

HELMET FOR CHILD ON BIKE

House Bill 4518 (Substitute H-2) First Analysis (6-11-97)

Sponsor: Rep. David Gubow
Committee: Transportation

THE APPARENT PROBLEM:

Traffic safety laws enacted in this country over the last several years suggest a greater awareness by society-at-large of the dangers of traveling on roadways. Michigan, for instance, currently requires drivers and front-seat passengers in motor vehicles to wear seat belts, requires drivers to ensure that children under 16 are belted in and that babies one year old and younger are in specially-designed child safety seats, and mandates the wearing of helmets by motorcyclists. While some people regret the intrusive nature of such laws, most agree they have had a great impact on saving lives and reducing the number of serious injuries caused by traffic accidents. Traffic laws enacted by Michigan and other states are primarily meant to protect drivers and passengers of motor vehicles, but few laws exist to help promote safety among bicycling enthusiasts.

According to a recent report by the John's Hopkins Injury Prevention Center, bicyclists in the U.S. suffer close to 1,000 deaths and 600,000 injuries each year. Most bicycling deaths are caused by injuries to the head (a cyclist with a head injury is about 20 times more likely to die than those with other types of injuries), and a majority of bicycle accidents involve head injuries. Further, because children tend to wear helmets when riding bicycles less often than do older riders, they are more susceptible to head injuries caused in bicycle accidents. One way that children, and the very young in particular, are exposed to danger while bicycling is when they are riding in bicycle-mounted infant carrier seats. A recent report by a special state bicycle advisory committee shows that head injuries account for 65 percent of all injuries to children under five years old who are bicycle passengers in this kind of carrier. According to a National Safe Kids Campaign fact sheet, six children ages four and under were killed in 1993, more than 10,000 had sustained head injuries, and more than 22,000 suffered from face injuries from bicycle accidents. In a recent study sponsored by the Snell Memorial Foundation, it was found that no helmeted bicyclist in the study who sustained a crash in the under six-years-old group suffered a severe brain injury. New Jersey was the first state to enact legislation requiring bicyclists up to 13 years old to wear helmets. By the end of the second year after the law was enacted, New Jersey had had a 65 percent drop in bike injuries.

Currently, 15 states have enacted some form of a mandatory bike helmet law, and many other states have local laws or ordinances in effect. Some people believe a good first step toward providing safety measures for the state's bicycling citizens, and especially for its youngest enthusiasts, would be to require the wearing of helmets by bicycle riders or passengers under four years old.

THE CONTENT OF THE BILL:

The bill would amend the Michigan Vehicle Code (MCL 257.658) to make several changes with regard to requirements for riders of bicycles, mopeds, and motorcyclists to wear crash helmets.

Young children required to wear bike helmets. The bill would amend the act to require a person less than four years old who rode as a passenger on a bicycle or in a carrier or trailer attached to a bicycle to wear a properly fastened helmet that met appropriate standards approved by the Snell Memorial Foundation, the American National Standards Institute (ANSI), or the U.S. Department of Transportation. A person who allowed a child less than four years old to ride in violation of the bill's requirements would be responsible for a civil infraction.

The bill would allow a court to waive a fine or costs against a person for a violation of this provision if before the appearance date on the ticket, the person supplied proof of having purchased, rented, or acquired a helmet that met the bill's standards. The bill would further amend the code to allow local governments to adopt, enact, or enforce local laws and ordinances that differed from the previously mentioned provision. (Note: As written, however, the bill would appear to allow municipalities to adopt civil fines and sanctions different from what is specified in the code for a wide range of traffic and vehicular infractions.)

Helmet standards. The act currently requires motorcycle and moped crash helmets to be approved by the Department of State Police and requires the department to promulgate rules governing standards for

helmets. The bill would delete this language and specifies, instead, that helmets would have to meet federal standards as set forth by the U.S. Department of Transportation and have the symbol "DOT" affixed to them as required under federal rules.

Effective date. The bill would take effect May 1, 1998.

BACKGROUND INFORMATION:

Similar bills, House Bills 4842 and 4953, passed the House during the 1991-92 and 1993-94 legislative session, respectively, but did not pass the Senate.

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, the bill could result in an indeterminate increase in costs associated with enforcement actions. Further, local revenues could increase as a result of the imposition of fines and associated court costs. The actual fiscal impact would depend on the number of violations and the extent to which courts waive the fines and costs. (6-10-97)

ARGUMENTS:

For:

The bill would be a good first step toward providing for the protection and safety of the state's bicycling public by requiring children under age four who ride on bicycles or are carried in special bicycle trailers to wear properly approved helmets. Studies indicate that children of this age group who ride on or behind bicycles on special carriers are highly vulnerable to serious head injuries and, in many cases, death caused in accidents. Of course the most severe bicycle accidents involve motor vehicles, but even when bikers ride on sidewalks or other off-road places, small children carried with them are at risk of being hurt badly if the biker hits a bump or for some other reason loses control of the bike. Most traffic safety laws enacted in recent years have been aimed at protecting those who drive or ride in motor vehicles, but little has been done to protect bicyclists who share the state's busy roadways with them. Many people today fail to consider the dangers of opting not to wear helmets while bicycling, much as public understanding about the benefits of wearing seat belts was lacking prior to the enactment of seat belt laws nationwide beginning in the early 1980s. However, those who ride bicycles often realize the protection that helmets provide, and the number of older, more experienced riders who wear helmets reflects this understanding. The bill would bring this safety message to other bicyclists (especially families with younger children who ride less often) who carry or pull young children on or behind bikes in

special carriers by requiring them to ensure that children under four years old riding with them were wearing helmets.

