

S-JPR_SB933-HelmetException_KEaton-Favorable.pdf

Uploaded by: Ken Eaton

Position: FAV



ABATE OF MARYLAND, INC.

Dedicated to Freedom of the Road & Responsible Motorcycle Legislation

To: The Honorable William C. Smith, Chairman Judicial Proceedings Committee
From: Ken Eaton, Executive Director, ABATE of Maryland, Inc.
Date: March 20, 2023
Re: **SB933** Vehicle Laws - Protective Headgear Requirement for Motorcycle Rides - Exception (In Remembrance of Gary "Pappy" Boward)
Position: **FAVORABLE - SUPPORT**

As a motorcyclist, and the Executive Director of ABATE of Maryland, Inc., I am urging you to support SB933. I have been riding motorcycles for over 35 years and have logged miles in over 30 different states. I have been roaming the halls of Annapolis since the 1980's, fighting for motorcyclists' rights. Our members have joined together to advocate training as the foremost means of reducing accidents and injury, to put an end to discriminatory legislation, to communicate clearly, to explore ways to improve the overall motorcycling experience in Maryland, and to provide for and assure a continuing freedom and affordability of motorcycling.

ABATE represents ALL motorcyclists as the largest motorcycle rights organization in the state and have been doing so since 1974. We have chapters throughout the state and our members include a diverse cross-section of motorcycle riders in Maryland. **We support SB 933** as it provides adult riders of motorcycles in Maryland the FREEDOM TO CHOOSE regarding helmet usage while operating or riding on a motorcycle. Motorcyclists in Maryland and nationwide are constantly presented with challenges from some elements of society that would eliminate or severely restrict motorcycling. Those who would like to restrict motorcycling attempt to do so with restrictive laws or prohibitive insurance costs. We perceive the risks associated with motorcycling as being manageable through programs of rider and driver education. The only effective method of reducing motorcycle injuries is accident avoidance.

There is currently no Federal law requiring motorcycle riders to wear helmets. Currently, 30 states have no helmet requirement or have modified helmet requirements. These modified requirements are age, education, or insurance restricted states. Only 20 states have a mandatory helmet requirement for all riders.

Passing this bill in Maryland will allow adult riders, which are at least 21 years old, have been licensed at least two (2) years, or have completed a motorcycle safety course, to decide for themselves if they would like to wear a helmet. It does not prohibit anyone from wearing a helmet if they choose to do so.

Here is a statement provided by the American Motorcyclist Association (AMA), "There is a broad range of other measures that can be implemented to improve the skill of motorcycle operators, as well as reduce the frequency of situations where other vehicle operators are the cause of crashes that involve motorcycles. The AMA opposes provisions conditioning adult helmet use choice on economic criteria such as, but not limited to, additional medical insurance coverage. This rationale is based on the negative and incorrect view that motorcyclists present a "social burden." The AMA maintains that acceptance of such requirements is contrary to the long-term interests of motorcycling."

Regarding the "social burden" argument, I whole-heartedly disagree. Motorcyclists are no more likely to use taxpayer dollars for medical costs than any other person. As referenced above, 30 other states do not have 100% mandatory helmet laws and they have not gone into financial dire straits as a result. The old adage of the poor, dirty old biker just doesn't hold water. Many of the newer model motorcycles begin at \$25,000 and go up from there. Our ABATE membership has a very diverse cross-section of the riding

public. There are doctors, lawyers, state legislators, engineers, small business owners, blue collar workers, retirees, disabled veterans, able bodied veterans, active military, schoolteachers, etc. When you add in the evolution of the Maryland Health Insurance Marketplace, there should be very few “uninsured” riders out there on the road today in Maryland. As I understand it, the current number of residents in Maryland that do not have health insurance sits at approx. 6.5%.

I can honestly say that in all the years that I have been riding, I have never looked back and thought, wow, a helmet would have prevented that or would have made me feel more comfortable going through that experience. I have seen a lot of things happen on the roadways across the US. I have dodged the tailgate that came off of a dump truck, a spinning extension ladder that fell off of a work truck, tarps, trash, numerous vehicles that have pulled out in front of me, deer, dogs, eagles flying up out of a nearby ditch, etc. Each time an event occurred, all I had was my training and experience. Each time, I reacted quicker than you have time to rationally think, or maybe I have just been lucky. I also believe in the idea that God (or whatever your higher power is), knows your expiration date, and we have no control over that. We all have a limited number of days on this earth, we are just not aware of the limit that has been set for us. Helmet usage, eating right, exercising, etc., have no real impact on the day that our ticket is punched, and we are called home.

Our neighboring state of Pennsylvania has been a FREEDOM of CHOICE state regarding helmet usage since 2003. For the years 2017 thru 2021, motorcycle fatalities and injuries went through statistical dips and spikes. Neither were statistically significant, especially compared to the number of motorcycles registered and miles driven (2021 Pennsylvania Crash Facts & Statistics). There are over 372,000 registered motorcycles in Pennsylvania. In 2021, there were 223 fatal motorcycle crashes & 3,121 injury crashes. Total motorcycle crashes in PA in 2021 were 3,580. That is less than 1% of the total registered motorcycles.

Also interesting is the fact that Mississippi, a MANDATORY helmet usage state, has the highest death rate at 12 per 10K motorcycles. That means that Mississippi is considered the most dangerous state for motorcycle riders, and they are a MANDATORY helmet use state. In contrast, Pennsylvania, a border state to Maryland, with adult FREEDOM of CHOICE, has just a motorcycle fatality rate of 5 per 10K motorcycles. Maryland, a helmet MANDATORY state, has a motorcycle fatality rate of 8 per 10K motorcycles. This information comes directly from the insurance industry. These numbers just do not portray mandatory helmet usage being a key factor in reducing motorcycle crashes. Simply put, **education and experience** are far more valuable than simply strapping on a helmet.

That is where ABATE of Maryland, Inc. helps to make the difference. We work with the MDOT – Highway Safety Office and make sure that every dollar earmarked for motorcycle safety is being spent as promised... on motorcycle safety. We promote rider training classes, beginner and advanced. We encourage every rider to get the experience and training that they need to enjoy motorcycling. We DO NOT DISCRIMINATE. All riders are welcome regardless of what they ride, or what they choose to wear. All friends and family members are welcome, from the smallest, hopefully soon to be riders, to the seasoned biker.

Also, where are the voices about mandatory helmets for drivers and riders in convertible automobiles, snow skiers, water skiers, personal watercraft riders, boaters (172,000 registered boats compared to 120,000 registered motorcycles in Maryland), horse riders (80,000 horses in Maryland), etc. And oh, by the way, there is a bill proceeding through the General Assembly this year that requires MINORS to wear a helmet while on horseback in certain circumstances. It seems that adult horseback riders can have the FREEDOM to CHOOSE, but adult motorcycle riders cannot.

