

Motorcycle helmet laws in america essay

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Introduction Motorcycle are not the safest means of transportation but millions of people all across America choose them over automobile for the thrill, speed and high performance capabilities they offer in fraction of the price of a automobile. Motorcycle do not provide the protection like automobiles do with their outer body and safety features like air bags and seat belts, therefore in case of an accident the injury sustained by the rider is often very serious. When dealing with motorcycle accidents, majority of the fatalities are due to head injuries which could have been prevented had the rider been wearing a helmet. Helmets are the only method to reduce the head injuries during crashes which is the leading cause of death involving motorcycle accidents. Helmet use law has created a lot of controversies over the years, while some supporting the law and other opposing it. One side who support the law believe that the helmet law protects the motorcyclist from danger in case of an accident and save the nation a good deal of money.

While, the other side believes that the law is unconstitutional and it violets their right to freedom. Although helmet cannot prevent motorcycle accidents but greatly reduces the number of deaths caused by head injuries during these crashes as well as helps in lowering taxes, insurance cost and health care cost. According to the federal government estimates, the number of deaths on motorcycle per mile in 2006 was 35 times higher than in automobile.

In last couple of years motorcycle deaths have seen considerable increase- more than doubling in 2007 from the record low in 1997. In contrast the passenger occupant death reached a record low in 2007. This paper

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examines the history of motorcycle helmet use law and also the current state of the law.

It also tries to highlight the burden that accident involving riders not wearing helmet impose on the society and also the effect of helmet law on helmet use. **BACKGROUND HISTORY OF MOTORCYCLE HELMET LAW:** The motorcycle helmets laws in United States has gone through several changes throughout the years. In 1967, in order to increase the helmet use, the federal government required the state government to enact helmet use laws to qualify for certain federal safety program and highway construction fund. The federal incentives was a success and by early 1970s almost all the states had universal helmet laws which covered all the riders of all ages and experience.

1968, Michigan became the first state to repeal its laws. This lead to a series of repeal, re-enactment, and amendment of motorcycle helmet laws. In 1976, US Department of transportation (DOT) moved in to assess the financial penalties on states without helmet laws but the congress corresponded to state pressure and stopped DOT from assessing financial penalties on states without helmet laws. By 1980, several states had repealed their helmet laws and some weakened their laws to cover riders under the age of 18 but not older riders. In the 1980s and early 1990, several states reinstated helmet laws applying for all riders. In the 1991 Intermodal Surface Transportation Efficiency Act, several incentives were created by the congress for the states to enact helmet use and safety belt use laws.

The eligibility criteria for receiving special safety grants was that the state must enact both the laws. Up to 3 percent of federal highway allotment was redirected to highway safety program for all the states that did not enact the laws by October 1993. But again after four years of establishing the incentive program , congress revised itself. In the fall of 1995, federal sanction against the states without helmet use laws was lifted which paved the way for state to repeal helmet use laws. This lead to many states weakening its helmet use laws. Now 20 states and District of Columbia have helmet laws covering all riders and 27 states have partial helmet use law covering some riders (usually riders under the age of 18). Illinois and Iowa do not have any helmet use laws. PRESENT HELMET LAW STATUS: [pic] NO HELMET LAW: | NO HELMET LAW (2 STATES) | | ILLINOIS | IOWA | PARTIALLY FREE: AGE REQUIREMENT - PARTIALLY FREE (27 STATES) | | 15 & UNDER | 18 & UNDER | 19 & UNDER | 21 & UNDER | | | | | MAINE | ALASKA | DELAWARE | ARKANSAS | | ARIZONA | | KENTUCKY | | | COLORADO | | RHODE ISLAND | | | CONNECTICUT | | SO.

CAROLINA | | | HAWAII | | TEXAS | | | IDAHO | | PENNSYLVANIA | | | INDIANA | | | | KANSAS | | | | MINNESOTA | | | | NEW HAMPSHIRE | | | | NEW MAXICO | | | | NORTH DAKOTA | | | | OHIO | | | | OKLAHOMA | | | | SOUTH DAKOTA | | | | UTAH | | | AGE REQUIREMENT & INSURANCE: | AGE REGUIREMENT + INSURANCE (1 STATE PARTIALLY FREE) | | 21 & OVER | | FLORIDA | MANDATORY LAW: | | MANDATORY HELMET LAWS (20 STATES) | | ALABAMA | MASSACHUSETTS | TENNESSE | NEBRASKA | | CALIFORNIA | MICHIGAN | VERMONT | NEW YORK | | GEORGIA | MISSISSIPPI | VIRGINIA | NEW JERSEY | | LOUISIANA | MISSOURI | WASHINGTON | NORTH CAROLINA | | MARYLAND |

