

Department of Legislative Services  
Maryland General Assembly  
2007 Session

FISCAL AND POLICY NOTE

House Bill 261 (Delegate Kullen, *et al.*)  
Environmental Matters

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Motor Vehicles - All-Terrain Vehicles - Protective Headgear

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This bill prohibits an individual younger than 16 from operating or riding on an all-terrain vehicle (ATV) unless the minor is wearing protective headgear that meets the Motor Vehicle Administration's (MVA) standards for motorcycle helmets.

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Fiscal Summary

**State Effect:** Potential minimal increase in general fund revenues due to penalties assessed for violations of Maryland Vehicle Law (maximum fine \$500 for a misdemeanor offense). No effect on expenditures as the bill's requirements could be enforced with existing resources.

**Local Effect:** None. Any increased expenditures for enforcement could be handled with existing resources.

**Small Business Effect:** None.

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Analysis

**Bill Summary:** An ATV is a motor vehicle that is designed to:

- travel off-highway;
- travel on three or four low-pressure tires;
- have a seat straddled by the operator; and
- have handlebars for steering control.

**Current Law:** A person may not operate or ride on a motorcycle unless the individual is wearing protective headgear that meets the standards established by the Administrator. A person may not operate a motorcycle unless:

- wearing an eye-protective device of a type approved of by the Administrator; or
- the motorcycle is equipped with a windscreen.

The Administrator may approve or disapprove required protective headgear and eye-protective devices and must publish lists of all approved protective headgear and eye-protective devices, by name and type. The Administrator may adopt and enforce regulations establishing standards and specifications for the approval of protective headgear and eye-protective devices.

By regulation, Federal Motor Vehicle Safety Standard (FMVSS) 218 is adopted as the minimum standard for protective headgear required to be worn by operators and passengers on motorcycles. That standard only applies to helmets. The MVA must accept all helmets which comply with the requirements of FMVSS; however, regardless of that standard, all protective helmets must have a chin or neck strap properly fastened when the motorcycle is in motion. In addition, the U.S. Food and Drug Administration standard for impact resistance has been adopted for eye-protective devices.

**Background:** The U.S. Department of Transportation (USDOT) has established FMVSS 218 as a minimum safety standard for motorcycle helmets. The standard is based on whether or not a helmet can withstand certain direct force impacts when dropped on an anvil and the amount of headform deceleration when dropped (how fast the head stops when the helmet hits the anvil). A sticker with the letters “DOT” is affixed to the helmet so that consumers can know that it meets minimum safety standards. USDOT operates on the honor system and relies on reporting from manufacturers as to whether helmets pass or fail FMVSS standards, though USDOT conducts a limited number of tests per year. The manufacturer applies the sticker.

According to the All-Terrain-Vehicle Association, 16 states require everyone to wear a helmet when operating an ATV, and 16 require helmets below a certain age. North Carolina prohibits an individual from operating an ATV unless the person wears eye protection and a helmet that meets USDOT standards for motorcycle helmets, while Florida has a similar prohibition for an individual younger than 16. Montgomery County also prohibits an individual from operating an ATV without a helmet and eye protection.

**State Revenues:** General fund revenues could increase minimally for citations for violations of this prohibition heard in District Court. Although no prepayment penalty for this offense has been established, the prepayment penalty for operating or riding a motorcycle without protective headgear is \$100.

**State Expenditures:** The bill requires that an individual riding or operating an ATV must wear a helmet that meets the standards established by the Administrator for motorcycle helmets. The Administrator has set those standards by adopting FMVSS 218 by reference in regulation. The MVA would not have to take any additional action, and there should be no effect on expenditures. Any additional enforcement and District Court costs could be handled with existing resources.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 482 (Senator Forehand) – Judicial Proceedings.

**Information Source(s):** Judiciary (Administrative Office of the Courts,) Maryland Department of Transportation, Department of Natural Resources, Department of Legislative Services

**Fiscal Note History:** First Reader - February 9, 2007  
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