

SENATE BILL 708

R4, R5

11r0641

By: **Senators Klausmeier, Ferguson, Forehand, Kelley, King, Madaleno, Manno, and Stone**

Introduced and read first time: February 4, 2011

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Mopeds and Motor Scooters – Titling, Registration, Insurance, and Required**
3 **Use of Protective Headgear**

4 FOR the purpose of requiring a moped or motor scooter in the State to be titled and
5 registered by the Motor Vehicle Administration; requiring an owner or
6 prospective owner of a moped or motor scooter to obtain or maintain certain
7 security; requiring an application for the registration of a moped or motor
8 scooter to be submitted electronically; requiring a licensed dealer of mopeds or
9 motor scooters under certain circumstances to obtain a moped or motor scooter
10 registration application from the owner, collect registration fees, and transmit
11 the application and fees in a certain manner within a certain period of time;
12 providing for the registration classification of mopeds and motor scooters;
13 establishing an annual registration fee and surcharge for mopeds and motor
14 scooters; prohibiting an individual from operating or riding on a moped or motor
15 scooter unless the individual is wearing certain protective headgear and a
16 certain eye-protective device; establishing that the failure of certain individuals
17 to wear certain protective headgear or a certain eye-protective device may not
18 diminish the recovery of certain damages; providing that certain vehicle
19 equipment and inspection requirements do not apply to mopeds and motor
20 scooters; altering certain definitions; making certain stylistic changes and
21 technical corrections; and generally relating to mopeds and motor scooters.

22 BY repealing and reenacting, without amendments,

23 Article – Transportation

24 Section 11-134.1, 11-134.5, 13-101.1, 13-402(a)(1), 17-104(a) and (b), 21-1207,
25 23-101(a), 23-104, 23-107(a)(1), 23-202(a)(1), and 23-206(a)

26 Annotated Code of Maryland

27 (2009 Replacement Volume and 2010 Supplement)

28 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Transportation
2 Section 11–135, 11–176, 13–403, 13–954, 21–1306, 22–101(e)(1), 23–101(i)(3),
3 and 23–206.2(c)
4 Annotated Code of Maryland
5 (2009 Replacement Volume and 2010 Supplement)

6 BY adding to
7 Article – Transportation
8 Section 13–939.3 and 23–206.2(c)
9 Annotated Code of Maryland
10 (2009 Replacement Volume and 2010 Supplement)

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

13 **Article – Transportation**

14 11–134.1.

15 “Moped” means a bicycle that:

16 (1) Is designed to be operated by human power with the assistance of a
17 motor;

18 (2) Is equipped with pedals that mechanically drive the rear wheel or
19 wheels;

20 (3) Has two or three wheels, of which one is more than 14 inches in
21 diameter; and

22 (4) Has a motor with a rating of 1.5 brake horsepower or less and, if
23 the motor is an internal combustion engine, a capacity of 50 cubic centimeters piston
24 displacement or less.

25 11–134.5.

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

27 (1) Has a seat for the operator;

28 (2) Has two wheels, of which one is 10 inches or more in diameter;

29 (3) Has a step-through chassis;

30 (4) Has a motor:

31 (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 11-135.

7 (a) [(1)] “Motor vehicle” means[, except as provided in subsection (b) of this
8 section,] a vehicle that:

9 [(i)](1) Is self-propelled or propelled by electric power
10 obtained from overhead electrical wires; and

11 [(ii)] (2) Is not operated on rails.

12 [(2)] (B) “Motor vehicle” includes [a]:

13 (1) A low speed vehicle;

14 (2) A MOPED; AND

15 (3) A MOTOR SCOOTER.

16 [(b)] “Motor vehicle” does not include:

17 (1) A moped, as defined in § 11-134.1 of this subtitle; or

18 (2) A motor scooter, as defined in § 11-134.5 of this subtitle.]

19 11-176.

20 (a) (1) “Vehicle” means, except as provided in subsection (b) of this
21 section, any device in, on, or by which any individual or property is or might be
22 transported or towed on a highway.

23 (2) “Vehicle” includes [a]:

24 (I) A low speed vehicle [and an];

25 (II) A MOPED;

26 (III) A MOTOR SCOOTER; AND

1 (IV) AN off-highway recreational vehicle.

2 (b) "Vehicle" does not include an electric personal assistive mobility device as
3 defined in § 21-101(j) of this article.

4 13-101.1.

5 Except as provided in § 13-102 of this subtitle, the owner of each vehicle that is
6 in this State and for which the Administration has not issued a certificate of title shall
7 apply to the Administration for a certificate of title of the vehicle.

8 13-402.

9 (a) (1) Except as otherwise provided in this section or elsewhere in the
10 Maryland Vehicle Law, each motor vehicle, trailer, semitrailer, and pole trailer driven
11 on a highway shall be registered under this subtitle.

