

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

Date: January 13, 1998 Revised: \_\_\_\_\_

Subject: Motorcycle riders/safety equipment

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	<u>Vickers</u>	<u>Johnson</u>	<u>TR</u>	<u>Favorable</u>
2.	<u>_____</u>	<u>_____</u>	<u>BI</u>	<u>_____</u>
3.	<u>_____</u>	<u>_____</u>	<u>WM</u>	<u>_____</u>
4.	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
5.	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>

I. Summary:

This bill exempts motorcycle riders over 21 years of age from wearing protective headgear or eye-protective equipment provided that they carry the required insurance. For those riders (operator or passenger) who choose to ride without a helmet, the bill requires the rider to carry bodily injury liability insurance of at least \$20,000 per person and \$40,000 per accident and medical payment coverage of at least \$10,000 for each motorcycle rider. Motorcycle operators who ride without protective headgear would be required to carry proof of insurance while operating the motorcycle. The penalty for riding a motorcycle without a helmet and no insurance remains the same as riding without protective headgear or eye-protective equipment under current law. The effective date is July 1, 1998.

This bill substantially amends Section 316.211, Florida Statutes.

II. Present Situation:

Section 316.211, F.S., currently provides that no person shall operate or ride upon a motorcycle unless they are properly wearing protective headgear and eye protection. Exemptions are permitted for persons 16 years or older who operate or ride low powered motorcycles (engine displacement of 50 cubic centimeters or less) or for vehicles rated not in excess of 2 brake horsepower and limited to a speed not greater than 30 miles per hour on level ground. The failure to wear protective headgear or eye protection is considered a nonmoving violation, punishable by a fine of \$30 and no points.

Unlike other types of motor vehicles, motorcycle operators are not required to carry automobile insurance to protect against financial losses in case of accident. Under Florida law, motor vehicle owners or operators may be required to carry two types of insurance. The Florida Motor Vehicle

No-Fault Law (portions of ch. 627, F.S.) requires every person who registers a vehicle in Florida to carry personal injury protection and property damage liability insurance on the vehicle. This insurance provides compensation for the insured driver's physical injury regardless of who is at fault in an accident and for property damage to others when the insured driver is at fault.

The Department of Highway Safety and Motor Vehicles reports that there were 494,535 motorcycle driver license endorsements and 194,903 registered motorcycles in FY 1996-97.

**III. Effect of Proposed Changes:**

This bill exempts persons over 21 years of age from wearing protective headgear or eye-protective equipment while riding a motorcycle of any type. For those riders (operator or passenger) who choose to ride without a helmet, the bill requires the rider to carry two kinds of insurance - *bodily injury liability* insurance of at least \$20,000 per person and \$40,000 per accident and *medical payment* coverage of at least \$10,000 for each motorcycle rider. Motorcycle operators who ride without protective headgear are required to carry proof of insurance while operating the motorcycle. The penalty for riding a motorcycle without a helmet and no insurance remains the same as riding without protective headgear or eye-protective equipment under current law, which is \$30 and no points.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Motorcycle riders over 21 years of age who choose to ride without a helmet would be required to purchase the specified insurance.

More broadly, the fiscal impact of this bill is indeterminate because it is unknown whether the required insurance will be sufficient to cover costs attributable to riding a motorcycle without a helmet. Generally, costs associated with traffic deaths and injuries are passed along to others in the form of higher insurance premiums, taxes, and fees.

**C. Government Sector Impact:**

To the extent that private insurance sources are insufficient to cover medical costs associated with motorcycle crashes, the public sector will be impacted.

A 1996 study by the National Highway Traffic Safety Administration reported that the average inpatient charge for motorcycle crash victims was \$14,377 for those who used helmets, and \$15,578 for those not wearing helmets. The same study notes that helmets cannot protect the rider from most types of injuries. However, the study determined that motorcycle helmets are 67 percent effective in preventing brain injuries.

The Division of Vocational Rehabilitation reports that medical expenses associated with brain and spinal cord injuries are significant. During the period of July 1, 1996 to December 31, 1997, 196 motorcycle-related brain injury cases were referred to the Brain and Spinal Cord Injury Unit within the Division of Vocational Rehabilitation. The majority of cases (186) were classified as “catastrophic” or “severe”. The Division reports that in 131 or 66 percent of the cases the injured person was not wearing a safety helmet. The Division estimates that on average each brain injury referral will require between \$3,770,460 and \$2,345,350 in short- and long-term care.

The Department of Highway Safety and Motor Vehicles anticipates no direct fiscal impact from this bill.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

Currently, 23 states and the District of Columbia require helmet use by all motorcycle operators and passengers. In another 24 states, only persons under a specific age, generally 18 to 21, are required to wear helmets. Colorado, Illinois, and Iowa have no law requiring helmet use. The National Highway Traffic Safety Administration reported that in 1994 helmet use was estimated to be 63 percent nationally. At survey sites with no helmet use laws, or laws limited to minors, helmet use ranged from 34 to 54 percent.

In 1996, there were 4,750 crashes in Florida involving motorcycles and 152 motorcycle fatalities, of which 26 were not wearing helmets. The following 1996 motorcycle crash information was provided by the Department of Highway Safety and Motor Vehicles and was compiled from traffic crash reports submitted by Florida law enforcement agencies:

<b>1996 Florida Motorcycle Crash Data</b>				
<b>Injury Severity</b>	<b>Motorcycle Drivers Wearing Helmets</b>	<b>Motorcycle Passengers Wearing Helmets</b>	<b>Motorcycle Drivers Not Wearing Helmets</b>	<b>Motorcycle Passengers Not Wearing Helmets</b>
No Injury	241	42	213	66
Possible Injury	618	84	278	56
Non-Incapacitating Injury	1,509	194	442	59
Incapacitating Injury	1,071	139	240	27
<i>Total Injuries</i>	<i>3,198</i>	<i>417</i>	<i>960</i>	<i>142</i>
<i>Fatality</i>	<i>115</i>	<i>11</i>	<i>23</i>	<i>3</i>
<i>Total Crashes</i>	<i>3,554</i>		<i>1,196</i>	

**VIII. Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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