

Department of Legislative Services  
Maryland General Assembly  
2010 Session

FISCAL AND POLICY NOTE

House Bill 1030 (Delegates Bronrott and Olszewski)  
Environmental Matters

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Vehicle Laws - Motor Scooters - Protective Headgear

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This bill prohibits an individual, regardless of age, from operating or riding a motor scooter unless the individual is wearing protective headgear that meets the standards for motorcycle helmets established by the Administrator of the Motor Vehicle Administration (MVA).

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Fiscal Summary

**State Effect:** Potential minimal increase in general fund revenues beginning in FY 2011 due to penalties assessed under the Maryland Vehicle Law. Enforcement can be handled with existing resources. Potential significant general and federal fund expenditure savings beginning in FY 2011 for the Department of Health and Mental Hygiene to the extent the bill reduces debilitating injuries from motor scooter accidents.

**Local Effect:** None. Enforcement can be handled with existing resources.

**Small Business Effect:** Potential minimal increase in revenues from additional sales of helmets.

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Analysis

**Current Law:** Maryland law has established no helmet requirement for motor scooters.

A “motor scooter” is a two-wheeled, nonpedal vehicle with automatic transmission, a seat, and a step-through chassis. A motor scooter motor has a rating of 2.7 horsepower or less or, if the motor is an internal combustion engine, it has a capacity of 50 cc or less. Motorcycles, all-terrain vehicles, and other vehicles made for off-road use are not

considered motor scooters. A person may not ride a motor scooter on any roadway where the maximum speed limit exceeds 50 miles per hour; on any expressway (except on an adjacent bicycle path or way approved by the Maryland State Highway Administration); or on any other controlled access highway prohibited by specified signage.

The Administrator of MVA is authorized to approve or disapprove of the protective headgear required for motorcycles and may adopt and enforce regulations that establish protective headgear standards.

“Protective helmet or headgear” means a device primarily intended to protect the upper part of the wearer’s head against a blow or impact. *The Federal Motor Vehicle Safety Standard 218, Motorcycle Helmets, 49 CFR § 571.218 (1991)*, which is incorporated by reference in the Code of Maryland Regulations, is adopted as the minimum standard for helmets required to be worn by operators and passengers on motorcycles. The protective headgear must be worn on the head with the chin strap properly fastened and in contact with the chin or jaw by both operator and passenger at all times that the motorcycle is in motion.

A violation of the Maryland Vehicle Law is a misdemeanor with a maximum penalty of \$500.

**Background:** The laws concerning helmet use for motor scooters vary widely because states define motor scooters differently. Many states include motor scooters in the definition of “motor driven cycle” along with motorcycles. Twenty states (including Maryland) and the District of Columbia require all motorcyclists to wear a helmet, while 27 states require only riders younger than a specified age to wear helmets. The threshold age ranges from 14 to 20. Three states (Illinois, Iowa, and New Hampshire) do not require motorcycle riders to wear protective headgear.

**State Revenues:** General fund revenues may increase minimally under the bill’s monetary penalty provision.

**State Expenditures:** To the extent the bill reduces debilitating injuries resulting from motor scooter accidents, potentially significant savings could be generated for the Department of Health and Mental Hygiene. 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 are 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 motor scooter 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.

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### **Additional Information**

**Prior Introductions:** HB 187 of 2009, a similar bill, was heard in the House Environmental Matters Committee, but no further action was taken. HB 496 of 2006, another similar bill, was heard in the House Environmental Matters Committee, but received no further action.

**Cross File:** None.

**Information Source(s):** Department of Health and Mental Hygiene, Judiciary (Administrative Office of the Courts), Department of State Police, Maryland Department of Transportation, National Highway Traffic Safety Administration, National Conference of State Legislatures, Department of Legislative Services

**Fiscal Note History:** First Reader - March 5, 2010  
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