

# SENATE BILL 309

R4, R5  
SB 708/11 – JPR

2lr1143  
CF HB 149

By: **Senators Klausmeier, Currie, Forehand, Kasemeyer, Kelley, Madaleno, Montgomery, Robey, Shank, ~~and Stone~~ Stone, and Pugh**

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Senate action: Adopted

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

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

4 FOR the purpose of authorizing a certain insurer to exclude a moped and motor  
5 scooter from certain insurance benefits; expanding the pool of vehicles eligible to  
6 be covered by the Maryland Automobile Insurance Fund; requiring a moped or  
7 motor scooter in the State to be titled ~~and registered~~ by the Motor Vehicle  
8 Administration; requiring an owner or prospective owner of a moped or motor  
9 scooter to obtain or maintain certain security; ~~requiring an application for the~~  
10 ~~registration of a moped or motor scooter to be submitted electronically;~~  
11 ~~requiring a licensed dealer of mopeds or motor scooters under certain~~  
12 ~~circumstances to obtain a moped or motor scooter registration application from~~  
13 ~~the owner, collect registration fees, and transmit the application and fees in a~~  
14 ~~certain manner within a certain period of time; providing for the registration~~  
15 ~~classification of mopeds and motor scooters; establishing an annual registration~~  
16 ~~fee and surcharge for mopeds and motor scooters~~ requiring an application for a  
17 certificate of title for a motor scooter or moped to be submitted electronically;  
18 requiring the Administration to issue a permanent decal to the owner of a motor  
19 scooter or moped for which a certificate of title is issued; requiring an owner of a  
20 motor scooter or moped to display the decal in a certain manner; requiring a  
21 decal to display a unique number sequence assigned by the Administration;  
22 requiring the Administration to establish a certain fee for the decal and adopt  
23 certain regulations; prohibiting a person from operating a motor scooter or  
24 moped unless the motor scooter or moped displays the decal in a certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 manner; establishing a certain fee for a certificate of title issued for a motor  
 2 scooter or moped; establishing the criteria for determining the fair market value  
 3 of a motor scooter or a moped for the purpose of determining the excise tax  
 4 under certain circumstances; requiring the owner of a motor scooter or moped to  
 5 certify at the time of titling that the vehicle is covered by a certain security;  
 6 requiring the operator of a motor scooter or moped to carry evidence of a certain  
 7 required security when operating the motor scooter or moped; prohibiting an  
 8 individual from operating or riding on a moped or motor scooter unless the  
 9 individual is wearing certain protective headgear and a certain eye-protective  
 10 device; authorizing the Motor Vehicle Administrator to approve or disapprove  
 11 certain headgear and eye-protective devices and adopt and enforce certain  
 12 regulations; requiring the Administrator to publish a certain list; establishing  
 13 that the failure of certain individuals to wear certain protective headgear or a  
 14 certain eye-protective device may not be considered certain evidence or  
 15 diminish the recovery of certain damages; establishing that certain provisions  
 16 relating to moped and motor scooter headgear and eye-protective devices do not  
 17 limit certain liabilities or rights; requiring certain procedures in certain civil  
 18 proceedings; ~~providing that certain vehicle equipment and inspection~~  
 19 ~~requirements do not apply to mopeds and motor scooters;~~ requiring the Motor  
 20 Vehicle Administration to waive certain fees associated with titling a moped or  
 21 motor scooter for certain individuals under certain circumstances; altering  
 22 certain definitions; making certain stylistic changes and technical corrections;  
 23 and generally relating to mopeds and motor scooters.

