

HB 639- Written Testimony - MRF.pdf

Uploaded by: Jay Jackson

Position: FAV



Motorcycle Riders Foundation

P.O. Box 250, Highland, IL 62249

(202) 546-0983 / mrfoffice@mrf.org / www.mrf.org

Bill: HB 639 - Vehicle Laws - Protective Headgear Requirement - Exception (In Remembrance of Gary "Pappy" Boward)

Position: SUPPORT

Committee: House Environment and Transportation Committee

Dear Chair, Vice-Chair, 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 House Bill 639 and applaud the efforts of its cosponsors to address this issue.

The MRF is a national organization focused on providing leadership at a 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, including over 113,000 Marylanders. With our network of over 250,000 motorcyclists nationally, and on behalf of our members in Maryland, we support HB 639 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.

The movement that allows those who ride to decide their own helmet use is gaining steam in the United States. In the last few years, both the state of Missouri and the state of Nebraska have moved to helmet choice laws. Maryland is in the minority with its current mandatory helmet law. Seventeen states and the District of Columbia require mandatory helmet usage while the remaining states, in some form, allow choice.

The Principles of Personal Autonomy Support the Passage of HB 639

In our country, we tout our ability to choose. We can choose where we live, how to educate our children, and what we can eat, drink, and even smoke. Wearing a helmet is a similar choice that ought to be made by the individual, not the state. In a NY Court of Appeals case in 1914, Judge



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Benjamin Cardozo wrote, "Every human being of adult years and sound mind has a right to determine what shall be done with his own body." HB 639 mirrors this idea - those who are 21 years or older, who have operated a motorcycle for two years, and taken a motorcycle rider safety course can determine for themselves whether they want to wear a helmet.

Requiring helmets is a glaring example of paternalism. It's the state telling motorcyclists that it knows best and substituting its judgment for that of motorcyclists. Regardless of whether wearing a helmet is objectively 'good' or 'bad,' a motorcyclist should be allowed to decide for themselves whether or not they want to wear one. Safety is essential, but people can choose what safety precautions they wish to follow. HB 639 recognizes that this choice belongs to the individual motorcyclist.

Maryland Should Focus on Education, Rather than on Legal Requirements

By focusing on education, rather than on a paternalistic legal requirement, HB 639 focuses on learning about the various ways to operate a motorcycle, rather than on punishing those who do not operate it in a way the state sees as satisfactory. In doing so, motorcyclists can learn about their motorcycles while also determining what safety precautions they want to take.

Instead of placing an arbitrary fine that some can pay and then continue to not wear a helmet, Maryland should focus on education that complies with national standards and teaches people how to ride safely. In doing so, individuals will learn to evaluate whether they want to wear a helmet while also learning how to ride safely. These courses could also lead to a reduction in fatalities and accidents.

For these reasons, MRF respectfully requests a favorable vote on HB 639.

Should you have any questions, please feel free to contact Jay Jackson at jay@mrf.org.

Sincerely,

Jay Jackson

Vice President

Motorcycle Riders Foundation



Motorcycle Riders Foundation

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2024_PositionPaper-SB503-HB639.pdf

Uploaded by: Ken Eaton

Position: FAV

ABATE of Maryland, Inc.



Calvert County Chapter

Position Paper in Favor of SB503 & HB 639

Prepared by Dean Howes with ABATE of Maryland

Pg 1 Opening Statement

Pg 2 Some Cold Hard Realities

Pg 3 Interesting Points of Skewed #s

Pg 5 Fatality Ratios 2021 back to 2016

Pg 11 Fatality Ratios all 50 States 2013

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 # of registered motorcycles roughly doubled but the 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, distorted, cherrypicked, and simply WRONG statistics. The first of these is that 37% of lives could have been saved if all states had an all rider helmet law. This a # they have adopted from NHTSA even though NHTSA's own statistics show this to be false! If the whole "37%" thing is true than why is there not a 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 Governor's Highway Safety Council. There are now 33 free states and 17 mandatory states with the addition of Missouri and Nebraska as free states. Included here are ratios for all 50 states in 2013 and only states with similar riding seasons for subsequent years. (Note stats on following pages for Missouri are when they were a mandatory state.)

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 thing in perspective.

5) There are also a number or probable benefits to the fiscal bottom-line by passing SB712. See cold hard realities page.

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 Medicare/Medicaid or long-term geriatric care into their 70s, 80s and 90s. 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, 15, 16 by 1463 or 10% over three years and continue to do so.

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 33 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 in Maryland, so an increased 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 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 motorcycles effect his budget in September.

Some interesting points and skewed #,s

In 2013 there were five free states with a combined # of M/C fatalities (55) which is less than the 59 M/C fatalities here in Maryland alone. This a true fact and perfect example of misrepresenting and "cherry picking" #'s 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. They always point to the increased # not % of fatalities even though in 1997 there were 3.8 million M/C compared to 6.7 million in 2006 and 8.6 million in 2018.

The opposition always point to any increase in states that adopt freedom of choice but fail to mention the increase in M/C registrations when all rider laws are amended. These increases are between 30 & 100%.

Maryland Institute for EMS (Patricia Gainer) said 27.1% of M/C trauma patients were unhelmeted, Shock Trauma Center said 17%, Trauma Net said 8%. Since we know that helmets don't prevent accidents doesn't that mean that somewhere between 8 and 27 motorcyclists per 100 are not wearing a helmet when they ride? That's 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 pick a number.

Advocates for Highway Safety (Jacquelin Gillan) said there were 11 times more unhelmeted 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 #. 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 #.

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.

FATALITIES TO M/C REGISTRATIONS 2021

| | # of Registered M/C | Fatalities | Fatalities per 10K reg M/C |
|----------------------|---------------------|------------|----------------------------|
| The Free States | | | |
| Pennsylvania | 385,129* | 230 | 5.97 |
| Delaware | 26,729 | 24 | (A) 8.97 |
| Ohio | 389,657* | 226 | 5.79 |
| Indiana | 234,393 | 137 | (A) 5.84 |
| Illinois | 284,754* | 176 | (A) 6.18 |
| Totals/Average | 1,320,662 | 793 | 6.00 |
| The Mandatory States | | | |
| Maryland | 104,783* | 80 | 7.63 |
| Virginia | 188,042* | 114 | 6.06 |
| N, Carolina | 250,075 | 233 | 9.32 |
| W. Virginia | 49,563* | 29 | 5.85 |
| Totals/Average | 592,463 | 456 | 7.70 |

Even if you take out N. Carolina high rates stats the average for mandatory states would be 6.51 deaths per 10/K M/C registrations compared to 6.00 for free states.