NEBRASKA | W. VIRGINIA | OREGON | | | | | | | | | | HOW DO HELMET LAWS AFFECT HELMET USE: Based on various studies of states enactment, repeal and weakening of helmet laws, it was observed that the helmet use reached 100 percent when all the riders were required to wear helmet at all times compared to 50 percent when there was no law or law applied to only some riders. In 2008, according to NHTSA, 97 percent of the riders were observed wearing helmets in states with universal helmet laws compared to 90 percent in 2002. In states without universal helmet law the use of helmet was 52 percent in 2002 and 54 percent in 2008. Based on helmets judged to be compliant with federal safety regulations, use was 73 percent in 2002 and went up to 78 percent in 2008 among motorcyclists in states with universal helmet laws. It rose from 46 to 50 percent among motorcyclists in states without such laws. HOW DO HELMET LAW EFFECT MOTORCYCLIST DEATH AND INJURIES: In states which either reinstates or enacted saw a considerable increase in motorcycle helmet use and motorcycle death and injuries decreased drastically. Whereas the states which repealed or weakened their existing helmet law saw a great increase in motorcycle death and injuries and considerable decrease in helmet use.

According to two studies published in 2007 and 2008, motorcyclist fatality rates were modelled based on helmet law type, after controlling for various factors such as per capita income, population density, and annual precipitation. It was observed that the states which had helmet law covering all riders had lowest death rates. Further on, the states which had helmet law covering only some riders had low death rate compared to states with no helmet law, but not as low as the states with universal helmet law.

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These results held for all three types of rates considered: deaths per 10, 000 registered motorcycles, deaths per 100, 000 population, and deaths per 10 billion vehicle miles traveled. Some examples of helmet law and its effect on death and injuries:

- California enacted universal helmet law on January 1, 1992. The number of motorcycle fatalities decreased 37 percent to 327 in 1992 from 523 in 1991.
- Nebraska reinstated a helmet law on January 1, 1989 after repealing an earlier law in 1977. The state saw 22 percent reduction in serious head injuries due to motorcycle crashes.
- From 1968 to 1977, Texas had a universal helmet use law estimated to have saved 650 lives, but the law was amended in 1977 to apply only to riders younger than 18.

The weakened law coincided with a 35 percent increase in motorcyclist fatalities. Texas reinstated its helmet law for all motorcyclists in September 1989. The month before the law took effect, the helmet use rate was 41 percent. The rate jumped to 90 percent during the first month of the law and had risen to 98 percent by June 1990. Serious injury crashes per registered motorcycle decreased 11 percent. But in September 1997, Texas again weakened its helmet law, requiring helmets only for riders younger than 21. Helmet use in Texas dropped to 66 percent by May 1998, and operator fatalities increased 31 percent in the first full year following the repeal.

- Kentucky repealed its universal helmet law in 1998, followed by Louisiana in 1999.

These actions resulted in lower helmet use, and quickly increased motorcyclist deaths in these states by 50 percent and 100 percent, respectively.

- In 2000, Florida's universal helmet law was weakened to

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exempt riders 21 and older who have at least \$10,000 of medical insurance coverage. An Institute study found that the motorcyclist death rate in Florida increased by about 25 percent after the state weakened its helmet law. A study of the Florida law change by NHTSA found a similar effect; motorcyclist deaths per 10,000 motorcycle registrations increased 21 percent during the two years after the law was changed compared with the two years before.

IMPACT OF HELMET LAW ON MOTORCYCLE THEFT: Helmet law has also resulted in decline in reduction in motorcycle theft as potential robbers may not have an access to helmet and not wearing helmet will attract police notice. According to Texas department of public safety, motorcycle theft decreased 44 percent between 1988 and 1998 in 19 cities after enactment of universal helmet law. After enactment of helmet law by Great Britain, motorcycle theft fell 24 percent in London.

