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Partnership
for a
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Maryland

**Statement of Allison Kennedy, Director of Government Relations, Advocates for Highway and Auto Safety,
Lisa Tenney, BSN, RN, CEN, CPHRM, Chair, Government Affairs Committee,
Maryland State Council, Emergency Nurses Association, and
Marianne Gibson, President, Partnership for a Safer Maryland
In Opposition to Senate Bill 712
Senate Judicial Proceedings Committee
Maryland General Assembly
February 23, 2021**

Good afternoon, my name is Allison Kennedy and I am the Director of Government Relations for Advocates for Highway and Auto Safety (Advocates). Advocates is a coalition of consumer, safety, public health, medical and law enforcement groups, and insurance companies and organizations working together to pass safety laws that reduce motor vehicle crashes, deaths, injuries and associated costs. I am submitting this statement jointly with Lisa Tenney, Chair of the Government Affairs Committee of the Maryland State Council, Emergency Nurses Association (MDENA) and Marianne Gibson, President of the Partnership for a Safer Maryland. The Emergency Nurses Association is the premier professional nursing association dedicated to defining the future of emergency nursing through advocacy, education, research, innovation, and leadership. The Partnership for a Safer Maryland advocates for injury and violence prevention. Thank you for the opportunity to provide testimony from Advocates, MDENA and the Partnership for a Safer Maryland in opposition to Senate Bill (SB) 712, 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 over 26 years. To repeal the all-rider motorcycle helmet law would be a deadly and costly mistake.

Last year, despite reduced traffic on roadways due to COVID-19 restrictions, virtual workplaces and social distancing, risky driving behaviors including speeding, impairment and lack of seat belt use spiked in the first nine months according to data from the National Highway Traffic Safety Administration (NHTSA). Sharp increases in distracted driving have been reported as well.ⁱ The result of these dangerous decisions is a substantial uptick in the traffic fatality rate. This trend was experienced across the Nation, including in Maryland according to multiple news reports. In fact, last April a State Police spokesman said, "troopers have both observed speeding/aggressive driving and received additional complaints about it since there has been lighter traffic on the roads."ⁱⁱ In May, WTOP reported a 500 percent increase in speed camera violations exceeding 100 miles per hour (mph) in Montgomery County alone between April 26 and May 1, compared to the same period in 2019.ⁱⁱⁱ Earlier this month, Patch Media did a piece entitled "Pandemic Revs Up Bad Driver Behavior In Maryland."^{iv}

Given the ongoing burdens and capacity constraints experienced by our health care system in response to the deadly pandemic, we must do all we can to keep road users safe and out of emergency rooms. Removing this critical safety protection for motorcycle riders, especially at a time when conditions on our roads have become even more dangerous, will result in more encumbrances on our over-worked first responders, emergency room (ER) nurses and ER doctors. We urge you to instead take much-needed actions to lighten their heavy loads.

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

Motorcycle helmet use is critical because motorcycles are the most hazardous form of motor vehicle transportation. Across the nation, there were nine times as many unhelmeted fatalities (1,682) in states without a universal law compared to the number of fatalities (180) in states with a universal helmet law in 2019 (NHTSA). Nationally,

unhelmeted motorcyclists make up about 39 percent of all motorcyclist fatalities when helmet use is known. In Maryland, this average is 15 percent, whereas in the neighboring states without such a law, the average was significantly higher – 53 percent in Pennsylvania and 41 percent in Delaware.^{vii} Maryland’s all-rider helmet requirement is working to ensure motorcycle helmet use.

The NHTSA estimates that nationwide helmets saved the lives of 1,870 motorcyclists in 2017 and that over 750 more people could have been saved if all motorcycle riders had worn helmets.^{viii} That same year, 43 lives were saved in Maryland by helmet use and an additional five lives could have been saved if all motorcyclists had been helmeted.

Experience and data have proven that states that 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. The University of Michigan’s Transportation Research Institute (UMTRI) reviewed data after Michigan repealed its all-rider helmet law. The study determined that there would have been 26 fewer deaths and 49 fewer injuries involving motorcycle crashes in the state that year if the law had not been repealed in 2012. The UMTRI also found that not wearing a helmet doubles the risk of fatality and increases the chance of serious injury by 60 percent. Additionally, a study in the American Journal of Surgery reported that after Michigan repealed its all-rider helmet law, the percentage of non-helmeted crash scene fatalities quadrupled, and the number of trauma patients who were hospitalized with a head injury rose 14 percent.^{ix} An analysis performed by the Highway Loss Data Institute (HLDI) revealed that during the 2012 riding season, medical payments coverage claim frequency in Michigan was 10 percent higher, claim severity was 36 percent higher, and overall insurance losses were 51 percent higher.

