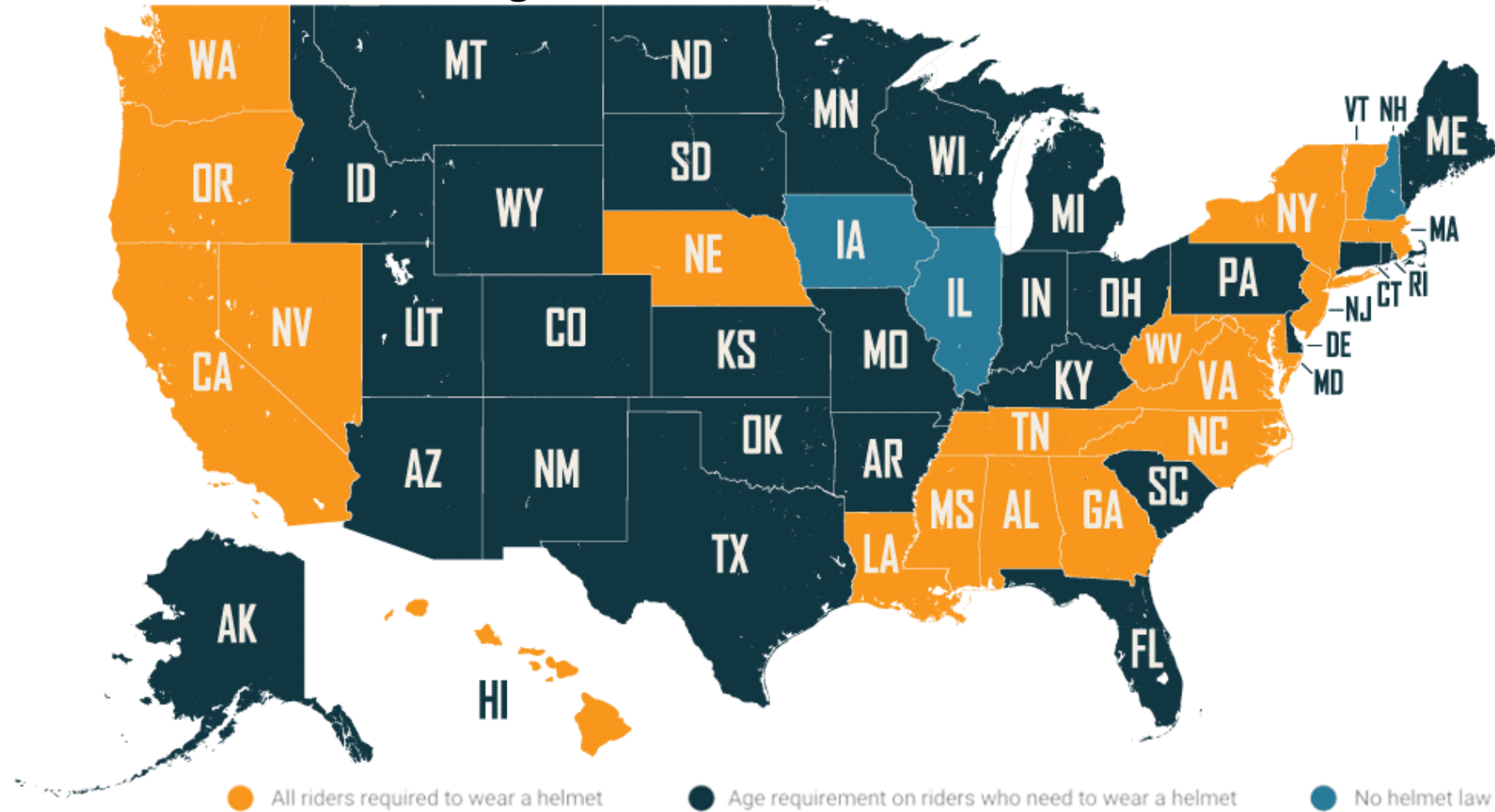


Nebraska became an island in the middle of the country being the only remaining state to mandate helmet use.



