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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2755

03/08/2012 Authored by Loeffler, Kahn, Norton, Clark, Dittrich and others
The bill was read for the first time and referred to the Committee on Commerce and Regulatory Reform

A bill for an act

relating to motor vehicles; requiring that motorcycle owners bear the economic costs of their injuries not caused by others; requiring motorcycle owners to comply with the motor vehicle insurance requirements that apply to other motor vehicles; requiring motorcycle riders to wear helmets subject to an exception; amending Minnesota Statutes 2010, sections 65B.43, subdivision 2; 65B.46, subdivisions 1, 2; 65B.48, subdivision 5; 168.013, subdivision 1b; 169.974, subdivision 4; repealing Minnesota Statutes 2010, section 65B.46, subdivision 3.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2010, section 65B.43, subdivision 2, is amended to read:

Subd. 2. **Motor vehicle.** "Motor vehicle" means every vehicle, ~~other than~~ including a motorcycle or other vehicle with fewer than four wheels, which (a) is required to be registered pursuant to chapter 168, and (b) is designed to be self-propelled by an engine or motor for use primarily upon public roads, highways or streets in the transportation of persons or property, and includes a trailer with one or more wheels, when the trailer is connected to or being towed by a motor vehicle.

EFFECTIVE DATE. This section is effective January 1, 2013.

Sec. 2. Minnesota Statutes 2010, section 65B.46, subdivision 1, is amended to read:

Subdivision 1. **Motor vehicle or motorcycle accident in this state.** If the accident causing injury occurs in this state, every person suffering loss from injury arising out of maintenance or use of a motor vehicle ~~or as a result of being struck as a pedestrian by a motorcycle~~ has a right to basic economic loss benefits.

EFFECTIVE DATE. This section is effective January 1, 2013.

2.1 Sec. 3. Minnesota Statutes 2010, section 65B.46, subdivision 2, is amended to read:

2.2 Subd. 2. **Motor vehicle or motorcycle accident outside this state.** If the accident
 2.3 causing injury occurs outside this state in the United States, United States possessions, or
 2.4 Canada, the following persons and their surviving dependents suffering loss from injury
 2.5 arising out of maintenance or use of a motor vehicle ~~or as a result of being struck as a~~
 2.6 ~~pedestrian by a motorcycle~~ have a right to basic economic loss benefits:

2.7 (1) insureds, and

2.8 (2) the driver and other occupants of a secured vehicle, other than (a) a vehicle which
 2.9 is regularly used in the course of the business of transporting persons or property and
 2.10 which is one of five or more vehicles under common ownership, or (b) a vehicle owned
 2.11 by a government other than this state, its political subdivisions, municipal corporations,
 2.12 or public agencies. The reparation obligor may, if the policy expressly states, extend the
 2.13 basic economic loss benefits to any stated area beyond the limits of the United States,
 2.14 United States possessions and Canada.

2.15 **EFFECTIVE DATE.** This section is effective January 1, 2013.

2.16 Sec. 4. Minnesota Statutes 2010, section 65B.48, subdivision 5, is amended to read:

2.17 Subd. 5. **Motorcycle coverage.** ~~(a) Every owner of a motorcycle registered or~~
 2.18 ~~required to be registered in this state or operated in this state by the owner or with the~~
 2.19 ~~owner's permission shall provide and maintain security for the payment of tort liabilities~~
 2.20 ~~arising out of the maintenance or use of the motorcycle in this state. Security may be~~
 2.21 ~~provided by a contract of liability insurance complying with section 65B.49, subdivision~~
 2.22 ~~3, or by qualifying as a self insurer in the manner provided in subdivision 3 a plan of~~
 2.23 ~~reparation security as defined under section 65B.43, subdivision 15.~~

2.24 ~~(b) At the time an application for motorcycle insurance without personal injury~~
 2.25 ~~protection coverage is completed, there must be attached to the application a separate~~
 2.26 ~~form containing a written notice in at least 10-point bold type, if printed, or in capital~~
 2.27 ~~letters, if typewritten that states:~~

2.28 ~~"Under Minnesota law, a policy of motorcycle coverage issued in the State of~~
 2.29 ~~Minnesota must provide liability coverage only, and there is no requirement that~~
 2.30 ~~the policy provide personal injury protection (PIP) coverage in the case of injury~~
 2.31 ~~sustained by the insured. No PIP coverage provided by an automobile insurance~~
 2.32 ~~policy you may have in force will extend to provide coverage in the event of a~~
 2.33 ~~motorcycle accident."~~

2.34 **EFFECTIVE DATE.** This section is effective January 1, 2013.

3.1 Sec. 5. Minnesota Statutes 2010, section 168.013, subdivision 1b, is amended to read:

3.2 Subd. 1b. **Motorcycle.** (a) On motorcycles the tax is \$10, which includes the surtax
3.3 provided for in subdivision 14.

3.4 (b) License plates issued for use on motorcycles must differ prominently in color
3.5 to distinguish owners who have chosen to reserve the right under section 169.974,
3.6 subdivision 4, paragraph (c), for the driver and other occupants to ride without helmets.
3.7 Owners who have chosen to do so shall pay an additional tax of \$25 and must be required
3.8 to show proof of the required additional insurance coverage.

3.9 **EFFECTIVE DATE.** This section is effective January 1, 2013.

3.10 Sec. 6. Minnesota Statutes 2010, section 169.974, subdivision 4, is amended to read:

3.11 Subd. 4. **Equipment for operator and passenger.** (a) No person ~~under the age~~
3.12 ~~of 18~~ shall operate or ride a motorcycle on the streets and highways of this state without
3.13 wearing protective headgear that complies with standards established by the commissioner
3.14 of public safety, except as permitted under paragraph (c); and no person shall operate a
3.15 motorcycle without wearing an eye-protective device.

3.16 (b) The provisions of this subdivision shall not apply to persons during their
3.17 participation in a parade for which parade a permit or other official authorization has been
3.18 granted by a local governing body or other governmental authority or to persons riding
3.19 within an enclosed cab.

3.20 (c) A person over the age of 18 years may operate or ride a motorcycle without
3.21 wearing the protective headgear required under paragraph (a) if the owner of the
3.22 motorcycle has a plan of reparation security, as defined in section 65B.43, subdivision
3.23 15, on the motorcycle that provides medical expense benefits of at least \$250,000 and at
3.24 least that amount for the total of income loss, replacement services loss, funeral expense
3.25 loss, survivor's economic loss, and survivor's replacement services loss, all as described
3.26 in section 65B.44. A person exercising the option provided under this paragraph must
3.27 display, in the appropriate place on the motorcycle, the special license plate required under
3.28 section 168.013, subdivision 1b.

3.29 **EFFECTIVE DATE.** This section is effective January 1, 2013.

3.30 Sec. 7. **REPEALER.**

3.31 Minnesota Statutes 2010, section 65B.46, subdivision 3, is repealed.

3.32 **EFFECTIVE DATE.** This section is effective January 1, 2013.