

ABATE of Michigan, Inc.

Position

TOPIC: MANDATORY HELMET USE LAWS

ABATE (American Bikers Aiming Toward Education) of Michigan, Inc., is a nonprofit, grass-roots organization dedicated to preserving the rights and promoting the safe operating practices of Michigan motorcyclists.

POSITION:

ABATE of Michigan is a freedom of choice organization; believing that the rider is best able to decide the type of motorcycle to ride and the type and extent of safety gear to be worn. We believe that adult riders should have the freedom to choose whether or not they should use helmets as part of a comprehensive motorcycle safety program. We do not support laws mandating use of helmets for adult riders.

ABATE of Michigan believes that crash prevention and avoidance, along with car driver awareness programs, are more effective in reducing injuries and fatalities than any mandatory equipment laws. For this reason, ABATE of Michigan initially introduced legislation for motorcyclist-funded rider education and has continued to support additional funding and has protected funding that has been earmarked for motorcycle rider education. ABATE members have also voluntarily taught over 51,000 new car drivers to look out for motorcyclists with our "Motorcycle Awareness Program" offered to driver's education classes.

DISCUSSION:

A clear distinction between the use of a *helmet and laws* mandating such use is essential. Helmet use may be desirable under many, but not all, conditions. Laws mandating such use at all times are unjustified. The decision to use a helmet, at what times, and under what circumstances or conditions, should remain with the adult operator or passenger.

Mandatory helmet use laws were initiated by the Federal government in the Highway Safety Act of 1966, and subsequently repealed by the Federal Aid Highway Act of 1975, and signed by then- President Gerald Ford in 1976. Most states repealed the imposed mandatory helmet use laws for adults after the Federal pressure was removed. More recently, Federal "incentives" to require state compliance with passage of mandatory helmet use laws were attempted again in the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991. Only one state (Maryland) complied with these "incentives", which were repealed by the National Highway Systems Act of 1995. There are currently no Federal penalties against states that do not have mandatory helmet use laws. In addition, since that time 6 states have modified their existing laws to reflect adult choice of helmet usage.

Motorcyclists generally exhibit a high rate of voluntary *compliance* with use of helmets. Where helmet use is not required by law, rates of use typically range from 60 - 75 percent. According to the National Occupant Protection Survey conducted in the summer of 2002, helmet usage was estimated at 58% nationally^[1]. This may account for the fact that there is no significant difference in overall motorcyclist fatalities between states that require helmet use and those that do not.

Some advocates of mandatory helmet use laws believe that uninsured *costs* of injured motorcyclists, which must be born by the public, would increase if voluntary use was permitted. This is not supported by the experience of states that have modified mandatory use laws. As for any "burden" that uninsured motorcyclists may be thought to place on health care resources, it has been consistently determined that

motorcyclists are as likely to be privately insured as any other motor vehicle accident victim and in some cases are more likely to be privately insured than the general population of trauma patients ^[ii].

Motorcyclists do not represent any greater potential cost to taxpayers than a person driving a car or engaging in any other activity with a potential risk, be it skiing, horseback riding, or climbing the stairs in the house. Motorcycle accidents represent less than one percent of all vehicular accidents. Compared with automobile drivers, motorcyclists represent a minuscule part of all motor vehicle costs.

Laws mandating helmet use at all times have no significant *effect on the safety* of motorcycling in general. This is clearly evident in Table 1 which compares Michigan with the other states in the Great Lakes Region and in Table II which is a comparison of mandatory helmet states and those which allow adult choice.

Table I: *Motorcyclist Fatalities and Fatality Rates by State*

Totals from 1994 – 2007

State	Motorcycle registrations	Motorcycle rider fatalities	Fatalities per 100,000 Registered Motorcycles
Illinois (a)	3,260,253	1,585	48.62
Indiana (b)	1,721,996	1,033	59.98
Minnesota (b)	2,206,359	582	26.38
Ohio (c)	3,719,904	1,387	45.35
Wisconsin (b)	3,009,354	951	31.60
Total	13,917,866	5,838	41.90
Michigan	2,682,209	1,135	42.32

(a) No helmet use requirement

(b) Required for riders under 18 years old

(c) Required for riders under 18 years old and novices

Table II: *Comparison of States with mandatory helmet laws vs. States with modified laws* ^[iii]

