

SB 712- Written Testimony Motorcycle Riders Founda

Uploaded by: Jackson, Jay

Position: FAV



Motorcycle Riders Foundation

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Bill: SB 712 - Vehicle Laws- Protective Headgear Requirement for Motorcycle Riders- Exception

Position: SUPPORT

Committee: Senate Judicial Proceedings

February 23, 2021

Chairman William C. Smith and members of the committee,

On behalf of the Motorcycle Riders Foundation (MRF), thank you for the opportunity to share our views on the proposed law regarding motorcycle headgear. We support Senate Bill 712 and applaud the efforts of its cosponsors to address this issue.

The MRF is a national organization focused on providing leadership at the federal level for state motorcyclists' rights organizations, motorcycle clubs, and individual riders. The MRF is concerned with national and international issues that impact the freedom and safety of American street motorcyclists, while also supporting the efforts of our state partners. We are committed to being national advocates for advancing motorcycling and its accompanying lifestyle and work in conjunction with a variety of partners to help educate elected officials and policymakers.

Motorcycling is something enjoyed by over 8.6 million Americans and more than 118,000 Marylanders. With our network of about 250,000 motorcyclists nationally, and on behalf of our members in Maryland, we support SB 712 because it recognizes that motorcyclists who have experience and appropriate training have a right to choose for themselves whether they want to wear a helmet.

SB 712 would exempt, from the requirement to wear specified protective headgear while operating or riding on a motorcycle, an individual age 21 or older who (1) has been licensed to operate a motorcycle for at least two years; (2) has completed an approved motorcycle rider safety course; or (3) is a passenger on a motorcycle operated by a rider who meets either of these criteria. In placing limits on who can operate without a helmet, SB 712 protects less-experienced motorcyclists while allowing personal choice.



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Passage of SB 712 would demonstrate two key principles the MRF strongly believes in, personal freedom and emphasizing crash avoidance over creating safer crashes.

In our country, we tout our ability to choose. We can choose where we live, how to educate our children, and whatever affiliations we like. Wearing a helmet is a similar choice that ought to be made by the individual, not the state. The MRF has long believed that those who ride should decide whether to wear a helmet or not. This bastion of personal freedom and protection of liberties is in keeping with our nation's founding. Taking this choice from the hands of the individual is the state telling motorcyclists that it knows best and substituting its judgment for that of motorcyclists

By focusing on education, rather than on government mandates, SB 712 promotes learning how to safely operate a motorcycle, rather than punitive action against those that desire not to wear a specific piece of apparel. In doing so, motorcyclists can gain information about riding gear, techniques, and strategies that will allow them to make informed decisions regarding which safety measures they deem most appropriate. Additionally, motorcycle education helps affirm crash avoidance over creating safer crashes. We should strive to reduce crashes, as a crash that doesn't happen obviously results in no injuries.

The statistics regarding the effectiveness of state helmet laws are ambiguous at best. A 2014 National Highway Traffic Safety Administration (NHTSA) report showed that in crash study data, where helmet use was known, 39% of motorcyclists killed were not wearing a helmet. Conversely 61% of motorcycle fatalities involved a rider wearing a helmet. These numbers closely mirror NHTSA data on overall helmet usage which shows 64% vs 36% helmet usage amongst riders in 2014.

Interestingly, a 2017 NHTSA study showed that the state with the highest motorcycle fatality rate (Mississippi) has a mandatory helmet law, while the state with the lowest fatality rate (Montana) does not require a helmet for those over 18 years old.

It's important to remember that the absence of a requirement does not prohibit someone from choosing to wear a helmet. In fact, a 2019 U.S. Department of Transportation audit showed that states without mandatory helmet laws still saw 56.5% of riders choose to wear a helmet. Passage



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of SB 712 wouldn't force any Marylander to ride without a helmet, it would only allow each rider to decide for themselves.

For these reasons, MRF respectfully requests a favorable vote on SB 712.

Should you have any questions, feel free to contact me directly.

Sincerely,

Jay Jackson
Vice President
Motorcycle Riders Foundation
P.O. Box 250, Highland, IL 62249
Jay@mrf.org / www.mrf.org

2021 SB 712 JAY BLOCK.pdf

Uploaded by: Sawyer, Kennneth

Position: FAV

Jay Irwin Block, Esq.
ABATE of Maryland, Inc.
P.O. Box 1733
Annapolis, MD 21404

February 18, 2021

The Honorable William Smith, Jr., Chairman
Judicial Proceedings Committee
Miller Senate Office Building, Suite 2E
11 Bladen Street
Annapolis, MD 21401

RE: SB 712

Dear Mr. Chairman,

I am a motorcyclist and a member of ABATE. I am registered to vote in Baltimore County and in my practice as an attorney, I have travelled through all of the counties and Baltimore City for both legal and social matters, sometime in a car and sometimes on my motorcycle.

I am asking you to support the passage of the Bill, allowing motorcyclists the choice of whether to wear a helmet or not.

Regarding the above bill, I wish to address the history of "helmet" laws in the federal and Maryland governmental systems. (I use the word in quotes as the Maryland law refers to "protective headgear" without even mentioning helmets *per se*.)

Originally the states were required under federal law to mandate helmet usage. Maryland complied and established its own law. Subsequently the federal government, acknowledging it had no right to control the independence of the states in internal matters, repealed its mandate and allowed the individual states to make their own decisions as to the requirements of helmet usage.

As a result, in 1979, Maryland modified its stance, requiring helmets only for those under the age of eighteen and allowing adults to make their own decisions as to usage.

Recognizing that education as to motorcycle operation was the answer to minimizing exposure to injury both self-actuated as well as those caused by the negligence of others, ABATE of MD worked with the State of Maryland to initiate the Maryland Motorcycle Safety Program (MMSP) which taught individuals how to operate a motorcycle, how to interact with other vehicles in traffic and how to minimize injury (including reviews of all types of clothing, gloves, boots and helmets as assisting in protection from the road and weather conditions). This program has been credited with the reduction of all kinds of injuries, not just head trauma.

The federal government then decided to reverse itself and, under the provisions of the ISTEA, The Intermodal Surface Transportation Efficiency Act of 1991, again demanded the states enact helmet laws under threat of the alleged loss of federal funding for highways. (The reality in Maryland was that all that would have happened was a redirection of funds into different programs and there would not have been any money lost.) Thus Maryland, in 1992, enacted the helmet law as it now exists. Ironically, Maryland is the only state that did so. The rest of the states demanded that their congressional representatives return to the federal government and have the penalties removed from the Act. The position of the states was acknowledged and the "hostage" provisions were removed. As a result of issues regarding the present law, the Court of Appeals in the Case of Michael Lewis vs. Ann Ferro, when questioned about the constitutionality of the Statute, as the COMAR Regulations required a list of approved headgear by the Motor Vehicle Administration, stated it was not necessary to do so as the Federal Government had provided a list in a brochure published in 1994. Since that time many listed helmets have stopped being produced and new ones have been placed on the market. It is impossible to know which helmets are now "approved" for usage. When I made a phone call to NHTSA with the 800 number provided, requesting its updated standards I was led to a series of transfers lasting over twenty minutes until I finally reach a person who told me that NHTSA did not approve helmets and could not provide information as to the propriety of any individual helmet subject to the inquiry.

Unfortunately, as this list has never been recently updated or modified under the U.S. Department of Standards, as required, motorcyclists in 2021 are relying upon articles posted on the internet such as a list prepared by the Snell Institute using its standards for approved helmets, which are different than those of the US Department of Transportation (DOT).

In the past, when a Statute was requested to require "protective headgear" for bicyclists, for all occupants, there was a resounding outcry from adults who stated they had the ability to make their own decisions regarding apparel and the law, as it stands now, is limited to those sixteen (16) and under. As bicycles have the same use of public roads (with the exception of super-highways) and can travel at speeds comparable to those of a motorcycle, it would only make sense to have the same rules for both.

ABATE's request for a revision of the Statute, to limit the mandate of wearing "protective headgear" to those twenty-one (21) and over, being even more restrictive, should be in parity with the other Statutes.

We are now before the General Assembly of the State of Maryland requesting, as we did before, that you acknowledge that it is only fair and reasonable to allow adults the right to

choose whether or not to wear “protective headgear”, a right that is allowed them when riding bicycles.

Very truly yours,

/S/
Jay Irwin Block, Esq.

CC: The Honorable Jill Carter
The Honorable Susan Lee
The Honorable Charles Sydnor
The Honorable Jeff Waldstreicher
The Honorable Shelley Hettleman
The Honorable Jack Bailey
The Honorable Michael Hough
The Honorable Justin Ready
The Honorable Bob Cassily
The Honorable Chris West

2021 SB712 ANGIE SAWYER.pdf

Uploaded by: Sawyer, Kennneth

Position: FAV



ABATE OF MARYLAND, INC.

Dedicated to the Freedom of the Road and Responsible Motorcycle Legislation

February 18, 2021

The Honorable William C. Smith, Jr., Chairman
Judicial Proceedings Committee

**RE: SB712 – Vehicle Laws – Protective Headgear Requirement for
Motorcycle Riders – Exception**

As a registered voter, concerned citizen of District 27B, and member of Abate of Maryland, I write to you to urge a favorable report for SB712- the helmet modification bill.

I am a 50-year-old legal assistant, wife, and mother who has been a proud member of the motorcycling community for about 12 years and an Abate of Maryland member for 5 years. I have lived in Maryland all my life.

The motorcycle culture is made up of many people who, like me, are responsible citizens pursuing their hobby. We plan our weekends and vacations around motorcycling. Until Covid, we would customarily take a few motorcycle trips each year. With our riding buddies, my husband and I have traveled up and down the entire East Coast and to other nearby states within a thousand-mile radius of our home.

We have been to several states that do not impose the helmet requirement. Sometimes we enjoy the freedom of not wearing a helmet and other times we keep our helmets on—it depends on factors such as weather, traffic, speed, and road conditions. The point is that riders are in the best position to make this determination and should have the ability to make the decision.

Opponents of allowing helmet choice say that because of the risk involved in riding a motorcycle, it is for our own safety that we should be required to wear a helmet. But I can think of other recreational activities available in Maryland—many of which include some risk of harm or death to the participant—that do not have a helmet requirement.

- Bicyclists are free to travel on or along the same roadways as motorcyclists and have the same risk of injury or death if involved in an accident with a motor vehicle, yet bicyclists over the age of 16 can decide for themselves if they want to wear a helmet.
- The use of safety helmets would certainly decrease the severity of head injuries or death for snowboarders and skiers who collide with other people, trees, rocks, etc. yet, again, there is no helmet requirement.

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- Rock climbers who fall may suffer serious life-threatening and/or permanent injuries yet they can decide for themselves if they want to wear a helmet.

Furthermore, many recreational water activities pose a risk of injury or death, yet the government has not imposed mandatory use of safety equipment to the same degree as they have with motorcyclists. Of the many thousands of Marylanders who enjoy our waterways, only jet ski operators and riders and children are actually required to wear a personal floatation device while on board a personal watercraft or vessel, as opposed to only to have a personal floatation device *available*.

