless the individual is wearing protective headgear that meets the
19 standards established by the Administrator.

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

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

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

24 (d) The Administrator:

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

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

5 (3) Shall publish lists of all protective headgear and eye-protective
6 devices that he approves, by name and type.

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

9 (i) Be considered evidence of negligence;

10 (ii) Be considered evidence of contributory negligence;

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

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

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

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

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

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