**American College of Surgeons Universal Motorcycle Helmet Requirement Legislative Toolkit**

This document is an assortment of talking points, data, and facts about the benefits of requiring all motorcycle drivers and riders to wear helmets. Overall, this toolkit can be used to help inform Fellows of The American College of Surgeons (ACS) about advocacy regarding requiring motorcycle users to wear helmets as well as educate lawmakers on the public health benefits of mandatory helmet laws.

Included in this document are the following:

1. History of mandatory helmet laws
2. Sample letter to legislators opposing legislation to repeal mandatory helmet requirement
3. Sample action alert
4. Model bill requiring helmets
5. Sample fact sheet
6. List of resources

**History of State Mandatory Helmet Laws**

**1966** – Federal Highway Safety Act adopted. States were required to have a universal helmet law or federal highway construction funds were withheld. By 1975, 47 states and the District of Columbia had enacted universal helmet laws.

**1975** – Congress repeals universal helmet requirement and the associated penalties. By 1980, 28 states had repealed their laws, leaving 19 states and the District of Columbia with universal helmet laws.

**1991** – Intermodal Surface Transportation Efficiency Act (ISTEA) Passed. ISTEA included incentive grants to states for enacting universal helmet laws.

**1995** – The number of states with universal helmet laws increased to 26. Congress repeals ISTEA.

**Current Status**

There are currently 19 states and the District of Columbia which have universal helmet laws. Conversely, there are only three states which have no motorcycle helmet laws. Of the 28 states that have some form of motorcycle helmet law on the book, many of those require helmets for only a specific age group, either those under 18 or those under 21. Many states, recognizing that motorcyclists who are involved in a crash and are not wearing a helmet cost more money than helmeted riders, also require riders to carry a minimum level of health insurance.



Source: National Conference of State Legislatures, <http://www.ncsl.org/research/transportation/current-state-motorcycle-helmet-laws-and-fatality-rates.aspx>.

 **SAMPLE LETTER TO LEGISLATOR**

DATE

OFFICIAL
TITLE
ADDRESS 1
ADDRESS 2
CITY, STATE ZIP

Dear TITLE LAST NAME,

The American College of Surgeons (ACS) urges you to oppose legislation (BILL NUMBER) that would put the lives of STATE motorcycle riders at risk by repealing the universal helmet law.

The ACS is the largest surgical organization in the world with over 80,000 members nationwide and approximately XXX in STATE. The ACS has a strong history of addressing matters related to patient safety and injury prevention and the ACS believes the proposed legislation will put the lives of motorcycle riders and their passengers at unnecessary risks. The National Highway Traffic Safety Administration (NHTSA) estimates that helmets saved the lives of 1,669 motorcyclists in 2014 and that 660 more lives in all states could have been saved if all motorcyclists had worn helmets. Helmets are about 37 percent effective in preventing motorcycle deaths and 69 percent effective in preventing brain injuries.

Aside from the staggering injury statistics that increase without helmet usage, unhelmeted riders will also cost the state of XXX more money in uncompensated care than helmeted riders. The average inpatient care costs for motorcycle riders who sustain a brain injury are more than twice the costs incurred by riders without a brain injury. According to the NHTSA, the lives saved by wearing helmets saved the country $2.98 billion in economic costs and $18.4 billion in comprehensive costs in 2013. If everyone wore helmets, and additional $1.2 billion in economic costs and $7.4 billion in comprehensive costs could have been saved. The same report shows that STATE’s current universal helmet law saved $X million in uncompensated care costs compared to the $X million saved in STATE, a state with no helmet law and the $X million saved in STATE, a state with a partial helmet law similar to the proposed BILL NUMBER.

In the interest of patient safety, the American College of Surgeons urges you to protect motorcycle riders in STATE, and oppose BILL NUMBER.

Sincerely,

**SAMPLE ACTION ALERT**

**Take Action to Protect STATE’s Universal Helmet Law**

On DATE, the STATE COMMITTEE will hear Bill #, a bill to repeal STATE’s Universal Helmet Law. This bill would exempt drivers and passengers over 21 years of age from the requirement to wear a helmet while operating or riding motorcycles if they are covered by health or medical insurance. It would also make a violation of the helmet law a secondary offense.
The National Highway Transportation Administration estimates that helmets saved the lives of 1,669 motorcyclists in 2012. If all motorcyclists had worn helmets, an additional 660 lives could have been saved. Helmets are estimated to be 37-percent effective in preventing fatal injuries to motorcycle riders and 41 percent for motorcycle passengers.