If bicyclists, skiers, snowboarders, rock climbers, kayakers, sailors, etc. are capable of making decisions regarding their personal safety while pursuing their recreational activities surely motorcycle riders are also capable. I urge you to please correct this oversight that has existed for many years. Let those who ride, decide!

Please give a favorable report to SB712.

Lee A. Sawyer
Huntingtown, MD

2021 SB712 ANNIE SANFORD.pdf

Uploaded by: Sawyer, Kennneth

Position: FAV



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MEMORANDUM

TO: The Honorable William C. Smith, Jr. Chairman and Members of the Judicial Proceedings Committee

FROM: Executive Treasurer, Annie Sanford, ABATE of Maryland, Inc.

DATE: February 23, 2021

RE: SBo712 Vehicle Laws - Protective Headgear Requirement for Motorcycle Riders - Exception

POSITION: Favorable

We wake up every morning not knowing if this will be our last day on earth. Everyday we engage in dangerous activities. The first is getting out of bed. The second is entering the smallest room in the house - the bathroom. Belvedere Health Services reports "up to 80 percent of falls in the home occur in the bathroom. These fall-related injuries can range from minor scrapes and bruises to broken bones, head injury and spinal cord injury." The most hazardous activities for all ages are bathing, showering and getting out of the tub. Yet, there is no legislation for mandatory grab bars or helmets to protect the entire population while using the bathroom.

As a retired nurse and married for 40 years, my husband and I have traveled many miles (both domestic and international) on our motorcycle. We wear our helmets, even when not required to do so. As responsible adults we CHOOSE to wear our helmets and believe that adults should have the CHOICE whether to wear a helmet or not. Over the years, the Committee has heard testimony pro and con regarding this issue. What you have not heard is my opinion. I am angry that motorcyclists are treated unfairly by the opposition. We are viewed and judged like the Hollywood stereotype of what a motorcyclist is supposed to be. However, in the real world motorcyclists and their passengers are politicians, state and government workers, nurses, veterans, truck drivers, doctors, lawyers, CEO's, business owners, cashiers, retirees, teachers, first responders, athletes, movie stars, mothers, fathers, brothers, sisters, and grandparents. The list is endless. We pay our taxes, have health insurance and donate our time and money to numerous charities. Treat us as responsible adults and let us make our own decision whether or not to wear a helmet.

Please vote favorably for SB 0712.

Respectfully submitted,

Annie Sanford

Annie Sanford, Executive Treasurer
ABATE of Maryland, Inc.

2021 SB712 BOB SPANBURGH.pdf

Uploaded by: Sawyer, Kennneth

Position: FAV



ABATE OF MARYLAND, INC.

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MEMORANDUM

TO: The Honorable William C. Smith, Jr. Chairman and Members of the
Judicial Proceedings Committee

FROM: Robert Spanburgh, Jr., Chairman of the Board, Abate of Maryland, Inc.

DATE: February 18, 2021

RE: **SB712 – Vehicle Laws – Protective Headgear Requirement
for Motorcycle Riders – Exception**

POSITION: **FAVORABLE**

Mr. Chairman and Members of the Committee,

My name is Robert Spanburgh Jr. I am the Chairman of the Board of ABATE of Md. We are the State's largest Motorcycle Rights Organization. Since 1974 we have lobbied for a safer, more enjoyable, and more fulfilling riding experience for all of Maryland's motorcyclists.

I obtained my motorcycle endorsement on my driver's license in 1983 and I joined ABATE in 1985. As a result of my membership, I registered to vote and became more civically involved in state and local government matters. When I first started riding "on the street" Maryland enjoyed "Freedom of Choice" when it came to the matter of motorcycle helmet usage. I enjoyed that right until 1992 when our ability to choose was rescinded under false pretenses.

The State Legislature was led to believe that Federal Highway Funds would be withheld unless state-mandated helmet usage was instituted. That turned out to not be the case. 32 US states still do not mandate helmet usage for adult riders. As other members of our panel will show you today, there is no significant difference in the number or severity of motorcycle accidents between so-called "free states" and helmet-mandated states.

As a motorcyclist with 38 years of experience, I exercise my freedom of choice when I am riding in free states. I will wear a helmet in certain circumstances as the need arises. I do not and have never discouraged helmet usage. Many of my friends wear them at all times. The overwhelming majority of my friends and fellow ABATE members wish to see a return to the time when responsible adult riders are able to make that choice for themselves. It is with this in mind that I respectfully request a favorable report and Committee vote on SB 712. Thank You for your time.

2021 SB712 DEAN HOWES.pdf

Uploaded by: Sawyer, Kennneth

Position: FAV



ABATE OF MARYLAND, INC.

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Position Paper in favor of SB712

Prepared by

Dean Howes, Assistant Director, ABATE of Maryland, Inc.

Calvert County Chapter

Pg. 2	Opening statement
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Opening Statement

The information here serves only to cover the effectiveness of an all rider helmet law and not the effectiveness of a helmet itself. The actual effectiveness of helmets can only be determined by an accident to death ratio and there is insufficient "accurate" data available to arrive at such a figure.

- 1) Any data based on miles traveled/vehicle cannot be used for obvious reasons. (Some states reported 0 miles for motorcycles but still reported fatalities for motorcyclists. Over a 9-year period NHTSA reports that the number of motorcycle registrations roughly doubled but total miles traveled for motorcycles stayed nearly the same.)
- 2) The best way to measure the effectiveness of an all rider helmet law is to compare fatalities to motorcycle registrations ratios between states with all rider laws and "free states", preferably those with similar riding conditions, climate, and length of riding season. Example: Montana, a free state is going to have a lower ratio than Georgia, an all rider state for obvious reasons.
- 3) Much of the opposition's testimony is based on seriously flawed/WRONG or "cherry picked" statistics. The first of these is that 37% of lives could have been saved if all states had an all rider helmet law. This is a # they have adopted from NHTSA although NHTSA's own statistics show this to be false! If the whole "37%" thing is true than why is there not 37% less fatalities to registrations ratio in states including Maryland that have all rider helmet laws. See attached ratios that are determined using statistics from NHTSA, FARS, and the Governors Highway safety council. There are currently 31 "free" states and 19 mandatory states. Included here are ratios for all 50 states in 2013 and just states with similar riding seasons for subsequent years.
- 4) Also attached are numerous statistics from the opposition in previous years that are at the very least questionable and a few statistics to put things in perspective.
- 5) There are a number of probable benefits to the fiscal bottom- line by passing SB 712. See cold hard realities page.



FATALITIES TO M/C REGISTRATIONS 2019

The Free States			
	# of registered M/C	Fatalities	Fatalities per 10K reg M/C
Pennsylvania	366,641	176	4.8
Delaware	28,312	18	6.36
Ohio	406,543	162	3.98
Indiana	252,280	127	5.46
Illinois	314,802	138	4.38
Totals/Avg	1,368,578	621	4.54 average
The Mandatory States			
	# of registered M/C	Fatalities	Fatalities per 10K reg M/C
Maryland	113,195	75	6.26
Virginia	193,813	102	5.26
N. Carolina	187,849	208	11.07
W. Virginia	46,763	28	5.99
Totals/Avg	541,620	413	7.63

Even if you take out North Carolina's reported statistics, the average for the mandatory states would be 5.79 deaths per 10,000 registered M/C compared to the 4.54 for the free states. **Where is evidence of 37% lives saved?**



FATALITIES TO M/C REGISTRATIONS 2018

The Free States			
	# of registered M/C	Fatalities	Fatalities per IOK reg M/C
Pennsylvania	393,509	165	4.19
Delaware	26,035	17	6.52
Ohio	388,108	145	3.74
Indiana	231,183	117	5.06
Illinois	300,247	119	3.96
Totals/Avg	1,399,081	563	4.2 average
The Mandatory States			
	# of registered M/C	Fatalities	Fatalities per IOK reg M/C
Maryland	114,460	62	5.42
Virginia	200,422	100	4.99
N. Carolina	236,636	191	8.07
W. Virginia	52,641	39	7.41
Totals/Avg	604,159	392	6.49

Even if you take out North Carolina's reported statistics, the average for the mandatory states would be 5.47 deaths per 10,000 registered M/C compared to the 4.20 for the free states. **Where is evidence of 37% lives saved?**



Fatalities to M/C registrations 2013 all 50 states

The Free States			
State	# Registered M/C	Fatalities	fatalities per 10K registered M/C
*Illinois	352,318	148	4.2
*Iowa	183,294	41	2.2
†Alaska	32,207	2	0.6
Arizona	188,360	146	7.8
Colorado	184,549	83	4.5
Connecticut	9,1054	80	5.5
Hawaii	40,564	17	4.2
Idaho	64,944	24	3.7
Indiana	218,630	90	4.1
Kansas	99,169	35	3.5
Maine	63,114	11	1.7
Minnesota	237,259	59	2.5
Montana	17,1085	32	1.9
New Hampshire	73,612	24	3.3
New Mexico	65,321	40	6.1
N Dakota	35,756	9	2.5
Ohio	402,264	130	3.2
Oklahoma	126,883	92	7.3
S Dakota	86,710	22	2.5
Utah	64,970	30	4.6
Wisconsin	323,378	81	2.5
Wyoming	31,397	9	2.9
*Delaware	30,056	20	6.7
§Arkansas	74,196	56	7.5
Kentucky	109,821	78	7.1
Pennsylvania	400,908	178	4.4
Rhode Island	32,252	11	3.4

* No law whatsoever pertaining to helmets in these states.

† Alaska through Wyoming, riders under 18 must wear a helmet

* under 19 must wear a helmet

§ Arkansas through Michigan, riders under 21 must wear a helmet.



State	# Registered M/C	Fatalities	fatalities per 10K registered M/C
S Carolina	113,315	120	10.5
Texas	443,856	487	11.0
Florida	545,452	460	8.4
Michigan	267,292	127	4.8
Totals/Av	5,153,986	2712	5.26



Fatalities to M/C registrations 2013 --All 50 states

The Mandatory All Rider States			
	# of registered M/C	Fatalities	Fatalities/10K reg M/C
Alabama	118,084	80	6.7
California	799,900	447	5.6
Georgia	200,133	100	5.0
Louisiana	113,778	84	7.4
Maryland	99,560	59	5.9
Massachusetts	125,122	39	3.1
Mississippi	28,433	38	13.4
Missouri	184,723	71	3.8
Nebraska	56,224	14	2.5
Nevada	70,675	50	7.1
New Jersey	152,111	55	3.6
New York	345,118	168	4.9
N Carolina	195,493	134	6.9
Oregon	89,797	31	3.5
Tennessee	163,820	131	8.0
Vermont	28,777	5	1.7
Virginia	189,689	63	3.3
W. Virginia	58,021	24	4.1
Washington DC	227,073	73	3.2
Totals/Avg.	3,001,201	1,669	5.56

5.26 vs. 5.56. Slightly higher than the average for the "Free" states?



