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MOPED DRIVERS: HELMETS

**Senate Bill 506 as passed by the Senate
First Analysis (11-9-93)**

**Sponsor: Sen. George Hart
Senate Committee: State Affairs and
Military/Veteran Affairs
House Committee: Transportation**

THE APPARENT PROBLEM:

Michigan law first began regulating the operation of mopeds in 1976, and since then these little machines have grown in popularity, especially on and near college campuses. In order to protect younger users of these motor vehicles, the legislature added provisions to the Michigan Vehicle Code in 1983 requiring persons less than 19 years old operating a moped on a public roadway to wear a crash helmet. A steady increase in the number of moped-related traffic accidents in recent years, however, has prompted concerns about the adequacy of moped helmet laws. According to records provided by the Department of State Police, in 1991--the latest year for which figures are available--mopeds were involved in 460 traffic mishaps statewide where four people died and over 400 suffered injuries, many of them serious. Though departmental records do not show how many of these accidents involved serious head injuries to the moped users, some people believe fewer traumatic head injuries would occur in moped-related accidents if all moped drivers were required to wear a helmet.

THE CONTENT OF THE BILL:

The bill would amend the Michigan Vehicle Code to require a person operating a moped on a public highway to wear a crash helmet properly fastened on his or her head. Under the bill, a crash helmet would have to meet federal regulations and have the symbol "DOT" affixed to it as prescribed in the regulations.

The bill would take effect six months after it was enacted.

MCL 257.658

FISCAL IMPLICATIONS:

The Department of State Police says the bill would have negligible fiscal implications for the state and local governments. The impact will depend on the number of citations issued to persons who violated the bill's provisions. (11-4-93)

ARGUMENTS:

For:

Because they provide a means of quick, cheap transportation over short distances, mopeds have become a popular choice of transport today, especially among college students. Unfortunately, current law specifies that only someone 18 and younger must wear a crash helmet when operating a moped. Thus, most people--regardless of age--operate these small motorized vehicles without wearing a helmet. Reportedly, even 18-year-olds often use mopeds without wearing helmets because they know police officers cannot easily determine their age and will not usually waste time stopping them if they're not sure. Michigan State Police statistics from 1991 reveal that mopeds were involved in 460 traffic accidents statewide that resulted in four deaths and hundreds of injuries to those who were operating them. Evidence from accidents involving motorcyclists clearly shows that helmets help to prevent the most serious types of head injuries that often lead to physical and mental impairment, coma and even death. Some studies suggest that even minor head injuries may contribute to the onset of epilepsy later in a crash victim's life. Even though mopeds generally cannot travel faster than 30-35 miles per hour, because they are driven in close proximity to large motor vehicles their drivers are exposed to serious danger even if only a minor traffic mishap should occur. The bill takes a sensible approach to reducing this danger by requiring all moped drivers, regardless of their age, to wear federally-approved crash helmets.

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Against:

The bill would infringe on the rights of adult citizens of the state to decide whether or not to wear a crash helmet while operating a moped. For many motorized bike operators (motorcyclists, mopeds), laws requiring helmets to be worn are intrusive and may even contribute to dangerous situations. While it's true that drivers of motorized bikes are more vulnerable to injury if they hit or are hit by a larger vehicle, one advantage these smaller vehicles have is mobility, especially at lower speeds. Wearing a helmet, however, reduces this mobility by lowering a driver's peripheral vision, which prevents him or her from seeing a dangerous situation developing or reacting quickly to one that suddenly presents itself (by stopping or turning away quickly, for example). Many motorized bikers feel strongly that a decision of whether or not to wear a helmet should be left solely up to each individual, not the government.

Response:

This argument holds some merit except when one considers the huge costs that society must bear to support victims of moped/motorcycle accidents, whose debilitating--perhaps even lifelong--injuries most likely could have been avoided if helmets had been worn.

POSITIONS:

The Department of State Police supports the bill. (11-4-93)

The Michigan Council on Injury Control, of Grand Rapids, supports the bill. (11-5-93)

The Epilepsy Center of Michigan supports the bill. (11-3-93)

The Michigan State University Police supports the bill. (11-4-93)

A spokesman for ASMSU (Associated Students of Michigan State University) testified in support of the bill before the House Transportation Committee on 11-3-93.

ABATE (American Bikers Aiming Toward Education) of Michigan, Incorporated, opposes the bill. (11-4-93)