State Helmet laws

There are only three states that do not have motorcycle helmet laws: [Illinois](#), [Iowa](#), and [New Hampshire](#).

Nineteen states require that all riders wear a helmet. Eighteen states require riders 17 and younger to wear helmets, and nine states require riders 20 and younger to wear helmets. [Delaware](#) requires riders 18 and younger to wear helmets, and [Missouri](#) sets the age as 25.

Helmet Failures

No helmets are “certified” by the Department of Transportation. Each helmet is required to meet FMVSS 218 standard to place the DOT sticker on the back of the helmet to say it is compliant. The DOT does test helmets randomly yearly and of that on average from the past 5-year period **66.1% failed to meet the requirements**. Very few recalls are ever issued ... one of the tests is impact dropped from approximately 9.8’ simulating approximately 13 mph.

**Data from NHTSA office of vehicle safety Compliance, compliance database*

year	# tested	passed	failed	% failed
2017	35	17	18	51.4%
2018	22	2	20	90.9%
2019	56	10	46	82.1%
2020	32	10	22	68.8%
2021	24	15	9	37.5%
			AVG. Failed	66.1%



Rise in Insurance Costs Debunked

- The following data has been summarized from The Kaiser Family Foundation data from 2012 by Matt Danielson

- Every year it seems that the same arguments are rolled out in order to encourage universal helmet laws. Critics of helmet choice often cite studies which claim that allowing motorcyclists to ride without helmets increases public costs and results in increased injuries and fatalities.
- BUT
- Are these studies predicated on reliable data?
- “Facts from paper are not the same as facts from people. The reliability of the people giving you the facts is as important as the facts themselves.”
- Harold S. Geneen Former CEO of ITT Corporation
- Let’s take a look at 5 facts that you won’t see in these studies

• **FACT #1 ... Evidence does not support the claim that laws allowing adult motorcycle riders to choose whether or not to wear a helmet result in increased health care costs.**

• Supporting Data

• In its recent review of hospital expenses around the country, the Kaiser Family Foundation broke down inpatient hospital expenses per day in 2012.

• They did this for each state and the District of Columbia.

• The average daily inpatient hospital cost for states which had mandatory motorcycle helmet laws was \$2,047

• The average daily inpatient hospital cost for states which allowed adult riders to choose whether or not to wear a motorcycle helmet was \$1,987

• **Conclusion**

• **That means that patients in states which had mandatory helmet laws paid an average of \$60 more per day for inpatient hospital care than did patients in states which allowed adult riders to make their own choice on the issue.**

• **FACT #2 ... Evidence does not support the claim that laws allowing adult motorcycle riders to choose whether or not to wear a helmet result in increased *yearly* health care premiums.**

• Supporting Data

• The most recent report of the Joint Economic Committee of the United States Congress on state by state premiums looked at yearly health insurance premium payments through 2006.

• The average yearly premium in 2006 for single health care coverage in states which had mandatory motorcycle helmet laws was \$4,390

• The average yearly premium for single health care coverage in states which allowed adult riders to choose whether or not to wear a motorcycle helmet was \$4,335

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• **Conclusion**

• **The average yearly premium for single health care coverage in 2006 was \$55 more in states with mandatory motorcycle helmet laws than it was in states which allowed adults to make their own choice on the issue.**

- Supporting Data
- The average yearly premium for *family* health care coverage in states which had mandatory motorcycle helmet laws \$11,847
- The average yearly premium for family health care coverage in states which allowed adult riders to choose whether or not to wear a motorcycle helmet was \$11,490
- **Conclusion**
- **The average yearly premium for family health care coverage in 2006 was \$357 more in states with mandatory motorcycle helmet laws than it was in states which allowed adults to make their own choice on the issue.**

- **FACT #3... Evidence does not support the claim that laws allowing adult motorcycle riders to choose whether or not to wear a helmet result in increased monthly health care premiums.**
- Supporting Data
- The most recent report on the subject of average monthly individual health care premiums by the Kaiser Family Foundation looked at average monthly individual health care premiums by state for the year 2013.
- The average monthly individual health care premium in states which had mandatory motorcycle helmet laws was \$267.53
- The average monthly individual health care premium in states which allowed adult riders to choose whether or not to wear a motorcycle helmet was \$245.26.
- **Conclusion**
- **In 2013, people in states with mandatory motorcycle helmet laws paid on average \$22.27 more per month for individual health care coverage than did people in states which allowed adults to make their own choice on the issue.**

