

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

Senate Bill 547 (Senators Forehand and Raskin)
Judicial Proceedings

All-Terrain Vehicles - Protective Equipment

This bill prohibits an individual from operating or riding on an “all-terrain vehicle” (ATV) unless the individual is wearing protective headgear and an eye protective device that meet the Motor Vehicle Administration’s (MVA) standards for motorcycle helmets and eye protective devices.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues beginning in FY 2010 due to penalties assessed for violations of Maryland Vehicle Law (maximum fine \$500 for a misdemeanor offense). Enforcement can be handled with existing resources. Potential general and federal fund savings beginning in FY 2010 for the Department of Health and Mental Hygiene (DHMH) to the extent the bill reduces debilitating injuries from ATV accidents.

Local Effect: Enforcement can be handled with existing resources.

Small Business Effect: Potential minimal increase in revenues from increased sales of protective headgear and eye protective devices.

Analysis

Bill Summary: “All-terrain vehicle” means a motorized 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; (4) has handlebars for steering control; and (5) is intended by the manufacturer for use by a single operator or an operator and one passenger.

Current Law: The Department of Natural Resources (DNR) 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.

Unless otherwise specified, a violation of any of the provisions of the Maryland Vehicle Law is a misdemeanor and upon conviction subject to a fine of up to \$500.

Background: Chapters 14 and 487 of 2008 established the All-Terrain Vehicle Safety Task Force to identify and study major issues related to ATV safety, including appropriate safety equipment. The task force was required to submit an interim report by December 15, 2008, and a final report by May 31, 2009. The task force satisfied both reporting requirements by consolidating the interim and final reports into one document. That report reached consensus regarding a number of recommendations, including that (1) a uniform definition of ATV (similar but not identical to the definition in this bill) should be adopted; (2) an approved safety helmet and eye protection should be required to be worn by the ATV operator and passenger; and (3) ATV safety requirements should apply to operation of ATVs throughout the State, including on private property.

The Maryland Institute for Emergency Medical Services Systems (MIEMMS) 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. 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 (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.

According to MIEMSS, in calendar 2007, 271 individuals were treated for ATV-related accidents in Maryland trauma centers. Among those treated, 151 were not wearing a helmet (55.7%), 74 were wearing a helmet (27.4%), and the helmet status of the remaining 46 individuals (16.9%) was unknown. Of the 271 individuals treated, 143

(52.8%) were admitted to the trauma center. Total trauma center charges for these admissions were \$2.5 million, an average of \$12,193 per admission.

USDOT has established Federal Motor Vehicle Safety Standard (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.

State Fiscal Effect: To the extent the bill reduces debilitating injuries resulting from ATV accidents, potentially significant savings could be generated for DHMH. Individuals with traumatic brain injuries often receive care in nursing homes, chronic hospitals, and State psychiatric institutions due to a lack of funding for community-based services. Individuals enrolled in the Medicaid program for treatment from traumatic brain injury receive residential and day habilitation and supported employment services at a cost of about \$120,000 per enrollee per year. There is insufficient data at this time to estimate the number of traumatic head injuries that could be avoided and the resulting potential savings to the Medicaid program. If additional Maryland ATV riders younger than age 21 comply with this bill by wearing the specified helmets and there are fewer head injuries as a result, general fund expenditures for the Developmental Disabilities Administration could be reduced because fewer individuals injured before age 21 would need ongoing funding and services. There is insufficient data at this time to reliably estimate the number of injuries that could be avoided and the resulting potential savings.

Additional Information

Prior Introductions: SB 482/HB 261 of 2007 would have prohibited individuals younger than age 16 from operating an ATV without protective headgear and an eye protective device. SB 482 was heard by the Senate Judicial Proceedings Committee but later withdrawn. HB 261 received an unfavorable report from the House Environmental Matters Committee.

Cross File: HB 1169 (Delegate Bronrott, *et al.*) - Environmental Matters.

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

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