

Department of Legislative Services  
2011 Session

FISCAL AND POLICY NOTE

Senate Bill 852 (Senator Astle)  
Judicial Proceedings

Motorcycles - Protective Equipment - Penalty

This bill specifies that any person who is convicted of a violation of failure to wear specified protective equipment while operating a motorcycle is subject to a fine of not more than \$25.

The bill takes effect July 1, 2011.

Fiscal Summary

**State Effect:** General fund revenues from traffic citations decrease by at least \$19,600 beginning in FY 2012. Medicaid expenditures (50% general funds, 50% federal funds) and general fund expenditures for the Developmental Disabilities Administration (DDA) may increase beginning in FY 2012 to the extent that the bill results in a reduction in helmet use and an associated increase in head injuries. Future years reflect inflation.

(in dollars)	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
GF Revenue	(\$19,600)	(\$20,600)	(\$21,600)	(\$22,700)	(\$23,900)
GF/FF Exp.	-	-	-	-	-
Net Effect	(\$19,600)	(\$20,600)	(\$21,600)	(\$22,700)	(\$23,900)

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect*

**Local Effect:** None.

**Small Business Effect:** None.

Analysis

**Current Law:** An individual may not operate or ride on a motorcycle unless the individual is wearing protective headgear that meets the standards established by the

administrator. An individual who is riding in an enclosed cab is exempt from the protective headgear requirement. A person may not operate a motorcycle unless the individual is wearing an eye-protective device approved by the administrator or the motorcycle is equipped with a windscreen. Failure to comply with these requirements is a misdemeanor, subject to a maximum fine of \$500. The prepayment penalty established by the District Court for this offense is \$110. The prepayment penalty for failure to wear a seatbelt is \$25.

“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.

**Background:** As of February 2011, 20 states and the District of Columbia require all motorcyclists to wear a helmet, while 27 states require only some motorcyclists to wear a helmet, typically riders age 17 and younger. Three states (Illinois, Iowa, and New Hampshire) have no motorcycle helmet laws.

The Maryland Institute for Emergency Medical Services Systems reports that Maryland’s trauma centers treated 1,101 patients involved in motorcycle crashes during fiscal 2010. Of these patients, 455 sustained a head injury, 23 of whom subsequently died. Of the 455 riders who sustained head injuries, 307 (68%) were wearing a helmet, 131 (29%) were not, and it was unknown whether 17 of the patients wore a helmet or not. All 455 required treatment and 283 were admitted. Sixty-two (14%) stayed in the hospital for one day. Fifteen of the admitted patients required hospitalization for more than 28 days.

**State Revenues:** General fund fine revenues decrease by at least \$19,635 beginning in fiscal 2012. This estimate is based on the following information. In fiscal 2010, 456 citations were issued statewide for failure to wear a helmet or eye-protective device while riding on or operating a motorcycle. Of these citations, 231 (51%) were prepaid. The citation carries a prepayment penalty of \$110, including court costs. Under the bill, the prepayment penalty will be a maximum of \$25.

The actual decrease in general fund fine revenues will be greater than this figure, which does not reflect reduced fines resulting from citations that go to trial. *For illustrative purposes only*, if every citation that went to trial in fiscal 2010 (225) resulted in the

maximum fine of \$500, general fund fine revenues would further decline by as much as \$106,875 under the bill.

Future years reflect a 5% annual increase in the number of prepaid citations.

**State Expenditures:** Medicaid expenditures (50% general funds, 50% federal funds) may increase in fiscal 2012 to the extent that a lesser penalty for failure to wear protective headgear results in a reduction in helmet use and an associated increase in head injuries to crash-involved motorcyclists. General fund expenditures for DDA may also increase beginning in fiscal 2012 to the extent that the bill results in a reduction in helmet use among motorcyclists younger than age 21 and there is an associated increase in head injuries among these riders. Individuals who sustain traumatic brain injuries before the age of 21 are eligible for DDA services.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Insurance Institute for Highway Safety, Judiciary (Administrative Office of the Courts), Department of State Police, Maryland Department of Transportation, Maryland Institute for Emergency Medical Services Systems, Department of Legislative Services

**Fiscal Note History:** First Reader - March 18, 2011  
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Analysis by: Jennifer B. Chasse

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510