

**STORAGE NAME:** h0641.tr  
**DATE:** February 20, 1997

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
TRANSPORTATION  
BILL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**BILL #:** HB 641  
**RELATING TO:** Motorcycle Riders/Safety Equipment  
**SPONSOR(S):** Rep(s) Argenziano, Feeney, Dockery, and others  
**STATUTE(S) AFFECTED:** s. 316.211  
**COMPANION BILL(S):** CS/S 984 (c)

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

- (1) TRANSPORTATION
- (2)
- (3)
- (4)
- (5)

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**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 exempts 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.

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.

DHS&MV records show that there were 494,160 motorcycle driver license endorsements and 189,574 registered motorcycles in FY 1995-96. Further, there were 181 motorcycle fatalities in Florida in 1995, of which 32 were not wearing helmets.

Currently 25 states, the District of Columbia, and Puerto Rico require helmet usage by all motorcycle operators and passengers. In another 22 states, only persons under a specific age, usually 18, are required to wear helmets. As of August 1996, three states had no law requiring helmet use - Colorado, Illinois, and Iowa. Further, the National Highway Traffic Safety Administration (NHTSA) estimated 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.

B. EFFECT OF PROPOSED CHANGES:

This bill exempts persons over 21 years of age from wearing protective headgear or eye-protective equipment while operating or riding a motorcycle of any type.

Based on national motorcycle safety studies, not wearing helmets or eye protection could 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 to insurance premiums, taxes, and fees.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

Although motorcyclists over 21 years of age would no longer be required to wear helmets or eye protection, costs associated with traffic deaths and injuries could be passed on to others through higher insurance premiums, taxes, and fees. To the extent that such costs are passed on, the bill creates additional responsibilities for others. NHSTA reports that private insurance sources accounted for 63 percent of inpatient charges compared to 23 percent for public and 14 percent for other sources.

2. Lower Taxes:

No, but based on national motorcycle safety studies, not wearing helmets or eye protection could increase the number of deaths and injuries associated with motorcycle crashes. The costs associated with traffic deaths and injuries are passed along to others through higher insurance premiums, taxes, and fees.

3. Personal Responsibility:

Costs associated with traffic deaths and injuries are often passed on to others through higher insurance premiums, taxes, and fees. To the extent that such costs are passed on, the bill creates additional responsibilities for others.

4. Individual Freedom:

Yes, motorcyclists over 21 years old may elect not to wear a helmet or eye protection.

5. Family Empowerment:

Not applicable

D. SECTION-BY-SECTION ANALYSIS:

Not applicable

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None

2. Recurring Effects:

Indeterminate. See Fiscal Comments D.

3. Long Run Effects Other Than Normal Growth:

None

4. Total Revenues and Expenditures:

Indeterminate. See Fiscal Comments D.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None

2. Recurring Effects:

Indeterminate. See Fiscal Comments D.

3. Long Run Effects Other Than Normal Growth:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

Indeterminate. See Fiscal Comments D.

2. Direct Private Sector Benefits:

None

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

None

D. FISCAL COMMENTS:

The U.S. Department of Transportation, National Highway Traffic Safety Administration (NHTSA), reported during February 1996 that:

...motorcycle helmet effectiveness ranged from 9 percent in preventing any kind of injury to 35 percent in preventing a fatality. These results confirm previous NHTSA estimates. The average inpatient charge for motorcycle crash victims receiving inpatient care was \$14,377 for those who used helmets, and \$15,578 for those who did not, an 8 percent increase in charges for those electing not to wear a helmet. Private insurance sources accounted for 63 percent of inpatient charges compared to 23 percent for public and 14 percent for other sources. For private and public sources, average inpatient charges for motorcycle crash victims were 15 percent and 5 percent higher, respectively, for the unhelmeted.

*(Source: 1996 Crash Outcome Data Evaluation System (CODES): Report to Congress on Benefits of Safety Belts and Motorcycle Helmets)*

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

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties and municipalities to expend funds. Therefore, the provisions of this bill are exempt from the mandate provisions of Article VII, Section 18 of the Florida Constitution.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The counties' and municipalities' authority to raise revenue is not affected by this bill. Therefore, the bill is exempt from the mandate provisions of Article VII, Section 18 of the Florida Constitution.

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

This bill would not reduce the percentage of a state tax that is shared with counties and municipalities. Therefore, the bill is exempt from the mandate provisions of Article VII, Section 18 of the Florida Constitution.

V. COMMENTS:

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

VII. SIGNATURES:

COMMITTEE ON TRANSPORTATION:

Prepared by:

Legislative Research Director:

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