



MICHIGAN'S HELMET LAW

JASON A. WAECHTER
THE MOTORCYCLE LAWYERSM

Presently, Michigan law allows a motorcycle rider the choice to wear a helmet or not. This law, like other laws that apply to motorcycles, is surrounded by a great deal of misinformation and misunderstanding. The following will set the record straight.

Motorcycle operators may ride without a helmet provided they meet the following criteria:

- 21 years of age or older, **AND**
- Have at least \$20,000 of “**first-party medical benefits**” coverage, **AND**
- Have had a motorcycle endorsement for more than two years **OR** earned a motorcycle endorsement by passing an accredited or certified motorcycle safety course.

A **passenger** on a motorcycle may ride helmet-less under the new law if:

- The passenger is at least 21 years of age **AND**
- Is also covered for at least \$20,000 of “first-party medical benefits” (either by the operator’s cycle insurance or their own).

So, if you were to ride with a passenger, you may need an additional \$20,000 of this medical coverage in addition to the \$20,000 you require as the operator.

I believe this law may negatively **impact civil negligence cases** (“Pain & Suffering”) if an injured motorcyclist was not wearing a helmet. The defense attorneys may argue that not wearing a helmet was unreasonable and that it was a cause of the injury or the severity of the injury.

If the jury agrees, a percent of negligence is assessed against the motorcyclist and that percentage is subtracted from the dollar amount awarded by the jury. If the jury decides that the motorcyclist was more than 50% negligent, the motorcyclist would lose—get nothing! More specifically, no money damages are awarded for non-economic loss (pain and suffering) for the injury.

- **Q: Does my VA, Medicare, Blue Cross or other health insurance, satisfy the \$20,000 “First-party medical benefits” coverage?**



MICHIGAN'S HELMET LAW (CONT.)

- **A: No.** You must buy this coverage on your motorcycle.
- **Q: Can a police officer pull me over for not wearing a helmet?**
 - **A: No.** “Officers are reminded that an officer must have articulable and reasonable suspicion that a violation of the Michigan vehicle code has occurred in order to lawfully stop a vehicle...” Michigan State Police Legal Update #95.
- **Q: Must I carry proof of this new medical benefits insurance or proof that I passed a motorcycle safety class?**
 - **A: No.** There is no requirement under the law to have this proof. MI State Police Legal Update #95
- **Q: What about residents of other states that ride into Michigan? Do they have to have the \$20,000 “first-party medical benefits” coverage?**
 - **A: No.** An email I received from the Michigan State Police states:
“A nonresident ...is not subject to the \$20,000 security requirement if he or she operates the motorcycle in Michigan for an aggregate of 30 days or less in any calendar year. See MCL 500.3102 and Gersten v. Blackwell, 111 Mich. App. 418 (1981). The age and motorcycle endorsement or motorcycle safety course provisions apply to nonresidents and residents alike.”
- **Q: How do I get the proper “extra coverage” in order to legally ride without a helmet?**
 - **A: The bottom line: If you want to ride without a helmet, the best way to get the proper ‘extra coverage’ in order to be legal is to call an independent agent who specializes in selling motorcycle insurance in Michigan.** Tell them you want the required \$20,000 of “First-party medical benefits” for yourself. If you want to ride a passenger with no helmet, you need another \$20,000. Ask them if it makes a difference if the passenger is a friend or a family member with whom you live. Some policies do not cover non-relatives in your household. I have heard many stories of bikers getting the wrong insurance on-line or by calling an 800 number. I recommend that you talk this through with an actual Michigan insurance agent.



ATTORNEY JASON WAECHTER

Representing Injured Motorcyclists

The Number to Call If You Fall is 1-877-BIKER-LAW

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ABOUT

JASON A. WAECHTER

THE MOTORCYCLE LAWYERSM



Attorney Jason A. Waechter is a Michigan attorney specializing in motorcycle injury and wrongful death litigation for 25 years.

Mr. Waechter is a million-dollar winning attorney, with over \$75,000,000 paid to his clients and has won many verdicts across the state. A few include \$2,000,000 St. Clair County, \$677,000 Washtenaw County, \$350,000 Clair County, and a recent \$550,000 Oakland County verdict.

Some honors include:

- Chosen as a **Super Lawyer®**
- Member of the *Million Dollar Advocates Forum*
- Rated a **Top 100 Trial Lawyer**, by *National Trial Lawyers*
- *US News & World Report's* Best Personal Injury Firms

Mr. Waechter furthers legal issues relating to his clients and cases. His firm's accident prevention campaign includes billboards and bumper stickers reminding other drivers to keep a look out and share the road. His sponsored Bystander Assistance Class has patched over 2,500 motorcyclists teaching them basic first aid and accident scene management.

Mr. Waechter is a member of American Bikers Aiming Toward Education (ABATE) and the American Motorcycle Association (AMA). Some say Jason “Wrote the book”—he has authored: “Litigating Motorcycle Injury & Wrongful Death Cases,” a book for personal injury attorneys.

Attorney Waechter has written almost 100 articles on motorcycling, insurance and motorcycle law for his monthly columns in Thunder Roads Magazine and Midwest Motorcyclist.

For free advice after a crash or for possible representation, call Attorney Jason Waechter.

Toll free: 1-877-BIKER LAW (that's 1-877-245-3752) or (248) 355-4701. He will speak to you personally.

Offices: Southfield, Detroit, Flint, Grand Rapids, Marquette, Ann Arbor & Lansing



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WHY DID I WRITE THIS EBOOK?

There is so much misinformation and misunderstanding about Michigan's laws that apply to motorcycles and motorcyclists. I often see bikers get shafted because of this. I want to set the record straight and advise motorcyclists on how to protect themselves under the law.

ACCOLADES AND ACHIEVEMENTS



Selected to Super Lawyers as a Top Rated Personal Injury Attorney every year since 2011. Super Lawyers is a rating service of outstanding lawyers who have attained a high-degree of peer recognition and professional achievement.



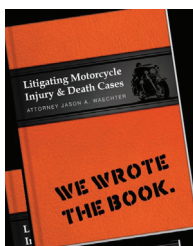
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Jason Waechter literally wrote THE book: Litigation Motorcycle Injury & Death Cases. It is a comprehensive guide for personal injury lawyers handling motorcycle accident cases. Includes chapters on information such as insurance claims, types of injuries and litigation tactics.



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CONCLUSION

My hope is that this eBook helped educate you on Michigan's motorcycle law, the best insurance coverage that helps and protects you and set the record straight regarding the many of the misconceptions in this area.

Thank you for reading and ride safely. Please feel free to call me about anything. It would be a privilege to represent you or a loved one.

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Caveat: This e-book is not a complete guide to the law. Laws change. The No-Fault Law changes when new laws are passed and/or when the appellate courts decide cases that change the law. Because the law is constantly changing, you should contact our office, so the facts of your particular case are applied to the most current law for accurate legal advice.

* There are many exceptions, special definitions and complex issues that cannot be explained in this book. Terms such as Motorcycle, Motor Vehicle, and Involved. This eBook is not intended to be a substitute for case specific legal device. Your legal rights greatly depend on the facts of your Michigan motorcycle accident. These materials are meant to be informative and provide a basic understanding of the rights as Michigan motorcycle accident victim. This is not a complete in all-encompassing informative guide to law. Every year in Michigan the no-fault law and Michigan motorcycle law changes in some fashion. In this brief space, we could not explain all situations and legal issues.



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