

STORAGE NAME: h0117a.in

DATE: November 3, 1999

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
INSURANCE
ANALYSIS**

BILL #: HB 117

RELATING TO: Motorcycle Riders/Safety Equipment

SPONSOR(S): Representatives Russell, Murman and others

TIED BILL(S):

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

- (1) JUDICIARY YEAS 8 NAYS 1
 - (2) INSURANCE YEAS 9 NAYS 2
 - (3) TRANSPORTATION
 - (4) HEALTH & HUMAN SERVICES APPROPRIATIONS
 - (5)
-

I. SUMMARY:

Florida law requires persons operating or riding a motorcycle to wear protective headgear and eye protection. The law does not apply to persons 16 years of age 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.

HB 117 would exempt persons over the age of 21 from wearing protective headgear while operating or riding a motorcycle of any type provided that the motorcycle operator or rider has insurance for at least \$10,000 in medical benefits for injuries incurred as a result of a motorcycle crash.

Although the bill does not have a direct fiscal impact on the state, exempting riders over 21 years of age from protective headgear requirements may increase the number of deaths and injuries associated with motorcycle crashes. However, the most recent crash data from the Department of Highway Safety & Motor Vehicles may not support this statement (see chart under Comments section). Costs associated with traffic deaths and injuries could be passed along to others through insurance premiums, taxes and fees.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|---|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

B. PRESENT SITUATION:

Section 316.211, F.S., provides that persons operating or riding a motorcycle must wear protective headgear and eye protection. The law does not apply to persons 16 years of age 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 of 30 miles per hour or less on level ground.

The Department of Highway Safety & Motor Vehicles (DHS&MV) records show that as of September 1999, there are approximately 498,550 motorcycle driver license endorsements and 209,818 registered motorcycles (including mopeds) in Florida. Of the 163 motorcycle fatalities in Florida in 1996, 24 victims were not wearing helmets. Of the 1,262 non-fatal motorcycle accidents in Florida in 1997, 252 involved riders not wearing helmets. According to the DHS&MV, 5.8 percent of the traffic fatalities in 1996 involved motorcycles.

According to the National Highway Traffic Safety Administration, in 1998, 22 states, the District of Columbia, and Puerto Rico require motorcycle operators and passengers to wear helmets. In another 25 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.

The National Highway Traffic Safety Administration also reports that helmet use for fatally injured motorcyclists was 54 percent for operators and 45 percent for passengers.

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

C. EFFECT OF PROPOSED CHANGES:

HB 117 would exempt persons over the age of 21 from wearing protective headgear while operating or riding a motorcycle of any type provided that the motorcycle operator or rider has insurance for at least \$10,000 in medical benefits for injuries incurred as a result of a motorcycle crash. The law would not affect the protective eyewear requirement.

D. SECTION-BY-SECTION ANALYSIS:

N/A

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

Not estimated.

2. Expenditures:

Not estimated.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Not estimated.

2. Expenditures:

Not estimated.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

A person who operates or rides a motorcycle without a helmet would be required to carry medical benefits coverage in the amount of \$10,000. In March 1999, Progressive Insurance Company estimated the premium for such coverage to vary from a low annual premium (a 25-year old married male operating a moderately priced motorcycle) to a higher premium (a 25-year old unmarried male operating a higher priced motorcycle). In Tallahassee, the annual premium ranges from \$163 to \$368 for medical benefits coverage for the operator. In Orlando, the annual premium ranges from \$214 to \$549, and in Miami, the annual premium ranges from \$286 to \$648 for medical benefits coverage.

Currently, the Florida Joint Underwriting Association (FJUA), the state-created auto insurer of last resort, does not provide medical benefits coverage. It is uncertain whether the FJUA would be required to offer this type of coverage. It could be presumed that any type of coverage offered by the FJUA would be at a significantly higher premium than what is offered by the private market.

The bill could create a market for medical benefits coverage for motorcyclists.

D. FISCAL COMMENTS:

None.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

The bill does not require a city or county to spend funds or to take any action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The bill does not reduce the revenue raising authority of any city or county.

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

The bill does not reduce the amount of state tax shared with counties and municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

**Florida Department of Highway Safety & Motor Vehicles
1996 Motorcycle Crash Data**

Result	Motorcycle Drivers Wearing Helmets	Motorcycle Operators Not Wearing Helmets
Possible Injury	530 (15.7%)	262 (21.6%)
Non-Incapacitating Injury	1,443 (42.6%)	428 (35.2%)
Incapacitating Injury	<u>1,010 (29.8%)</u>	<u>252 (20.7%)</u>
Total Injuries	2,983 (88.1%)	942 (77.5%)
No Injury	263 (7.8%)	249 (20.5%)
Fatalities	139 (4.1%)	24 (2.0%)
Total Crashes	3,385 (100%)	1,215 (100%)

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VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON JUDICIARY:

Prepared by:

Staff Director:

Michael W. Carlson

Maggie Moody

AS REVISED BY THE COMMITTEE ON INSURANCE:

Prepared by:

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Meredith Woodrum Snowden

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