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December 12, 2011


The Honorable Rick Snyder
Governor of Michigan
State Capitol
P.O. Box 30013
Lansing, Michigan 48909


Dear Governor Snyder:


THE HIGH COSTS OF HELMET-LAW REPEAL

The Skilled Motorcyclist Association—Responsible, Trained and Educated Riders, Inc. (SMARTER at www.smarter-usa.org) **urges you to veto any legislation that may reach your desk that would repeal our current life- and dollar-saving all-rider motorcycle helmet law. The current bill is SB 291.** We are a member-based association of responsible motorcyclists, many of whom are also motorcyclist safety advocates who have dedicated extensive time and energy to developing and maintaining Michigan's current high quality motorcyclist safety program. We are deeply concerned at the possibility of eroding Michigan's current safety standards. We respectfully submit the following information in support of our position to maintain our current all-rider motorcycle helmet law.

1. There is simply no logical reason to repeal our current law.

 The research is clear, overwhelming, and undeniable. Every reputable safety research organization in the world supports the use of helmets. The evidence is so overwhelmingly conclusive that our government has an ethical obligation to protect and ensure the safety of our citizens by keeping the current all-rider helmet law in place. The Centers for Disease Control (CDC) National Center for Injury Prevention and Control has concluded, **“The single most effective way for states to save lives and save money is a universal helmet law.”**

 CDC data show that our current helmet law saves 25 lives and \$43 million per year per 100,000 registered motorcycles. Given that in 2010 Michigan had 266,772 motorcycle registrations (Michigan Traffic Crash Facts), we could expect an annual increase of as many as 66 deaths and nearly \$115 million in costs.

 Christopher A. Hart, Vice Chairman of the National Transportation Safety Board (NTSB), stated in reference to repeal of helmet laws, in his October 26, 2011, statement to the Michigan House of Representatives Committee on Transportation, **“Unfortunately, these repeals have amounted to a vast experiment affirming the effectiveness of helmet laws and regulations in reducing death and injury.”**

Repeal of helmet laws results in an increase in death and injuries and increased societal costs. The emotional toll on Michigan citizens who lose a friend or loved one in a motorcycle crash has a steep financial counterpart that we all pay.

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Dan Petterson, Ed.D.

Vice-Chairperson
Jorge Cerame





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2. Michigan's own motorcyclist safety experts support our current law.

-  In December 2004, the Governor's Traffic Safety Advisory Commission developed the State of Michigan Strategic Highway Safety Plan (SHSP). The number-one strategy pertaining to motorcyclist safety put forth then remains in the 2009–2012 SHSP: "Maintain helmet laws and enforce the use of federal motor vehicle safety standard (FMVSS) 218 compliant helmets."
-  The number-one recommendation of the February 2005 Michigan Office of Highway Safety Planning (OHSP) Motorcycle Program Assessment as it pertained to the topic of motorcyclist personal protective equipment was to "maintain the current motorcycle helmet use law that covers all riders in support of a Governor's Traffic Safety Advisory Committee Strategy."
-  The Michigan Motorcycle Safety Action Plan was completed in April 2006. This plan included the recommendations "Enforce the use of FMVSS 218 compliant helmets," within the enforcement section, and "Maintain helmet laws and the use of FMVSS 218 compliant helmets," within the legislative section.
-  A document entitled "Data Trends after the Repeal of Mandatory Motorcycle Helmet Laws in US and Estimated Socioeconomic Effects of Repealing Michigan's Universal Helmet Law," completed by Michigan OHSP and released in February of 2011, concludes: "It is clear the repeal of universal helmet laws [has] a lasting effect on the community: riders and non-riders, short term and long term. Statistical evidence confirms the use of helmets by motorcyclists and passengers saves lives."





In light of all the above, we cannot help but ask, "Why have our taxpayer dollars been spent to study this issue and pay for research if our elected officials ignore the results? Why do they act as if they know better than the paid experts?" It is our hope that you will heed the expertise we have paid for and that you will make your decision based on fact, solid research, and expert opinion—not on emotion, lobbyist-group desires, or false and misleading information.

3. Our current helmet law is supported by a majority of individual Michigan citizens and a number of state as well as national agencies and organizations.

-  A March 14, 2011, survey by Marketing Research Group indicated that 81 percent of likely Michigan voters favored maintaining our current law (www.mrgmi.com).
-  An April 15, 2011, news release by AAA of Michigan, which referenced surveys of AAA Michigan members over many years, also confirmed ongoing, overwhelming support for the law. In this year's member survey, 90 percent favored keeping the helmet law, while only 10 percent opposed it (<http://www.michiganaaa.com/>).
-  A July 12, 2011, EPIC-MRA telephone poll of 600 respondents indicated that 68 percent opposed repeal, 31 percent favored repeal, and 1 percent of those polled were undecided (www.epicmra.com).
-  Enclosed is a list of numerous highly reputable state and national agencies and organizations that support our current law, in contrast to the one biker group that wants repeal.



