

Department of Legislative Services
2016 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 559 (Delegate Bromwell, *et al.*)
Environment and Transportation

Vehicle Laws - Protective Headgear Requirement for Motorcycle Riders -
Exception

This bill exempts 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 these criteria from the requirement to wear specified protective headgear while operating or riding on a motorcycle.

The bill takes effect June 1, 2016.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) expenditures increase by approximately \$14,600 in FY 2016 for the Motor Vehicle Administration (MVA) to contract with an outside vendor for programming changes. General fund revenues from traffic citations decrease minimally beginning in FY 2016. Medicaid expenditures (50% general funds, 50% federal funds) may increase beginning in FY 2016 to the extent the bill results in a reduction in helmet use and an associated increase in head injuries not otherwise covered by insurance.

Local Effect: None.

Small Business Effect: Potential minimal.

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 MVA 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 the Code of 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.

Background: As of February 2016, according to the Insurance Institute for Highway Safety, 19 states and the District of Columbia require all motorcyclists to wear a helmet, while 28 states require only some motorcyclists to wear a helmet (typically riders age 17 and younger). Two of these states (Florida and Michigan) exempt individuals age 21 and older from the helmet requirement if they obtain specified health insurance coverage (and in some instances meet other criteria). In Florida, individuals must show proof that they are covered by a medical insurance policy. In Michigan, individuals must have additional insurance and have either held a motorcycle endorsement for at least two years or have passed an approved motorcycle safety course. In Texas, individuals age 21 and older are exempt from the helmet requirement if they can either show proof of successfully completing a motorcycle operator training and safety course or proof of having a medical insurance policy. Three states (Illinois, Iowa, and New Hampshire) have no motorcycle helmet laws.

The Maryland Institute for Emergency Medical Services Systems reports that Maryland’s trauma centers treated 1,027 patients involved in motorcycle crashes during fiscal 2015. Of these patients, 341 (33.2%) sustained a head injury, of whom 25 subsequently died. Of the 341 riders who sustained head injuries, 260 (76.2%) were wearing a helmet, 71 (20.8%) were not, and it was unknown whether the other 10 patients wore a helmet or not. All

341 required treatment, and 195 were admitted. Twenty-three (11.8%) of the admitted patients stayed in the hospital for one day. Eleven of the admitted patients required hospitalization for more than 28 days.

State Revenues: General fund fine revenues decrease minimally beginning in fiscal 2016 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 2015, 235 citations were issued statewide. 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.

State Expenditures: TTF expenditures increase by an estimated \$14,600 in fiscal 2016, which reflects the bill's June 1, 2016 effective date. This estimate reflects the cost for MVA to contract with an outside vendor for one-time-only programming costs to allow MVA's computer system to notify law enforcement agencies which drivers have taken an approved motorcycle rider safety course. Additional internal computer programming is also required but can be handled within existing budgeted resources.

Medicaid expenditures (50% general funds, 50% federal funds) may increase beginning in fiscal 2016 to the extent that the exemption from the protective headgear requirement results in a reduction in helmet use and an associated increase in head injuries to crash-involved motorcyclists not otherwise covered by insurance.

Additional Comments: The District Court advises that, despite the bill's effective date of June 1, 2016, the *Schedule of Pre-Set Fines and/or Penalty Deposits* used by law enforcement will not be revised until the annual printing and distribution for October 1, 2016. The District Court would notify law enforcement by teletype about the change to this traffic charge.

Additional Information

Prior Introductions: Related legislation, SB 612 of 2015, SB 173 of 2014, SB 246 of 2013, and SB 488 of 2012 each received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken on any of these bills. HB 477 of 2014 received an unfavorable report from the House Environmental Matters Committee.

Cross File: None.

Information Source(s): Insurance Institute for Highway Safety, Maryland Institute for Emergency Medical Services Systems, Judiciary (Administrative Office of the Courts),

Department of State Police, Maryland Department of Transportation, Department of
Legislative Services

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