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§21–1306.1.

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

(b) An individual may not operate or ride on a moped or motor scooter unless the individual is wearing protective headgear that meets the standards provided under 49 C.F.R. § 571.218.

(c) An individual may not operate a moped or motor scooter unless:

(1) The individual is wearing an eye–protective device of a type approved by the Administrator; or

(2) The moped or motor scooter is equipped with a windscreen.

(d) The Administrator:

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

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

(3) Shall publish lists of all protective headgear and eye–protective devices that the Administrator approves, by name and type.

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

(i) Be considered evidence of negligence;

(ii) Be considered evidence of contributory negligence;

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

(iv) Diminish recovery for damages arising out of the ownership, maintenance, or operation of a moped or motor scooter.

(2) Subject to the provisions of paragraph (3) of this subsection, a party, witness, or counsel may not make reference to protective headgear during a

trial of a civil action that involves property damage, personal injury, or death if the damage, injury, or death is not related to the design, manufacture, supplying, or repair of protective headgear.

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

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

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