

# 2007 SAE Government/Industry Meeting

## Counterfeit and Noncompliant Safety Equipment

## Motorcycle Helmets



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# FMVSS No. 218, *Motorcycle helmets*



- Scope- establishes minimum requirements for helmets designed for use by motorcyclists
- Performance requirements
  - S5.1 - Impact attenuation
  - S5.2 - Penetration
  - S5.3 - Retention system
- Inspection requirements
  - S5.4 - Configuration
  - S5.5 - Projections
  - S5.6 - Labeling

# Manufacturers' Responsibilities



- Manufacturers' responsibility to ensure helmets designed for on-road use (labeled with symbol "DOT") comply with standard
- Who is a manufacturer? (49 USC 301 §30102)
  - Fabricating Manufacturer
  - Importer
- Responsibilities prior to selling
  - Administrative responsibilities
  - Technical and safety related responsibilities (49 USC 301 §30112, 30115)
- Responsibilities after selling (49 USC 301 §30116-30120)

# Jurisdictional Issues



- Federal & State Laws
  - Federal law
    - Helmets sold for on-road use must meet FMVSS
    - Person may not falsely certify
  - State laws
    - Determine who must wear a helmet when riding
    - State laws may not preempt FMVSS No. 218
- Consumers' Rights & Responsibilities
  - Comply with helmet laws
  - Drive industry through market demand

# Enforcement Objectives



- Reduce traffic crashes and deaths and injuries resulting from traffic crashes by prescribing FMVSS (49 USC §30101)
  - Motorcycle Fatalities increased for eight straight years through 2005
  - In 2005, 4,553 motorcyclists died<sup>1</sup>
- Reduce the amount of noncompliant helmets in the market place

1) DOT HS 810 639, Motor Vehicle Traffic Crash Fatality Count & Estimates of People Injured for 2005

# Enforcement of FMVSS No. 218



- Annual compliance program
  - OVSC tests approximately 40 helmet models per year
  - Represent variety of designs/manufacturers
  - Post results on NHTSA website
- Investigations
  - Conducted when failing data is obtained
  - May be conducted based on other information provided to NHTSA
  - Conducted if sufficient number of consumer complaints are received by the agency

# 218 Compliance Program



	FY2004	FY2005	FY2006
Performance Investigations	7	5	13
Labeling Investigations	3	10	5
Recalls	4	4	7*
Affected Population	41,465	74,908	42,120*

\* Last updated on February 15, 2007

# Noncompliant Helmet



- Helmet that is certified by the manufacturer to meet FMVSS No. 218 but is later determined not to be in compliance with the requirements of the standard
- Reported to the public through the recall process
- Replaced or repaired at no cost to the consumer

# Counterfeit Motorcycle Helmet



- Term not typically used by NHTSA
- If compliant, NHTSA has no authority to take action, but agencies that deal with trademark infringement may

# Novelty Helmet



- Novelty- *a small manufactured article intended mainly for personal or household adornment*<sup>2</sup>
- OVSC uses the term *novelty helmet* to mean a helmet similar in form to a motorcycle helmet designed for on-road use, but is not certified by a manufacturer to meet FMVSS No. 218
- 2006 NOPUS survey found 14% of motorcyclists use novelty helmets<sup>3</sup>

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2) Merriam-Webster, <http://www.m-w.com/dictionary/novelty>, Feb 8 2007

3) DOT HS 810 678, Traffic Safety Facts

# Novelty and Certified Helmets



Novelty Helmets

Helmets Certified to  
FMVSS No. 218

# Other FMVSS No. 218- Related Activities



- Novelty Helmet Consumer Awareness Program
- FMVSS No. 218 Rulemaking Considerations
- Manufacturer Outreach Program

# Novelty Helmet Consumer Awareness Program



- Goal: Educate riders about the value of wearing properly-fitted, FMVSS No. 218-certified motorcycle helmets
- Novelty Helmet Test Program
- Summary of Novelty Helmet Performance Testing- DOT HS 810 752, April 2007

# Novelty Helmet Test Program



- Seven indicant tests conducted
- Helmets varied by shape, size, manufacturer & cost
- All novelty helmets failed impact attenuation & penetration tests; only one passed retention system test
- Consumer belief that “something is better than nothing” is not well founded

# Novelty Helmet Test Results



		Supplier, Model*, Size						
		Frenchy's Helmets, Inc.	The Helmet Source	Hot Leathers	Helmets 'R Us	Iron Braid	Helmets Etc.	Barney's Leather
<b>FMVSS No. 218 Requirement</b>		Dante II	German	Hawk Style Novelty	Smokey Novelty	ACC Polo Novelty	Novelty Super Eagle	100EZ/ EZ Rider
		Large	Large	Medium	Medium	Medium/ Large	Small	Small
S5.1 Impact attenuation	Peak accelerations shall not exceed 400g	Fail	Fail	Fail	Fail	Fail	Fail	Fail
		989 g	989 g	984 g	988 g	636 g	981 g	992 g
S5.2 Penetration	The striker shall not contact the surface of the test headform	Fail	Fail	Fail	Fail	Fail	Fail	Fail
S5.3 Retention system	Shall attain the 136.1 kg (300 lb) load without separation and without moving more than 2.5 cm (1")	Fail	Pass	Fail	Fail	Fail	Fail	Fail
		Separated at 101.2 kg (223 lb) load	Met requirement	Separated at 56.7 kg (125 lb) load	Separated at 59.9 kg (132 lb) load	Excessive elongation at ~22.7 kg (50 lb) load	Excessive elongation at full load	Excessive elongation at full load

\* Helmets may be sold under different names at other dealers.

# 218 Rulemaking Considerations



- NHTSA is considering revisions to FMVSS No. 218
  - Labeling requirements
  - General enforcement updates
- Goals are to thwart the use of counterfeit DOT-certified labels & address enforcement issues

# Manufacturer Outreach Program



- Trade industry groups
  - Attended Dealer Expo, Indianapolis 2006 & 2007
  - Secretary Peters served as key note speaker during the MIC annual meeting, February 2007
  - OVSC met with Motorcycle Industry Council, February 2007
- Education programs for new entrant manufacturers
  - Respond to e-mail and phone inquiries
  - Provide guidance
  - Distributed “Helmet Manufacturer’s Guide”



# QUESTIONS?