

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.)

BILL: SB 958

SPONSOR: Senator Saunders, and others

SUBJECT: Motorcycles and Mopeds

DATE: March 26, 1999

REVISED: 4/7/99 _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Vickers</u>	<u>Meyer</u>	<u>TR</u>	<u>Fav/3 amendments</u>
2.	_____	_____	<u>BI</u>	_____
3.	_____	_____	_____	_____
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.

Although the bill does not have a direct fiscal impact on the state, exempting riders over 21 years of age from protective headgear and eye protection 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 adjustments (higher or lower) in insurance premiums, taxes and fees.

This bill substantially amends s. 316.211, Florida Statutes.

II. Present Situation:

Section 316.211, F.S., provides 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 failure to wear protective headgear or eye protection is considered a nonmoving violation, punishable by a fine of \$30 and no points.

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.

As of March 1999, 22 states, the District of Columbia, and Puerto Rico require helmet usage by all motorcycle operators and passengers. 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 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.

III. 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.

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:

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.

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

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

VI. Technical Deficiencies:

None.

VII. Related Issues:

This bill is similar to SB 224 which was filed during the 1998 Session. SB 224 exempted motorcycle riders over 21 years of age from wearing protective headgear or eye-protective equipment provided that they carry the required insurance. The bill provided that those riders (operator or passenger) who elect to ride without a helmet would be required 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.

VIII. Amendments:

#1 by Transportation:

Provides that a person over 21 may operate or ride upon a motorcycle without wearing protective headgear if such person is covered by a policy of insurance providing for at least \$10,000 in medical benefits for injuries incurred as a result of a crash while operating a motorcycle.

#2 by Transportation:

Provides that during daylight hours motorcycle headlights are permitted to modulate between the upper beam and the lower beam in accordance with federal safety standards.

#3 by Transportation:

Provides that the Department of Health is collect data on the medical costs associated with injuries sustained by persons injured in motorcycle accidents while not wearing a helmet. The Department of Health is directed to report this data to the Department of Highway Safety and Motor Vehicles for the purpose of calculating the pro-rata costs per driver's license motorcycle endorsement. Revenue generated in excess of the current motorcycle endorsement fee must be deposited into the Brain and Spinal Cord Injury Trust Fund to be used for the treatment of persons injured as a result of a motorcycle-related crash.

