

ABATE Letter 1.pdf

Uploaded by: JOHN KNOX

Position: FAV

To: The Honorable C. Smith, Chairman & Members of the Judicial Proceedings Committee

From: John R Knox Jr.

Date: 3/15/2022

Re: SB745 – Vehicle laws – Protective Headgear Requirements for Motorcycles Riders – Exception

Position: Favorable – Does Support – Motorcycle Helment straps cause infavorable noise restricting hearing of surrounding vehicles. SB745 allows seasoned riders the choice to wear or not to wear helmets. 31 other states have made this smart choice, so I urge the Committee to vote favorable for this much needed bill in favor of support of our Freedom of Choice. I am a Veteran and a Motorcycle Rider for over 60 Years

Thank You

**John R Knox Jr
5537 Bonnie Brook Rd.
Cambridge, Md. 21613**

Gmail - SB 745 Testimony-10-FAV.pdf

Uploaded by: Ken Eaton

Position: FAV

SB 745 Testimony

1 message

ABATE Webiste <abateofmdinc@gmail.com>
To: abateofmdinc@gmail.com

Sat, Mar 5, 2022 at 7:54 AM

SB 745 - Vehicle Laws - Protective Headgear Requirement for Motorcycle Riders - Exception

Support

Name

Nicholas Boyle

Physical Address

[730 fox meadow rd](#)
Queen Anne, MD
21657
US

Sent from ABATE OF MD, INC

Gmail - SB 745 Testimony-11-FAV.pdf

Uploaded by: Ken Eaton

Position: FAV

SB 745 Testimony

1 message

ABATE Webiste <abateofmdinc@gmail.com>
To: abateofmdinc@gmail.com

Mon, Mar 7, 2022 at 7:05 AM

SB 745 - Vehicle Laws - Protective Headgear Requirement for Motorcycle Riders - Exception

Support

Name

Charles Schomann

Physical Address

[1901 old eastern ave](#)
Essex , MD
21221
US

Sent from ABATE OF MD, INC

Gmail - SB 745 Testimony-12-FAV.pdf

Uploaded by: Ken Eaton

Position: FAV

SB 745 Testimony

1 message

ABATE Webiste <abateofmdinc@gmail.com>

Tue, Mar 8, 2022 at 10:28 PM

To: abateofmdinc@gmail.com

SB 745 - Vehicle Laws - Protective Headgear Requirement for Motorcycle Riders - Exception

Support

I SUPPORT SB745 as it allows riders over the age of 21, that have been licensed for at least 2 years, or has completed a motorcycle safety course, the Freedom of Choice regarding helmets. This bill provides Maryland riders the Freedom of Choice that is enjoyed by 31 other states. It also allows riders from other states that same Freedom. I SUPPORT SB745 - Vehicle Laws – Protective Headgear Requirement for Motorcycle Riders – Exception. We urge the committee to consider a FAVORABLE vote, in support of our Freedom of Choice.

I wear a helmet but it should be optional for adults who want to ride without one.

Name

Gilbert Willey

Physical Address

[87 bar harbor road](#)
Pasadena, MD
21122
US

Sent from ABATE OF MD, INC

Gmail - SB 745 Testimony-13-FAV.pdf

Uploaded by: Ken Eaton

Position: FAV

SB 745 Testimony

1 message

ABATE Webiste <abateofmdinc@gmail.com>

Sun, Mar 13, 2022 at 10:28 PM

To: abateofmdinc@gmail.com

SB 745 - Vehicle Laws - Protective Headgear Requirement for Motorcycle Riders - Exception

Support

I SUPPORT SB745 as it allows riders over the age of 21, that have been licensed for at least 2 years, or has completed a motorcycle safety course, the Freedom of Choice regarding helmets. This bill provides Maryland riders the Freedom of Choice that is enjoyed by 31 other states. It also allows riders from other states that same Freedom. I SUPPORT SB745 - Vehicle Laws – Protective Headgear Requirement for Motorcycle Riders – Exception. We urge the committee to consider a FAVORABLE vote, in support of our Freedom of Choice.

I believe in helmet use but also believe in the right to choose.

Name

Chris Svitak

Physical Address

[38015 Indian Creek Dr.](#)
Charlotte Hall , MD
20622
US

Sent from ABATE OF MD, INC

Gmail - SB 745 Testimony-1-FAV.pdf

Uploaded by: Ken Eaton

Position: FAV

SB 745 Testimony

1 message

ABATE Webiste <abateofmdinc@gmail.com>

Thu, Mar 3, 2022 at 8:49 PM

To: abateofmdinc@gmail.com

SB 745 - Vehicle Laws - Protective Headgear Requirement for Motorcycle Riders - Exception

Support

I SUPPORT SB745 as it allows riders over the age of 21, that have been licensed for at least 2 years, or has completed a motorcycle safety course, the Freedom of Choice regarding helmets. This bill provides Maryland riders the Freedom of Choice that is enjoyed by 31 other states. It also allows riders from other states that same Freedom. I SUPPORT SB745 - Vehicle Laws – Protective Headgear Requirement for Motorcycle Riders – Exception. We urge the committee to consider a FAVORABLE vote, in support of our Freedom of Choice.

Chairman Smith and members of the Judicial Proceedings Committee,

I have attended and testified at approximately 15 hearings on the issue of Helmet Choice and have heard the opponents of choice continually preach doom and gloom that there will be a veritable bloodbath on our streets and highways and financial Armageddon of this bill passes. I have yet, after personally questioning these opponents, had one explain how 31 other states have not been bankrupted by this policy. I have also yet to have one give a sufficient explanation how a head injury from a motorcycle accident costs more that the same head injury from a bicycle accident, a skiing accident, or any other activity which does not require a helmet.

Also not addressed are the financial gains from tourism that a helmet choice state gains. Riders from Pennsylvania would not stop at the Mason-Dixon line and Maryland riders would stay in Maryland instead of flocking to Pennsylvania for their weekend rides. Riders from West Virginia and Virginia would bring their tourism dollars to Maryland just to enjoy freedom of choice.

Please pass this bill to the full Senate with a Favorable report and make Maryland truly that much more the "Free State"

Respectfully,
Steven P. Strohmier

Name

Steven Strohmier

Physical Address

322 Lay Road
Delta, PA
17314
US

Gmail - SB 745 Testimony-2-FAV.pdf

Uploaded by: Ken Eaton

Position: FAV

SB 745 Testimony

1 message

ABATE Webiste <abateofmdinc@gmail.com>

Fri, Mar 4, 2022 at 9:13 AM

To: abateofmdinc@gmail.com

SB 745 - Vehicle Laws - Protective Headgear Requirement for Motorcycle Riders - Exception

Support

I SUPPORT SB745 as it allows riders over the age of 21, that have been licensed for at least 2 years, or has completed a motorcycle safety course, the Freedom of Choice regarding helmets. This bill provides Maryland riders the Freedom of Choice that is enjoyed by 31 other states. It also allows riders from other states that same Freedom. I SUPPORT SB745 - Vehicle Laws – Protective Headgear Requirement for Motorcycle Riders – Exception. We urge the committee to consider a FAVORABLE vote, in support of our Freedom of Choice.

We should be able to chose to wear a helmet as many other states

Name

John Nickoles

Physical Address

[3740 Nicholson Rd](#)
Westminster, MD
21157
US

Sent from ABATE OF MD, INC

Gmail - SB 745 Testimony-3-FAV.pdf

Uploaded by: Ken Eaton

Position: FAV

SB 745 Testimony

1 message

ABATE Webiste <abateofmdinc@gmail.com>

Fri, Mar 4, 2022 at 9:47 AM

To: abateofmdinc@gmail.com

SB 745 - Vehicle Laws - Protective Headgear Requirement for Motorcycle Riders - Exception

Support

I SUPPORT SB745 as it allows riders over the age of 21, that have been licensed for at least 2 years, or has completed a motorcycle safety course, the Freedom of Choice regarding helmets. This bill provides Maryland riders the Freedom of Choice that is enjoyed by 31 other states. It also allows riders from other states that same Freedom. I SUPPORT SB745 - Vehicle Laws – Protective Headgear Requirement for Motorcycle Riders – Exception. We urge the committee to consider a FAVORABLE vote, in support of our Freedom of Choice.

It is time to allow the riders in Maryland to choose when and where to wear a helmet.

Name

Linda Wainer

Physical Address

[706 Dewey Ave](#)
Salisbury, MD
21804
US

Sent from ABATE OF MD, INC

Gmail - SB 745 Testimony-4-FAV.pdf

Uploaded by: Ken Eaton

Position: FAV

SB 745 Testimony

1 message

ABATE Webiste <abateofmdinc@gmail.com>

Fri, Mar 4, 2022 at 10:23 AM

To: abateofmdinc@gmail.com

SB 745 - Vehicle Laws - Protective Headgear Requirement for Motorcycle Riders - Exception

Support

I SUPPORT SB745 as it allows riders over the age of 21, that have been licensed for at least 2 years, or has completed a motorcycle safety course, the Freedom of Choice regarding helmets. This bill provides Maryland riders the Freedom of Choice that is enjoyed by 31 other states. It also allows riders from other states that same Freedom. I SUPPORT SB745 - Vehicle Laws – Protective Headgear Requirement for Motorcycle Riders – Exception. We urge the committee to consider a FAVORABLE vote, in support of our Freedom of Choice.

I support

Name

Bruno Genis

Physical Address

[3712 chestnut ave](#)
Baltimore , MD
21211
US

Sent from ABATE OF MD, INC

Gmail - SB 745 Testimony-5-FAV.pdf

Uploaded by: Ken Eaton

Position: FAV

SB 745 Testimony

1 message

ABATE Webiste <abateofmdinc@gmail.com>

Fri, Mar 4, 2022 at 10:37 AM

To: abateofmdinc@gmail.com

SB 745 - Vehicle Laws - Protective Headgear Requirement for Motorcycle Riders - Exception

Support

I SUPPORT SB745 as it allows riders over the age of 21, that have been licensed for at least 2 years, or has completed a motorcycle safety course, the Freedom of Choice regarding helmets. This bill provides Maryland riders the Freedom of Choice that is enjoyed by 31 other states. It also allows riders from other states that same Freedom. I SUPPORT SB745 - Vehicle Laws – Protective Headgear Requirement for Motorcycle Riders – Exception. We urge the committee to consider a FAVORABLE vote, in support of our Freedom of Choice.

I support this bill

Name

fred peake jr

Physical Address

[153 deale rd.](#)
TRACYS LANDING, MD
20779
US

Sent from ABATE OF MD, INC

Gmail - SB 745 Testimony-6-FAV.pdf

Uploaded by: Ken Eaton

Position: FAV

SB 745 Testimony

1 message

ABATE Webiste <abateofmdinc@gmail.com>

Fri, Mar 4, 2022 at 10:39 AM

To: abateofmdinc@gmail.com

SB 745 - Vehicle Laws - Protective Headgear Requirement for Motorcycle Riders - Exception

Support

I SUPPORT SB745 as it allows riders over the age of 21, that have been licensed for at least 2 years, or has completed a motorcycle safety course, the Freedom of Choice regarding helmets. This bill provides Maryland riders the Freedom of Choice that is enjoyed by 31 other states. It also allows riders from other states that same Freedom. I SUPPORT SB745 - Vehicle Laws – Protective Headgear Requirement for Motorcycle Riders – Exception. We urge the committee to consider a FAVORABLE vote, in support of our Freedom of Choice.

I support this bill!

Name

Pam Hamburg

Physical Address

[212 Frock Dr.](#)
Westminster, MD
21157
US

Sent from ABATE OF MD, INC

Gmail - SB 745 Testimony-7-FAV.pdf

Uploaded by: Ken Eaton

Position: FAV

SB 745 Testimony

1 message

ABATE Webiste <abateofmdinc@gmail.com>

Fri, Mar 4, 2022 at 11:07 AM

To: abateofmdinc@gmail.com

SB 745 - Vehicle Laws - Protective Headgear Requirement for Motorcycle Riders - Exception

Support

I SUPPORT SB745 as it allows riders over the age of 21, that have been licensed for at least 2 years, or has completed a motorcycle safety course, the Freedom of Choice regarding helmets. This bill provides Maryland riders the Freedom of Choice that is enjoyed by 31 other states. It also allows riders from other states that same Freedom. I SUPPORT SB745 - Vehicle Laws – Protective Headgear Requirement for Motorcycle Riders – Exception. We urge the committee to consider a FAVORABLE vote, in support of our Freedom of Choice.

Please consider a favorable vote.

Name

RICHARD DIXON

Physical Address

[5012 Drawbridge Rd](#)
Cambridge, MD
21613
US

Sent from ABATE OF MD, INC

Gmail - SB 745 Testimony-8-FAV.pdf

Uploaded by: Ken Eaton

Position: FAV

SB 745 Testimony

1 message

ABATE Webiste <abateofmdinc@gmail.com>

Fri, Mar 4, 2022 at 11:24 AM

To: abateofmdinc@gmail.com

SB 745 - Vehicle Laws - Protective Headgear Requirement for Motorcycle Riders - Exception

Support

I SUPPORT SB745 as it allows riders over the age of 21, that have been licensed for at least 2 years, or has completed a motorcycle safety course, the Freedom of Choice regarding helmets. This bill provides Maryland riders the Freedom of Choice that is enjoyed by 31 other states. It also allows riders from other states that same Freedom. I SUPPORT SB745 - Vehicle Laws – Protective Headgear Requirement for Motorcycle Riders – Exception. We urge the committee to consider a FAVORABLE vote, in support of our Freedom of Choice.

We need freedom of choice in the free state

Name

Charlie Grizzle

Physical Address

[12406 Sir Lancelot Drive](#)
Glenn Dale , MD
20769
US

Sent from ABATE OF MD, INC

Gmail - SB 745 Testimony-9-FAV.pdf

Uploaded by: Ken Eaton

Position: FAV

SB 745 Testimony

1 message

ABATE Webiste <abateofmdinc@gmail.com>

Fri, Mar 4, 2022 at 1:17 PM

To: abateofmdinc@gmail.com

SB 745 - Vehicle Laws - Protective Headgear Requirement for Motorcycle Riders - Exception

Support

I SUPPORT SB745 as it allows riders over the age of 21, that have been licensed for at least 2 years, or has completed a motorcycle safety course, the Freedom of Choice regarding helmets. This bill provides Maryland riders the Freedom of Choice that is enjoyed by 31 other states. It also allows riders from other states that same Freedom. I SUPPORT SB745 - Vehicle Laws – Protective Headgear Requirement for Motorcycle Riders – Exception. We urge the committee to consider a FAVORABLE vote, in support of our Freedom of Choice.

An acquaintance road his bike home impaired after a night out, Negaunee he didn't want to leave it at the bar. He lived about 3 miles away and I would have road it for him but had no helmet with me. So instead of me riding his bike for him he road it while intoxicated.

