

Are Helmets Protecting Us?

Arguments For and Against Helmet Laws



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TWC 501

A White Paper

Introduction

When one sees the intrepid motorcyclist riding down the road the word freedom conjures up. Does the freedom that one feels when on that motorcycle mean a helmet is not lawful? This is the debate that had been raging for longer than some riders have been alive. To wear a helmet or not wear a helmet, that is the question.

I originally started my paper to specifically talk about Arizona and its helmet laws. While there is still something to say about Arizona most arguments are on a national level. The debate is whether the federal government can mandate the states impose a universal law. Is the government taking away individual liberties, or are they being a responsible entity?

History of the helmet law

Helmet use laws have not always been relevant in our society. It took years before helmets were even introduced into things such as sports.

“Before 1967, only three states had motorcycle helmet use laws. The federal government in 1967 began requiring states to enact motorcycle helmet use laws in order to qualify for certain federal safety and highway construction funds. Thirty – seven states enacted helmet use laws between 1967 and 1969. by 1975, all but three states mandated helmets for all motorcyclists.”(Insurance Institute for Highway Safety, 2008)

The government had enacted this mandate feeling to was protecting its citizens. Specifically in Arizona, “ a mandatory helmet law was enacted in 1969 but it changed in 1976 to cover only those younger than 19” (Rowley, 2008) Arizona wasn't the only state to change from the universal helmet law to the limited use laws. With the help of lobbyists laws were repealed to allow anyone that the lawmakers felt was old enough to go without helmets. Some of the

states did keep the universal helmet law. As of current laws the states that mandate all riders to wear helmets are; Alabama, California, Washington D.C., Georgia, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, Nevada, New Jersey, New York, North Carolina, Oregon, Tennessee, Vermont, Virginia, Washington and West Virginia according to the ihs.org web site(ihs.org, 2008). Out of 51 states, including Washington D.C. Only 21 states have maintained the universal helmet law.

As already stated, Arizona's helmet law only covers a limited group. Those under the age of 18 are required to wear a helmet. Arizona doesn't have a specific requirement for the standards of those helmets. On the Arizona Governors Office of Highway Safety it states that it must be Department of Transportation (DOT) approved. "At a minimum, motorcycle riders should wear ... DOT approved helmet." (Buckner, 2008) The DOT approved helmet is the federal government standard for protection. The helmet is put through testing that should determine the strength of impacts on each helmet style and brand. DOT is not the only testing body in the helmet world. The Snell Memorial Foundation, Inc is a privately funded research facility. Snell has raised the standard for what is considered acceptable.

To Wear or Not to Wear?

There are arguments on both side of the spectrum. One argument being heard across America is, why are we being forced to wear a helmet by the government? The other side of course is arguing that helmets save lives. There have been many groups formed out of the helmet laws petitioning against them. One can argue that it is their individual right, their freedom to not wear a helmet. Some may say that going without the bucket on your head is an unwise choice. Do either have the right to say that wearing a helmet is either lawful or unlawful?

I'm not wearing that!

Motorcyclist love the feeling of the open road. The feeling of the air around them, the

feeling of the road right below your feet. To the many groups against mandatory helmet laws this is the very nature they way to keep sacred. “The Helmet Law Defense League was created in 1993 and opposes state mandated laws requiring helmets. The group claims that the laws are unconstitutional, arguing that states do not have the right to impose safety regulations on individuals as part of their police powers, and that the term 'helmet' is too vague to be legally enforceable.” (Wikipedia, 2008)

Lobbying has been an effective means for keeping helmet laws at bay. At one time the law covered all riders, hardly a decade later more than half the states reversed it. According to Thomas Frank of USA Today:

Motorcyclist pushed Congress to bar the National Highway Traffic Safety Administration (NHTSA) from lobbying as state legislatures considered repealing helmet laws in the late 1990s. The law blocked NHSTA from giving legislators a video about helmets (2007, pg3A).

A often touted reason for not wearing helmets is that many riders feel they are more of a danger than a safety precaution. Helmets may cause more injury than it prevents. Helmets are often cumbersome, heavy and tight. According to the Helmet Law Defense League, “ We believe that helmets are dangerous in many situations, in that in addition to the commonly accepted problems – vision and hearing impairment, heat retention, and others – the weight and design of most of the traditionally accepted helmet styles make them a serious threat to the neck, particularly a young neck.” (1997, usff.com)

There are also many different styles of helmets, ranging from different materials to different designs. How easy is it to determine which of the styles is going to be most protective? Manufacturers have different techniques when it comes to production, like any other production type product. Some helmets are made stiffer while others are made with softer lining. As stated by Ted Laturnus of The Globe and Mail, “some helmets are too hard; they do not offer an energy-absorbing crumple zone. Most helmets have a Styrofoam or polystyrene lining – but some utilize a one-piece fitting, while others mould several pieces together. No one seems to know for sure which is the better arrangement.” Numerous studies are continuously going on to determine the safety of helmets. Sometimes the measurements

can be a bit drastic. Are there too many safety precautions going into testing, making helmets unsafe? An online motorcyclist magazine recently did a study of helmet safety testing. The issue was helmet stiffness. The stiffer the helmet gets the less force it is able to absorb. There are some people that feel the Snell standard is too high. They put helmets through a battery of testing. "But as helmet technology has improved and accident research has accumulated, many head-injury experts feel Snell M2000 and M2005 standards are, to quote Dr. Harry Hurt of the Hurt Report fame, 'A little excessive.'" (2008, Motorcyclistonline.com) A helmet that has extremely hard lining probably won't make that much of a difference when you crash; since its not absorbing as much of the impact. As stated by motorcyclistonline.com, "if a helmet is too stiff it can be less able to prevent brain injury in the kinds of crashes you're most likely to have. And if its too soft, it might not protect you in a violent, high-energy crash." The helmet companies would like to think they are making the right helmet, but as the debate goes, how do they know when the helmet is perfect?