*=Decease from previous year

A=Sharpe increase from past 10-year average

FATALITIES TO M/C REGISTRATIONS 2020

| | # of Registered M/C | Fatalities | Fatalities per 10K reg M/C |
|----------------------|---------------------|------------|----------------------------|
| The Free States | | | |
| Pennsylvania | 400,550 | 219 | 5.47 |
| Delaware | 26,594* | 15 | 5.64 |
| Ohio | 392,928* | 211 | 5.37 |
| Indiana | 230,658* | 151 | 6.55 |
| Illinois | 303,917* | 153 | 5.03 |
| Totals/Average | 1,354,647 | 749 | 5.53 |
| The Mandatory States | | | |
| Maryland | 111,553* | 8.5 | 7.62 |
| Virginia | 196,469 | 101 | 5.14 |
| N, Carolina | 243,437 | 192 | 7.89 |
| W. Virginia | 52,915 | 38 | 7.18 |
| Totals/Average | 604,374 | 416 | 6.88 |

Even if you take out N. Carolina high rates stats the average for mandatory states would be 6.21 deaths 10/K M/C registrations compared to 6.00 for free states.

* = Decease from previous year

FATALITIES TO M/C REGISTRATIONS 2019

| | # of registered M/C | Fatalities | Fatalities/10K reg M/C |
|----------------------|---------------------|------------|------------------------|
| The Free States | | | |
| Pennsylvania | 366,641 | 176 | 4.80 |
| 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/Av | 1,368,578 | 621 | 4.54 average |
| The Mandatory States | | | |
| 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/Av | 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 10K registered M/C compared to the 4.54 for the free states.

FATALITIES TO M/C REGISTRATIONS 2018

| | # of registered M/C | Fatalities | Fatalities/10K reg M/C |
|----------------------|---------------------|------------|------------------------|
| The Free States | | | |
| 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/Av | 1,399,081 | 563 | 4.20 average |
| The Mandatory States | | | |
| 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/Av | 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 10K registered M/C compared to the 4.20 for the free states.

FATALITIES TO M/C REGISTRATIONS 2017

| | # of registered M/C | fatalities | fatalities/10K reg M/C |
|----------------------|---------------------|------------|------------------------|
| The Free States | | | |
| Pennsylvania | 377158 | 187 | 4.9 |
| Delaware | 27810 | 10 | 3.5 |
| Ohio | 410187 | 157 | 3.8 |
| Indiana | 250579 | 149 | 5.9 |
| Illinois | 333943 | 162 | 4.8 |
| Totals/Av | 1,399,677 | 665 | 4.8 average |
| The Mandatory States | | | |
| Maryland | 118277 | 86 | 7.3 |
| Virginia | 193951 | 117 | 6.0 |
| N. Carolina | 188843 | 176 | 9.3 |
| W. Virginia | 60582 | 26 | 4.3 |
| Totals/Av | 561653 | 405 | 7.2 |

Even if you take out North Carolina's reported statistics the average for the mandatory states would be 6.1 deaths per 10K registered M/C compared to the 4.8 for the free states. Where is evidence of 37% lives saved?

FATALITIES TO M/C REGISTRATIONS 2016

| | #of registered M/C | fatalities | fatalities/10K reg. M/C |
|-----------------|--------------------|------------|-------------------------|
| The Free States | | | |
| Pennsylvania | 393037 | 191 | 4.9 |
| Delaware | 28158 | 14 | 4.9 |
| Ohio | 408114 | 199 | 5.0 |
| Indiana | 223603 | 101 | 4.5 |
| Illinois | 314807 | 155 | 4.9 |
| Totals/Av | 1,367,719 | 660 | 4.8 |

| | #of registered M/C | fatalities | fatalities/10K reg. M/C |
|----------------------|--------------------|------------|-------------------------|
| The Mandatory States | | | |
| Maryland | 123936 | 75 | 6.1 |
| Virginia | 191820 | 79 | 4.1 |
| N. Carolina | 195618 | 185 | 9.5 |
| W. Virginia | 61090 | 29 | 4.7 |
| Totals/Av | 572,464 | 368 | 6.4 |

Fatalities to M/C registrations 2013 all 50 states

| | #of registered M/C | Fatalities | fatalities/10K reg M/C |
|-----------------|--------------------|------------|------------------------|
| The Free States | | | |
| *Illinois | 352318 | 148 | 4.2 |
| *Iowa | 183294 | 41 | 2.2 |
| Alaska | 32207 | 2 | 0.6 |
| Arizona | 188360 | 146 | 7.8 |
| Colorado | 184549 | 83 | 4.5 |
| Connecticut | 91054 | 50 | 5.5 |
| Hawaii | 40564 | 17 | 4.2 |
| Idaho | 64944 | 24 | 3.7 |
| Indiana | 218630 | 90 | 4.1 |
| Kansas | 99169 | 35 | 3.5 |
| Maine | 63114 | 11 | 1.7 |
| Minnesota | 237259 | 59 | 2.5 |
| Montana | 171085 | 32 | 1.9 |
| New Hampshire | 73612 | 24 | 3.3 |
| New Mexico | 65321 | 40 | 6.1 |
| N Dakota | 35756 | 9 | 2.5 |
| Ohio | 402264 | 130 | 3.2 |
| Oklahoma | 126883 | 92 | 7.3 |
| S Dakota | 86710 | 22 | 2.5 |
| Utah | 64970 | 30 | 4.6 |
| Wisconsin | 323378 | 81 | 2.5 |
| Wyoming | 31397 | 9 | 2.9 |

Alaska through Wyoming under 18 must wear a helmet

*No law whatsoever pertaining to helmets in these states.

Fatalities to M/C registrations 2013 50 states cont'd

The Free States cont'd

| | # of registered M/C | Fatalities | fatalities/10K reg M/C |
|--------------|---------------------|------------|------------------------|
| *Delaware | 30056 | 20 | 6.7 |
| Arkansas | 74196 | 56 | 7.5 |
| Kentucky | 109821 | 78 | 7.1 |
| Pennsylvania | 400908 | 178 | 4.4 |
| Rhode Island | 32252 | 11 | 3.4 |
| S Carolina | 113315 | 120 | 10.5 |
| Texas | 443856 | 487 | 11.0 |
| Florida | 545452 | 460 | 8.4 |
| Michigan | 267292 | 127 | 4.8 |
| Totals/Av | 5,153986 | 2712 | 5.26 |

*under 19 must wear a helmet

Arkansas through Michigan under 21 must wear a helmet.

Florida and Michigan require additional 10K of insurance.

Fatalities to M/C registrations 2013 All 50 states cont'd

The mandatory all rider states

| | # of registered M/C | Fatalities | Fatalities/10K reg M/C |
|---------------|---------------------|------------|------------------------|
| Alabama | 118084 | 80 | 6.7 |
| California | 799900 | 447 | 5.6 |
| Georgia | 200133 | 100 | 5.0 |
| Louisiana | 113778 | 84 | 7.4 |
| Maryland | 99560 | 59 | 5.9 |
| Massachusetts | 125122 | 39 | 3.1 |
| Mississippi | 28433 | 38 | 13.4 |
| Missouri | 184723 | 71 | 3.8 |
| Nebraska | 56224 | 14 | 2.5 |
| Nevada | 70675 | 50 | 7.1 |
| New Jersey | 152111 | 55 | 3.6 |
| New York | 345118 | 168 | 4.9 |
| N Carolina | 195493 | 134 | 6.9 |
| Oregon | 89797 | 31 | 3.5 |
| Tennessee | 163820 | 131 | 8.0 |
| Vermont | 28777 | 5 | 1.7 |
| Virginia | 189689 | 63 | 3.3 |
| W Virginia | 58021 | 24 | 4.1 |
| Washington | 227073 | 73 | 3.2 |
| D.C. | 4170 | 3 | 7.2 |
| Totals/Av | 3,001,201 | 1669 | 5.56 |

Slightly higher than the average for the "Free" states?