Some Cold Hard Realities

- ❖ It is far cheaper to treat a dead patient.
- ❖ An organ donor can donate organs that could save up to eight lives and tissue matter that could improve up to 50 lives.
- ❖ Traffic accidents, especially motorcycle accidents, are a good source of organ donors.
- ❖ That's why many in the medical community sarcastically refer to motorcycles as "donorcycles"
- ❖ A deceased person will no longer receive social security and Medicare even though they have paid in for years.
- ❖ A deceased person will not require Medicaid or long term geriatric care into their 70's 80's and 90's. A considerable savings to society
- ❖ Medical costs of treating traffic accidents is about 2% of total healthcare costs and motorcycle accidents about 2/10 of a percent.
- ❖ Speeding fatalities are about 5 times (500%) that of unhelmeted riders. But this is not being addressed.
- ❖ Pedestrian fatalities surpassed total motorcycle fatalities in 2014, 2015, and 2016 by 1,483 or 10% over the three years.
- ❖ Insurance rates are not higher in free states than all rider states. Surely the insurance industry has calculated and understands risk better than anyone.
- ❖ There are 31 free states that have not gone bankrupt due to their reduced helmet laws.
- ❖ History shows in states that have repealed their mandatory helmet laws there has been an increase in M/C registrations from 30 to almost 100% (which explains a lot of the increase in fatalities.)
- ❖ In Maryland, in 2016 there were 123,936 motorcycles, so an increase of 30% would result in 37,189 more motorcycles registered in Maryland. Let's say the average cost of a motorcycle is \$14,000 so the tax on that is \$840. Multiply that



times 37,189 and you get \$31,231,200 tax revenue collected. This doesn't even take into account titling fees and registrations every 2 years for 37,189 more motorcycles.

- ❖ There would also be a positive impact on business as all must be insured and all require maintenance and repair. Most riders will spend considerable money on parts and accessories. Then there is the impact on tourism when we spend our money while recreational riding. All of this is taxed as well. Ask the mayor of Ocean City how motorcyclists effect his budget in September.



Some Interesting Points and Skewed Numbers

In 2013, there were five free states with a combined number of motorcyclist fatalities (55) which is less than the 59 motorcyclist fatalities here in Maryland alone. This a true fact and perfect example of misrepresenting and "cherry picking" numbers and statistics. The five states were Alaska, Maine, N Dakota, Wyoming and Idaho. Obviously, these states have shorter riding seasons than Maryland.

For the "Doom and Gloom" effect, the opposition always uses 1997 stats for comparisons, a year which had the lowest fatality rate. Our opponents always point to the increased number, not the percentage, of fatalities even though in 1997 there were 3.8 million motorcycle compared to 6.7 million in 2006 and 8.6 million in 2018.

The opposition always points to any increase in states that adopt freedom of choice but fail to mention the increase in motorcycle registrations when all rider laws are amended. These increases are between 30 - 100%.

Our opposition does not even come up with the same statistics: Maryland Institute for EMS (Patricia Gainer) said 27.1% of motorcycle trauma patients were un-helmeted. The Shock Trauma Center said 17%. Trauma Net said 8%. Since we know that helmets do not prevent accidents, doesn't that mean that somewhere between 8 and 27 motorcyclists per 100 are not wearing a helmet when they ride? That is not what I see when I'm out on Maryland's roads. When was the last time you saw a rider without a helmet in Maryland? Come on guys, at least get together and agree on the number!

Advocates for Highway Safety (Jacquelin Gillan) said there were 11 times more un-helmeted fatalities in free states than there were in all rider states. NO KIDDING, there were probably hundreds of times more riders riding without a helmet in free states. You are probably 11 times more likely to drown swimming than standing on the dock. Advocates for Highway Safety said there was 56% decrease in M/C fatalities after the enactment of the all rider helmet law, Partnership for a Safer Maryland said 36%. Once again, people pick a number! Advocates for Highway Safety also said that \$477 million were saved by the helmet law while Partnership for a Safer Maryland said \$118 million? Once again, people pick a number.

Partnership for a Safer Maryland (Jaqueline Milani) quotes the CDC "It's unclear what benefit motorcycle education has." I can't believe this was even said. Even NHTSA says that 25% of fatalities were unlicensed/untrained, even though they represent a much smaller % of total riders. I'm sure that Senators Miller and Stone, who helped enact the Maryland motorcycle program, would see this differently.



2021 SB712 KEN SAWYER.pdf

Uploaded by: Sawyer, Kennneth

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

DATE: February 19, 2021

RE: **Senate Bill 712-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.

In 1966, the federal government made receipt of federal highway funding contingent on states enacting mandatory helmet laws. Within eight years, 47 states had implemented mandatory helmet laws. By enacting the Highway Safety Act of 1976, the federal government repealed its previous position and states began lifting mandatory helmet requirements, including Maryland. In 1991, the federal government created incentives for states to again pass helmet use laws. States again enacted helmet laws, including Maryland. Remarkably, the federal government again reversed itself four years later and the states were again in the position to repeal their helmet laws. But Maryland has not yet repealed the mandatory helmet law it passed in 1992. This see-saw back and forth between the federal and state governments is what has created this patchwork of helmet mandated states and "free" states.

Currently, only 19 states have laws requiring riders to wear helmets. Last year 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



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cherry-picked safety statistics cited by our opponents,¹ 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 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 712 are only asking for the right to choose.

Please support SB 712.

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

¹ See the testimony presented by the Motorcycle Rider's Foundation and Assistant Director Dean Howes.

2021 SB712 STEVE STROMIER.pdf

Uploaded by: Sawyer, Kennneth

Position: FAV



ABATE OF MARYLAND, INC.

Dedicated to the Freedom of the Road and Responsible Motorcycle Legislation

Steven P. Strohmer
State Legislative Representative *Emeritus*
ABATE of Maryland, Inc.

February 8, 2021

Testimony in Favor of Senate Bill 712-Vehicle Laws - Protective Headgear Requirement for Motorcycle Riders - Exception

To the Honorable William C. Smith, Jr. and Members of the Senate Judicial Proceedings Committee:

The state of Maryland, like every other state, has suffered financially during the pandemic that has consumed our country during the past year. If there is a resource which Maryland could easily access to recoup some of the millions of dollars that it has lost wouldn't it benefit the state to access this resource? I believe it would but there is currently a hindrance to taking advantage of this resource.

This resource is motorcycle tourism. The problem with accessing this revenue is Maryland's current mandatory helmet law. A large percentage of motorcyclists will leave, pass through, or not visit a mandatory helmet state and take their tourism dollars with them to helmet choice states.

To see evidence how strongly motorcyclists feel about this issue one only needs to go to the border between Maryland, Pennsylvania, and Delaware, on any nice riding weekend and see the flow of tourism dollars heading out of Maryland as compared to the little flowing into the state. Non-riders may not believe that people from Virginia and West Virginia will ride straight through Maryland to get to a helmet choice state, where they spend their tourism dollars, but they do. I live one mile from the Mason-Dixon Line and can attest to the fact that many riders leave or do not enter Maryland for rides not only by observation but practice as well.

As a rider with over 40 years' experience, I remember the days when Maryland was helmet choice and the surrounding states were not and how riders would inundate Maryland businesses, especially near the border, and spend their tourism dollars. That ended with the stroke of a pen when Maryland reinstated the mandatory helmet law. Without helmet choice riders no longer had a strong desire to go to Maryland. Then in 2003, again with the stroke of a pen, the flow reversed when Pennsylvania passed helmet choice. Now Pennsylvania businesses delight in Maryland riders heading north with their money.



Wouldn't you like to see Maryland dollars stay in Maryland? Wouldn't it be nice to see riders from other states come into Maryland to spend money instead of stopping at the border or just passing through? This is not a small amount of money but a sizable amount. Consider if on a nice day several thousand riders entered Maryland, and more Maryland riders just stayed in Maryland, and spent even \$50 each, both of which are probably low estimates, how much it would mean to local businesses and the state tax coffers as well. Multiply this by the number of days riders are on the road and you should easily see the amount climb into the millions of dollars.

Enactment of helmet choice for motorcyclists would not only give motorcyclists the freedom they deserve but would help local businesses and the state of Maryland as well.

Please support SB 712.

Respectfully,

A handwritten signature in black ink, appearing to read "Steven P. Strohmier". The signature is written in a cursive style with a long, sweeping underline.

Steven P. Strohmier

NSC MD Motorcycle Helmet SB 712 Oppose Testimony F

Uploaded by: Ackerman, Tara

Position: UNF



**Statement of the National Safety Council
Senate Committee on Judicial Proceedings
Testimony Opposing SB 712
February 19, 2021**

The National Safety Council (NSC) respectfully asks you to oppose SB 712, which would repeal Maryland's universal motorcycle helmet law. NSC is America's leading nonprofit safety advocate and has been for over 100 years. As a mission-based organization, we work to eliminate the leading causes of preventable death and injury, focusing our efforts on the workplace, roadway and impairment. We create a culture of safety to keep people safer in the workplace and beyond so they can live their fullest lives. Our more than 15,000 member companies include several federal agencies and represent 7 million employees at nearly 50,000 U.S. worksites, including nearly 600 worksites in Maryland.

In 2019, there were 521 motor vehicle-related fatalities on Maryland's roadways.¹ Preliminary estimates by NSC show there likely will be a significant increase across the U.S. in motor vehicle-related fatalities in 2020 despite decreased traffic due to lockdowns earlier in the year.² Data shows that nationally, motorcycle riders and passengers make up a disproportionate percentage of these deaths.³ Although motorcycles only represent 3% of all registered vehicles, they accounted for 14% of all traffic fatalities and 17% of all occupant fatalities in 2018.⁴ Also in 2018, 4,985 motorcyclists and passengers died in crashes, and 37% of these individuals were not wearing a helmet at the time of the crash.⁵

A helmet is the most important piece of motorcycle safety equipment. Helmets are estimated to be 37% effective in preventing fatal injuries to motorcycle operators and 41% effective for motorcycle passengers.⁶ Unhelmeted riders are three times more likely than helmeted ones to sustain traumatic brain injuries in the event of a crash.⁷ The National Highway Traffic Safety Administration (NHTSA) reported that since 2002, more than 25,000 lives have been saved thanks to motorcycle helmets.⁸ In addition, unhelmeted riders have higher health care costs as a result of their crash injuries. 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

All-rider motorcycle helmet laws save lives, prevent lifelong brain injuries, and reduce associated crash costs; in other words, these laws are effective. In states with universal helmet laws, approximately 90% of motorcyclists observed were wearing helmets.¹⁰ In states without such laws, helmet use was observed to be at 55%.¹¹ Please protect Maryland's universal motorcycle helmet law and oppose SB 712. If you have any questions, please contact Tara Leystra Ackerman at tara.leystra@nsc.org or 202-445-3121.

