

Legislative Analysis



MOTORCYCLE HELMET LAW: "ADULT CHOICE" & SOS ACCIDENT STUDY

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Senate Bill 291(S-4)
Sponsor: Sen. Phil Pavlov
Senate Committee: Transportation
House Committee: Transportation

Complete to 10-25-11

A SUMMARY OF SENATE BILL 291 AS PASSED BY THE SENATE 6-28-11

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:

- (1) they had 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; and
- (2) they had in effect security in the amount of \$100,000 for the payment of first-party medical benefits payable if they were involved in a motorcycle accident.

However, lifting the helmet requirement would no longer apply beginning four years after the bill's effective date. (In other words, the helmet requirement would be reinstated at that date.) During that four years, the Secretary of State would be required to conduct a study of motorcycle accidents resulting in injuries or fatalities to motorcycle operators and/or motorcycle passengers. The SOS would have to report its findings to the Senate and House Transportation committees. The report would have to include all of the following factors:

- The types and severities of injuries of motorcycle operators and passengers who were wearing helmets and those who were not.
- The number of deaths of motorcycle operators and passengers who were wearing helmets and those who were not.
- The number of motorcycle operators and passengers whose accidents occurred following their use of alcohol.
- The number of motorcycle operators who had passed a certified motorcycle safety course versus those who had not.
- The weather conditions.
- Whether or not the accident occurred during a holiday weekend.

Money from the Motorcycle Safety Fund would be used to defray the cost to the SOS of complying with the study and reporting requirements.

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 21 and over 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 statute, the civil fine revenue goes to libraries. If the ticket is written under local ordinance, the civil fine revenue is split between the local court funding unit and the local government.

The bill would require the Secretary of State to conduct a study of motorcycle accidents resulting in injuries or fatalities of motorcycle operators and/or passengers. The Motorcycle Safety Fund would be used to defray the costs to the Secretary of State of conducting the study.

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