SENATE BILL 439

By: Senators Norman, Astle, Edwards, Hough, Manno, Mathias, Ready, Salling, Simonaire, and Waugh
Introduced and read first time: January 25, 2018
Assigned to: Judicial Proceedings

A BILL ENTITLED

AN ACT concerning

Vehicle Laws – Protective Headgear Requirement for Motorcycle Riders – Exception

FOR the purpose of providing that a certain prohibition against operating or riding on a motorcycle without certain protective headgear does not apply to an individual at least a certain age who has been licensed to operate a motorcycle for a certain period of time, has completed a certain motorcycle safety course, or is a passenger on a motorcycle operated by a driver who has been licensed for a certain period or has completed a certain safety course; making stylistic changes; and generally relating to the requirement that protective headgear be worn by operators and riders of motorcycles.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–1306
Annotated Code of Maryland
(2012 Replacement Volume and 2017 Supplement)

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

Article – Transportation

(a) This section does not apply to any person riding in an enclosed cab.

(b) (1) An individual may not operate or ride on a motorcycle unless the individual is wearing protective headgear that meets the standards established by the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
Administrator.

(2) This subsection does not apply to an individual at least 21 years old who:

(I) has been licensed to operate a motorcycle for at least 2 years;

(II) has completed a motorcycle rider safety course approved by the Administrator or the Motorcycle Safety Foundation; or

(III) is a passenger on a motorcycle operated by an individual described in item (I) or (II) of this paragraph.

c) A person may not operate a motorcycle unless:

(1) [He] the person is wearing an eye–protective device of a type approved by the Administrator; or

(2) the motorcycle is equipped with a windscreen.

d) The Administrator:

(1) may approve or disapprove protective headgear and eye–protective devices required by this section;

(2) may adopt and enforce regulations establishing standards and specifications for the approval of protective headgear and eye–protective devices; and

(3) shall publish lists of all protective headgear and eye–protective devices that [he] the Administrator approves, by name and type.

e) (1) The failure of an individual to wear protective headgear required under subsection (b) of this section may not:

(i) be considered evidence of negligence;

(ii) be considered evidence of contributory negligence;

(iii) limit liability of a party or an insurer; or

(iv) diminish recovery for damages arising out of the ownership, maintenance, or operation of a motorcycle.

(2) Subject to the provisions of paragraph (3) of this subsection, a party,
witness, or counsel may not make reference to protective headgear during a trial of a civil
action that involves property damage, personal injury, or death if the damage, injury, or
death is not related to the design, manufacture, supplying, or repair of protective headgear.

(3) (i) Nothing contained in this subsection may be construed to
prohibit the right of a person to institute a civil action for damages against a dealer,
manufacturer, distributor, factory branch, or other appropriate entity or person arising out
of an incident that involves protective headgear alleged to be defectively designed,
manufactured, or repaired.

(ii) In a civil action described under subparagraph (i) of this
paragraph in which 2 or more parties are named as joint tort–feasors, interpleaded as
defendants, or impleaded as defendants, and at least 1 of the joint tort–feasors or
defendants is not involved in the design, manufacture, supplying, or repair of protective
headgear, a court shall order on a motion of any party separate trials to accomplish the
ends of justice.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
1, 2018.