Please send a message to your Representative today and urge them to oppose Bill #.

Tell them that helmets save lives. Please feel free to edit the draft letter text to share your own perspective on this important issue. Take action today!

**Message to Legislators**

I am writing you today to ask you to oppose efforts to repeal STATE’s Universal Helmet Law. Representative NAME has introduced BILL #, which would exempt drivers and passengers over 21 years of age from the requirement to wear a helmet while operating or riding motorcycles if they are covered by health or medical insurance. It would also make a violation of the helmet law a secondary offense.
This bill would be bad for STATE. Helmets save lives. The National Highway Transportation Administration estimates that helmets saved the lives of 1,669 motorcyclists in 2014. If all motorcyclists had worn helmets, an additional 660 lives could have been saved. Helmets are estimated to be 37-percent effective in preventing fatal injuries to motorcycle riders and 41 percent for motorcycle passengers. Data in other states which have repealed universal helmet laws indicate fatalities rise considerably after universal helmet laws are repealed.

Please oppose this bill if it comes up to a vote in the Committee XXX.

**Phone Talking Points**

1. My name is <name>, I am a surgeon practicing in <location> and I’m called today to ask Representative/Senator <NAME> to oppose legislation to repeal Tennessee’s Universal Helmet law.
2. LEGISLATOR has introduced this legislation, Bill #, which would exempt drivers and passengers over 21 years of age from the requirement to wear a helmet while operating or riding motorcycles if they are covered by health or medical insurance.
3. Universal Helmet laws save lives. Data in other states which have repealed universal helmet laws indicate fatalities rise considerably after universal helmet laws are repealed.
4. Please tell Representative/Senator <NAME> to oppose Bill # if it comes up to a vote in the COMMITTEE

**MODEL BILL**

AN ACT

RELATING TO MOTORCYCLES; REQUIRING THE USE OF SAFETY HELMETS FOR ALL MOTORCYCLE OPERATORS AND PASSENGERS; PRESCRIBING A PENALTY.

 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF \_\_\_\_\_\_\_\_\_\_\_:

     **SECTION 1.** Section 123 of Chapter 456 is amended to read:

     "12-3-456. MANDATORY USE OF PROTECTIVE HELMETS.--

1. A person who operates a motorcycle, motorized bicycle, or motor-driven cycle shall wear a safety helmet that is securely fastened on the person's head in a normal manner as headgear and that meets the standards specified subsection C. A person is violation of subsection A shall pay a penalty as outlined in Section 2.
2. A person shall not carry any passenger on any motorcycle, motorized bicycle unless the passenger is wearing a safety helmet securely fastened on the person's head in a normal manner as headgear and that meets the standards specified subsection C. A person in violation of subsection B shall pay a penalty as outlined in Section 2.
3. "(1) The department shall adopt reasonable regulations establishing specifications and standards for safety helmets offered for sale, or sold, for use by drivers and passengers of motorcycles, motorized bicycles, and motor-driven cycles as it determines are necessary for the safety of those drivers and passengers. The regulations shall include, but are not limited to, the requirements imposed by [Federal Motor Vehicle Safety Standard No. 218](http://www.nhtsa.gov/people/injury/pedbimot/NoMigrate/fmvss218.htm) (49 C.F.R. Sec. 571.218) and may include compliance with that federal standard by incorporation of its requirements by reference. Each helmet sold or offered for sale for use by drivers and passengers of motorcycles and motorized bicycles shall be conspicuously labeled in accordance with the federal standard which shall constitute the manufacturer's certification that the helmet conforms to the applicable federal motor vehicle safety standards. "(2) No person shall sell, or offer for sale, for use by a driver or passenger of a motorcycle or motorized bicycle any safety helmet which is not of a type meeting requirements established by the department."
4. (OPTIONAL) A dealer or person who leases or rents motorcycles shall not lease or rent a motorcycle to a person unless the lessee or renter shows such person a valid driver's license or permit and possesses the safety equipment required of an operator.

