



ABATE OF MARYLAND, INC.

Dedicated to Freedom of the Road & Responsible Motorcycle Legislation

To: The Honorable Marc Korman, Chairman and Members of the House Environment and Transportation Committee

From: Ken Eaton, Director, Executive Director, ABATE of Maryland, Inc.

Date: February 13, 2024

Re: **HB639** - Vehicle Laws - Protective Headgear Requirement - Exception (In Remembrance of Gary "Pappy" Boward)

Position: **FAVORABLE: SUPPORT**

ABATE of Maryland, Inc. represents the approximately 121,000 on road motorcycles that are registered in Maryland. We are a state motorcycle rights organization that brings together the voices of independent riders, clubs, riding organizations, etc. We have chapters throughout the state and our members include a diverse cross-section of motorcycle riders in Maryland.

ABATE of Maryland, Inc. **SUPPORTS HB 639** - Vehicle Laws - Protective Headgear Requirement - Exception (In Remembrance of Gary "Pappy" Boward).

A large portion of our membership feels strongly that the Freedom of Choice regarding the use of motorcycle helmets in Maryland should be restored to us as motorcyclists.

Currently, there are 33 other states that do not have mandatory helmet laws for motorcyclists. Please see the attached graphic at the end of this document.

- 3 states are 100% Freedom of Choice
- 30 states are Freedom of Choice – Age Restricted
- 18 states have a helmet mandate for ALL riders

The 33 states that allow Freedom of Choice are not on the brink of bankruptcy because motorcyclists are NOT wearing helmets. Actually, we have found that most of the Freedom of Choice states have a lesser rate of fatal accidents per registered motorcycles that mandatory helmet states. In reality, the difference could be considered statistically insignificant, so let us call it a draw. We hear a lot from the medical side of the aisle, and I have no doubt that they see the absolute worst of the worst. But that is what they signed up to do. I commend them for choosing that profession and doing what they do. However, as motorcyclists, we seem to get pigeon-holed as being a “social burden.” Surely there are numerous other accidents such as falls at the house, car & truck accidents, sports injuries, etc., that contribute to traumatic injury statistics. We were successful in getting legislation passed in Maryland that prohibited profiling. We should start thinking about why we are being profiled as being more of a “social burden” than any other injury classification. Why are water/snow skiers, boaters, mountain bikers, automobile drivers, commercial trucks, etc., not mandated to wear helmets?

The other side of this is a helmet only protects approximately 17% of the average body. There are numerous other vital organs and body parts that remain unprotected. Quite often, motorcycle riders receive major chest, spine, and other significant injuries. As motorcycle riders, we take inherent risks to enjoy our way of life. Gloves, boots, jackets, chaps, etc. are all other tools available to us to use as we feel necessary.

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Personally, I would never go on the road without boots and jeans. Others are perfectly comfortable wearing sneakers and shorts. It is a Freedom of Choice.

Bikers as a group are blue collar, white collar, no collar, and everything in between. There are many members here in the General Assembly that own and ride motorcycles. As many of you are aware, motorcycles are not an inexpensive hobby. Motorcycles range in cost from \$5,000 and \$50,000 or even higher. A large percentage of us have medical insurance coverage. Actually, in Maryland, most people are required to have health insurance or pay a penalty in taxes. I think the poor dirty biker argument that is a “social burden” has gone away long ago. The Maryland Health Connection was started some time ago, to “protect your health and your wallet.”

Also, Maryland is situated between two states that do not have mandatory helmet laws. Riders from Freedom of Choice states will often bypass Maryland, as long as possible. They spend their money elsewhere buying gas, food, drink, hotel rooms, and many other items. I live only about 17 miles from the Delaware line. Often, I choose to ride in Delaware and PA to do my riding where I can have the Freedom to Choose. My hard-earned dollars go to businesses in those states when I am riding there.

