

(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 MOTORCYCLE.

(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) (1) 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 (1) OF THIS PARAGRAPH IN WHICH 2 OR MORE PARTIES ARE NAMED AS JOINT TORT-FEASORS, INTERPLEADED AS DEFENDANTS, OR IMPEADED AS DEFENDANTS, AND AT LEAST 1 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.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1992.

Approved March 6, 1992.