Motorcycle Helmets and Helmet Laws

PART I

THE FACTS

Part I consolidates the research supporting the use of motorcycle helmets and the role an all-rider helmet law plays in a comprehensive motorcyclist-safety program.

PART II

THE CLAIMS DEBUNKED

Part II provides factual information debunking the usual arguments put forth by anti-helmet and anti-helmet-law advocates.

In parts I and II, Michigan is used as an example for state-specific research. Similar state-specific information is available in most states.

PART III

THE CONCLUSIONS

Part III provides a quick summary of the information presented.

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INTRODUCTION:
This document was prepared by the Skilled Motorcyclist Association–Responsible, Trained & Educated Riders (SMARTER at www.smarter-usa.org) in April 2010.

PART I: THE FACTS

WORLDWIDE RESEARCH SUPPORTS HELMET USE AND HELMET-USE LAWS.

- All valid research clearly demonstrates the benefits of wearing a helmet. Motorcycle helmets save lives and prevent devastating and debilitating head injuries. Every reputable safety research organization in the world supports the use of helmets as a way to reduce injury, death, and economic costs resulting from brain trauma. The facts are not only clear but are undeniable.
- When a helmet law is in effect, nearly 100 percent of motorcyclists wear helmets. Mandatory helmet laws play a positive role in a comprehensive motorcyclist-safety program.
- Without helmet-use laws, or with laws that only cover a specific segment of the population, helmet use drops to between 28 and 40 percent. Laws covering only a specific segment of the population (young riders, for example) are extremely difficult to enforce.

STATE-BASED RESEARCH SUPPORTS HELMET USE.

- Two University of Michigan studies (*Trends in Motorcycle Crashes in Michigan: 1997–2002 and 2002–2005*, University of Michigan, Transportation Research Institute) confirm that the conclusion reached by all previous research holds true in Michigan as well: Wearing a helmet saves lives and prevents devastating and debilitating head injuries.

STATE TRAFFIC-SAFETY EXPERTS SUPPORT HELMET LAWS.

- In December of 2004, the Governor's Traffic Safety Advisory Committee adopted the State of Michigan Strategic Highway Safety Plan. The number-one strategy of the governor's highway safety plan as it pertains to motorcyclist safety is to "maintain helmet laws and enforce the use of FMVSS 218 compliant helmets."
- The number-one recommendation of the February 2005 Michigan Office of Highway Safety Planning Motorcycle Program Assessment as it pertains to the topic of motorcyclist personal protective equipment is to "maintain the current motorcycle helmet use law that covers all riders in support of a Governor's Traffic Safety Advisory Committee Strategy."
- The Michigan Motorcycle Safety Action Plan was completed in April 2006. This plan included the recommendations "Enforce the use of FMVSS 218 compliant helmets," within the enforcement section, and "Maintain helmet laws and the use of FMVSS 218 compliant helmets," within the legislative section.
- Michael L. Prince, Director of the Michigan Office of Highway Safety Planning, stated in part, in a June 2008 press release, "Based on analysis conducted by our office, if Michigan's mandatory motorcycle helmet law was to be repealed, the state should expect to see an annual increase of at least 30 fatalities, 127 incapacitating injuries and $129 million in economic costs."

THE PUBLIC SUPPORTS HELMET LAWS.

- According to a motor vehicle occupant survey conducted by NHTSA in 2000, 81 percent of occupants reported that they favored mandatory helmet-use laws for motorcyclists. A 2004 report by the Advocates for Highway and Auto Safety found that an overwhelming majority (80 percent) of Americans were in favor of state laws requiring all motorcyclists to wear helmets. A 2005 survey by Lansing-based EPIC-MRA found that seven out of ten Michigan registered voters said motorcycle riders should be required to wear helmets.

CITIZENS SUPPORT SIMILAR SAFETY REGULATIONS.

- Michigan citizens support other nonintrusive safety regulations, regulations that enhance safety but do not intrude upon a citizen's privilege to participate in the activity, such as
  - **seat belts.** Secondary enforcement was enacted in 1985. Primary enforcement was enacted in 2000. A person not wearing a seat belt who sustains injuries in a motor-vehicle accident caused by another can be found to be comparatively negligent in a lawsuit, and the monetary damages otherwise entitled to be recovered are reduced proportionately.
  - **life preservers.** All vessels must be equipped with life preservers. Children under age 12 must wear a life preserver. All operators and passengers on personal watercrafts (PWCs) must wear a life preserver.
  - **hunter orange.** Individuals hunting with any device between August 15 and April 30 must wear hunter orange. Anyone (with specific exceptions) hunting during any season that allows the use of a firearm must wear hunter orange.

PUBLIC COSTS INCREASE WHEN UNHELMETED RIDERS SUSTAIN HEAD INJURIES.

