

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
First Reader - Revised

House Bill 293 (Delegate Wivell)
Environment and Transportation

Vehicle Laws - Mopeds and Motor Scooters - Protective Headgear

This bill specifies that an individual *younger than age 18* is prohibited from operating or riding on a moped or motor scooter unless the individual is wearing protective headgear. Thus, an individual age 18 or older may operate or ride such vehicles without protective headgear.

Fiscal Summary

State Effect: General fund revenues from traffic citations decline minimally beginning in FY 2019. Potential increase in Medicaid expenditures beginning in FY 2019.

Local Effect: None.

Small Business Effect: Potential minimal.

Analysis

Current Law: An individual may not operate or ride on a moped or motor scooter unless the individual is wearing protective headgear that meets specified federal standards and, if the vehicle does not have a windscreen, an eye-protection device. An individual who is riding in an enclosed cab is exempt from the protective headgear and eye-protection device requirements.

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.

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 moped or motor scooter.

A “moped” is a bicycle with pedals and either two or three wheels (one of which is at least 14 inches in diameter) and which is assisted by a motor of at most 1.5 horsepower, or 50 cubic centimeters capacity if the motor is an internal combustion engine. A “moped” does not include an electric bicycle. A “motor scooter” is a nonpedal vehicle that meets certain technical specifications including a motor that is under a specified horsepower or displacement capacity. A “motor scooter” does not include a vehicle that has been manufactured for off-road use, including a motorcycle and an all-terrain vehicle.

Background: According to the *Digest of Motor Laws* compiled by AAA, at least eight states require protective headgear only for moped or motor scooter operators or riders of a certain age, including age 18 or younger (Minnesota, North Dakota, Ohio, Oklahoma, and South Dakota), age 19 or younger (Michigan), and age 21 or younger (South Carolina and certain individuals in Pennsylvania).

The Maryland Institute for Emergency Medical Services Systems reports that Maryland’s trauma centers treated 107 individuals involved in crashes while operating a motor scooter or moped during fiscal 2017, 93 of whom were age 18 or older. Of those 93 patients, 38 sustained a head injury (1 of whom subsequently died). Of the 38 riders who sustained head injuries, 18 (47.4%) were wearing a helmet and 20 (52.6%) were not. All 38 required treatment and 14 were admitted. Two (5.3%) of the admitted patients stayed in the hospital for 1 day. One of the admitted patients required hospitalization for more than 28 days.

State Fiscal Effect: General fund fine revenues decrease minimally beginning in fiscal 2019 due to a reduction in the number of citations issued for failure to wear a helmet while riding on or operating a moped or motor scooter. In fiscal 2017, approximately 156 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.

Medicaid expenditures (60% federal funds, 40% general funds) may increase beginning in fiscal 2019 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 moped and motor scooter operators not otherwise covered by insurance. Federal fund revenues would increase correspondingly.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): AAA; Judiciary (Administrative Office of the Courts); Maryland Institute for Emergency Medical Services Systems; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - February 6, 2018
nb/ljm Revised - Correction - February 9, 2018

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