

Legislative Analysis



MOTORCYCLE HELMETS NOT MANDATORY FOR CERTAIN RIDERS OVER 21 YEARS OF AGE

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Senate Bill 291 (Substitute H-2)

Sponsor: Sen. Phil Pavlov

(Enacted as Public Act 98 of 2012)

Senate Committee: Transportation

House Committee: Transportation

Complete to 11-1-11

A SUMMARY OF SENATE BILL 291 AS REPORTED FROM HOUSE COMMITTEE

Currently, a person operating or riding on a motorcycle must wear a crash helmet approved by the Department of State Police.

Senate Bill 291 would amend the Michigan Vehicle Code (MCL 257.658) to specify that individuals 21 years of age and older operating or riding on a motorcycle would not be required to wear a crash helmet if they met certain conditions.

- A motorcycle operator and anyone riding on a motorcycle must have in effect security in the amount of \$20,000 for the payment of first-party medical benefits payable if they were involved in a motorcycle accident.
- Additionally, a motorcycle operator must have a motorcycle endorsement on his or her operator's or chauffeur's license for at least two years or have passed a motorcycle safety course conducted under Section 811a or 811b of the Code.

A person under 21 years of age would still be required to wear a crash helmet when operating or riding on a motorcycle. The requirement that an individual less than 19 years of age must wear a crash helmet if operating a moped on a public thoroughfare would remain unchanged.

FISCAL IMPACT:

In discussing similar bills in previous legislative sessions, it was estimated that both the state and local units of government could experience increased operational costs due to increased insurance premiums. The state could also experience additional costs in the Medicaid program. This bill relaxes the requirements for crash helmet use and it is expected that injuries and fatalities would increase as a result of lower helmet use. With the potential for more injuries, the expectation is that insurance costs may go up and Medicaid assistance would increase.

Also, by eliminating the requirement for operators of motorcycles to wear crash helmets, local and state law enforcement would no longer be able to issue tickets for operation of a motorcycle without a helmet. When tickets are written under state statute, the civil fine

revenue goes to libraries. If a ticket is written under a local ordinance, the civil fine revenue is split between the local court funding unit and the local government.

BRIEF BACKGROUND AND DISCUSSION:

For about 40 years, the Michigan Vehicle Code has required motorcyclists and their passengers to wear helmets when operating their machines. Ever since, motorcycle enthusiasts have vociferously opposed this requirement, maintaining that the law is an abridgement of freedom and infringement on personal choice. Some riders also dispute the safety value of crash helmets. Many safety officials and insurance industry representatives, on the other hand, find the data regarding a correlation between helmet usage and reduction in motorcycle deaths and the severity of injuries compelling.

Proposals to eliminate or ease Michigan's helmet requirement have been under discussion in the Legislature for over 30 years. In both the 2005-06 and 2007-08 legislative sessions, a helmet law bill passed both houses of the Legislature. Each bill was vetoed by Governor Granholm.

Arguments For:

The basic argument for repealing or modifying the helmet law is that wearing a helmet, or not wearing one, should be a matter of personal choice and not a legal mandate. Supporters of the bill also believe that helmets are not effective in preventing death or serious injury in motorcycle accidents. They say that fatality rates are not higher in states that have modified their helmet laws. Many feel that a better approach is to reduce the number of accidents through rider education, tougher motorcycle licensing laws, and motorcycle awareness for drivers of cars and trucks. Reducing accidents will save lives and reduce the number and severity of injuries, not relying on the protection of helmets.

Motorcyclists dispute the impact of helmet law modifications on insurance costs or on the cost of publicly funded programs. They note that they pay in to the No Fault catastrophic claims association (often many times over, since it is a per vehicle charge), and they argue that historically insurance rates do not go down when helmet laws are enacted or go up when they are repealed or modified. They also say that those injured in motorcycle accidents are no more likely to be public burdens as the result of traumatic accidents than the general population.

Moreover, proponents say, the easing of the helmet requirement will have a positive effect on the state's economy. The current law discourages out-of-state motorcyclists from traveling to Michigan. Changes to the state's helmet laws are likely to increase tourism spending, as well as increase the sales of vehicles and accessories.

This bill applies only to those who are 21 years of age or older, so it allows adults to choose, but requires young people to wear a helmet riding on a motorcycle.

Arguments Against:

Those in opposition to allowing motorcycle operators, and/or their passengers, to ride without crash helmets feel, in general, that doing so will increase the number of motorcycle fatalities, increase the number of serious injuries, increase the cost of health and automobile insurance for all residents, and increase Medicaid expenditures. Personal choice, it is believed, must be restricted when the outcome has such a negative impact on society at large.

The Michigan Constitution says that "The public health and general welfare of the people of the state are . . . matters of primary public concern. The legislature shall pass suitable laws for the protection and promotion of the public health." The helmet law, like laws mandating seatbelts and child safety restraints, are an expression of public concern for the general welfare of motorcyclists and operators, as well as an attempt to reduce the costs of accidents generally.

Insurance industry representatives in previous sessions have testified that an unhelmeted rider is 40 percent more likely to suffer a fatal head injury compared to a rider with a helmet and that helmets are 67 percent effective in preventing brain injuries (citing National Highway Traffic Safety Administration statistics). They say that motorcyclists impose disproportionate costs on the state's No-Fault insurance system, particularly the Michigan Catastrophic Claims Association. Hospital officials have said that an unhelmeted rider is 37 percent more likely to need ambulance services, be admitted to a hospital as an inpatient, have higher hospital costs, need neurosurgery, intensive care, and rehabilitation, be permanently impaired, and need long-term care.

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