24 BY repealing and reenacting, with amendments,

25 Article – Insurance  
 26 Section 19–505(c) and 20–501  
 27 Annotated Code of Maryland  
 28 (2011 Replacement Volume)

29 BY repealing and reenacting, without amendments,

30 Article – Transportation  
 31 Section 11–134.1, 11–134.5, ~~13–101.1, 13–402(a)(1), 17–104(a) and (b),~~ 21–1207,  
 32 ~~23–101(a), and 23–104, 23–107(a)(1), 23–202(a)(1), and 23–206(a)~~  
 33 Annotated Code of Maryland  
 34 (2009 Replacement Volume and 2011 Supplement)

35 BY repealing and reenacting, with amendments,

36 Article – Transportation  
 37 Section ~~11–135, 11–176, 13–403, 13–954,~~ 13–102, 13–104(a), 13–106, 13–802,  
 38 ~~13–809(a)(1), (2), and (3), and 22–101(e)(1), 23–101(i)(3), and~~  
 39 ~~23–206.2(c)~~  
 40 Annotated Code of Maryland  
 41 (2009 Replacement Volume and 2011 Supplement)

42 BY adding to

43 Article – Transportation

1 Section ~~13-939.3~~ 17-104.1, 21-1306.1, and 23-206.2(c)  
2 Annotated Code of Maryland  
3 (2009 Replacement Volume and 2011 Supplement)

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

6 **Article – Insurance**

7 19-505.

8 (c) (1) An insurer may exclude from the coverage described in this section  
9 benefits for:

10 (i) an individual, otherwise insured under the policy, who:

11 1. intentionally causes the motor vehicle accident  
12 resulting in the injury for which benefits are claimed;

13 2. is a nonresident of the State and is injured as a  
14 pedestrian in a motor vehicle accident that occurs outside of the State;

15 3. is injured in a motor vehicle accident while operating  
16 or voluntarily riding in a motor vehicle that the individual knows is stolen; or

17 4. is injured in a motor vehicle accident while  
18 committing a felony or while violating § 21-904 of the Transportation Article; or

19 (ii) the named insured or a family member of the named insured  
20 who resides in the named insured's household for an injury that occurs while the  
21 named insured or family member is occupying an uninsured motor vehicle owned by:

22 1. the named insured; or

23 2. an immediate family member of the named insured  
24 who resides in the named insured's household.

25 (2) In the case of motorcycles, **MOPEDS, OR MOTOR SCOOTERS**, an  
26 insurer may:

27 (i) exclude the economic loss benefits described in this section;  
28 or

29 (ii) offer the economic loss benefits with deductibles, options, or  
30 specific exclusions.

31 20-501.

1 (a) In this subtitle, “covered vehicle” means a ~~motor~~ vehicle for which the  
2 Fund is required to provide coverage under this subtitle.

3 (b) “Covered vehicle” includes [an automobile, truck, van, and trailer]:

4 **(1) ANY MOTOR VEHICLE REQUIRED TO BE REGISTERED UNDER**  
5 **TITLE 13 OF THE TRANSPORTATION ARTICLE;**

6 **(2) A MOPED; AND**

7 **(3) A MOTOR SCOOTER.**

8 [(c) “Covered vehicle” does not include a motorcycle, low speed vehicle, or  
9 motorbike.]

10 **Article – Transportation**

11 11–134.1.

12 “Moped” means a bicycle that:

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

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

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

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

22 11–134.5.

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

24 (1) Has a seat for the operator;

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

26 (3) Has a step-through chassis;

27 (4) Has a motor:

- 1 (i) With a rating of 2.7 brake horsepower or less; or
- 2 (ii) If the motor is an internal combustion engine, with a
- 3 capacity of 50 cubic centimeters piston displacement or less; and
- 4 (5) Is equipped with an automatic transmission.

5 (b) "Motor scooter" does not include a vehicle that has been manufactured for

6 off-road use, including a motorcycle and an all-terrain vehicle.

