

STORAGE NAME: h0457.in

DATE: March 15, 1999

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
INSURANCE
ANALYSIS**

BILL #: HB 457

RELATING TO: Motorcycle riders

SPONSOR(S): Representative Argenziano

COMPANION BILL(S): SB 958 (s)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) INSURANCE
 - (2) TRANSPORTATION
 - (3) HEALTH AND HUMAN SERVICES APPROPRIATIONS
 - (4)
 - (5)
-

I. SUMMARY:

Florida law requires persons operating or riding a motorcycle to wear protective headgear and eye protection. Exemptions are authorized for persons 16 years or older who operate or ride low powered motorcycles (engine displacement of 50 cubic centimeters or less) or vehicles rated not in excess of 2 brake horsepower and limited to a speed not greater than 30 miles per hour on level ground.

This bill would exempt persons over the age of 21 from wearing protective headgear and eye-protective equipment while operating or riding a motorcycle of any type.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Section 316.211, F.S., provides that persons operating or riding a motorcycle must wear protective headgear and eye protection. Exemptions are authorized for persons 16 years or older who operate or ride low powered motorcycles (engine displacement of 50 cubic centimeters or less) or 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 Department of Highway Safety and Motor Vehicles records show that currently there are 406,604 motorcycle driver license endorsements and 217,282 registered motorcycles in Florida. Of the 163 motorcycle fatalities in Florida in 1997, 24 riders involved in those accidents were not wearing helmets. Of the 1,262 incapacitating motorcycle accidents in Florida in 1997, 252 involved riders not wearing helmets.

Currently 24 states, the District of Columbia, and Puerto Rico require helmet usage by all motorcycle operators and passengers. In another 23 states, only persons under a specific age, usually 18, are required to wear helmets. Only three states have no law requiring helmet use: Colorado, Illinois, and Iowa. According to the National Highway Traffic Safety Administration, in states where there are limited laws regarding the wearing of helmets, riders wear helmets 42 percent to 59 percent of the time.

Motorcycle operators in Florida are not required by law to have insurance. According to the Department of Insurance, insurance companies are not required to offer personal injury protection insurance to motorcycle operators. Personal injury protection insurance is required by law for every motor vehicle with four or more wheels registered in the state. Other types of insurance, such as comprehensive, collision, property damage liability, bodily injury, and other types similar to those offered to a motor vehicle operator, are available through insurers.

B. EFFECT OF PROPOSED CHANGES:

Persons over 21 years of age would be exempt from wearing protective headgear or eye-protective equipment while operating or riding a motorcycle of any type.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

N/A

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

N/A

(3) any entitlement to a government service or benefit?

N/A

b. If an agency or program is eliminated or reduced:

- (1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

- (2) what is the cost of such responsibility at the new level/agency?

N/A

- (3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

N/A

- b. Does the bill require or authorize an increase in any fees?

N/A

- c. Does the bill reduce total taxes, both rates and revenues?

N/A

- d. Does the bill reduce total fees, both rates and revenues?

N/A

- e. Does the bill authorize any fee or tax increase by any local government?

N/A

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

Yes. Motorcycle riders over the age of 21 would not be required to wear helmets.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

N/A

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

N/A

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Amends s. 316.211, F.S.

E. SECTION-BY-SECTION ANALYSIS:

This section need be completed only in the discretion of the Committee.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

Not wearing helmets or eye protection could increase the number of deaths and injuries associated with motorcycles crashes. These costs could be passed along to others through higher insurance premiums, taxes, or fees.

2. Direct Private Sector Benefits:

N/A

3. Effects on Competition, Private Enterprise and Employment Markets:

N/A

D. FISCAL COMMENTS:

N/A

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

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A. APPLICABILITY OF THE MANDATES PROVISION:

N/A

B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

N/A

V. COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON INSURANCE:

Prepared by:

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