¹ <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813060>

² <https://injuryfacts.nsc.org/motor-vehicle/overview/preliminary-monthly-estimates/>

³ <https://injuryfacts.nsc.org/motor-vehicle/road-users/motorcycles/>

⁴ Ibid.

⁵ Ibid.

⁶ <https://injuryfacts.nsc.org/motor-vehicle/occupant-protection/motorcycle-helmets/>

⁷ <https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/810887.pdf>

⁸ <https://injuryfacts.nsc.org/motor-vehicle/occupant-protection/motorcycle-helmets/>

⁹ Lawrence, B.A.; Max, W.; and Miller, T.R. 2002. Cost of injuries resulting from motorcycle crashes: a literature review. Report no. DOT HS-809-242. Washington, DC: National Highway Traffic Safety Administration.

¹⁰ <https://www.cdc.gov/motorvehiclesafety/calculator/factsheet/mchelmet.html>

¹¹ Ibid.

SB 712- Motorcycle Helmet Repeal - oppose 02-23-20

Uploaded by: Ali, Ragina

Position: UNF



AAA Mid-Atlantic's Testimony in Opposition
SB 712 - Vehicle Laws - Protective Headgear Requirement for Motorcycle Riders - Exception
Sponsors: Senator Hough et al
Senate Judicial Proceedings Committee
Tuesday, February 23, 2021

- AAA Mid-Atlantic **opposes SB 712**, 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.
- According to the Maryland Institute for Emergency Medical Services Systems (MIEMSS), Maryland's trauma centers treated 904 patients involved in motorcycle crashes during Fiscal Year 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% were not wearing a helmet.
- In 2019, 77 people died in motorcycle-involved crashes while 1,058 were injured, according to data from the Maryland Highway Safety Office. Statewide, there were 74 fatal crashes, 897 injury crashes, and 281 property damage crashes totaling 1,252 crashes in 2019.
- While the number (4,985) of motorcyclists killed in crashes decreased nationally by nearly five percent in 2018, motorcyclists are still overrepresented in traffic fatalities, according to the National Highway Traffic Safety Administration (NHTSA).
- 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.
- Wearing a helmet is required in more than 18 states and the District of Columbia while an additional 29 states have laws covering some riders, usually people under 18 years of age, according to the Insurance Institute for Highway Safety.
- Serious head injury is common among fatally injured motorcyclists making helmet use essential.
- The use of protective headgear saves lives. NHTSA estimates that nationwide helmets saved the lives of 1,872 motorcyclists in 2017 and that an additional 749 lives could have been saved if all motorcyclists had worn helmets.
- 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 712** and respectfully urge the Committee to render an **unfavorable** report.

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Testimony_Opposing_SB712_Dr_Janet_Bahouth.pdf

Uploaded by: Bahouth, Janet

Position: UNF



**Statement of Janet Bahouth, D.Sc., Transportation Safety Engineer
In Opposition to Senate Bill 712
Senate Judicial Proceeding Committee
Maryland General Assembly
February 23, 2021**

Good afternoon. I am Dr. Janet Bahouth from Impact Research – a transportation safety engineering firm in Columbia, Md. Impact Research is driven by safety in all aspects of our work as we inform decisions about safe transportation using investigations and analysis to reduce the number of crashes, or improve the outcome, on our roadways. We are a trusted partner to some of the world's top vehicle manufacturers, and regularly collaborate with Federal and State government agencies. Our team is multidisciplinary. We are engineers, like myself, epidemiologists, statisticians, data scientists and medical personnel. Thank you for the opportunity to provide testimony today in opposition to Senate Bill 712, legislation that would repeal Maryland's all-rider motorcycle helmet law.

Thank you also for the opportunity to share this. In regard to two of Maryland A.B.A.T.E.'s (Maryland division for A Brotherhood Against Totalitarian Enactments) principals, I agree. From their website, A.B.A.T.E. "perceive(s) the risks associated with motorcycling as being manageable through programs of rider and driver education." In addition, "the only effective method of reducing motorcycle injuries is accident avoidance." Yes, these A.B.A.T.E principals absolutely have merit. Today, from a safety engineering perspective, I'll share why even these principals shouldn't allow for a change in our all-rider helmet law.

With the Maryland Dept of Transportation's Highway Safety Office and the Maryland State Police Motor Unit (i.e., motorcycle unit), I am directing research and a review of Maryland motorcycle crashes that were fatal or caused serious injury to the rider. This is a comprehensive look at the circumstances from pre-crash, during the crash itself, and post-crash. Our goal aligns with ABATE's principal that risks can be mitigated through rider and driver education. Our goal is to identify those motorcycle safety concepts that, as evidenced by these riders' fatal and serious injury outcomes, need more focus and attention in rider and driver education, safety courses and licensing. Because this effort is to improve the safety of our riders, our research goal is to determine which crash factors, on the part of the motorcyclist, would have changed the outcome had they been different. The review team has in-depth discussions about the hazards surrounding the riders in these crashes that ended up fatal or with serious injury. These circumstances include target fixation, perception reaction time, motion perception, being predictable, low-siding as an alternative to a catastrophic crash, tunnel vision, anticipating others' actions, group riding with someone experienced in the lead and riding staggered, avoid lane changes at intersections, be familiar with the route and roadways, understand the limits of the bike, more importantly the limits of the rider on the bike, and absolutely, in every case and for every rider, stay focused and continually find an escape path. I understand the love of riding – and I know it is similar in many ways for all riders. There is a sense of freedom that comes with being on two wheels, getting hit

by fresh air, as well as the cool factor associated with being a motorcycle rider. Experience means a lot when you ride a motorcycle, but even the most experienced riders have to know, understand, and remember these safety concepts if they want to continue to feel the freedom, the fresh air, and the cool factor. As A.B.A.T.E's principal states, and as our team of experts is proving, Maryland riders would certainly benefit from this kind of education. But for those who already know, understand and remember these safety concepts – perhaps like many of the ladies and gentlemen in the gallery today, unfortunately sometimes that is just not enough.

In my work at Impact Research, I focus mainly on the injury biomechanics of crashes, i.e. how do injuries happen? My job is to figure out what caused an injury – what applied a force to the body - and how much force was applied. I think you'd be surprised to know that a typical crash lasts 350 milliseconds. That is about one-third of a second and is faster than a blink of your eye. The forces that a body sustains during only a fraction of a second either ends a life, changes it drastically, or isn't enough to compromise the body due to safety precautions – like seat belts, airbags, riding gear or helmets. The interesting part about these safety precautions is that they actually extend the time that a force is inflicted on a body. That's called impulse – force times the length of time the body is exposed to it. If you increase the time a body is exposed to a force, your chances of injury decrease. That is exactly why a helmet increases the chance of survival. It increases the time the head is exposed to the crash force. Take away the helmet and the skull doesn't take much to fracture and the brain even less to shear simply from rotational forces put on it.

Our work for the MD fatal and serious injury motorcycle crash review included some data analysis of police reported crashes by our epidemiologist. One very interesting and relevant point needs to be shared here today. With some background, I'll explain it.

We know that there are crashes with motorcycles involving other cars. And we know that there are crashes involving only motorcycles, i.e. single vehicle crashes. We looked at the distribution of injury severity – meaning no injury, non-incapacitating injury, incapacitating injury and fatal – across both types of crashes. What we saw is that the distribution of no injury crashes for motorcycle only crashes is far less than that for crashes involving another vehicle. The question is why? The crash forces aren't that dissimilar to account for the difference. We believe that there are far-fewer no-injury motorcycle only crashes than no-injury crashes involving two vehicles because there are far more unreported no-injury motorcycle only crashes. We believe this data is telling us that in Maryland, there are more motorcycle riders crashing – who are wearing a helmet – than we know about because they don't report it. Instead, they get up. Brush themselves off. And ride away. No police report. No insurance claim. Just a “Thank God that wasn't worse.” THIS is the reason why we cannot repeal our all-rider helmet law. If we change this law, there will surely be many more un-helmeted riders crashing and now NOT surviving.

It has been said that repealing the all-rider helmet law is acceptable because no one is hurt except the unprotected rider. I am not sure that the driver who ultimately killed the motorcyclist would agree. I hope and pray that I never crash, let alone with an unprotected rider, for I would be forced to live with his death, and his family's suffering for the rest of my life. And to know that the death could have been prevented by a helmet makes me shake my head in frustration at another senseless death.

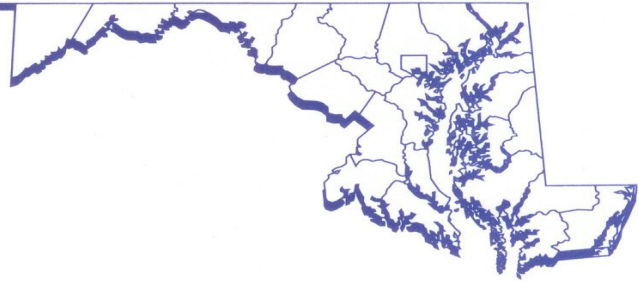
Thank you for the opportunity to share my perspective. I urge you to oppose SB 712.

- Dr. Janet Bahouth

9 - SB 712 - JPR - MACHO - LoO.pdf

Uploaded by: Bennardi, Maryland Department of Health /Office of Governmen

Position: UNF



**2021 SESSION
POSITION PAPER**

BILL: Senate Bill 712 - Vehicle Laws – Protective Headgear Requirement for Motorcycle Riders – Exception
COMMITTEE: Senate Judicial Proceedings Committee
POSITION: Letter of Opposition
BILL ANALYSIS: SB 712 will allow people aged 21 years and older, licensed to operate a motorcycle for 2 years and who completed a safety course or are a passenger of a motorcycle wearing eye protection, to not wear approved, protective headgear.

POSITION RATIONALE: The Maryland Association of County Health Officers (MACHO) **strongly oppose Senate Bill 712 (SB 712)**. 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 where the status quo is best for Maryland.*

Public health is steeped in science and data; it's how we make decisions concerning the public's health. 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 alone. <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 and save money. This is not true for partial laws. Fiscal impact from the Maryland Institute for Emergency Medical Services Systems reports that Maryland trauma centers treated 1,000 patients involved in motorcycle crashes in FY17, 90% of which were 21 years of age or older, 270 of which sustained head injuries, and 47 of which were not wearing a helmet. Riders 30 years and older account for over 70% of all motorcycle fatalities. More riders over the age 50 died in 2017 than riders under the age of 30.

Maryland's neighboring states: DC, Virginia, West Virginia and New Jersey, all mandate helmet use for all motorcyclists bringing total, including Maryland, to 20 states that ensure the protection for riders and passengers.

It is true that helmet laws interfere with a person's freedom to choose to wear, or not to wear, a helmet. Many laws restrict people's freedom to behave in ways that may harm the public's health. Examples - drunk driving laws, cell phone use laws, and infectious disease quarantine laws. ***Courts have repeatedly upheld such laws as important to the nation's well-being.***

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.

