

Department of Legislative Services  
Maryland General Assembly  
2008 Session

FISCAL AND POLICY NOTE  
Revised

House Bill 114

(Delegate Kullen, *et al.*)

Environmental Matters

Judicial Proceedings

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All-Terrain Vehicle Safety Task Force

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This bill establishes an All-Terrain Vehicle Safety Task Force, staffed by the Maryland Institute for Emergency Medical Services Systems.

The bill takes effect June 1, 2008 and terminates May 31, 2009.

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Fiscal Summary

**State Effect:** Any expense reimbursements for task force members and staffing costs are assumed to be minimal and absorbable within existing resources.

**Local Effect:** None.

**Small Business Effect:** None.

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Analysis

**Bill Summary:** The task force has to identify and study major issues related to ATV safety and make findings and recommendations regarding:

- accurate methods of tracking ATV ownership in the State;
- appropriate safety equipment;
- effective methods of educating consumers;
- appropriate locations for ATV use;
- training for ATV owners;

- public awareness of ATV safety-related topics; and
- any other topic related to ATV safety that is deemed appropriate.

The task force must submit an interim report to the Governor and the General Assembly by December 15, 2008 and a final report by May 31, 2009.

**Current Law:** The Department of Natural Resources is required to establish equipment standards and regulate the operation of off-road vehicles, including ATVs, on land under the jurisdiction of the agency (primarily State parks and forests). On land controlled by DNR, an ATV operator and passenger must wear helmets, and the operator must wear eye protection or have a windscreen on the vehicle. Otherwise, State law does not mandate the use of helmets or eye protection for ATV use on public or private land.

**Background:** The 2007 *Joint Chairmen's Report* requested that MIEMSS report on the number of off-road vehicle accidents in Maryland, specifically identifying those related to ATVs and submit recommendations to reduce the incidence of injuries from off-road vehicle accidents. The request was made after prior introductions of an ATV protective headgear bill (SB 482/HB 261 of the 2007 session) were considered, but not passed, by the Maryland General Assembly.

MIEMSS reports that 32 states have some type of helmet requirement for ATV operators and 8 states require eye protection, such as goggles or other protective glasses, for ATV use. Many states with safety equipment requirements limit their application to the use of ATVs on public land. Six states require helmets for ATV drivers only, and 26 states require helmets for both operators and passengers. Of these 26 states, 14 states limit the helmet requirement to individuals younger than 18. Florida requires helmets for individuals younger than 16. The remaining 11 states require helmets for ATV passengers and drivers, regardless of age. Of the eight states that require eye protection, two states limit the requirement to individuals younger than 18, and one state limits the requirement to individuals younger than 16. According to the All-Terrain-Vehicle Association, North Carolina prohibits an individual from operating an ATV unless the person wears eye protection and a helmet that meets U.S. Department of Transportation 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.

MIEMSS reports that registry data from calendar 2001 through 2005 indicate increasing numbers of injuries associated with ATV use. During that period, 911 people were treated by trauma centers due to ATV crashes. However, helmet use could be determined in just 789 patients with about two-thirds of those patients, or 511 patients, *not* wearing a helmet at the time of the crash. Of the 911 individuals who suffered injuries, 496 had a

hospital stay of one day or less, and 346 had hospital stays ranging from two to seven days. The remaining patients had stays ranging from 8 to over 28 days.

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.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Health and Mental Hygiene, Maryland  
Department of Transportation, Department of Legislative Services

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Analysis by: Karen D. Morgan

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510