12 13-403.

13 (a) (1) Except as provided in paragraph (2) of this subsection, the owner of
14 a vehicle subject to registration under this subtitle shall apply to the Administration
15 for the registration of the vehicle in a manner that the Administration requires.

16 (2) The application for registration of a low speed vehicle, **A MOPED,**
17 **OR A MOTOR SCOOTER** shall be made by electronic transmission under § 13-610 of
18 this title.

19 (b) The application shall contain the information that the Administration
20 reasonably requires to determine if the vehicle is entitled to registration.

21 (c) If a licensed dealer holds a low speed vehicle, **A MOPED, OR A MOTOR**
22 **SCOOTER** for sale and transfers the vehicle to a person other than another licensed
23 dealer, the dealer shall:

24 (1) Obtain from the transferee a completed application;

25 (2) Collect all fees required to register the low speed vehicle, **MOPED,**
26 **OR MOTOR SCOOTER** under this subtitle; and

27 (3) Within 30 days of the date of delivery of the low speed vehicle,
28 **MOPED, OR MOTOR SCOOTER**, electronically transmit the application and fees in
29 accordance with § 13-610 of this title.

30 **13-939.3.**

1 **(A) WHEN REGISTERED WITH THE ADMINISTRATION, EVERY MOPED**
2 **AND MOTOR SCOOTER IS A CLASS S (MOPED/MOTOR SCOOTER) VEHICLE.**

3 **(B) FOR EACH CLASS S (MOPED/MOTOR SCOOTER) VEHICLE, THE**
4 **ANNUAL REGISTRATION FEE IS \$35.**

5 13–954.

6 (a) In this section, “motor vehicle” means a:

- 7 (1) Class A (passenger) vehicle;
- 8 (2) Class B (for hire) vehicle;
- 9 (3) Class C (funeral and ambulance) vehicle;
- 10 (4) Class D (motorcycle) vehicle;
- 11 (5) Class E (truck) vehicle;
- 12 (6) Class F (tractor) vehicle;
- 13 (7) Class H (school) vehicle;
- 14 (8) Class J (vanpool) vehicle;
- 15 (9) Class M (multipurpose) vehicle;
- 16 (10) Class P (passenger bus) vehicle;
- 17 (11) Class Q (limousine) vehicle;
- 18 (12) Class R (low speed) vehicle; [or]
- 19 (13) **CLASS S (MOPED/MOTOR SCOOTER) VEHICLE; OR**
- 20 **(14) Vehicle within any other class designated by the Administrator.**

21 (b) (1) In addition to the registration fee otherwise required by this title,
22 the owner of any motor vehicle registered under this title shall pay a surcharge of
23 \$13.50 per year for each motor vehicle registered.

24 (2) \$2.50 of the surcharge collected under paragraph (1) of this
25 subsection shall be paid into the Maryland Trauma Physician Services Fund
26 established under § 19–130 of the Health – General Article.

27 17–104.

1 (a) The Administration may not issue or transfer the registration of a motor
2 vehicle unless the owner or prospective owner of the vehicle furnishes evidence
3 satisfactory to the Administration that the required security is in effect.

4 (b) The owner of a motor vehicle that is required to be registered in this
5 State shall maintain the required security for the vehicle during the registration
6 period.

7 21-1207.

8 (a) (1) If a bicycle or a motor scooter is used on a highway at any time
9 when, due to insufficient light or unfavorable atmospheric conditions, persons and
10 vehicles on the highway are not clearly discernible at a distance of 1,000 feet, the
11 bicycle or motor scooter shall be equipped:

12 (i) On the front, with a lamp that emits a white light visible
13 from a distance of at least 500 feet to the front; and

14 (ii) On the rear, with a red reflector of a type approved by the
15 Administration and visible from all distances from 600 feet to 100 feet to the rear
16 when directly in front of lawful upper beams of head lamps on a motor vehicle.

17 (2) A bicycle or bicyclist may be equipped with a functioning lamp that
18 acts as a reflector and emits a red light or a flashing amber light visible from a
19 distance of 500 feet to the rear instead of or in addition to the red reflector required by
20 paragraph (1) of this subsection.

21 (b) Subject to subsection (c) of this section, a person may operate a bicycle or
22 a motor scooter that is equipped with a bell or other device capable of giving a signal
23 audible for a distance of at least 100 feet.

24 (c) A bicycle or motor scooter may not be equipped with nor may any person
25 use on a bicycle any siren or whistle.

26 (d) Every bicycle and motor scooter shall be equipped with a braking system
27 capable of stopping from a speed of 10 miles per hour within 15 feet on dry, level, clean
28 pavement.

29 21-1306.

30 (a) This section does not apply to any [person] **INDIVIDUAL** riding in an
31 enclosed cab.