- **FACT #4 ... Evidence does not support the claim that laws allowing adult motorcycle riders to choose whether or not to wear a helmet result in increased motor vehicle insurance rates.**
- Supporting Data
- Insure.com has once again released its yearly report on motor vehicle insurance rates for each state.
- The latest report looks at motor vehicle insurance rates in each state for the year 2014.
- On average, people in states which had mandatory motorcycle helmet laws paid \$1,582.45 for motor vehicle insurance.
- Compare that to \$1,451.45 for people who lived in states which allowed adult riders to choose whether or not to wear a motorcycle helmet.
- **Conclusion**
- **This means that in 2014, people who lived in states with mandatory motorcycle helmet laws paid on average \$131 more for motor vehicle insurance than did people who lived in states which allowed adults to make their own choice on the issue.**

- **FACT #5 ... Groups such as the Centers for Disease Control (CDC) and Advocates for Highway and Auto Safety take the position that training and education is of little to no value when it comes to motorcycle safety.**
- They and other “safety” organizations take the position that universal motorcycle helmet laws are the only proven method of reducing motorcycle fatalities.
- **Their Own Words**
- “Helmets are the only safety measure proven to save lives”
- Motorcycle safety – How to Save Lives and Save Money, Center for Disease Control and Prevention – June 2012
- “While basic rider courses teach important skills, the effectiveness of training as a safety countermeasure to reduce motorcycle crashes is unclear”
- Traffic Safety Facts, National Highway Traffic Safety Administration - March, 2010
- “There is no scientific evidence that motorcycle rider training reduces crash risk and is an adequate substitute for an all-rider helmet law”
- Lethal Loopholes, Advocates for Highway & Auto Safety - January 2015

- **Is there data to support such claims?**

- **Data**

- According to the National Highway Traffic Safety Administration (NHTSA), between 2005 and 2012 motorcycle registrations have increased 36% nationwide while motorcycle fatalities per 100,000 registered motorcycles have decreased 20%.
- NHTSA's own data shows that during that same period motorcycle vehicle miles traveled increased 104% while motorcycle fatalities per 100 million vehicle miles traveled decreased 47%.

- **Application of the Data**

- So what do we know about the time period between 2005 and 2012?
- Between 2005 and 2012 there has been an increased emphasis on motorcycle training and education.
- Forty-Seven states currently have state legislated motorcycle training programs in place; the other three have private training facilities.
- Rider education and training focuses on avoiding a crash rather than merely surviving one. Regardless of the effectiveness of any piece of gear, there is no such thing as a safe crash. The only safe crash is the one that does not occur. That is the goal of training and education, to keep the crashes from occurring in the first place.

- What else do we know about the time period between 2005 and 2012?
- **Not a single state instituted a mandatory motorcycle helmet law**
- **NOT ONE**
- **In fact, one, Michigan, actually amended their law to allow adults to make their own choice.**
- **Conclusion:**
- **Rider training and education is a proven safety measure to reduce motorcycle fatalities.**

- We must set the record straight when we see opinions offered as facts. If we don't, they will be accepted as facts.
- NHTSA recently announced a Notice of Proposed Rulemaking to amend Federal Motor Vehicle Safety Standard (FMVSS) No. 218, which concerns motorcycle safety helmets.
- NHTSA proposes to modify the existing performance requirements of the standard by adding construction requirements.
- The objective is to aid law enforcement officers in enforcing local state helmet laws which have adopted FMVSS No. 218.
- The MRF and numerous SMROs have submitted comments pointing out the problems with the proposed amendments.
- **The proposal fails to take into consideration the rapid pace of technological change in this area. The proposed dimension and compression requirements will effectively shut out manufacturers who use technology to construct superior helmets. NHTSA's answer to this is to create a list of helmets which will be exempt from the construction requirements. The helmets on this list will comply with the performance requirements of FMVSS No. 218 but fail to meet its proposed construction requirements. That strategy creates a worse problem. The law enforcement officer on the street will not have immediate access to such a list. This is likely to result in needless detentions and wrongful citations.**

- **The MRF believes that motorcycle helmet enforcement is a state issue and not a federal issue.**
- Motorcycle helmet laws vary from state to state.
- If a particular state is having an issue enforcing its own motorcycle helmet law, that problem is best addressed by that state's elected officials not by NHTSA.

