

**Bsad 18 118 –
business law
flashcard**



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First Class Session

Should a Motorcycle Driver have a Constitutional Right Not to Wear a Helmet?

As a motorcycle rider, I have many constitutional rights. I am susceptible to many privileges as a paying, law-abiding citizen as well.

I have the freedom to go out with my legally earned money and purchase a motorcycle for my own personal entertainment and transportation. I can travel anywhere not prohibited by law. As long as I operate the vehicle in a manner that doesn't cause harm to anyone or violate anyone's rights or break any laws, I can exercise my freedom.

“ The ninth amendment to the constitution establishes that the people have rights in addition to those specified in the constitution.”

(Jentz and Miller 20)

There are twenty state laws and eight-four local laws that require motorcyclist and/or cyclist under a certain age and their passengers, to wear helmets while riding. As a precaution against head injuries and fatalities resulting from injuries sustained in bike accidents, these laws

were passed.

If I choose to buy and operate a motorcycle that is my right. It is also a privilege. I'm privileged to be able to buy and use this manufactured vehicle for personal or public use. It's my right to be informed of the dangers of riding a motorcycle prior to purchase. It is my right to be informed of a helmet law. I am privileged to have the helmet law enforced upon me because it is protecting the safety of my passengers and myself.

Many helmet law advocates claim benefits to public safety health justify the legislative sacrifice of fundamental democratic rights and individual freedom. I agree with this belief.

As a motorcycle rider my rights and privileges are many. As long as I abide by the laws enforced upon me, I have my rights and freedoms. I am subject to many privileges and the ability to purchase and ride a motorcycle is one of them. I should be required to wear a helmet while riding for my own protection without feeling that my rights are being violated.

Works Cited

Miller, Roger L. and Gaylord A. Jentz. Business Law Today: The Essentials. 5th edition. United States: West Legal Studies in Business, 2000.