

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE

Senate Bill 226

(Senator Mooney, *et al.*)

Judicial Proceedings

**Vehicle Laws - Protective Headgear Requirement for Motorcycle Riders -
Exceptions**

This bill exempts specified motorcycle riders from current protective headgear requirements.

The bill takes effect takes effect June 1, 2007.

Fiscal Summary

State Effect: General fund revenues from traffic citations could decrease beginning in FY 2008 offset by an increase in special fund revenues to the extent interest in motorcycling increases in Maryland. Medicaid expenditures (50% general funds, 50% federal funds) and general fund expenditures for the Developmental Disabilities Administration (DDA) could increase beginning in FY 2008.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The bill provides that the following individuals are exempt from wearing a helmet: (1) an operator or occupant of any three-wheeled motorcycle equipped with an enclosed cab; (2) an individual 21 or older who has been licensed to operate a motorcycle for at least two years; (3) an individual 21 or older who has completed a motorcycle-rider safety course approved by the Motor Vehicle Administrator or by the

Motorcycle Safety Foundation; or (4) an individual 21 or older who is a passenger on a motorcycle operated by another exempt individual.

Current Law: An individual may not operate or ride on a motorcycle unless the individual is wearing protective headgear that meets the standards established by the administrator. An individual who is riding in an enclosed cab is exempt from the protective headgear requirement.

“Protective helmet or headgear” means a device primarily intended to protect the upper part of the wearer’s head against a blow or impact. *The Federal Motor Vehicle Safety Standard 218, Motorcycle Helmets, 49 CFR § 571.218 (1991)*, which is incorporated by reference in Maryland regulations, is adopted as the minimum standard for helmets required to be worn by operators and passengers on motorcycles. The protective headgear must be worn on the head with the chin strap properly fastened and in contact with the chin or jaw by both operator and passenger at all times that the motorcycle is in motion.

Background: As of January 2007, 20 states and the District of Columbia require all motorcyclists to wear a helmet, while 26 states require only some motorcyclists to wear a helmet, and 4 states have no motorcycle helmet laws. Most countries outside the United States require motorcyclists to wear helmets, including Australia, Canada, and the United Kingdom.

History of Motorcycle Helmet Laws: Prior to 1966, no state required motorcycle helmet use. In 1967, the federal government required states to adopt universal helmet laws (applicable to all riders) or lose a portion of highway construction funds. Maryland adopted such a law in 1968. In 1975, by which time all but three states had enacted universal helmet use laws, Congress repealed this requirement and states began to repeal their helmet laws. Maryland repealed its universal helmet law in 1979, but continued to require helmet use by riders under the age of 18.

A 1991 study by the Government Accounting Office (GAO) concluded that universal helmet use laws increase helmet use to 90% or greater and reduce motorcycle fatalities, fatality rates, and severe head injuries. The report also found that helmets reduce probability of injury, head injuries, and fatalities for crash-involved motorcyclists. The study prompted Congress to promote universal helmet laws through the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). ISTEA provided incentive grants to states with both universal helmet laws and passenger vehicle seat belt laws and penalized states without both laws in place by October 1, 1993 by transferring a portion of federal highway funds to highway safety programs. Maryland reinstated a universal

helmet use law in 1992 and was the only state to act in response to ISTEA. Congress repealed ISTEA in 1995.

Since 1995, six states have repealed universal helmet use laws: Arkansas, Florida, Kentucky, Louisiana, Pennsylvania, and Texas. Five of these states require helmets for individuals under age 21, while one state (Louisiana) requires riders under the age of 18 to wear a helmet.

Experience in States that Repealed Universal Helmet Laws: Multiple evaluations of the impact of repealing universal helmet laws conclude that the following outcomes can be anticipated:

- helmet use will decline markedly;
- helmet use will decline among all riders regardless of age restrictions remaining in law;
- motorcycle registrations will increase;
- motorcycle fatalities will increase; and
- medical costs attributable to crash-involved motorcyclists will increase.

Following the repeal of universal helmet laws in Arkansas, Texas, and Florida, helmet use declined from 97% or greater to between 50% and 66%. Motorcycle registrations increased in these states in the first year following the repeal by 47%, 12.5%, and 9%, respectively. Motorcycle fatalities increased 21% in Arkansas and Florida and 31% in Texas in the first year following repeal of universal helmet laws. Florida found significant increases in medical costs attributable to crash-involved motorcyclists. In the 30 months following repeal of Florida's universal helmet law, hospital admissions for motorcyclists increased 40%, head injury admissions increased by more than 80%, total acute care hospital costs more than doubled from \$21 million to \$44 million, and the average cost per case increased from \$34,518 to \$39,877 (15.5%).

