

Department of Legislative Services  
Maryland General Assembly  
2016 Session

FISCAL AND POLICY NOTE  
First Reader

Senate Bill 164

(Senator Gladden)

Judicial Proceedings

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Vehicle Laws - Motorcycles - Restrictions on Child Passengers

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This bill prohibits a child, younger than age 10, from riding as a passenger on a motorcycle. Children who are ages 10 and 11 may ride on a motorcycle but only if their feet are able to reach and rest on the passenger footrests required under existing law. A violation is a misdemeanor and is subject to a maximum fine of \$500.

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Fiscal Summary

**State Effect:** Potential minimal increase in general fund revenues due to the bill's penalty. Any increase in the District Court's caseload can be handled with existing resources. Enforcement can be handled with existing resources.

**Local Effect:** Enforcement can be handled with existing resources. Revenues are not affected.

**Small Business Effect:** None.

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Analysis

**Current Law:** There is no minimum age requirement for a motorcycle passenger. Generally, however, the operator of a motorcycle is prohibited from carrying a passenger, and a passenger may not ride on a motorcycle, unless the motorcycle is designed to carry more than one person. If the motorcycle is so designed, a passenger may ride on the permanent and regular seat or on another seat firmly attached to the rear or side of the operator. A passenger must sit astride and face forward. An operator of a motorcycle may not carry any passenger in a position that interferes either with the operation or control of the motorcycle or with the operator's view. Likewise, a passenger is prohibited from riding

in a position that interferes either with the operation or control of the motorcycle or with the operator's view. Any motorcycle that does not have a sidecar or an enclosed cab but carries a passenger must have passenger footrests.

A violation of any of the above provisions is a misdemeanor with a maximum fine of \$500, for which the District Court has established a prepayment penalty of \$80. For all but the passenger footrest requirement, the prepayment penalty increases to \$120 if the violation contributes to an accident. Likewise, for all violations (except the passenger footrest requirement), the Motor Vehicle Administration must assess one point against the driver's license of any motorcycle driver or passenger or three points if the violation contributes to an accident.

**Background:** The District Court reports that, in fiscal 2015, a total of 25 citations were issued for violations of statutory provisions related to riding on motorcycles. Of those issued, 5 were prepaid, 7 went to trial, and 13 remained open.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Department of State Police, Maryland Department of Transportation, Department of Legislative Services

**Fiscal Note History:** First Reader - January 28, 2016  
min/kdm

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