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February 19, 2021

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

RE: Requesting an Unfavorable Report for SB712

Dear Chairman Smith,

On behalf of the Brain Injury Association of Maryland, I am writing in opposition of SB712 and request that this committee render an unfavorable report.

For the last 38 years, the Brain Injury Association of Maryland (BIAMD) has been the only statewide non-profit organization dedicated solely to providing free information and resource assistance to the brain injury community. Through its Toll-Free Brain injury Connection Center (1.800.221.6443), its website (www.biamd.org), and its social media presence, BIAMD has sought to educate, enlighten, and support the estimated 120,000 Maryland families currently living with the devastating effects of brain injury. BIAMD regularly responds to over 300 phone calls a month from individuals dealing with brain injury, family members, and professionals seeking information and assistance. Most inquiries come from families and professionals seeking advice on how to best work with individuals with brain injuries.

It has been well established that wearing a helmet while riding a motorcycle reduces the severity of brain injuries and mortality when a motorcyclist crashes¹. Universal Helmet laws, like we currently have in Maryland, have been shown effective in increasing the use of helmets and decreasing deaths and injuries.² Maintaining a universal helmet for all motorcyclists reduces the life, personal and economic cost born by Maryland families, taxpayers, and health system.

Nationally, NHTSA estimates that in states with universal helmet laws, motorcyclists wore Department of Transportation (DOT) compliant helmets 89.2% of the time as observed in the [NOPUS survey](#). In states where helmets were not required, motorcyclist wore DOT compliant helmets 56.5% of the time.³ The National Highway Safety Administration (NHTSA) estimates that that wearing a motorcycle helmet saved the lives of 43 Marylanders and the project that an additional 5 lives would have been saved with 100% helmet use.⁴ Even with the universal helmet law in place in Maryland, 108 unhelmeted motorcyclists were injured in crashes and 5 died in crashes in 2019.⁵

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

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

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

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

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

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

A National study by Dua et al investigated total costs based on inpatient services and [value of statistical life \(VSL\)](#) for non helmeted motorcyclists and found that costs were 66% greater at \$5.5 billion, compared with \$3.3 billion for helmeted motorcyclists. A cost analysis of inpatient care and indirect costs of motorcyclists who do not wear helmets leads to nearly \$2.2 billion in losses per year. Unhelmeted motorcyclists accounted for almost 1.9 times as many deaths compared with helmeted motorcyclists. The per capita cost per fatality is more than \$800,000. Institution of a mandatory helmet law could lead to an annual cost savings of almost \$2.2 billion nationally.⁷ The cost for initial hospitalization and on-going cost associated with long term disability were higher unhelmeted motorcyclists. Studies also found that motorcyclist who ride without helmets are more likely to have government-based health insurance or no health insurance which further shifts the cost of medical care onto an already overburdened healthcare system and police safety net system. For individuals already relying on government-based health insurance, the cost of long-term disability extends to income supports and other public assistance in addition to ongoing need for medical care.⁸

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

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

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

In each instance, the number of motorcycle fatalities and brain injuries after repeal skyrocketed.

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

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

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

In the immediate years after repeal, the death rate for motorcyclists rose 23% in Michigan, 61% in Kansas, and 66% in Pennsylvania. In Florida, routinely the home of the highest motorcycle fatality rates in the country, the death toll went from averaging 160 per to year to 246 the year following the repeal with an ever upward trend to 606 deaths in 2015.

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

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

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

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

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

Therefore, we request that this committee render an unfavorable report on SB712.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Bryan Thomas Pugh', with a long horizontal flourish extending to the right.

Bryan Thomas Pugh
Executive Director