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ATTORNEYS AT LAW

Helmet: To Wear or Not to Wear, That is the Question

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With Governor Rick Snyder's signing of Public Act 98 of 2012 on April 12th, Michigan became the 31st state to give certain motorcyclists the option of wearing a helmet. Time will tell whether or not the personal freedom to choose not to wear a helmet was worth the expected increased costs to individuals, families and society as a whole. In the meantime, here are the specifics of the new law so that if you are a biker, you can be sure you are in compliance with its requirements.

- You must be 21 years old to ride without a helmet.
- You must have at least \$20,000 of first party medical benefits coverage to pay for treatment should you become injured in an accident.
- You must have passed a motorcycle safety course or have had your motorcycle endorsement for at least 2 years.
- Motorcycle *passengers* who want to exercise their right to not wear a helmet must also be 21 or older and carry additional insurance.

If you have been in the hospital lately or have had any type of surgery, you know how quickly you can reach the \$20,000 minimum. So who picks up the tab after that? It's complicated and depends on whether or not the accident involved a motor vehicle, how much optional coverage the motorcyclist may have purchased, whether or not the motorcyclist has private health insurance, and whether or not the Michigan Catastrophic Claims Association comes into play. Sometimes it's the State, via Medicaid, who ends up paying.

Michigan's motorcycle accident statistics for the 2-month period since the repeal paint a rather grim picture. According to state police records, compiled by MLive Media Group, over 700 motorcyclists and passengers were involved in an accident from April 12th – June 17th. Records show that 80% of those individuals were wearing a helmet. Twenty-five percent of the helmetless riders suffered incapacitating injuries, compared to only 16% of those who wore helmets. Further, 4.7% of the helmetless riders were killed, compared to 1.5% of riders who were wearing a helmet. Not surprisingly, these statistics mirror those of other states who repealed their helmet laws.

Whether you choose to wear your helmet or not, please ride safely this summer.