Helmet use also reduces expenses to states, with Maryland saving nearly \$600 million in comprehensive costs associated with motorcycle crashes because of helmet use in 2017 alone (the latest year for which data is available). With 100 percent use, the state could have saved over \$65 million more. Essentially, Maryland is missing only about 10 percent of the total benefit from comprehensive motorcycle helmet use. Conversely, in Pennsylvania, the state could have saved an additional \$400 million with 100 percent use. Lack of helmet use is costing Pennsylvania approximately 38 percent of the total benefit from comprehensive motorcycle helmet use. Likewise, Delaware is also missing out on approximately 32 percent of the total benefit from comprehensive motorcycle helmet use or \$18 million that could have been saved. Unlike neighboring states that are in effect leaving cost-savings “on the table,” Maryland is comparatively realizing more substantial financial benefits from greater motorcycle helmet use.^x

In states with an all-rider helmet law, economic cost savings to society from helmet use were \$725 per registered motorcycle, compared with \$198 per registered motorcycle in states without such a law (Centers for Disease Control and Prevention (CDC)). Considering the annual economic cost of motorcycle crashes in the Nation is \$13 billion and the total amount of societal harm is \$66 billion (NHTSA), states should be taking action to improve, and certainly not weaken, motorcycle safety. When adjusted only for inflation, these amounts increase to \$16 billion and \$79 billion, respectively. Compared to other motor vehicle crashes, these costs are disproportionately caused by fatalities and serious injuries. Motorcycle helmets are currently preventing \$17 billion in societal harm costs annually, but another \$8 billion in harm costs could be prevented if all motorcycle riders wore helmets. When adjusted only for inflation, these amounts increase to approximately \$20 billion and \$10 billion, respectively. Getting all motorcyclists to wear helmets is a prudent and fiscally responsible goal.

“Minors only” helmet laws, such as SB 712, are ineffective, unenforceable and unpopular. According to the American Academy of Pediatrics, in states with weak youth-specific helmet laws, use has decreased and youth mortality has increased. Serious traumatic brain injury among youth was 38 percent higher in states with age-specific laws compared to states with all-rider helmet laws.^{xi} After Florida repealed its all-rider helmet law in 2000, fatalities jumped 21 percent (per 10,000 registered motorcycles). Deaths of riders under the age of 21 who were not helmeted increased 188 percent, even though the law still applied to them.^{xii} 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.

Traumatic brain injury is a serious, potentially life-long injury that can result from a motorcycle crash, especially when the rider is not wearing a helmet. In addition to changes in social, cognitive and physical ability, lifetime care

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

The American public understands the need for all-rider helmet laws and overwhelmingly supports them. The enduring and consistent support for mandatory helmet laws most recently included the 2017 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.

In 2019, 75 motorcycle riders died on Maryland roads, a 21 percent increase over the prior year. Repealing Maryland's all-rider motorcycle helmet law is contrary to the urgent need to improve motorcycle rider safety as well as the state's *Vision Zero* efforts. If SB 712 is passed, it will result in more deaths, injuries, and pain and suffering of crash victims' loved ones, as well as an increased financial burden on Maryland's emergency services, hospitals, Medicaid and ultimately, every Maryland taxpayer. **Advocates, MDENA and the Partnership for a Safer Maryland urge you to oppose SB 712.**

Thank you.

ⁱ Wilson, Kea, "Distracted Driving Skyrocketing During the Pandemic," StreetsBlogUSA, December 3, 2020, <https://usa.streetsblog.org/2020/12/03/distracted-driving-skyrocketing-during-the-pandemic/>.

ⁱⁱ DePuyt, Bruce, "Md. Roads Become Dangerous Speedways," Maryland Matters, April 25, 2020, <https://www.marylandmatters.org/2020/04/25/md-roads-become-dangerous-speedways/>.

ⁱⁱⁱ Woodfork, Rob, "This must stop': Reckless driving soars amid COVID-19 closures," WTOP, May 5, 2020, <https://wtop.com/dc-transit/2020/05/this-must-stop-reckless-driving-soars-amid-covid-19-closures/>.

^{iv} Baumgart, Jacob, "Pandemic Revs Up Bad Driver Behavior in Maryland," Patch Media, February 12, 2021, <https://patch.com/maryland/annapolis/pandemic-revs-bad-driver-behavior-maryland>.

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

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

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

^{viii} Latest year for which data is available; Lives and Costs Saved by Motorcycle Helmet Use, 2017, National Highway Traffic Safety Administration, DOT HS 812 867, December 2019.

^{ix} American Journal of Surgery, *Repeal of the Michigan helmet law: the evolving clinical impact*, 2015.

^x Latest year for which data is available; Lives and Costs Saved by Motorcycle Helmet Use, 2017, National Highway Traffic Safety Administration, DOT HS 812 867, December 2019.

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

^{xii} NHTSA, 2008.