Motorcycle Morbidity and Mortality in Maryland: In 2005, there were 85 fatalities among Maryland motorcycle riders compared with 69 in 2004. While total motor vehicle fatalities have declined in Maryland since 2001, motorcycle rider fatalities have increased by 60%.

The Maryland Institute for Emergency Medical Services Systems reports that Maryland's trauma centers treated 1,120 patients involved in motorcycle crashes during fiscal 2006. Of these patients, 473 sustained a head injury, 33 of whom subsequently died. Of the 473 riders who sustained head injuries, 301 (64%) were wearing a helmet, 61 (13%) were not, and it was unknown whether 65 of the patients wore a helmet or not. All

473 required treatment and 330 were admitted. One hundred twenty-four (26%) stayed in the hospital for one day. Fourteen patients required hospitalization for more than 28 days.

Impact of Helmet Use: The National Highway Traffic Safety Administration (NHTSA) estimates that motorcycle helmets reduce the likelihood of crash fatality by 37%. In the event of a crash, unhelmeted motorcyclists are three times more likely than helmeted riders to suffer traumatic brain injuries. Conversely, claims have been made that helmets increase the risk of neck injury and reduce peripheral vision and hearing, but are not well documented.

State Revenues: General fund fine revenues could decrease by as much as \$17,420 beginning in fiscal 2008. In fiscal 2006, 268 citations were issued statewide for failure to wear a helmet while riding on or operating a motorcycle. The citation carries a fine of \$65. Of these citations, 135 were prepaid, 103 went to trial, and 30 remained open.

Special fund revenues could increase by a significant amount beginning in fiscal 2008 to the extent interest in motorcycling in Maryland increases under the bill. Revenues could accrue from increased sales of motorcycles, motorcycles titled in the State, and motorcycle registrations. As of July 2006, there were 104,256 motorcycles registered in Maryland. Registration costs \$97 and is renewed every two years. For each 1% increase in motorcycle registrations, special fund revenues increase by approximately \$100,000. Each motorcycle titled in Maryland will generate \$23 in titling fee revenues and 5% of the purchase price of the motorcycle in excise tax revenues. Legislative Services cannot reliably estimate how many additional motorcycles may be titled or registered as a result of the bill.

State Expenditures:

Medicaid: Medicaid expenditures (50% general funds, 50% federal funds) could increase beginning in fiscal 2008 from the anticipated reduction in helmet use and the associated increase in head injuries to crash-involved motorcyclists. In fiscal 2008, the estimated cost to treat a motorcycle accident-related head injury will be \$56,000 compared with \$19,500 for one that does not include a head injury. A number of studies have examined who pays for the medical costs associated with motorcycle crashes and concluded that only slightly more than half of motorcycle crash victims have health insurance.

In addition, Medicaid expenditures could increase to the extent uninsured motorcyclists suffer injuries severe enough to eventually make them eligible for Medicaid. Individuals with traumatic brain injuries often receive care in nursing homes and State psychiatric

institutions due to a lack of funding for community-based services. DHMH advises the annual cost of serving one brain-injured individual in an inpatient setting is \$120,000. There are insufficient data at this time to estimate the number of currently uninsured head injury victims who may enroll in Medicaid due to medical and financial eligibility.

Expenditures for the Developmental Disabilities Administration (DDA) could also increase beginning in fiscal 2008 due to the anticipated reduction in helmet use among motorcyclists under the age of 21, as witnessed in other states with age-specific helmet use laws, and the associated increase in head injuries among these riders. Individuals who sustain traumatic brain injuries before the age of 21 are eligible for DDA services. There are insufficient data at this time to reliably estimate any increase.

Additional Information

Prior Introductions: This bill is identical to SB 163/HB 727 of 2006. SB 163 had a hearing in the Senate Judicial Proceedings Committee but no further action was taken. HB 727 received an unfavorable report from the House Environmental Matters Committee. Similar bills have been introduced each year since 1996.

Cross File: None.

Information Source(s): *Helmet Use Laws* (January 2007), Insurance Institute for Highway Safety; *Traffic Safety Facts, 2005: motorcycle helmet use laws*, National Highway Traffic Safety Administration (2006); *Evaluation of Motorcycle Helmet Law Repeal in Arkansas and Texas*, D.F. Preusser, J.H. Helund, and R.G. Ulmer (September 2000); *Evaluation of the Repeal of the All-Rider Motorcycle Helmet Law in Texas*, R.G. Ulmer, V.S. Northrop (August 2005); Department of Health and Mental Hygiene (Medicaid); Maryland Department of Transportation (State Highway Administration, Motor Vehicle Administration); Maryland Institute for Emergency Medical Services Systems; Department of Legislative Services

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