



ABATE OF MARYLAND, INC.

Dedicated to Freedom of the Road & Responsible Motorcycle Legislation Since 1974

To: The Honorable Marc Korman, Chairman and Members of the Judicial Proceedings Committee

From: Ken Eaton, Executive Director, ABATE of Maryland, Inc.

Date: March 10, 2026

Re: **HB1496** - Causing Serious Injury or Death of Vulnerable Individual

Position: **FAVORABLE – SUPPORT**

ABATE of Maryland, Inc. represents the owners of over 100,000 on road motorcycles that are registered in Maryland. We are a state motorcycle rights organization that brings together the voices of independent riders, clubs, and riding organizations. We have chapters throughout the state, and our members include a diverse cross-section of motorcycle riders in Maryland. We cover the mountains to the ocean and everywhere in between. Our members and friends include people from every walk of life. We have junior members that hope to ride the roads alongside us one day. We all dedicate our personal time and money to fighting for motorcyclists' rights.

ABATE of Maryland, Inc. **SUPPORTS HB1496** - Causing Serious Injury or Death of Vulnerable Individuals. This bill seeks to change the definition of "Vulnerable individuals" on the roadways, by removing motorcyclists. The current definition of a vulnerable individual is as follows:

- *A Pedestrian*

And any of the following: an individual who is lawfully operating or riding any of the following on a highway, shoulder, crosswalk, or sidewalk:

- *A Bicycle*
- *A Farm Tractor or Farm Equipment*
- *A Play Vehicle*
- *A Motor Scooter*
- *A Motorcycle*
- *An Animal-Drawn Vehicle*
- *An EPAMD*
- *A Wheelchair*

Motorcyclists are **motorists** that are licensed, insured, and their vehicles are registered to be on the roadway. The rest of the users are not. As motorcyclists, we do not feel that we fit the intent of this definition. At the time this definition was passed in Maryland (2021), ABATE had already been working since 2003 to adjust the penalties for drivers that violated the right-of-way of a motorcyclist. When HB118 (2021) passed, it provided a civil penalty provision, indicating that: "an individual may not cause the serious physical injury or death of a *vulnerable individual* as a result of the individual operating a motor vehicle." At that time, it was a step towards our goal of a "must appear" requirement for anyone causing the serious physical injury or death or ANY roadway user, motorcyclists, and motorists alike. However, this is a civil violation where the individual causing the crash can be subject to a fine, be required to participate in a motor vehicle safety course and be required to complete community service hours. Although this is a "must appear" violation, it

is highly likely that the family of a victim could end up in court, only to hear that the person that caused the death of their loved one will receive a fine and community hours.

In 2025, HB744 Motor Vehicles - Reckless, Negligent, and Aggressive Driving (Sergeant Patrick Kepp Act) was passed. This requires that a person charged with negligent driving (*if THE PERSON drives a motor vehicle in a careless or imprudent manner that endangers any property or the life or person of any individual*) be required to make an appearance in court. This being passed into law there is no longer any benefit to motorcyclists to be defined as “vulnerable individuals.” If convicted of negligent or reckless driving, the person that caused the accident may receive jail time, a fine, or both. Although the penalties will never change the outcome of the crash, for families, it provides a sense of accountability.

Unfortunately, I am one of those family members. Just days after I testified in the House Judiciary committee last year on HB361 (2025) - Reckless and Negligent Driving – Death of Another – Must–Appear Violation (Sherry and Christian’s Law), my stepson was killed in an automobile crash that was caused by another individual. I can tell you from personal experience that the range of emotions that the family and loved ones go through after such a tragedy are something that I hope no one in this room ever experiences. The thought of going to court to provide a victim impact statement on behalf of someone that died, and hearing that the person that caused the accident will receive a fine and community service hours is unfathomable.