HB639_Helmet_KEaton-Favorable.pdf

Uploaded by: Ken Eaton

Position: FAV



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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(410) 263-9185 | www.abateofmd.org

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, flowing style.

Kenneth B. Eaton, Executive Director

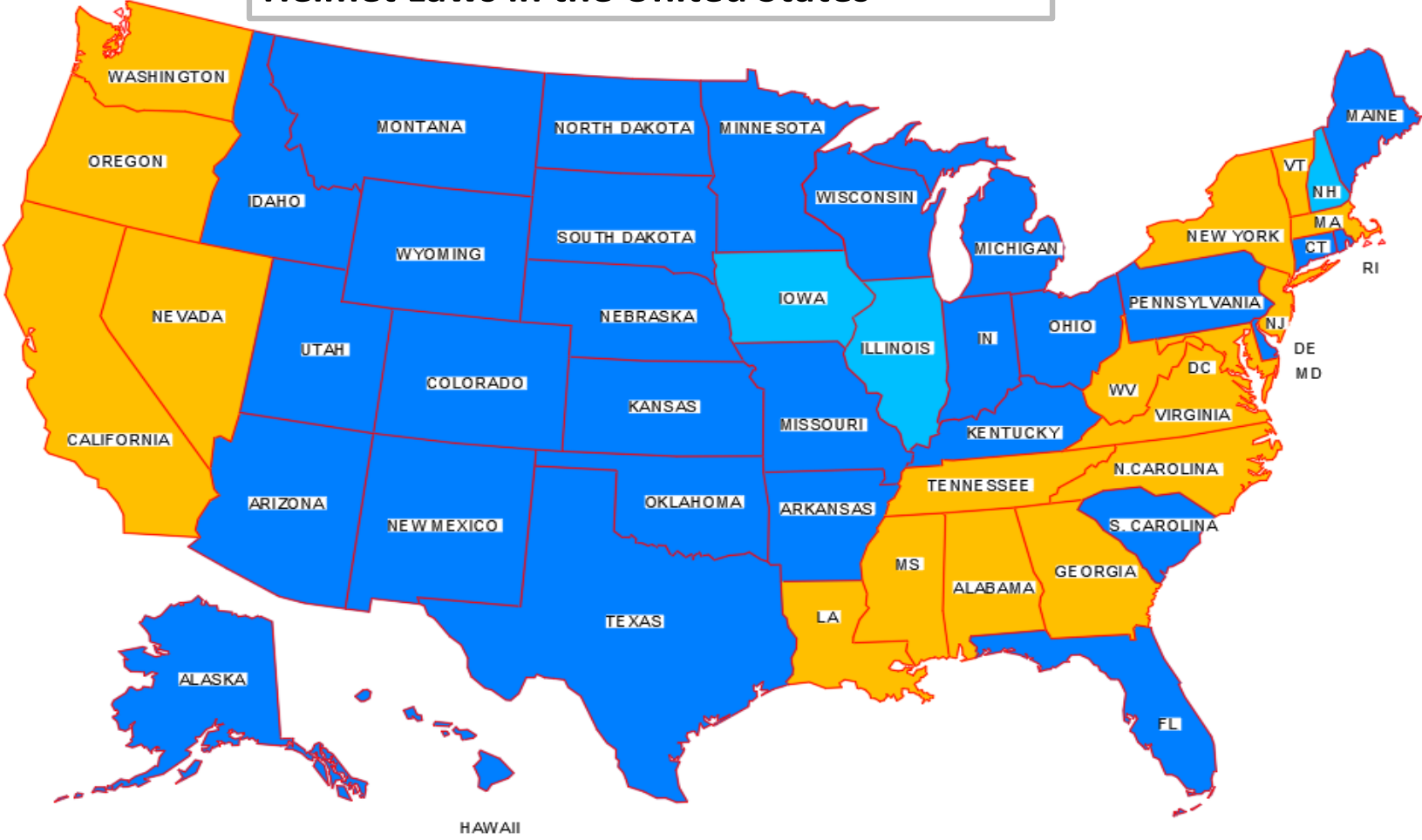
ABATE of Maryland, Inc.

Tel: 410-263-9185 (office)

Email: director@abateofmd.org

Helmet Laws in the United States

| State |
|----------------|
| Alabama |
| Alaska |
| Arizona |
| Arkansas |
| California |
| Colorado |
| Connecticut |
| Delaware |
| District of |
| Florida |
| Georgia |
| Hawaii |
| Idaho |
| Illinois |
| Indiana |
| Iowa |
| Kansas |
| Kentucky |
| Louisiana |
| Maine |
| Maryland |
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| New Hampshire |
| New Jersey |
| New Mexico |
| New York |
| 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)

NEWEST_HB0639_Testimony_Kerzner.pdf

Uploaded by: Mark Kerzner

Position: FAV

I am a Retired U.S. Air Force Veteran, resident of Maryland since 1993, and proud member of ABATE of Maryland, Inc. I urge the committee to consider a FAVORABLE vote in support of HB0639, Protective Headgear Requirement - Exception (In Remembrance of Gary "Pappy" Boward)

33 out of 50 States - 66% of the United States provide the option for adults to wear helmets while riding a motorcycle and I believe it is time for Maryland to join them. Personally, I often ride my motorcycle to Pennsylvania and Delaware to experience the freedom of choosing to wear a helmet or not, depending on the riding conditions at the time. I see plenty of Maryland plates on motorcycles while riding there.

I support HB0639 and believe you should too.

Thank you for your time and service to our State.

Mark S. Kerzner
Centreville, MD 21617

Letter to delegates for freedom of choice HB0639.p

Uploaded by: michelle mclane

Position: FAV

Hello Delegates:

My Name is Shelli McLane. I am a motorcycle rider and I would like to take this opportunity to ask for your favorable support and vote for HB0639. As you all know, Abate of Md, inc. and many of your voting constituents have been continually asking for the ability to have freedom of choice for headgear wear in the operation of motorcycles' as it has been proven over and over again that helmets Do Not prevent accidents or deaths of motorcyclists. Mostly injuries sustained to our bodies is what kills us, all a helmet does (most of the time) is keep a head and face pretty for an open casket funeral. We have been asking for years for the ability to choose for ourselves whether we want to wear the required mandatory helmets. Helmets are a detriment to riders by my way of thinking. I saw a woman with a full faced helmet get drug to her death by getting her helmet caught under a truck after a thoughtless driver rearended the two riders on the road many years ago.

