



Allen Financial Insurance Group

HELMET SAFETY AND LEGAL LIABILITY

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A question which always needs to be addressed is whether a rider is going to wear a safety approved helmet each and every time they ride. If you have anything to do with the horse or the property where the horse will be ridden, you need to make sure either the rider wears a safety approved helmet or the rider signs a release specifically regarding helmets. (Of course a guardian should sign the release for minor children.) Even if you do not personally believe in helmets, if there is an accident, your liability and the costs for the injury are greatly affected by how you address the issue of helmets.

If you did not get a release or if you get a release in an area where helmets are required, and there is no helmet worn, you can count on the issue being used against you if there is a lawsuit from an injury. (On January 27, 1999, Plantation, Florida became the first city in the United States to make the use of approved helmets for children riding horses on public property. California has considered a bill doing the same, but it has not yet passed.) You may be responsible for the fact that there was no helmet worn. At least if you have a release, the rider can be considered to have assumed the risk. Based on the trend in the courts and the willingness of the legislatures to enact laws requiring helmets, we strongly recommend you consider requiring safety approved helmets and wearing them yourselves.

The facts supporting the use of helmets are too substantial to be ignored. We are ASTM (American Society for Testing Materials) SEI approved helmet proponents from both legal and practical standpoints. If you value your life and the lives of your friends and family, you too should be a helmet proponent. Not only can it save a life, but it can prevent epilepsy, personality changes, intellectual and memory impairment, and other results of brain injury.

The excuses for not wearing an approved helmet range from "they don't look good" and "they're uncomfortable", to, "they do nothing for head

protection". Think about your responses to those reasons after you consider the following facts:

Riding a bicycle is considered less dangerous than riding a horse. On April 19, 1999, the Minneapolis Star and Tribune published the following facts:

- Of the bicyclists killed in 1997, 97 percent weren't wearing helmets.
- Bicycle helmets have been shown to reduce the risk of head injury by as much as 85 percent and the risk of brain injury by as much as 88 percent.
- Bicyclists admitted to hospitals with head injuries are 20 times more likely to die than those with other injuries.
- An estimated 75 percent of bicycle-related deaths among children could be prevented with the wearing of a bicycle helmet. Universal use in this country of bicycle helmets by children ages 4-15 could prevent 135 to 155 deaths, 39,000 to 45,000 head injuries and 18,000 to 55,000 scalp and facial accidents annually.

According to the BCMA's Council on Health Promotion (British of Columbia's Medical Association, athletes involved in horse riding are more likely to suffer head trauma than those involved in football, boxing or soccer. Head injuries are the most common reason for admission to hospital or even death among riders. Most injuries occur during pleasure riding.

Are you convinced yet? Read on.

The BCMA has published the following facts:

- A fall from 2 feet can cause permanent brain damage. A horse elevates a rider 8 feet or more above ground.
- A human skull can be shattered by an impact of 7-10 kph. Horses can gallop at 65 kph. Children's skulls are most vulnerable.
- Ages ten to fourteen, are the children most likely to be involved in an accident with a horse but all ages are at risk.
- A rider who has one head injury has a 40% chance of suffering a second head injury. Children, teens and young adults are most vulnerable to sudden death from second impact syndrome. Second impact syndrome is the severe swelling of the brain caused by a second head injury before recovery from the first head injury.
- Racing organizations require helmets and as a result jockeys now suffer less head injuries than pleasure riders.
- The U.S. Pony Club lowered their head injury rate 29% with mandatory helmet use.

- Britain's hospital admission rate for equestrians fell 46% after helmet design improved and they became in routine use.

If you think you are protecting yourself with a non-approved helmet, consider the warning on them:

[These helmets] are items of apparel only. They are not in any sense protective headgear. They have not been designed, manufactured, or tested by us, and will afford **no protection** to the wearer against injury to the head resulting from a fall from a horse or other source of impact.

SEI (Safety Equipment Institute)ASTM approved helmets work if they fit correctly and have the chin strap firmly applied. Other types of helmets, including bike helmets, are inadequate.

Even with a safety approved helmet, there is no guarantee that death or brain injury will not occur, however, there is a strong probability that the injury will be less or nonexistent and isn't that worth a little discomfort or "hat hair"?

Bloomquist & Halper, P.A. is a law firm with a focus on equine law. Barbara A. Halper and Katherine C. Bloomquist are the partners in the firm. They both are active in the equine community. They focus on preventing legal issues as well as litigating lawsuits for their clients.