

SENATE BILL 745

R5
SB 712/21 – JPR

2lr0851

By: **Senators Hough, Eckardt, Edwards, and Salling**

Introduced and read first time: February 7, 2022

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Protective Headgear Requirement for Motorcycle Riders –**
3 **Exception**

4 FOR the purpose of establishing an exception to the prohibition against operating or riding
5 on a motorcycle without certain protective headgear for an individual at least a
6 certain age who has been licensed to operate a motorcycle for a certain period of time
7 or has completed a certain motorcycle safety course and for the individual's
8 passenger; and generally relating to the requirement that protective headgear be
9 worn by operators and riders of motorcycles.

10 BY repealing and reenacting, with amendments,
11 Article – Transportation
12 Section 21–1306
13 Annotated Code of Maryland
14 (2020 Replacement Volume and 2021 Supplement)

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

17 **Article – Transportation**

18 21–1306.

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

20 (b) **(1) [An] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
21 **SUBSECTION, AN** individual may not operate or ride on a motorcycle unless the individual
22 is wearing protective headgear that meets the standards established by the Administrator.

23 **(2) THIS SUBSECTION DOES NOT APPLY TO AN INDIVIDUAL AT LEAST**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **21 YEARS OLD WHO:**

2 (I) **HAS BEEN LICENSED TO OPERATE A MOTORCYCLE FOR AT**
3 **LEAST 2 YEARS;**

4 (II) **HAS COMPLETED A MOTORCYCLE RIDER SAFETY COURSE**
5 **APPROVED BY THE ADMINISTRATOR OR THE MOTORCYCLE SAFETY FOUNDATION;**
6 **OR**

7 (III) **IS A PASSENGER ON A MOTORCYCLE OPERATED BY AN**
8 **INDIVIDUAL DESCRIBED IN ITEM (I) OR (II) OF THIS PARAGRAPH.**

9 (c) A person may not operate a motorcycle unless:

10 (1) [He] **THE PERSON** is wearing an eye-protective device of a type
11 approved by the Administrator; or

12 (2) The motorcycle is equipped with a windscreen.

13 (d) The Administrator:

14 (1) May approve or disapprove protective headgear and eye-protective
15 devices required by this section;

16 (2) May adopt and enforce regulations establishing standards and
17 specifications for the approval of protective headgear and eye-protective devices; and

18 (3) Shall publish lists of all **APPROVED** protective headgear and
19 eye-protective devices [that he approves], by name and type.

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

22 (i) Be considered evidence of negligence;

23 (ii) Be considered evidence of contributory negligence;

24 (iii) Limit liability of a party or an insurer; or

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

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

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

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

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
13 1, 2022.