

**Bill with
Summary and Analysis**

SB 291
(Motorcycle Helmets)

**Sponsor:
Madison Blue**

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 291

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 658 (MCL 257.658), as amended by 2002 PA 494.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 658. (1) A person propelling a bicycle or operating a
2 motorcycle or moped shall not ride other than upon and astride a
3 permanent and regular seat attached to that vehicle.

4 (2) A bicycle or motorcycle shall not be used to carry more
5 persons at 1 time than the number for which it is designed and
6 equipped.

7 (3) A moped or an electric personal assistive mobility device
8 shall not be used to carry more than 1 person at a time.

9 (4) A person ~~operating or riding on a motorcycle, and any~~
10 ~~person~~ less than 19 years of age operating a moped on a public

Senate Bill No. 291 (H-2) as amended November 1, 2011
 1 thoroughfare shall wear a crash helmet on his or her head. **EXCEPT**
 2 **AS PROVIDED IN SUBSECTION (5), A PERSON OPERATING OR RIDING ON A**
 3 **MOTORCYCLE SHALL WEAR A CRASH HELMET ON HIS OR HER HEAD.**

4 (5) THE FOLLOWING CONDITIONS APPLY TO A PERSON 21 YEARS OF AGE
 5 OR OLDER OPERATING OR RIDING ON A MOTORCYCLE, AS APPLICABLE:

6 [(A) A PERSON WHO IS OPERATING A MOTORCYCLE IS NOT REQUIRED TO WEAR
 7 A CRASH HELMET ON HIS OR HER HEAD IF HE OR SHE HAS HAD A MOTORCYCLE
 8 ENDORSEMENT ON HIS OR HER OPERATOR'S OR CHAUFFEUR'S LICENSE FOR NOT LESS
 9 THAN 2 YEARS OR THE PERSON PASSES A MOTORCYCLE SAFETY COURSE CONDUCTED
 10 UNDER SECTION 811A OR 811B AND SATISFIES THE REQUIREMENTS OF SUBDIVISION
 11 (C).]

12 (B) A PERSON WHO IS RIDING ON A MOTORCYCLE IS NOT REQUIRED TO WEAR
 13 A CRASH HELMET ON HIS OR HER HEAD IF THE PERSON OR THE OPERATOR OF THE
 14 MOTORCYCLE SATISFIES THE REQUIREMENTS OF SUBDIVISION (C).

15 (C) A PERSON WHO IS OPERATING A MOTORCYCLE AND A PERSON WHO IS
 16 RIDING ON A MOTORCYCLE ARE NOT REQUIRED TO WEAR CRASH HELMETS ON THEIR
 17 HEADS IF THE OPERATOR OF THE MOTORCYCLE OR THE RIDER HAS IN EFFECT
 18 SECURITY FOR THE FIRST-PARTY MEDICAL BENEFITS PAYABLE IN THE EVENT THAT
 19 HE OR SHE IS INVOLVED IN A MOTORCYCLE ACCIDENT, AS PROVIDED IN SECTION
 20 310F OF THE INSURANCE CODE OF 1956, 1956 PA 218, MCL 500.3103, IN 1 OF
 THE FOLLOWING AMOUNTS, AS APPLICABLE:

(i) A MOTORCYCLE OPERATOR WITHOUT A RIDER, NOT LESS THAN
 \$20,000.00.

(ii) A MOTORCYCLE OPERATOR WITH A RIDER, NOT LESS THAN \$20,000.00
 PER PERSON PER OCCURRENCE. HOWEVER, IF THE RIDER HAS SECURITY IN AN
 AMOUNT NOT LESS THAN \$20,000.00, THEN THE OPERATOR IS ONLY REQUIRED TO
 HAVE SECURITY IN THE AMOUNT OF NOT LESS THAN \$20,000.00.]

21 (6) Crash helmets shall be approved by the department of state
 22 police. The department of state police shall promulgate rules for
 23 the implementation of this section ~~pursuant to~~ **UNDER** the
 24 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
 25 24.328. Rules in effect on June 1, 1970, ~~shall~~ apply to helmets
 26 required by this act. ~~This subsection does~~

27 (7) THE CRASH HELMET REQUIREMENTS UNDER THIS SECTION DO not

1 apply to a person operating or riding in an autocycle if the
2 vehicle is equipped with a roof ~~which~~**THAT** meets or exceeds
3 standards for a crash helmet.

4 **(8)** ~~(5)~~—A person operating or riding in an autocycle shall
5 wear seat belts when on a public highway in this state.

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

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 their operator's or chauffeur's license for at least two years or they had 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 & 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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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.