Mandatory helmet laws

Adult Choice

Year	Registered Motorcycles	Motorcycle Rider Fatalities	Rider Fatalities per 100,000 Registered Motorcycles	Registered Motorcycles	Motorcycle Rider Fatalities	Rider Fatalities Per 100,000 Registered Motorcycles
1994	2,189,106	1,327	60.62	1,529,019	768	50.23
1995	2,236,064	1,299	58.09	1,530,965	721	39.38
1996	2,278,443	1,224	53.72	1,593,156	738	46.32
1997	2,029,417	1,118	55.09	1,796,956	819	45.58

1998	2,055,414	1,146	55.76	1,824,036	943	51.70
1999	2,102,741	1,222	58.12	2,048,692	1,064	51.94
2000	1,957,356	1,182	60.39	2,388,712	1,471	61.58
2001	2,119,056	1,370	64.65	2,784,000	1,585	56.93
2002	2,233,190	1,357	60.77	2,770,966	1,677	60.52
2003	2,145,494	1,382	64.41	3,224,541	2,045	63.42
2004	2,343,476	1,577	66.44	3,437,394	2,156	62.72
2005	2,578,520	1,852	71.82	3,648,626	2,402	65.83
2006	2,750,459	2,034	73.95	3,935,688	2,483	63.09
2007	3,025,114	2,129	70.38	4,113,362	2,704	65.74

Note: In 1994 there were 25 states where helmets were required for all motorcyclists and 25 that were adult choice.

In 2007 there were 20 states where helmets were required for all motorcyclists and 30 that were adult choice.

Note: With the exception of calendar year 2000, every year has had a lower or same fatality rate per 10,000 registered vehicles in states that allow adult choice.

One other issue that is of importance to the state of Michigan is the adverse affect the restrictive laws may be having on the economy of the state. According to a recent independent study, it is estimated that Michigan could realize \$1.2 Billion in increased economic activity and up to 2,700 additional jobs could be created.

CONCLUSION:

The Motorcycle Safety Foundation Rider Education program may be a factor in the reduction of Michigan motorcycle accidents. Because of this, ABATE has a history of supporting motorcyclist-funded rider education in Michigan. Since the initial legislation was passed in 1982, ABATE of Michigan has been instrumental in keeping the motorcycle safety program funded. In 1987, 1989, 1992, 1995 and 2002, when this funding was threatened, ABATE of Michigan fought to keep this safety program in force.

From the data presented in the paper, it is evident, that the mandatory helmet use laws are not reducing motorcycle fatalities. The decision on when to wear a helmet while operating a motorcycle should remain with each responsible adult rider.

To improve motorcycle safety, ABATE of Michigan, Inc. makes the following observations:

1. Helmets do not prevent accidents
2. Mandatory helmet use does not result in lower fatality rates. The Michigan motorcycle fatality rate per 10000 accidents is not significantly different from the total for the surrounding Great Lake States
3. In 2002, 32 percent of all fatally injured motorcycle operators had higher intoxication rates, with BAC's of 0.8 or greater^[iv]
4. In 2002, 25 % of the motorcycle operators involved in fatal crashes did not have a valid motorcycle license^[v]

Rather than focusing on mandatory helmet use, which does nothing to reduce accidents, energies should be directed toward reducing riding under the influence and improving motorcycle operator education and

licensing along with car driver awareness programs in the state. This is why ABATE of Michigan, Inc. has recently introduced the Ride Straight program, which is a joint venture of the National Highway Traffic Safety Administration (NHTSA) and the American Motorcyclist Association (AMA) and is aimed at reducing/eliminating alcohol consumption while riding. This is also why we continue to stress the importance of the rider education programs and to teach new car drivers to look out for motorcycles.

[i] Jan. 2003 State Legislative Fact Sheet, Motorcycle Helmet Use Laws, NHTSA

[ii] An analysis of Injury Outcome and Insurance Status of Hospitalized Motorcyclists, Stutts, Rutledge and Martell, University of North Carolina (1991)

[iii] "Traffic Safety Facts 1994 - 2007 - Motorcycles" NCSA Information Services Team, DRID;mcyrates.sas

Registered Motorcycles – Federal Highway Administration's (FHWA) Annual Highway Statistics, Table MV-1 (national Figures obtained from Table VM-1)

[iv] "Traffic Safety Facts 2002 - Motorcycles", NHTSA and National Center for Statistics & Analysis

[v] "Traffic Safety Facts 2002 - Motorcycles" NHTSA and National center for Statistics & Analysis