Lastly, I would like to discuss the positive financial impacts that this bill could have that no one really wants to talk about. Tourism and taxes. There are states around Maryland that do not require adults to wear helmets. Most notably are Pennsylvania (with significantly more registered motorcycle riders than Maryland), and Delaware. If you look at a map, approx. 50% of Maryland’s borders are with non-helmet requiring states. I cannot tell you how many times I have heard from friends in those states that they would come and ride in Maryland if they could have the “Freedom to Choose” regarding helmet usage. In fact, organizations in those states sometimes avoid group rides that might otherwise go into Maryland so that

their group can maintain the Freedom to Choose. Those are tourism and tax dollars lost. Each year, Ocean City, MD hosts a large motorcycle rally. Bikers come from all over, descend upon Ocean City and they spend LOTS of money. However, there are numerous riders that ride through Pennsylvania, go east to Delaware, and travel on Delaware roads to get to Ocean City for the rally. They are buying gas, food, and other items as they go through those states. Some even book accommodations in those states just to stay out of Maryland as much as possible. They specifically avoid Maryland as long as possible because of the mandatory helmet law. They enjoy the FREEDOM TO CHOOSE. That may not seem like a lot to you, but those businesses along those corridors are collecting money that could otherwise go to Maryland businesses, Maryland road use taxes, etc. The Ocean City rally attracts approximately 150,000 people on a slow year, for a one-week event. That is just one event. Bikers will go a long way to grab a good burger, and if that burger involves a scenic trip through the hills of Pennsylvania, AND they get the FREEDOM to CHOOSE, off they go to Pennsylvania.

In addition, there are many riders like me that live near a “FREEDOM OF CHOICE” state line and often opt for riding in that state instead of Maryland. A short twenty-minute ride puts me in Delaware, where I am FREE to CHOOSE. A large majority of my fuel, food, beverage, and miscellaneous purchases are made in Delaware and Pennsylvania when I am riding. Don’t get me wrong, there are times when I ride with a helmet and times when I ride without. I truly enjoy the “FREEDOM OF CHOICE”.

On behalf of all motorcyclists in Maryland, I am hereby urging **support for SB933 - Vehicle Laws - Protective Headgear Requirement for Motorcycle Rides - Exception (In Remembrance of Gary "Pappy" Boward)** and **urge the committee to vote FAVORABLY.**

Sincerely,

ABATE of Maryland, Inc.

A handwritten signature in black ink that reads "Kenneth B. Eaton". The signature is written in a cursive, flowing style.

Kenneth B. Eaton, Executive Director

Email: director@abateofmd.org

Tel: 410-924-3374

2023 SB933.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: Assistant Executive Director, Kenneth V. Sawyer, Abate of Maryland,
Inc.

DATE: March 20, 2023

RE: **Senate Bill 933-Vehicle Laws - Protective Headgear
Requirement for Motorcycle Riders - Exception**

POSITION: **FAVORABLE**

Please accept and consider the following testimony I present to you in favor of helmet choice for adult motorcyclists in Maryland.

Abate of Maryland, Inc. has been working to try and restore this freedom of choice that was taken from Maryland motorcyclists for a second time in 1992.

Currently, only 19 states have laws requiring riders to wear helmets. In 2020 Missouri became the most recent state to repeal its law and the issue is being discussed in several other states.

This bill has been presented numerous times and opponents to providing helmet choice cite safety as their reason for mandatory helmet use for motorcyclists. Setting aside the cherry-picked safety statistics cited by our opponents, we believe adults should be able to make the choice for themselves whether to wear a helmet.

The Motorcycle Rider's Foundation and the American Motorcyclist Association, the two largest motorcycle rider organizations in the country, support helmet choice.

Just because Abate and other motorcycle organizations are against mandatory helmet laws does not mean we are against helmet use; we would continue to lobby for a change, if the law was that helmet use was illegal. We believe that the choice of the individual rider is the only choice that matters.

Abate of Maryland is not a radical group. We are not the trouble makers that are seen on your local newscasts riding unregistered motorcycles, ATV's, or dirt bikes on the streets or causing chaos disrupting the flow of traffic on the beltway. We are



ABATE OF MARYLAND, INC.

Dedicated to the Freedom of the Road and Responsible Motorcycle Legislation

hardworking Marylander's that enjoy the freedom of the road. Our ranks include lawyers, accountants, tradesman, small business owners, commercial truck drivers, engineers, military personnel, retired school nurses, administrative professionals, mechanics, and even legislators in this body. We are perfectly capable of making an informed choice regarding our safety.

The supporters of SB 933 are only asking for the right to choose.

Please support SB 933.

Kenneth V. Sawyer, Assistant Executive Director
Abate of Maryland, Inc.

SB 933.pdf

Uploaded by: Mike McKay

Position: FAV

MIKE MCKAY
Legislative District 1
Garrett, Allegany, and Washington Counties



James Senate Office Building
11 Bladen Street, Room 416
Annapolis, Maryland 21401
410-841-3565 · 301-858-3565
800-492-7122 Ext. 3565
Mike.McKay@senate.state.md.us

Judicial Proceedings Committee
Executive Nominations Committee

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Senate Bill 933 – Vehicle Laws – Protective Headgear Requirement for Motorcycle Rides – Exception (In Remembrance of Gary “Pappy” Boward)

March 18, 2023

Dear Chairman Smith, Vice Chairman Waldstreicher, and Members of the Committee,

Senate Bill 933 exempts individuals from the requirement of wearing helmets or other protective headgear if they meet any of three criteria. They must be an individual 21 years of age or older and either: have been licensed to drive a motorcycle for two years, completed a motorcycle safety course that has been approved by the State of Maryland, or is a passenger on a motorcycle being driven by an individual already meeting the previously mentioned criteria.

The AMA (American Motorcyclists Association) and ABATE of Maryland, Inc fully support this piece of legislation. Mandatory helmet laws do not prevent crashes as much as we wish them to. A helmet alone is not sufficient to prevent injuries. Other measures such as better education to improve the skills of motorcyclists reduce accidents much more than just safety equipment. I do believe that as adults we can make proper safety decisions.

In Pennsylvania, there is Freedom of Choice law regarding helmet usage. Of the 372,000 registered motorcyclists, 2021 saw just 3,580 total motorcycle crashes. That is exactly .96% of registered motorcycles. In contrast Mississippi, is a mandatory helmet state and they have the highest death rate of

motorcyclists in the country with 12 per 10,000. This only shows that it does not matter whether safety is legislated or not, but whether personal responsibility is taken

Thank you very much and I ask for a favorable report.

Sincerely,

Senator Mike McKay

Representing the Appalachia Region of Maryland

Garrett, Allegany, and Washington Counties

sb 0933.pdf

Uploaded by: Stephanie Dowling

Position: FAV

Good day,

As a motorcycle rider and Maryland resident I'm in favor of SB0933, establishing an exception to the prohibition against operating or riding on a motorcycle without certain protective headgear for an individual at least 21 years of age who has been licensed to operate a motorcycle for at least 2 years or has completed a certain motorcycle safety course and for the individual's passenger.

I ask that you support SB0933 as well, thank you.

