

Department of Legislative Services
2010 Session

FISCAL AND POLICY NOTE

House Bill 248

(Delegate Pena-Melnyk)

Environmental Matters

Vehicle Laws - Equine Riding - Helmet Requirement for Minors

This bill prohibits a person younger than age 18 from riding a horse on any highway, horse-riding path, or other property open to or used by the public for pedestrian or vehicular traffic unless the individual is wearing a properly secured helmet.

Fiscal Summary

State Effect: Potential significant 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 equestrian accidents. Minimal general fund revenue increase from the penalty provision applicable to this offense under the Maryland Vehicle Law. Enforcement can be handled with existing resources.

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

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

Analysis

Bill Summary: The required helmet has to meet or exceed the standards of the Safety Equipment Institute for protective headgear for use in equestrian riding, or the American Society of Testing and Materials.

A person who violates the provisions of the bill is subject to a warning that informs the offender of the helmet requirement for the first offense, a \$15 fine for a second offense, and a \$35 fine for a third or subsequent offense. A police officer who charges a person with a violation must issue educational materials about the helmet requirement and

proper helmet use while riding a horse. If the offender is younger than age 14, a court must order the parent or guardian to pay the appropriate fine if the violation occurred in the presence of the parent or guardian.

Current Law: State law does not require horse riding participants to wear protective headgear. However, State laws impose helmet requirements for children under specified circumstances. An individual younger than age 16 may not ride a bicycle on any highway, bicycle way, or other property open to or used by the public for pedestrian or vehicular traffic unless the individual is wearing a helmet. This helmet requirement also applies to a person younger than age 16 who is a passenger in an attached restraining seat or in a trailer being towed by the bicycle. The helmet requirement does not apply to the boardwalk between the Ocean City inlet and 27th Street during specified hours in the Town of Ocean City. The helmet has to meet or exceed the standards of the American National Standards Institute, the Snell Memorial Foundation, or the American Society of Testing and Measurements for protective headgear for use in bicycling. The provision is enforced by the issuance of a warning that informs the offender of the helmet requirement and provides educational materials about helmet use. A similar helmet requirement is in place for scooters and in-line skating. (*See* Transportation Article §§ 21-1207.1 and 21-1207.2.)

Except in Charles, St. Mary's, and Worcester counties, a person may not ride an animal or drive an animal-drawn vehicle on any divided highway with a posted maximum speed of more than 35 miles per hour or any controlled access highway. In Anne Arundel County, a person may ride an animal on any part of a highway, including divided or controlled access highways, as long as the person does not ride on the roadway or shoulder of such a highway.

Background: Head injuries account for approximately 60% of deaths resulting from equestrian accidents. Properly fitted helmets can prevent death and reduce the severity of head injuries sustained while riding. The Equestrian Medical Safety Association recommends that approved, fitted, and secured helmets be worn on all rides by all horseback riders.

New York was the first state to mandate helmet use while horseback riding. Since 2000, the state has required all riders younger than age 14 to wear a helmet. Violation of the requirement is subject to a \$50 fine.

State Fiscal Effect: To the extent the bill reduces debilitating injuries resulting from equestrian 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 injuries 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 horseback riders younger than age 21 comply with the 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 are insufficient data at this time to reliably estimate the number of injuries that could be avoided and the resulting potential savings.

Local Fiscal Effect: The counties of Baltimore, Carroll, Harford, Montgomery, and St. Mary's have indicated that the bill's provisions can be enforced with existing resources.

Additional Information

Prior Introductions: A similar bill, HB 129 of 2009, was heard in the House Environmental Matters Committee but received no further action.

Cross File: SB 414 (Senator Pugh, *et al.*) - Judicial Proceedings.

Information Source(s): Baltimore, Carroll, Harford, Montgomery, and St. Mary's counties; Department of Natural Resources; Department of Health and Mental Hygiene; Department of State Police; Maryland Department of Transportation; Equestrian Medical Safety Association; Department of Legislative Services

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