

# The Red Light Alert

## Motorcycle Helmet Law Challenged

By George Hicks, P.E.

Lawmaker looks to bounce helmet law,"<sup>1</sup> "Michigan House poised to act on helmet law,"<sup>2</sup> what do these two headlines have in common besides the helmet law? They are written a decade apart. Since Michigan enacted Public Act 306 of 1969, requiring the use of helmets while riding a motorcycle, people have been attempting to overturn the law. Groups such

**In states that have relaxed the helmet law, such as Louisiana in 1999, the death toll has risen from 40 in 1999 to 77 in 2003.**

as B.R.A.G. (Bikers Rights Action Group), A Brotherhood Against Totalitarian Enactments, American Bikers Aiming Toward Education, and others have been protesting and lobbying for repeal of helmet laws for years. The main arguments, then and now, against the helmet law are (1) the statistics supporting helmet safety are wrong and (2) it should be a freedom of choice issue.



### Early Safety Studies

One of the earliest studies done on motorcycle accidents was by Hugh H. ("Harry") Hurt and others at the University of Southern California Traffic Safety Center in 1979 for the National Traffic Safety Administration (NHTSA). The published report, "Volume 1: Technical Report, Motorcycle Accident Cause Factors and Identification of Countermeasures, January 1981 - Final Report" is often referred to as the "Hurt Report". When I met Harry Hurt in the late 1980s I found him to be an animated and charismatic man. His

*(Continued on page 2)*

## States Cracking Down on Drunken Drivers as Deadly Holidays Approach

While it is the most wonderful time of the year, it can also be one of the deadliest times on our nation's roadways. To combat this, a new, informal survey from the Governors Highway Safety Association (GHSA) reveals that at least 40 states, two territories and the District of Columbia are planning special, stepped-up enforcement efforts to protect the public from

drunken drivers during the upcoming holiday season. In the remaining states, drunken-driving enforcement will be a part of the everyday work of state and local troopers.

The upcoming enforcement effort is in response to the high rate of crash deaths during the holiday

*(Continued on page 2)*

## Motorcycle Helmet Law and Safety

*(Continued from page 1)*

office and laboratory at the Head Protection Research Laboratory was lined with row after row of helmets. Each helmet, whether from an accident or testing, had their own story to tell, which Harry wanted to relate. One of the conclusions of the "Hurt Report" was that motorcycle helmets reduce the likelihood of a fatality in a crash. The use of a hard shell to distribute the force and an energy absorbing liner to attenuate impact established high levels of head protection. In a 1999 interview with Motorcycle Consumer News, Harry Hurt was asked if the "Hurt Report" was still valid after 20 years. His response was



**Motorcycle helmets reduce the likelihood of a fatality in a crash.**

"Riders today have the same sort of accidents as riders in the 1970s, except that today they crash much more expensive bikes."

### NHTSA Studies

In a 1998 NHTSA report, "Fatal Single Vehicle Motorcycle Crashes" (DOT HS 809 360), the facts reported were;

Per mile traveled in 1998, a motorcyclist is approximately 16 times more likely to die in a crash than an automobile occupant.

Head injury is a leading cause of death in motorcycle crashes.

In 1998, 46% of fatally injured motorcycle drivers were NOT wearing helmets at the time of the crash.

NHTSA estimates that

motorcycle helmets reduce the likelihood of a fatality by 29% in a crash.

Studies<sup>3</sup> have been done in other countries such as Switzerland, with the same conclusion, "incidence of head injury can be dramatically reduced if protection helmets are used." Studies and reviews done on helmet safety for All Terrain Vehicles,<sup>4</sup> bicycles,<sup>5</sup> and snowmobiles,<sup>6</sup> all come to the same conclusion; a helmet could save the operators life in a collision.

### Freedom of Choice Issues

American Bikers Aiming Toward Education, opposed to helmet use, believe "some riders simply won't ride if they have to wear helmets."<sup>7</sup> Yet, a 6 year study by AAA-Michigan<sup>8</sup> appears to disprove this myth; it found the number of motorcycles in Michigan increased by 45%.

*(Continued on page 3)*

## States Cracking Down on Drunken Drivers

*(Continued from page 1)*

season. The Insurance Institute for Highway Safety (IIHS) reports that December 23 and January 1 are among the deadliest days of the year. According to the National Highway Traffic Safety

Administration (NHTSA), in December of 2004, 1,210 Americans were killed in highway crashes involving a driver or a motorcycle operator with a blood alcohol concentration (BAC) level of .01 or higher. Of those, 1,054 had an illegal BAC level of .08 or

above. While the dates of the enforcement effort vary based on state data trends, the period generally will run from December 15 to January 2.

**Editor's Note:** Michigan's will run from December 19 to January 1, 2006.

# Motorcycle Helmet Law and Safety

*(Continued from page 2)*

Also, it found approximately 44% of motorcyclists involved in a crash were not legally licensed to operate a motorcycle. In Michigan a valid license is required to purchase insurance coverage, this means a large number of motorcyclists are uninsured. A 2004 Michigan State Police Office of Highway Safety Planning (OHSP) study<sup>9</sup> determined a helmet law repeal would come with a hefty price tag; 22 additional fatalities, 132 more incapacitating injuries, 610 more injuries, and \$140 million in economic costs to Michigan citizens. In states that have relaxed the helmet law, such as Louisiana in 1999, the death toll has risen from 40 in 1999 to 77 in 2003 and the number of deaths involving unhelmeted riders triples (from 17 fatalities to 55).<sup>10</sup> In Michigan for the same time frame (1999-2003), with the helmet law fatalities have been nearly constant.

