

**STORAGE NAME:** h0117a.jud

**DATE:** October 1, 1999

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
JUDICIARY  
ANALYSIS**

**BILL #:** HB 117

**RELATING TO:** Motorcycle Riders/Safety Equipment

**SPONSOR(S):** Rep. Russell

**TIED BILL(S):**

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

- (1) JUDICIARY
  - (2) INSURANCE
  - (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 exempts 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. Generally, costs associated with traffic deaths and injuries are 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 type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" 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 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 and Motor Vehicles records show that there are approximately 406,604 motorcycle driver license endorsements and 217,282 registered motorcycles in Florida. Of the 163 motorcycle fatalities in Florida in 1997, 24 victims were not wearing helmets. Of the 1,262 non-fatal motorcycle accidents in Florida in 1997, 252 involved riders not wearing helmets.

As of March 1999, 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. According to the National Highway Traffic Safety Administration, in states where there are limited laws regarding helmet use, riders wear helmets 42 to 59 percent of the time.

Motorcycle operators in Florida are not required to have insurance. Personal injury protection insurance is required by law for every motor vehicle with four or more wheels registered in the state. 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, are available to motorcycle operators.

C. EFFECT OF PROPOSED CHANGES:

HB 117 exempts 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:

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

The bill creates an "out of the box" market for motorcycle insurance.

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:**

N/A

**B. RULE-MAKING AUTHORITY:**

N/A

**C. OTHER COMMENTS:**

1.

**1996 Florida Motorcycle Crash Data**

<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
Total Injuries	3,198	417	960	142
Fatality	115	11	23	3
Total Crashes	3,554		1,196	

2. Because of the potentially expensive nature of head injuries associated with avoidance of the helmet requirement, the insurance requirement of this bill might be increased to more effectively offset the costs associated with such injuries.

3. Proponents of the bill have argued that helmets obscure hearing or vision, although the evidence on this issue is conflicting.

**VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:**

N/A

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VII. SIGNATURES:

COMMITTEE ON JUDICIARY:

Prepared by:

Staff Director:

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Michael W. Carlson

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