Name

Thomas Superczynski

Physical Address

[301 Bay Dale Dr](#)
Arnold, MD
21012
US

Sent from ABATE OF MD, INC

SB745_KEaton-Testimony_FAV.pdf

Uploaded by: Ken Eaton

Position: FAV

2021 / 2022 Director

Ken Eaton

2022 / 2022 County Representatives

Caroline: Jeff Kinnamon

Dorchester: John Knox

Queen Anne's: Marianne Jackson

Talbot: Jimmy Mountzalia



*Dedicated to Freedom of the Road &
Responsible Motorcycle Legislation*

To: The Honorable William C. Smith, Chairman and Members of the Judicial Proceedings Committee

From: Ken Eaton, Director, Mid-Shore Chapter

Date: March 14, 2022

Re: SB745 - Vehicle Laws – Protective Headgear Requirement for Motorcycle Riders – Exception

Position: **FAVORABLE: DOES SUPPORT**

I am a motorcyclist, car enthusiast, a farmer, a registered voter, and a member of ABATE of Maryland, Inc., the largest motorcyclist rights organization in the state of Maryland. As motorcyclists, many of us own multiple vehicles of all types. We have motorcycles, trucks, cars, tractors, trailers, etc. ABATE represents the approximately 114,000 on road motorcycles that are registered in Maryland. We have chapters throughout the state and our members include a diverse cross-section of motorcycle riders in Maryland. We overwhelmingly **SUPPORT SB745** as it allows adult, trained motorcycle riders, the Freedom of Choice when it comes to helmets.

The best way to not be involved in an accident is to avoid them. ABATE of Maryland, Inc. is immensely proud of our involvement throughout the years with the Motorcycle Safety Program. Education and training are the primary tools for motorcycle safety. In addition, we work closely with other state motorcycle rights organizations, the American Motorcyclist Association, and the Motorcycle Riders Foundation. ABATE has been around nationwide since 1972 and Maryland started their state motorcycle rights organization in 1974. We have been actively involved in protecting the rights of motorcyclists for 48 years in Maryland. We were heavily involved in 1976 when the Federal government created incentives to pass mandatory helmet laws. Unfortunately, the freedom of choice was lost in 1992 in Maryland. Many of our members, including myself, remember enjoying the Freedom of Choice in Maryland prior to that date. ABATE has been on the forefront ever since fighting to regain Freedom of Choice. In addition, we investigate any legislation that could affect motorcyclists.

US States Helmet Laws

- 2 states are completely Freedom of Choice
- 29 states are Freedom of Choice for riders over a certain age (generally 18 to 21)
- 19 states are not free to decide

In summary, 31 states (62%) provide motorcycle riders with a Freedom of Choice regarding helmets. Currently our neighbors to the north and east are Freedom of Choice states. Many riders in Maryland choose to ride in those states whenever they can to enjoy their freedoms and spend their money while enjoying those Freedoms. Conversely, many riders from those 31 states avoid Maryland when possible.

There are over 426,000 motorcycles registered in Pennsylvania and Delaware. Maryland is telling quite a few of those motorcyclists that your Freedom of Choice in your home state is not welcome here. That does not include the approximately 4 million+ other motorcyclists from other Freedom of Choice states that will not be provided that Freedom here in Maryland. When these motorcyclists visit in a state, they spend money on gas, tolls, eat in restaurants, visit local businesses, stop at hotels, campgrounds, B &B's. In short, THEY SPEND MONEY. I personally know many motorcyclists from Pennsylvania that will travel through Delaware to get to the Maryland beaches, just to avoid the majority of Maryland on their trip. That is TOURISM DOLLARS LOST. Gas stations, restaurants, businesses, and small towns along the route in Maryland are losing out, because Maryland refuses to allow Freedom of Choice.

Regarding the “public health burden” argument that others have presented year after year, there are 31 other states that allow Freedom of Choice and we have not seen them go into financial distress over un-helmeted motorcyclists.

Many motorcyclists are not just local riders. There are a substantial number of riders that have ridden in the majority of the states. They continually express their feelings over the right to decide and enjoy the Freedom of Choice. This law will not prevent anyone from wearing a helmet if they decide to do so. However, it will allow the rider to make his or her own decision.

This bill provides Maryland riders the Freedom of Choice that is enjoyed by 31 other states. It also allows riders from other states that same Freedom. The Mid-Shore Chapter of ABATE of Maryland, Inc **SUPPORTS SB745** - Vehicle Laws – Protective Headgear Requirement for Motorcycle Riders – Exception. We urge the committee to consider a **FAVORABLE** vote, in support of our Freedom of Choice.

Thank you!



Kenneth B. Eaton, Director
Mid-Shore Chapter
ABATE of Maryland, Inc.

2022 ABATE SB0745 Testimony ASanford (2).pdf

Uploaded by: Kenneth Sawyer

Position: FAV



ABATE OF MARYLAND, INC.

Dedicated to the Freedom of the Road and Responsible Motorcycle Legislation

MEMORANDUM

TO: The Honorable William C. Smith, Jr. Chairman and Members of the Judicial Proceedings Committee

FROM: Executive Treasurer, Annie Sanford, ABATE of Maryland, Inc.

DATE: March 11, 2022

RE: SB0745 Vehicle Laws - Protective Headgear Requirement for Motorcycle Riders - Exception

POSITION: Favorable

We wake up every morning not knowing if this will be our last day on earth. Everyday we engage in dangerous activities. The first is getting out of bed. The second is entering the smallest room in the house - the bathroom. Belvedere Health Services reports “up to 80 percent of falls in the home occur in the bathroom. These fall-related injuries can range from minor scrapes and bruises to broken bones, head injury and spinal cord injury.” The most hazardous activities for all ages are bathing, showering and getting out of the tub. Yet, there is no legislation for mandatory grab bars or helmets to protect the entire population while using the bathroom.

As a retired nurse and married for 40 years, my husband and I have traveled many miles (both domestic and international) on our motorcycle. We wear our helmets, even when not required to do so. As responsible adults we CHOOSE to wear our helmets and believe that adults should have the CHOICE whether to wear a helmet or not. Over the years, the Committee has heard testimony pro and con regarding this issue. What you have not heard is my opinion. I am angry that motorcyclists are treated unfairly by the opposition. We are viewed and judged like the Hollywood stereotype of what a motorcyclist is supposed to be. However, in the real world motorcyclists and their passengers are politicians, state and government workers, nurses, veterans, truck drivers, doctors, lawyers, CEO's, business owners, cashiers, retirees, teachers, first responders, athletes, movie stars, mothers, fathers, brothers, sisters, and grandparents. The list is endless. We pay our taxes, have health insurance and donate our time and money to numerous charities. Treat us as responsible adults and let us make our own decision whether or not to wear a helmet.

Please vote favorably for SB 0745.

Respectfully submitted,
Annie Sanford

Annie Sanford, Executive Treasurer
ABATE of Maryland, Inc.

2022 SB745 Bob Spanburgh.pdf

Uploaded by: Kenneth Sawyer

Position: FAV

MEMORANDUM

TO: The Honorable William C. Smith, Jr. Chairman and Members of the
Judicial Proceedings Committee

FROM: Chairman of the Board
ABATE of Maryland Inc.
Robert Spanburgh Jr.

DATE: March 11, 2022

RE: **Senate Bill 745-Vehicle Laws - Protective Headgear
Requirement for Motorcycle Riders - Exception**

POSITION: **FAVORABLE**

Good afternoon Mr. Chairman and members of the Committee,

My name is Robert Spanburgh Jr. I am the Chairman of the Board of ABATE of Md.

We are the State's largest Motorcycle Rights Organization. Since 1974 we have lobbied for a safer, more enjoyable and more fulfilling riding experience for all of Maryland's motorcyclists.

I obtained my motorcycle endorsement on my driver's license in 1983 and I joined ABATE in 1985. As a result of my membership I registered to vote and became more civically involved in state and local government matters. When I first started riding "on the street" Maryland enjoyed "Freedom of Choice" when it came to the matter of motorcycle helmet usage. I enjoyed that right until 1992 when our ability to choose was rescinded under false pretenses. The State Legislature was led to believe that Federal Highway Funds would be withheld unless state-mandated helmet usage was instituted. That turned out to not be the case. 32 US states still do not mandate helmet usage for adult riders. As other members of our panel will show you today, there is no significant difference in the number or severity of motorcycle accidents between so-called "free states" and helmet-mandated states. As a motorcyclist with 38 years of experience, I exercise my freedom of choice when I am riding in free states. I will wear a helmet in certain circumstances as the need arises. I do not and have never discouraged helmet usage. Many of my friends wear them at all times. The overwhelming majority of my friends and fellow ABATE members wish to see a return to the time when responsible adult riders are able to make that choice for themselves. It is with this in mind that I respectfully request a favorable report and Committee vote on SB 0745.

Thank You for your time.

Robert G. Spanburgh Jr.
Chairman of the Board
Abate of Maryland, Inc.

2022 Senate Helmet Letter Jay Block.pdf

Uploaded by: Kennneth Sawyer

Position: FAV

Jay Irwin Block, Esq.
ABATE of Maryland, Inc.
P.O. Box 1733
Annapolis, MD 21404

March 14, 2022

The Honorable William Smith, Jr., Chairman
Judicial Proceedings Committee
Miller Senate Office Building, Suite 2E
11 Bladen Street
Annapolis, MD 21401

RE: SB 745

Dear Mr. Chairman,

I am a motorcyclist and a member of ABATE. I am registered to vote in Baltimore County and in my practice as an attorney, I have travelled through all of the counties and Baltimore City for both legal and social matters, sometime in a car and sometimes on my motorcycle.

I am asking you to support the passage of the Bill, allowing motorcyclists the choice of whether to wear a helmet or not.

Regarding the above bill, I wish to address the history of "helmet" laws in the federal and Maryland governmental systems. (I use the word in quotes as the Maryland law refers to "protective headgear" without even mentioning helmets *per se*.)

Originally the states were required under federal law to mandate helmet usage. Maryland complied and established its own law. Subsequently the federal government, acknowledging it had no right to control the independence of the states in internal matters, repealed its mandate and allowed the individual states to make their own decisions as to the requirements of helmet usage.

As a result, in 1979, Maryland modified its stance, requiring helmets only for those under the age of eighteen and allowing adults to make their own decisions as to usage.

Recognizing that education as to motorcycle operation was the answer to minimizing exposure to injury both self-actuated as well as those caused by the negligence of others, ABATE of MD worked with the State of Maryland to initiate the Maryland Motorcycle Safety Program (MMSP) which taught individuals how to operate a motorcycle, how to interact with other vehicles in traffic and how to minimize injury (including reviews of all types of clothing, gloves, boots and helmets as assisting in protection from the road and weather conditions) . This program has been credited with the reduction of all kinds of injuries, not just head trauma.

The federal government then decided to reverse itself and, under the provisions of the ISTEA, The Intermodal Surface Transportation Efficiency Act of 1991, again demanded the states enact helmet laws under threat of the alleged loss of federal funding for highways. (The reality in Maryland was that all that would have happened was a redirection of funds into different programs and there would not have been any money lost.) Thus Maryland, in 1992, enacted the helmet law as it now exists. Ironically, Maryland is the only state that did so. The rest of the states demanded that their congressional representatives return to the federal government and have the penalties removed from the Act. The position of the states was acknowledged and the “hostage” provisions were removed. As a result of issues regarding the present law, the Court of Appeals in the Case of Michael Lewis vs. Ann Ferro, when questioned about the constitutionality of the Statute, as the COMAR Regulations required a list of approved headgear by the Motor Vehicle Administration, stated it was not necessary to do so as the Federal Government had provided a list in a brochure published in 1994. Since that time many listed helmets have stopped being produced and new ones have been placed on the market. It is impossible to know which helmets are now "approved" for usage. When I made a phone call to NHTSA with the 800 number provided, requesting its updated standards I was led to a series of transfers lasting over twenty minutes until I finally reach a person who told me that NHTSA did not approve helmets and could not provide information as to the propriety of any individual helmet subject to the inquiry.

Unfortunately, as this list has never been recently updated or modified under the U.S. Department of Standards, as required, motorcyclists in 2021 are relying upon articles posted on the internet such as a list prepared by the Snell Institute using its standards for approved helmets, which are different than those of the US Department of Transportation (DOT).

In the past, when a Statute was requested to require “protective headgear” for bicyclists, for all occupants, there was a resounding outcry from adults who stated they had the ability to make their own decisions regarding apparel and the law, as it stands now, is limited to those sixteen (16) and under. As bicycles have the same use of public roads (with the exception of super-highways) and can travel at speeds comparable to those of a motorcycle, it would only make sense to have the same rules for both.

ABATE’s request for a revision of the present law to only require “protective headgear” to those under 21, even though still more age-restrictive than the law as to bicyclists, would still be a step in the right direction.

Very truly yours,

/S/
Jay Irwin Block, Esq.

CC: The Honorable Jill Carter
The Honorable Susan Lee

The Honorable Charles Sydnor
The Honorable Jeff Waldstreicher
The Honorable Shelley Hettleman
The Honorable Jack Bailey
The Honorable Michael Hough
The Honorable Bob Cassily
The Honorable Chris West
Kenneth V. Sawyer, Executive Director ABATE of Maryland

2022 ss 745.pdf

Uploaded by: Kenneth Sawyer

Position: FAV



ABATE OF MARYLAND, INC.

Dedicated to the Freedom of the Road and Responsible Motorcycle Legislation

Steven P. Strohmer
State Legislative Representative *Emeritus*
ABATE of Maryland, Inc.

March 11, 2022

Testimony in Favor of Senate Bill 745-Vehicle Laws - Protective Headgear Requirement for Motorcycle Riders - Exception

To the Honorable William C. Smith, Jr. and Members of the Senate Judicial Proceedings Committee:

The state of Maryland, like every other state, has suffered financially during the pandemic that has consumed our country during the past year. If there is a resource which Maryland could easily access to recoup some of the millions of dollars that it has lost wouldn't it benefit the state to access this resource? I believe it would but there is currently a hindrance to taking advantage of this resource.

This resource is motorcycle tourism. The problem with accessing this revenue is Maryland's current mandatory helmet law. A large percentage of motorcyclists will leave, pass through, or not visit a mandatory helmet state and take their tourism dollars with them to helmet choice states.

To see evidence how strongly motorcyclists feel about this issue one only needs to go to the border between Maryland, Pennsylvania, and Delaware, on any nice riding weekend and see the flow of tourism dollars heading out of Maryland as compared to the little flowing into the state. Non-riders may not believe that people from Virginia and West Virginia will ride straight through Maryland to get to a helmet choice state, where they spend their tourism dollars, but they do. I live one mile from the Mason-Dixon Line and can attest to the fact that many riders leave or do not enter Maryland for rides not only by observation but practice as well.

As a rider with over 40 years' experience, I remember the days when Maryland was helmet choice and the surrounding states were not and how riders would inundate Maryland businesses, especially near the border, and spend their tourism dollars. That ended with the stroke of a pen when Maryland reinstated the mandatory helmet law. Without helmet choice riders no longer had a strong desire to go to Maryland. Then in 2003, again with the stroke of a pen, the flow reversed when Pennsylvania passed helmet choice. Now Pennsylvania businesses delight in Maryland riders heading north with their money.



Wouldn't you like to see Maryland dollars stay in Maryland? Wouldn't it be nice to see riders from other states come into Maryland to spend money instead of stopping at the border or just passing through? This is not a small amount of money but a sizable amount. Consider if on a nice day several thousand riders entered Maryland, and more Maryland riders just stayed in Maryland, and spent even \$50 each, both of which are probably low estimates, how much it would mean to local businesses and the state tax coffers as well. Multiply this by the number of days riders are on the road and you should easily see the amount climb into the millions of dollars.

Enactment of helmet choice for motorcyclists would not only give motorcyclists the freedom they deserve but would help local businesses and the state of Maryland as well.

Please support SB 745.