As a Voting rider, I personally would like the opportunity to make the choice of whether I wear a helmet or not. In the summertime, (even year round) when many motorcyclists take to the roads to either go to work, go for a pleasure ride, go to do a ride to support a charity or an individual, it is normally warm to hot temperature wise. Having to wear the helmet adds a burden to a rider. I have personally experienced extreme headaches and neck fatigue caused by the extra added weight on top of my head, which impinges on my ability to operate my motorcycle in a safe manner. I have had what I describe as my brain baked by the hot sun on a hot day while sitting in the endless traffic jams on the feeder roads around the state of Maryland, which leads to excessive heat overload, which again, can impede my ability to operate my motorcycle in a safe manner. I have had cigarettes thoughtlessly tossed out from passenger vehicles' get lodged between my face and my helmet, burning me. I have had to quickly react to dangers posed by drivers of other vehicles with the way they either throw items out of their vehicle windows or unsecured items coming out of their pickup truck, big truck or trailer beds. Helmets impede the ability to see some of the dangers posed by others out there on the roads. They impede our peripheral vision and our hearing and add undue weight.

If anything should be mandated, it should be required for every driver to at least take a simulated motorcycle course in drivers ed so they can be aware of the dangers posed by them out on the roads.

Luckily I live near the Pennsylvania line, so for the past couple of decades plus, from when Pa rescinded their Helmet requirements, since they are a helmet choice state, I will often take off with my friends and loved ones and ride up there and spend my money up there to purchase goods and services such as food, clothing, camping, entertainment, etc... and give them the business rather than support the businesses in the state of Md. due to their freedom of choice when it comes to wearing helmets. I would like the opportunity to support businesses in my state but until this mandate gets removed, I will take my money to where I am treated as a citizen who is listened to concerning my beliefs.

I started riding in the 1980s when there was no helmet mandate, took a break due to having my daughter, and when I finally had the money to purchase another motorcycle in the late 90s and found out the helmet mandate had been reinstated in 1992 which disappointed me greatly.

Pappy Boward, may He Rest in Peace (or as I like to say Ride in Paradise) was also a friend of mine and he, along with many others, fought for years to get this foolish law that was illegally enacted when Governor Shaffer and the Senate and Delegates kowtowed to the federal govt when they pulled the illegal and erroneous bait and switch of stating that federal funds would be withheld from states if the helmet laws weren't reinstated in 1992..... I was proud to stand by his side when we fought together in the 80s and was proud to rejoin him and Abate of Md, inc. in our efforts since when I rejoined the organization after taking a break to raise my daughter.

Abate fought and successfully won the right to freedom of choice in 1979 only to have it rescinded in 1992 and we have been fighting against this mandate ever since. As stated before, I am a voting motorcyclist and I do not support any mandate that curtails my ability to think for myself, assess my needs and create an environment in which I am comfortable and confident in my abilities to operate my motorcycle safely. Yet I do not fault others who choose to wear their helmets. I am not asking for the removal of wearing helmets, I am asking for MY GOD GIVEN RIGHT TO CHOOSE!

I am asking you to repeal this mandate on those grounds. Give me back the ability to author my own life, decisions, and choices. If you would like to discuss this further, I can be reached at 443-740-1901 or by email at shelli30gscout@yahoo.com

Respectfully,

Shellie McLane
A Voting Motorcycle Riding Maryland Citizen
443-740-1901
Shellie30gscout@yahoo.com
1826 Dennings Rd
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Carroll County

HB0639_OPP Testimony_Schwartzbauer MD.pdf

Uploaded by: Gary Schwartzbauer

Position: UNF

**OPPOSITION Testimony of
Gary Schwartzbauer MD PhD
Associate Professor
Medical and Surgical Director of the Neurotrauma Center
Co-Director Neurotrauma Recovery Clinic
Director of Clinical Operations and Performance
Department of Neurosurgery and
Department of Orthopaedics
Program in Trauma
R Adams Cowley Shock Trauma Center
University of Maryland School of Medicine**

House Bill 0639

Feb 15, 2024

**Before the
House Environment & Transportation Committee
Chair Marc A. Korman**

Chair Korman and Respected Delegates:

My name is Gary Schwartzbauer and I am the Director of the Neurotrauma Center at the R Adams Cowley Shock Trauma Center and I am opposed to the passage of House Bill 639.

Patients arrive at Shock Trauma in a large busy area called the Trauma Resuscitation Unit. There the trauma attending on call carries a 2-way radio where you can hear the incoming calls for help from all around the state. It gives me a great sense of pride to hear the attending say "Shock Trauma online," because I know those three words are a lifeline to the patient, and I also know that when I hear the three words "motor cycle crash," that lifeline is even more critical.

As a neurosurgeon I am sometimes called upon to take the skull off a swollen brain of an injured motorcycle rider. This surgery, called a decompressive craniectomy can be life-saving but creates a large defect on the entire side of the head that is disfiguring and leaves the soft brain under the skin unprotected. If they survive, patients need to wear a protective helmet until the bone is put back months later, if ever. So you can wear a helmet now or helmet later. As a critical care intensivist I care for these same patients in the Neurotrauma ICU, deciding on ways to treat their pain, making them comfortable on a ventilator, finding the best way to feed them and to keep their bodies from wasting away and succumbing to overwhelming infections as they often can't care for themselves. Among many such patients, I am haunted by a 10 year old son brought to a

dying patient's bedside asking innocently and repeatedly for his father to wake up, not knowing that moments before, our care team had discussed with the family that the patient would die despite all we could do. He was an illegally unhelmeted motorcycle rider that lost control of his bike.

The foundations of House Bill 639 are predicated on false assumptions as outlined in my written testimony.

The mandatory motorcycle helmet law is not a freedom of choice, it is a matter of sound public policy and all rider motorcycle helmet laws should remain intact. The Maryland Court of Appeals has also previously upheld Maryland's All Rider Helmet Law.

I thank you for your time and consideration.

(STOP ORAL)

House Bill 639 seeks to reverse mandatory helmet use for riders over the age of 21 who have been licensed for over two years and who have completed a motorcycle rider safety course. The provisions in the bill as proposed suggest that:

1. Riders over the age of 21 who have been licensed more than two years are less likely to incur a motorcycle crash, brain or other bodily injury, and that
2. Riders who have taken a motorcycle rider safety course are less likely to crash or to sustain injuries.

The problem with the premise of this bill is that these specifications are not supported by the national nor by the State of Maryland data AND that these assumptions are clearly false.

THE FACTS ARE:

Assumption: Older, more experienced riders are less likely to crash and die. FALSE. The average age of motorcycle fatalities is increasing. In 1975 those 29 or younger composed 80% of motorcycle fatalities and in 2017 only 28%. Forty-three was the average age of a motorcyclist killed in a collision in 2016¹

Assumption: Riders who have taken a safety course are less likely to crash. FALSE. A Cochrane Review in 2010 of 23 research studies including 3 randomized trials could not conclude that motorcycle rider training prevents crashes.²

Assumption: Deaths and costs to the State and Society increase when helmet laws are repealed. TRUE.