People want the government to regulate helmet use for adult motorcyclists. National surveys have consistently shown that more than 80% of Americans favor universal helmet laws. In 2017, Michigan rolled back their helmet laws and the fatality rate of un-helmeted riders doubled that of helmeted riders.

MACHO opposes SB 712. 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 only.

SB 712 - NTSB statement .pdf

Uploaded by: Blackistone, Steve

Position: UNF



Statement of

National Transportation Safety Board

Before the

Committee on Judicial Proceedings

MARYLAND SENATE

— *On* —

Senate Bill 712

Protective Headgear Requirement for Motorcycle Riders - Exception

—

Annapolis, Maryland • February 23, 2021



An Independent Federal Agency

The National Transportation Safety Board (NTSB) is an independent federal agency charged by Congress with investigating every civil aviation accident in the United States and significant accidents in other modes of transportation—railroad, highway, marine, and pipeline. We determine the probable cause of the accidents we investigate and make safety recommendations aimed at preventing future accidents and crashes. The recommendations that arise from our investigations and safety studies are our most important product.

The NTSB has 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 712, 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. Although motorcycles represent only 3 percent of the registered vehicles on our roads, motorcyclists account for 14 percent of all highway deaths. Almost 5,000 motorcyclists lost their lives in crashes nationwide in 2018, including 62 in Maryland.¹

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.² 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.”³ 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 2019, 89 percent of motorcyclists observed in states with universal helmet laws were wearing DOT-compliant helmets. In states without such laws, helmet use was just 56.5 percent. 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. In states without universal helmet laws, 57 percent of motorcyclists killed in 2018 were not wearing helmets, as compared to 9 percent in states with universal helmet laws.⁴

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

¹ National Highway Transportation Administration, National Center for Statistics and Analysis. November 2020. *Motorcycles: 2018 Data*. Traffic Safety Facts. Report No. DOT HS-812-979). Washington, DC: NHTSA.

² Deutermann W. 2004. *Motorcycle Helmet Effectiveness Revisited*. Report No. DOT HS-809-715. Washington, DC: National Highway Traffic Safety Administration.

³ 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.

⁴ National Highway Transportation Administration, National Center for Statistics and Analysis. June 2020. *Motorcycle Helmet Use in 2019—Overall Results*. Traffic Safety Facts Research Note. Report No. DOT-HS-812-936. Washington, DC: NHTSA.

injury severities, worse neurologic injury, and heightened hospital mortality among nonhelmeted riders involved in crashes.⁵ SB 712 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 Senate Judicial Proceedings Committee considers SB 712, 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 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.

SB0712_UNF_MedChi, MDACEP, MDAAP_Protective Headge

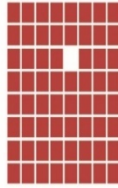
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Position: UNF

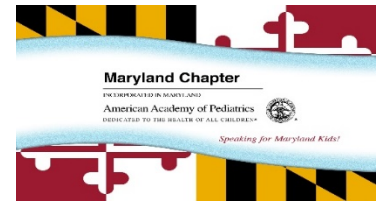


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Maryland Chapter
AMERICAN COLLEGE OF
EMERGENCY PHYSICIANS



TO: The Honorable William C. Smith, Jr., Chair
Members, Senate Judicial Proceedings Committee
The Honorable Michael J. Hough

FROM: Pamela Metz Kasemeyer
J. Steven Wise
Danna L. Kauffman

DATE: February 23, 2021

RE: **OPPOSE** – Senate Bill 712 – *Vehicle Laws – Protective Headgear Requirement for Motorcycle Riders – Exception*

On behalf of the Maryland State Medical Society, the Maryland Chapter of the American College of Emergency Physicians, and the Maryland Chapter of the American Academy of Pediatrics, we submit this letter of **opposition** for Senate Bill 712.

Senate Bill 712 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 712 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.

For more information call:
Pamela Metz Kasemeyer
J. Steven Wise
Danna L. Kauffman
410-244-7000

Statement in Opposition to MD S 712 - Helmets_Fina

Uploaded by: Kennedy, Allison

Position: UNF



ADVOCATES
FOR HIGHWAY
& AUTO SAFETY



**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.

2021 SB 712MOTORCYCLE HELMET EXCEPTION - Testimony

Uploaded by: Martin, Rhya

Position: UNF

Senate Bill 712
Protective Headgear Requirement for Motorcycle Riders- Exception
Testimony in Opposition
Senate Judicial Proceedings
February 23, 2021

Chairman William Smith Jr. and members of the committee,

I am the Director of Community Outreach and External Affairs for the R Adams Cowley Shock Trauma Center, University of Maryland Medical Center, who I represent today.

In FY20 we cared for nearly 7,000 critically injured and ill patients. Of those 192 were due to a motorcycle crash and 5 of these patients expired. The length of stay with us could be as long as 100 days as was the case for one patient. As you can imagine this causes extreme hardship on the family both emotionally and financially.

- There were 5,014 motorcycle fatalities nationally in 2019 and 84,000 injuries (1)
- Motorcycle riders represented 14% of all traffic fatalities, (2) while representing only 3% of all registered vehicles (3)
- Helmets are currently saving \$2.7 billion in economic costs annually (4)

My testimony is in opposition to Senate Bill 712 because of these statistics. If an injury or fatality is preventable wouldn't you put your constituent's best interest first?

- Motorcycles are the most hazardous form of motor vehicle transportation.
- NHTSA estimates that 1872 riders' lives in the United States were saved by motorcycle helmets and 749 additional fatalities could have been prevented if the riders had worn helmets (2017). (5)

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. Lifetime care for a traumatic brain injury can easily amount to millions of dollars. 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 improve safety, two years riding experience and passing a safety course before being permitted to ride un-helmeted, will not mitigate the severe and serious

damage that will be caused by repealing Maryland's all-rider motorcycle helmet law. If SB712 is passed, it will result in an increased financial burden on Maryland's emergency medical services, hospitals, Medicaid and ultimately, every Maryland taxpayer.

Motorcycle crash deaths are costly, and very often preventable. The single most effective way for states to save lives and save money is a universal helmet law. (CDC)

- Motorcycle helmets are currently preventing \$17 billion in societal harm annually. (6)

We urge you to oppose this legislation and protect your constituents from preventable injuries and/or fatalities by requiring a motorcycle helmet for all riders.

Respectfully submitted,

Tara Reed Carlson, MS, RN
Director, Community
Outreach and External
Affairs
22 S. Greene Street
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1. Traffic Safety Facts, Research Note: Overview of Motor Vehicle Crashes in 2019, NHTSA, December 2020, DOT HS 813 060.
2. Traffic Safety Facts, Research Note: Overview of Motor Vehicle Crashes in 2019, NHTSA, December 2020, DOT HS 813 060.
3. Highway Statistics 2019, FHWA, available at <https://www.fhwa.dot.gov/policyinformation/statistics/2019/>
4. The Economic and Societal Impact of Motor Vehicle Crashes, 2010 (Revised), NHTSA, Nov. 2020, DOT HS 812 981.
5. Traffic Safety Facts 2018: A Compilation of Motor Vehicle Crash Data, NHTSA, Nov. 2020, DOT HS 812 981.
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Congressional testimony--Opposition--helmet repeal

Uploaded by: Mather, Jacques

Position: UNF

Senate Bill 712

February 23, 2020

Protective Headgear Requirement for Motorcycle Riders—Exception

Testimony in Opposition

Senate Judicial Proceedings

Chairman William Smith Jr. and distinguished members of the committee,

My name is Dr. Jacques Mather and, along with my colleague Dr. Farheen Qurashi, we are the co-chairs of the legislative committee for Traumanet, Maryland's coalition of nine trauma centers. I am also the medical director for the Center for Injury Prevention and Policy at the R Adams Cowley Shock Trauma Center, University of Maryland. Dr. Qurashi and I are also both trauma surgeons. Working in one of the busiest trauma centers in the country, the consequences of motorcycle helmet laws are far from abstract to us. Imagine for a second that it is your hands holding the fractured skull of an injured non-helmeted motorcyclist. Imagine this is your loved one. Laws are easier to make when you can avoid the tangible consequences of them.

There are those who argue that helmet use should be a choice. I, as much as any other American, value the importance of individual rights in our society. However, we, as a society, have also recognized that when an individual's self-imposed choice can have major ramifications on other people or on institutions than there is a role for regulating that choice. Helmetless riding takes as much a toll on society as it does on the individual. How willing are we to risk the lives of our fellow Americans? For example, during the COVID pandemic, regions with mask mandates have had significantly less virus spread and fewer deaths. While this may seem apples to oranges, the reality is that it's just risk at a different magnitude. Arguments similar to those against helmets have been made against mask mandates and more people have died as a result of the failure to act. To use another example, we also do not see serious congressional debates on removing helmets from football players. The risk of brain injury is understood, much as it is for motorcyclists, and helmets have become a mandatory part of play despite the individual right of the player to concuss themselves.

In 2017 there were 5,172 motorcyclists killed in the United States. Only 87 (1.7%) of those deaths occurred in the state of Maryland. Moreover, 40% of the motorcyclists killed nationwide were helmetless. In the state of Maryland, however, due in large part to universal helmet laws, that figure was only 14.9%. Since 1992, a universal helmet law has been in effect in our state and thousands of lives have likely been saved.

In 2017, the State of Maryland saw 5.24 deaths per 10,000 registered motorcycles. Comparing this, for example, with South Carolina, a state that has a similar number of registered motorcycles, but partial helmet laws, their rate of fatalities was more than twice as high at 11.97 per 10,000 (NHTSA). Research has shown that in states with partial helmet laws the mortality rate is 45% higher for ages 16-20 and

42% higher for ages 21-55 than states with universal helmet laws (Notrica, 2020). In Maryland from 2015-2019, 24% of motorcycle riders involved in crashes were age 21-29, while 26% were age 45-59. To put it simply, partial helmet laws kill more motorcyclists.

Our testimony, therefore, is in opposition to Senate Bill 712 which, evidence has shown, will increase the risk of injury and death to motorcyclists in Maryland—your constituents. Motorcycles are the most hazardous form of motor vehicle transportation. But helmets reduce the risk of death by 37% (CDC). Choice alone is not effective. Helmet use is as high as almost 90% in states with universal laws but closer to 50% in states with partial laws (NHTSA).

Traumatic brain injury (TBI) is perhaps the most dreaded nonlethal outcome following motorcycle crashes; helmets can reduce this risk of head injury by 69% (CDC). TBI is a serious and potentially life-long injury following a motorcycle crash. While there is a spectrum of injury, the failure to use a helmet can make what otherwise would have been a small concussion into a major skull fracture with bleeding in the brain requiring brain surgery. Lifetime care for even a single patient with a serious TBI can amount to millions of dollars, further burdening our already overwhelmed healthcare system. Helmet use reduces the cost of medical care, length of intensive care unit stay and overall hospital stay, as well as the probability of long-term disability; and this calculation does not even take into consideration the significant emotional and societal toll of these preventable tragedies. Helmet use not only limits the severity of TBI but has also been shown to reduce the risk of cervical spine fractures which can lead to paralysis or death (Page, 2018).

