

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 712

(Senator Hough, *et al.*)

Judicial Proceedings

**Vehicle Laws - Protective Headgear Requirement for Motorcycle Riders -
Exception**

This bill exempts, from the requirement to wear specified protective headgear while operating or riding on a motorcycle, an individual age 21 or older who (1) has been licensed to operate a motorcycle for at least two years; (2) has completed an approved motorcycle rider safety course; or (3) is a passenger on a motorcycle operated by a rider who meets either of these criteria. **The bill takes effect June 1, 2021.**

Fiscal Summary

State Effect: General fund revenues from traffic citations decrease minimally beginning in FY 2021. Medicaid expenditures potentially increase beginning in FY 2021, as discussed below.

Local Effect: None.

Small Business Effect: Potential minimal.

Analysis

Current Law: An individual may not operate or ride on a motorcycle unless the individual is wearing protective headgear that meets the standards established by the Motor Vehicle Administration (MVA) administrator. The administrator is authorized to approve or disapprove of the protective headgear required for motorcycle operators and may adopt and enforce regulations that establish protective headgear standards. An individual who is riding in an enclosed cab is exempt from the protective headgear requirement. An individual may not operate a motorcycle unless the individual is wearing an eye-protective device approved by the administrator or the motorcycle is equipped with a windscreen.

“Protective helmet or headgear” means a device primarily intended to protect the upper part of the wearer’s head against a blow or impact. The *Federal Motor Vehicle Safety Standard 218, Motorcycle Helmets*, 49 CFR § 571.218 (1991), which is incorporated by reference in Maryland regulations, is adopted as the minimum standard for helmets required to be worn by operators and passengers on motorcycles. The protective headgear must be worn on the head with the chin strap properly fastened and in contact with the chin or jaw by both operator and passenger at all times that the motorcycle is in motion.

A violation of the protective headgear or eye-protective device/windscreen requirement is a misdemeanor, subject to a maximum fine of \$500. The prepayment penalty assessed by the District Court is \$110.

The failure of an individual to wear required protective headgear may not be considered evidence of negligence or contributory negligence; limit liability of a party or an insurer; or diminish recovery for damages arising out of the ownership, maintenance, or operation of a motorcycle. For motorcycles, an insurer may either exclude economic loss benefits or offer the economic loss benefits with deductibles, options, or specific exclusions.

State Fiscal Effect: General fund fine revenues decrease minimally beginning in fiscal 2021 due to a reduction in the number of citations issued for failure to wear a helmet while riding on or operating a motorcycle. In fiscal 2020, 174 citations were issued statewide (with 55 guilty dispositions). The citation carries a prepayment penalty of \$110, including court costs. The actual decrease in general fund fine revenues cannot be reliably estimated at this time and depends on the number of individuals who qualify for the exemptions under the bill.

Medicaid expenditures (60% federal funds, 40% general funds) may increase beginning in fiscal 2021 to the extent that the exemption from the protective headgear requirement results in a reduction in helmet use and an associated increase in head injuries to crash-involved motorcyclists not otherwise covered by insurance. Federal fund revenues increase correspondingly.

Additional Comments: The District Court advises that, despite the bill’s effective date of June 1, 2021, the *Schedule of Preset Fines and/or Penalty Deposits* used by law enforcement will not be revised until the annual printing and distribution for October 1, 2021. The District Court would notify law enforcement by teletype about the change to this traffic charge.

Additional Information

Prior Introductions: SB 237 of 2020 received an unfavorable report by the Senate Judicial Proceedings Committee. SB 981 of 2019 and SB 439 of 2018 received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken. HB 1410 of 2017 and HB 559 of 2016 both received an unfavorable report from the House Environment and Transportation Committee. Related legislation was introduced in prior sessions.

Designated Cross File: None.

Information Source(s): Maryland Institute for Emergency Medical Services Systems; Judiciary (Administrative Office of the Courts); Maryland Department of Health; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - February 19, 2021

rh/ljm

Analysis by: Eric F. Pierce

Direct Inquiries to:

(410) 946-5510

(301) 970-5510