So now, in 2026, representing the over 100,000 motorcyclists in the state of Maryland, we are seeking to remove motorcyclists from the “vulnerable individuals” definition in Maryland. This is based upon the following factors:

- **Maryland Department of Transportation, State Highway Administration:** Maryland’s Vulnerable Road User Safety Assessment, as updated September 10, 2025; Establishes that a “Vulnerable Road User” (VRU) is someone walking, cycling, or rolling. This document supplements the Pedestrian Safety Action Plan, as Appendix C to the Strategic Highway Safety Plan (SHSP). MDOT clearly considers VRU’s as *non-motorists*.
- **35 states + DC** do not recognize motorcyclists as VRU's. The majority of these states limit the definition to pedestrians and bicyclists (non-motorists).
- **Federal definition:** A Vulnerable Road User (VRU) is a non-motorist with a Fatality Analysis Reporting System (FARS) person attribute code for pedestrian, bicyclist, other cyclist, and person on personal conveyance or an injured person that is, or is equivalent to, a pedestrian or pedalcyclist as defined in the ANSI D16.1-2007 (see 23 U.S.C. 148(a)(15) and 23 CFR 490.205). A VRU may include people walking, biking, or rolling. This also includes a highway worker on foot in a work zone, given they are considered pedestrians.
- **Pennsylvania definition:** A VRU is a non-motorist with a fatality analysis reporting system (FARS) person attribute code for pedestrian, bicyclist, other cyclist, and person on personal conveyance or an injured person that is, or is equivalent to, a pedestrian or pedalcyclist as defined in the ANSI D16.1-2007. (See 23 U.S.C. 148(a)(15) and 23 CFR 490.205). A VRU may be someone who is walking, biking, rolling, or using a mobility device, such as a wheelchair. (Unlike some definitions, VRUs for the purpose of this report *do not include motorcyclists*, drivers of horses and buggies, or riders of electric bikes or scooters.).
- **Virginia definition:** Vulnerable Road Users are people who travel on roads without operating a motor vehicle. This includes bicyclists, pedestrians, wheelchair users, and other *non-motorists*. In 2020, Virginia passed the Vulnerable Road Use Law, increasing traffic penalties from a traffic infraction to a Class 1 misdemeanor for careless or distracted driving that seriously injures or kills

vulnerable road users.

In addition, I went back and looked at the testimony on HB118 / SB293 (2021). Although ABATE provided testimony in favor of this bill, the testimony also indicated that *we did not consider ourselves “vulnerable individuals.”* We were viewing this legislation as an interim measure while we continued to work on changing the penalties of reckless & negligent driving to include a “must appear” provision. All the rest of the testimony was provided by bicyclists, pedestrians, emergency personnel, roadway workers, or someone representing those individuals.

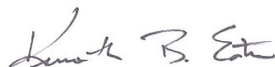
We have discussed this definition with various representatives from sheriff’s departments, states attorneys, and even insurance company representatives. All agree that it would be beneficial to keep the vulnerable individual definition limited to *non-motorists* for clarity and consistency.

I have been asked if there is a concern that we would be removing another layer of protection for motorcyclists. The reality is that being identified as a “vulnerable individual” does not provide any *protection* for motorcyclists. No planning documents in MDOT consider motorcyclists as vulnerable individuals when discussing roadway improvements. Motorcyclists are “motorists” because we are licensed, insured, and registered to be on the roadways. There are no separate lanes, crosswalks, or separate devoted areas for us to ride in as we are classified as motorized vehicles, traveling at posted roadway speeds. We travel in the designated motorist travel lanes and are required to obey all traffic control devices, just like any other motorist on the roadway.

The “protections” for motorcyclists are motorcycle safety, education, and driver awareness. These can *prevent* a crash. A prevented crash is the best protection that we can provide. ABATE was responsible for getting the motorcycle safety program started in Maryland. We work closely with the MDOT-MVA, especially the motorcycle safety program, and have been doing so for years.

In summary, for clarity and consistency purposes, in addition to recently passed legislation in Maryland requiring a “must appear” for reckless / negligent driving, the federal and other nearby state definitions of vulnerable individual / vulnerable roadway users, and the MDOT/SHA definition, we respectfully request that the House Environment & Transportation committee provide a favorable report on **HB1496**.

Thank you!



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