Response:

The issue of bike safety, and especially for the very young, is of great importance. However, the bill should have an educational component added to it. Reportedly, studies have shown that educational programs increase compliance rates. Though many agree that bike helmets should be worn, some are uncomfortable with mandating helmet use, and feel a better approach would be to step up efforts to educate the public of all ages on the safety benefits of helmet use and to increase driver education and awareness that the roads must be shared safely by all who use them.

Further, some believe the bill should be expanded to require children older than four who ride bicycles to wear helmets. Many if not most of the bicycling deaths and injuries that occur each year involve children over four who, once they've learned to ride a bicycle, often ride alone or with friends along roads where motor vehicles move. Currently, fifteen states require the use of bike helmets for children in a range from under nine to up to 18 years of age (four states also require helmets for children under five who are passengers). As mentioned earlier, New Jersey saw a significant drop (65 percent) in the number of bike accidents in the under 14 age group after just the second year of requiring helmets. Frankly, many compelling reasons exist for extending the age requirement, including the fact that many children who suffer head injuries develop epilepsy up to ten to fifteen years after the accident, and that parents need help (in the form of a law) to overcome the effects of peer pressure on their children to not wear helmets. Children are too important to not make every attempt to provide for their safety and welfare.

For:

By mandating the wearing of helmets by children under four who ride on or are pulled in trailers by bicycles, the bill could help lower insurance costs passed on to all Michigan motorists via the state's no-fault laws. Most bicycling accidents involve motor vehicles, and when serious injuries or death occurs to the rider(s) of a bicycle involved in such accidents all Michigan motorists end up paying more for catastrophic health insurance premiums to cover the resulting costs.

Against:

Mandating the wearing of helmets by children under four who ride on or are pulled behind bicycles would place a difficult economic burden on lower-income families who currently enjoy the low-cost recreation that bicycling provides, and especially on families with many young children. As bicycle helmets reportedly cost up to \$30, a family with three young children could be

faced with the choice of providing the helmets for their children when riding or giving up the recreation of bicycling altogether.

Response:

Programs currently exist in some communities that attempt to lower the cost of providing helmets to young children of lower-income families involved in bicycling. According to representatives from several organizations, insurance companies and other businesses have contributed financially to such programs and would probably increase their involvement and support if the bill were enacted. Even so, the costs to a family of ensuring that every young child is wearing a helmet while bicycling seem small compared to the incalculable costs that may result if their children are exposed to dangerous bicycling situations with nothing to protect their heads.

Against:

The bill's provision to require motorcycle riders and riders of mopeds under age 19 to wear helmets that meet federal standards and are affixed with the symbol "DOT" is objectionable to some. According to representatives of biker organizations, the national Department of Transportation does not adequately test the models offered for sale before allowing the manufacturers to affix the label. Secondly, several states have declared the federal language pertaining to the helmet standard as vague and unenforceable. Further, several studies have shown that helmets increase the risk of injury and death due to neck injuries. A better approach would be to allow moped and motorcyclists the choice as to whether or not to wear a helmet, and to step up driver education and awareness (especially since 80 percent of the time, it is the car in a car/motorcycle accident that is at fault). Reportedly, 27 states currently have helmet choice and driver awareness programs and are posting some of the best safety records in the nation.

Response:

The bill's provision to delete current language requiring the Department of State Police to promulgate rules pertaining to crash helmets and substitute language requiring crash helmets to meet federal standards and be affixed with the "DOT" label simply brings the state law into consistency with section 101(d) of the federal National Traffic and Motor Vehicle Safety Act of 1966. The act requires states to require safety standards be identical to federal standards. As the federal legislation does get amended periodically, it makes sense to adopt the federal standard so that as the federal standards change, the department does not have to amend its rules. Further, the controversial issue of whether motorcyclists should be required to wear helmets at all could best be addressed comprehensively in separate legislation.

POSITIONS:

AAA Michigan supports the bill. (6-10-97)

The Department of State Police does not have a formal position on the bill, but does support the concept of bike helmet use. (6-10-97)

The following groups supplied written testimony indicating support for the use of bike helmets by children under four years of age:

--The ARC Detroit

--The Michigan State Medical Society

--The Michigan Association of Rehabilitation Organizations

--The Michigan Association for Local Public Health

--The Michigan Association of Chiefs of Police

--The Michigan Federation of Private Child and Family Agencies

--The Michigan College of Emergency Physicians

--The Grand Valley Safe Kids Coalition

--The Epilepsy Center of Michigan

The Bikers' Rights Action Group of Michigan (B.R.A.G.) opposes the bill. (6-4-97)

Analyst: S. Stutzky

■ 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.