7 ~~11-135.~~

8 (a) ~~[(1)] "Motor vehicle" means, except as provided in subsection (b) of this~~

9 ~~section,] a vehicle that:~~

10 ~~[(i)] (1) Is self-propelled or propelled by electric power~~

11 ~~obtained from overhead electrical wires; and~~

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

13 ~~[(2)] (B) "Motor vehicle" includes [a]:~~

14 ~~(1) A low speed vehicle;~~

15 ~~(2) A MOPED; AND~~

16 ~~(3) A MOTOR SCOOTER.~~

17 ~~[(b)] "Motor vehicle" does not include:~~

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

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

20 ~~11-176.~~

21 (a) (1) ~~"Vehicle" means, except as provided in subsection (b) of this~~

22 ~~section, any device in, on, or by which any individual or property is or might be~~

23 ~~transported or towed on a highway.~~

24 (2) ~~"Vehicle" includes [a]:~~

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

26 ~~(II) A MOPED;~~

1                                   ~~(III) A MOTOR SCOOTER; AND~~

2                                   ~~(IV) AN off-highway recreational vehicle.~~

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

5 ~~13-101.1.~~

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

9 ~~13-402.~~

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

13 ~~13-403.~~

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

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

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

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

25                               (1)   ~~Obtain from the transferee a completed application;~~

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

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

1 ~~13-939.3.~~

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

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

6 ~~13-954.~~

7 ~~(a) In this section, "motor vehicle" means a:~~

8 ~~(1) Class A (passenger) vehicle;~~

9 ~~(2) Class B (for hire) vehicle;~~

10 ~~(3) Class C (funeral and ambulance) vehicle;~~

11 ~~(4) Class D (motorcycle) vehicle;~~

12 ~~(5) Class E (truck) vehicle;~~

13 ~~(6) Class F (tractor) vehicle;~~

14 ~~(7) Class H (school) vehicle;~~

15 ~~(8) Class J (vanpool) vehicle;~~

16 ~~(9) Class M (multipurpose) vehicle;~~

17 ~~(10) Class P (passenger bus) vehicle;~~

18 ~~(11) Class Q (limousine) vehicle;~~

19 ~~(12) Class R (low speed) vehicle; [or]~~

20 ~~(13) CLASS S (MOPED/MOTOR SCOOTER) VEHICLE; OR~~

21 ~~(14) Vehicle within any other class designated by the Administrator.~~

22 ~~(b) (1) In addition to the registration fee otherwise required by this title,~~  
 23 ~~the owner of any motor vehicle registered under this title shall pay a surcharge of~~  
 24 ~~\$13.50 per year for each motor vehicle registered.~~

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

~~17-104.~~

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

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

13-102.

A certificate of title is not required for:

(1) A vehicle owned and used by the United States, unless it is registered in this State;

(2) A new vehicle owned by a manufacturer or dealer and held for sale, even though incidentally moved on the highway or used for purposes of testing or demonstration or used as allowed under § 13-621 of this title;

(3) A vehicle used by a manufacturer only for testing;

(4) A vehicle owned by a nonresident of this State and not required by law to be registered in this State;

(5) A vehicle regularly engaged in the interstate transportation of people or property and for which a currently effective certificate of title has been issued in another state;

(6) A vehicle moved only by human or animal power;

(7) A bicycle, EXCEPT FOR A MOPED;

(8) A vehicle in which interest has passed to a secured party on default of the owner;

(9) Farm equipment;

(10) Special mobile equipment;

(11) A self-propelled invalid;



1           (i) Wheelchair; or

2           (ii) Tricycle;

3           (12) A trailer, other than a camping trailer, rated by the manufacturer  
4 as having a gross vehicle weight of 2,500 pounds or less; or

5           (13) An off-highway recreational vehicle purchased before October 1,  
6 2010.

7 13-104.

8           (a) (1) The application for a certificate of title of a vehicle shall be made  
9 by the owner of the vehicle on the form that the Administration requires.

10           (2) Notwithstanding any other provision of this title, an application for  
11 a certificate of title of an off-highway recreational vehicle, A MOTOR SCOOTER, OR A  
12 MOPED shall be made by electronic transmission under § 13-610 of this title.

13           (3) THE OWNER OF A MOTOR SCOOTER OR MOPED SHALL  
14 CERTIFY AT THE TIME OF TITLING THAT THE MOTOR SCOOTER OR MOPED IS  
15 COVERED BY THE REQUIRED SECURITY DESCRIBED IN § 17-103 OF THIS  
16 ARTICLE.

17 13-106.

