Model Language

Novice Motorcycle Endorsement Helmet Requirement (12-Month Provision)

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

Current Florida law allows individuals over age 21 to ride without a helmet if they carry a minimum of $10,000 in medical benefits coverage. The statute does not differentiate between newly endorsed riders and experienced riders. Crash risk is highest during the first months following endorsement, when riders are still developing hazard perception, risk recognition, and motorcycle handling skills. Despite this elevated-risk period, newly endorsed riders over age 21 may immediately ride unhelmeted under current law. The current statute fails to recognize the “novice spike,” a well-documented period of increased crash involvement and severe injury outcomes in the first year of licensure. A time-limited helmet requirement during the initial 12 months following endorsement would align with global graduated licensing principles, thereby reducing injury severity among novice operators.

Proposed Model Legislative Language

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

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(c) Notwithstanding paragraph (b), any person who has been issued a motorcycle endorsement pursuant to s. 322.12 within the preceding 12 months shall be required to wear protective headgear, as required in subsection (1), regardless of age or insurance coverage. For purposes of this section, the 12-month period shall begin on the date the motorcycle endorsement or license is issued.

(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.

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Rationale for Model Language Adjustment

An individual's motorcycle crash risk is disproportionately high during the first year following endorsement. Studies consistently demonstrate that crash involvement peaks immediately after licensure and declines as riding experience increases. However, Florida currently permits newly endorsed riders age 21 or older to ride without a helmet immediately upon licensure if insured. Helmets reduce the risk of fatal injury by approximately 37–42 percent and reduce the risk of head injury by approximately 69 percent. Because newly endorsed riders are at elevated crash risk, requiring helmet use during the first 12 months of endorsement directly targets the period of highest vulnerability.

This time-limited novice helmet requirement would:

- Address the highest risk period for severe crash outcomes
- Encourage consistent helmet-wearing habits
- Reduce preventable traumatic brain injuries
- Lower uncompensated trauma care costs
- Maintain Florida's existing optional helmet law structure for experienced riders

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