If lives saved alone is not sufficient motivation to keep this bill from passing, it is important to consider that helmetless riders also create an enormous economic burden. In 2016, nearly \$3.4 billion in economic costs and \$21 billion in comprehensive costs were saved by use of motorcycle helmets. If all motorcyclists in the United States wore helmets, we could save more than \$1 billion yearly. In the state of Maryland, motorcycle helmets currently prevent almost \$540 million in societal harm annually. The four Maryland counties with the highest number of motorcycle crashes from 2015-2019 were Prince George, Baltimore County, Baltimore City and Anne Arundel. If this bill were to pass, the increased economic burden to these counties would be \$76 million, \$75 million, \$60 million and \$57 million respectively. Moreover, given that the annual medical costs of un-helmeted riders are estimated to be over \$250 million, it is easy to imagine how dramatically the costs of healthcare to Marylanders will increase were this bill to be enacted. Can our state and your counties afford the tens of millions of dollars in additional healthcare costs during this global pandemic?

We thank you for your time and urge you to oppose this legislation and protect your constituents from preventable injuries and death.

Respectfully submitted,

Jacques Mather MD, MPH, FACS

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MRHA SB712 - Vehicle Laws - Protective Headgear Re

Uploaded by: Orosz, Samantha

Position: UNF



Statement of Maryland Rural Health Association

To the Judicial Proceedings Committee

February 23, 2021

Senate Bill 712 Vehicle Laws - Protective Headgear Requirement for Motorcycle Riders - Exception

LETTER OF CONCERN

Chair Smith, Vice Chair Waldstreicher, Senator Hough, and members of the Judicial Proceedings Committee, the Maryland Rural Health Association (MRHA) appreciates the opportunity to comment on Senate Bill 712 Vehicle Laws - Protective Headgear Requirement for Motorcycle Riders - Exception.

This legislation allows for changes to Maryland's universal motorcycle helmet law and authorizes an individual at least 21 years old who has been licensed to operate a motorcycle for at least 2 years, has completed a motorcycle safety course, or is a passenger on a motorcycle operated by a driver who meets the above criteria.

MRHA is concerned that this law would put many rural Marylanders and beyond at risk for severe head injury and death. Motorcycle accidents can still occur, even involving those most experienced at driving motorcycles. Easing these safety standards would unnecessarily put citizens and operators at risk, increasing the strain on hospital emergency departments (EDs) in rural areas where trauma care is already in short supply, and increasing strain on other clinical sites in rural Maryland where trained medical staff is limited. The long-term traumatic effects of motorcycle accidents not only affect those involved but have dire implications on rural medical triage systems.

MRHA's mission is to educate and advocate for the optimal health and wellness of rural communities and their residents. Membership is comprised of health departments, hospitals, community health centers, health professionals, and community members in rural Maryland.

Rural Maryland represents almost 80 percent of Maryland's land area and 25% of its population. Of Maryland's 24 counties, 18 are considered rural by the state, and with a population of over 1.6 million they differ greatly from the urban areas in the state.

MRHA thus urges an unfavorable report on SB712, and thanks the committee for its consideration.

Lara Wilson, Executive Director, larawilson@mdruralhealth.org, 410-693-6988

Maryland Written Testimony - II.docx.pdf

Uploaded by: Petterson, Dan

Position: UNF



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Testimony requesting an Unfavorable Report
SB 712
February 19, 2021

February 19, 2021

Dear Chairman Smith, Vice Chairman Waldstreicher, and Members of the Senate Judicial Proceedings Committee:

All valid research clearly demonstrates the benefits of wearing a helmet. Motorcycle helmets save lives and prevent devastating and debilitating head injuries. Every reputable safety research organization in the world supports the use of helmets as a way to reduce injury, death, and economic costs resulting from head, face and brain injury. For decades, hundreds of researchers representing distinguished organizations have researched the topics of the effectiveness of helmets and all-rider helmet laws. Meticulous reviews of the literature have concluded that the research clearly demonstrates the lifesaving benefits of wearing a helmet, and that all-rider helmet laws are the only research proven strategy for reducing motorcyclist fatalities.

This committee is charged with making a decision about your all-rider helmet requirement not because a large percent of Maryland registered voters think a change in the helmet requirement (or any similar requirement) is necessary but because a small number of citizens belonging to ABATE of Maryland are asking for that change. Given the overwhelming research evidence verifying the effectiveness of helmets and all-rider requirements A favorable vote can only mean one simply ignores the evidence or believes the huge cost is worth providing a few bikers the freedom to choose to ride without a helmet.

There is no upside to changing the current requirement. Advocates for “adult choice” simply deny the research evidence or mislead with claims supported only by anecdotal stories. The research is clear and overwhelming. Is it fair to make an exception to the established safety standards just because a few push for a change? Is allowing riders the “freedom” to choose to not wear a helmet really worth the huge cost in human lives, family agony, disability and money?

Introduction

Thank you for providing the opportunity to testify regarding this important issue. My name is Dr. Dan Petterson. I am the President of the Skilled Motorcyclist Association - Responsible, Trained and Educated Riders, Inc known by the acronym SMARTER (www.smarter-a.org). We are a nationally recognized 501c3 education association.

On behalf of SMARTER I am writing in opposition to SB712 and request this committee render an unfavorable report.

SMARTER believes motorcycle riders, motorcyclist safety advocates and policy decision makers should make responsible decisions based on factual knowledge and the conclusions of quality research. *Our mission is to gather, examine, catalogue, share, post and distribute motorcyclist safety fact-based information and research and to advocate for the use of such knowledge as the basis of decisions.*

Section I: Key Points

The issue of motorcycle helmet effectiveness and the effectiveness of all-rider requirements is the most extensively researched area in motorcyclist safety. For decades hundreds of researchers representing distinguished organizations have researched the topics of the effectiveness of helmets and all-rider helmet laws - 275 references are available here:

http://smarter-usa.org/wp-content/uploads/2017/05/hundreds_of_researchers.pdf. Meticulous reviews of the literature have concluded that the research clearly demonstrates the lifesaving benefits of wearing a helmet, and that all-rider helmet laws are the only research proven effective strategy for reducing motorcyclist fatalities. Those facts are not only clear but overwhelming and undeniable. More than 100 of the most recent and significant of these research reports are available here:

<https://smarter-usa.org/research/helmets-laws/>

- * It is important to have direct knowledge of the research/literature**
- * Helmets work for their intended purpose to protect the head and brain in the event of a crash.**
- * All-rider helmet requirements work to significantly increase the percent of riders who wear a helmet.**
- * There are significant economic and quality of life benefits of having an all-rider helmet requirement.**
- * ABATE of MD represents their members, not all motorcyclists and not the general population.**
- * Maryland should maintain their current standard and choose not to make an exception.**

The importance of having direct knowledge of the research

When witnesses disagree and provide what seems to be relevant but conflicting data, witness testimony may just serve to confuse and complicate the issue. When there is a large body of quality research which is easy to access, the confusion can be resolved by looking directly at the research evidence (<https://smarter-usa.org/research/helmets-laws/>).

SMARTER encourages members to read the research themselves or assign a staff member or volunteer to read and report on the available literature. We strongly encourage members to refrain from voting on SB712 unless they have either read the research themselves or received a report from someone who has reviewed the research.

Helmets work for their intended purpose to protect the head and brain in the event of a crash.

Helmet use has consistently been shown to reduce motorcycle crash-related injuries and deaths. Reviews of the literature find strong evidence of effectiveness and conclude that use of motorcycle helmets (1) decreases the overall death rate from motorcycle crashes when compared with non-helmeted riders (2) decreases the incidence of lethal head injury in motorcycle crashes when compared with non-helmeted riders and (3) decreases the severity of nonlethal head injury in motorcycle crashes when compared with non-helmeted riders.

If I am going to hit my head hard on some solid surface, would I rather be wearing a helmet designed to protect my head and brain or take the blow directly to my skull?

All-rider helmet requirements work to increase the number of riders who wear a helmet.

The percent of riders wearing a helmet in states with an all-rider requirement is usually above 95%. Without an all-rider requirement, helmet use drops to 50% or lower. Helmet use reduces risk of death and injury and reduces medical costs. All-rider helmet laws increase use; therefore, an all-rider helmet law is effective in reducing the risk of death and injury and serves to reduce medical costs.

Helmets work! All-rider helmet requirements work!

The economic and quality of life benefits of having an all-rider helmet requirement are significant.

The economic benefits of an all-rider helmet requirement that result in nearly every rider wearing a helmet are the direct saving of monetary costs including: payments for hospitals and physician care, emergency medical transport, rehabilitation, prescriptions, allied health services, medical devices, nursing home care, insurance claims processing, coroner and premature burial costs for fatalities, future earnings (including wages, fringe benefits, and housework lost by the injured), public services (including initial police response and follow-up investigation, as well as emergency transport and fire services) and property damage and loss.

There is also the saving (avoidance) of nonmonetary quality-of-life costs. These are costs associated with pain, suffering, and other intangible losses resulting from death and injury.

ABATE only represents their members – not all motorcyclists

In Maryland it is the members of A Brotherhood Against Totalitarian Enactments of Maryland that are advocating for this right to choose. Let's be clear; ABATE of MD does not represent all Maryland motorcyclists. They represent the views of their members. In 2018 there were 114,460 registered motorcycles in Maryland. Currently ABATE of MD has 1,091 followers of their Facebook page - likely not all followers are members. If there is one owner for every registered motorcycle, ABATE followers constitute less than 1% of registered owners.

Maryland should maintain current safety standards and not make an exception

The standard addressed here is the established balance between no governmental regulations and regulations adopted to protect citizens from potential harm. Maryland has many non-intrusive requirements designed to protect citizens from preventable death and injury. Maryland has one of the strongest (best) seat belt requirements in the country. Maryland asks drivers to buckle up. It is a little inconvenient to some but it saves lives, prevents injury, saves money and does not take away the freedom to drive. Maryland requires riders/drivers of personal water craft (PWC) to wear a life preserver. It is a little inconvenient to some but it saves lives, saves money and doesn't prevent anyone from enjoying their PWC. Maryland requires hunters to wear specified high-visibility gear when in the woods during hunting season. It is a little inconvenient to some but it saves lives and doesn't take away anyone's freedom to hunt. Maryland has an all-rider motorcycle helmet requirement. It is a little inconvenient to some, but it saves lives, saves money and doesn't prevent anyone from riding their motorcycle.

Section I Conclusion

This committee is charged with making a decision about your all-rider helmet requirement not because a large percent of Maryland registered voters think a change in the helmet requirement (or any similar requirement) is necessary. Elected officials are being asked to consider this change only because a small number motorcycle riders who are members of ABATE of Maryland are asking for that change. **Given the overwhelming research evidence verifying the effectiveness of helmets and all-rider requirements a favorable vote can only mean one of two things:**

1. The evidence is ignored or

2. The person believes the small freedom to choose is worth huge cost

Section II: The errors and misconceptions of the core elements of the “favorable” written ABATE testimony in 2020.