B.R.A.G and other lobbyists, view the use of helmets by motorcyclists as a "freedom of choice" issue based on American ideals of Truth and Liberty. Perhaps they are



referring to the often quoted sentence from the Declaration of Independence that states, "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness." But, the "freedom of choice" argument stops short. The very next sentence states "That to secure these rights, Governments are instituted among men, deriving their just powers from the consent of the governed." The preamble of The Constitution of the United States indicates why a government must establish laws, to "insure domestic tranquility," and to "promote the general welfare and secure the Blessings of Liberty to ourselves." Further, the "Bill of Rights" the first ten Amendments to the Constitution, does not give individuals the 'right' to do as they please. Rather the state has a positive role in assuring that all citizens will have equal

protection and justice under law and equal opportunities to exercise the privileges of citizenship. The privileges of citizenship come with a price, whether paying taxes or buckling up, but it is often viewed by some as unfair. When Jesus was asked by the Jewish religious leaders if it is right for them to pay taxes to the Roman government, he replied "Render unto Caesar what is Caesar's, but everything that belongs to God, must be given to God" (Luke 20:25). Wearing a motorcycle helmet while riding, like driving a car with a seat belt on, is a cost to have the privilege; not an individual right to do as one pleases at the consequence of the other citizens.

**The 1998 NHTSA study indicated that motorcycle helmet use reduces the likelihood of a fatality by 29%.**

## Helmets Save Lives

Helmet safety for motorcyclists (as well as ATV riders, snowmobilers, and bicyclists) has been proven effective in numerous studies in the United States and other countries for over the last 25 years. The 1998

*(Continued on page 4)*

## Prosecuting Attorneys Association of Michigan

116 West Ottawa  
Suite 200  
Lansing, Michigan 48913

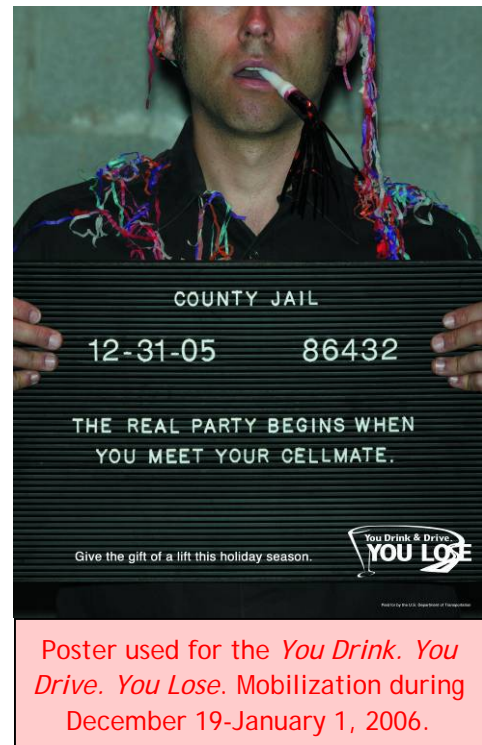
Phone: 517-334-6060  
Fax: 517-334-7052  
Email: wallaced@michigan.gov



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Poster used for the *You Drink. You Drive. You Lose*. Mobilization during December 19-January 1, 2006.

# Motorcycle Helmet Law and Safety

(Continued from page 3)

NHTSA study indicated that motorcycle helmet use reduces the likelihood of a fatality by 29%. Repeal of the helmet law in Michigan would be wrong and would come with a hefty price: more fatalities, more incapacitating injuries, and an added cost to Michigan citizens. Wearing a motorcycle helmet like driving a car with a seat belt is a privilege, not a right to be determined by the individual with consequences to others. An old adage, as stated in a September 1985 article in *Motorcyclist*, sums up the use of helmets, "The instincts of preservation and common sense dictate the use of a helmet whenever one rides. To ride without a helmet is to leave

oneself wide open to the risk of catastrophic injury that could be tremendously reduced by simply wearing a helmet."

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*A PowerPoint presentation to be used in your community on Motorcycles and Helmet Safety has been developed by the Traffic Safety Training Attorney and was sent to all elected Prosecutors in Michigan. If you need further information, contact David Wallace at the Prosecuting Attorneys Association of Michigan.*

<sup>1</sup> The Oakland Press, May 30, 1995, Page A-8

<sup>2</sup> The Blade: Toledo, Ohio, March 25, 2005, Section A, Page 6

<sup>3</sup> The Influence of Protection Helmets in Motorcycle Accidents, F. Walz, P. Niederer, PhD, D. Kosik.

<sup>4</sup> "The effectiveness of helmets in reducing All-Terrain Vehicle injuries & deaths," Gregory Rodgers, US Consumer Product Commission, 1989.

<sup>5</sup> "Effect of helmet use in reducing head injury in bicycle accidents," M. Dorsch, PdD, A. Woodward & R. Somers, PhD, 28<sup>th</sup> Annual Proceedings, American Association for Automotive Medicine, 1984.

<sup>6</sup> "Helmet Progress; Safety & Style," Snowmobile.

<sup>7</sup> "Michigan considers relaxed helmet rule," The Balde, May 22, 2005, page A1.

<sup>8</sup> "Michigan lawmakers pass bill to repeal helmet law," The Independent, March 24, 2005, page 4A.

<sup>9</sup> Ibid.

<sup>10</sup> "Michigan considers relaxed helmet rule," The Blade, May 22, 2005, page A1.