     **SECTION 2.** Section 78-9-123 of Chapter 45 is amended to read:

     "67-8-910. PENALTY ASSESSMENT MISDEMEANORS--

**SAMPLE FACT SHEET

OPPOSE <BILL NUMBER> to Protect Lives in <STATE>**

**Motorcycles are the most hazardous form of vehicular transportation in the U.S.**

* Motorcyclists represented 14 percent of all traffic fatalities in the U.S. in 2014, even though they only accounted for 4 percent of total vehicles registered.1
* Motorcyclist fatalities occurred 27 times more frequently than car passenger occupant fatalities in traffic crashes per vehicle mile traveled.1
* Motorcyclists have a higher chance of suffering from a more serious injury than other motorists.2 According to the NHTSA, about 43 percent of motorcycle crash victims experienced moderate to severe injuries. Comparatively, the NHTSA found that less than 8 percent of all motorists suffered from such injuries from a crash.2

**Motorcycle helmets save lives and reduce the severity of injuries.**

* Motorcycle helmets reduce the motorcycle fatality risk by an estimated 35 percent.2
* The NHTSA estimates that the lives of 1,669 motorcyclists were saved in 2014 by motorcycle helmets. If all motorcycle riders wore helmets, it is estimated another 660 lives could have been saved.3
* Universal motorcycle helmet laws are the only proven strategy to reduce motorcycle fatalities.2
* Helmets reduce the incidence of serious head injuries by an estimated 69 percent.4 Head injuries are a main cause of motorcyclist injuries that end up as a fatality.2
* After the state of Michigan repealed its universal helmet law, the severity of injuries increased, mortality increased, as did severity of neurological injuries.5
* Similarly, after Florida repealed its universal helmet law in 2000, the fatality rate and severity of injuries, including head injuries, increased, as did the cost to treat these injuries.6

**Motorcycle helmets reduce health care costs for families and society**

* Motorcycle crashes cost the U.S. over $12 billion in economic damages in 2010. These costs include loss of productivity and medical costs, among other things.7
* Motorcycle helmet use saved $2.98 billion in 2014, and an additional $1.2 billion could have been saved if all motorcyclists wore helmets.3
* Victims, their families, employers, private insurers, healthcare providers, government and others all bear the costs of motorcycle crashes. The NHTSA estimates that society bears up to 75 percent of the measurable costs of motorcycle crashes.

1 National Center for Statistics and Analysis. (2016, December). *Motorcycles: 2015 data* (Traffic Safety Facts. Report No. DOT HS 812 353). Washington, DC: National Highway Traffic Safety Administration. Available at: <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812353>.

2 Motorcycle Safety: Increasing Federal Flexibility and Idenitfying Research Priorities Would Help Support States’ Safety Efforts, GAO, 2012, GAO-13-42, available at: <http://www.gao.gov/assets/660/650037.pdf>.

3 National Center for Statistics and Analysis. (2016, July). Lives and costs saved by motorcycle helmets, 2014 (Report No. DOT HS 812 295). Washington, DC: National Highway Traffic Safety Administration. Available at: <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812295>.

4 Liu BC, Ivers R, Norton R, Boufous S, Blows S, Lo SK. Helmets for preventing injury in motorcycle riders. Cochrane Database Syst Rev. 2008;(1):CD004333. doi: 10.1002/14651858.CD004333.pub3.

5 Striker RH, Chapman AJ, Titus RA, Davis AT, Rodriguez CH. Repeal of the Michigan helmet law: the evolving clinical impact. Am J Surg. 2016 Mar; 211(3):529-33. Available at <http://www.americanjournalofsurgery.com/article/S0002-9610%2815%2930005-2/abstract>.

6Ulmer RG, Northrup VS. Evaluation of the repeal of the all rider motorcycle helmet law in Florida. Washington. DC: US Department of Transportation, National Highway Traffic Safety Administration; 2005. Available at <http://www.nhtsa.gov/staticfiles/nti/motorcycles/pdf/809849.pdf>

7 Blincoe, L. J., Miller, T. R., Zaloshnja, E., & Lawrence, B. A. (2015). *The Economic and Societal Impact of Motor Vehicle Crashes, 2010 (Revised)* (Report No. DOT HS 812 013). Washington, DC: National Highway Traffic Safety Administration. Available at <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812013>.