- In a crash involving head impact, unhelmeted riders have higher health-care costs as a result of injuries they sustain as compared to helmeted riders. In November 2002, NHTSA reported that 25 studies of the costs of injuries from motorcycle crashes "consistently found that helmet use reduced the fatality rate, probability and severity of head injuries, cost of medical treatment, length of hospital stay, necessity for special medical treatments, and probability of long-term disability."
- A number of studies examined the question of who pays for medical costs. Only slightly more than half of motorcycle crash victims have private health insurance coverage. For patients without private insurance, the majority of medical costs are paid by the government.
- A study conducted in 2002 using records for patients admitted to the University of Michigan Health System (M.M. Brandt et al., *Hospital Cost Is Reduced by Motorcycle Helmet Use)* concluded that unhelmeted riders had a significantly increased incidence of head injuries but not other injuries and that hospitalization costs were decreased by more the $6,000 per patient by the use of a helmet.

ADDITIONAL RESEARCH, REPORTS, AND MATERIALS

Additional research, reports, and materials are available on the Web site of the Skilled Motorcyclist Association–Responsible, Trained & Educated Riders (SMARTER at www.smarter-usa.org). Key information that is appropriate for presentations is available in downloadable files.

PART II: THE CLAIMS DEBUNKED

THE CLAIM: ALL MOTORCYCLISTS SUPPORT HELMET-LAW REPEAL.

ABATE of Michigan, the organization that actively lobbies to repeal or weaken Michigan's universal helmet law, claims to represent all Michigan motorcyclists (per a statement on the ABATE Web site as of April 1, 2010), when in fact they are a minority biker group of "approximately 4,000 members, the vast majority of whom are licensed motorcyclists in the State of Michigan" (per item 6, page 3, of a complaint filed in the Circuit Court for the County of Ingham, May 12, 2009, the text of which was posted on the Michigan ABATE Web site).

According to the Michigan Department of State, as of February 1, 2009, there were 533,005 motorcycle-license-endorsed Michigan residents. As of November 8, 2008, Michigan had 257,269 registered motorcycles; therefore, ABATE represents significantly less than 1 percent of Michigan's license-endorsed motorcyclists. It is likely that anti-helmet advocates in every state represent a very small percent of the licensed riders in that state.

THE CLAIM: IT IS NO ONE ELSE'S BUSINESS SO LET THE RIDER DECIDE.

Anti-helmet-law advocates claim that if they suffer a debilitating injury or are killed because they choose not to wear a helmet that it is only their individual problem and no one else is affected. If someone who is significant to you (a daughter, spouse, or parent) is killed or suffers a traumatic brain injury, do you think you will just shrug it off by saying, "Oh well, it was his/her choice"?

ABATE seems to consider the use of helmets by motorcyclists as a freedom-of-choice issue based on the American ideals of Truth and Liberty. The Constitution and the first ten amendments do not give individuals the "right to do as they please" to the detriment of other citizens. The state has a positive role in ensuring that all citizens have equal protection and justice under the law and equal opportunities to exercise the privileges of citizenship. Just as the rights of citizenship are balanced by responsibilities, such as voting and paying taxes, so too are its privileges. To enjoy the privilege of driving a car or riding a motorcycle, one must comply with certain requirements, among them being the nonintrusive requisite to buckle up or wear a helmet.

THE CLAIM: HELMET USE CAUSES INJURIES.

In an effort to garner support for their cause, biker groups opposed to wearing helmets perpetuate myths about helmet use. Myths imparting wrong information about helmets ignore the facts and impede the education of motorcycle riders. These are only some of the myths being perpetuated that are simply not true:

- "Helmets cause head injuries." ***This is not true.***
- "Helmets prevent the rider from hearing traffic noise." ***This is not true.***
- "Helmets reduce peripheral vision." ***This is not true.***
- "Helmets cause heat exhaustion." ***This is not true.***

THE CLAIM: HELMET LAWS COST TOURIST DOLLARS.

No government or independent, private research organization has completed research that supports the ABATE-perpetuated claim that our helmet law causes our state to lose tourist revenue. The claim that the all-rider helmet law costs our state tourist dollars originates from a March 2004 document entitled "Economic Impacts of Modification to Michigan Mandatory Helmet Law" that ABATE paid Michigan Consultants to write.

As it states, the argument used repeatedly in repeal attempts since the mid-1970s focused on the "rights" or "freedom of choice" of motorcycle operators, which failed every single time to outweigh the safety benefits of the helmet law. ABATE recognized a new argument was needed. A clever way to get legislators to consider weakening or repealing the lifesaving helmet law was to convince them that it costs the state money.

So ABATE contracted to have a report written that supported this claim and appeared scholarly. On the surface, it **appears** to be research. **It is not**. It was written with one end in mind: to convince legislators that Michigan's helmet law cost the state tourist dollars.