- Motorcycle fatalities *increase* by 30% when universal helmet laws are repealed
- When a state repeals its helmet law or opts for less restrictive requirements, helmet use decreases and *motorcycle-related deaths, injuries, and costs increase*

- **Motorcyclists in states without universal helmet laws are more likely to**
 - die during hospitalization
 - sustain severe traumatic brain injury, and
 - be discharged to long-term care facilities
 - have twice as many cervical SPINE injuries as helmeted riders¹⁰
- **Non-helmeted drivers are more likely to be admitted to the hospital and to incur *twice the medical costs* compared to helmeted riders.**
 - *Costs saved* in states with a universal helmet law are, on average, nearly *four times greater* per registered motorcycle than in states without such a law
 - Unhelmeted motorcyclists account for 36% of the total motorcyclists involved in crashes, but account for *70% of the costs*
 - Unhelmeted motorcyclists are twice as likely to suffer cervical spine injuries as helmeted riders¹⁰
- **Therefore there is an *increased burden* of hospitalization and long-term care, adding to overall *health care costs*.**

A study of 105 motorcyclists hospitalized at a major trauma center determined that 63% of their care was paid for by public funds, with Medicaid accounting for over half of all charges.³

Most importantly, the death rate in Maryland dropped by 56% (per 10,000 registered motorcycles) over a 5-year period after enactment of the all-rider law in 1992 (Autopsy Study of Motorcyclist Fatalities, 2002).

- Unhelmeted motorcycle riders are *twice* as likely to suffer traumatic brain injuries from crashes.^{4,5,6,7}
- The median hospital charges for motorcycle riders hospitalized with severe traumatic brain injuries were 13 times higher than the charges for those who did not have a traumatic brain injury.⁵
- Unhelmeted motorcycle riders are less likely to have health insurance and are therefore more likely to have their medical expenses paid by government-funded healthcare.⁸

The *only safety measure* that costs little to initiate and reaches all riders is a *state universal motorcycle helmet law*. It is also the *only measure proven to improve motorcycle safety*.⁵

TRAUMATIC BRAIN INJURY

*Traumatic brain injury is a leading cause of motorcycle crash death.*⁹

- Riders who do not wear helmets are more likely to suffer traumatic brain injuries, and median hospital charges for those with traumatic brain injuries are 13 times higher than for those without such injuries. (Cook 2009)

Even when not fatal, these debilitating head injuries can mean a lifetime of costly rehabilitation and severe emotional trauma for family and friends.

The effectiveness of appropriately designed motorcycle helmets in preventing and mitigating head injury is unequivocal:

- A 1991 report reviewing published studies concluded that motorcycle helmet use has lowered fatality rates, prevented serious head injuries, and reduced the need for ambulance service, hospitalization, neuro-surgical intervention, intensive care, rehabilitation, and long-term care in motorcyclist accidents.
- The 2003 independent Cochrane Review of published studies found that helmets substantially reduced the risk of head injury and fatality in motorcycle crashes, and found *no evidence* of an increased risk of any other types of injury (Liu, 2003).
- A 1996 Department of Transportation (DOT) report noted that riders not wearing helmets are three times more likely to suffer brain injury than those riders wearing helmets.
- The Crash Outcome Data Evaluation System (CODES) study found that un-helmeted motorcyclists are three times more likely to suffer brain injuries than those wearing helmets and that motorcycle helmets are 67% effective in preventing brain injuries (NHTSA, 2005).

The passage of helmet use laws governing all motorcycle riders is the most effective method of increasing helmet use.

HB 639 proposes to exempt riders over the age of 21 with two years' riding and having taken a motorcycle safety course from wearing helmets. *Why should we conduct this experiment on the citizens of the State of Maryland, when it has already been done?* In other states that have enacted repeals of their motorcycle helmet laws or exceptions for certain motorcyclists, there has been an overall increase in fatalities. Texas and Arkansas repealed all rider motorcycle helmet law and observed utilization went from 97% in each state to 66% and 52% respectively. Texas motorcycle operator fatalities rose by 31% and Arkansas motorcycle operator fatality rose by 21% (Preusser, 2000).

Louisiana's all-rider helmet repeal in 1999 caused motorcycle deaths to increase by 100 percent (NHTSA, 2003). Louisiana subsequently **re-enacted** their motorcycle helmet law and found a significant reduction in the incidence and severity of injuries to the head and a 48% decrease in the average cost per accident and the **death rate decreased by 24%**. As in Louisiana, in 24 out of 26 states there was an overall increase in fatalities after repeal of helmeted laws with the conclusion that repealed mandatory helmet laws were followed by a substantial increase in motorcycle operator fatalities. This does not even bring into account the devastating effect of these legislative actions on the increased incidence of traumatic brain injuries and the associated pure medical and societal costs due to inability to work and socialize secondary to traumatic brain injuries (Evans, 1988; Cooper, 1987; Bledsoe, 2005). A recent study commissioned by the Florida Department of Transportation shows that since Florida's repeal in 2000, motorcycle deaths have risen almost 42%.

Freedom of Choice

The opposition will bring up the issue of freedom of choice. We must consider their main arguments. Is the motorcyclist only hurting him/herself when s/he does not wear a helmet and is this a violation of personal choice/human rights... or of the constitution? The answer to these questions were handed down by The Supreme Court of the United States of America in *Simon vs. Sargent* 396 F. Supp. 277.279 409 US 1020 (1972) stating that *the individual was hurting citizens around him and that the helmet legislation was not a violation of the motorcyclists' constitutional rights*. The mandatory motorcycle helmet law is not a freedom of choice, it is a matter of sound public policy and all rider motorcycle helmet laws should remain intact. The Maryland Court of Appeals also upheld Maryland's All Rider Helmet Law.

Thank you.

Respectfully Submitted,

Gary T Schwartzbauer, MD PhD

With significant input from

Maureen McCunn, MD MIPP, FCCM

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Uploaded by: Janet Bahouth

Position: UNF



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Suite A
Columbia, Maryland 21046
410 733 7794 
www.impactresearchinc.com 

UNF, In Opposition, to

**House Bill 0639 Maryland General Assembly
February 15, 2024**

**Statement of Janet Bahouth, D.Sc.
Injury Biomechanics and Transportation Safety Engineering, Impact Research**

My name is Dr. Janet Bahouth. I am a co-owner of Impact Research – a transportation safety research and engineering firm in Columbia, Maryland. Impact Research is crash data analysis and transportation safety research that informs decisions about motor vehicle safety, roadway and traffic safety, and occupant protection. I hold a Doctor of Science degree in Transportation Safety Engineering and I am clinically trained in injury biomechanics.

As background, please refer to 2021 Maryland Statutes Transportation Title 8 – Highways Subtitle 10 - Vision Zero Section 8-1003 designating Maryland as a “Vision Zero” state where a program must exist to plan and develop a state highway roadway system that has zero vehicle-related deaths and serious injuries by 2030. Repealing Maryland’s helmet law would be inconsistent with the state’s Vision Zero mandate.

In the U.S., motorcycle traffic fatalities continue to be overrepresented, accounting for 14 percent of all traffic-related fatalities, while representing only 3 percent of the entire registered motor vehicle fleet. Based on this data, and other state’s experience, repealing this law that saves lives would cause unintended consequence of harm.

