

# SENATE BILL 933

R5

SB 745/22 – JPR

3lr2925

By: Senators McKay and Mautz

Introduced and read first time: February 16, 2023

Assigned to: Rules

## A BILL ENTITLED

## 1 AN ACT concerning

**Vehicle Laws – Protective Headgear Requirement for Motorcycle Rides  
– Exception  
(In Rememberance of Gary “Pappy” Boward)**

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

11 BY repealing and reenacting, with amendments,  
12 Article – Transportation  
13 Section 21–1306  
14 Annotated Code of Maryland  
15 (2020 Replacement Volume and 2022 Supplement)

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

## Article – Transportation

19 21-1306.

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

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

## EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

14 (d) The Administrator:

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

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

23 (i) Be considered evidence of negligence;

24 (ii) Be considered evidence of contributory negligence;

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

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

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

1 death is not related to the design, manufacture, supplying, or repair of protective headgear.

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

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

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
14 1, 2023.