The Town of Ocean City Maryland is the host town to a large motorcycle rally every fall. Riders from all over converge upon Ocean City and the surrounding areas for the event. Many riders from Delaware, Pennsylvania, Ohio, Indiana, and Michigan, travel through Delaware as long as possible to enjoy the Freedom of Choice. Yes, motorcyclists will go out of their way to avoid a particular state or roadway, just as easily as they will travel long distances to enjoy a rally, a scenic road, or a side trip to a fantastic destination. The bottom line is many are spending their tourism dollars in other states as long as possible before coming to Maryland. Many other riders refuse to come to Maryland because they are not allowed to have the Freedom to Choose. For example, one of the largest rallies in the country is located in South Dakota. Once a Maryland rider leaves Maryland, he can head up through Pennsylvania and go all the way to Sturgis SD and enjoy a Freedom to Choose. In fact, the entire central portion of the country and some of the more eastern states enjoy that same Freedom.

Major US Motorcycle Rally locations:

- Daytona FL (Daytona Bike Week): Freedom to Choose
- Laconia, NH (Laconia Bike Week): Freedom to Choose
- Myrtle Beach, SC (Myrtle Beach Bike Week): Freedom to Choose
- Austin Tx. (Republic of Texas Bike Rally): Freedom to Choose
- Cave Rock IL (Hog Rock): Freedom to Choose
- Sturgis, SD (Sturgis Motorcycle Rally): Freedom to Choose
- Rodgers, Arkansas (Bikes, Blues & BBQ): Freedom to Choose

One more group of parting thoughts, as provided to us from ABATE of Arkansas:

- Why are motorcyclists the ONLY operators and, or passengers of any motorized form of transportation used on public highways and streets that are required by law to wear a crash helmet?
- Why would auto drivers and passengers NOT be required to wear helmets if in fact “safety and reduction of injuries” is the public concern of the helmet issued mandated to motorcyclists?
- Why aren’t mandatory motorcycle helmet laws considered selective, class discrimination?

- Why are motorcycle accidents victims seen, as a whole, by the medical profession to be “Burdens to Society” whereas the auto accident victims with similar injuries are not?
- Why does the non-motorcycling public perceive us as “bikers only,” when in fact our motorcycles are usually in addition to what the non-motorcycling public has or does, which means we also have jobs, kids, kitchens, and insurance?
- Why is it OK for un-helmeted people to ride around in a convertible auto with the top down while playing bumper cars in traffic and it is NOT OK for an un-helmeted motorcyclist to do the same thing?
- Why does the state mandate safety equipment usage with a penalty for non-compliance, while at the same time refuses to be held liable for injuries one might receive in an accident because of and due to compliance with the law?

We are not asking to make motorcycle helmets illegal in Maryland. We are asking that adult riders be provided the Freedom of Choice regarding helmet usage. I suspect that just like in many other states, there will be a pretty varied range of helmet usage. Some will always wear helmets, some will never wear helmets, and some will wear a helmet when they feel appropriate.

We urge the committee to consider a **Favorable** vote on this legislation and move it to the House floor for a vote.

Thank you!

A handwritten signature in black ink that reads "Kenneth B. Eaton". The signature is written in a cursive style with a large initial 'K' and 'E'.