Respectfully,

Steven P. Strohmier

BILL WEBB SB 745.pdf

Uploaded by: Kenneth Sawyer

Position: FAV



To: The Honorable William C. Smith, Chairman and Members of the Judicial Proceedings Committee

From: William Webb

Date: 4 Mar 2022

Re: SB745 - Vehicle Laws – Protective Headgear Requirement for Motorcycle Riders – Exception

Position: **FAVORABLE - DOES SUPPORT**

I **SUPPORT SB745** as it allows adults over the age of 21, has been licensed for at least 2 years, or has completed a motorcycle safety course, the Freedom of Choice regarding helmets.

This is common sense legislation that is sorely needed especially in times of unhinged governmental overreach.

This bill provides Maryland riders the Freedom of Choice that is enjoyed by 31 other states. It also allows riders from other states that same Freedom. I **SUPPORT SB745** - Vehicle Laws – Protective Headgear Requirement for Motorcycle Riders – Exception. We urge the committee to consider a **FAVORABLE** vote, in support of our Freedom of Choice.

Thank you!

William Webb
8555 St Andrews Drive
Chesapeake Beach, MD. 20732

Lee Sawyer- 2022 SB745 (1) (1).pdf

Uploaded by: Kenneth Sawyer

Position: FAV



ABATE OF MARYLAND, INC.

Dedicated to the Freedom of the Road and Responsible Motorcycle Legislation

March 11, 2022

The Honorable William C. Smith, Jr., Chairman
Judicial Proceedings Committee

Re: Testimony in Favor of SB 745- Vehicle Laws - Protective Headgear Requirement for Motorcycle Riders- Exception

As a registered voter, concerned citizen of District 27B, and member of Abate of Maryland, I write to you to urge a favorable report for SB712- the helmet modification bill.

I am a 50-year-old legal assistant, wife, and mother who has been a proud member of the motorcycling community for about 12 years and an Abate of Maryland member for 5 years. I have lived in Maryland all my life.

The motorcycle culture is made up of many people who, like me, are responsible citizens pursuing their hobby. We plan our weekends and vacations around motorcycling. Until Covid, we would customarily take a few motorcycle trips each year. With our riding buddies, my husband and I have traveled up and down the entire East Coast and to other nearby states within a thousand-mile radius of our home.

We have been to several states that do not impose the helmet requirement. Sometimes we enjoy the freedom of not wearing a helmet and other times we keep our helmets on—it depends on factors such as weather, traffic, speed, and road conditions. The point is that riders are in the best position to make this determination and should have the ability to make the decision.

Opponents of allowing helmet choice say that because of the risk involved in riding a motorcycle, it is for our own safety that we should be required to wear a helmet. But I can think of other recreational activities available in Maryland—many of which include some risk of harm or death to the participant—that do not have a helmet requirement.

- Bicyclists are free to travel on or along the same roadways as motorcyclists and have the same risk of injury or death if involved in an accident with a motor vehicle, yet bicyclists over the age of 16 can decide for themselves if they want to wear a helmet.
- The use of safety helmets would certainly decrease the severity of head injuries or death for snowboarders and skiers who collide with other people, trees, rocks, etc. yet, again, there is no helmet requirement.

71 Franklin Street | P. O. Box 1733 | Annapolis, Maryland 21404 |
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ABATE OF MARYLAND, INC.

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- Rock climbers who fall may suffer serious life-threatening and/or permanent injuries yet they can decide for themselves if they want to wear a helmet.

Furthermore, many recreational water activities pose a risk of injury or death, yet the government has not imposed mandatory use of safety equipment to the same degree as they have with motorcyclists. Of the many thousands of Marylanders who enjoy our waterways, only jet ski operators and riders and children are actually required to wear a personal floatation device while on board a personal watercraft or vessel, as opposed to only to have a personal floatation device *available*.

If bicyclists, skiers, snowboarders, rock climbers, kayakers, sailors, etc. are capable of making decisions regarding their personal safety while pursuing their recreational activities surely motorcycle riders are also capable. I urge you to please correct this oversight that has existed for many years. Let those who ride, decide!

Please give a favorable report to SB745.

Lee A. Sawyer
Huntingtown, MD

SB745 Asst Director- Calvert County- Dean Howes t

Uploaded by: Kennneth Sawyer

Position: FAV



ABATE OF MARYLAND, INC.

Dedicated to the Freedom of the Road and Responsible Motorcycle Legislation

Position Paper in favor of SB745

Prepared by

Dean Howes, Assistant Director, ABATE of Maryland, Inc.

Calvert County Chapter

| | |
|---------|--|
| Pg. 2 | Opening statement |
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| Pg. 4 | Fatality ratios 2018 |
| Pp. 5-7 | Fatality ratios all 50 states 2013 |
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| Pg. 10 | Some interesting points and skewed numbers |

Opening Statement

The information here serves only to cover the effectiveness of an all rider helmet law and not the effectiveness of a helmet itself. The actual effectiveness of helmets can only be determined by an accident to death ratio and there is insufficient "accurate" data available to arrive at such a figure.

- 1) Any data based on miles traveled/vehicle cannot be used for obvious reasons. (Some states reported 0 miles for motorcycles but still reported fatalities for motorcyclists. Over a 9-year period NHTSA reports that the number of motorcycle registrations roughly doubled but total miles traveled for motorcycles stayed nearly the same.)
- 2) The best way to measure the effectiveness of an all rider helmet law is to compare fatalities to motorcycle registrations ratios between states with all rider laws and "free states", preferably those with similar riding conditions, climate, and length of riding season. Example: Montana, a free state is going to have a lower ratio than Georgia, an all rider state for obvious reasons.
- 3) Much of the opposition's testimony is based on seriously flawed/WRONG or "cherry picked" statistics. The first of these is that 37% of lives could have been saved if all states had an all rider helmet law. This is a # they have adopted from NHTSA although NHTSA's own statistics show this to be false! If the whole "37%" thing is true than why is there not 37% less fatalities to registrations ratio in states including Maryland that have all rider helmet laws. See attached ratios that are determined using statistics from NHTSA, FARS, and the Governors Highway safety council. There are currently 31 "free" states and 19 mandatory states. Included here are ratios for all 50 states in 2013 and just states with similar riding seasons for subsequent years.
- 4) Also attached are numerous statistics from the opposition in previous years that are at the very least questionable and a few statistics to put things in perspective.
- 5) There are a number of probable benefits to the fiscal bottom- line by passing SB 712. See cold hard realities page.



FATALITIES TO M/C REGISTRATIONS 2019

| The Free States | | | |
|----------------------|---------------------|------------|----------------------------|
| | # of registered M/C | Fatalities | Fatalities per IOK reg M/C |
| Pennsylvania | 366,641 | 176 | 4.8 |
| Delaware | 28,312 | 18 | 6.36 |
| Ohio | 406,543 | 162 | 3.98 |
| Indiana | 252,280 | 127 | 5.46 |
| Illinois | 314,802 | 138 | 4.38 |
| Totals/Avg | 1,368,578 | 621 | 4.54 average |
| The Mandatory States | | | |
| | # of registered M/C | Fatalities | Fatalities per IOK reg M/C |
| Maryland | 113,195 | 75 | 6.26 |
| Virginia | 193,813 | 102 | 5.26 |
| N. Carolina | 187,849 | 208 | 11.07 |
| W. Virginia | 46,763 | 28 | 5.99 |
| Totals/Avg | 541,620 | 413 | 7.63 |

Even if you take out North Carolina's reported statistics, the average for the mandatory states would be 5.79 deaths per 10,000 registered M/C compared to the 4.54 for the free states. **Where is evidence of 37% lives saved?**



FATALITIES TO M/C REGISTRATIONS 2018

| The Free States | | | |
|----------------------|---------------------|------------|----------------------------|
| | # of registered M/C | Fatalities | Fatalities per IOK reg M/C |
| Pennsylvania | 393,509 | 165 | 4.19 |
| Delaware | 26,035 | 17 | 6.52 |
| Ohio | 388,108 | 145 | 3.74 |
| Indiana | 231,183 | 117 | 5.06 |
| Illinois | 300,247 | 119 | 3.96 |
| Totals/Avg | 1,399,081 | 563 | 4.2 average |
| The Mandatory States | | | |
| | # of registered M/C | Fatalities | Fatalities per IOK reg M/C |
| Maryland | 114,460 | 62 | 5.42 |
| Virginia | 200,422 | 100 | 4.99 |
| N. Carolina | 236,636 | 191 | 8.07 |
| W. Virginia | 52,641 | 39 | 7.41 |
| Totals/Avg | 604,159 | 392 | 6.49 |

Even if you take out North Carolina's reported statistics, the average for the mandatory states would be 5.47 deaths per 10,000 registered M/C compared to the 4.20 for the free states. **Where is evidence of 37% lives saved?**



Fatalities to M/C registrations 2013 all 50 states

| The Free States | | | |
|-----------------|------------------|------------|-----------------------------------|
| State | # Registered M/C | Fatalities | fatalities per 10K registered M/C |
| *Illinois | 352,318 | 148 | 4.2 |
| *Iowa | 183,294 | 41 | 2.2 |
| †Alaska | 32,207 | 2 | 0.6 |
| Arizona | 188,360 | 146 | 7.8 |
| Colorado | 184,549 | 83 | 4.5 |
| Connecticut | 9,1054 | 80 | 5.5 |
| Hawaii | 40,564 | 17 | 4.2 |
| Idaho | 64,944 | 24 | 3.7 |
| Indiana | 218,630 | 90 | 4.1 |
| Kansas | 99,169 | 35 | 3.5 |
| Maine | 63,114 | 11 | 1.7 |
| Minnesota | 237,259 | 59 | 2.5 |
| Montana | 17,1085 | 32 | 1.9 |
| New Hampshire | 73,612 | 24 | 3.3 |
| New Mexico | 65,321 | 40 | 6.1 |
| N Dakota | 35,756 | 9 | 2.5 |
| Ohio | 402,264 | 130 | 3.2 |
| Oklahoma | 126,883 | 92 | 7.3 |
| S Dakota | 86,710 | 22 | 2.5 |
| Utah | 64,970 | 30 | 4.6 |
| Wisconsin | 323,378 | 81 | 2.5 |
| Wyoming | 31,397 | 9 | 2.9 |
| *Delaware | 30,056 | 20 | 6.7 |
| §Arkansas | 74,196 | 56 | 7.5 |
| Kentucky | 109,821 | 78 | 7.1 |
| Pennsylvania | 400,908 | 178 | 4.4 |
| Rhode Island | 32,252 | 11 | 3.4 |

* No law whatsoever pertaining to helmets in these states.

† Alaska through Wyoming, riders under 18 must wear a helmet

* under 19 must wear a helmet

§ Arkansas through Michigan, riders under 21 must wear a helmet.



| State | # Registered M/C | Fatalities | fatalities per 10K registered M/C |
|-------------------|-------------------------|-------------------|--|
| S Carolina | 113,315 | 120 | 10.5 |
| Texas | 443,856 | 487 | 11.0 |
| Florida | 545,452 | 460 | 8.4 |
| Michigan | 267,292 | 127 | 4.8 |
| Totals/Av | 5,153,986 | 2712 | 5.26 |



Fatalities to M/C registrations 2013 --All 50 states

| The Mandatory All Rider States | | | |
|---------------------------------------|----------------------------|-------------------|-------------------------------|
| | # of registered M/C | Fatalities | Fatalities/10K reg M/C |
| Alabama | 118,084 | 80 | 6.7 |
| California | 799,900 | 447 | 5.6 |
| Georgia | 200,133 | 100 | 5.0 |
| Louisiana | 113,778 | 84 | 7.4 |
| Maryland | 99,560 | 59 | 5.9 |
| Massachusetts | 125,122 | 39 | 3.1 |
| Mississippi | 28,433 | 38 | 13.4 |
| Missouri | 184,723 | 71 | 3.8 |
| Nebraska | 56,224 | 14 | 2.5 |
| Nevada | 70,675 | 50 | 7.1 |
| New Jersey | 152,111 | 55 | 3.6 |
| New York | 345,118 | 168 | 4.9 |
| N Carolina | 195,493 | 134 | 6.9 |
| Oregon | 89,797 | 31 | 3.5 |
| Tennessee | 163,820 | 131 | 8.0 |
| Vermont | 28,777 | 5 | 1.7 |
| Virginia | 189,689 | 63 | 3.3 |
| W. Virginia | 58,021 | 24 | 4.1 |
| Washington DC | 227,073 | 73 | 3.2 |
| Totals/Avg. | 3,001,201 | 1,669 | 5.56 |

5.26 vs. 5.56. Slightly higher than the average for the "Free" states?



Some Cold Hard Realities

- ❖ It is far cheaper to treat a dead patient.
- ❖ An organ donor can donate organs that could save up to eight lives and tissue matter that could improve up to 50 lives.
- ❖ Traffic accidents, especially motorcycle accidents, are a good source of organ donors.
- ❖ That's why many in the medical community sarcastically refer to motorcycles as "donorcycles"
- ❖ A deceased person will no longer receive social security and Medicare even though they have paid in for years.
- ❖ A deceased person will not require Medicaid or long term geriatric care into their 70's 80's and 90's. A considerable savings to society
- ❖ Medical costs of treating traffic accidents is about 2% of total healthcare costs and motorcycle accidents about 2/10 of a percent.
- ❖ Speeding fatalities are about 5 times (500%) that of unhelmeted riders. But this is not being addressed.
- ❖ Pedestrian fatalities surpassed total motorcycle fatalities in 2014, 2015, and 2016 by 1,483 or 10% over the three years.
- ❖ Insurance rates are not higher in free states than all rider states. Surely the insurance industry has calculated and understands risk better than anyone.
- ❖ There are 31 free states that have not gone bankrupt due to their reduced helmet laws.
- ❖ History shows in states that have repealed their mandatory helmet laws there has been an increase in M/C registrations from 30 to almost 100% (which explains a lot of the increase in fatalities.)
- ❖ In Maryland, in 2016 there were 123,936 motorcycles, so an increase of 30% would result in 37,189 more motorcycles registered in Maryland. Let's say the average cost of a motorcycle is \$14,000 so the tax on that is \$840. Multiply that



times 37,189 and you get \$31,231,200 tax revenue collected. This doesn't even take into account titling fees and registrations every 2 years for 37,189 more motorcycles.

- ❖ There would also be a positive impact on business as all must be insured and all require maintenance and repair. Most riders will spend considerable money on parts and accessories. Then there is the impact on tourism when we spend our money while recreational riding. All of this is taxed as well. Ask the mayor of Ocean City how motorcyclists effect his budget in September.



Some Interesting Points and Skewed Numbers

In 2013, there were five free states with a combined number of motorcyclist fatalities (55) which is less than the 59 motorcyclist fatalities here in Maryland alone. This a true fact and perfect example of misrepresenting and "cherry picking" numbers and statistics. The five states were Alaska, Maine, N Dakota, Wyoming and Idaho. Obviously, these states have shorter riding seasons than Maryland.

For the "Doom and Gloom" effect, the opposition always uses 1997 stats for comparisons, a year which had the lowest fatality rate. Our opponents always point to the increased number, not the percentage, of fatalities even though in 1997 there were 3.8 million motorcycle compared to 6.7 million in 2006 and 8.6 million in 2018.

The opposition always points to any increase in states that adopt freedom of choice but fail to mention the increase in motorcycle registrations when all rider laws are amended. These increases are between 30 - 100%.