Stephanie Dowling

4685 Milford Ct.

Jefferson, MD 21755

301-473-5696

AMA support MD SB 933.pdf

Uploaded by: Tiffany Cipoletti

Position: FAV



March 20, 2023

Senator William C. Smith, Jr.
Chairman, Senate Judicial Proceedings Committee
2 East, Miller SOB
Annapolis, MD 21401

RE: Support for Maryland Senate Bill 933

Chairman Smith and members of the Senate Judicial Proceedings Committee:

The American Motorcyclist Association has long advocated for the rights of motorcyclists and the motorcycling lifestyle. The AMA believes adults should have the right to voluntarily decide when to wear a helmet and does not oppose laws requiring helmets for minor motorcycle operators and passengers.

Maryland Senate Bill 933 would establish an exception to the prohibition against operating or riding on a motorcycle without certain protective headgear for an individual at least 21 years of age who has been licensed to operate a motorcycle for at least 2 years or has completed a certain motorcycle safety course and for the individual's passenger.

Mandatory helmet laws do nothing to prevent crashes. Regardless of the protective equipment worn, any motorcyclist involved in a crash is at considerable risk. This makes it even more vital to avoid a motorcycle crash in the first place, a strategy widely recognized and pursued in the motorcycling community. The AMA asserts that helmet use alone is insufficient to ensure a motorcyclist's safety. There is a broad range of other measures that can be implemented to improve the skill of motorcycle operators, as well as reduce the frequency of situations where other vehicle operators are the cause of crashes involving motorcycles.

The AMA holds that a common principle should be applied when consideration is given to mandating personal safety, whether it be for motorcycling or some other risk-related activity: Adults are capable of making personal safety decisions for themselves. Society's role is not to mandate personal safety, but rather to provide the education and experience necessary to aid adults in making these decisions for themselves.

The AMA supports S.B. 933 and thanks you for your willingness to consider this legislation.

Founded in 1924, the American Motorcyclist Association is the premier advocate of the motorcycling community. We represent the interests of millions of on- and off-highway motorcyclists. Our mission is to promote the motorcycling lifestyle and protect the future of motorcycling.

Sincerely,

A handwritten signature in black ink that reads 'Tiffany Cipoletti'.

Tiffany Cipoletti
Government Relations Manager, On-Highway
American Motorcyclist Association

MD SB 933 Statement 3-20-23.pdf

Uploaded by: Cathy Chase

Position: UNF



ADVOCATES
FOR HIGHWAY
& AUTO SAFETY



Maryland State Council



**Statement of Catherine Chase, President, Advocates for Highway and Auto Safety;
Lisa Tenney, BSN, RN, CEN, CPHRM, FAEN, Chair, Government Affairs, Maryland State Council
Emergency Nurses Association;
Dan Petterson, Ed. D., President, Skilled Motorcyclist Association - Responsible, Trained and Educated
Riders, Inc. (SMARTER)
In Opposition to Senate Bill 933
Senate Judicial Proceedings Committee
Maryland General Assembly
March 20, 2023**

Advocates for Highway and Auto Safety (Advocates) is an alliance of consumer, safety, law enforcement, medical and public health groups, and insurance companies and agents working to advance laws proven to prevent crashes, deaths and injuries on our roads and contain related costs. The Emergency Nurses Association (ENA) is the premier professional nursing association dedicated to defining the future of emergency nursing through advocacy, education, research, innovation, and leadership. The Skilled Motorcyclist Association - Responsible, Trained and Educated Riders, Inc. (SMARTER) is a non-profit association of riders who support all-rider helmet laws. Our organizations thank you for the opportunity to provide testimony jointly in opposition to Senate Bill (SB) 933, 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 31 years. To repeal the all-rider motorcycle helmet law would be a deadly and costly mistake.

Motor Vehicle Crash Fatalities are Exceedingly High, Including Riders of Motorcycles, the Most Hazardous Form of Motor Vehicle Transportation.ⁱ

The National Highway Traffic Safety Administration (NHTSA) estimated annual traffic fatalities in the U.S increased by over 10 percent in 2021, reaching the highest level since 2005.ⁱⁱ That year, motorcycle rider fatalities increased by nine percent.ⁱⁱⁱ On Maryland's roadways, 78 motorcyclists lost their lives in 2021.^{iv} Earlier this year, NHTSA reported that in the first nine months of 2022, the number of traffic fatalities in Maryland increased by over two percent compared to the same period in 2021, with 403 people losing their lives.^v Data shows that dangerous driving behaviors, including speeding and alcohol-impairment, continue to result in deadly outcomes, especially for vulnerable road users (VRU), including motorcycle riders, who lack the protective structure of a passenger vehicle. Traffic safety is a serious issue that requires improvement rather than the dismantling of the state's all-rider motorcycle helmet law, a proven traffic safety countermeasure.

Over the five year period of 2017 to 2021, an average of 74 fatal crashes and 947 injury crashes involving a motorcycle occurred each year in Maryland.^{vi} From 2020 to 2021, in Maryland, the total number of crashes involving a motorcycle rider increased by four percent (1,289 to 1,343) and the total number of injury crashes increased nearly six percent (from 907 to 961).^{vii} Traffic crashes impose a physical, emotional and financial toll on Maryland families. In 2019, the cost of crashes in Maryland surpassed \$5.9 billion – essentially resulting in a “crash tax” on each Marylander of \$977.^{viii}

Motorcycle Helmet Use, Bolstered by All-Rider Laws, is a Proven Lifesaver.

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.^{ix} 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.^x

State laws requiring all riders to wear helmets are extremely effective in achieving helmet use. Data released from NHTSA show that in states with all-rider helmet laws, use of U.S. Department of Transportation (DOT) compliant helmets is 86 percent, compared to just 53 percent in states without such a law.^{xi} According to NHTSA, in 2020, there were 7.7 times as many unhelmeted fatalities (1,897 fatalities) in states without a universal helmet law

compared to states with a universal helmet law (246 fatalities).^{xii} These states were similar with respect to total resident populations.^{xiii} The data is clear – Maryland’s all-rider helmet requirement is working to ensure motorcycle helmet use.

Motor Vehicle Crashes, Especially Involving Motorcycles, are Costly to All Marylanders. Helmet Use Reduces Preventable Expenditures.

Traffic crashes impose a physical, emotional, and financial toll on Maryland families. In 2019, the cost of crashes in Maryland surpassed \$5.9 billion – essentially resulting in a “crash tax” on each Marylander of \$977.^{xiv}

Annually, motorcycle crashes cost nearly \$17 billion in economic impacts and \$107 billion in societal harm as measured by comprehensive costs based on 2019 data.^{xv} Serious injuries and fatalities accounted for 83 percent of total comprehensive costs of motorcycle crashes, compared to 60 percent of the total comprehensive costs of all motor vehicle crashes.^{xvi} 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.

Conversely, in 2019, motorcycle helmets were preventing \$21.2 billion in societal harm costs annually, but another \$9.4 billion in harm costs could have been prevented if all motorcycle riders had worn helmets.^{xvii} 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 SB 933 to ostensibly alleviate the risks posed by riders and their passengers riding without a helmet, specifying the exception is for those age 21 and older, mandating two years riding experience and passing a safety course, fail to 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.

Motorcycle Helmet Law Repeals Have Resulted in Increased Deaths, Injuries and Associated Costs.

