



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 style with a large initial 'K'.

Kenneth B. Eaton, Executive Director

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