With the Maryland Department of Transportation’s Highway Safety Office and the Maryland State Police Motor Unit, I’ve directed research of Maryland motorcycle crashes that were fatal or caused serious injury to the rider. This was a comprehensive look at the circumstances from pre-crash, during the crash itself, and post-crash. The goal of the research aligns with ABATE’s principal that risks can be mitigated through rider and driver education. Our goal was 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 so that the outcome of these crashes could be different. As A.B.A.T.E’s principal states, and as our team of experts proved, Maryland riders would certainly benefit from this kind of education. Understanding these concepts could protect a rider, but none of them mean anything without the proper gear, including a helmet. We can all agree that when a crash occurs, knowledge isn’t going to protect anything.

A typical crash lasts 350 milliseconds. That’s 1/3 of a second and is faster than the blink of an eye. The forces sustained during only a fraction of a second either ends a life, drastically changes it, or isn’t enough to compromise the body due to safeguards – like seat belts, airbags, or helmets.

These safe guards actually limit the force that is inflicted on a body. The more force absorbed by the safeguard, the better your chances of walking away. That's the physics we can't ignore.

I agree with some principals held by the supporters of this bill. I can understand the love of riding – the sense of freedom, relishing the fresh air, and the associated cool factor. But ask any rider, and if they're being honest, they'll tell you it's not a matter of IF they crash, but WHEN. The supporters of this bill have implied that no one but the rider gets hurt. But in truth, it's the taxpayers' economy and societal costs that are hurt when we foot the 12 million dollar bill for each death on our roads.

In conclusion, by changing the all-rider helmet law, you are knowingly facilitating a rise in deaths and are in contradiction with Maryland's Vision Zero law (2021 Maryland Statutes Transportation Title 8 – Highways Subtitle 10 - Vision Zero Section 8-1003). I urge you to oppose HB0639.

Thank you for the opportunity to share my perspective.

Kind Regards,

A handwritten signature in black ink that reads "Janet Bahouth". The signature is written in a cursive, flowing style.

Dr. Janet Bahouth

3a - HB 0639 - ENT - PHPA - Opp.pdf

Uploaded by: Jason Caplan

Position: UNF



Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

February 15, 2024

The Honorable Marc Korman
Chair, Environment and Transportation Committee
Room 251, House Office Building
Annapolis, MD 21401-1991

RE: House Bill 639 - Vehicle Laws-Protective Headgear Requirement-Exception (In Remembrance of Gary “Pappy” Boward) – Oppose

Dear Chair Korman and Committee members:

The Maryland Department of Health (the Department) respectfully opposes House Bill (HB) 639 - “Vehicle Laws- Protective Headgear Requirement- Exception (In Remembrance of Gary “Pappy” Boward)”. HB 639 would exempt an individual from wearing protective headgear when operating a motorcycle if the individual is at least 21 years old and (1) 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 exempt under (1) or (2).

The National Highway Traffic Safety Administration (NHTSA) estimates that protective headgear such as helmets saved the lives of 1,872 motorcyclists in 2017.¹ In Maryland alone, helmets saved an estimated 43 lives in 2017.¹ According to NHTSA’s National Center for Statistics and Analysis, protective headgear is approximately 37% effective in preventing fatalities to motorcyclists.² Furthermore, motorcycle helmet use can reduce the risk of traumatic brain injury (TBI) up to 69%.³

A universal helmet law is by far the most effective method for preventing motorcyclist injuries and fatalities.⁴ According to the Centers for Disease Control and Prevention (CDC), “On average states with universal helmet laws save eight times more lives per 100,000 motorcycle registrations each year compared to states without a helmet law and save three times more lives per 100,000 motorcycle registrations each year compared to states with a partial helmet law,”⁵ requiring only specific groups to wear helmets. In 2020, NHTSA reported that there were 5.2 times as many motorcyclist fatalities in states without a universal helmet law compared to states with universal helmet laws.⁶

In addition to the human toll taken in deaths and injuries, motorcycle crashes carry a sizable financial cost to society. The CDC reported that in 2020, national medical costs from motorcycle-related fatalities totaled \$81 million, while medical costs from nonfatal injuries totaled \$6.44 billion.⁷ According to CDC, motorcycle fatalities cost Maryland \$106 million in 2018 (14% of the total cost for all motor vehicle crashes).⁸

Maryland's universal motorcycle helmet law is an effective public health strategy aimed at significantly reducing motorcycle-related injuries and fatalities. Rolling back the law with exemptions will result in increased serious injuries and deaths along with increased economic costs.

If you would like to discuss this further, please do not hesitate to contact Sarah Case-Herron, Director of Governmental Affairs at sarah.case-herron@maryland.gov.

Sincerely,



Laura Herrera Scott, M.D., M.P.H.
Secretary

¹ National Center for Statistics and Analysis. (2019). Lives saved in 2017 by restraint use and minimum-drinking-age laws (Traffic Safety Facts Crash*Stats. Report No. DOT HS 812 683). Washington, DC: National Highway Traffic Safety Administration. <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812683>

² National Center for Statistics and Analysis. (2019). Lives and costs saved by motorcycle helmets, 2017. Traffic Safety Facts Crash*Stats (Report No. DOT HS 812 867). Washington, DC: National Highway Traffic Safety Administration. <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812867>

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⁵ Governor Highway Safety Association. (2018). *Motorcyclist Traffic fatalities by state: 2017 preliminary data*. Washington, DC: Governors Highway Safety Association

⁶ National Center for Statistics and Analysis. (May, 2022). *Motorcycles: 2020 data* (Traffic Safety Facts. Report No. DOT HS 813 306). National Highway Traffic Safety Administration.

⁷ Centers for Disease Control and Prevention, National Centers for Injury Prevention and Control. Web-based Injury Statistics Query and Reporting System (WISQARS) [online]. (2005) {cited 2023 Feb 21}. Available from: www.cdc.gov/injury/wisqars

⁸ Centers for Disease Control and Prevention. (2020). *Motor Vehicle Crash Deaths: Costly But Preventable*. Maryland. https://www.cdc.gov/transportationsafety/pdf/statecosts/2020/CDC-Cost-of-Crash-Deaths-Fact-Sheets_Maryland.pdf

HB 639 - Vehicle Laws - Protective Headgear Req -

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Position: UNF



**2024 SESSION
HOUSE BILL 639**

Vehicle Laws – Protective Headgear Requirement for Motorcycle Riders – Exception (In Remembrance of Gary “Pappy” Broward)

WRITTEN TESTIMONY BEFORE THE

HOUSE ENVIRONMENT AND TRANSPORTATION COMMITTEE

Matthew McConaughy, MPH, Health Officer, Wicomico County Health Department

For the Maryland Association of County Health Officers (MACHO)

Position: Oppose – February 15, 2024

The Maryland Association of County Health Officers (MACHO) **strongly oppose HB 639**. 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 when maintaining the status quo is best for Maryland.*

Public health policies are steeped in science and data. 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, prevent injury, and save money. This is not true for partial laws. Nationally, riders 30 years and older account for over 70% of all motorcycle fatalities. More riders over the age 50 died in 2019 than riders under the age of 30. <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813112>

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

Helmets are an effective, low cost and non-intrusive way to prevent death and catastrophic injuries that affect many in our communities. When a non-helmeted motorcycle rider crashes and is injured, many are impacted and traumatized – not just the individual. This includes the families who now must care for their

*HB 639
House E&T
MACHO O/T
R. Wack
Page 2*

loved one or say goodbye, the EMT's who arrive on the scene, the nurses and doctors who treat and rehabilitate the patient; the employer who lost a good worker, the insurer who is paying the bills, and society who has lost a valuable member.