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.^{xviii} Furthermore, “minors only” helmet laws, such as SB 933 seeks to enact, are ineffective, unenforceable, and unpopular. According to the American Academy of Pediatrics, in states with weak youth-specific helmet laws, use decreased, and youth mortality 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.^{xix} 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.^{xx} 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. It is also impossible to determine training or length of experience operating a motorcycle in such circumstances.

The Public is Concerned about Roadway Safety and Supports All-Rider Helmet Laws.

A public opinion poll commissioned by Advocates found that overwhelming majorities of respondents were “extremely” or “very” concerned about dangerous driving behaviors and scenarios.^{xxi} Two-thirds of poll respondents indicated that they do not think enough is being done to reduce dangerous behavior on our roadways.^{xxii} 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.^{xxiii} Removing basic safety protections, including Maryland’s all-rider helmet law, runs contrary to public opinion.

If SB 933 is passed, it will result in more deaths, injuries, and an increased financial burden on Maryland’s emergency services and hospitals and ultimately, every Maryland taxpayer. **Advocates, ENA Maryland State Council, and SMARTER urge you to oppose SB 933.** Thank you.

-
- ⁱ The Economic and Societal Impact of Motor Vehicle Crashes, 2019 (Revised), NHTSA, Feb. 2023, DOT HS 813 403, available at <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813403>.
- ⁱⁱ Early Estimates of Motor Vehicle Traffic Fatalities and Fatality Rate by Sub-Category in 2021, National Highway Traffic Safety Administration (NHTSA), May 2022, DOT HS 813 298, available at: <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813298>
- ⁱⁱⁱ Early Estimates of Motor Vehicle Traffic Fatalities and Fatality Rate by Sub-Category in 2021, National Highway Traffic Safety Administration (NHTSA), May 2022, DOT HS 813 298, available at: <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813298>
- ^{iv} Crash Summary Report – Motorcycle (2021), Maryland Department of Transportation, July 2022, available at: <https://zerodeathsmd.gov/wp-content/uploads/2022/08/MCycleBR-2021July26-2022.pdf>
- ^v Early Estimates of Motor Vehicle Traffic Fatalities and Fatality Rate by Sub-Category in 2021, National Highway Traffic Safety Administration (NHTSA), May 2022, DOT HS 813 298, available at: <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813298>
- ^{vi} Crash Summary Report – Motorcycle (2021), Maryland Department of Transportation, July 2022, available at: <https://zerodeathsmd.gov/wp-content/uploads/2022/08/MCycleBR-2021July26-2022.pdf>
- ^{vii} Crash Summary Report – Motorcycle (2021), Maryland Department of Transportation, July 2022, available at: <https://zerodeathsmd.gov/wp-content/uploads/2022/08/MCycleBR-2021July26-2022.pdf>
- ^{viii} The Economic and Societal Impact of Motor Vehicle Crashes, 2019 (revised), The National Highway Traffic Safety Administration (NHTSA), February 2023, DOT HS 813 403, available at: <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813403>
- ^{ix} Motorcycle Safety: Increasing Federal Funding Flexibility and Identifying Research Priorities Would Help Support States’ Safety Efforts, U.S. Government Accountability Office (GAO), November 2012, available at: <https://www.gao.gov/products/gao-13-42>
- ^x 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.
- ^{xi} Traffic Safety Facts Research Note, Motorcycle Helmet Use in 2021 – Overall Results, National Highway Traffic Safety Administration (NHTSA), March 2022, DOT HS 813 270, available at: <https://crashstats.nhtsa.dot.gov/Api/Public/Publication/813270>
- ^{xii} Traffic Safety Facts 2020 Data: Motorcycles, National Highway Traffic Safety Administration NHTSA, May 2022, DOT HS 813 306, available at: <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813306> ; 2020 Population and Housing State Data, US Census Bureau, August 2021, available at <https://www.census.gov/library/visualizations/interactive/2020-population-and-housing-state-data.html>
- ^{xiii} Traffic Safety Facts. 2020 Data: Motorcycles, National Highway Traffic Safety Administration (NHTSA), May 2022, DOT HS 813 306, available at <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813306>; 2020 Population and Housing State Data, US Census Bureau, available at <https://www.census.gov/library/visualizations/interactive/2020-population-and-housing-state-data.html>
- ^{xiv} The Economic and Societal Impact of Motor Vehicle Crashes, 2019 (revised), The National Highway Traffic Safety Administration (NHTSA), February 2023, DOT HS 813 403, available at: <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813403>^{xv} The Economic and Societal Impact of Motor Vehicle Crashes, 2019 (Revised), National Highway Traffic Safety Administration (NHTSA), February 2023, DOT HS 813 403, available at: <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813403>
- ^{xvi} The Economic and Societal Impact of Motor Vehicle Crashes, 2019 (Revised), National Highway Traffic Safety Administration (NHTSA), February 2023, DOT HS 813 403, available at: <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813403>
- ^{xvii} The Economic and Societal Impact of Motor Vehicle Crashes, 2019 (Revised), National Highway Traffic Safety Administration (NHTSA), February 2023, DOT HS 813 403, available at: <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813403>
- ^{xviii} Analysis of Motorcycle Crashes: Comparison of 2012 to Previous Years, 18th Michigan Traffic Safety Summit, 2013.
- ^{xix} Youth Motorcycle-Related Brain Injury by State Helmet Law Type: United States 2005-2007, Pediatrics, Vol. 126, No. 6, 2010.
- ^{xx} Traffic Safety Facts: Motorcycle Helmet Use Laws, National Highway Traffic Safety Administration (NHTSA), January 2008, DOT HS 810 887W, available at: <https://www.nhtsa.gov/sites/nhtsa.gov/files/810887.pdf>
- ^{xxi} Public Concern About Roadway Safety, ENGINE’s CARAVAN Survey, January 2022, available at: <https://saferoads.org/wp-content/uploads/2022/01/Advocates-January-2022-Poll-Report-Final.pdf#page=4>
- ^{xxii} Public Concern About Roadway Safety, ENGINE’s CARAVAN Survey, January 2022, available at: <https://saferoads.org/wp-content/uploads/2022/01/Advocates-January-2022-Poll-Report-Final.pdf#page=4>
- ^{xxiii} 2017 Traffic Safety Culture Index, AAA Foundation for Traffic Safety, March 2018, available at: <https://aaafoundation.org/wp-content/uploads/2018/03/TSCI-2017-Report.pdf>

19b - SB 933 - JPR - MACHO - LOO.pdf

Uploaded by: Maryland State of

Position: UNF



2023 SESSION

SENATE BILL 933

Vehicle Laws – Protective Headgear Requirement for Motorcycle Riders – Exception (In Remembrance of Gary “Pappy” Broward)

WRITTEN TESTIMONY BEFORE THE SENATE 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 21, 2023

The Maryland Association of County Health Officers (MACHO) **strongly oppose SB 933**. 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 costs 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

SB 933
JPR – 3-21-23
MACHO O/T
M. Rossman
Page 2

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 potential 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 933. 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.

