

Department of Legislative Services  
Maryland General Assembly  
2024 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 639 (Delegate Wivell, *et al.*)  
Environment and Transportation

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Vehicle Laws - Protective Headgear Requirement - Exception (In Remembrance  
of Gary "Pappy" Boward)

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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, 2024.**

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Fiscal Summary

**State Effect:** General fund revenues from traffic citations decrease minimally beginning in FY 2024. Any impact on Medicaid expenditures is assumed to be negligible, as discussed below.

**Local Effect:** None.

**Small Business Effect:** Potential minimal.

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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 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 2024 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 2023, 145 citations were issued statewide (with 80 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 (federal and general funds) could increase beginning as early as fiscal 2024 to the extent that the exemption from the protective headgear requirement results in a reduction in helmet use and an associated increase in more serious head injuries to crash-involved motorcyclists not otherwise covered by insurance. Federal fund revenues would increase correspondingly. However, any impact on Medicaid expenditures and federal fund revenues is assumed to be negligible. For context, the Maryland Institute for Emergency Medical Services Systems reports that Maryland’s trauma centers treated 932 patients involved in motorcycle crashes during fiscal 2023, 818 of whom were age 21 or older. Of these patients, 206 sustained a head injury, all of whom required treatment and 15 subsequently died. About two-thirds (137) of the patients with head injuries were admitted; 9 had hospital stays of just 1 day, but 23 had stays of more than 28 days. About one-quarter of the 206 riders who sustained head injuries were not wearing a helmet; the other riders were.

**Additional Comments:** The District Court advises that, despite the bill’s effective date of June 1, 2024, 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, 2024. The District Court would notify law enforcement and the Police Training and Standards Commission about the change to this traffic charge.

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### **Additional Information**

**Recent Prior Introductions:** Similar legislation has been introduced within the last three years. See SB 933 of 2023, SB 745 of 2022; and SB 712 of 2021.

**Designated Cross File:**SB 503 (Senator McKay, *et al.*) - Judicial Proceedings.

**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 14, 2024  
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