**Motorcycle Helmet Resources**

**American College of Surgeons Resources**

* American College of Surgeons statement in support motorcycle helmets: <https://www.facs.org/about-acs/statements/35-helmet-laws>
* NTDB data points in the Bulletin: <http://bulletin.facs.org/category/dept/ntdb-data-points/>
* American College of Surgeons Committee on Trauma Helmet Removal: <http://www.facs.org/trauma/publications/helmet.pdf>

**Outside Resources**

* American Motorcycle Association: <http://www.americanmotorcyclist.com/rights>
* Center for Disease Control and Prevention, National Center for Injury Prevention and Control: <http://www.cdc.gov/Motorvehiclesafety/mc/index.html>
* Governors Highway Safety Association: <http://www.ghsa.org/html/issues/motorcyclesafety.html>
* Insurance Institute for Highway Safety: <http://www.iihs.org/iihs/topics/t/motorcycles/topicoverview>
* National Conference of State Legislatures: <http://www.ncsl.org/research/transportation/motorcycle-safety-overview.aspx>
* National Highway Traffic and Safety Administration: <http://www.nhtsa.gov/Safety/Motorcycles>

**Research**

Countermeasures That Work: A Highway Safety Countermeasure Guide for State Highway Safety offices, Eighth edition, NHTSA, 2015, DOT HS 812 202. Available at: <http://www.nhtsa.gov/staticfiles/nti/pdf/812202-CountermeasuresThatWork8th.pdf>.

Motorcycle Safety: Increasing Federal Flexibility and Idenitfying Research Priorities Would Help Support States’ Safety Efforts, GAO, 2012, GAO-13-42. Available at: <http://www.gao.gov/assets/660/650037.pdf>.

National Center for Statistics and Analysis. (2016, July). Lives and costs saved by motorcycle helmets, 2014 (Report No. DOT HS 812 295). Washington, DC: National Highway Traffic Safety Administration. Available at: <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812295>.

* National Center for Statistics and Analysis. (2016, December). *Motorcycles: 2015 data* (Traffic Safety Facts. Report No. DOT HS 812 353). Washington, DC: National Highway Traffic Safety Administration. Available at: <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812353>.
* Chapman AJ, Titus RA, Ferenchick H, Davis AT, Rodriguez CH. Repeal of the Michigan helmet law: early clinical impacts. Am J Surg. 2014 Mar;207(3):352-6; discussion 355-6. Available at <http://www.americanjournalofsurgery.com/article/S0002-9610%2813%2900735-6/fulltext>
* Croce MA, Zarzaur BL, Magnotti LJ, Fabian TC. Impact of motorcycle helmets and state laws on society's burden: a national study. Ann Surg 2009;250:390–4. Available at: <http://www.jem-journal.com/article/S0736-4679%2809%2900920-2/fulltext>

Liu BC, Ivers R, Norton R, Boufous S, Blows S, Lo SK. Helmets for preventing injury in motorcycle riders. Cochrane Database Syst Rev. 2008;(1):CD004333. Available at: <http://onlinelibrary.wiley.com/doi/10.1002/14651858.CD004333.pub3/abstract>

* Philip AF, Fangman W, Liao J, Lilienthal M, Choi K. Helmets prevent motorcycle injuries with significant economic benefits. Traffic Inj Prev. 2013;14(5):496-500. Available at <http://www.tandfonline.com/doi/abs/10.1080/15389588.2012.727109>
* Pickrell, T. M., & Li, R. (2016, May). Motorcycle helmet use in 2015—Overall results. (Traffic Safety Facts Research Note. Report No. DOT HS 812 275). Washington, DC: National Highway Traffic Safety Administration. Available at: <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812275>.
* Striker RH, Chapman AJ, Titus RA, Davis AT, Rodriguez CH. Repeal of the Michigan helmet law: the evolving clinical impact. Am J Surg. 2016 Mar; 211(3):529-33. Available at <http://www.americanjournalofsurgery.com/article/S0002-9610%2815%2930005-2/abstract>.
* Ulmer RG, Northrup VS. Evaluation of the repeal of the all rider motorcycle helmet law in Florida. Washington. DC: US Department of Transportation, National Highway Traffic Safety Administration; 2005. Available at <http://www.nhtsa.gov/staticfiles/nti/motorcycles/pdf/809849.pdf>