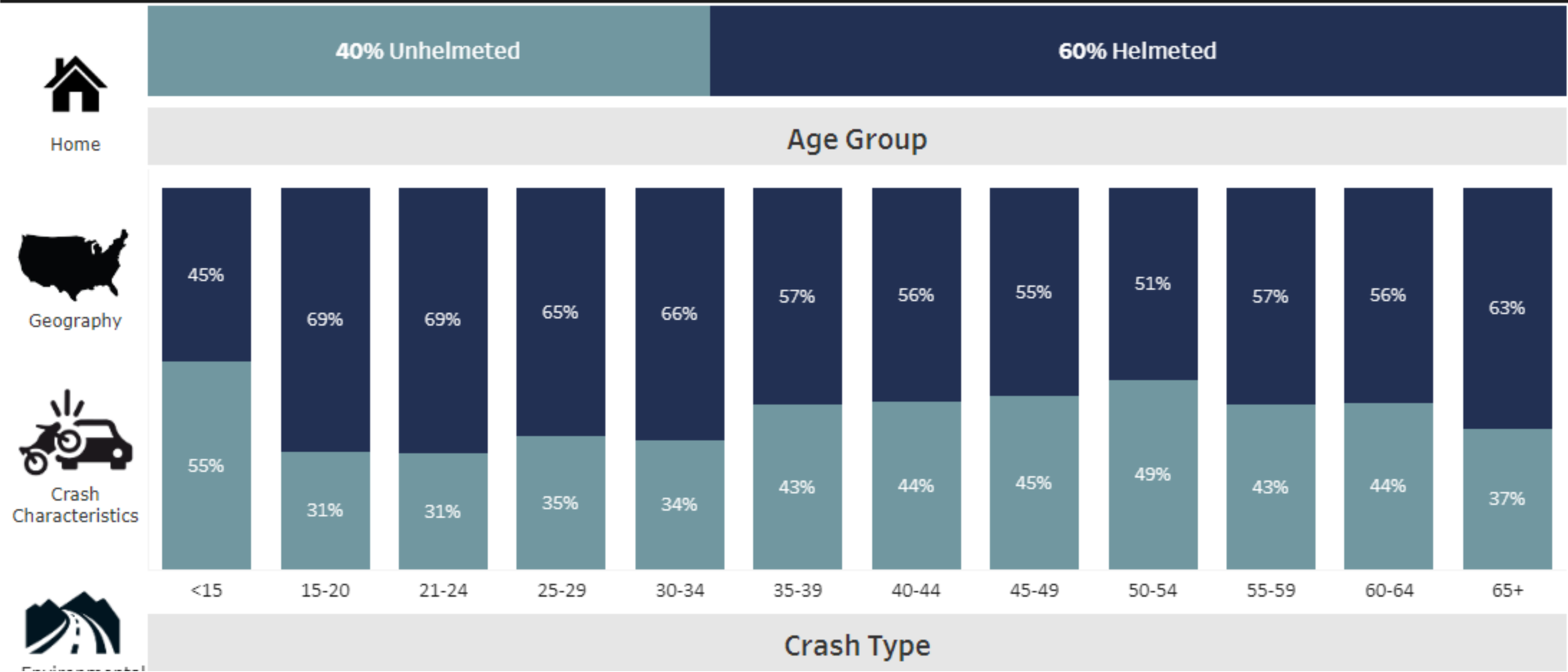
- **“Educate and inform the whole mass of the people... They are the only sure reliance for the preservation of our liberty.”**
- **Thomas Jefferson**
-
- Prepared by Matt Danielson Matt@motorcyclelawgroup.com