Introduction

In preparation for writing this letter and preparing for my oral testimony, our association reviewed the 2020 testimony on SB 237, assuming ABATE of Maryland will present similar testimony regarding SB712. This section will address the following concerns regarding the ABATE of Maryland 2020 testimony requesting a favorable report on SB 237.

- * References for the source of data/statistics shared were NOT provided.**
- * The core content of the 2020 document relating to fatality rates is flawed and misleading.**
- * The 2020 document acknowledges weakening the current requirement will lead to increased deaths but indicates that is OK because “It is far cheaper to treat a dead patient.”**
- * The claim that “repeal” will result in increased ridership and financial gain is based speculation only and is contrary to published research.**

References for the source of data/statistics were NOT provided.

This is important considering one of the two written testimonials requesting a favorable report contained only personal opinions based solely on anecdotal evidence (letter from Steven P. Strohmer). The second document (*Position paper in favor of SB237, Prepared by Dean Howes with ABATE of Maryland*), the core of which compares fatality ratios across states, provides no specific references - none. These two documents will be referred to as the 2020 ABATE Testimony.

The public health organizations requesting an unfavorable report, provided committee members with twenty-four (24) specific web address as references for the data provided.

The core content of the 2020 ABATE Testimony is flawed and misleading

The presentation and discussion of fatality rates in the 2020 ABATE Testimony is designed to lead the reader to the false conclusion that all-rider helmet requirements do not impact motorcyclist crash fatalities rates.

The document incorrectly states “The best way to measure the effectiveness of an all rider helmet law is to compare fatalities to motorcycles registrations ratios between states with all rider laws and ‘free states’...” Making this “raw number” comparison is actually a very poor way to judge the effectiveness of an all-rider helmet requirement because other variables that impact fatalities are not accounted for.

A far superior way to know if an all-rider helmet requirement impacts fatality rates is compare data from a single state before and after repeal or enactment of an all-rider law. This has been done many times

and the results consistent show decreases fatality rates, decreases in the incidence of lethal head, and decreases the severity of nonlethal head injury (<https://smarter-usa.org/research/helmets-laws/>).

The 2020 ABATE Testimony is a flawed analysis because the use of raw data fails to account for other major factors impacting crashes fatality rates. The number one factor impacting fatality rates is exposure, i.e., how many riders are on the road. The number one factor influencing exposure is weather. Considering this, it is not surprising the states with the highest fatality rates are southern and south-western states regardless of the type of helmet requirement the state has. Impairment, speed, type of roads, and traffic density are a few of the other main factors impacting fatality rates.

Again, there is quality research addressing this exact issue.

A research study titled “*Helmet Laws and Motorcycle Rider Death Rates*” which also compares fatality rates BUT accounts for other variables concludes ***“After controlling for other factors that affect motorcycle rider fatalities (most notably population density and temperature), death rates in states with full helmet laws were shown to be lower on average than deaths rates in states without full helmet laws. This study is important in that it addresses the problem with the use of “raw data” to support the claim that rider death rates are significantly lower in states without full motorcycle helmet laws.”*** https://smarter-usa.org/wp-content/uploads/2017/06/16_2001_Helmet_Laws_and_Mot.pdf

What? “It is far cheaper to treat a dead patient.”

The 2020 ABATE Testimony document in the section titled *some cold hard realities* contains the bizarre statement “It is far cheaper to treat a dead patient.” While it is difficult to interpret what ABATE might mean by this statement it seems to indicate that the organization does understand and accept that weakening the current helmet requirement will in fact result in more dead (patient) motorcyclists.

What is the truth about the “cold hard reality” of the financial gain claim?

Also addressed in the 2020 ABATE Testimony documents is the unsubstantiated claim that changing the helmet law will result in a financial windfall within the motorcycle industry because of increased motorcycle sales, taxes collected, insurance paid, parts, accessories, maintenance and repair and increased tourist dollars because out-of-state riders will flock to Maryland. Committee members are asked to make believe an increase of 30% in registrations will result from the law change, to suppose the average cost of a motorcycle is \$14,000 and to calculate an imaginary increase of \$31,231,200 in tax revenue.

Michigan weakened its all-rider law in April of 2012. The research indicates repeal of a helmet law has no impact on the number of out-of-state riders. A key result of a November 2014, analysis by the University of Michigan Transportation Research Institute (https://smarter-usa.org/wp-content/uploads/2017/06/3_2014_Nov.-analysis-of-motorcycle-crashes-in-michigan-2009-2013.pdf) found **“Before and after the modification, the percentage of out-of-state riders who were involved in Michigan crashes has remained stable at 5%. This is one way of estimating whether there has been any change in out-of-state ridership after the modification.”**

Registrations in Michigan actually dropped slightly in the year following the law change but the overall average number of registered motorcycles in Michigan is nearly the same in the five years after the law change compared to the five years prior (<https://smarter-usa.org/wp-content/uploads/2020/11/Charts-2020-Michigan-Motorcyclist-Crash-and-Fatality-Data-and-Charts-Nov.-2020-data-through-Oct.-2020-1.pdf>).

Section II Conclusion

Important decisions like the one the committee faces are best based on published research and verifiable data as opposed to unsupported claims.

Testimony Conclusion

There is no upside to changing the current requirement. Advocates for “adult choice” simply deny the research evidence or mislead with claims supported only by anecdotal stories. The research is clear and overwhelming.

Citizens regularly understand accept the need for small non-intrusive personal sacrifices (seat belts, life preservers, hunter orange) in order to prevent injury and death and reduce costs to the society as a whole.

Is it fair to make an exception to the established safety standards just because one organization wants the change? Is allowing riders the freedom to choose to not wear a helmet really worth the huge cost in human lives, family agony, disability and money?

Thank you for your time.

Respectfully



Dan Petterson, Ed.D.
SMARTER President/CEO

2021-02-19btp_E - BIAMD Opposition to SB712 (Bryan

Uploaded by: Pugh, Bryan

Position: UNF



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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,

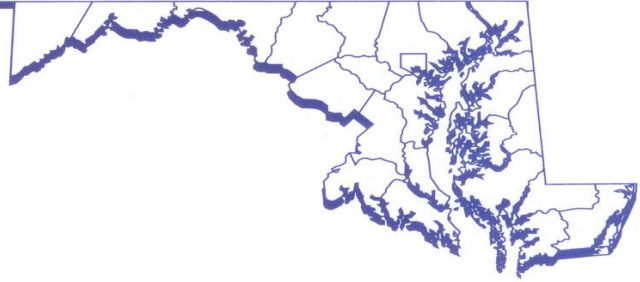
A handwritten signature in blue ink, appearing to read 'Bryan Thomas Pugh', with a stylized, flowing script.

Bryan Thomas Pugh
Executive Director

SB 712 - Motorcycle Helmet Exception - SENT JPR -

Uploaded by: Rossman, Maura

Position: UNF



**2021 SESSION
POSITION PAPER**

BILL: SB 712 - Vehicle Laws – Protective Headgear Requirement for Motorcycle Riders – Exception
COMMITTEE: Senate Judicial Proceedings Committee
POSITION: Letter of Opposition
BILL ANALYSIS: SB 712 will allow people aged 21 years and older, licensed to operate a motorcycle for 2 years and completed a safety course or is a passenger of a motorcycle wearing eye protection, does not have to wear approved, protective headgear.

POSITION RATIONALE: The Maryland Association of County Health Officers (MACHO) **strongly oppose SB 712**. 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 where the status quo is best for MD.*

Public health is steeped in science and data; it's how we make decisions concerning the public's health. 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 and save money. This is not true for partial laws. Fiscal impact from the Maryland Institute for Emergency Medical Services Systems reports that Maryland trauma centers treated 1,000 patients involved in motorcycle crashes in FY17, 90% of which were 21 years of age or older, 270 of which sustained head injuries, and 47 of which were not wearing a helmet. Riders 30 years and older account for over 70% of all motorcycle fatalities. More riders over the age 50 died in 2017 than riders under the age of 30.

Maryland's neighboring states: DC, Virginia, West Virginia and New Jersey, all mandate helmet use for all motorcyclists bringing total, including Maryland, to 20 states that ensure the protection for riders and passengers.

It is true that helmet laws interfere with a person's freedom to choose to wear, or not to wear, a helmet. Many laws restrict people's freedom to behave in ways that may harm the public's health. Examples - drunk driving laws, cell phone use laws, and infectious disease quarantine laws. *Courts have repeatedly upheld such laws as important to the nation's well-being.*

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.

SENATE JPR
SB 712
MACHO LOO
Page 2

People want the government to regulate helmet use for adult motorcyclists. National surveys have consistently shown that more than 80% of Americans favor universal helmet laws. In 2017, Michigan rolled back their helmet laws and the fatality rate of un-helmeted riders doubled that of helmeted riders.

MACHO opposes SB 712. 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 712- Vehicle Laws - Protective Headgear Require

Uploaded by: Witten, Jennifer

Position: UNF



Maryland
Hospital Association

February 23, 2021

To: The Honorable William C. Smith Jr., Chair, Senate Judicial Proceedings Committee

Re: Letter of Concern - Senate Bill 712 - Vehicle Laws - Protective Headgear Requirement for Motorcycle Riders - Exception

Dear Chair Smith:

On behalf of the Maryland Hospital Association's (MHA) 60 member hospitals and health systems, we appreciate the opportunity to comment on Senate Bill 712.

This legislation changes Maryland's all-rider motorcycle helmet law to exempt motorcyclists who are 21 years or older, licensed for at least two years, complete a safety course, or for passengers with riders who meet these criteria.

No matter how experienced or cautious riders may be, motorcycle accidents still occur. The Maryland Motor Vehicle Association reports an average of 1,521 crashes each year between 2013-2017. In 2014, 1,186 people were injured and 66 were killed.¹ The Centers for Disease Control and Prevention reports helmets reduce risk of head injury by 69% and lower risk of death by 37%.² Relaxing safety standards for any group of riders increases the potential for head injuries and even death—putting added pressure on hospitals and raising costs related to care.

Motorcycle crashes often result in fatalities or long-term medical problems due to traumatic injuries. Total medical costs for accidents involving non-helmeted motorcyclists were 66% more than for those motorcyclists who wore helmets.³ Disability resulting from motorcycle crashes can require extensive and expensive medical care, putting additional strain on Maryland hospitals, skilled nursing facilities, outpatient resources, and other facilities.

Maryland's law requiring all riders to wear helmets saves lives and should remain in place to protect our state's motorcyclists and their passengers.

For these reasons, we urge an *unfavorable* report on SB 712.

For more information, please contact:
Jennifer Witten, Vice President, Government Affairs
Jwitten@mhaonline.org

¹ Maryland Motor Vehicle Association. (2018). [Motorcycle Safety in Maryland](#).