18           (a) The Administration shall:

19           (1) File each application for a certificate of title that it receives; and

20           (2) Issue a certificate of title of the vehicle if:

21           (i) It finds that the applicant is entitled to the certificate of  
22 title; and

23           (ii) It has received the required fees.

24           (b) The Administration shall keep a record of all certificates of title that it  
25 issues, as follows:

26           (1) Under a distinctive title number assigned to the vehicle;

27           (2) Under the vehicle identification number of the vehicle or, if a  
28 distinguishing number has been assigned to it, under the distinguishing number; and

29           (3) Under any other method that the Administration determines.

1           (c) Upon receipt with the application for a certificate of title, the  
2 Administration shall maintain a record of the following documents as a part of its  
3 certificate of title records for a motor vehicle:

4           (1) A notice from a dealer under § 14–1502(f)(1) of the Commercial  
5 Law Article;

6           (2) A notice from a manufacturer or factory branch under §  
7 14–1502(f)(2) of the Commercial Law Article; and

8           (3) A manufacturer’s disclosure form provided to the Administration  
9 under § 14–1502(g) of the Commercial Law Article.

10           **(D) (1) THE ADMINISTRATION SHALL ISSUE A PERMANENT DECAL TO**  
11 **THE OWNER OF A MOTOR SCOOTER OR MOPED FOR WHICH A CERTIFICATE OF**  
12 **TITLE IS ISSUED.**

13           **(2) AN OWNER OF A MOTOR SCOOTER OR MOPED FOR WHICH A**  
14 **CERTIFICATE OF TITLE IS ISSUED SHALL DISPLAY THE DECAL ON THE VEHICLE**  
15 **AS PRESCRIBED BY THE ADMINISTRATION.**

16           **(3) A DECAL SHALL DISPLAY A UNIQUE NUMBER SEQUENCE**  
17 **ASSIGNED BY THE ADMINISTRATION.**

18           **(4) THE ADMINISTRATION:**

19           **(I) SHALL ESTABLISH A FEE OF \$5 FOR A DECAL; AND**

20           **(II) MAY ADOPT REGULATIONS TO IMPLEMENT THIS**  
21 **SECTION.**

22 13–802.

23           (a) Except as provided in subsection (b) of this section and § 13–805 of this  
24 subtitle, the fee for each certificate of title issued under this title is \$100.

25           (b) **(1) For fiscal years 2012 through 2014 only, the fee for each certificate**  
26 **of title issued for a rental vehicle is \$50.**

27           **(2) THE FEE FOR EACH CERTIFICATE OF TITLE ISSUED FOR A**  
28 **MOTOR SCOOTER OR A MOPED IS \$20.**

29 13–809.

30           (a) **(1) In this section the following words have the meanings indicated.**

1           (2)   “Fair market value” means:

2                   (i)   As to the sale of any new or used vehicle by a licensed  
3 dealer, the total purchase price, as certified by the dealer;

4                   (ii)   Except as provided in item (iv) of this paragraph, as to a  
5 used vehicle that is sold by any person other than a licensed dealer and that has a  
6 designated model year that is 7 years old or older, the greater of:

7                           1.   The total purchase price; or

8                           2.   \$640;

9                   (iii)   Except as provided in item (iv) of this paragraph, as to any  
10 other used vehicle that is sold by any person other than a licensed dealer:

11                           1.   The total purchase price, if the total purchase price is  
12 less than \$500 below the retail value of the vehicle as shown in a national publication  
13 of used car values adopted for use by the Department; or

14                           2.   If the total purchase price is \$500 or more below the  
15 retail value of the vehicle as shown in a national publication of used car values  
16 adopted for use by the Department:

17                           A.   The total purchase price, if verified to the satisfaction  
18 of the Administration by a notarized bill of sale submitted in accordance with  
19 subsection (d)(2) of this section; or

20                           B.   The valuation shown in the national publication of  
21 used car values, if the Administration finds that the documentation submitted under  
22 subsection (d)(2) of this section fails to verify the total purchase price;

23                   (iv)   As to a used trailer, A MOTOR SCOOTER, A MOPED, or  
24 AN off-highway recreational vehicle that is sold by any person other than a licensed  
25 dealer, the greater of:

26                           1.   The total purchase price; or

27                           2.   \$320; and

28                   (v)   In any other case, the valuation shown in a national  
29 publication of used car values adopted for use by the Department.

