

# HOUSE BILL 250

R5

11r0764

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By: **Delegates Beidle, Frush, Glenn, Hubbard, Lafferty, Niemann, S. Robinson, Stein, Vitale, and Wilson**

Introduced and read first time: January 31, 2011

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Motor Scooters and Mopeds – Protective Headgear for Minors**

3 FOR the purpose of prohibiting an individual who is under a certain age from  
4 operating or riding on a motor scooter or moped unless the individual is wearing  
5 certain protective headgear; establishing that the failure of certain individuals  
6 to wear certain protective headgear may not diminish the recovery of certain  
7 damages; making certain stylistic changes and technical corrections; and  
8 generally relating to protective headgear requirements for certain operators of  
9 or passengers on a motor scooter or moped.

10 BY repealing and reenacting, with amendments,  
11 Article – Transportation  
12 Section 21–1306  
13 Annotated Code of Maryland  
14 (2009 Replacement Volume and 2010 Supplement)

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

17 **Article – Transportation**

18 21–1306.

19 (a) This section does not apply to any [person] INDIVIDUAL riding in an  
20 enclosed cab.

21 (b) **(1)** An individual may not operate or ride on a motorcycle unless the  
22 individual is wearing protective headgear that meets the standards established by the  
23 Administrator.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (2) AN INDIVIDUAL UNDER THE AGE OF 18 YEARS MAY NOT  
2 OPERATE OR RIDE ON A MOTOR SCOOTER OR MOPED UNLESS THE INDIVIDUAL  
3 IS WEARING PROTECTIVE HEADGEAR THAT MEETS THE STANDARDS  
4 ESTABLISHED BY THE ADMINISTRATOR.

5           (c) [A person] AN INDIVIDUAL may not operate a motorcycle unless:

6                 (1) [He] THE INDIVIDUAL is wearing an eye-protective device of a  
7 type approved by the Administrator; or

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

9           (d) The Administrator:

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

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

14                 (3) Shall publish lists of all protective headgear and eye-protective  
15 devices that [he] THE ADMINISTRATOR approves, by name and type.

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

18                         (i) Be considered evidence of negligence;

19                         (ii) Be considered evidence of contributory negligence;

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

21                         (iv) Diminish recovery for damages arising out of the ownership,  
22 maintenance, or operation of a motorcycle, **MOTOR SCOOTER, OR MOPED.**

23                 (2) Subject to the provisions of paragraph (3) of this subsection, a  
24 party, witness, or counsel may not make reference to protective headgear during a  
25 trial of a civil action that involves property damage, personal injury, or death if the  
26 damage, injury, or death is not related to the design, manufacture, supplying, or  
27 repair of protective headgear.

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

1                   (ii) In a civil action described under subparagraph (i) of this  
2 paragraph in which **[2] TWO** or more parties are named as joint tort-feasors,  
3 interpleaded as defendants, or impleaded as defendants, and at least **[1] ONE** of the  
4 joint tort-feasors or defendants is not involved in the design, manufacture, supplying,  
5 or repair of protective headgear, a court shall order on a motion of any party separate  
6 trials to accomplish the ends of justice.

7                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 2011.