



## Model Language

### Florida Motorcycle Insurance Statute

#### Existing Florida Statute

#### **316.211 Equipment for motorcycle and moped riders. —**

- (1) A person may not operate or ride upon a motorcycle unless the person is properly wearing protective headgear securely fastened upon his or her head which complies with Federal Motorcycle Vehicle Safety Standard 218 promulgated by the United States Department of Transportation. The Department of Highway Safety and Motor Vehicles shall adopt this standard by agency rule.
- (2) A person may not operate a motorcycle unless the person is wearing an eye-protective device over his or her eyes of a type approved by the department.
- (3)(a) This section does not apply to persons riding within an enclosed cab or to any person 16 years of age or older who is operating or riding upon a motorcycle powered by a motor with a displacement of 50 cubic centimeters or less or is rated not in excess of 2 brake horsepower and which is not capable of propelling such motorcycle at a speed greater than 30 miles per hour on level ground.
  - (b) Notwithstanding subsection (1), a person over 21 years of age may operate or ride upon a motorcycle without wearing protective headgear securely fastened upon his or her head if such person is covered by an insurance policy providing for at least \$10,000 in medical benefits for injuries incurred as a result of a crash while operating or riding on a motorcycle.
- (4) A person under 16 years of age may not operate or ride upon a moped unless the person is properly wearing protective headgear securely fastened upon his or her head which complies with Federal Motorcycle Vehicle Safety Standard 218 promulgated by the United States Department of Transportation.
- (5) The department shall make available a list of protective headgear approved in this section, and the list shall be provided on request.
- (6) Each motorcycle registered to a person under 21 years of age must display a license plate that is unique in design and color.
- (7) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.





### Limitations of Existing Florida Statute

The current legislation requiring motorcyclists to carry \$10,000 in medical benefits to ride with a helmet is economically insufficient to cover the cost of injuries sustained in a motorcycle crash. The ambiguous language of the current statute, combined with the inadequate coverage amount, means that many riders today are financially deficient.





## Proposed Legislative Language

Note: New language is underlined and deleted language is shown by a ~~strikethrough~~.

### **316.211 Equipment for motorcycle and moped riders. —**

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(b) Notwithstanding subsection (1), a person over 21 years of age may operate or ride upon a motorcycle without wearing protective headgear securely fastened upon his or her head if such person is covered by an insurance policy providing for at least ~~\$10,000~~ \$20,000 in benefits medical payments on his or her motorcycle insurance for injuries incurred as a result of a crash while operating or riding on a motorcycle. Proof of such insurance must be carried at all times while operating on a public roadway and must be exhibited on demand by law enforcement.

~~(4) A person under 16 years of age may not operate or ride upon a moped unless the person is properly wearing protective headgear securely fastened upon his or her head which complies with Federal Motorcycle Vehicle Safety Standard 218 promulgated by the United States Department of Transportation.~~

(5) The department shall make available a list of protective headgear approved in this section, and the list shall be provided on request.

(6) Each motorcycle registered to a person under 21 years of age must display a license plate that is unique in design and color.

(7) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

## Rationale for Model Language Adjustment

In 2000, Florida amended its motorcycle helmet law to allow operators to ride without a helmet if they were 21 or older and carried at least \$10,000 in “medical benefits.” The definition of “medical benefits” is unclear, making it difficult for law enforcement to determine if a rider has adequate coverage, as intended by the statute.

Moreover, over twenty years after the statute amendment, the requirement of \$10,000 in coverage is





economically insufficient (Ulmer & Northrup, 2005). The ambiguous language of the current statute, combined with the inadequate coverage amount, means that many riders who are involved in crashes are financially deficient, resulting in medical providers and taxpayers absorbing the costs associated with motorcycle crashes.

Motorcycle riders who choose to ride without a helmet should have more financial responsibility. The section of the statute that says, “medical benefits” should be rewritten to read “medical payments on his or her motorcycle insurance.” This would allow law enforcement to confirm adequate coverage by checking a rider’s motorcycle insurance ID card.

Additionally, the required medical coverage amount should be increased to \$20,000 to account for current costs. The same as has been done by other states with optional helmet laws, such as Michigan. We also propose amending the current statute by removing Section 316.211(3)(a), which excludes users of mopeds and scooters under 50cc from helmet requirements. This change will ensure that moped and scooter users have the same rights and protections as motorcyclists, and it will comport with the definition changes we submit through other legislative proposals this year.

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**Source:** Ulmer, R. G., Northrup, V. S., & Preusser Research Group. (2005). *Evaluation of the repeal of the all-rider motorcycle helmet law in Florida* (No. DOT HS 809 849). United States. Department of Transportation. National Highway Traffic Safety Administration.

*Published: January, 2023*



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