Kenneth B. Eaton, Executive Director

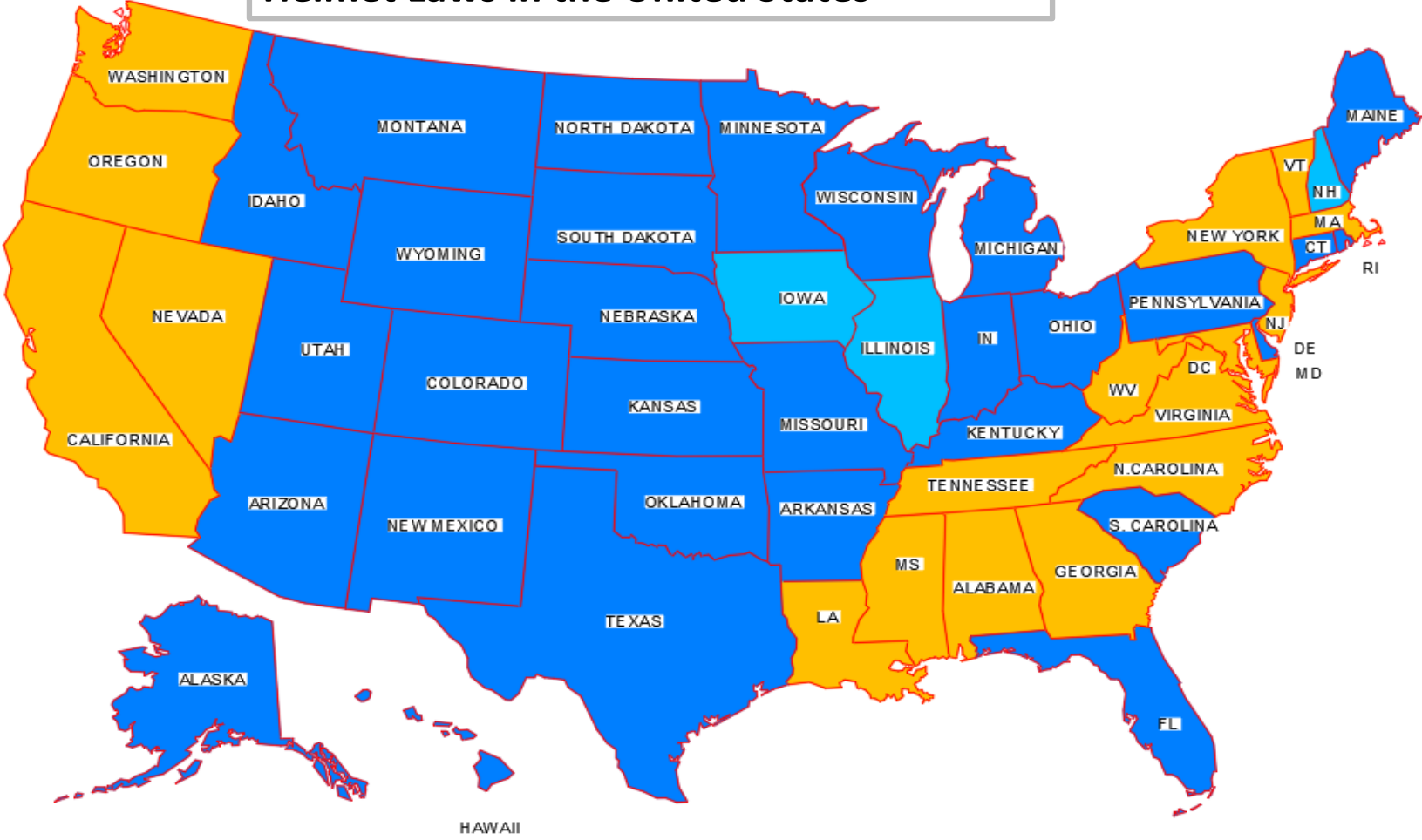
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Helmet Laws in the United States

State
Alabama
Alaska
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Arkansas
California
Colorado
Connecticut
Delaware
District of
Florida
Georgia
Hawaii
Idaho
Illinois
Indiana
Iowa
Kansas
Kentucky
Louisiana
Maine
Maryland
Massachusetts
Michigan
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New Mexico
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North Carolina
North Dakota
Ohio
Oklahoma
Oregon
Pennsylvania
Rhode Island
South Carolina
South Dakota
Tennessee
Texas
Utah
Vermont
Virginia
Washington
West Virginia
Wisconsin
Wyoming



- 100% Freedom of Choice (3 states)
- Freedom of Choice - Age Restricted (30 states)
- Helmet Mandate (18 states / DC)