

SCS SB 202 -- OPERATION OF A MOTORCYCLE

SPONSOR: Schaeffer (Stevenson)

COMMITTEE ACTION: Voted "do pass" by the Committee on Judiciary by a vote of 12 to 2.

This substitute specifies that operating a motorcycle, in and of itself, will not be considered evidence of comparative negligence and that no adjuster or insurer will assign a percentage of fault to a party based upon the sole fact that the party was operating a motorcycle in an otherwise legal manner.

Any person 21 years of age or older will be allowed to operate or ride as a passenger on any motorcycle or motortricycle without protective headgear upon any highway of the state except on an interstate highway.

FISCAL NOTE: No impact on state funds in FY 2010, FY 2011, and FY 2012.

PROPONENTS: Supporters say that the bill will provide equal legal protection and justice to those choosing to ride a motorcycle legally and are involved in an accident at no fault of their own. There is a great deal of revenue lost in the state because motorcycle riders chose to leave the state to ride their bikes without a helmet or drive around the state on cross-country rides. The helmet law is an unjust interference by the government into the lives of adults who are capable of making the decision whether or not to wear a helmet. All but two of Missouri's bordering states and most states across the country have laws that don't require helmets on all roadways.

Testifying for the bill were Representative Dusenberg for Senator Schaeffer; Freedom of Road Riders; Dean Gunner; Brent Hemphill; and Steve Carroll.

OPPONENTS: Those who oppose the bill say that repealing the helmet requirement will result in more injuries, more deaths, and more medical costs to the state. The evidence shows that there are more serious injuries and more deaths in states that don't have mandatory helmet laws.

Testifying against the bill were Missouri Safety Council; Department of Transportation; Maureen Cunningham, Missouri Brain Injury Association; and Missouri State Medical Association.