

Department of Legislative Services  
2014 Session

FISCAL AND POLICY NOTE

House Bill 1150

(Delegate Swain, *et al.*)

Environmental Matters

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All-Terrain Vehicles - Protective Equipment

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This bill prohibits an individual from operating or riding on an “all-terrain vehicle” (ATV) unless the individual is wearing protective headgear and an eye protective device that meet the Motor Vehicle Administration’s (MVA) standards for motorcycle helmets and eye protective devices.

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Fiscal Summary

**State Effect:** Potential minimal increase in general fund revenues beginning in FY 2015 due to penalties assessed for violations of Maryland Vehicle Law (maximum fine \$500 for a misdemeanor offense). Enforcement can be handled with existing resources. Potential general and federal fund savings beginning in FY 2015 for the Department of Health and Mental Hygiene (DHMH) to the extent the bill reduces debilitating injuries from ATV accidents.

**Local Effect:** Enforcement can be handled with existing resources.

**Small Business Effect:** Potential minimal increase in revenues from increased sales of protective headgear and eye protective devices.

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Analysis

**Bill Summary:** “All-terrain vehicle” means a motorized vehicle that (1) is designed to travel off-highway; (2) is designed to travel on three or four low-pressure tires; (3) has a seat designed to be straddled by the operator; (4) has handlebars for steering control; and (5) is intended by the manufacturer for use by a single operator or an operator and one passenger.

**Current Law:** The Department of Natural Resources (DNR) is required to establish equipment standards and regulate the operation of off-road vehicles, including ATVs, on

land under the jurisdiction of the agency (primarily State parks and forests). On land controlled by DNR, an ATV operator and passenger must wear helmets, and the operator must wear eye protection or have a windscreen on the vehicle. Otherwise, State law does not mandate the use of helmets or eye protection for ATV use on public or private land. However, Montgomery County does prohibit individuals from operating an off-road vehicle without a helmet and eye protection.

Unless otherwise specified, a violation of any of the provisions of the Maryland Vehicle Law is a misdemeanor and upon conviction subject to a fine of up to \$500.

**Background:** Chapters 14 and 487 of 2008 established the All-Terrain Vehicle Safety Task Force to identify and study major issues related to ATV safety, including appropriate safety equipment. The task force was required to submit an interim report by December 15, 2008, and a final report by May 31, 2009. The task force satisfied both reporting requirements by consolidating the interim and final reports into one document. That report reached consensus regarding a number of recommendations, including that (1) a uniform definition of ATV (similar but not identical to the definition in this bill) should be adopted; (2) an approved safety helmet and eye protection should be required to be worn by the ATV operator and passenger; and (3) ATV safety requirements should apply to operation of ATVs throughout the State, including on private property.

According to the National Conference of State Legislatures, as of July 2013, 35 states (including Maryland) have some type of helmet requirement for ATV operators. Nearly half of these states (16) limit the requirement to the use of ATVs on public land. Fourteen states require helmets only for individuals younger than 18, and an additional four states only for riders younger than 16. Eight of the 35 states require eye protection (five for all ages, one for individuals younger than 18, and two for individuals younger than 16). Nine states (Massachusetts, Michigan, New Jersey, New York, Pennsylvania, Rhode Island, Tennessee, Virginia, and Washington) require *all* riders to wear a helmet when operating an ATV on *any* land. Three states (California, Ohio, and Texas) require all riders to wear a helmet, but only on public land.

According to the Maryland Institute for Emergency Medical Services Systems, in calendar 2012, 201 individuals were treated for ATV-related accidents in Maryland trauma centers. Among those treated, 130 were not wearing a helmet (64.7%), 44 were wearing a helmet (21.9%), and the helmet status of the remaining 27 individuals (13.4%) was unknown. Of the 201 individuals treated, 88 (43.8%) were admitted to the trauma center.

The U.S. Department of Transportation (USDOT) has established Federal Motor Vehicle Safety Standard (FMVSS) 218 as a minimum safety standard for motorcycle helmets. The standard is based on whether or not a helmet can withstand certain direct force impacts when dropped on an anvil and the amount of headform deceleration when

dropped (how fast the head stops when the helmet hits the anvil). A sticker with the letters “DOT” is affixed to the helmet so that consumers can know that it meets minimum safety standards. USDOT operates on the honor system and relies on reporting from manufacturers as to whether helmets pass or fail FMVSS standards, though USDOT conducts a limited number of tests per year. The manufacturer applies the sticker.

**State Fiscal Effect:** To the extent the bill reduces debilitating injuries resulting from ATV 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 \$120,000 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 ATV 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.

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### **Additional Information**

**Prior Introductions:** SB 547/HB 1169 of 2009 received hearings in the Senate Judicial Proceedings and House Environmental Matters committees, respectively, but no further action was taken on either bill.

**Cross File:** SB 80 (Senator Benson) - Judicial Proceedings.

**Information Source(s):** National Conference of State Legislatures, Department of Natural Resources, Maryland Institute for Emergency Medical Services Systems, Department of Health and Mental Hygiene, Judiciary (Administrative Office of the Courts), Department of State Police, Maryland Department of Transportation, Department of Legislative Services

**Fiscal Note History:** First Reader - February 21, 2014  
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