

And Once Again – Michigan HB 4907

A bill that would allow motorcyclists who are Michigan residents to pay a fee to become exempt from the current all-rider mandatory motorcycle helmet law was introduced in the House on May 12, 2009, by democratic member Richard LeBlanc (the same representative who earlier introduced HB 4028). Nonresident motorcycle operators who own the motorcycle being operated would also be exempt.

The big argument for laws such as this is twofold: (1) they satisfy the vocal minority bikers who want to be able to ride without wearing a helmet, and (2) they generate desperately needed funds. In the case of HB 4907, the monies would be deposited (a) first in a fund to defray the cost of developing and implementing minimum training standards for enforcement, (b) then into the secondary road patrol and training fund, and finally (c) into a traffic enforcement and safety fund. Apparently because of the possibility of gaining earmarked funds, the state troopers' union is supporting this bill. Its members appear willing to trade a few motorcyclists' lives for some state trooper jobs.

The huge problem with helmet laws that cover only a specific segment of the population (like HB 4907) is that they are virtually unenforceable and, as such, are like having no law at all. Overall helmet use will drop dramatically, and thousands of riders who do not meet the requirements of the law will choose to ride without a helmet. Just imagine being a law-enforcement officer and passing a group of 10 riders (five carrying passengers) going the opposite direction on a two-lane road. Some riders are wearing helmets; some are not. Some passengers are wearing helmets; some are not. How would an officer be able to determine which riders are over 21, which passengers are over 21, which of the over-21 riders have met the requirements of the law and which have not, which riders are not Michigan residents and are riding a bike they own, etc. etc? The only way to determine who is legal and who is not would be to stop the entire group and check. The other choice would be to let them all ride away, legal or not.

Supporters of this bill note that as of February 1, 2009, there were 533,005 motorcycle-license-endorsed Michigan residents and if just one-half (for example) of those choose the \$100-per-year option, the bill would generate more than \$53 million. Maybe the lives of at least 30 motorcyclists are worth that kind of money.

The problem is with the starting numbers. First, while there are 533,005 motorcycle-license-endorsed Michigan residents, there are only 257,269 registered motorcycles. Quite a difference. In addition, some of those Michigan residents have more than one registered motorcycle. No one really knows what amount of money could be generated.

Let us assume some different starting numbers: 257,269 registered motorcyclists and one-quarter choose to pay the \$200 option for a three-year permit to go helmetless. In this scenario, slightly over \$4 million is generated, which is still a great deal of money, but nearly a million dollars short of the \$5 million the bill's sponsors want to set aside to defray the cost of developing and implementing minimum training standards for the enforcement of its components. In addition, the bill makes no provisions for the costs to the Secretary of State offices for implementation.

The state police might eventually get a bit of money, but the SOS office will need to allocate money from their current budget to implement HB 4907.

The Skilled Motorcyclists Association–Responsible, Trained and Educated Riders, Inc., supports our current all-rider mandatory helmet law. It just makes common sense. Our current law saves lives. Taking a gamble on gaining some dollars in exchange for the lives motorcyclists, as HB 4907 would do, is obviously wrong thinking.