The Netherlands saw 36 percent drop in motorcycle theft after it enacted helmet laws in 1975. In 1980, when on the spot fine was introduced in former West Germany, motorcycle theft plummeted 60 percent. **IMPACT OF HELMET ON HEALTH CARE COST:** Unhelmeted riders have higher health care costs as a result of their crash injuries, and many lack health insurance. 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, a majority of medical costs are paid by the government. " According to specific findings of several studies: • A 1996 NHTSA study found that inpatient hospital charges were 8 percent higher for riders without helmets compared to riders wearing helmets.

- Various studies shows that the health care cost associated with head injured motorcyclist decline after the introduction of helmet use law in 1994 by the state of California. The rate of motorcyclist hospitalized for head injuries decreased by 48 percent in 1993 compared with 1991 and the total cost of patients with head injuries decreased by \$20. 5 million during this period. After reinstatement of helmet law by Nebraska, study showed that there has been 38 percent decline in total acute medical charges for injured motorcyclist. A NHTSA evaluation of the weakening of Florida's universal helmet law in 2000 to exclude riders 21 and older who have at least \$10, 000 of medical insurance coverage found a huge increase in hospital admissions of cyclists with injuries to the head, brain, and skull. Such injuries went up 82 percent during the 30 months immediately following the law change. The average inflation-adjusted cost of treating these injuries went up from about \$34, 500 before the helmet law was weakened to nearly \$40, 000 after. Less than one-quarter of the injured motorcyclists would have been covered by the \$10, 000 medical insurance requirement for riders who chose not to use helmets.

Various studies conducted in Nebraska, California, Washington and Massachusetts indicates that taxpayers are burdened by injured motorcyclist. From January 1988 to January 1990, 41 percent motorcyclist injured in Nebraska lacked health insurance or received Medicaid or <https://assignbuster.com/motorcycle-helmet-laws-in-america-essay/>

Medicare. In Seattle, public fund paid 63 percent of trauma care for injured motorcyclist in 1985.

In Sacramento, 82 percent of the costs to treat orthopaedic injuries sustained by motorcyclists during 1980-83 was paid by public fund. Forty-six percent of motorcyclists treated at Massachusetts General Hospital during 1982-83 were uninsured. MOTORCYCLE HELMET LAW ISSUES: Motorcyclist often feel that helmet use law violets their right of freedom. They believe that the rider should have the freedom to decide the use of helmet.

According to various motorcycle groups, helmet use law reduces riding which in turn results in less death rates in motorcycle crashes which the government uses to confuse people about the safety benefits of helmet.

Many motorcyclist have gone to the court objecting the law. In 1972, a federal court told a motorcyclist who objected to the law: “ The public has an interest in minimizing the resources directly involved. From the moment of injury, society picks the person up off the highway; delivers him to a municipal hospital and municipal doctors; provides him with unemployment compensation if, after recovery, he cannot replace his lost job; and, if the injury causes permanent disability, may assume responsibility for his and his family’s subsistence. We do not understand a state of mind that permits plaintiff to think that only he himself is concerned. ” This decision was affirmed by the US Supreme Court. RECCOMENDATIONS TO INCREASE HELMET USE: Law makers should look into other means to increase use of motorcycle helmets other then law. Public campaign to encourage helmet use would greatly reduce the law enforcement cost also restriction to one’s own freedom felt by some riders.

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But the chances of achieving results through these method is minimal.

Subsidies on helmet purchase can shift part of the cost from riders to general public by providing federal money to the motorcyclist purchasing helmets. Subsidies would not motivate riders who value their freedom and convenience over the benefits helmet use. Motorcyclist using helmet should be charged lower insurance premium compared to riders not using helmet to encourage helmet use.

This difference in insurance premium would encourage un-helmeted rider to use helmet and other safety gear in order to reduce their premium. When novice riders take rider education course, more emphasis should be laid on the importance of helmet use and not just only the basic operating skills. If they understand the use of safety gear and helmet at early age, it might affect their choice later in their life.

Motorcyclist who fail to wear a helmet and sustain head injuries could be denied compensation for injury and damages. however, it would become difficult for the court to determine on case to case basis in which compensation would be denied as head injuries are sustained when helmet are worn. Various studies have showed that when helmet use is not mandatory, 50% of all riders wear helmet but when it is mandatory nearly 100% riders use helmet. So, the only way to increase helmet is to enact universal helmet law in all the states of United States of America.

REFERENCES: [www. pubmedcentral. nih. gov](http://www.pubmedcentral.nih.gov) [www. iihs. org](http://www.iihs.org) [www. nhtsa. dot.](http://www.nhtsa.dot.org)

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