

Can You Sue Over A Defective Motorcycle Helmet After A Georgia Crash?

When A Helmet Fails In A Crash, The Case May Involve More Than The Driver Who Caused The Wreck

A motorcycle helmet is supposed to do one job when everything goes wrong. It's supposed to protect a rider's head when the crash comes fast, the pavement comes harder, and there's no second chance to brace for impact. When that helmet fails, the injury can become far worse than it should've been.

Our [Georgia motorcycle accident lawyers](#) at the Law Offices of Gary Martin Hays & Associates, P.C. know some cases don't stop with the driver who caused the collision. Sometimes the helmet itself becomes part of the story. If a rider suffered a [severe head or brain injury](#) because a helmet cracked, came off, failed to absorb impact, or didn't perform the way a properly designed helmet should, there may be a separate product liability claim alongside the injury claim from the wreck.

That distinction matters because a crash can be caused by one party, while the most serious injury is made worse by another. The [National Highway Traffic Safety Administration \(NHTSA\)](#) says motorcycle riders should use helmets that meet Federal Motor Vehicle Safety Standard No. 218, commonly called FMVSS 218, and Georgia's Department of Driver Services says Georgia requires a DOT-compliant helmet.

Can A Defective Helmet Create A Separate Lawsuit In Georgia?

Yes, it can. A rider may have one claim against the driver who caused the crash and another claim involving the helmet manufacturer or another entity in the product chain if the helmet was [defective](#) and that defect made the injuries worse.

In other words, the lawsuit may not be about who caused the motorcycle to go down. It may be about why the head injury was more severe than it should've been.

Georgia product liability law allows claims involving defective products, including claims against manufacturers in appropriate cases. Georgia law also separately addresses when a product seller may be treated as a manufacturer in a product liability action.

That doesn't mean every bad injury proves a bad helmet. It means the product itself may become a legal issue when the evidence shows the helmet didn't perform as a reasonably safe motorcycle helmet should.

What Makes A Motorcycle Helmet "Defective"?

A helmet case usually turns on one of three product-defect theories, though the specific legal framing depends on the facts.

Some of the most common defect issues include:

- **Design Defects:** The helmet may have been designed in a way that made it unreasonably unsafe, even if it was assembled correctly. That might involve poor impact management, weak retention design, or shell construction that couldn't perform as expected in foreseeable crash conditions.
- **Manufacturing Defects:** The design may have been acceptable on paper, but something went wrong in production. Padding may have been missing, the shell may have been compromised, or the strap system may have been assembled incorrectly.
- **Failure To Warn Or Mislabeling:** The helmet may have been marketed as compliant, safe, or appropriate for motorcycle use when it wasn't, or it may have lacked adequate warnings about limits, fit, or use.

The NHTSA notes that a DOT symbol on the outside back of the helmet means the manufacturer is certifying that the helmet meets FMVSS 218. NHTSA also warns consumers about [unsafe helmets](#) and says novelty helmets often do not provide the same protection as compliant motorcycle helmets.

That's important because some cases aren't about an obvious fracture in the shell. They're about a helmet that looked legitimate, was sold like safety equipment, and still didn't do what it was supposed to do.

Does Georgia Law Require Motorcycle Riders To Wear Helmets?

Yes, Georgia requires motorcycle riders and passengers to wear protective headgear that complies with standards established by the state. [Georgia DPS traffic code](#) materials list O.C.G.A. § 40-6-315(a) as Georgia's headgear or helmet requirement for motorcycles, and DDS rider guidance tells riders Georgia requires a DOT-compliant helmet.

That fact can matter in two different ways.

First, it means helmet use is already built into Georgia's safety rules for riders. Second, it means a rider who did what the law required and wore a helmet may still have a case if the product failed in a crash. A helmet law doesn't protect a manufacturer from liability if the helmet itself was defective.

What Kind Of Evidence Helps Prove A Helmet Defect Case?

These cases usually rise or fall on preservation and technical evidence.

If the helmet is thrown away, altered, or badly damaged after the crash without proper documentation, a major part of the case can disappear. That's because the product itself may hold the most important clues about what failed and why.

Some of the most important evidence in a defective helmet case includes:

- **The Helmet Itself:** The shell, liner, padding, chin strap, retention system, visor area, and labels may all matter. Damage patterns can show whether the helmet absorbed force as expected or failed unexpectedly.
- **Compliance And Labeling Information:** DOT markings, model numbers, manufacturing information, and warnings can help identify what the helmet was represented to be and whether it matched applicable standards.
- **Crash Reconstruction Evidence:** The impact angle, speed, surface, and rider movement can help determine whether the helmet failure is consistent with the injury pattern.
- **Medical Records And Imaging:** Head injury records, skull fractures, facial trauma, and neurological findings may help show whether the helmet failure worsened the outcome.
- **Recall Or Safety Information:** If the model was recalled or linked to safety issues, that may become highly relevant. The [U.S. Consumer Product Safety Commission \(CPSC\) recall database](#) is one place where consumers can check published recalls and product safety warnings.