It makes logical sense to support the current law. ABATE of Michigan represents a tiny fraction of the state's motorcycle riders (estimated at 4,000—less than 1 percent of the citizens in Michigan who have a cycle endorsement) and an infinitesimal number of its registered voters. We hope you will align your position with that of these highly respected organizations and that you will veto any repeal bills, such that the will of the majority of the voting public will be respected.

4. Repealing the helmet law will result in increased monetary costs to society.

-  Unhelmeted motorcyclists have been proven to increase financial burden in Michigan. A University of Michigan study revealed unhelmeted riders had 20 percent higher initial hospitalization costs and nearly double the initial rehabilitation costs compared to the costs incurred by helmeted riders.
-  Medical costs increase and cause a related tax burden due to long-term care of injured motorcyclists. The National Highway Traffic Safety Administration (NHTSA) cites research that found only slightly more than half of motorcycle crash victims have private insurance. For patients without private insurance, medical costs are borne by the government and thus ultimately by taxpayers.
-  Michael L. Prince, Director of the Michigan Office of Highway Safety Planning, stated in part, in a June 2008 press release, “Based on analysis conducted by our office, if Michigan’s mandatory motorcycle helmet law was to be repealed, the state should expect to see an annual increase of at least 30 fatalities, 127 incapacitating injuries and \$129 million in economic costs.”
-  According to the University of Michigan Traffic Research Institute (Societal Costs of Traffic Crashes and Crimes in Michigan: 2011 Update), crash-involved motorcyclists already account for \$400 million in annual monetary costs for the motorcyclist only, not including the occupants of other vehicles who may have also been involved and not including the nonmonetary quality-of-life costs suffered by families. Why add to an already high cost?



You have previously said that you would support changes to Michigan’s mandatory helmet law “only if other motorists don’t pay more as a result.” The above findings clearly indicate that taxpayers and motorists would pay more, as much as an additional \$114.7 million in costs *annually*, as earlier cited, using the CDC multiplier of \$43 million that our current law saves us per 100,000 registered motorcycles. **Helmet repeal amounts to a tax on every Michigan citizen just so a few bikers can ride with the wind in their hair.**

5. Repeal would negatively impact your performance-based safety efforts in Michigan; would undermine the significant contributions of motorcyclist safety professionals, your administration, and the administrations of previous governors; and would be inconsistent with other enactments to keep Michigan citizens safe.

-  Making the reduction of motor vehicle fatalities and serious injuries a key performance measure in your Infrastructure Dashboard was a move motorcyclist safety advocates support. Michigan also has a reputation for supporting a quality comprehensive motorcyclist safety program. Many members of our association have given extensively to support Michigan’s motorcyclist safety effort as RiderCoaches, RiderCoach Trainers, regional program coordinators, members of the Motorcycle Action Team of the Governor’s Traffic Safety Advisory Commission, members of the Secretary of State Advisory Committee, third-party testers, and quality improvement team members.
-  It is not fair or logical to repeal a nonintrusive safety requirement for motorcyclists and not provide the same opportunity for automobile drivers to go without seat belts, boaters without life preservers, or hunters without hunter orange. Arguably, such action would be discriminatory and biased. Governments, however, have a responsibility—in fact an ethical obligation, as earlier mentioned—to support citizen-safety efforts, which is why the examples cited *and* the requirement to wear a motorcycle helmet are reasonable and appropriate.



The comprehensive approach in place now, which includes initiatives and legislation designed to reduce risk, is needed to achieve Michigan's traffic-safety and overall well-being goals. The combined efforts of all Michigan's safety professionals are improving the safety culture in our state. If SB 291 were to become law, it would constitute a major mistake that would cut a huge hole in our motorcyclist safety efforts.

6. The proposed law would be completely unenforceable, and as such it would not protect vulnerable young riders.

-  In its November letter to you, the Michigan Association of Traffic Accident Investigators stated:
Part of the legislation (House Substitute SB 291) causes further concern. If it were adopted, the provisions which require having a motorcycle endorsement for 2 years or an approved motorcycle safety course, obtain the minimum age of 21 and a \$20,000.00 medical benefit security are virtually useless to the Officer on the street. There is no method in place for an Officer to verify that these provisions have been met.
-  Young riders are not protected by partial-coverage laws—like the proposed legislation. In Florida, enactment of a partial law caused the deaths of so-called protected riders, those under 21 years of age, to increase by an alarming 188 percent.

The research on this is clear: *Partial-coverage laws are like having no law at all.* An all-rider helmet law is the only effective method shown to protect young riders.

