



Position Statement on Mandated Helmet Use

ABATE of New York Inc. encourages the voluntary use of helmets, gloves, sturdy footwear, and protective garments by adult motorcyclists, as part of a comprehensive motorcycle safety program. We do not support laws mandating use of helmets at all times by all riders.

ABATE of New York Inc. believes that accident prevention and avoidance are more important to significantly reducing injuries and fatalities than any mandatory equipment laws. Mandatory helmet laws do nothing to prevent accidents.

It is generally recognized and acknowledged that a motorcycle helmet is a legitimate piece of safety equipment under optimal circumstances. Unfortunately, all crashes involving motorcycles do not fit the controlled laboratory conditions under which helmets are tested. The presence of a number of variables can create situations in which a user can be severely injured. Improper fit, rapid deceleration, the angle of impact, and roadside hazards which are unlike those found in a D.O.T. Laboratory, can all contribute to severe injuries that would not have been incurred by an unhelmeted rider. Because the possibility of death or injury as a result of helmet use exists, **ABATE of New York Inc.** believes the individual rider is best suited to weigh the benefits and risks associated with that use. The amount of risk one accepts in any activity is a matter of informed personal choice.

Mandatory helmet use laws were initiated by the Federal government in the Highway Safety Act of 1966, and subsequently repealed by the Federal Aid Highway Act of 1975. Most states repealed the imposed mandatory helmet use laws for adults after the Federal pressure was removed, yet motorcycle safety statistics improved dramatically throughout the 1980's. National Highway Traffic Safety Administration (NHTSA) figures show a 30 percent decline in motorcyclist fatalities during that decade. **(1)**

More recently, Federal "incentives" to require state compliance with passage of mandatory helmet use laws were attempted again in the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991. Only one state (Maryland) complied with these "incentives", which were also repealed by the National Highway Systems Act of 1995. **There is currently no Federal penalty against states which do not have or modify existing mandatory helmet use laws.**

Motorcyclists generally exhibit a high rate of voluntary compliance with use of helmets. Where law does not require helmet use, rates of use typically range from 60 to 75 percent. Rates as high as 82 percent have been achieved with active promotion of voluntary use, and never does voluntary use fall below 50 to 55 percent. **(2)** In states lacking a mandatory helmet law, riders who had opted for certified helmets alleged by the manufacturers to meet federal safety standards, continued voluntary use of those helmets after modification of the law. A recent study shows there is a higher rate in overall motorcyclist fatalities between states that require helmet use and those that do not. (6.12 vs. 5.09 fatalities per 10,000 registrations). **(3)**

Some advocates of mandatory helmet use laws believe that uninsured costs of injured motorcyclists which must be borne by the public would increase if voluntary use is permitted. This is not supported by the experience of states which have repealed mandatory use laws. As for any burden that uninsured motorcyclists may be thought to place on health care resources, it has been consistently found that motorcyclists are as likely to be privately insured as any other motor vehicle accident victim and in some cases **more likely to be privately insured than the general population of trauma patients.****(4)**

Motorcyclists do not represent any greater potential cost to taxpayers than a person driving a car or engaging in any other activity with a potential risk, be it skiing, horseback riding, or climbing the stairs in the house. Motorcycle accidents represent less than one percent of all vehicular accidents. Compared with automobile drivers, motorcyclists represent a minuscule part of all motor vehicle accident costs.

Finally, the problem of prejudicial treatment of motorcyclists needs to be addressed. Most people do not ride motorcycles, and tend to look upon those who do as different from themselves. Motorcyclists struggle under a negative public image, largely fostered by entertainment media constantly in search of stock villains. Only a small number of motorcyclists fit the negative media image. A small number of luxury car owners may be engaged in illegal activities, but the majority of big car drivers are ordinary, hard working, prosperous citizens. The same is true of the vast majority of motorcyclists. They deserve to be treated as such by the state.

CONCLUSION:

Laws mandating helmet use at all times have no significant effect on the safety of motorcycling in general, although use of a helmet may or may not be beneficial in individual accident circumstances. The decision on when to wear a helmet while operating a motorcycle should remain with each responsible adult rider.

Toward improving motorcycle safety, **ABATE of New York Inc.** makes the following observations:

Helmets **do not** prevent accidents.

Mandatory helmet use **does not** result in lower fatality rates.

Thirty-six percent of fatal motorcycle accidents involve alcohol use. **(5)**

Thirty-two percent of all fatally injured motorcyclists are unlicensed. **(6)**

Ninety percent of all motorcycle accidents involve riders who have not taken a motorcycle safety course. (Source: Motorcycle Safety Foundation)

With the increased popularity of motorcycling as evidenced by the rising trend in sales throughout the country, **ABATE of New York Inc.** strongly favors increased funding for the Motorcycle Safety Program so that a larger percentage of new riders can receive the training required to successfully operate safely.

¹ "Motorcyclists Lead Nation in Casualty Reduction," American Motorcyclist. Westerville, Ohio (October 1989)

² A Review and Analysis of Government Claims About the Effect of Motorcycle Helmet Laws, American Motorcyclist Assn., Westerville, Ohio (April 1981)

³ National Motorcyclist Fatality Statistics Evaluated in Relationship to Voluntary Helmet Use, William E. Gannon (March 2001)

⁴ An Analysis of Injury Outcome and Insurance Status of Hospitalized Motorcyclists, Stutts, Rutledge and Martell, University of North Carolina (1991)

⁵ National Agenda for Motorcycle Safety, National Highway Traffic Safety Admin., U.S. Dept. of Transportation (November 2000)

⁶ National Agenda for Motorcycle Safety, National Highway Traffic Safety Admin, U.S. Dept. of Transportation (November 2000)