

# HOUSE BILL 437

R5

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By: **Delegates Elliott, Bartlett, Bates, Boteler, Krebs, McComas, Montgomery, Myers, Riley, Shewell, Sossi, Stukes, Stull, F. Turner, and Walkup**  
Introduced and read first time: February 3, 2009  
Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Bicycles, Mopeds, and Motor Scooters – Minors – Protective Headgear**

3 FOR the purpose of prohibiting a person who is under a certain age from operating or  
4 riding as a passenger on a motor scooter unless the person is wearing certain  
5 protective headgear; increasing the age below which the operator or passenger  
6 of a bicycle is required to wear certain protective headgear; clarifying that the  
7 defined term “bicycle” includes a moped; making certain stylistic changes; and  
8 generally relating to protective headgear requirements for an operator of or a  
9 passenger on a bicycle or motor scooter.

10 BY repealing and reenacting, with amendments,  
11 Article – Transportation  
12 Section 11–104 and 21–1207.1  
13 Annotated Code of Maryland  
14 (2006 Replacement Volume and 2008 Supplement)

15 BY repealing and reenacting, without amendments,  
16 Article – Transportation  
17 Section 11–134.1 and 11–134.5  
18 Annotated Code of Maryland  
19 (2006 Replacement Volume and 2008 Supplement)

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

22 **Article – Transportation**

23 11–104.

24 (A) “Bicycle” means a vehicle that:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



- 1 (1) Is designed to be operated by human power;
- 2 (2) Has two or three wheels, of which one is more than 14 inches in  
3 diameter;
- 4 (3) Has a rear drive; and
- 5 (4) Has a wheel configuration as follows:
  - 6 (i) If the vehicle has two wheels, with both wheels in tandem;  
7 or
  - 8 (ii) If the vehicle has three wheels, with one front wheel and  
9 with two rear wheels that are spaced equidistant from the center of the vehicle.

10 (B) **“BICYCLE” INCLUDES A MOPED.**

11 11–134.1.

12 “Moped” means a bicycle that:

- 13 (1) Is designed to be operated by human power with the assistance of a  
14 motor;
- 15 (2) Is equipped with pedals that mechanically drive the rear wheel or  
16 wheels;
- 17 (3) Has two or three wheels, of which one is more than 14 inches in  
18 diameter; and
- 19 (4) Has a motor with a rating of 1.5 brake horsepower or less and, if  
20 the motor is an internal combustion engine, a capacity of 50 cubic centimeters piston  
21 displacement or less.

22 11–134.5.

23 (a) “Motor scooter” means a nonpedal vehicle that:

- 24 (1) Has a seat for the operator;
- 25 (2) Has two wheels, of which one is 10 inches or more in diameter;
- 26 (3) Has a step-through chassis;
- 27 (4) Has a motor:
  - 28 (i) With a rating of 2.7 brake horsepower or less; or

1 (ii) If the motor is an internal combustion engine, with a  
2 capacity of 50 cubic centimeters piston displacement or less; and

3 (5) Is equipped with an automatic transmission.

4 (b) "Motor scooter" does not include a vehicle that has been manufactured for  
5 off-road use, including a motorcycle and an all-terrain vehicle.

6 21-1207.1.

7 (a) (1) The provisions of this section apply:

8 (i) At all times while a bicycle **OR MOTOR SCOOTER** is being  
9 operated on any highway, bicycle way, or other property open to the public or used by  
10 the public for pedestrian or vehicular traffic; and

11 (ii) To a person under the age of [16] **18 YEARS** who is riding on  
12 a bicycle **OR MOTOR SCOOTER**, including a person under the age of [16] **18 YEARS**  
13 who is a passenger on a bicycle **OR MOTOR SCOOTER**:

14 1. In a restraining seat attached to the bicycle **OR**  
15 **MOTOR SCOOTER**; or

16 2. In a trailer being towed by the bicycle **OR MOTOR**  
17 **SCOOTER**.

18 (2) The provisions of this section do not apply to passengers in  
19 commercial bicycle rickshaws.

20 (b) This section does not apply in the town of Ocean City, Maryland, on the  
21 boardwalk between the Ocean City inlet and 27th Street, during the hours in which  
22 bicycles are permitted by local ordinance to be operated on the boardwalk.

23 (c) A person to whom this section applies may not operate or ride as a  
24 passenger on a bicycle **OR MOTOR SCOOTER** unless the person is wearing a helmet  
25 that meets or exceeds the standards of the American National Standards Institute, the  
26 Snell Memorial Foundation's standard, or the standards of the American Society of  
27 Testing and Measurements for protective headgear for use in bicycling.

28 (d) This section shall be enforced by the issuance of a warning that informs  
29 the offender of the requirements of this section and provides educational materials  
30 about [bicycle] **PROTECTIVE** helmet use.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
32 June 1, 2009.