Our opposition does not even come up with the same statistics: Maryland Institute for EMS (Patricia Gainer) said 27.1% of motorcycle trauma patients were un-helmeted. The Shock Trauma Center said 17%. Trauma Net said 8%. Since we know that helmets do not prevent accidents, doesn't that mean that somewhere between 8 and 27 motorcyclists per 100 are not wearing a helmet when they ride? That is not what I see when I'm out on Maryland's roads. When was the last time you saw a rider without a helmet in Maryland? Come on guys, at least get together and agree on the number!

Advocates for Highway Safety (Jacquelin Gillan) said there were 11 times more un-helmeted fatalities in free states than there were in all rider states. NO KIDDING, there were probably hundreds of times more riders riding without a helmet in free states. You are probably 11 times more likely to drown swimming than standing on the dock. Advocates for Highway Safety said there was 56% decrease in M/C fatalities after the enactment of the all rider helmet law, Partnership for a Safer Maryland said 36%. Once again, people pick a number! Advocates for Highway Safety also said that \$477 million were saved by the helmet law while Partnership for a Safer Maryland said \$118 million? Once again, people pick a number.

Partnership for a Safer Maryland (Jaqueline Milani) quotes the CDC "It's unclear what benefit motorcycle education has." I can't believe this was even said. Even NHTSA says that 25% of fatalities were unlicensed/untrained, even though they represent a much smaller % of total riders.



SB 0745 letter to senators 2022.pdf

Uploaded by: michelle mclane

Position: FAV

SB 0745

Senator,

I am a 30 + year Motorcycle operator and I would like to take this opportunity to ask you to favorably pass this Protective Headgear Requirement for Motorcycle Riders – Exception. As an experienced rider, I should have the ability to gage whether I need to use a helmet or not depending on the riding conditions, area and road conditions in which I choose to operate my motorcycle. Helmets actually impede our vision and hearing and cause physical issues due to the weight of the helmets, especially when operating motorcycles during the summertime when temperatures can easily exceed 90 plus degrees in that they can and do contribute to heat related illnesses when sitting in traffic. When I started riding motorcycles back in the 80s, there was no helmet law. When it was reinstated in the 90s I chose to (and still do chose to) do most of my riding in Pennsylvania and in other helmet free or choice states, therefore taking money that I spend on every trip out of the tax base of Maryland due to the choices the legislature made back in 1992. Helmets do not protect us from injuries when involved in vehicle accidents. Most of the damage done to our bodies are done to everything below the neck. Yes, head injuries do occur, however; in the 3 accidents I was involved in; 1st one in the late 80s, had I had a helmet on my head, I would not be here trying to change your mind. My neck would have been snapped as I literally barely missed (within a half of an inch) a guardrail with my head. Had I had a helmet, my neck would have snapped because of the added bulk.

The additional 2 accidents I was directly involved in, both caused by 4 wheeled motorists who illegally turned or pulled out in front of me, I had my full gear on and my head never hit the ground – not a scratch 1 on my helmet. First accident was minor, second was major and totaled my motorcycle. I did not have the choice of wearing or not wearing headgear during the last two accidents, but had I had the choice, it would have been to NOT wear the helmet.

I HAVE, however, been stricken with heat illness due to the helmet requirement so like I said before, I choose to take my money and myself and my motorcycle up to Pennsylvania in order to ride to escape the ridiculous mandate of the helmet requirement in this state (as do many of my friends and fellow riders)

Many riders chose to do this also, so in short, Maryland is losing revenue and tax dollars and it will continue until this ridiculous mandate is rescinded. You all have given children the right to “choose” whatever gender they want to identify with and are force feeding that to the public at large but you are not giving intelligent adults the right to choose to wear a helmet or not.

If not, I would personally like to see helmets made mandatory in motor vehicle operations, if you all continue to require us to have them on motorcycles. More head trauma incidents are caused by motor vehicle accidents in cars than are caused by motorcycle accidents, however that will not happen as it is already illegal to wear a helmet while operating a 4 wheeled car, truck; etc.... Why is it illegal you ask? According to the police I have spoken with, it impedes hearing and vision of those operating the 4 or more wheeled motor vehicles.

It is exactly the same with the helmet requirement on a motorcycle, It impedes our hearing and vision. In addition, I personally have had peoples’ cigarettes thrown carelessly out of an open window get lodged between my helmet and my face therefore suffering burns that were unnecessary; repeal the helmet Law and allow us to make our choice as to whether we wear them or not.

Respectfully:

Shelli McLane
1826 Dennings Rd
New Windsor, Md. 21776
443-740-1901
Shelli30gscout@yahoo.com

SB0745.pdf

Uploaded by: Stephanie Dowling

Position: FAV

To: The Honorable William C. Smith, Chairman and Members of the Judicial Proceedings Committee

From: Stephanie Dowling

Date: 03/13/2022

Re: SB745 - Vehicle Laws – Protective Headgear Requirement for Motorcycle Riders – Exception

Position: FAVORABLE - DOES SUPPORT

I SUPPORT SB745 as it allows adults over the age of 21, has been licensed for at least 2 years, or has completed a motorcycle safety course, the Freedom of Choice regarding helmets.

I have been a licensed motorcycle operator for 19 years, and I enjoyed the Freedom of Choice when I lived in Pennsylvania and visited other states where wearing a helmet is the rider's choice. I moved to Maryland in 2016 and I'm in favor of having the same freedom here.

This bill provides Maryland riders the Freedom of Choice that is enjoyed by 31 other states. It also allows riders from other states that same Freedom. I SUPPORT SB745 - Vehicle Laws – Protective Headgear Requirement for Motorcycle Riders – Exception. We urge the committee to consider a FAVORABLE vote, in support of our Freedom of Choice.

Thank you!

Stephanie Dowling
4685 Milford Ct.
Jefferson, MD 21755

Statement in Opposition to SB745_Advocates MDENA P

Uploaded by: Allison Kennedy

Position: UNF



ADVOCATES
FOR HIGHWAY
& AUTO SAFETY



EMERGENCY NURSES
ASSOCIATION



**Statement of Allison Kennedy, Director of Government Relations, Advocates for Highway and Auto Safety,
Lisa Tenney, BSN, RN, CEN, CPHRM, Chair, Government Affairs Committee,
Maryland State Council, Emergency Nurses Association,
Thomas Manion, President, Partnership for a Safer Maryland, and
Dan Petterson, Ed. D., President, Skilled Motorcyclist Association - Responsible, Trained and Educated
Riders, Inc. (SMARTER)
In Opposition to Senate Bill 745
Senate Judicial Proceedings Committee
Maryland General Assembly
March 15, 2022**

Good afternoon, my name is Allison Kennedy and I am the Director of Government Relations for Advocates for Highway and Auto Safety (Advocates). Advocates is a coalition of consumer, safety, public health, medical and law enforcement groups, and insurance companies and organizations working together to pass safety laws that reduce motor vehicle crashes, deaths, injuries and associated costs. I am submitting this statement jointly with Lisa Tenney, Chair of the Government Affairs Committee of the Maryland State Council, Emergency Nurses Association (MDENA), Thomas Manion, President of the Partnership for a Safer Maryland and Dan Petterson, Ed. D., President of the Skilled Motorcyclist Association – Responsible, Trained and Educated Riders, Inc. (SMARTER). The Emergency Nurses Association is the premier professional nursing association dedicated to defining the future of emergency nursing through advocacy, education, research, innovation, and leadership. The Partnership for a Safer Maryland advocates for injury and violence prevention by educating professionals in the field, advocating for legislation and policy, and facilitating collaboration among service and advocacy organizations throughout the state. SMARTER is a non-profit association of riders who support all-rider helmet laws. Thank you for the opportunity to provide testimony in opposition to Senate Bill (SB) 745, legislation that would repeal Maryland’s all-rider motorcycle helmet law. This critical safety law has been preventing deaths and injuries and saving taxpayer dollars in Maryland for nearly 30 years. To repeal the all-rider motorcycle helmet law would be a deadly and costly mistake.

Last month, the National Highway Traffic Safety Administration (NHTSA) released 2020 crash fatality and injury data which reveal fatal crashes across the country increased by nearly seven percent and reached the highest level in more than a decade. The data also show that dangerous driving behaviors including speeding and alcohol-impairment are on the rise – making the roadway environment even more deadly especially for vulnerable road users such as motorcycle riders. Overall fatalities in Maryland spiked six percent, with 567 people killed in 2020. Fatalities of motorcyclists in the state rose from 77 in 2019 to 85 in 2020, an increase of approximately 10 percent.ⁱ Not only do crashes impose a significant physical and emotional toll on Maryland families, but they also come with a substantial financial burden. Annually, crashes in Maryland impose an estimated \$5.8 billion in costs – essentially imposing a “crash tax” on each Marylander of nearly \$950.ⁱⁱ

Earlier this year, Advocates commissioned a public opinion poll which found nearly three-quarters of respondents were not aware that crashes on our nation’s roads are skyrocketing. Yet, overwhelming majorities still expressed they are “extremely” or “very” concerned about dangerous driving behaviors and scenarios including 68 percent when asked about speeding and 84 percent when asked about distracted driving. Moreover, two-thirds of respondents don’t think enough is being done to reduce dangerous behavior on our roadways. Removing basic safety protections, such as Maryland’s all-rider helmet law, would undoubtedly move safety in the wrong direction and be contrary to public opinion that more needs to be done.

Motorcycle helmets are proven lifesavers and injury preventers. According to a report by the Government Accountability Office (GAO), laws requiring all motorcyclists to wear helmets are the only strategy proven to be

effective in reducing motorcyclist fatalities.ⁱⁱⁱ After Maryland enacted its all-rider motorcycle helmet law in 1992, the motorcyclist death rate (per 10,000 registered motorcycles) from crashes dropped 56 percent over a five-year period.^{iv}

Motorcycle helmet use is critical because motorcycles are the most hazardous form of motor vehicle transportation. State laws requiring all riders to wear helmets are effective in achieving helmet use. Data released from NHTSA this month show that in states with all-rider helmet laws, use of U.S. DOT compliant helmets was 86 percent, compared to just 53 percent in states without such a law.^v Across the nation, there were nine times as many unhelmeted fatalities (1,670) in states without a universal law compared to the number of fatalities (192) in states with a universal helmet law in 2019 (NHTSA). In 2020 in Maryland, 16 percent of motorcyclist fatalities were unhelmeted when helmet use was known, whereas in neighboring Pennsylvania, without such a law, the number was higher at 57 percent.^{vi} Maryland's all-rider helmet requirement is working to ensure motorcycle helmet use. Further, the American public understands the need for all-rider helmet laws and overwhelmingly supports them as demonstrated by the American Automobile Association (AAA) Foundation Traffic Safety Culture Index, which found more than four in five Americans (82%) support a law requiring all motorcycle riders to wear a helmet.^{vii}

Helmet use also reduces expenses to states, with Maryland saving nearly \$600 million in comprehensive costs associated with motorcycle crashes because of helmet use in 2017 alone (the latest year for which data is available). With 100 percent use, the state could have saved over \$65 million more. Considering the annual economic cost of motorcycle crashes in the nation is \$13 billion and the total amount of societal harm is \$66 billion (NHTSA), states should be taking action to improve, and certainly not weaken, motorcycle safety. When adjusted only for inflation, these amounts increase to \$16.9 billion and \$85.6 billion, respectively. Motorcycle helmets are currently preventing \$17 billion in societal harm costs annually, but another \$8 billion in harm costs could be prevented if all motorcycle riders wore helmets. When adjusted for inflation, these amounts increase to approximately \$22 billion and \$10 billion, respectively. Getting all motorcyclists to wear helmets is a prudent and fiscally responsible goal.

Traumatic brain injury is a serious, potentially life-long injury that can result from a motorcycle crash, especially when the rider is not wearing a helmet. In addition to changes in social, cognitive and physical ability, lifetime care for a traumatic brain injury can easily amount to millions of dollars, and considerably more if the person is young. Helmet use reduces the cost of medical treatment, length of hospital stay and probability of long-term disability for those riders injured in crashes. The provisions in the bill to ostensibly alleviate the safety deficits of riding without a helmet, two years riding experience and passing a safety course, will not mitigate the severe and serious damages that will be caused by repealing the state's all-rider motorcycle helmet law. Further, there is no scientific evidence that motorcycle rider training reduces crash risk and is an adequate substitute for an all-rider helmet law.

Experience and data have proven that states which repeal an all-rider motorcycle helmet law always experience an increase in rider deaths, serious and disabling brain injuries, and medical costs usually borne by taxpayers and the state. In Michigan, which repealed its all-rider law in 2012, there would have been 26 fewer motorcycle crash deaths (a 21 percent reduction) if the helmet mandate was still in place that year, according to the University of Michigan Transportation Research Institute.^{viii} Furthermore, "minors only" helmet laws, such as SB 745, are ineffective, unenforceable and unpopular. According to the American Academy of Pediatrics, in states with weak youth-specific helmet laws, use has decreased and youth mortality has increased. Serious traumatic brain injury among youth was 38 percent higher in states with age-specific laws compared to states with all-rider helmet laws.^{ix} After Florida repealed its all-rider helmet law in 2000, the fatality rate (per 10,000 registered motorcycles) jumped 21 percent. Deaths of riders under the age of 21 who were not helmeted increased 188 percent, even though the law still applied to them.^x Enforcing laws for only young riders is problematic since it is very difficult, if not impossible in certain roadway environments, for law enforcement to estimate a rider's age.

Repealing Maryland's all-rider motorcycle helmet law is contrary to the urgent need to improve motorcycle rider safety as well as the state's *Vision Zero* efforts. If SB 745 is passed, it will result in more deaths, injuries, anguish of crash victims' loved ones, as well as an increased financial burden on Maryland's emergency services, hospitals, Medicaid and ultimately, every Maryland taxpayer. **Advocates, MDENA, the Partnership for a Safer Maryland and SMARTER urge you to oppose SB 745.**

Thank you.

ⁱ NHTSA, *Overview of Motor Vehicle Crashes in 2020*, DOT HS 813 266, March 2022.

ⁱⁱ NHTSA, *The Economic and Societal Impact of Motor Vehicle Crashes, 2010*, adjusted for inflation, and U.S. Census Bureau 2020 data.

ⁱⁱⁱ U.S. Government Accountability Office, *Motorcycle Safety: Motorcycle Safety: Increasing Federal Funding Flexibility and Identifying Research Priorities Would Help Support States' Safety Efforts*. p. 16. Washington, November 2012.

^{iv} Auman et al., *Autopsy Study of Motorcyclist Fatalities: The Effect of the 1992 Maryland Motorcycle Helmet Use Law*, *American Journal of Public Health* 1352-1355, 92:8, August 2002.

^v NHTSA, Traffic Safety Facts Research Note, *Motorcycle Helmet Use in 2021 – Overall Results*, DOT HS 813 270, March 2022.

^{vi} State Traffic Safety Info from the National Highway Traffic Safety Administration, <https://cdan.nhtsa.gov/stsi.htm>.

^{vii} AAA Foundation for Traffic Safety, *2017 Traffic Safety Culture Index*, March 2018.

^{viii} Flannagan CA, *Analysis of Motorcycle Crashes: Comparison of 2012 to Previous Years*, 18th Michigan Traffic Safety Summit, 2013.

