

CHILD HELMET SAFETY ACT – A NEW LAW IN NEW MEXICO ON JULY 1st, 2007

PURPOSE

It is estimated that this law will approximately double the number of children wearing helmets and reduce by half the number of head injuries and deaths associated with these vehicles among children. Among all recreational sports, bicycling injuries are the leading cause of emergency room visits for children and adolescents, according to the American Academy of Pediatrics. In 2004, the number of bicycle crash head injuries resulting in hospitalization was more than eight times higher than those caused by either baseball or football.

The Child Helmet Safety Act of 2007 requires helmets for all minors under age 18 riding on bicycles, skateboards, scooters, skates and tricycles. New Mexico has now succeeded in establishing parity in helmet law for all recreational transportation statewide. It is consistent with the Off Highway Vehicle Safety Bill of 2005, which requires helmets on all minors under age 18 riding on all terrain vehicles, off-road motorcycles, snowmobiles, and miniature “pocket bike” motorcycles. Both laws are also consistent with the on-road motorcycle helmet law amendment of 1978, which requires all minors under the age of 18 to comply as well.

The purpose of having such a comprehensive law is multi-faceted. Requiring helmets on bicycle riders, but not on scooter, skateboard, skate riders would be discriminatory, confusing and difficult to enforce. All of these enthusiasts congregate at the skateboard parks, “half-pipe” acrobatic events and dirt racing tracks, as well as schools and neighborhood parks, so naturally making helmet use mandatory for one, but not the others would render the law virtually unenforceable. The less a law makes common sense, the more difficult it becomes to implement.

The purpose of including tricycles is to protect our most vulnerable population, 2-5 year olds, riding on the most unstable recreational vehicles, tricycles. Three wheel ATV’s were banned from manufacture in the US some years ago because of their instability, yet, ironically, we retain this three wheel concept for the smallest children. The end result is not particularly surprising. Many pediatricians claim that there are a disproportionately high number of head injuries among children on tricycles, falling on driveways, sidewalks, and off the curb onto the pavement. This is, in addition, of course, to the fact that children on tricycles have such a low visual profile that they are often very difficult to see from an automobile backing up or parking.

This is a variation of the law that has been in place in California for some 4 years without significant problems, and the model law originally developed by former Surgeon General Everett Koop and SAFE KIDS Worldwide, the largest nonprofit dedicated exclusively to

child injury prevention in the world. SAFE KIDS Worldwide is currently operating in 17 countries and continues to expand worldwide.

NATIONAL RANKING

22 states, including New Mexico now, as well as over 140 municipalities, have helmet laws for some or all minors, covering about 60 percent of the United States' population of youth. 7 state laws apply to children under the age of 12 to under the age of 15, 13 of the state laws and for the District of Columbia apply to children under the age of 16, and California and New Mexico have the only state laws requiring helmets for all minors under the age of 18.

New Mexico's new law essentially mirrors the efforts in recent years of all three states on the West Coast to protect minors riding on recreational vehicles on public thoroughfares. California is the only other state to require all minors under 18 to wear helmets on a wide range of non-motorized recreational vehicles. Neighboring Oregon is almost the same in that it dictates helmet use statewide for virtually the same group of vehicles for riders under the age of 16, and although Washington has no state law, Seattle and all the major municipalities require helmet use under the age of 18 for a similar group of vehicles as well.

Texas does not have a state law either, yet like the state of Washington, all the major urban centers, including Austin, Arlington, Dallas, Houston and Ft. Worth require helmets under the age of 18. Arizona also does not have a state law, and the city of Tucson and the counties of Yuma and Sierra Vista all require helmets under the age of 18. Oklahoma does not have a state law, but Oklahoma City requires helmets for all ages, and Norman for everyone under 18.

ENFORCEMENT

The Child Helmet Safety Act is very similar to existing state laws in that it does not require helmet use by adults, nor is there any intention to emphasize enforcement or punishment. 5 existing state laws have no provision for enforcement or require verbal warnings only, while all the other states allow for small fines, usually no more than \$25 - \$50 that typically can be waived with proof of helmet purchase.

New Mexico will have a maximum of a civil fine (no record) of \$10 that can be waived with proof of purchase of a helmet, and a municipal option of "verbal warnings only". The intent of the bill is to protect and educate children and their parents, not punish them. Primary enforcement is intended to be implemented by parents, teachers and recreational supervisors, not law enforcement. We have included the option of "verbal warnings only" as a permanent option for municipalities, as we want to emphasize that this bill is primarily educational, with primary enforcement coming from parents, educators, mentors and recreational supervisors.

Data clearly demonstrates repeatedly that programs are NOT effective without a state law. Regardless of incentives and the distribution of free helmets, the public will not engage in helmet use over a long term without the existence of a law. Conversely, a law is relatively ineffective without comprehensive education and programs, including free or discounted helmet distribution in low income communities, for which the cost of the helmet can be a real deterrent to compliance.

SUPPORTIVE DATA

One of the most critical studies regarding the impact of helmet legislation was by GB Rodgers, published in Injury Prevention magazine in 2002, the study indicates an average improvement in helmet use among minors of 18.4% in all states with helmet laws as of 2002, and generally the existing laws are NOT rigorously enforced. For New Mexico, 18.4% would translate into approximately 92,000 more children in helmets. The American Academy of Pediatrics estimates that states without helmet laws average 15% helmet use among the general public.

94.7% of bicycle fatalities from 1994-2003 were without helmets; two-thirds were as a result of traumatic brain injuries, and HALF of those fatalities are to children under the age of 15. **The compilation of the three points indicates that 31.25% of fatalities for this decade long time period nationwide on bicycles only were to children under 15 who sustained brain injuries while not wearing helmets at the time of the crash - Bicycle Helmet Safety Institute.**

PROGRAMS

The New Mexico SAFE KIDS network of 12 community organizations will enlist the support of law enforcement to maintain a stock of helmets in their vehicles to distribute to children as needed, as a positive point of contact with the community. The Oregon SAFE KIDS Coalition has worked successfully to implement a helmet distribution program with law enforcement statewide. Non-profits, public agencies, corporations and the general public will be solicited statewide to contribute labor and funding to the effort of purchasing, distributing, and fitting children with helmets, in addition to providing training regarding traffic safety in general. **Contact John McPhee if you wish to volunteer labor and/or funding to SAFE KIDS activities in your community.**

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