Why wouldn't you wear a helmet?

On the other side of the fence are the pro-helmet debaters. This group isn't trying to take away the riders freedom, but they are trying to save lives. Who can argue with a person trying to look out for your best interest? There is compelling information for mandatory helmet use. In Arizona alone, according to the Arizona Department of Transportation, there were 3,333 motorcycle accidents in 2006. Of those 155 people were killed in the accidents. From 2005 to 2006 the percentage of change in the amount of injuries went up 14.11% while the amount killed went up 6.16%. Out of the fatal crashes helmets were only used 3.91% of the time, and those without injuries wore helmets 18.14%. (Buckner, 2008) These are staggering amounts when considering the population of motorcycles on the road.

Graph provided by Arizona Department of Transportation

Table 8 - 8

MC Operator's Helmet Use

Severity of Injury	Helmet Used	Percent of Total	No Helmet	Percent of Total	Unknown	Percent of Total	Total	Percent of Total
Fatal	47	3.91%	78	5.34%	14	1.86%	139	4.07%
Incapacitating Injury	240	19.97%	318	21.64%	128	17.00%	684	20.03%
No Injury	218	18.14%	262	17.95%	150	19.92%	630	18.45%
Non-Incapacitating Injury	500	41.60%	569	38.97%	247	32.80%	1,316	38.54%
Possible Injury	191	15.89%	218	14.93%	149	19.79%	558	16.34%
Unknown	6	0.50%	17	1.16%	65	8.63%	88	2.58%
TOTALS	1,202	100.00%	1,460	100.00%	753	100.00%	3,415	100.00%

In Pima County alone, according to the Tucson Citizen Newspaper, “88 motorcyclists and their passengers were killed in collisions between 2002 and 2006; of those 54 were either not wearing a helmet or wearing one incorrectly.” A state that has showed the universal helmet law can work is California. Per the U.S. Roads web site;

“California's use law covering all riders took effect January 1, 1993. Helmet use jumped from about 50 percent prior to the law to 99 percent afterward. During the same period, the number of motorcycle fatalities decreased 39 percent, from 523 in 1991 to 327 in 1992.”

This shows a large number of lives saved from helmet use. It by no means guarantees that injury won't occur, but it greatly increases your chances of survival. If a helmet is going to decrease the risk of injury, then why are so many riders against it? Apart from the usual banter of, I can do what I want, it my body statement; many state rider impairment. Rider impairment is their inability to hear or see while using a helmet. It could possibly be blamed on the loud roar of the engine rather than the helmet. As for the vision issue, in a car we turn around to look behind us when switching lanes, is that not the same for a motorcycle? Possibly turning around could solve that issue. Its not a matter of personal opinion, according to the Hurt Study per the Connecticut Department of Transportation; “safety helmet use

caused no attenuation of critical traffic sounds, no limitation of pre-crash visual field, and no fatigue or loss of attention; no element of accident causation was related to helmet use.” (2003, Busch)

The Hurt Report, according to Wikipedia is, “ a study on motorcycle safety published in 1981. It is named for the primary author, Dr. Harry Hurt. Its findings significantly advanced the knowledge of causes of motorcycle accidents.” (Wikipedia, 2008) This study is still relevant today as the amount of motorcycles on the road increases. Per the report as stated on the Connecticut Department of Transportation web site;

“ 47. The use of the safety helmet is the single critical factor in the prevention of reduction of head injury; the safety helmet which complies with FMVSS 218 is a significantly effective injury countermeasure.

50. Helmeted riders and passengers showed significantly lower head and neck injury for all types of injury, at all levels of injury severity.

52. There is no liability for neck injury by wearing a safety helmet; helmeted riders had less neck injuries than unhelmeted riders. Only four minor injuries were attributed to helmet use, and in each case the helmet prevented possible critical or fatal head injury.

53. sixty percent of the motorcyclists were not wearing safety helmets at the time of the accident. Of this group, 26% said they did not wear helmets because they were uncomfortable and inconvenient, and 53% simply had no expectation of accident involvement.” (2003, Busch)

All of the data collected for this study shows how successful helmet use can be. No one ever expects to get into an accident no matter what vehicle they are driving, yet most people still wear a seat belt.

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Graph provided by Arizona Department of Transportation

Conclusion

Everyone has their own opinions on this debate. Whether they are for helmet use for all riders or prefer to make their own decision. This is a delicate debate, straddling the line on safety issues. This debate can be a very personal at times and feelings may flair. Is wearing a helmet going to cause more problems than not wearing one? This is the fundamental question every rider encounters when getting on a motorcycle. This report is an attempt to be as unbiased in the use of facts as possible. Giving both sides of the argument without commentary, in hopes that the reader will come to their own conclusion.

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