^{ix} Weiss, H, Agimi Y, Steiner C, *Youth Motorcycle-Related Brain Injury by State Helmet Law Type: United States 2005-2007*, *Pediatrics*, Vol. 126, No. 6 (2010).

^x NHTSA, *Motorcycle Helmet Use Laws*, DOT HS 810 887W, 2008.

BIAMD Opposition to SB745.pdf

Uploaded by: Bryan Pugh

Position: UNF



Board of Directors
W. Andrew Gantt III
Julie Karp
Mark Grant
Karen Memphis
Gil Abramson
Beverly Acree
Samantha Adams
Joan Carney
Terry Kirtz
Lauren Leffler
Matt Lilly
Beth Mulcahey
Jay Scheinberg

March 14, 2022

Hon. William C. Smith, Jr., Chair
Judicial Proceedings Committee, 2 East Wing
11 Bladen St., Annapolis, Maryland 21401

RE: Requesting an Unfavorable Report for SB745

Dear Chairman Smith,

On behalf of the Brain Injury Association of Maryland, I am writing in opposition of SB745 and request that this committee render an unfavorable report.

For the last 39 years, the Brain Injury Association of Maryland (BIAMD) has been the only statewide non-profit organization dedicated solely to providing free information and resource assistance to the brain injury community. Through its Toll-Free Brain injury Connection Center (1.800.221.6443), its website (www.biamd.org), and its social media presence, BIAMD has sought to educate, enlighten, and support the estimated 120,000 Maryland families currently living with the devastating effects of brain injury. BIAMD regularly responds to over 300 phone calls a month from individuals dealing with brain injury, family members, and professionals seeking information and assistance. Most inquiries come from families and professionals seeking advice on how to best work with individuals with brain injuries.

It has been well established that wearing a helmet while riding a motorcycle reduces the severity of brain injuries and mortality when motorcyclists crash¹. Universal Helmet laws, like we currently have in Maryland, have been shown to be effective in increasing the use of helmets and decreasing deaths and injuries.² Maintaining a universal helmet for all motorcyclists reduces the life, personal and economic cost born by Maryland families, taxpayers, and health system.

Since brain injury can manifest cognitive, behavioral, or mental health symptoms or in combination, the best way to treat a brain injury is to prevent it in the first place. The absolute best way to prevent a brain injury in a motorcycle crash is to wear a helmet. According to the National Highway Traffic Safety Administration (NHTSA), helmeted motorcyclists were significantly less likely to experience a traumatic brain injury during a crash. The Centers for Disease Control and Prevention (CDC) reports that helmets reduce the risk of head injury by 69%.

¹ Liu BC, Ivers R, Norton R, Boufous S, Blows S, Lo SK. Helmets for preventing injury in motorcycle riders. *Cochrane Database Syst Rev.* 2008 Jan 23;(1):CD004333. doi: 10.1002/14651858.CD004333.pub3. PMID: 18254047.

² Peng Y, Vaidya N, Finnie R, Reynolds J, Dumitru C, Njie G, Elder R, Ivers R, Sakashita C, Shults RA, Sleet DA, Compton RP; Community Preventive Services Task Force. Universal Motorcycle Helmet Laws to Reduce Injuries: A Community Guide Systematic Review. *Am J Prev Med.* 2017 Jun;52(6):820-832. doi: 10.1016/j.amepre.2016.11.030. PMID: 28526357; PMCID: PMC6918948.

Maryland's all-rider motorcycle helmet law is saving lives, preventing life-long brain and bodily injuries and preventing millions of dollars in damages, medical expenses, and lost wages. Every life Maryland life saved is another life given the possibility of enriching the fabric of our communities and improving our state. We urge this committee to protect Maryland's families by maintaining Article 21-1306 as currently written.

As the Maryland affiliate of Brain Injury Association of America, we are routinely in touch with our fellow state affiliates, like Michigan, Kansas, Florida and our neighbor, Pennsylvania, who have been forced to deal with just the type of repeal this bill is contemplating.

In each instance, the number of motorcycle fatalities and brain injuries after repeal skyrocketed. In the immediate years after repeal, the death rate for motorcyclists rose 23% in Michigan, 61% in Kansas, and 66% in Pennsylvania. In Florida, routinely the home of the highest motorcycle fatality rates in the country, the death toll went from averaging 160 per to year to 246 the year following the repeal with an ever upward trend to 578 deaths in 2021.

Nationally, NHTSA estimates that in states with universal helmet laws, motorcyclists wore Department of Transportation (DOT) compliant helmets 89.2% of the time as observed in the National Occupant Protection Use Survey (NOPUS survey). In Maryland, ³ The National Highway Safety Administration (NHTSA) estimates that that wearing a motorcycle helmet saved the lives of 43 Marylanders and the project that an additional 5 lives would have been saved with 1⁴. Even with the universal helmet law in place in Maryland, 108 unhelmeted⁵

NHTSA estimates that Maryland saved \$96,677, 672 in economic costs including: lost productivity, medical costs, legal and court costs, emergency medical service (EMS) costs, insurance administration costs, congestion costs, property damage, and workplace losses. Additionally, Maryland has saved \$ 594,440,786 in comprehensive costs including the economic costs plus the valuation for lost quality of life based on the use of motorcycle helmets under the current law. With 100% use Maryland stands to save an additional \$65,618,306 in comprehensive costs.⁶ Without the universal motorcycle helmet, as shown in the research, fewer motorcyclist wore helmets. A reduction in helmet use shifts these numbers from cost saving and potentially increased savings with increased helmet use to additional liability for Marylanders.

A National study by Dua et al investigated total costs based on inpatient services and value of statistical life (VSL) for non helmeted motorcyclists and found that costs were 66% greater at \$5.5 billion, compared with \$3.3 billion for helmeted motorcyclists. A cost analysis of inpatient care and indirect costs of motorcyclists who do not wear helmets leads to nearly \$2.2 billion in losses per year. Unhelmeted motorcyclists accounted for almost 1.9 times as many deaths compared with helmeted motorcyclists. The per capita cost per fatality is more than \$800,000. Institution of a mandatory helmet law could lead to an annual cost savings of almost \$2.2 billion nationally.⁷

³ <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812936>

⁴ <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812867>

⁵ <https://mva.maryland.gov/safety/Documents/2019-Benchmark-Reports/MCycleBR-19Aug10-2020.pdf>

⁶ <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812867>

⁷ Dua A, Wei S, Safarik J, Furlough C, Desai SS. National mandatory motorcycle helmet laws may save \$2.2 billion annually: An inpatient and value of statistical life analysis. *J Trauma Acute Care Surg.* 2015 Jun;78(6):1182-6. doi: 10.1097/TA.0000000000000601. PMID: 26151521.

The cost for initial hospitalization and on-going cost associated with long term disability were higher unhelmeted motorcyclists. Studies also found that motorcyclist who ride without helmets are more likely to have government-based health insurance or no health insurance which further shifts the cost of medical care onto an already overburdened healthcare system and police safety net system. For individuals already relying on government-based health insurance, the cost of long-term disability extends to income supports and other public assistance in addition to ongoing need for medical care.⁸

But as truly tragic as these deaths can be on surviving family members and friends, the severe, irreversible consequences created by surviving a motorcycle crash can be equally devastating on the individual, their families, friends, and communities.

We worked with one mother in her 80's who was calling about her 57-year-old son injured in a motorcycle accident currently living in a skilled nursing facility. The facility was seeking to discharge him because of numerous behavioral incidents and significant short-term memory loss. She felt he was too much for her to bring home, and had too many assets to receive support services, but was desperate that he not become homeless with his significant disabilities. Thankfully, he was accepted into another Skilled Nursing Facility much to the relief of his mother.

In addition, we also worked with an individual who was still dealing with the daily effects of his motorcycle accident a full fifteen years after his accident. His ongoing issues were memory loss, transient blindness, extreme pain in his limbs, and permanent double vision. He had insurance and had been routinely followed and treated by neurologists, physiatrists, and eye care specialists. He worked with Department of Rehabilitative Services and had been placed in his current job at the Department of Health and Human Services. He was seeking additional supports and medical resources to help him with his ongoing combativeness at work. By all accounts, a rehabilitation success story, he continues to be frustrated, unfulfilled, and struggling with his brain injury.

Each of these individuals faced challenges long after their motorcycle accidents and each of them were wearing a helmet. We can only imagine the even greater level of difficulties they would be facing had they not had not been wearing a helmet, if they would have lived at all.

The statistics are staggering. The numbers are real. The studies all point to the need for helmets. With helmets, motorcycle accidents can leave their mark on families for decades. Without helmets, motorcycle accidents can leave their mark forever.

Therefore, we request that this committee render an unfavorable report on SB745.

Sincerely,



Bryan Thomas Pugh
Executive Director

⁸ Parth B. Patel, Christopher A. Staley, Robert Runner, Samir Mehta, Mara L. Schenker, Unhelmeted Motorcycle Riders Have Increased Injury Burden: A Need to Revisit Universal Helmet Laws, Journal of Surgical Research, Volume 242, 2019, Pages 177-182, ISSN 0022-4804, <https://doi.org/10.1016/j.jss.2019.03.023>. (<https://www.sciencedirect.com/science/article/pii/S0022480419301404>)

SB745_ShockTrauma_unf.pdf

Uploaded by: Carla Aresco

Position: UNF

**Statement of Carla Aresco, MSL, CRNP
Testimony in OPPOSITION to Senate Bill 745
Protective Headgear Requirement for Motorcycle Riders- Exception
Senate Judicial Proceedings
March 15, 2022**

Every year we are asked to oppose the repeal of the motorcycle helmet law. And every year we submit statistics about those patients that wear helmets and those that don't and what their outcomes are.

Those that are in favor of the repeal state that they have rights to choose whether they wear a helmet or not and that often times they are only hurting themselves, saving tax payers money if they do "die", etc. The Supreme Court has ruled on this issue in *Simon vs. Sargent* 396 F. Supp. 277.279 409 US 1020 (1972) stating that *the individual was hurting citizens around him and that the helmet legislation was not a violation of the motorcyclists' constitutional rights*. The mandatory motorcycle helmet law is not a freedom of choice but a matter of public policy.

My name is Carla Aresco. I am the lead Nurse Practitioner for trauma neurosurgery at the R Adams Cowley Shock Trauma Center. In my almost 30 years of trauma nursing I have seen the devastation caused by motorcyclists who do not wear their helmets. Not only to themselves but to their families, the health care team and society. Therefore, it is my testimony that the motorcycle helmet law should remain intact.

Traumatic brain injury is a leading cause of death in motorcycle crashes. These patients are often admitted to the Shock Trauma Center and require emergent surgery to remove a piece of skull (decompressive craniotomy) to allow the brain room to swell and hopefully heal. The ironic piece of this is often these are the patients that chose not to wear a helmet on their motorcycle and now, because their brain is not protected with a piece of their skull removed, they have to wear a helmet to simply get out of bed.

In FY 21 the R Adams Cowley Shock Trauma Center cared for 6,983 critically ill and injured patients. Of those 302 were due to a motorcycle crash and 11 died. The length of stay for each patient varies.

- In 2020 there were 5,458 motorcyclists killed nationally, the highest number of motorcycle fatalities ever recorded (1)
<https://quotewizard.com/news/posts/dangerous-states-for-motorcycles>
- In States without universal helmet laws, 57 percent of motorcyclists killed in 2019 were not wearing helmets, as compared to 9 percent in States with universal helmet laws (2)

SB 745 proposes that individuals greater than 21 years of age who have been licensed to operate a motorcycle for at least 2 years and has completed an approved motorcycle safety

course does not have to wear a helmet. This suggests that a 23-year-old who has taken an approved motorcycle safety course has enough experience to operate a motorcycle without incurring a crash and sustaining injury.

- The 55-and-older age group accounted for 22 percent of motorcyclists killed in 2010, and increased to 28 percent in 2019, a 40 percent increase (3)

The fact of the matter is, wearing helmets saves lives. Recent studies show that wearing a DOT-approved helmet reduces the risk of head injury by 69% and the risk of death by 42%. (4) Motorcycle helmets also prevent \$1.7 billion in societal harm annually. (5)

I strongly urge you to consider these facts and oppose this legislation to prevent unnecessary injury and pain to all of your constituents.

Thank you.

Respectfully submitted,

Carla Aresco, MSL, CRNP

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Baltimore, MD 21201
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1. Most Dangerous States for Motorcycle Riders. VinZant, N. July 2021;
<https://quotewizard.com/news/posts/dangerous-states-for-motorcycles>
2. Traffic Safety Facts, Research Note: Overview of Motorcycle Crashes in 2019, NHTSA, September 2021 (revised), DOT HS 813 112
3. Traffic Safety Facts, Research Note: Overview of Motorcycle Crashes in 2019, NHTSA, September 2021 (revised), DOT HS 813 112
4. Most Dangerous States for Motorcycle Riders. VinZant, N. July 2021;
<https://quotewizard.com/news/posts/dangerous-states-for-motorcycles>
5. The Economic and Societal Impact of Motor Vehicle Crashes, 2010 (Revised), NHTSA, May 2015 (revised), DOT HS 812 013

Charles Creager Testimony SB745 Unfavorable.pdf

Uploaded by: Charles Creager

Position: UNF

SB 745-Vehicle Laws - Protective Headgear Requirement for Motorcycle Riders - Exception

Charles Creager

4130 Crosswick Turn

Bowie, MD 21270

Position: Unfavorable

Dear Judicial Proceedings Committee Members,

My name is Charles Creager and I oppose SB 745. I think all motorcycle riders should have to wear a helmet. When I was 26 years old, I had motorcycle crash that caused a severe brain injury. I believe that my helmet saved my life. I would have a lot of money if I saved a dollar a day since my accident. Before the crash, I was married and in the Airforce. I enjoyed playing football, baseball and soccer and motocross. I enjoyed riding my motorcycle for fun and to get around. I don't remember anything about my crash, but my family tells me that a lady in a car ran me off the road. I broke my left leg and my left foot as well as my brain injury. I can't walk, I can't remember thing, big time. I live in a group home now. I have staff that help me with preparing food. Staff help me get dressed and take a shower. Being physically fit has always been important to me. I want to become more muscular and be able to walk again. Before my crash I expected to have a very active social life and go on many dates at this point in my life. My message is that everyone should have to wear a helmet when they ride a motorcycle. I would like to make commercial to help educate everyone about why all people should have to wear a helmet when riding a motorcycle.

Charles "Chuck" Creager

2022 Maryland SB745 Written Testimony.pdf

Uploaded by: Dan Petterson

Position: UNF



SMARTER
P.O. Box 121
Scottville, MI 49454

www.smarter-usa.org
smarterusa@gmail.com

Testimony requesting an Unfavorable Report
SB745
March 15, 2022

March 15, 2022

Dear Chairman Smith, Vice Chairman Waldstreicher, and Members of the Senate Judicial Proceedings Committee:

All valid research clearly demonstrates the benefits of wearing a helmet. Motorcycle helmets save lives and prevent devastating and debilitating head injuries. Every reputable safety research organization in the world supports the use of helmets as a way to reduce injury, death, and economic costs resulting from head, face and brain injury. For decades, hundreds of researchers representing distinguished organizations have researched the topics of the effectiveness of helmets and all-rider helmet laws. Meticulous reviews of the literature have concluded that the research clearly demonstrates the lifesaving benefits of wearing a helmet, and that all-rider helmet laws are the only research proven strategy for reducing motorcyclist fatalities.