² Centers for Disease Control and Prevention. (2017). [Motorcycle Safety](#)

³ Journal of Trauma and Acute Care Surgery. (2015). [National mandatory motorcycle helmet laws may save \\$2.2 billion annually: An inpatient and value of statistical life analysis](#)

SB 712_Vehicle Laws-Protective Headgear Requiremen

Uploaded by: Delbridge, Theodore

Position: INFO



State of Maryland

**Maryland
Institute for
Emergency Medical
Services Systems**

653 West Pratt Street
Baltimore, Maryland
21201-1536

*Larry Hogan
Governor*

*Clay B. Stamp, NRP
Chairman
Emergency Medical
Services Board*

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

410-706-5074
FAX 410-706-4768

February 23, 2021

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

Re: SB 712: Vehicle Laws-Protective Headgear Requirement for Motorcycle Riders-Exception

Dear Chairman Smith:

I am writing to provide you with information that may be helpful as the Committee considers SB 712. SB 712 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.iihs.org/iihs/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 881 patients involved in motorcycle crashes during Fiscal Year 2020, of which 787 were 21 years of age or older. Of these patients, 218 sustained a head injury, of whom 19 subsequently died. Of the 218 riders who sustained head injuries, 149 (68.3%) were wearing a helmet, 62 (28.4%) were not and it is unknown if seven were wearing a helmet or not. All 218 required treatment and 126 were admitted. Thirteen (10.3%) of the admitted patients stayed in the hospital for one day. Eleven 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.iihs.org/iihs/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 712. 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

MD helmet law statement 2021 Eric Teoh.pdf

Uploaded by: Teoh, Eric

Position: INFO

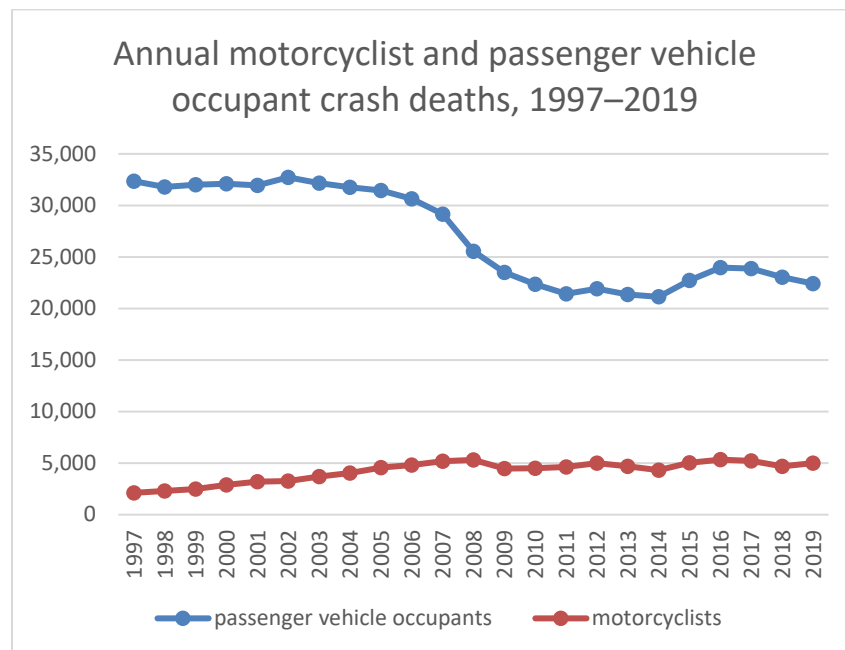
February 23, 2021

Statement before the Maryland Senate Judicial Proceedings Committee Motorcycle Helmet Laws

The Insurance Institute for Highway Safety is an independent, nonprofit scientific, and educational organization that identifies ways to reduce harm—deaths, injuries, and property damage—resulting from motor vehicle crashes on our nation’s roads. Our sister organization, the Highway Loss Data Institute, shares this mission through scientific studies of insurance data representing the human and economic costs of owning and operating different types of motor vehicles. Both organizations are wholly supported by the nation’s automobile insurers. The Institutes are submitting research results on trends in motorcyclist deaths and on the benefits of motorcycle helmet laws that cover all riders in reducing harm.

Trends in motorcyclist crash deaths

Motorcyclists are much more likely to be killed or seriously injured in crashes than occupants of passenger vehicles. Per mile traveled, the number of motorcyclist deaths is nearly 27 times the number of passenger vehicle occupant deaths.¹ Motorcyclist crash deaths increased dramatically between 1997 and 2008 (as shown in the following figure) and have remained persistently high since then. While much progress was made during that time in reducing the death rates of passenger vehicle occupants, more must be done for motorcyclists.



Helmets and helmet laws that cover all riders reduce the risk of death and head injuries

Helmets are designed to protect riders’ heads by absorbing crash energy. Of course, helmets cannot prevent all deaths or head injuries, but they are the only countermeasure that all motorcyclists can take advantage of immediately to reduce their risk substantially. Studies have found that helmets reduce the risk of death in motorcycle crashes by 37 to 42%^{2,3} and reduce the risk of traumatic brain injury by 67%⁴. Helmet use laws that cover all riders result in virtually all motorcyclists wearing helmets; helmet use is far higher in states with universal helmet laws than in states without such laws (99% vs. 71% in 2019)⁵. Interestingly, the use of helmets not compliant with federal safety standards was lower in states with helmet laws that cover all riders than in states without such laws (10% of helmets used vs. 21% in 2019)⁵.

Statement on Motorcycle Helmet Laws

Page 2

So helmet laws that cover all riders result in increased use of protective helmets, and thus reduce harm. The National Highway Traffic Safety Administration estimates that motorcycle helmets saved the lives of nearly 1,900 riders in 2017, and that an additional 749 lives could have been saved had all riders been helmeted⁶. About 95% of motorcyclists killed in crashes are at least 21 years old⁷, so helmet laws that cover only riders younger than 21 do not address most of the crash death problem and are virtually impossible to enforce.

Deaths go up when states abandon or roll back universal helmet laws

States that have repealed or weakened their helmet laws have seen use rates go down and motorcyclist crash deaths go up. In a national study, researchers modeled motorcyclist death rates by helmet law after controlling for various factors such as per capita income, population density, and annual precipitation. Death rates (per 10,000 registered motorcycles, per 100,000 population, and per 10 billion vehicle miles traveled) were lowest in states with universal helmet laws.⁸

Some specific findings from studies on crash deaths include:

- In 1997, Arkansas dropped the helmet requirement for riders 21 and older. In the same year, Texas dropped the requirement for people 21 and older who have medical insurance or have taken a motorcycle rider training course. Helmet use was 97% in both states before the laws changed, and helmet use dropped to 52% in Arkansas and 66% in Texas. Motorcyclist crash deaths increased by 21% in Arkansas and by 31% in Texas after the laws were weakened. In both states, head injuries among crash-involved motorcyclists increased, and in Texas the cost of treating these head injuries increased significantly.⁹
- Kentucky weakened its universal helmet law in 1998, followed by Louisiana in 1999. Motorcyclist deaths quickly increased in these states by 50% and 100%, respectively.¹⁰
- When Florida weakened its helmet law in 2000, the motorcyclist death rate increased by 25%.¹¹
- Pennsylvania saw motorcyclist head injury deaths increase by 66%, versus a 25% increase for non-head injury deaths, following the 2003 repeal of its universal helmet law.¹²
- Unusually, fatalities did not rise immediately in Michigan following the 2012 weakening of its universal helmet law, but head injuries from motorcycle crashes increased by 14%.¹³

Healthcare costs and unhelmeted motorcyclists injured in crashes

Unhelmeted riders injured in crashes have higher healthcare costs than helmeted riders, and many lack health insurance. In 2002, the National Highway Traffic Safety Administration released a report reviewing 25 studies on the costs of injuries resulting from motorcycle crashes. Authors reported that the reviewed studies “consistently found that helmet use reduced the fatality rate, probability and severity of head injuries, cost of medical treatment, length of hospital stay, the necessity for special medical treatments..., and probability of long-term disability.”¹⁴ The authors noted that a number of studies examined the question of who pays for the medical costs of motorcycle crash victims; only slightly more than half of crash victims had private health insurance coverage. For patients without private insurance, a majority of their medical costs were paid by the government.

Some specific findings from studies on the financial costs include:

- Average inpatient hospital charges in a study including seven states were 8% higher for unhelmeted motorcyclists than for helmeted riders overall.⁴ In these states, average inpatient charges for motorcyclists with traumatic brain injuries were more than twice the average charge for motorcyclists receiving inpatient care for other injuries.
- In Hawaii, which requires helmets only for riders under 18 years old, average medical charges for unhelmeted riders were almost 50% higher than those of helmeted riders (\$40,217 vs. \$27,176).¹⁵
- After California introduced a universal helmet law in 1992, the rate of motorcyclists hospitalized for head injuries decreased by 48%, and the total costs for patients with head injuries decreased by \$20.5 million.¹⁶

Statement on Motorcycle Helmet Laws

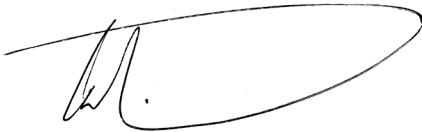
Page 3

- Total acute medical charges for motorcyclists injured in Nebraska declined 38% after a universal helmet law was implemented.¹⁷
- Following the 2000 weakening of Florida's universal helmet law, acute care costs for motorcyclists with head injuries rose from \$34,500 to nearly \$40,000—4 times the \$10,000 minimum medical insurance requirement for unhelmeted riding.¹⁸ Total gross costs for hospital-admitted motorcyclists with head injuries more than doubled, from \$21 million to \$50 million.
- The 2012 weakening of Michigan's helmet law was associated with a 22% increase in the average insurance payment for injuries to motorcyclists.¹⁹
- Collision claims are less likely to result in medical payment claims in states with universal helmet laws compared with states with other types of helmet laws.²⁰

Conclusion

Research consistently has shown that mandatory helmet use laws that apply to all riders increase helmet use and decrease fatalities, injuries, and medical costs among motorcyclists involved in crashes. States that have weakened their universal helmet laws have seen helmet use decrease and deaths and injuries increase. This straightforward rule of the road is a highly effective public health measure. Retaining the existing universal helmet law in Maryland is in the best interests of the motorcyclists in the state and of the state's finances.

Sincerely,



Eric Teoh
Director of Statistical Services

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SB0712 - Vehicle Laws - Protective Headgear Requir

Uploaded by: Westervelt, Patricia

Position: INFO

February 23, 2021

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 712 – Vehicle Laws – Protective Headgear Requirement for Motorcycle Riders – Exception

Dear Chairman Smith and Committee Members:

The Maryland Department of Transportation takes no position on Senate Bill 712 but offers the following information for the Committee's consideration.

Senate Bill 712 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 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. Each year, on average 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.

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 712, 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.

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MDOT 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 712 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 712.

Respectfully submitted,

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