32 (b) An individual may not operate or ride on a motorcycle, **MOPED, OR**
33 **MOTOR SCOOTER** unless the individual is wearing protective headgear that meets the
34 standards established by the Administrator.

1 (c) [A person] **AN INDIVIDUAL** may not operate a motorcycle, **MOPED, OR**
2 **MOTOR SCOOTER** unless:

3 (1) [He] **THE INDIVIDUAL** is wearing an eye-protective device of a
4 type approved by the Administrator; or

5 (2) The motorcycle, **MOPED, OR MOTOR SCOOTER** is equipped with a
6 windscreen.

7 (d) The Administrator:

8 (1) May approve or disapprove protective headgear and eye-protective
9 devices required by this section;

10 (2) May adopt and enforce regulations establishing standards and
11 specifications for the approval of protective headgear and eye-protective devices; and

12 (3) Shall publish lists of all protective headgear and eye-protective
13 devices that [he] **THE ADMINISTRATOR** approves, by name and type.

14 (e) (1) The failure of an individual to wear protective headgear required
15 under subsection (b) of this section may not:

16 (i) Be considered evidence of negligence;

17 (ii) Be considered evidence of contributory negligence;

18 (iii) Limit liability of a party or an insurer; or

19 (iv) Diminish recovery for damages arising out of the ownership,
20 maintenance, or operation of a motorcycle, **MOPED, OR MOTOR SCOOTER**.

21 (2) Subject to the provisions of paragraph (3) of this subsection, a
22 party, witness, or counsel may not make reference to protective headgear during a
23 trial of a civil action that involves property damage, personal injury, or death if the
24 damage, injury, or death is not related to the design, manufacture, supplying, or
25 repair of protective headgear.

26 (3) (i) Nothing contained in this subsection may be construed to
27 prohibit the right of a person to institute a civil action for damages against a dealer,
28 manufacturer, distributor, factory branch, or other appropriate entity or person
29 arising out of an incident that involves protective headgear alleged to be defectively
30 designed, manufactured, or repaired.

31 (ii) In a civil action described under subparagraph (i) of this
32 paragraph in which [2] **TWO** or more parties are named as joint tort-feasors,

1 interpleaded as defendants, or impleaded as defendants, and at least [1] ONE of the
2 joint tort-feasors or defendants is not involved in the design, manufacture, supplying,
3 or repair of protective headgear, a court shall order on a motion of any party separate
4 trials to accomplish the ends of justice.

5 22-101.

6 (e) (1) The provisions of this title with respect to equipment on vehicles do
7 not apply to farm equipment, road machinery, road rollers, [or] farm tractors,
8 **MOPEDS, OR MOTOR SCOOTERS**, except as made applicable in this title.

9 23-101.

10 (a) In this subtitle the following words have the meanings indicated.

11 (i) (3) "Vehicle" does not include any Class L (historic) vehicle, **CLASS S**
12 **(MOPED/MOTOR SCOOTER) VEHICLE**, or [any] trailer which is a mobile home as
13 defined by § 11-134 of this article.

14 23-104.

15 (a) Every vehicle driven on the highways in this State shall, where
16 applicable, have the following equipment, meeting or exceeding the standards
17 established jointly by the Administration and the Division: brakes, steering,
18 suspension, horn, door handles, mirrors, tires, exhaust system, lights, glazing,
19 windshield wipers, odometer, speedometer, bumpers, properly aligned wheels, wheels
20 and wheel lugs, fenders, floor pans, hood, hood catches, emissions equipment, fuel
21 system, front seat, motor mounts, gear selection indicator for automatic transmissions,
22 universal joints, and seat belts or combination seat belt-shoulder harness if required
23 as original equipment under § 22-412 or § 22-412.1 of this article.

24 (b) (1) The Administration and the Division jointly may establish
25 standards by rule or regulation for this equipment.

26 (2) The Administration and the Division shall adopt, consistent with
27 federal law, regulations establishing equipment, performance, and other technical
28 standards for low speed vehicles.

29 23-107.

30 (a) (1) Before the Administration titles and registers any used vehicle, it
31 shall require the applicant to present a valid inspection certificate for the vehicle.

32 23-202.

1 (a) (1) Subject to subsection (d) of this section, the Administration and the
2 Secretary shall establish an emissions control program in the State in accordance with
3 the federal Clean Air Act.

4 23–206.

5 (a) An owner of a motor vehicle that is registered in this State shall have the
6 vehicle inspected and tested as required under this subtitle.

7 23–206.2.

8 **(C) A MOPED OR MOTOR SCOOTER IS EXEMPT FROM THE MANDATORY**
9 **INSPECTIONS REQUIRED BY THIS SUBTITLE.**

10 **[(c)] (D)** The Administrator may adopt regulations as necessary to
11 administer or enforce the provisions of this section.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2011.