This committee is charged with making a decision about your all-rider helmet requirement not because a large percent of Maryland registered voters think a change in the helmet requirement is necessary but because a small number of citizens belonging to ABA TE of Maryland are asking for that change.

There is no upside to changing the current requirement. Advocates for “adult choice” simply deny the research evidence or mislead with claims supported only by anecdotal stories. The research is clear and overwhelming. Is it fair to make an exception to the established safety standards just because a few pushes for a change? Is allowing riders the “freedom” to choose to not wear a helmet really worth the huge cost in human lives, family agony, disability and money?

You do not have to rely on testimony to get valid information regarding the effectiveness of helmets, the effectiveness of all-rider requirements, the economic costs related to unhelmeted riders involved in a crash and the cost of repeal or weakening of all-rider requirements. More the 100 research reports on these topics are readily available here:

<https://smarter-usa.org/research/helmets-laws/>

Given the overwhelming research evidence, a favorable vote can only mean

(1) you simply ignore the evidence or

(2) you believe the huge cost is worth providing a few bikers the freedom to choose to ride without a helmet.

Introduction

Thank you for your public service. I am submitting this written testimony as a representative of the Skilled Motorcyclist Association – Responsible Trained and Educated Riders, Inc. (SMARTER at www.smarter-usa.org). SMARTER is a 501c3 education association.

On behalf of SMARTER I am writing in opposition to SB745 and request this committee render an unfavorable report.

SMARTER believes motorcycle riders, motorcyclist safety advocates and policy decision makers should make responsible decisions based on factual knowledge and the conclusions of quality research. *Our mission is to gather, examine, catalogue, share, post and distribute motorcyclist safety fact-based information and research and to advocate for the use of such knowledge as the basis of decisions.*

Section I: Key Points

The issue of motorcycle helmet effectiveness and the effectiveness of all-rider requirements is the most extensively researched area in motorcyclist safety. For decades hundreds of researchers representing distinguished organizations have researched the topics of the effectiveness of helmets and all-rider helmet laws. A list of 275 references is available here:

http://smarter-usa.org/wp-content/uploads/2017/05/hundreds_of_researchers.pdf. Meticulous reviews of the literature have concluded that the research clearly demonstrates the lifesaving benefits of wearing a helmet, and that all-rider helmet requirements are the only research proven effective strategy for reducing motorcyclist fatalities. Those facts are not only clear but overwhelming and undeniable. More than 100 of the most recent and significant of these research reports are available here: <https://smarter-usa.org/research/helmets-laws/>

- * **It is important to have direct knowledge of the research/literature.**
- * **Helmets work for their intended purpose to protect the head and brain in the event of a crash.**
- * **All-rider helmet requirements work to significantly increase the percent of riders who wear a helmet.**
- * **There are significant economic and quality of life benefits of having an all-rider helmet requirement.**
- * **ABATE of MD represents their members, not all motorcyclists and not the general population.**
- * **Maryland should maintain their current standard and choose not to make an exception.**

The importance of having direct knowledge of the research

When witnesses disagree and provide what seems to be relevant but conflicting data, witness testimony may just serve to confuse and complicate the issue. When there is a large body of quality research which is easy to access, the confusion can be resolved by looking directly at the research evidence (<https://smarter-usa.org/research/helmets-laws/>). SMARTER encourages members to read the research themselves or assign a staff member or volunteer to read and report on the available literature. We

strongly encourage members to reframe from voting on SB745 unless they have either read the research themselves or received a report from an unbiased third party or staff member.

Helmets work for their intended purpose to protect the head and brain in the event of a crash

Helmet use has consistently been shown to reduce motorcycle crash-related injuries and deaths. Reviews of the literature find strong evidence of effectiveness and conclude that use of motorcycle helmets (1) decreases the overall death rate from motorcycle crashes when compared with non-helmeted riders (2) decreases the incidence of lethal head injury in motorcycle crashes when compared with non-helmeted riders and (3) decreases the severity of nonlethal head injury in motorcycle crashes when compared with non-helmeted riders.

If I am going to hit my head hard on some solid surface, would I rather be wearing a helmet designed to protect my head and brain or take the blow directly to my skull?

All-rider helmet requirements work to increase the number of riders who wear a helmet

The percent of riders wearing a helmet in states with an all-rider requirement is usually above 95%. Without an all-rider requirement, helmet use drops to 50% or lower. Helmet use reduces risk of death and injury and reduces medical costs. All-rider helmet requirements increase use; therefore, an all-rider helmet requirement is effective in reducing the risk of death and injury and serves to reduce medical costs.

Helmets work! All-rider helmet requirements work!

The economic and quality of life benefits of having an all-rider helmet requirement are significant

The economic benefits of an all-rider helmet requirement are the *direct saving of monetary costs* including: payments for hospitals and physician care, emergency medical transport, rehabilitation, prescriptions, allied health services, medical devices, nursing home care, insurance claims processing, coroner and premature burial costs for fatalities, future earnings (including wages, fringe benefits, and housework lost by the injured), public services (including initial police response and follow-up investigation, as well as emergency transport and fire services) and property damage and loss.

There is also the saving (avoidance) of *nonmonetary quality-of-life costs*. These are costs associated with pain, suffering, and other intangible losses resulting from death and injury.

ABATE only represents their members - not all motorcyclists

In Maryland, it is the members of A Brotherhood Against Totalitarian Enactments of Maryland that are advocating for this right to choose. Let's be clear; ABATE of MD does not represent all Maryland motorcyclists. They represent the views of their members. In 2021 there were 113,716 registered motorcycles in Maryland (*Motorcycles registered in the United States, 2002-2021, Eric Teoh, March 2021*). Currently ABATE of MD has 1,134 followers of their Facebook page - likely not all followers are members. If there is one owner for every registered motorcycle, ABATE followers constitute slightly less than 1% of registered owners.

Maryland should maintain current safety standards and not make an exception

The standard addressed here is the established balance between no governmental regulations and regulations adopted to protect citizens from potential harm. Maryland has many non-intrusive requirements designed to protect citizens from preventable death and injury. Maryland has one of the strongest (best) seat belt requirements in the country. Maryland asks drivers to buckle up. It is a little inconvenient to some but it saves lives, prevents injury, saves money and does not take away the freedom to drive. Maryland requires riders/drivers of personal water craft (PWC) to wear a life preserver. It is a little inconvenient to some but it saves lives, saves money and doesn't prevent anyone from enjoying their PWC. Maryland requires hunters to wear specified high-visibility gear when in the woods during hunting season. It is a little inconvenient to some but it saves lives and doesn't take away anyone's freedom to hunt. Maryland has an all-rider motorcycle helmet requirement. It is a little inconvenient to some, but it saves lives, saves money and doesn't prevent anyone from riding their motorcycle.

Section I Conclusion

This committee is charged with making a decision about your all-rider helmet requirement not because a large percent of Maryland registered voters think a change in the helmet requirement is necessary. Elected officials are being asked to consider this change only because a small number motorcycle riders who are members of ABATE of Maryland are asking for that change. **Given the overwhelming research evidence verifying the effectiveness of helmets and all-rider requirements a favorable vote can only mean one of two things:**

1. The evidence is ignored or

2. The person believes the small freedom to choose is worth huge cost

Section II: The errors and misconceptions of the core elements of the “favorable” written ABATE testimony in 2020/2021.

Introduction

In preparation for writing this document requesting an unfavorable report, our association reviewed the 2020 testimony on SB237 and the 2021 testimony regarding SB712. This section will address the following concerns regarding the ABATE of Maryland 2020 and 2021 testimony requesting a favorable report on the previous similar bills.

*** References for the source of data/statistics shared by ABATE members were NOT provided. We ask committee members to read the research themselves. You do not have to rely on the testimony at your hearings. You can check on the claims and determine for yourself if the data presented is “cherry picked.”**

*** The core content of the 2020 and 2021 document relating to fatality rates submitted by Dean Howes (Howes Document), Assistant Director of ABATE of Maryland, Inc, is flawed and misleading. Read why below.**

*** The 2020 and 2021 Howes Document acknowledges weakening the current requirement will lead to increased deaths but indicates that is OK because “It is far cheaper to treat a dead patient.”**

*** The claim that “repeal” will result in increased ridership and financial gain is based speculation only and is contrary to published research.**

References for the source of data/statistics were NOT provided. This is important considering the 2021 letter from Steven P. Strohmer claiming repeal of current Maryland helmet requirement would result in an influx of tourist dollars is his personal opinions based solely on anecdotal evidence with no research to support his claim. What he is telling you is contrary to the available research. The second document (*Position paper in favor of SB712, Prepared by Dean Howes with ABATE of Maryland,*), the core of which compares fatality ratios across states, provides no specific references - none.

SMARTER asks committee members to do your own investigation. Look at, review and read the available research on these topics.

The core content of the 2020 and 2021 ABATE Testimony is flawed and misleading

The presentation and discussion of fatality rates in the 2020 and 2021 ABATE testimony by Dean Howes is designed to lead the reader to the false conclusion that all-rider helmet requirements do not impact motorcyclist crash fatalities rates.

The document incorrectly states “The best way to measure the effectiveness of an all rider helmet law is to compare fatalities to motorcycles registrations ratios between states with all rider laws and ‘free states’...” Making this “raw number” comparison is actually a very poor way to judge the effectiveness of an all-rider helmet requirement because other variables that impact fatalities are not accounted for.

A far superior way to know if an all-rider helmet requirement impacts fatality rates is compare data from a single state before and after repeal or enactment of an all-rider law. This has been done many times and the results consistent show decreases fatality rates, decreases in the incidence of lethal head, and decreases the severity of nonlethal head injury (<https://smarter-usa.org/research/helmets-laws/>).

The 2020 and 2021 “Howes Documents” present a flawed analysis because the use of raw data fails to account for other major factors impacting crashes fatality rates. The number one factor impacting fatality rates is exposure, i.e., how many riders are on the road. The number one factor influencing exposure is weather. Considering this, it is not surprising the states with the highest fatality rates are southern and south-western states regardless of the type of helmet requirement the state has. Impairment, speed, type of roads, and traffic density are a few of the other main factors impacting fatality rates.

Again, there is quality research addressing this exact issue.

A research study titled “*Helmet Laws and Motorcycle Rider Death Rates*” which also compares fatality rates BUT accounts for other variables concludes “***After controlling for other factors that affect motorcycle rider fatalities (most notably population density and temperature), death rates in states with full helmet laws were shown to be lower on average than deaths rates in states without full helmet laws. This study is important in that it addresses the problem with the use of “raw data” to support the claim that rider death rates are significantly lower in states without full motorcycle helmet laws.***” https://smarter-usa.org/wp-content/uploads/2017/06/16_2001_Helmet_Laws_and_Mot.pdf

What? “It is far cheaper to treat a dead patient.”

The 2020 and 2021 Howes Documents in the section titled *some cold hard realities* contains the bizarre statement “It is far cheaper to treat a dead patient.” While it is difficult to interpret what ABATE might mean by this statement it seems to indicate that the organization does understand and accept that weakening the current helmet requirement will in fact result in more dead (patient) motorcyclists.

What is the truth about the “cold hard reality” of the financial gain claim?

Also addressed in the 2020 and 2021 ABATE testimony documents is the unsubstantiated claim that changing the helmet law will result in a financial windfall within the motorcycle industry because of increased motorcycle sales, taxes collected, insurance paid, parts, accessories, maintenance and repair and increased tourist dollars because out-of-state riders will flock to Maryland. Committee members are asked to make believe an increase of 30% in registrations will result from the law change, to suppose the average cost of a motorcycle is \$14,000 and to calculate an imaginary increase of \$31,231,200 in tax revenue.

Michigan weakened its all-rider law in April of 2012. The research indicates repeal of a helmet law has had no impact on the number of out-of-state riders. A key result of a November 2014, analysis by the University of Michigan Transportation Research Institute (https://smarter-usa.org/wp-content/uploads/2017/06/3_2014_Nov.-analysis-of-motorcycle-crashes-in-michigan-2009-2013.pdf) found “**Before and after the modification, the percentage of out-of-state riders who were involved in Michigan crashes has remained stable at 5%. This is one way of estimating whether there has been any change in out-of-state ridership after the modification.**”

Registrations in Michigan actually dropped slightly in the year following the law change but the overall average number of registered motorcycles in Michigan is nearly the same in the years after the law change compared to the years prior. (See Michigan Motorcyclist Crash Data and Charts, January 2022 here:

<https://smarter-usa.org/general-information/educational-materials/>). ABATE of Maryland is making claims NOT supported by research and quality data.

Section II Conclusion

Important decisions like the one the committee faces are best based on published research and verifiable data as opposed to unsupported claims.

Testimony Conclusion

There is no upside to changing the current requirement. Advocates for “adult choice” simply deny the research evidence or mislead with unsupported claims. The research is clear and overwhelming.

Citizens regularly understand and accept the need for small non-intrusive personal sacrifices (seat belts, life preservers, hunter orange) in order to prevent injury and death and reduce costs to the society as a whole.

Is it fair to make an exception to the established safety standards just because one organization wants the change? Is allowing riders the freedom to choose to not wear a helmet really worth the huge cost in human lives, family agony, disability and money?

Thank you for your time.

Respectfully



Dan Petterson, Ed.D.
SMARTER President/CEO

MD 2022 SB745 Eric Teoh IHS.pdf

Uploaded by: Eric Teoh

Position: UNF

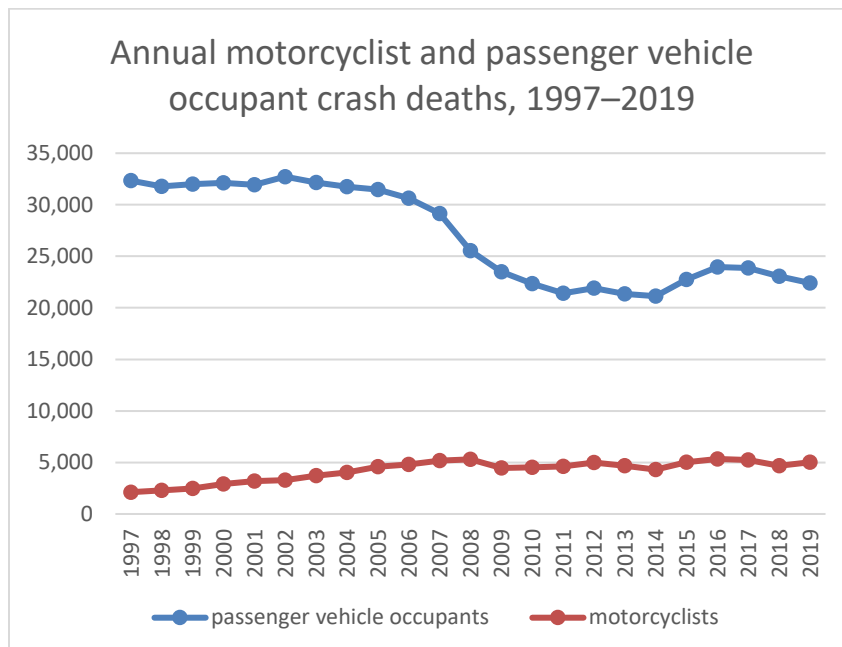
March 15, 2022

Statement before the Maryland Senate Judicial Proceedings Committee Motorcycle Helmet Laws

The Insurance Institute for Highway Safety is an independent, nonprofit scientific and educational organization dedicated to reducing deaths, injuries, and property damage from motor vehicle crashes through research and evaluation and through education of consumers, policymakers, and safety professionals. Our sister organization, the Highway Loss Data Institute, shares this mission through scientific studies of insurance data representing the human and economic losses resulting from the ownership and operation of different types of vehicles and by publishing insurance loss results by vehicle make and model. Both organizations are wholly supported by the nation's automobile insurers. The Institutes are submitting research results on trends in motorcyclist deaths and on the benefits of motorcycle helmet laws that cover all riders in reducing harm.