National / State Traffic data

*Data in following pages all from NHTSA Fatality Reporting System (FARS)
Online portal

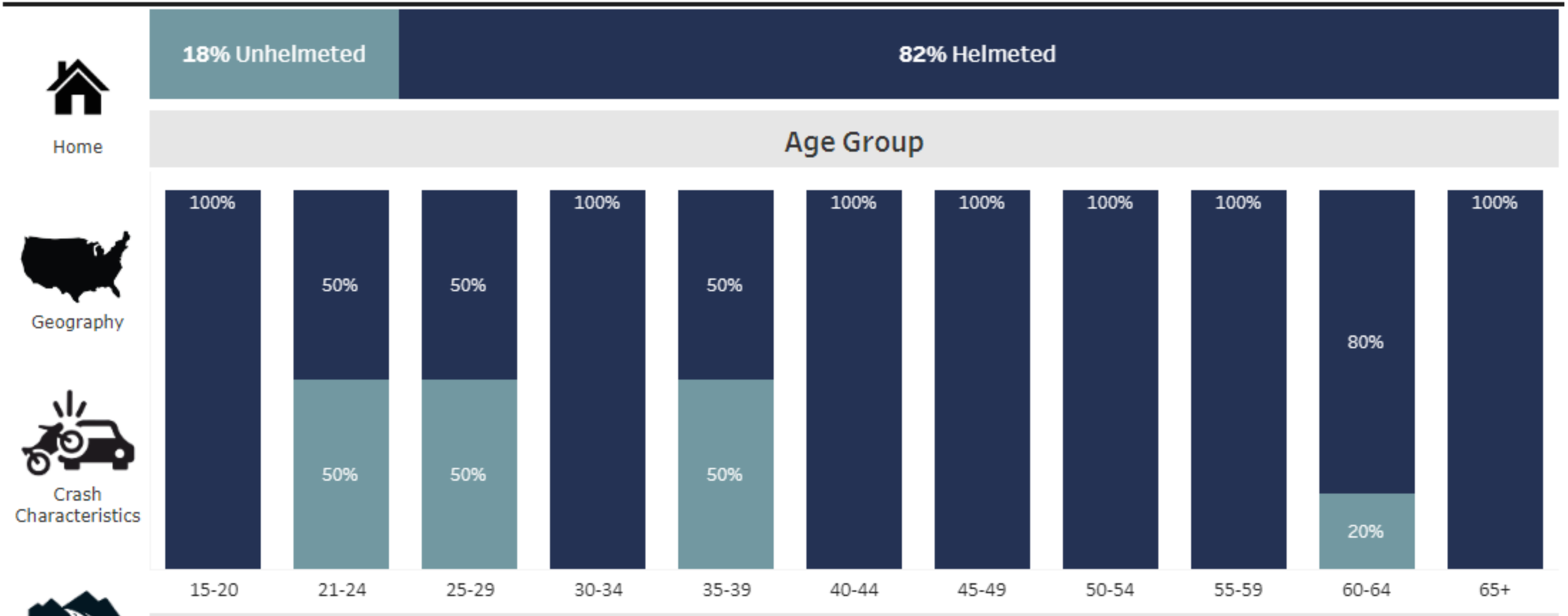
2020 Crash Data Nationally 60% of all Motorcycle fatalities were wearing helmets despite only 19 states having mandatory laws