SB 933 APCIA Opposes 03212023 FINAL .pdf

Uploaded by: Nancy Egan

Position: UNF

Testimony of

American Property Casualty Insurance Association (APCIA)

Senate Judicial Proceedings Committee

Senate Bill 933 - Vehicle Laws - Protective Headgear Requirement for Motorcycle Rides - Exception (In Remembrance of Gary "Pappy" Boward)

March 21, 2023

Letter of Opposition

The American Property Casualty Insurance Association (APCIA) is a national trade organization whose members write approximately 65% of the U.S. property-casualty insurance market. The bill would provide an exception for drivers over the age of 21 years of age who has been licensed to operate a motorcycle for at least 2 years or has completed certain motorcycle safety courses not to wear a helmet nor their passenger. APCIA appreciates the opportunity to provide written comments in opposition to Senate Bill 933.

Compared with cars, motorcycles are an especially dangerous form of travel. The National Highway Traffic Safety Administration (NHTSA) estimated in 2015 that, per mile traveled, the number of deaths on motorcycles was more than 29 times higher than deaths in cars. Motorcycles are capable of very rapid acceleration and high-top speeds. They are less stable than cars in emergency braking and less visible to other motorists. Motorcyclists do not have the protection of a vehicle structure around them, leaving riders vulnerable to contact with hard road surfaces, other vehicles, and fixed objects such as trees. This is why wearing a helmet, as well as other protective clothing, is so important.

Helmets are proven to decrease the severity of head injuries, the likelihood of death and the cost of medical care. Helmets are highly effective in preventing brain injuries, which often require extensive treatment and may result in lifelong disability. NHTSA estimates that in the event of a crash, un-helmeted motorcyclists are 3 times more likely than helmeted riders to suffer traumatic brain injuries, and that motorcycle helmets reduce the likelihood of a crash fatality by 37 percent.¹ Norvell and Cummings found a 39 percent reduction in the risk of death after adjusting for the effects of rider age, gender, and seat position². A literature review estimated that helmets reduce the risk of death in a crash by 42 percent and the risk of head injuries by 69 percent.³

Helmet Laws Change Behaviors

In 2016, 94 percent of motorcyclists observed in states with universal helmet laws were wearing helmets. In states without such laws, helmet use was 57 percent⁴. Use of helmets judged to be compliant with federal safety regulations was 80 percent among motorcyclists in states with universal helmet laws and 54 percent in states without such laws.

In a national telephone survey of motorcyclists, 22 percent of those who said they believe helmets keep riders safer reported not always wearing helmets while riding⁵. However, only 6 percent of motorcyclists in states with

¹ Insurance Institute of Highway Safety, <https://www.iihs.org/topics/motorcycles#cite-text-1-1>

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

universal laws reported not always wearing helmets, suggesting that education alone would not be as beneficial in increasing helmet use as a universal helmet law.

The Public Supports Helmet Laws

According to a 2000 national telephone survey, 81 percent of respondents reported that they favored mandatory helmet use laws for motorcyclists. Support was more prevalent among females (88 percent) than males (72 percent) and among non-motorcyclists (83 percent) than those who drove motorcycles (51 percent). Support was higher in states requiring all riders to wear helmets (84 percent) compared with states with lesser requirements (75 percent) or no requirements (79 percent).⁶

In an Institute survey of motorcyclists conducted in 2009, 45 percent said they favor universal helmet laws.⁷ Those who favor universal laws were more likely to report that they believe helmets keep riders safer than those who do not favor universal helmet laws (87 percent vs. 65 percent). Among motorcyclists who reported not always wearing helmets while riding, 57 percent said that a helmet law would encourage full-time helmet use.

Helmet Laws Reduce Deaths, Injuries and Medical Costs

In states that either reinstated or enacted universal motorcycle helmet laws, deaths and injuries of motorcyclists decreased. In states that repealed or weakened their universal helmet laws, deaths and injuries typically rose.⁸

Un-helmeted riders have higher health care costs as a result of their crash injuries, and many lack health insurance. A 2002 review of 25 studies of the costs of injuries from motorcycle crashes reported that helmet use reduced the cost of medical treatment, length of hospital stay and probability of long-term disability for riders injured in a crash.⁹ Studies that looked at who pays for injured riders' medical care found that just over half of injured riders have private health insurance coverage. For those without private insurance, most of the medical costs are paid by the government. A more recent study confirmed the earlier findings that un-helmeted riders had much higher hospital charges than helmeted ones.¹⁰

For these reasons, APCIA urges the Committee to provide an unfavorable report on Senate Bill 933.

Nancy J. Egan,

State Government Relations Counsel, DC, DE, MD, VA, WV

Nancy.egan@APCIA.org Cell: 443-841-4174

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

SB0933_UNF_MedChi_Vehicle Laws - Protective Headge

Uploaded by: Pam Kasemeyer

Position: UNF

MedChi

The Maryland State Medical Society
1211 Cathedral Street
Baltimore, MD 21201-5516
410.539.0872
Fax: 410.547.0915
1.800.492.1056
www.medchi.org

TO: The Honorable William C. Smith, Jr., Chair
Members, Senate Judicial Proceedings Committee
The Honorable Mike McKay

FROM: Pamela Metz Kasemeyer
J. Steven Wise
Danna L. Kauffman
Andrew G. Vetter
Christine K. Krone
410-244-7000

DATE: March 21, 2023

RE: **OPPOSE** – Senate Bill 933 – *Vehicle Laws – Protective Headgear Requirement for Motorcycle Riders – Exception (In Remembrance of Gary “Pappy” Boward)*

The Maryland State Medical Society (MedChi), the largest physician organization in Maryland, **opposes** Senate Bill 933.

Senate Bill 933 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 933 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.

AAA Testimony in Opposition to SB 933 - Motorcycle

Uploaded by: Ragina Ali

Position: UNF



AAA Mid-Atlantic's Testimony in OPPOSITION to SB 933

Vehicle Laws - Protective Headgear Requirement for Motorcycle Rides - Exception (In Remembrance of Gary "Pappy" Boward)

Sponsors: Senators McKay and Mautz

- AAA Mid-Atlantic **opposes SB 933**, which exempts an individual who is 21 years of age or older from wearing protective headgear, or a helmet, while operating or riding a motorcycle if the individual:
 - has been licensed to operate a motorcycle for at least two years;
 - has completed an approved motorcycle rider safety course; or
 - is a passenger on a motorcycle operated by a rider who meets these criteria from the requirement to wear specified protective headgear while operating or riding on a motorcycle.
- Motorcycle safety is trending in the wrong direction. As disheartening as the nationwide fatality trends are, the numbers for motorcyclists are even worse. In 2021, according to the National Highway Traffic Safety Administration (NHTSA), more than 6,000 motorcyclists were killed across the country – the most since the federal government started keeping records in 1975. That's a 9% jump from the prior record in 2020.
- There are multiple reasons for this increase in fatalities, including drunk driving and speeding, but a decrease in helmet usage among motorcyclists contributed as well. After reaching a peak of 71% in 2018, the percentage of riders using helmets declined to 69% in 2020 and 65% in 2021, according to a NHTSA observational survey.
- According to the Maryland Institute for Emergency Medical Services Systems (MIEMSS), Maryland's trauma centers treated 904 patients involved in motorcycle crashes during fiscal 2019. Ninety percent of these patients (812) were age 21 or older, and 28.4% of them (231) sustained a head injury, 26 of whom subsequently died. Of the 231 riders who sustained head injuries, 26 percent were not wearing a helmet.
- AAA and traffic safety advocates across the country want to decrease the number of motorcycle-related injuries, and further reduce motorcyclist fatalities by supporting and strengthening laws that require helmet use, not repealing existing laws.
- Helmets are effective: According to the Insurance Institute for Highway Safety, motorcycle helmets reduce the risk of death by 37-42%, and motorcyclists not wearing helmets are three times more likely than helmeted riders to suffer traumatic brain injuries.
- AAA **opposes** any legislation that will weaken existing traffic safety laws and put motorcyclists, bicyclists, motorists or pedestrians at a greater risk of injury or a traffic fatality; therefore, we oppose **SB 933** and respectfully urge the Committee to render an **unfavorable** report.