Trends in motorcyclist crash deaths

Motorcyclists are much more likely to be killed or seriously injured in crashes than occupants of passenger vehicles. Per mile traveled, the number of motorcyclist deaths is nearly 29 times the number of passenger vehicle occupant deaths.¹ Motorcyclist crash deaths increased dramatically between 1997 and 2008 (as shown in the following figure) and have remained persistently high since then. While much progress was made during that time in reducing the death rates of passenger vehicle occupants, more must be done for motorcyclists.



Helmets and helmet laws that cover all riders reduce the risk of death and head injuries

Helmets are designed to protect riders' heads by absorbing crash energy. Of course, helmets cannot prevent all deaths or head injuries, but they are the only countermeasure that all motorcyclists can take advantage of immediately to reduce their risk substantially. Studies have found that helmets reduce the risk of death in motorcycle crashes by 37% to 42%^{2,3} and reduce the risk of traumatic brain injury by 67%.⁴ Unhelmeted riders hospitalized after crashes were more likely to be admitted to intensive care units (ICUs) and spent more time in ICUs, compared with helmeted riders.⁵ Helmet use laws that cover all

Statement on Motorcycle Helmet Laws

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riders result in virtually all motorcyclists wearing helmets; helmet use is far higher in states with universal helmet laws than in states without such laws (96% vs. 57% in 2021).⁶ The National Highway Traffic Safety Administration estimates that motorcycle helmets saved the lives of nearly 1,900 riders in 2017, and that an additional 749 lives could have been saved had all riders been helmeted.⁷ About 95% of motorcyclists killed in crashes are at least 21 years old⁸, so helmet laws that cover only riders younger than 21 do not address most of the crash death problem and are virtually impossible to enforce.

Deaths go up when states abandon or roll back universal helmet laws

States that have repealed or weakened their helmet laws have seen use rates go down and motorcyclist crash deaths go up. In a national study accounting for state-to-state differences, researchers modeled motorcyclist death rates by helmet law after controlling for various factors such as per capita income, population density, and annual precipitation. Death rates (per 10,000 registered motorcycles, per 100,000 population, and per 10 billion vehicle miles traveled) were lowest in states with universal helmet laws.⁹

Some specific findings from studies on crash deaths include:

- In 1997, Arkansas dropped the helmet requirement for riders 21 and older. In the same year, Texas dropped the requirement for people 21 and older who have medical insurance or have taken a motorcycle-rider training course. Helmet use was 97% in both states before the laws changed, and helmet use dropped to 52% in Arkansas and 66% in Texas. Motorcyclist crash deaths increased by 21% in Arkansas and by 31% in Texas after the laws were weakened. In both states, head injuries among crash-involved motorcyclists increased, and in Texas the cost of treating these head injuries increased significantly.¹⁰
- Kentucky weakened its universal helmet law in 1998, followed by Louisiana in 1999. Motorcyclist deaths quickly increased in these states by 50% and 100%, respectively.¹¹
- When Florida weakened its helmet law in 2000, the motorcyclist death rate increased by 25%.¹²
- Pennsylvania saw motorcyclist head injury deaths increase by 66%, versus a 25% increase for non-head injury deaths, following the 2003 repeal of its universal helmet law.¹³
- Unusually, fatalities did not rise immediately in Michigan following the 2012 weakening of its universal helmet law, but head injuries from motorcycle crashes increased by 14%.¹⁴

Healthcare costs and unhelmeted motorcyclists injured in crashes

Unhelmeted riders injured in crashes have higher healthcare costs than helmeted riders, and many lack health insurance. In 2002, the National Highway Traffic Safety Administration released a report reviewing 25 studies on the costs of injuries resulting from motorcycle crashes. Authors reported that the reviewed studies “consistently found that helmet use reduced the fatality rate, probability and severity of head injuries, cost of medical treatment, length of hospital stay, the necessity for special medical treatments..., and probability of long-term disability.”¹⁵ The authors noted that a number of studies examined the question of who pays for the medical costs of motorcycle crash victims; only slightly more than half of crash victims had private health insurance coverage. For patients without private insurance, a majority of their medical costs were paid by the government. More recently, a study of motorcyclists hospitalized from crashes in 2013 found that unhelmeted riders were less likely to have private health insurance and more likely to have Medicare/Medicaid or be uninsured, compared with helmeted riders.⁵

Some specific findings from studies on the financial costs include:

- Average inpatient hospital charges in a study including seven states were 8% higher for unhelmeted motorcyclists than for helmeted riders overall.⁴ In these states, average inpatient charges for motorcyclists with traumatic brain injuries were more than twice the average charge for motorcyclists receiving inpatient care for other injuries.
- In Hawaii, which requires helmets only for riders under 18 years old, average medical charges for unhelmeted riders were almost 50% higher than those of helmeted riders (\$40,217 vs. \$27,176).¹⁶

Statement on Motorcycle Helmet Laws

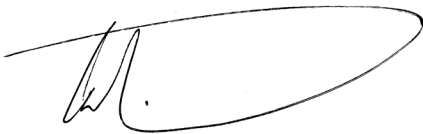
Page 3

- After California introduced a universal helmet law in 1992, the rate of motorcyclists hospitalized for head injuries decreased by 48%, and the total costs for patients with head injuries decreased by \$20.5 million.¹⁷
- Total acute medical charges for motorcyclists injured in Nebraska declined 38% after a universal helmet law was implemented.¹⁸
- Following the 2000 weakening of Florida's universal helmet law, acute care costs for motorcyclists with head injuries rose from \$34,500 to nearly \$40,000—4 times the \$10,000 minimum medical insurance requirement for unhelmeted riding.¹⁹ Total gross costs for hospital-admitted motorcyclists with head injuries more than doubled, from \$21 million to \$50 million.
- The 2012 weakening of Michigan's helmet law was associated with a 22% increase in the average insurance payment for injuries to motorcyclists.²⁰
- Collision claims are less likely to result in medical payment claims in states with universal helmet laws compared with states with other types of helmet laws.²¹

Conclusion

Research consistently has shown that mandatory helmet use laws that apply to all riders increase helmet use and decrease fatalities, injuries, and medical costs among motorcyclists involved in crashes. States that have weakened their universal helmet laws have seen helmet use decrease and deaths and injuries increase. This straightforward rule of the road is a highly effective public health measure. Retaining the existing universal helmet law in Maryland is in the best interests of the motorcyclists in the state and of the state's finances.

Sincerely,



Eric Teoh
Director of Statistical Services

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Statement on Motorcycle Helmet Laws

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Senate Bill 745 OPPOSITION Testimony Schwartzbaue

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Position: UNF

**OPPOSITION Testimony of
Gary Schwartzbauer MD PhD
Associate Professor
Medical Director
Neurotrauma Critical Care and Intermediate Care
Co-Director Neurotrauma Recovery Clinic
Director of Clinical Operations and Performance
Department of Neurosurgery and
Department of Orthopaedics
Program in Trauma
R Adams Cowley Shock Trauma Center
University of Maryland School of Medicine**

Senate Bill 745

March 15, 2022

**Before the
Judicial Proceedings Committee
William C. Smith, Jr., Chair**

Chair Smith and Respected Senators:

My name is Gary Schwartzbauer and I am a neurosurgeon and Medical Director of Neurotrauma Critical Care and Intermediate Care at the R Adams Cowley Shock Trauma Center and I am opposed to the passage of Senate Bill 745.

Patients arrive at Shock Trauma in a large busy area called the Trauma Resuscitation Unit. There the trauma attending on call carries a 2-way radio where you can hear the incoming calls for help from all around the state. It gives me a great sense of pride to hear the attending say "Shock Trauma online," because I know those three words are a lifeline to the patient, and I also know that when I hear the three words "motor cycle crash," that lifeline is even more critical.

As a neurosurgeon I am sometimes called upon to take the skull off a swollen brain of an injured motorcycle rider. This surgery, called a decompressive craniectomy can be life-saving but creates a large defect on the entire side of the head that is disfiguring and leaves the soft brain under the skin unprotected. If they survive, patients need to wear a protective helmet until the bone is put back months later, if ever. So you can wear a helmet now or helmet later. As a critical care intensivist I care for these same patients in the Neurotrauma ICU, deciding on ways to treat their pain, making them comfortable on a ventilator, finding the best way to

feed them and to keep their bodies from wasting away and succumbing to overwhelming infections as they often can't care for themselves. Among many such patients, I am haunted by a 10 year old son brought to a dying patient's bedside asking innocently and repeatedly for his father to wake up, not knowing that moments before, our care team had discussed with the family that the patient would die despite all we could do. He was an illegally unhelmeted motorcycle rider that lost control of his bike.

Senate Bill 745 seeks to reverse mandatory helmet use for riders over the age of 21 who have been licensed for over two years and who have completed a motorcycle rider safety course. The provisions in the bill as proposed suggest that:

1. Riders over the age of 21 who have been licensed more than two years are less likely to incur a motorcycle crash, brain or other bodily injury, and that
2. Riders who have taken a motorcycle rider safety course are less likely to crash or to sustain injuries.

The problem with the premise of this bill is that these specifications are not supported by the national nor by the State of Maryland data AND that these assumptions are clearly false.

THE FACTS ARE:

Assumption: Older, more experienced riders are less likely to crash and die. FALSE. The average age of motorcycle fatalities is increasing. In 1975 those 29 or younger composed 80% of motorcycle fatalities and in 2017 only 28%. Forty-three was the average age of a motorcyclist killed in a collision in 2016¹

Assumption: Riders who have taken a safety course are less likely to crash. FALSE. A Cochrane Review in 2010 of 23 research studies including 3 randomized trials could not conclude that motorcycle rider training prevents crashes.²

Assumption: Deaths and costs to the State and Society increase when helmet laws are repealed. TRUE.

- **Motorcycle fatalities *increase* by 30% when universal helmet laws are repealed**
- **When a state repeals its helmet law or opts for less restrictive requirements, helmet use decreases and *motorcycle-related deaths, injuries, and costs increase***
- **Motorcyclists in states without universal helmet laws are more likely to**
 - die during hospitalization
 - sustain severe traumatic brain injury, and
 - be discharged to long-term care facilities
 - have twice as many cervical SPINE injuries as helmeted riders¹⁰
- **Non-helmeted drivers are more likely to be admitted to the hospital and to incur *twice the medical costs* compared to helmeted riders.**
 - *Costs saved* in states with a universal helmet law are, on average, nearly *four times greater* per registered motorcycle than in states without such a law

- Unhelmeted motorcyclists account for 36% of the total motorcyclists involved in crashes, but account for *70% of the costs*
- Unhelmeted motorcyclists are twice as likely to suffer cervical spine injuries as helmeted riders¹⁰
- **Therefore there is an *increased burden* of hospitalization and long-term care, adding to overall *health care costs*.**

A study of 105 motorcyclists hospitalized at a major trauma center determined that 63% of their care was paid for by public funds, with Medicaid accounting for over half of all charges.³

Most importantly, the death rate in Maryland dropped by 56% (per 10,000 registered motorcycles) over a 5-year period after enactment of the all-rider law in 1992 (Autopsy Study of Motorcyclist Fatalities, 2002).

- Unhelmeted motorcycle riders are *twice* as likely to suffer traumatic brain injuries from crashes.^{4,5,6,7}
- The median hospital charges for motorcycle riders hospitalized with severe traumatic brain injuries were 13 times higher than the charges for those who did not have a traumatic brain injury.⁵
- Unhelmeted motorcycle riders are less likely to have health insurance and are therefore more likely to have their medical expenses paid by government-funded healthcare.⁸

The *only safety measure* that costs little to initiate and reaches all riders is a *state universal motorcycle helmet law*. It is also the *only measure proven to improve motorcycle safety*.⁵

TRAUMATIC BRAIN INJURY

*Traumatic brain injury is a leading cause of motorcycle crash death.*⁹

- Riders who do not wear helmets are more likely to suffer traumatic brain injuries, and median hospital charges for those with traumatic brain injuries are 13 times higher than for those without such injuries. (Cook 2009)

Even when not fatal, these debilitating head injuries can mean a lifetime of costly rehabilitation and severe emotional trauma for family and friends.

The effectiveness of appropriately designed motorcycle helmets in preventing and mitigating head injury is unequivocal:

- A 1991 report reviewing published studies concluded that motorcycle helmet use has lowered fatality rates, prevented serious head injuries, and reduced the need for ambulance service, hospitalization, neuro-surgical intervention, intensive care, rehabilitation, and long-term care in motorcyclist accidents.
- The 2003 independent Cochrane Review of published studies found that helmets substantially reduced the risk of head injury and fatality in motorcycle crashes, and found *no evidence* of an increased risk of any other types of injury (Liu, 2003).

- A 1996 Department of Transportation (DOT) report noted that riders not wearing helmets are three times more likely to suffer brain injury than those riders wearing helmets.
- The Crash Outcome Data Evaluation System (CODES) study found that un-helmeted motorcyclists are three times more likely to suffer brain injuries than those wearing helmets and that motorcycle helmets are 67% effective in preventing brain injuries (NHTSA, 2005).

The passage of helmet use laws governing all motorcycle riders is the most effective method of increasing helmet use.

SB745 proposes to exempt riders over the age of 21 with two years' riding and having taken a motorcycle safety course from wearing helmets. *Why should we conduct this experiment on the citizens of the State of Maryland, when it has already been done?* In other states that have enacted repeals of their motorcycle helmet laws or exceptions for certain motorcyclists, there has been an overall increase in fatalities. Texas and Arkansas repealed all rider motorcycle helmet law and observed utilization went from 97% in each state to 66% and 52% respectively. Texas motorcycle operator fatalities rose by 31% and Arkansas motorcycle operator fatality rose by 21% (Preusser, 2000).

Louisiana's all-rider helmet repeal in 1999 caused motorcycle deaths to increase by 100 percent (NHTSA, 2003). Louisiana subsequently **re-enacted** their motorcycle helmet law and found a significant reduction in the incidence and severity of injuries to the head and a 48% decrease in the average cost per accident and the **death rate decreased by 24%**. As in Louisiana, in 24 out of 26 states there was an overall increase in fatalities after repeal of helmeted laws with the conclusion that repealed mandatory helmet laws were followed by a substantial increase in motorcycle operator fatalities. This does not even bring into account the devastating effect of these legislative actions on the increased incidence of traumatic brain injuries and the associated pure medical and societal costs due to inability to work and socialize secondary to traumatic brain injuries (Evans, 1988; Cooper, 1987; Bledsoe, 2005). A recent study commissioned by the Florida Department of Transportation shows that since Florida's repeal in 2000, motorcycle deaths have risen almost 42%.