For example, if a rider suffers a severe brain injury and the evidence shows the helmet came off during a crash because the retention system failed, the case may look very different than one where the helmet stayed on and performed as expected.

Does A Serious Head Injury Automatically Mean The Helmet Was Defective?

No, a catastrophic injury can happen even when a helmet works exactly the way it was designed to work. Helmets reduce the risk and severity of head injury, but they don't make riders invincible. The NHTSA is clear that a helmet is the best protection riders have for their brain in a serious crash, but that doesn't mean every crash is survivable or every impact can be neutralized.

That's why a helmet defect case usually requires more than a bad outcome. It requires proof that something about the helmet was unreasonably unsafe or that it failed in a way it shouldn't have.

This is where people sometimes confuse a tragic result with a product defect. The law doesn't treat those as the same thing.

How Do These Cases Interact With The Crash Claim Against The Driver?

A helmet case and a crash case may exist at the same time.

The driver may still be responsible for causing the collision. But if the helmet defect made the rider's head injuries worse, the product side of the case may involve a separate defendant, separate evidence, and a separate damages analysis.

That often creates a layered liability picture like this:

- **The Driver Caused The Wreck:** A negligent lane change, [left turn](#), [rear-end impact](#), or other driving error starts the event.
- **The Helmet May Have Failed During The Crash:** The product may not have absorbed impact properly, may have come off, or may have broken in a way that worsened the injury.
- **Damages Have To Be Apportioned Carefully:** The case may involve questions about which injuries were caused by the crash itself and which were made worse by the product failure.

That doesn't make the case weaker. It usually makes it more technical.

What If The Helmet Was Sold Online Or Marketed As DOT Approved?

That can matter a lot. The NHTSA explains that the DOT symbol means the manufacturer is certifying the helmet meets FMVSS 218, but the NHTSA also warns consumers about unsafe helmets and how to identify them. A helmet sold online with a DOT mark is not automatically safe just because the label is there.

That creates a real problem in today's market. Riders may buy a helmet that looks legitimate, carries a DOT marking, and is marketed like a true motorcycle helmet, only to find out after a crash that the product wasn't what it claimed to be.

This is one reason preserving the helmet, packaging, receipt, listing information, and product photographs can matter so much.

Why Can These Cases Be More Difficult Than People Expect?

Because the defense often has two paths to attack the case.

The crash defendant may argue the driver wasn't fully at fault. The helmet defendant may argue the crash was too severe for any helmet to prevent the injury, that the rider wore it incorrectly, that the product met the standard, or that the damage happened after the primary impact instead of during helmet failure.

These cases are rarely simple. They often involve engineering questions, safety-standard issues, product identification problems, and arguments about whether the defect caused the injury or merely failed to prevent it.

That's why the story has to be built carefully. A helmet case isn't just "the helmet broke." It's often about whether the helmet performed below what a reasonably safe motorcycle helmet should have done in a foreseeable crash.

What Damages Might Be At Stake In A Defective Helmet Case?

When a helmet defect is involved, the damages can be enormous because helmet cases often center on head injuries.

Those damages may include:

- **Traumatic Brain Injury Losses:** The CDC notes motor vehicle crashes remain a common cause of traumatic brain injury. In a helmet case, the issue may be whether the product failure worsened that brain trauma.
- **Long-Term Cognitive And Neurological Harm:** A rider may deal with memory problems, mood changes, headaches, sensory issues, or permanent functional limits.
- **Medical And Rehabilitation Costs:** These cases can involve emergency care, neurology, imaging, inpatient rehab, therapy, and long-term follow-up.
- **Lost Income And Reduced Earning Capacity:** A severe head injury can change the rider's work life permanently.
- **Wrongful Death Damages:** If the helmet failure contributed to a fatal head injury, the case may involve wrongful death issues as well.

A helmet defect case can turn what looked like a standard crash claim into a much larger damages case because brain injuries don't end when the hospital discharge papers are signed.

A Helmet Case Is Really About What Should Have Protected The Rider But Didn't

A rider can do the right thing, wear a helmet, follow Georgia law, and still come out of a crash with a devastating head injury if the product failed when it mattered most. That's what makes these cases different. They aren't just about who caused the wreck. They're also about whether the safety gear was truly worthy of the trust placed in it.

[Gary Martin Hays & Associates](#) has been fighting for Georgia's injured since 1993, and we've recovered over \$1 billion for Georgia families. If you believe a defective motorcycle helmet made your injuries worse after a Georgia crash (or if you were injured in a motorcycle crash involving other circumstances), give us a call or [contact us online](#) for a free consultation. We can review the crash, the product, and the evidence to see whether the case involves more than the driver who caused the wreck.