Contacts:

*Ragina Cooper Ali, AAA Mid-Atlantic
Public and Government Affairs Manager
410.616.1900, ext. 43-61152*

*Sherrie Sims, GS Proctor & Associates
Senior State Associate
410.733.7171*

SB933-MdPHA-helmet_repeal-UNF.pdf

Uploaded by: Raimee Eck

Position: UNF



Mission: To improve public health in Maryland through education and advocacy *Vision:* Healthy Marylanders living in Healthy Communities

SB933: Vehicle Laws - Protective Headgear Requirement for Motorcycle Rides - Exception

(In Remembrance of Gary "Pappy" Boward)

Hearing Date: March 21, 2023

Committee: Judicial Proceedings

Position: Unfavorable

The Maryland Public Health Association urges an unfavorable report on SB 933, a bill to allow exceptions to Maryland's mandatory helmet use while operating a motorcycle law.

In 2020, more than 5,500 motorcyclists died on our roads across the nation; however, the Centers for Disease Control and Prevention estimated that over 1,800 lives were saved by helmets in 2017. An additional 749 could have been saved if all motorcyclists were wearing helmets. Helmets reduce the risk of a head injury by 69%. The National Highway Traffic Safety Administration estimated that \$1.5 billion could be saved in economic costs if all motorcyclists would wear helmets. <https://www.cdc.gov/transportationsafety/mc/index.html>

Maryland has already endured this unsafe experiment when the helmet requirement was repealed in 1979 and subsequently reinstated in 1992 due to the number of deaths and injuries and the associated costs that increased significantly.

We urge an unfavorable report on SB933.

The Maryland Public Health Association (MdPHA) is a nonprofit, statewide organization of public health professionals dedicated to improving the lives of all Marylanders through education, advocacy, and collaboration. We support public policies consistent with our vision of healthy Marylanders living in healthy, equitable, communities. MdPHA is the state affiliate of the American Public Health Association, a nearly 150-year-old professional organization dedicated to improving population health and reducing health disparities that plague our state and our nation.

19a - SB 933 - JPR - MDH - LOO.pdf

Uploaded by: State of Maryland (MD)

Position: UNF



DEPARTMENT OF HEALTH

Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

March 21, 2023

The Honorable William C. Smith, Jr
Chair, Senate Judicial Proceedings Committee
2 East, Miller Senate Building
Annapolis, Maryland 21401

RE: SB 933 - Vehicle Laws – Protective Headgear Requirement for Motorcycle Rides – Exception - Letter of Opposition

The Maryland Department of Health (MDH) respectfully submits this letter of opposition for Senate Bill (SB) 933 - Vehicle Laws – Protective Headgear Requirement for Motorcycle Rides – Exception. SB 933 exempts an individual from wearing protective headgear when operating a motorcycle if the individual is at least 21 years old and (1) licensed to operate a motorcycle for at least two years, (2) has completed a motorcycle rider safety course approved by the Administrator or the Motorcycle Safety Foundation, or (3) is a passenger on a motorcycle operated by an individual described in (1) or (2) of this exemption.

This bill will result in increased motorcycle injuries and fatalities, as well as an increased economic burden on the State. The National Highway Traffic Safety Administration (NHTSA) estimates that protective headgear such as helmets saved the lives of 1,872 motorcyclists in 2017.¹ In Maryland alone, helmets saved an estimated 43 lives in 2017.¹ Protective headgear is approximately 37% effective in preventing fatalities to motorcyclists.² Furthermore, motorcycle helmet laws can reduce the risk of traumatic brain injury (TBI) up to 69%.³

A universal helmet law is by far the most effective method for preventing motorcyclist injuries and fatalities.⁴ According to the Centers for Disease Control and Prevention (CDC), “On average states with universal helmet laws save eight times more lives per 100,000 motorcycle registrations each year compared to states without a helmet law, and save three times more lives

¹ National Center for Statistics and Analysis. (2019). Lives saved in 2017 by restraint use and minimum-drinking-age laws (Traffic Safety Facts Crash*Stats. Report No. DOT HS 812 683). Washington, DC: National Highway Traffic Safety Administration. <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812683>

² National Center for Statistics and Analysis. (2019). Lives and costs saved by motorcycle helmets, 2017. Traffic Safety Facts Crash*Stats (Report No. DOT HS 812 867). Washington, DC: National Highway Traffic Safety Administration. <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812867>

³ Liu BC, Ivers R, Norton R, Boufous S, Blows S, Lo SK, Helmets for preventing injury in motorcycle riders (Review), The Cochrane Library, Issue 1, 2009.
Available online at: <http://onlinelibrary.wiley.com/doi/10.1002/14651858.CD004333.pub3/abstract>

⁴ Governor Highway Safety Association. (2018). *Motorcyclist Traffic fatalities by state: 2017 preliminary data*. Washington, DC: Governors Highway Safety Association

per 100,000 motorcycle registrations each year compared to states with a partial helmet law.”⁵ In 2020, NHTSA reported that there were 5.2 times as many motorcyclist fatalities in states without a universal helmet law compared to states with universal helmet laws.⁶

In addition to the human toll taken in deaths and injuries, motorcycle crashes carry a sizable financial cost. In 2017, motorcycle helmets saved Maryland nearly \$100 million in direct economic costs, and over \$590 million in comprehensive costs (the economic cost plus valuation for lost quality of life). If every motorcyclist had worn a helmet, the comprehensive cost savings would have increased by over \$65 million.⁷

Maryland’s universal motorcycle helmet law is an effective public health strategy aimed at significantly reducing motorcycle-related injuries and fatalities. Rolling back the law to only cover riders younger than 21 will result in increased serious injuries and deaths along with increased economic costs. If you would like to discuss this further, please do not hesitate to contact Megan Peters, Acting Director of Governmental Affairs at megan.peters@maryland.gov or (410) 260-3190.

Sincerely,

A handwritten signature in blue ink, appearing to read 'LH Scott', is positioned above the typed name.

Laura Herrera Scott, M.D., M.P.H.
Secretary

⁵ Centers for Disease Control and Prevention. (2012). *Motorcycle safety: How to save lives and save money*. Atlanta, GA: National Center for Injury Prevention and Control (U.S.). Division of Unintentional Injury Prevention; Centers for Disease Control and Prevention (U.S.). <http://www.cdc.gov/motorvehiclesafety/pdf/mc2012/MotorcycleSafetyBook.pdf>

⁶ National Center for Statistics and Analysis. (May, 2022). *Motorcycles: 2020 data* (Traffic Safety Facts. Report No. DOT HS 813 306). National Highway Traffic Safety Administration.