Motorcyclists in Fatal Crashes, by Helmet Use



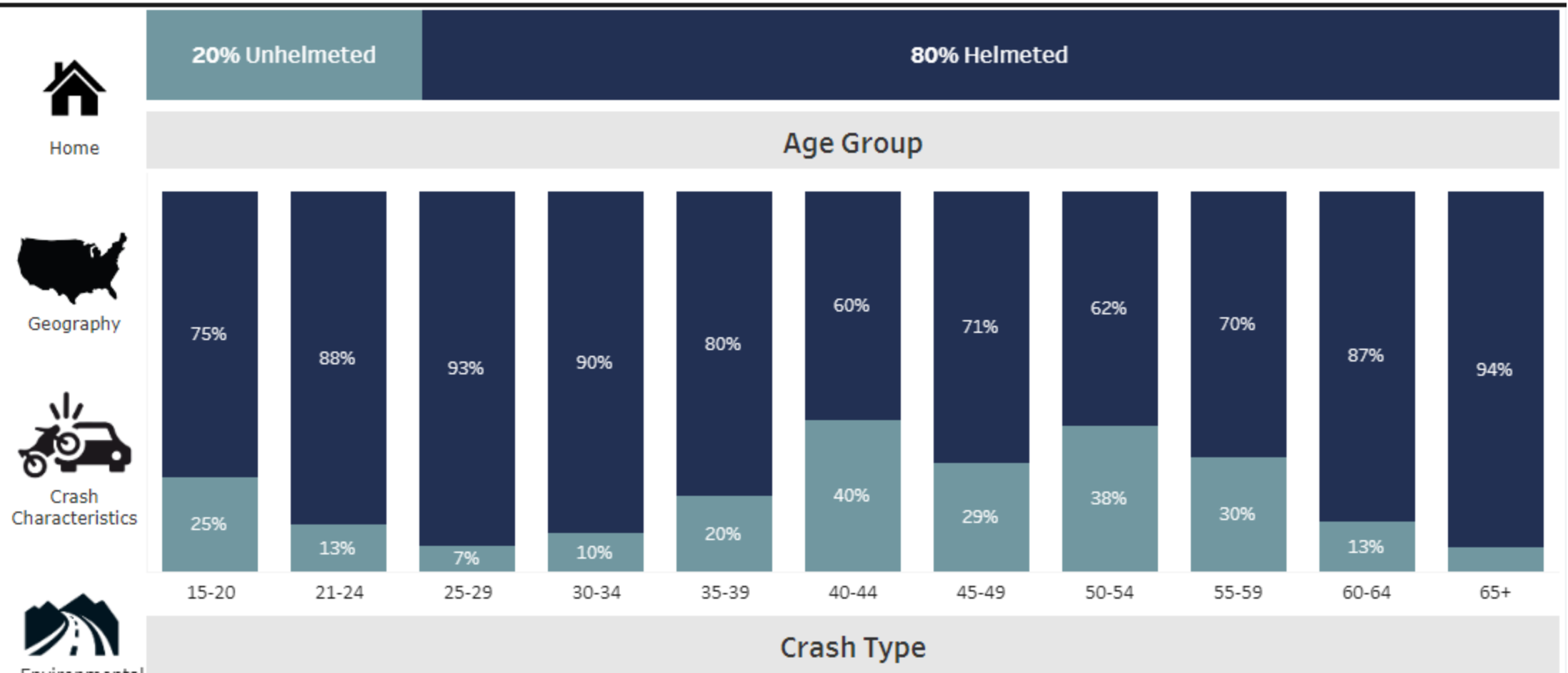
Nebraska Fatalities 2020 shows 82% wearing helmets

Motorcyclists in Fatal Crashes, by Helmet Use



Missouri after changing the helmet law to allow adult riders to choose still showed more fatalities from helmeted riders 80%