Maryland has a long history of supporting public health and public safety. This is accomplished by data driven decision making, backed by science, facts, and subject matter experts. Some of the greatest improvements in health and life expectancy over the last 100+ years are due to the very measures enacted on behalf of public health.

Maryland has many public health laws and regulations to ensure safety while pursuing activities that are potential dangerous and life threatening. These include seatbelt laws, life vest laws, hunter wearing orange/pink laws, car seat laws, cell phone laws, and speeding laws. *These laws are safety provisions that do not restrict the ability of an individual to participate in the desired activity.* Now is not the time to change what is working for our communities.

MACHO opposes HB 639. 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.

HB639 APCIA Opposes Motorcycle Helmet 021524 .pd

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Position: UNF

Testimony of

American Property Casualty Insurance Association (APCIA)

House Judiciary Committee

House Bill 639 - Vehicle Laws - Protective Headgear Requirement - Exception (In Remembrance of Gary "Pappy" Boward)

February 15, 2024

Letter of Opposition

The American Property Casualty Insurance Association (APCIA) is a national trade organization whose members write approximately 67.1% of the U.S. property-casualty insurance market. The bill would provide an exception for drivers over the age of 21 years of age who has been licensed to operate a motorcycle for at least 2 years or has completed certain motorcycle safety courses not to wear a helmet nor their passenger. APCIA appreciates the opportunity to provide written comments in opposition to House Bill 639.

Compared with cars, motorcycles are an especially dangerous form of travel. The National Highway Traffic Safety Administration (NHTSA) estimated in 2015 that, per mile traveled, the number of deaths on motorcycles was more than 29 times higher than deaths in cars. Motorcycles are capable of very rapid acceleration and high-top speeds. They are less stable than cars in emergency braking and less visible to other motorists. Motorcyclists do not have the protection of a vehicle structure around them, leaving riders vulnerable to contact with hard road surfaces, other vehicles, and fixed objects such as trees. This is why wearing a helmet, as well as other protective clothing, is so important.

Helmets are proven to decrease the severity of head injuries, the likelihood of death and the cost of medical care. Helmets are highly effective in preventing brain injuries, which often require extensive treatment and may result in lifelong disability. NHTSA estimates that in the event of a crash, un-helmeted motorcyclists are 3 times more likely than helmeted riders to suffer traumatic brain injuries, and that motorcycle helmets reduce the likelihood of a crash fatality by 37 percent.¹ Norvell and Cummings found a 39 percent reduction in the risk of death after adjusting for the effects of rider age, gender, and seat position². A literature review estimated that helmets reduce the risk of death in a crash by 42 percent and the risk of head injuries by 69 percent.³

Helmet Laws Change Behaviors

In 2016, 94 percent of motorcyclists observed in states with universal helmet laws were wearing helmets. In states without such laws, helmet use was 57 percent⁴. Use of helmets judged to be compliant with federal safety regulations was 80 percent among motorcyclists in states with universal helmet laws and 54 percent in states without such laws.

In a national telephone survey of motorcyclists, 22 percent of those who said they believe helmets keep riders safer reported not always wearing helmets while riding⁵. However, only 6 percent of motorcyclists in states with

¹ Insurance Institute of Highway Safety, <https://www.iihs.org/topics/motorcycles#cite-text-1-1>

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

universal laws reported not always wearing helmets, suggesting that education alone would not be as beneficial in increasing helmet use as a universal helmet law.

The Public Supports Helmet Laws

According to a 2000 national telephone survey, 81 percent of respondents reported that they favored mandatory helmet use laws for motorcyclists. Support was more prevalent among females (88 percent) than males (72 percent) and among non-motorcyclists (83 percent) than those who drove motorcycles (51 percent). Support was higher in states requiring all riders to wear helmets (84 percent) compared with states with lesser requirements (75 percent) or no requirements (79 percent).⁶

In an Institute survey of motorcyclists conducted in 2009, 45 percent said they favor universal helmet laws.⁷ Those who favor universal laws were more likely to report that they believe helmets keep riders safer than those who do not favor universal helmet laws (87 percent vs. 65 percent). Among motorcyclists who reported not always wearing helmets while riding, 57 percent said that a helmet law would encourage full-time helmet use.

Helmet Laws Reduce Deaths, Injuries and Medical Costs

In states that either reinstated or enacted universal motorcycle helmet laws, deaths and injuries of motorcyclists decreased. In states that repealed or weakened their universal helmet laws, deaths and injuries typically rose.⁸

Un-helmeted riders have higher health care costs as a result of their crash injuries, and many lack health insurance. 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 Studies that looked at who pays for injured riders' medical care found that just over half of injured riders have private health insurance coverage. For those without private insurance, most of the medical costs are paid by the government. A more recent study confirmed the earlier findings that un-helmeted riders had much higher hospital charges than helmeted ones.¹⁰

For these reasons, APCIA urges the Committee to provide an unfavorable report on House Bill 639.

Nancy J. Egan,

State Government Relations Counsel, DC, DE, MD, VA, WV

Nancy.egan@APCIA.org Cell: 443-841-4174

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

MD SB 503 HB 639 Oppose MC Statement 2024.pdf

Uploaded by: Omar Masood

Position: UNF



ADVOCATES
FOR HIGHWAY
& AUTO SAFETY



Statement of Omar Masood, Director of State Government Relations, Advocates for Highway and Auto Safety;

**Lisa Tenney, BSN, RN, CEN, CPHRM, FAEN, Chair, Government Affairs, Maryland State Council
Emergency Nurses Association;**

**Dan Petterson, Ed. D., President, Skilled Motorcyclist Association - Responsible, Trained and Educated
Riders, Inc. (SMARTER)**

**UNFAVORABLE: In Opposition to Senate Bill 503/ House Bill 639
House Environment and Transportation Committee
Maryland General Assembly
February 15, 2024**

Advocates for Highway and Auto Safety (Advocates) is an alliance of consumer, safety, medical, public health and law enforcement groups and insurance companies working together to pass highway and auto safety laws that prevent crashes, save lives, reduce injuries, and contain costs. The Emergency Nurses Association (ENA) is the premier professional nursing association dedicated to defining the future of emergency nursing through advocacy, education, research, innovation, and leadership. The Skilled Motorcyclist Association - Responsible, Trained and Educated Riders, Inc. (SMARTER) is a non-profit association of riders who support all-rider helmet laws. Our organizations thank you for the opportunity to provide testimony jointly in opposition to Senate Bill (SB) 503/ House Bill (HB) 639, 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 nearly 32 years. To repeal the all-rider motorcycle helmet law would be a deadly and costly mistake.