⁷ Traffic Safety Facts. Lives and Costs Saved by Motorcycle Helmets, 2017 (DOT HS 812 867) National Highway Traffic Safety Administration.

2023-03-21 - MD - Motorcycle helmet repeal - SB 93

Uploaded by: Tara Leystra

Position: UNF



Statement of

National Transportation Safety Board

To the

Judicial Proceedings Committee

Maryland General Assembly

– On –

Senate Bill 933

Protective Headgear Requirement for Motorcycle Rides—Exceptions

Annapolis, MD • March 21, 2023



An Independent Federal Agency

The National Transportation Safety Board (NTSB) appreciates the opportunity to provide testimony on Senate Bill (SB) 933.

The NTSB is an independent federal agency charged by Congress with investigating every civil aviation accident in the United States and significant events in other modes of transportation—railroad, transit, highway, marine, pipeline, and commercial space. We determine the probable cause of the accidents we investigate and issue safety recommendations aimed at preventing future accidents. In addition, we conduct transportation safety research studies and offer information and other assistance to family members and survivors for any accident investigated by the agency.

The NTSB has no power to regulate or legislate, and we rely on the persuasive power of our comprehensive investigations and research to encourage the recipients of our recommendations to act to improve safety. We have recommended for many years that states adopt and maintain strong laws requiring all motorcycle riders to wear helmets meeting federal standards. Thus, we are very concerned about SB 933, as it would allow motorcycle operators who are 21 or older to operate a motorcycle without protective headgear.

The growing number of Americans who have been killed or injured in motorcycle crashes is extremely troubling. In 2020, the number of motorcyclists killed in crashes increased by 11 percent from 2019.¹ Although motorcycles represent only 3 percent of the registered vehicles on our roads, motorcyclists account for 14 percent of all highway deaths. 5,579 motorcyclists lost their lives in crashes nationwide in 2020, including 85 in Maryland.²

Head injury is a leading cause of death and disability in motorcycle crashes. A US Department of Transportation (DOT) report published in 2004 stated that helmets are 37 percent effective at preventing fatalities in motorcycle crashes.³ According to a study conducted by the National Highway Traffic Safety Administration (NHTSA), the use of a safety helmet that complies with US Federal Motor Vehicle Safety Standard 218 is the “single critical factor in the prevention [and] reduction of head injury.”⁴ In the event of a crash, helmets are highly effective at preventing brain injuries, which often require extensive treatment and may result in lifelong disability. Unhelmeted motorcyclists are 3 times more likely than helmeted riders to suffer traumatic brain injuries in a crash.

According to NHTSA, helmet use continues to be significantly higher in states that require all motorcyclists to be helmeted. In 2021, 86.1 percent of motorcyclists observed in states with universal helmet laws were wearing DOT-compliant helmets.

¹ National Highway Traffic Safety Administration, National Center for Statistics and Analysis. May 2022. *Motorcycles: 2020 Data*. Traffic Safety Facts. Report No. DOT HS-813-306. Washington, DC: NHTSA.

² NHTSA. *Motorcycles: 2020 Data*.

³ Deutermann W. 2004. *Motorcycle Helmet Effectiveness Revisited*. Report No. DOT HS-809-715. Washington, DC: National Highway Traffic Safety Administration.

⁴ Hurt HH, Ouellet JV, and Thom DR. (1981). *Motorcycle Accident Cause Factors and Identification of Countermeasures Volume I: Technical Report*. Los Angeles, CA: Traffic Safety Center, University of Southern California. NHTSA Contract No. DOT HS-5-01160.

In states without such laws, helmet use was just 53.4 percent.⁵ NHTSA estimates that helmets saved an estimated 1,872 motorcyclists' lives in 2017, and an additional 749 lives could have been saved if all motorcyclists wore helmets.⁶ In states without universal helmet laws, 57 percent of motorcyclists killed in 2020 were not wearing helmets, as compared to 11 percent in states with universal helmet laws.⁷

When universal helmet laws are weakened, helmet use rates decrease dramatically, and motorcycle deaths and injuries increase markedly, even when accounting for changes in ridership that may be associated with weakening the law. For example, Michigan weakened its helmet law in 2012 and the percentage of motorcyclists not wearing helmets quadrupled the year after the repeal. A study conducted 3 years after the repeal found increases in crash scene fatalities, greater injury severities, worse neurologic injury, and heightened hospital mortality among nonhelmeted riders involved in crashes.⁸ SB 933 requires only motorcycle operators under age 21 to wear a helmet, which leaves a significant portion of Maryland's motorcycle-riding population unprotected. This is simply not good public safety policy.

The remarkable effectiveness of universal helmet laws in preventing death and disability among motorcyclists is a powerful argument for retaining such laws. For more than 70 years, research has shown that helmets protect motorcyclists and passengers from death and serious injury. I hope that, as the Judiciary Proceedings Committee hears SB 933, you will consider these decades of research and the indisputable evidence that helmets—and helmet laws—save lives and reject this measure.

Thank you for this opportunity to provide a statement in support of Maryland's existing universal motorcycle helmet requirement. We would be happy to provide additional information in response to any questions that the committee might have.

⁵ National Highway Traffic Safety Administration, National Center for Statistics and Analysis. March 2022. *Motorcycle Helmet Use in 2021—Overall Results*. Traffic Safety Facts. Report No. DOT HS 813 270. Washington, DC: NHTSA.

⁶ National Highway Traffic Safety Administration, National Center for Statistics and Analysis. December 2019. *Lives and Costs Saved by Motorcycle Helmets, 2017*. Traffic Safety Facts. Report No. DOT HS 812 867. Washington, DC: NHTSA.

⁷ NHTSA. *Motorcycle Helmet Use in 2021—Overall Results*.

⁸ Striker RH, Chapman AJ, Titus RA, Davis AT, and Rodriguez CH. 2016. Repeal of the Michigan helmet law: the evolving clinical impact. *The American Journal of Surgery*. 211(3):529-533.

SB0933 - MVA - Protective Headgear Requirement - L

Uploaded by: Patricia Westervelt

Position: INFO

March 21, 2023

The Honorable William C. Smith, Jr.
Chair, Senate Judicial Proceedings Committee
2 East, Miller Senate Office Building
Annapolis MD 21401

Re: *Letter of Information – Senate Bill 933 – Vehicle Laws - Protective Headgear Requirement for Motorcycle Rides - Exception (In Remembrance of Gary "Pappy" Boward)*

Dear Chair Smith and Committee Members:

The Maryland Department of Transportation (MDOT) takes no position on Senate Bill 933 but offers the following information for the Committee's consideration.

Senate Bill 933 creates an exception to the motorcycle helmet requirement for individuals (or passengers) who are at least 21 years of age and who have either been licensed to operate a motorcycle for at least two years or have completed a motorcycle rider safety course approved by the Administrator of the MDOT Motor Vehicle Administration (MVA) or the Motorcycle Safety Foundation.