Motorcyclists in Fatal Crashes, by Helmet Use



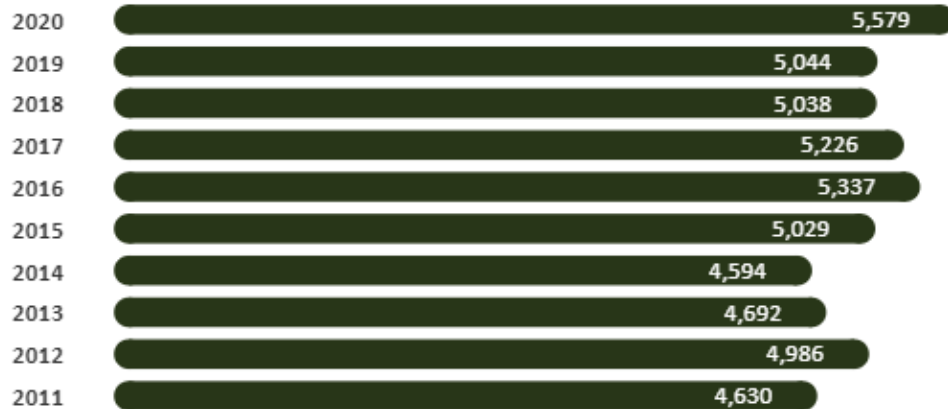
- **The fact remains some crashes are not survivable**
- We must look deeper at the data all crashes on our roadways not just motorcycles vs cars
- Pedestrian as defined for the following visualization is any person on foot, walking, running, jogging, hiking, sitting or lying down who is involved in a motor vehicle traffic crash.
- These exclude people on personal conveyances like roller skates, inline skates, skateboards, baby strollers, scooters, toy wagons, motorized skateboards, motorized toy cars, segway-style devices, motorized and non-motorized wheelchairs and scooters for those with disabilities.

Passenger Vehicle Occupant Fatalities, National, 2011-2020
224,500



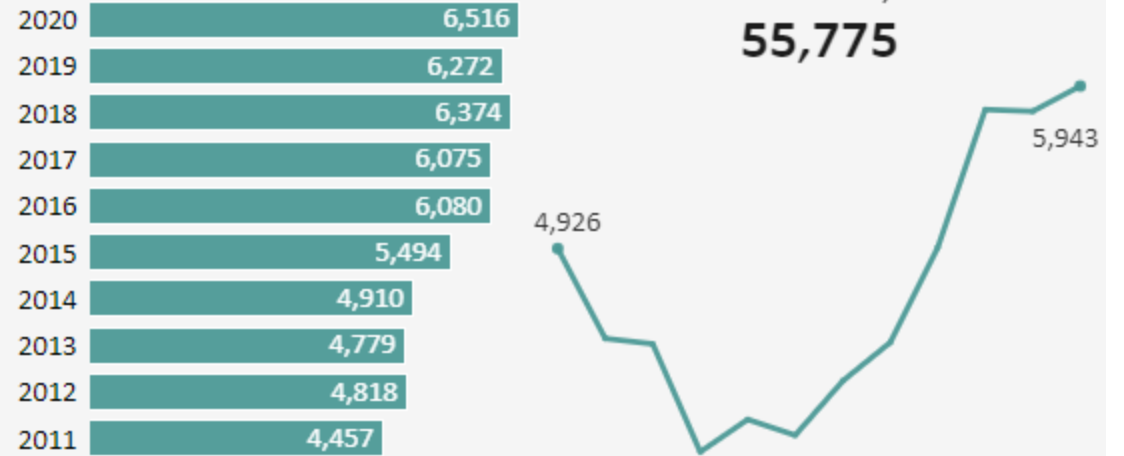
Note: Select one year or consecutive years only

National
Motorcyclist Fatalities, 2011-2020
50,155



Note: Select one year or consecutive years only

National
Pedestrian Fatalities, 2011-2020
55,775



Note: Select one year or consecutive years only

Pedestrian fatalities by month

More People are dying on our roadways walking than by riding a motorcycle!

