

Department of Legislative Services  
2013 Session

FISCAL AND POLICY NOTE

House Bill 339 (Delegate McIntosh, *et al.*)  
Environmental Matters

Vehicle Laws - Bicycles - Required Use of Protective Headgear

This bill prohibits a person, regardless of age, from operating or riding as a passenger on 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. The prohibition does not apply to a rider or passenger on a moped, as this is already required.

Fiscal Summary

**State Effect:** Special fund expenditures for the Maryland Department of Transportation (MDOT) increase by at least \$44,800 in FY 2014 to revise bicycle safety and operational materials and update departmental websites to reflect the bill’s requirement. Potential significant general and federal fund savings beginning in FY 2014 for the Department of Health and Mental Hygiene (DHMH) to the extent the bill reduces debilitating injuries from bicycle accidents. The helmet requirements are not punishable by a fine. Enforcement can be handled with existing resources. No effect on revenues.

(in dollars)	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
Revenues	\$0	\$0	\$0	\$0	\$0
SF Expenditure	44,800	0	0	0	0
GF/FF Exp.	(-)	(-)	(-)	(-)	(-)
Net Effect	(\$44,800)	\$0	\$0	\$0	\$0

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

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

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

## Analysis

**Current Law:** 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 passengers in commercial bicycle rickshaws or on the boardwalk between the Ocean City inlet and 27<sup>th</sup> Street during specified hours in the Town of Ocean City. A helmet must 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.

Chapters 210 and 211 of 2012 (SB 309/HB 149) require an individual who rides or operates a motor scooter or moped to wear protective headgear that meets specified federal standards and, if the vehicle does not have a windscreen, an eye-protection device.

**Background:** Twenty-one states and the District of Columbia have age-specific bicycle helmet laws, most of which only cover bicyclists younger than age 16. Twenty-nine states have no state bicycle helmet use law. No state requires bicycle helmet use for all ages; however, some local ordinances require bicycle helmet use for all riders, most notably Dallas, Texas and multiple cities in Washington State, including Seattle, Tacoma, and Vancouver.

The Maryland Institute for Emergency Medical Services Systems reports that Maryland's trauma centers treated 584 patients involved in bicycle crashes during fiscal 2012. Of these patients, 260 (44%) suffered a head injury, 147 of whom (56%) were not wearing a helmet. Of the 584 patients, 449 (77%) were age 16 or older (the population newly subject to the helmet requirement under this bill). Of these 449 individuals, 205 (46%) sustained a head injury. Of those age 16 or older who sustained head injuries, 78 (38%) were wearing a helmet, 98 (48%) were not, and it was unknown whether the remaining 29 wore a helmet or not.

**State Fiscal Effect:** Special fund expenditures for MDOT increase by at least \$44,750 in fiscal 2014 to revise and reproduce various bicycle safety and operational materials. This estimate includes the cost to (1) revise and reprint Safe Bicycling in Maryland guidebooks at a cost of \$17,750 for 50,000 copies; (2) revise and reproduce the existing MDOT adult bicycling video, Competence and Confidence, at a cost of \$25,000; and (3) revise MDOT websites to reflect the new helmet mandate at a cost of \$2,000. MDOT

and the Department of State Police are currently finalizing production of a training video for law enforcement officers on bicycle traffic safety. Under the bill, this video would also need to be revised at an additional cost.

To the extent the bill reduces debilitating injuries resulting from bicycle 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 injury receive residential and day habilitation and supported employment services at a cost of about \$122,000 per enrollee per year. There is 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 bicycle 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.

**Additional Comments:** MDOT has allocated \$2.5 million to fund bikesharing feasibility studies and implement bikesharing programs. According to MDOT, bikeshare customers are unlikely to supply their own helmets and requiring bikeshare vendors to provide helmets could threaten the viability of the program.

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### **Additional Information**

**Prior Introductions:** HB 187 of 2009 would have prohibited a person, regardless of age, from operating or riding as a passenger on a bicycle or motor scooter without a helmet. HB 187 was heard by the House Environmental Matters Committee, but no further action was taken.

**Cross File:** None.

**Information Source(s):** Bike Helmet Safety Institute, Maryland Institute for Emergency Medical Services Systems, Department of Health and Mental Hygiene, Department of State Police, Maryland Department of Transportation, Department of Legislative Services

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