30           (3)   (i)   Subject to subparagraph (ii) of this paragraph, “total  
31 purchase price” means the price of a vehicle agreed on by the buyer and the seller.

1 including any dealer processing charge, less an allowance for trade-in but with no  
2 allowance for other nonmonetary consideration.

3 (ii) As to a person trading in a nonleased vehicle to enter into a  
4 lease for a period of more than 180 consecutive days, “total purchase price” means the  
5 retail value of the vehicle as certified by the dealer, including any dealer processing  
6 charge, less an allowance for the trade-in of the nonleased vehicle but with no  
7 allowance for other nonmonetary consideration.

8 **17-104.1.**

9 **THE OWNER OF A MOPED OR MOTOR SCOOTER SHALL CARRY EVIDENCE**  
10 **OF THE REQUIRED SECURITY WHEN OPERATING THE MOPED OR MOTOR**  
11 **SCOOTER.**

12 21-1207.

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

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

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

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

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

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

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

34 **21-1306.1.**

1           **(A) THIS SECTION DOES NOT APPLY TO ANY INDIVIDUAL RIDING IN AN**  
2 **ENCLOSED CAB.**

3           **(B) AN INDIVIDUAL MAY NOT OPERATE OR RIDE ON A MOPED OR MOTOR**  
4 **SCOOTER UNLESS THE INDIVIDUAL IS WEARING PROTECTIVE HEADGEAR THAT**  
5 **MEETS THE STANDARDS ~~ESTABLISHED BY THE ADMINISTRATOR~~ PROVIDED**  
6 **UNDER 49 C.F.R. § 571.218.**

7           **(C) AN INDIVIDUAL MAY NOT OPERATE A MOPED OR MOTOR SCOOTER**  
8 **UNLESS:**

9                   **(1) THE INDIVIDUAL IS WEARING AN EYE-PROTECTIVE DEVICE OF**  
10 **A TYPE APPROVED BY THE ADMINISTRATOR; OR**

11                   **(2) THE MOPED OR MOTOR SCOOTER IS EQUIPPED WITH A**  
12 **WINDSCREEN.**

13           **(D) THE ADMINISTRATOR:**

14                   **(1) MAY APPROVE OR DISAPPROVE PROTECTIVE HEADGEAR AND**  
15 **EYE-PROTECTIVE DEVICES REQUIRED BY THIS SECTION;**

16                   **(2) MAY ADOPT AND ENFORCE REGULATIONS ESTABLISHING**  
17 **STANDARDS AND SPECIFICATIONS FOR THE APPROVAL OF PROTECTIVE**  
18 **HEADGEAR AND EYE-PROTECTIVE DEVICES; AND**

19                   **(3) SHALL PUBLISH LISTS OF ALL PROTECTIVE HEADGEAR AND**  
20 **EYE-PROTECTIVE DEVICES THAT THE ADMINISTRATOR APPROVES, BY NAME**  
21 **AND TYPE.**

22           **(E) (1) THE FAILURE OF AN INDIVIDUAL TO WEAR PROTECTIVE**  
23 **HEADGEAR REQUIRED UNDER SUBSECTION (B) OF THIS SECTION MAY NOT:**

24                   **(I) BE CONSIDERED EVIDENCE OF NEGLIGENCE;**

25                   **(II) BE CONSIDERED EVIDENCE OF CONTRIBUTORY**  
26 **NEGLIGENCE;**

27                   **(III) LIMIT LIABILITY OF A PARTY OR AN INSURER; OR**

28                   **(IV) DIMINISH RECOVERY FOR DAMAGES ARISING OUT OF**  
29 **THE OWNERSHIP, MAINTENANCE, OR OPERATION OF A MOPED OR MOTOR**  
30 **SCOOTER.**