7. All the arguments against helmets and helmet laws have major flaws.

-  Helmets do not contribute to any significant injuries. In fact to the contrary, recent research on whether helmets contribute to causing neck injuries concluded that “Helmeted motorcyclists are less likely to suffer a cervical spine injury after a motorcycle collision.” (<http://www.dor.state.ne.us/nohs/pdf/HelmetsSpine.pdf>)
-  There is no research to support the claim that helmets increase the incidence of accidents due to limited vision and hearing. The federal DOT standard requires that helmets provide 210 degrees of horizontal peripheral vision; normal peripheral vision is between 180 and 200 degrees; and the license standard in Michigan is 140 degrees, with exceptions made for individuals who have sight in only one eye. Furthermore, a nonhearing person can obtain a Michigan driver license, presumably based on the lack of any data that hearing is a significant factor in the ability to detect hazards.

Legislators are responding to decades of pressure from the minority biker group ABATE. Information provided to legislators and public statements by ABATE representatives to argue for their personal cause are often either highly misleading or are completely unsupported by quality research. A top priority of the Skilled Motorcyclist Association—Responsible, Trained and Educated Riders, Inc., has been to combat this misinformation by providing accurate and research-based facts. We have made the research that supports the effectiveness of helmets and all-rider helmet laws easily accessible on our Web site.

In summary, the helmet issue is NOT a simple “it only affects me” or a simple “freedom of choice” issue. It is part of a much more complicated citizen-safety effort, and our best effort must include a mandatory helmet law covering all riders. Many legislators were elected based on their promise to provide “less government” and to “fix” our economy. Repealing our helmet law will be less governmental regulation for a few bikers, but will place an enormous financial burden on all the

other citizens of Michigan—a burden that will continue to mount year after year to pay for the additional costs. **Michigan citizens want good government, not just less government. Citizens want costs controlled, not unnecessarily increased. The Michigan public might be willing to pay for better education, better roads, or programs that will lead to more jobs, but the public should not have to pay simply to fulfill the selfish wish of a few bikers.**

Again, the research is undeniable and overwhelming. Dan Petterson, president of SMARTER, and Bill Gossard, Motorcyclist Safety Program Coordinator with NTSB's Safety Advocacy Division, shared the fundamentals of this research with your Deputy Director of Strategy, Phillip M. Jeffery, during a meeting on June 24, 2011. We urge you not to overlook incontestable scientific evidence regarding maintaining our current life- and dollar-saving all-rider motorcycle helmet law. In this time of health care reform, laws that save health care dollars and resources are crucial. Repealing or weakening our current mandatory helmet law would directly contravene our state's declared priorities of economic revitalization and growth and improving the health, safety, and well-being of Michigan's citizens. We therefore urge you to VETO motorcycle helmet law repeal.

Please do not hesitate to contact the undersigned if you have questions or need assistance in locating the research.

Respectfully,

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Enclosure

cc: Phillip M. Jeffery



Michigan Helmet-Law Supporters

The following agencies/organizations have gone on record as supporting Michigan's current mandatory motorcycle helmet law:

AAA Michigan
Advocates for Highway and Auto Safety
Allstate Insurance Company
American College of Emergency Physicians
American College of Surgeons
Brain Injury Association of Michigan
Calhoun County Medical Society
Center for Rural Emergency Medicine
Emergency Nurses Association
Emergency Nurses CARE
Epilepsy Foundation of Michigan
General Federation of Women's Clubs
Genesee County Medical Society
Governors Highway Safety Association
Governor's Traffic Safety Advisory Commission (Michigan)
Hurley Medical Center-Trauma Unit
Ingham County Medical Society
Insurance Institute for Highway Safety
Insurance Institute of Michigan
Jackson County Medical Society
Kalamazoo Academy of Medicine
Kent County Medical Society
Macomb County Medical Society
Marquette/Alger County Medical Society
Metropolitan Hospital
Michigan Association of Chiefs of Police
Michigan Association of Insurance Agents
Michigan Association of Traffic Accident Investigators
Michigan College of Emergency Medical Physicians
Michigan Health & Hospital Association
Michigan Motorcycle Safety Advisory Committee
(2006/07 Department of State)
Michigan Nurses Association
Michigan Office of Highway Safety Planning
Michigan Osteopathic Association



Michigan Sheriffs' Association
Michigan State Medical Society
Motorcycle Industry Council
Muskegon County Medical Society
National Center for Injury Prevention and Control
National Conference of Black Mayors
National Safety Council
National Transportation Safety Board
Nationwide Insurance
Oakland County Medical Society
Prosecuting Attorneys Association of Michigan
Prudential Insurance
Saginaw County Medical Society
Saint Joseph Mercy Health System
**Skilled Motorcyclist Association—Responsible, Trained and
Educated Riders, Inc. (SMARTER)**
State Farm Insurance
Students Against Destructive Decisions
University of Michigan Health System
University of Michigan Transportation Research Institute
Washtenaw County Medical Society
Wayne County Medical Society of Southeast Michigan

Editorials

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Detroit News (2010, 2011)
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Michigan Auto Law: Gursten, Steven
Michigan Radio: Lessenberry, Jack (06/08/11)
Muskegon Chronicle (2010)
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Oakland Press, (11/09/11)