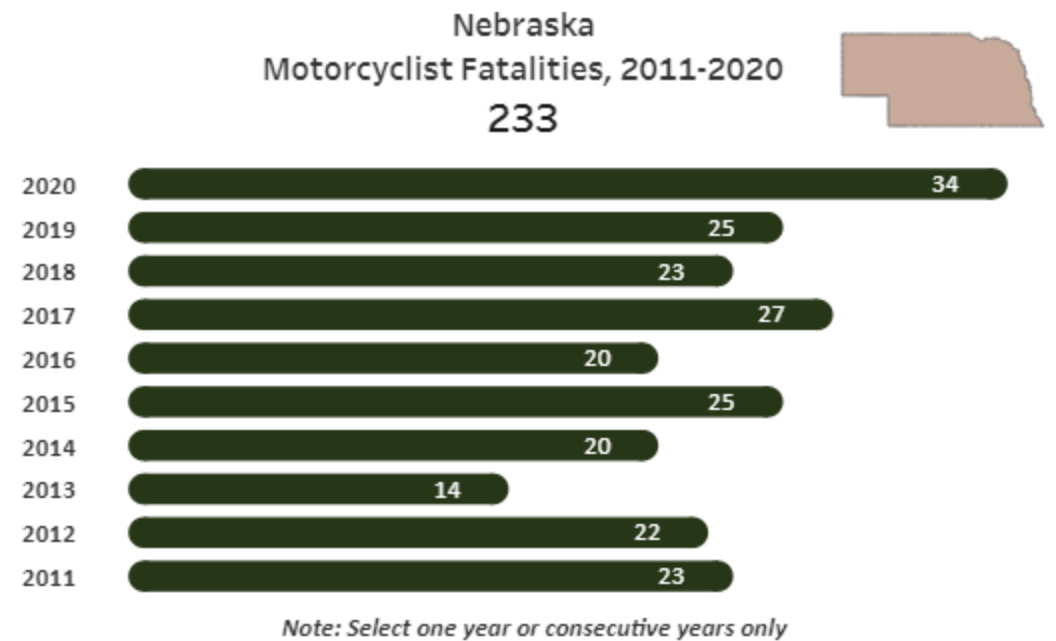
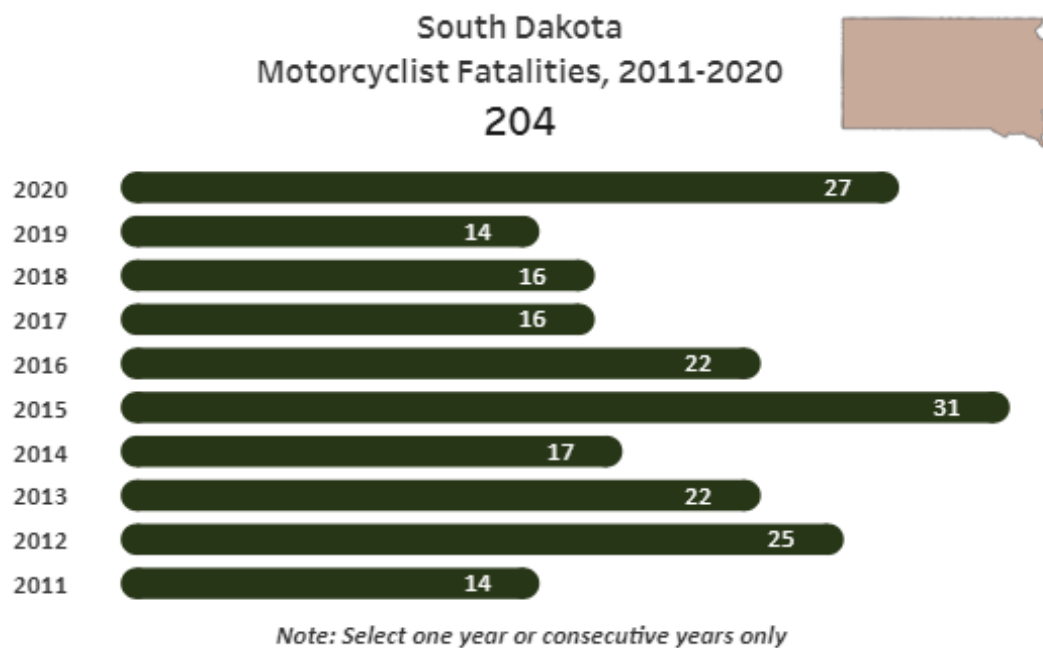
This would suggest a bigger problem

If people can be hit crossing the street or by cars leaving the roadway ... in greater numbers than those that actually share the road

Further proof Mandatory helmet laws are not the cure

Comparison of Nebraska with a helmet mandate and South Dakota with the largest rally in the country no mandatory helmet law, 2.5 times the number of motorcycles and fewer fatalities

The difference a high degree of safety and awareness programs in the state



*129,769 registered motorcycles

*50,373 registered motorcycles

Economic Impact