1           **(2) SUBJECT TO THE PROVISIONS OF PARAGRAPH (3) OF THIS**  
 2 **SUBSECTION, A PARTY, WITNESS, OR COUNSEL MAY NOT MAKE REFERENCE TO**  
 3 **PROTECTIVE HEADGEAR DURING A TRIAL OF A CIVIL ACTION THAT INVOLVES**  
 4 **PROPERTY DAMAGE, PERSONAL INJURY, OR DEATH IF THE DAMAGE, INJURY, OR**  
 5 **DEATH IS NOT RELATED TO THE DESIGN, MANUFACTURE, SUPPLYING, OR**  
 6 **REPAIR OF PROTECTIVE HEADGEAR.**

7           **(3) (I) NOTHING CONTAINED IN THIS SUBSECTION MAY BE**  
 8 **CONSTRUED TO PROHIBIT THE RIGHT OF A PERSON TO INSTITUTE A CIVIL**  
 9 **ACTION FOR DAMAGES AGAINST A DEALER, MANUFACTURER, DISTRIBUTOR,**  
 10 **FACTORY BRANCH, OR OTHER APPROPRIATE ENTITY OR PERSON ARISING OUT**  
 11 **OF AN INCIDENT THAT INVOLVES PROTECTIVE HEADGEAR ALLEGED TO BE**  
 12 **DEFECTIVELY DESIGNED, MANUFACTURED, OR REPAIRED.**

13           **(II) IN A CIVIL ACTION DESCRIBED UNDER SUBPARAGRAPH**  
 14 **(I) OF THIS PARAGRAPH IN WHICH TWO OR MORE PARTIES ARE NAMED AS JOINT**  
 15 **TORT-FEASORS, INTERPLEADED AS DEFENDANTS, OR IMPLEADED AS**  
 16 **DEFENDANTS, AND AT LEAST ONE OF THE JOINT TORT-FEASORS OR**  
 17 **DEFENDANTS IS NOT INVOLVED IN THE DESIGN, MANUFACTURE, SUPPLYING, OR**  
 18 **REPAIR OF PROTECTIVE HEADGEAR, A COURT SHALL ORDER ON A MOTION OF**  
 19 **ANY PARTY SEPARATE TRIALS TO ACCOMPLISH THE ENDS OF JUSTICE.**

20 22-101.

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

24 ~~23-101.~~

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

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

29 23-104.

30           (a) Every vehicle driven on the highways in this State shall, where  
 31 applicable, have the following equipment, meeting or exceeding the standards  
 32 established jointly by the Administration and the Division: brakes, steering,  
 33 suspension, horn, door handles, mirrors, tires, exhaust system, lights, glazing,  
 34 windshield wipers, odometer, speedometer, bumpers, properly aligned wheels, wheels  
 35 and wheel lugs, fenders, floor pans, hood, hood catches, emissions equipment, fuel  
 36 system, front seat, motor mounts, gear selection indicator for automatic transmissions,

1 universal joints, and seat belts or combination seat belt–shoulder harness if required  
2 as original equipment under § 22–412 or § 22–412.1 of this article.

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

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

8 ~~23–107.~~

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

11 ~~23–202.~~

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

15 ~~23–206.~~

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

18 ~~23–206.2.~~

19 ~~(C) A MOPED OR MOTOR SCOOTER IS EXEMPT FROM THE MANDATORY~~  
20 ~~INSPECTIONS REQUIRED BY THIS SUBTITLE.~~

21 ~~[(e)] (D) The Administrator may adopt regulations as necessary to~~  
22 ~~administer or enforce the provisions of this section.~~

23 SECTION 2. AND BE IT FURTHER ENACTED, That, except for the decal fee  
24 established under this Act, the Motor Vehicle Administration shall waive all fees  
25 associated with titling a moped or motor scooter for an individual who owned the  
26 moped or motor scooter on the effective date of this Act and titles the vehicle on or  
27 before October 1, 2013.

28 SECTION 2. 3. AND BE IT FURTHER ENACTED, That this Act shall take  
29 effect October 1, 2012.