



**House  
Legislative  
Analysis  
Section**

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## **HELMET FOR CHILD ON BIKE**

**House Bill 4953 (Substitute H-2)  
First Analysis (11-29-93)**

**Sponsor: Rep. David M. Gubow  
Committee: Transportation**

### ***THE APPARENT PROBLEM:***

Traffic safety laws enacted in this country over the last several years—including Michigan laws requiring drivers and front-seat passengers in motor vehicles to wear seat belts, requiring drivers to ensure that children under 16 are belted in and that babies one year old and younger are in specially-designed child safety seats, and mandating motorcyclists to wear helmets—suggest a greater awareness by society-at-large of the dangers of traveling on roadways. While some people regret the intrusive nature of such laws, most agree that they have had a great impact on saving lives and reducing the number of serious injuries caused by traffic accidents. Traffic laws enacted by Michigan and other states are primarily meant to protect drivers and passengers of motor vehicles; little yet has been done legislatively, however, to mandate safety measures to help protect bicycling enthusiasts. According to a recent study by the University of Michigan Transportation Research Institute, bicyclists in the U.S. suffer over 1,000 deaths and 500,000 injuries each year. Most bicycling deaths are caused by injuries to the head, and a majority of bicycle accidents involve head injuries. Further, because children tend to wear helmets when riding bicycles less often than do older riders they are more susceptible to head injuries caused in bicycle accidents. One way that children, and the very young in particular, are exposed to danger while bicycling is when they are riding in bicycle-mounted infant carrier seats. A recent report by a special state bicycle advisory committee shows that head injuries account for 65 percent of all injuries to children under five years old who are bicycle passengers in this kind of carrier. Some people believe a good first step toward providing safety measures for the state's bicycling citizens, and especially for its youngest enthusiasts, would be to require the wearing of helmets by bicycle riders or passengers under four years old.

### ***THE CONTENT OF THE BILL:***

The bill would amend the Michigan Vehicle Code to require a person less than four years old who rode on a bicycle as a passenger in a carrier or trailer attached to the bicycle to wear a properly fastened helmet that met appropriate standards approved by the Snell Memorial Foundation, the American National Standards Institute (ANSI) or the U.S. Department of Transportation. A person who allowed a child less than four years old to ride in violation of the bill's requirements would be responsible for a civil infraction.

The act currently requires motorcycle crash helmets to be approved by the Department of State Police and requires the department to promulgate rules governing standards for helmets. The bill would strike this language and specifies, instead, that helmets would have to meet federal standards as set forth by the U.S. Department of Transportation and have the symbol "DOT" affixed to them as required under federal rules.

The bill also would remove language that currently requires someone "less than 19 years of age" operating a moped to wear a helmet. (Note: This deletion would make House Bill 4953 consistent with Senate Bill 506, which has passed the Senate and is currently before the full House. That bill proposes to remove this same language from the vehicle code and, in so doing, require anyone operating a moped to wear a helmet.)

MCL 257.658

### ***BACKGROUND INFORMATION:***

A similar bill (House Bill 4842) passed the House during the 1991-92 legislative session, but did not pass the Senate.

House Bill 4953 (11-29-93)

**FISCAL IMPLICATIONS:**

The Department of State says the bill would not affect state or local budget expenditures. (11-18-93)

**ARGUMENTS:*****For:***

The bill would be a good first step toward providing for the protection and safety of the state's bicycling public by requiring children under age four who ride on bicycles or are carried in special bicycle trailers to wear properly approved helmets. Studies indicate that children of this age group who ride on or behind bicycles are highly vulnerable to serious head injuries and, in many cases, death caused in accidents. The most severe bicycle accidents, of course, involve motor vehicles, but even when bikers ride on sidewalks or other off-road places small children carried with them are at risk of being hurt badly if the biker hits a bump or for some other reason loses control of the bike. Most recent traffic safety laws have been aimed at protecting those who drive or ride in motor vehicles; little attention has been paid, however, to bicyclists who share the state's busy roadways with them. Many people today fail to consider the dangers of opting not to wear helmets while bicycling, much as public understanding about the benefits of wearing seat belts was lacking prior to the enactment of seat belt laws nationwide beginning in the early 1980s. However, those who ride bicycles often realize the protection that helmets provide, and the number of older, more experienced riders who wear helmets reflects this understanding. The bill would bring this safety message to other bicyclists (especially families with younger children who ride less often) who carry or pull young children on or behind bikes in special carriers by requiring them to ensure that helmets were being worn by any children under four years old riding with them.

***For:***

By mandating the wearing of helmets by children under four who ride on or are pulled in trailers by bicycles, the bill could help lower insurance costs passed on to all Michigan motorists via the state's no-fault laws. Most bicycling accidents involve motor vehicles; when serious injuries or death occurs to the rider(s) of a bicycle involved in such accidents, all Michigan motorists end up paying more for catastrophic health insurance premiums to cover the costs resulting from such accidents.

***Against:***

The bill should be expanded to require children older than four who ride bicycles to wear helmets. Many if not most of the bicycling deaths and injuries that occur each year involve children over four who, once they've learned to ride a bicycle, often ride alone or with friends along roads where motor vehicles move. Children age four and older simply lack the maturity necessary to decide for themselves whether to wear a helmet or not. The Department of State has recommended that the bill be amended to apply to children age 12 and under.

***Against:***

Mandating the wearing of helmets by children under four who ride on or are pulled behind bicycles would place a difficult economic burden on lower-income families that currently enjoy the low-cost recreation that bicycling provides, and especially on families with many young children. As bicycle helmets reportedly cost up to \$30, a family with three young children could be faced with the choice of providing the helmets for their children when riding or giving up the recreation of bicycling altogether.

***Response:***

Programs currently exist in some communities that attempt to lower the cost of providing helmets to young children of lower-income families involved in bicycling. According to a spokeswoman for AAA Michigan, insurance companies and other businesses have contributed financially to such programs and would probably increase their involvement and support if the bill were enacted. Even so, the costs to a family of ensuring that every young child is wearing a helmet while bicycling seem small compared to the incalculable costs that may result if their children are exposed to dangerous bicycling situations with nothing to protect their heads.

**POSITIONS:**

The Department of State supports the bill. (11-18-93)

The Department of State Police supports the bill. (11-19-93)

The Michigan Head Injury Alliance strongly supports the bill. (11-19-93)

AAA Michigan supports the bill. (11-22-93)

The Michigan Association for Traffic Safety supports the concept of the bill, but has not yet taken an official position. (11-19-93)