Currently, all motorcycle riders, including passengers, must wear motorcycle helmets that comply with Federal Motor Vehicle Standard (FMVSS) No. 218. The use of motorcycle helmets has proven effective in reducing serious head injuries among motorcyclists involved in crashes with no substantive adverse safety effects. Nevertheless, 14 percent of the 75 motorcycle riders and passengers who die on average each year on Maryland roadways were not wearing a helmet. On average, each year 1,147 motorcycle riders and passengers are injured on Maryland roadways.

The Governors Highway Safety Association (GHSA) found that when a universal helmet law is repealed, helmet use drops substantially. The State of Michigan repealed its universal helmet law in 2012, and according to the Michigan State Police, annual fatalities from motorcycle-involved crashes saw an increase of 23 percent compared to pre-repeal. The GHSA urges states to oppose efforts to repeal universal motorcycle helmet laws and encourages states to adopt helmet use laws for all riders.

According to the National Highway Traffic Safety Administration (NHTSA), helmet use is substantially lower in states that do not have a universal helmet law. In 2019, NHTSA estimated that over 95 percent of motorcyclists in states with universal helmet laws were observed to be wearing helmets. In states without universal laws, helmet use was only 71 percent. Additionally, the use of helmets judged to be compliant with federal safety regulations was 89 percent among motorcyclists in states with universal helmet laws and 56 percent in other states.

The Honorable William C. Smith, Jr.
Page Two

Currently, 19 states, the District of Columbia, and Puerto Rico have universal helmet laws. Motorcycle licensure carries no requirements to gain experience or improve skills over time. A rider may obtain a motorcycle license and never again ride a motorcycle. Under the provisions of Senate Bill 933, a rider who has held a motorcycle license for two years but who has no further riding experience would be exempt from the helmet use requirement, as would anyone over the age of 21 taking the motorcycle safety course; and any passenger 21 years or older.

The Maryland MVA-approved motorcycle rider safety courses encourage the use of full protective riding gear by riders and passengers when operating and riding on a motorcycle. Senate Bill 933 permits a person to ride without a helmet simply because the rider has completed the approved rider safety course, regardless of how recently that safety training was completed.

The Maryland Department of Transportation respectfully requests that the Committee consider this information when deliberating Senate Bill 933.

Respectfully submitted,

Christine E. Nizer
Administrator
Maryland Motor Vehicle Administration
410-787-7830

Pilar Helm
Director of Government Affairs
Maryland Department of Transportation
410-865-1090

SB 933 Helmet repeal Letter of Information.pdf

Uploaded by: Theodore Delbridge

Position: INFO



State of Maryland
Maryland Institute for Emergency Medical Services Systems

Wes Moore
Governor

Clay B. Stamp
Chairman, EMS Board

Theodore R. Delbridge, MD, MPH
Executive Director

March 20, 2023

The Honorable William C. Smith, Jr.
Chairman
Senate Judicial Proceedings Committee
2 East, Miller Senate Office Building
Annapolis, Maryland 21401

Re: SB 933: Vehicle Laws-Protective Headgear Requirement for Motorcycle Rides-Exception (In Remembrance of Gary “Pappy” Boward)

Dear Chairman Smith:

I am writing to provide you with information that may be helpful as the Committee considers SB 933. SB 933 exempts a driver of a motorcycle as well as the driver’s passenger from wearing protective headgear if the driver is at least age 21, has been licensed for a minimum of two years, and has completed a specified motorcycle safety course.

Maryland’s current universal helmet law requires all motorcycle riders to wear eye-protective devices and headgear that meets certain standards. The law was the result of local, state, and national concerns regarding the incidence and severity of head injuries resulting from motorcycle crashes throughout the country and in Maryland.

- Motorcycle head injuries often result in fatalities or life-long disabilities and require intensive and costly inpatient and outpatient treatment and resources.
- A study published in *The American Journal of Surgery* in 2016 found the average acute care cost of un-helmeted riders was nearly \$28,000, 32 percent higher than for helmeted riders.
<http://www.iivs.org/iivs/sr/statusreport/article/51/7/2>
- Most patients involved in motor cycle crashes who are treated in Maryland trauma centers are age 21 or older. The Maryland Institute for Emergency Medical Services Systems reports that Maryland’s trauma centers treated 986 patients involved in motorcycle crashes during Fiscal Year 2022, of which 863 were 21 years of age or older. Of these patients, 203 sustained a head injury, of whom 18 subsequently died. Of the 203 riders who sustained head injuries, 145 (71.4%) were wearing a helmet and 58 (28.6%) were not. All 203 required treatment and 122 were admitted. Eighteen (14.8%) of the admitted patients stayed in the hospital for one day. Sixteen of the admitted patients required hospitalization for more than 28 days.
- Helmets have been shown to provide significant protection from head injury for motorcyclists. Because serious head injury is common among fatally injured motorcyclists, helmet use is important. Helmets are about 37 percent effective in preventing motorcycle deaths and about 67 percent effective in preventing brain injuries.
<http://www.iivs.org/iivs/topics/t/motorcycles/fatalityfacts/motorcycles>

- The National Highway Traffic Safety Administration (NHTSA) reports in the *NHTSA Five-Year Motorcycle Safety Plan* that 60% of motorcyclist fatalities are caused by head injury, and the use of a helmet offers a motorcyclist the best protection from fatal and non-fatal injuries.
https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/13507-motorcycle_safety_plan_050919_v8-tag.pdf
- In States without universal helmet laws, 58 percent of motorcyclists killed in 2015 were not wearing helmets, as compared to 8 percent in States with universal helmet laws (National Highway Traffic Safety Administration Traffic Safety Facts: Motorcycles December 2016).
- NHTSA estimates that helmets saved 1,872 motorcyclists' lives in 2017 and that 749 more could have been saved if all motorcyclists had worn helmets.
https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/13507-motorcycle_safety_plan_050919_v8-tag.pdf
- A study published in 2016 in *Injury Epidemiology* found that helmet use ranged from 85 to 92 percent in universal law states, compared to 29 to 54 percent in partial law states. Motorcyclists who were required to wear a helmet according to their age in partial law states did so only 44 percent of the time.
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4779790/>
- The Insurance Institute for Highway Safety Highway Loss Data Institute reported in 2016, that Michigan rolled back its helmet law in 2012 to cover only riders younger than 21 who have passed a motorcycle safety course and who have at least \$20,000 in medical coverage. The percentage of hospitalized trauma patients with a head injury increased 14 percent in the 12 months following the repeal compared to the 12 months prior to the repeal.
<http://www.iihs.org/iihs/sr/statusreport/article/51/7/2>
- The U.S. Department of Transportation has urged manufacturers to provide free or heavily discounted DOT certified helmets or rider safety training with the purchase of every new motorcycle sold in the United States, noting that "...Helmets and proper training are just as important as brakes or headlights when it comes to the well-being of motorcyclists."

I hope that you find this information helpful as you consider SB 933. Please let me know if you have any questions or if I may provide you with any further information.

Sincerely,



Theodore R. Delbridge, MD, MPH
Executive Director, MIEMSS

Cc: Members, Senate Judicial Proceedings Committee