

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 1207 (Delegates Miller and McComas)

Environment and Transportation

Judicial Proceedings

Motor Vehicles - Motorcycles - Passenger Restrictions

This bill prohibits a motorcycle passenger from riding on a seat at the rear of the operator if the passenger cannot position their feet firmly on the footrests while seated. This prohibition does not apply if a motorcycle passenger cannot position their feet as required due to a permanent physical disability. A violation is a misdemeanor and is subject to a maximum fine of \$500.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues from fines collected in the District Court. Enforcement of the bill's restrictions, as well as any increase in the District Court's caseload, can be handled with existing budgeted resources.

Local Effect: The bill does not materially affect local government operations or finances.

Small Business Effect: None.

Analysis

Current Law: The operator of a motorcycle may not carry 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 (if the seat is designed for two persons), or on another seat firmly attached to the rear or side of the operator. A passenger must wear specified protective headgear and sit astride, facing forward, with one leg on each side of the motorcycle. Additionally, an operator may not carry a passenger, and a passenger may not ride in, a position that interferes with the operation or control of the motorcycle or 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 (except for a failure to wear protective headgear, which carries a \$110 prepayment penalty). For all but the passenger footrest and protective headgear requirements, the prepayment penalty increases to \$120 if the violation contributes to an accident. Likewise, for all violations (except the passenger footrest and headgear requirements), 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.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated 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 - February 28, 2023
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