Freedom of Choice

The opposition will bring up the issue of freedom of choice. We must consider their main arguments. Is the motorcyclist only hurting him/herself when s/he does not wear a helmet and is this a violation of personal choice/human rights... or of the constitution? The answer to these questions were handed down by The Supreme Court of the United States of America in *Simon vs. Sargent* 396 F. Supp. 277.279 409 US 1020 (1972) stating that *the individual was hurting citizens around him* and *that the helmet legislation was not a violation of the motorcyclists' constitutional rights*. The mandatory motorcycle helmet law is not a freedom of choice, it is a matter of sound public policy and all rider motorcycle helmet laws should remain intact. The Maryland Court of Appeals also upheld Maryland's All Rider Helmet Law.

Thank you.

Respectfully Submitted,
Gary T Schwartzbauer, MD PhD
With significant input from
Maureen McCunn, MD MIPP, FCCM

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SB 745_JBahouth_unf.pdf

Uploaded by: Janet Bahouth

Position: UNF



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Statement of Janet Bahouth, D.Sc.

Injury Biomechanics and Transportation Safety Engineering, Impact Research

In Opposition

to Senate Bill 0745 Senate Judicial Proceedings Committee Maryland General Assembly

March 15, 2022

Good afternoon. My name is Dr. Janet Bahouth. I am the co-owner of Impact Research – a transportation safety research and engineering firm in Columbia, Maryland. Impact Research is crash data analysis and transportation safety research that informs decisions about motor vehicle safety, roadway and traffic safety, and occupant protection. I hold a Doctor of Science degree in Transportation Safety Engineering and I am clinically trained in injury biomechanics.

First let me tell you - I agree with some principals held by the supporters of this bill. I understand the love of riding – the sense of freedom, relishing the fresh air, and the associated cool factor. But ask any rider, and if they're being honest, they'll tell you it's not a matter of IF they crash, but when.

With the Maryland Department of Transportation's Highway Safety Office and the Maryland State Police Motor Unit, I direct research and a review of Maryland motorcycle crashes that were fatal or caused serious injury to the rider. This is a comprehensive look at the circumstances from pre-crash, during the crash itself, and post-crash. Our goal aligns with ABATE's principal that risks can be mitigated through rider and driver education. Our goal is to identify those motorcycle safety concepts that, as evidenced by these riders' fatal and serious injury outcomes, need more focus and attention in rider and driver education, safety courses and licensing so that the outcome of these crash could be different.

The review team has in-depth discussions about the hazards surrounding the riders in these tragic crashes. These circumstances include target fixation, perception reaction time, motion perception, being predictable, low-siding as an alternative to a catastrophic crash, tunnel vision, anticipating others' actions, group riding with someone experienced in the lead and riding staggered, avoid lane changes at intersections, be familiar with the route and roadways, understand the limits of the bike, more importantly the limits of the rider on the bike, and absolutely, in every case and for every rider, stay focused and continually find an escape path. Understanding these concepts protects oneself but none of them mean anything without the proper gear, including a helmet. As A.B.A.T.E's principal states, and as our team of experts is proving, Maryland riders would certainly benefit from this kind of education. But for those who already know, understand and remember these safety concepts – perhaps like many of the ladies and gentlemen participating in this hearing, unfortunately, sometimes knowledge is just not enough when a crash occurs.

I think you'd be surprised to know that a typical crash lasts 350 milliseconds. That's 1/3 of a second and is faster than the blink of an eye. The forces sustained during only a fraction of a second either ends a life, drastically changes it, or isn't enough to compromise the body due to safeguards – like seat belts, airbags, or helmets. These safe guards actually extend the time and limit the force that is inflicted on a body – the longer the force is applied, and the more force absorbed by the safeguard, the better your chances of walking away. That's the physics we can't ignore.

So, how does head injury happen? There are 3 events: 1st - the impact itself – possibly causing a fracture - followed by the brain's acceleration and impact with the skull. This leads to concussion, bleeding, or worse, and finally - the rotational force that twists the brain causing tiny little shears in the brain matter. When this happens, there is guaranteed injury.

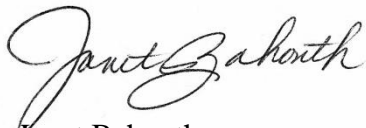
Our research has shown that there are copious number of crashes involving only a motorcycle that go unreported in Maryland. No one knows how many there are – because they go unreported. Why? Because the rider gets up. Dusts himself off and goes on his way. Remember, he was in Maryland and he was wearing a helmet. Take the helmet out of that scenario and it's simple physics that fosters injury or death.

The supporters of this bill have implied that no one but the rider gets hurt. Actually, the taxpayers economy and societal costs are hurt when we foot the 12 million dollar bill for each death on our roads. And I'm not sure the driver of the car who killed the motorcyclist would agree that he's not hurt. Being hurt in some way - that's simply inherent with causing someone's death.

I'll conclude with this: By changing the all-rider helmet law, you are KNOWINGLY facilitating a rise in deaths that otherwise would not be. I urge you to oppose Senate Bill 745.

Thank you for the opportunity to share my perspective.

Kind Regards,

A handwritten signature in black ink that reads "Janet Bahouth". The signature is written in a cursive, flowing style.

Dr. Janet Bahouth

SB0745_Harrison_unf.pdf

Uploaded by: Jennifer Harrison

Position: UNF

**Statement of Jennifer Harrison, Private Citizen
Legislative District 37B**

**Testimony urging an UNFAVORABLE VOTE to Senate Bill 745
Protective Headgear Requirement for Motorcycle Riders- Exception
Senate Judicial Proceedings
March 15, 2022**

Dear Members of the Senate Judicial Proceedings Committee:

It is with deep sadness to hear that a bill is being considered that would allow motorcycle drivers to drive without a helmet! I am even more concerned that my own state senator is co-sponsoring it.

I'd like to share our story and the impact it has had and will forever have on us.

June 6, 2014 was a beautiful sunny day. My 24-year-old son, Grant, was driving his motorcycle to his girlfriend's house just a few miles away when a large deer landed on him. The doe was not in the road...she was running from a field on the right side of the road. He sustained multiple injuries and was airlifted to Shock Trauma where he remained for 58 days before being transported to a rehabilitation facility closer to home for another month.

This young man never rode at night and always respected and obeyed the laws and safety regulations enforced.

My husband and I got the call while we were at church and immediately left to go to the scene. The chopper was in the air when we arrived and multiple first responders and state police were there to explain what had occurred and what the next steps were. The Maryland State Police did a reenactment of the scene thinking it would likely result in a fatality.

We drove to Shock Trauma praying while the doctors and paramedics on the chopper communicated.

The horrific sight we saw upon arrival at Shock Trauma is still very vivid in our minds...

Grant's first operation took place almost immediately and lasted 14 hours. He had a fractured skull, a severe TBI, bleeding on the brain and severe injuries to his limbs and as the days went on, Grant experienced multiple setbacks including strokes, hemorrhaging, and amputation. He went into surgery a total of forty three times and each time they told us, there is a chance that he would not make it out. The odds were constantly against us.

The truth is, as careful as a motorcyclist may be, they simply have limited protection around them. True accidents do occur, and the least our state can do is require them to wear a helmet.

Thankfully, my son was wearing a helmet, and that is the only reason he is alive today.

43 surgeries, 58 days at Shock Trauma, and more than 7 years later, Grant walks, talks and lives because he had a helmet on.

A helmet saved Grant's life and requiring helmets on a motorcycle will continue to save others.

I urge an unfavorable vote on Senate Bill 745.

Sincerely,

Jennifer Harrison

jennyh@goeaston.net

MRHA SB 745- Motorcycle Helmet Exception- Letter o

Uploaded by: Kathleen Hays

Position: UNF



Statement of Maryland Rural Health Association

To the Senate Judicial Proceedings

March 15, 2022

Senate Bill 745- Vehicle Laws – Protective Headgear Requirement for Motorcycle Riders-
Exception

POSITION: Letter of concern

Chair Smith and Vice Chair Waldstreicher and members of the Committee, the Maryland Rural Health Association (MRHA) is in opposition of Senate Bill 745 which would allow changes to Maryland’s universal motorcycle helmet law.

MRHA is concerned that this law would put many rural Marylanders and beyond at risk for severe head injury and death. Motorcycle accidents can still occur, even involving those most experienced at driving motorcycles. Easing these safety standards would unnecessarily put citizens and operators at risk, increasing the strain on hospital emergency departments in rural areas where trauma care is already in short supply, and increasing strain on other clinical sites in rural Maryland where trained medical staff is limited. The long-term traumatic effects of motorcycle accidents not only affect those involved but have dire implications on rural medical triage systems.

MRHA’s mission is to educate and advocate for the optimal health and wellness of rural communities and their residents. Membership is comprised of health departments, hospitals, community health centers, health professionals, and community members in rural Maryland.

Our top legislative priority this year is to “advance and support initiatives that respond to rural health care workforce needs, critical shortages, and future pipelines along with preventing workplace violence.”

MHRA thanks you for your consideration.

Jennifer Berkman, Board President, jennberkman@gmail.com

SB745- Vehicle Laws - Protective Headgear Requirem

Uploaded by: Katie Collins-Ihrke

Position: UNF



March 15, 2022

**Senate Judicial Proceeding
TESTIMONY IN OPPOSITION**

SB745- Vehicle Laws - Protective Headgear Requirement for Motorcycle Riders – Exception

Accessible Resources for Independence, The Freedom Center, The IMAGE Center, Independence Now, and Resources for Independence are disability resource and advocacy organizations run by and for people with disabilities. We are small, but mighty non-profits serving 12 counties in Maryland.

Accessible Resources for Independence, The Freedom Center, The IMAGE Center, Independence Now, and Resources for Independence are oppose SB745- Vehicle Laws - Protective Headgear Requirement for Motorcycle Riders - Exception. SB745 allows for motorcycle riders to ride without a helmet if conditions are met.

People with disabilities face barriers to full inclusion into the community. One of the barriers that we often see is that there are not enough quality services to support people to live in the community especially if you are not receiving Medicaid. If enacted this piece of legislation will put more people at risk for head injuries. Creating a larger population of people with disabilities will put a further strain on the system.

We respectfully urge this committee oppose SB745.

For more information, please contact Katie Collins-Ihrke, Executive Director at Accessible Resources for Independence, at 443-713-3914 or kihrke@arinow.org.

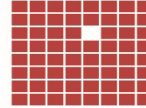
SB0745_UNF_MedChi, MDACEP_Vehicle Laws - Protectiv

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Position: UNF



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**Maryland Chapter
AMERICAN COLLEGE OF
EMERGENCY PHYSICIANS**

The Maryland State Medical Society
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TO: The Honorable William C. Smith, Jr., Chair
Members, Senate Judicial Proceedings Committee
The Honorable Michael J. Hough

FROM: Pamela Metz Kasemeyer
J. Steven Wise
Danna L. Kauffman
Christine K. Krone

DATE: March 15, 2022

RE: **OPPOSE** – Senate Bill 745 – *Vehicle Laws – Protective Headgear Requirement for Motorcycle Riders – Exception*

On behalf of the Maryland State Medical Society (MedChi) and the Maryland Chapter of the American College of Emergency Physicians (MDACEP), we submit this letter of **opposition** for Senate Bill 745.

Senate Bill 745 proposes to make certain exceptions to the current motorcycle helmet law provided an individual is at least 21 years old and has been licensed to operate a motorcycle for at least 2 years, has taken an approved motorcycle rider safety course, or is a passenger on a motorcycle operated by an individual who has been licensed for 2 years or has taken an approved safety course.

The opponents to Maryland's motorcycle helmet requirements have tried to repeal the requirements for a number of years under different proposed exceptions, to no avail. Senate Bill 745 is clearly aimed at the same objective in a manner that appears to respond to concerns about rider safety.

There is no ambiguity in the data related to the benefits of mandatory helmet laws. In Maryland, the incidence of injury and death decreased dramatically following the passage of the current helmet requirements. No benefit can be gained by putting individuals at risk just because they may have been licensed for more than 2 years or have taken an approved safety course. For these reasons, we urge an unfavorable report.

For more information call:

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MACHO

Maryland Association of County Health Officers

2022 SESSION

SENATE BILL 745

Vehicle Laws – Protective Headgear Requirement for Motorcycle Riders – Exception

WRITTEN TESTIMONY BEFORE THE JUDICIAL PROCEEDINGS COMMITTEE

Maura J. Rossman, MD, Health Officer, Howard County Health Department

For the Maryland Association of County Health Officers (MACHO)

Position: Oppose – March 15, 2022

The Maryland Association of County Health Officers (MACHO) **strongly oppose SB 745**. It is regressive and, if passed, will take us back to 1979, when the helmet law was repealed. Because of the repeal, deaths and injuries climbed, leading to reinstatement of the law in 1992. *This is one instance when maintaining the status quo is best for Maryland.*

Public health policies are steeped in science and data. The data from health and traffic safety experts in this area is **irrefutable**. The Centers for Disease Control (CDC)'s research has demonstrated that **helmets:**

- **reduce the risk of death by 37% and the risk of head injury by 69%**
- **do not reduce visibility or impair hearing**
- **save more than \$1 billion if all motorcyclists wore helmets**, each year in the U.S.

The **National Highway Traffic Safety Administration (NHTSA)** estimates that **protective headgear saved the lives of 1,872 motorcyclists in 2017**. If all motorcyclists had worn helmets, an additional 749 lives could have been saved, and in Maryland, helmets have **saved an additional 43 lives** in 2017. <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812683>

Maryland's helmet law must remain a universal law, not a partial law. There is strong, substantial, and clear evidence that universal helmet laws save lives, prevent injury, and save money. This is not true for partial laws. Nationally, riders 30 years and older account for over 70% of all motorcycle fatalities. More riders over the age 50 died in 2019 than riders under the age of 30. <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813112>

Non-helmeted riders injured in a crash have substantially higher healthcare costs than helmeted riders. When a rider is insured, these costs are passed on to others in the form of higher health insurance premiums. When the rider is uninsured, medical expenses may be paid for using taxpayers' funds. According to the CDC, in 2013 motorcycle fatalities cost Maryland \$96M. **In 2017, motorcycle helmet use saved MD nearly \$100M in direct economic costs and over \$590M in comprehensive costs (economic plus valuation for lost quality of life).** If every motorcyclist had worn a helmet, comprehensive cost savings would have been an additional \$65M.

<https://crashstats.nhtsa.dot.gov/Api/Public/Publication/812867>

Helmets are an effective, low cost and non-intrusive way to prevent death and catastrophic injuries that affect many in our communities. When a non-helmeted motorcycle rider crashes and is injured, many are impacted and traumatized – not just the individual. This includes the families who now must care for their loved one or say goodbye, the EMT's who arrive on the scene, the nurses and doctors who treat and rehabilitate the patient; the employer who lost a good worker, the insurer who is paying the bills, and society who has lost a valuable member.

Maryland has a long history of supporting public health and public safety. This is accomplished by data driven decision making, backed by science, facts, and subject matter experts. Some of the greatest improvements in health and life expectancy over the last 100+ years are due to the very measures enacted on behalf of public health.

Maryland has many public health laws and regulations to ensure safety while pursuing activities that are potentially dangerous and life threatening. These include seatbelt laws, life vest laws, hunter wearing orange/pink laws, car seat laws, cell phone laws, and speeding laws. ***These laws are safety provisions that do not restrict the ability of an individual to participate in the desired activity.*** Now is not the time to change what is working for our communities.

MACHO opposes SB 745. For more information, please contact Ruth Maiorana, MACHO Executive Director at rmaiora1@jhu.edu or 410-937-1433. *This communication reflects the position of MACHO.*