If it were true that the helmet law prevented riders from coming to Michigan, how is it possible that Muskegon, Michigan, hosted its Muskegon Bike Time for five consecutive years before the 2012 repeal of the helmet law and it was dubbed as "America's fastest growing bike event" because of its gaining popularity each year since its inception?

THE CLAIM: HELMET LAWS DO NOT WORK.

ABATE representatives regularly make statements like "Michigan is the only state in the region with a helmet law, and Michigan has more deaths than states without helmet laws. Wisconsin, Illinois, Indiana, and Ohio do not have helmet laws, and they have fewer deaths." First, this statement is made as a statement of truth. It is not true. In 2006, Ohio had 44 more deaths in motorcycle crashes than Michigan did and Illinois had 18 more deaths. There were 93 deaths in Wisconsin and 110 in Indiana, compared to 114 in Michigan. So, the statement made as fact is only partially true.

Second, the statement is made as if it proves helmet laws are not effective. Comparing one state to another in a given year is not valid research. To say that "in 2006 Indiana had fewer deaths in motorcycle crashes than Michigan (a statement of fact/truth) and Indiana does not have a helmet law and Michigan does (another statement of fact/truth), therefore helmet laws are not effective in reducing deaths" is to make a highly erroneous conclusion that does not consider the hundreds—maybe thousands—of variables that more likely account for this difference.

Other variables that may contribute include the facts that in 2006 Indiana had 100,444 fewer registered motorcycles and approximately 3.5 million fewer residents than Michigan. In 2006 Indiana also had more interstate highway miles (known to be the safest to travel) than Michigan. "Wisconsin has fewer deaths in motorcycle crashes than Michigan and Wisconsin has more cows, therefore cows reduce death by motorcycle crashes" is obviously a ridiculous similar statement; however, it is just as valid as the claim that Wisconsin has fewer motorcyclist fatalities because Wisconsin does not have a helmet law. In better terms, neither statement has any validity.

THE CLAIM: RIDERS TAKE MORE RISKS WHEN THEY WEAR A HELMET.

The idea that people increase their risk-taking behavior when risk-reduction measures are in place (a theory called risk homeostasis in the literature) has been debated since the early 1980s. The main proponent of the theory is Gerald Wilde (search his name and the topic to find information). A good and short other side of the story is found on pages 299–300 in the book *Traffic Safety and the Driver*, by Leonard Evans. Evans says:

> The tone of advocacy for the claim has been largely philosophical, metaphysical, and theological in nature, unencumbered by the standards, methods, or norms of science, and at times happily abandoning the rigors of Aristotelian logic and the multiplication table. One can but marvel the repeated claims so clearly devoid of face validity have been debunked in such respectful tones by so many of us.

The argument that riders who wear helmets take more risks clearly ignores the fact that there is no research to support the theory of risk homeostasis in general, much less to support this specific claim. Logic tells us the more likely scenario is just the opposite: that is, riders who choose to wear a helmet also make other decisions to reduce the risks associated with riding.

PART III: THE CONCLUSIONS

THE CONCLUSIONS ARE IRREFUTABLE:

1. The research is clear, overwhelming, and undeniable. Every reputable safety research organization in the world supports the use of helmets.

2. Repealing a helmet law will reduce the number of riders who wear helmets from 98–99 percent to approximately 30–40 percent.

3. Repealing a helmet law will result in increased deaths and injuries.

4. All the arguments against helmets and helmet laws have major flaws.

5. Repealing a helmet law would enact legislation opposed by the majority.

6. Repealing or weakening a mandatory helmet law would be a major step backward, a "slap in the face" to state safety experts, and would cut a huge hole in the state's overall traffic-safety program. It makes logical sense to support the position taken by the state's paid experts.

7. Repealing a helmet law will increase medical costs and will cause a related tax burden due to long-term care of injured motorcyclists.

8. Repealing a helmet law would be action that is inconsistent with other legislation. It is not fair or logical to repeal a nonintrusive safety requirement for motorcyclists and not provide the same opportunity for automobile drivers to go without seat belts, boaters without life preservers, or hunters without hunter orange. Such action could be considered discriminatory and biased.

9. Governments have a responsibility to support citizen-safety efforts.

10. The helmet issue is NOT a simple "it only affects me" or a simple "freedom of choice" issue. It is part of a much more complicated citizen-safety effort, and our best effort must include a mandatory helmet law covering all riders.

For additional research and information supporting the use of motorcycle helmets and about the important role of an all-rider helmet law in a comprehensive motorcyclist-safety program, visit the Web site of the Skilled Motorcyclist Association–Responsible, Trained & Educated Riders (SMARTER):

www.smarter-usa.org