

SENATE BILL 28

R5
SB 482/07 – JPR

(PRE-FILED)

8lr0947

By: **Senator Forehand**

Requested: October 23, 2007

Introduced and read first time: January 9, 2008

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: January 30, 2008

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 – Transportation~~

16 ~~Section 21-1207.3~~

17 ~~Annotated Code of Maryland~~

18 ~~(2006 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 – Transportation**

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.



1 ~~21-1207.3.~~

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

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

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

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

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

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

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

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

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

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

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

20 (3) one representative of the Office of Injury Prevention of the
 21 Department of Health and Mental Hygiene, appointed by the Secretary of Health and
 22 Mental Hygiene; and

23 (4) the following members, appointed by the Executive Director of the
 24 Maryland Institute for Emergency Medical Services Systems:

25 (i) one representative of TraumaNet;

26 (ii) one representative of the Maryland Chapter of the American
 27 College of Emergency Physicians;

28 (iii) one representative of the Maryland Chapter of the American
 29 Academy of Pediatrics;

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

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

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

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

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

8 (2) appropriate safety equipment;

9 (3) effective methods of educating consumers;

10 (4) appropriate locations for ATV use;

11 (5) training for ATV owners;

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

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.