

# HOUSE BILL 114

J1, R7

8lr1053

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By: **Delegates Kullen, Levy, Proctor, Stull, and Weldon**

Introduced and read first time: January 16, 2008

Assigned to: Environmental Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 26, 2008

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **All-Terrain Vehicles ~~Protective Headgear~~ Vehicle Safety Task Force**

3 FOR the purpose of ~~prohibiting an individual under a certain age from operating or~~  
4 ~~riding on an all-terrain vehicle unless the individual is wearing protective~~  
5 ~~headgear that meets certain standards; defining a certain term; and generally~~  
6 ~~relating to required equipment for individuals operating or riding on all-terrain~~  
7 ~~vehicles~~ establishing an All-Terrain Vehicle Safety Task Force; providing for  
8 the membership and duties of the Task Force; requiring the Task Force to select  
9 a chair from among its members; providing for the staffing of the Task Force;  
10 prohibiting a member of the Task Force from receiving certain compensation;  
11 requiring the Task Force to report to the Governor and the General Assembly  
12 by certain dates; providing for the termination of this Act; and generally  
13 relating to the establishment of an All-Terrain Vehicle Safety Task Force.

14 ~~BY adding to~~

15 ~~Article Health General~~

16 ~~Section 24-1601 to be under the new subtitle "Subtitle 16. All-Terrain Vehicles"~~

17 ~~Annotated Code of Maryland~~

18 ~~(2005 Replacement Volume and 2007 Supplement)~~

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

21 **~~Article Health General~~**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



~~SUBTITLE 16. ALL-TERRAIN VEHICLES.~~~~24-1601.~~

~~(A) IN THIS SECTION, "ALL-TERRAIN VEHICLE" MEANS A MOTOR VEHICLE THAT:~~

~~(1) IS DESIGNED TO TRAVEL OFF-HIGHWAY;~~

~~(2) IS DESIGNED TO TRAVEL ON THREE OR FOUR LOW-PRESSURE TIRES;~~

~~(3) HAS A SEAT DESIGNED TO BE STRADDLED BY THE OPERATOR;~~  
~~AND~~

~~(4) HAS HANDLEBARS FOR STEERING CONTROL.~~

~~(B) AN INDIVIDUAL UNDER THE AGE OF 16 YEARS MAY NOT OPERATE OR RIDE ON AN ALL-TERRAIN VEHICLE UNLESS THE INDIVIDUAL IS WEARING PROTECTIVE HEADGEAR THAT MEETS THE STANDARDS ESTABLISHED BY THE STATE HIGHWAY ADMINISTRATOR FOR MOTORCYCLE HELMETS UNDER § 21-1306 OF THE TRANSPORTATION ARTICLE.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.~~

(a) There is an All-Terrain Vehicle (ATV) Safety Task Force.

(b) The Task Force shall consist of the following members:

(1) the Secretary of Natural Resources, or the Secretary's designee;

(2) the Secretary of Transportation, or the Secretary's designee;

(3) the Executive Director of ABATE of Maryland, Inc., or the Executive Director's designee;

(4) one representative of the Office of Injury Prevention of the Department of Health and Mental Hygiene, appointed by the Secretary of Health and Mental Hygiene;

(5) one representative of the Maryland Legislative Sportsmen's Foundation, appointed by the Board of Directors of the Foundation; and

(6) the following members, appointed by the Governor:

- 1                   (i)    one representative of TraumaNet;
- 2                   (ii)   one representative of the Maryland Chapter of the American  
3 College of Emergency Physicians;
- 4                   (iii) one representative of the Maryland Chapter of the American  
5 Academy of Pediatrics;
- 6                   (iv)   one representative of the Maryland Chapter of the American  
7 Trauma Society;
- 8                   (v)    one representative of the Maryland Emergency Nurses  
9 Association;
- 10                  (vi)   one representative of Johns Hopkins School of Public  
11 Health;
- 12                  (vii) one representative of Children’s National Medical Center;
- 13                  (viii) one member representing the interests of ATV dealers;
- 14                  (ix)   one member representing the interests of private ATV  
15 recreational parks;
- 16                  (x)    one member representing the interests of providers of  
17 property, casualty, and health insurance in the State;
- 18                  (xi)   one representative of the ATV Safety Institute;
- 19                  (xii) one representative of the Specialty Vehicle Institute of  
20 America;
- 21                  (xiii) one representative of the Maryland Institute for Emergency  
22 Medical Services Systems;
- 23                  (xiv) one representative of the Maryland State Firemen’s  
24 Association; and
- 25                  (xv) one representative of a Maryland ATV club from each of the  
26 following regions:
- 27                         1.    western Maryland;
- 28                         2.    southern Maryland;
- 29                         3.    the eastern shore of Maryland; and
- 30                         4.    central Maryland.

1           (c)     From among its members, the Task Force shall select a chair of the Task  
2 Force.

3           (d)     The Maryland Institute for Emergency Medical Services Systems shall  
4 provide staff for the Task Force.

5           (e)     A member of the Task Force may not receive compensation as a member  
6 of the Task Force.

7           (f)     The Task Force shall identify and study major issues related to ATV  
8 safety and shall make findings and recommendations regarding:

9                   (1)     accurate methods of tracking ATV ownership in the State;

10                   (2)     appropriate safety equipment;

11                   (3)     effective methods of educating consumers;

12                   (4)     appropriate locations for ATV use;

13                   (5)     training for ATV owners;

14                   (6)     public awareness of ATV safety-related topics; and

15                   (7)     any other topic related to ATV safety deemed appropriate by the  
16 Task Force.

17           (g)     The Task Force shall report its findings and recommendations to the  
18 Governor and, subject to § 2-1246 of the State Government Article, to the General  
19 Assembly, in an interim report, on or before December 15, 2008, and in a final report,  
20 on or before May 31, 2009.

21           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 June 1, 2008. It shall remain effective for a period of 1 year and, at the end of May 31,  
23 2009, with no further action required by the General Assembly, this Act shall be  
24 abrogated and of no further force and effect.