

Legislative Analysis



MEDICAL EXCEPTION TO ORV AND SNOWMOBILE HELMET REQUIREMENTS

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Senate Bill 209 as passed by the Senate
Senate Bill 210 (proposed substitute H-1)
Senate Bill 211 (proposed substitute H-1)
Sponsor: Sen. Ed McBroom
House Committee: Natural Resources and Outdoor Recreation
Senate Committee: Natural Resources
Complete to 2-17-22

SUMMARY:

Senate Bills 210 and 211 would amend the Natural Resources and Environmental Protection Act (NREPA) to add an exception to the helmet requirements for ORV and snowmobile use for an individual who has a signed verification from a physician that the individual is unable to wear a crash helmet for physical or medical reasons. Senate Bill 209 would amend the Revised Judicature Act to hold a physician harmless from civil liability for providing or failing to provide written verification of an inability to wear a safety belt or crash helmet for a patient under the physician's care.

Senate Bills 210 and 211 would respectively amend Parts 811 (Off-Road Recreation Vehicles) and 821 (Snowmobiles) of NREPA. Part 811 generally requires an individual who is operating or is a passenger on an ORV¹ to wear a crash helmet and protective eyewear approved by the U.S. Department of Transportation, and Part 821 similarly requires a person operating or riding on a snowmobile to wear a crash helmet approved by the U.S. Department of Transportation. Each part provides exceptions to its requirements, such as for individuals who are operating or riding on the applicable vehicles on their own property.

The bills would additionally exempt from the requirements of each part an individual who possesses a written or electronic verification that the individual is unable to wear a crash helmet because of a physical or medical condition. The verification would have to be signed by a licensed allopathic or osteopathic physician (M.D. or D.O.) who diagnosed, treats, or monitors the individual for the condition. The individual would have to show the written verification to a peace officer upon request.

An individual displaying an electronic copy of the verification using an electronic device would not be presumed to have consented to a search of the device. In addition, the state, an employee of the state, a peace officer, or an entity employing a peace officer would not be liable for damage to or loss of an electronic device occurring as a result of the peace officer's viewing an electronic copy of the verification, regardless of whether the peace officer was in possession of the device when the damage or loss occurred.

SB 210 (ORVs): MCL 324.81133
SB 211 (snowmobiles): MCL 324.82123

¹ **ORV** is defined in section 81101 of the act: <http://legislature.mi.gov/doc.aspx?mcl-324-81101>

Senate Bill 209 would add a new section to the Revised Judicature Act to provide that a physician is not liable for civil damages that result from the physician's provision of or failure to provide a written verification that an individual who is under the physician's care is unable, for physical or medical reasons, to do one or more of the following:

- Wear a helmet, as described in Part 811 or Part 821 of NREPA (see above).
- Wear a safety belt, as described in section 710e of the Michigan Vehicle Code. (The Michigan Vehicle Code generally requires an operator and front seat passenger of a motor vehicle operated on a street or highway in Michigan to wear a properly adjusted and fastened safety belt. However, the provision does not apply to an operator or passenger who possesses a written verification from a physician that the operator or passenger is unable to wear a safety belt for physical or medical reasons.)

Proposed MCL 600.2980

FISCAL IMPACT:

Senate Bill 209 would have no fiscal impact on the state or on local units of government.

Senate Bills 210 and 211 are unlikely to affect costs or revenues for the Department of Natural Resources or local units of government.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.