Motor Vehicle Crash Fatalities are Exceedingly High, Including Riders of Motorcycles, the Most Hazardous Form of Motor Vehicle Transportation.ⁱ

In 2021, 5,932 motorcyclists were killed in the U.S., the highest number of fatalities on record.ⁱⁱ Early estimates for 2022 indicate "total projected motorcyclist fatalities increased by 5 percent."ⁱⁱⁱ Motorcycle riders are nearly 28 times more likely to die in a crash than passenger vehicle occupants.^{iv} Data show that dangerous driving behaviors, including speeding, alcohol-impairment and driver distraction, continue to contribute to deadly outcomes, especially for vulnerable road users (VRU), including motorcycle riders, who lack the protective structure of a passenger vehicle.

Traffic safety is a serious issue that requires improvement rather than the dismantling of the state's all-rider motorcycle helmet law, a proven traffic safety countermeasure. Over the five-year period of 2018 to 2022, an average of 73 fatal crashes and 935 injury crashes involving a motorcycle occurred each year in Maryland. On Maryland roadways, 75 motorcyclists lost their lives in 2022 while crash impacts on motorcycle riders exceeded the five-year average in both fatalities and injuries.^v Overall traffic fatalities in the state rose 10 percent between 2012-2021.^{vi}

Motorcycle Helmet Use, Bolstered by All-Rider Laws, is a Proven Lifesaver.

Motorcycle helmets are proven lifesavers and injury preventers. According to a report by the U.S. Government Accountability Office (GAO), laws requiring all motorcyclists to wear helmets are the only strategy proven to be effective in reducing motorcyclist fatalities.^{vii} After Maryland enacted its all-rider motorcycle helmet law in 1992, the motorcyclist death rate (per 10,000 registered motorcycles) from crashes dropped 56 percent over a five-year period.^{viii}

State laws requiring all riders to wear helmets are extremely effective in achieving helmet use. Data released from NHTSA show that in states with all-rider helmet laws, use of helmets compliant with federal standards is 86 percent, compared to just 53 percent in states without such a law.^{ix} According to NHTSA, in 2021, there were 9.6 times as many unhelmeted fatalities (2,038 fatalities) in states without a universal helmet law compared to states with a universal helmet law (213 fatalities).^x These states were similar with respect to total resident populations.^{xi} The data

are clear – Maryland’s all-rider helmet requirement is working to ensure motorcycle helmet use and the safety of motorcycle riders.

Motor Vehicle Crashes, Especially Involving Motorcycles, are Costly to All Marylanders. Helmet Use Reduces Preventable Expenditures.

Traffic crashes impose a physical, emotional, and financial toll on Maryland families. In 2019, the cost of crashes in Maryland surpassed \$5.9 billion – essentially resulting in a “crash tax” on each Marylander of \$977.^{xii}

Annually, motorcycle crashes cost nearly \$17 billion in economic impacts and \$107 billion in societal harm as measured by comprehensive costs based on 2019 data.^{xiii} Serious injuries and fatalities accounted for 83 percent of total comprehensive costs of motorcycle crashes, compared to 60 percent of the total comprehensive costs of all motor vehicle crashes.^{xiv} 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, costs for lifetime care for a traumatic brain injury can easily amount to millions of dollars.

Conversely, in 2019, motorcycle helmets prevented \$21.2 billion in societal harm costs, but another \$9.4 billion could have been prevented if all motorcycle riders had worn helmets.^{xv} 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 SB 503/HB 639 to ostensibly alleviate the risks posed by riders and their passengers riding without a helmet, specifying the exception is for those age 21 and older, mandating two years riding experience and passing a safety course, fail to 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.

Motorcycle Helmet Law Repeals Have Resulted in Increased Deaths, Injuries and Associated Costs.

Experience and data have proven that states which 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. In Michigan, which repealed its all-rider law in 2012, there would have been 26 fewer motorcycle crash deaths (a 21 percent reduction) if the helmet mandate was still in place that year, according to the University of Michigan Transportation Research Institute.^{xvi} Time has only exacerbated the problem as motorcycle deaths were 60 percent higher in 2021 compared to 2011.^{xvii xviii} Missouri experienced similar results after repealing its all-rider helmet law. Helmetless motorcycle deaths increased a staggering 567 percent from 2019, the last year the all-rider law was in effect, to 2021, the first full year without the law.^{xix}

Furthermore, “minors only” helmet laws, such as SB 503/HB 639 seeks to enact, are ineffective, unenforceable, and unpopular. According to the American Academy of Pediatrics, in states with weak youth-specific helmet laws, use decreased, and youth mortality 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.^{xx} After Florida repealed its all-rider helmet law in 2000, the fatality rate (per 10,000 registered motorcycles) jumped 21 percent. Deaths of riders under the age of 21 who were not helmeted increased 188 percent, even though the law still applied to them.^{xxi} 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. It is also impossible to determine training or length of experience operating a motorcycle in such circumstances.

The Public is Concerned about Roadway Safety and Supports All-Rider Helmet Laws.

A public opinion poll commissioned by Advocates found that overwhelming majorities of respondents were “extremely” or “very” concerned about dangerous driving behaviors and scenarios.^{xxii} Two-thirds of poll respondents indicated that they do not think enough is being done to reduce dangerous behavior on our roadways.^{xxiii} Further, the American public understands the need for all-rider helmet laws and overwhelmingly supports them as demonstrated by the 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.^{xxiv} Removing basic safety protections, including Maryland’s all-rider helmet law, runs contrary to public opinion.

If SB 503/HB 639 is passed, it will result in more deaths, injuries, and an increased financial burden on Maryland's emergency services and hospitals and ultimately, every Maryland taxpayer. **Advocates, ENA Maryland State Council, and SMARTER urge you to oppose SB 503/HB 639.** Thank you.

- ⁱ The Economic and Societal Impact of Motor Vehicle Crashes, 2019 (Revised), NHTSA, Feb. 2023, DOT HS 813 403, available at <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813403>.
- ⁱⁱ Traffic Safety Facts: 2021 Data, Motorcycles, NHTSA, Jun. 2023 (Revised), DOT HS 813 466, available at <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813466>.
- ⁱⁱⁱ National Center for Statistics and Analysis. (2022, December). Early estimates of motor vehicle traffic fatalities and fatality rate by sub-categories through June 2022 (Crash•Stats Brief Statistical Summary. Report No. DOT HS 813 405). National Highway Traffic Safety Administration.
- ^{iv} Traffic Safety Facts. 2020 Data: Motorcycles, NHTSA, May 2022, DOT HS 813 306.
- ^v Crash Summary Report – Motorcycle Involved (2022), Maryland Department of Transportation available at: <https://zerodeathsmd.gov/resources/crashdata/>.
- ^{vi} *Ibid.*
- ^{vii} Motorcycle Safety: Increasing Federal Funding Flexibility and Identifying Research Priorities Would Help Support States' Safety Efforts, U.S. Government Accountability Office (GAO), November 2012, available at: <https://www.gao.gov/products/gao-13-42>
- ^{viii} 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.
- ^{ix} Traffic Safety Facts Research Note, Motorcycle Helmet Use in 2021 – Overall Results, National Highway Traffic Safety Administration (NHTSA), March 2022, DOT HS 813 270, available at: <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813270>
- ^x Traffic Safety Facts 2021 Data: Motorcycles, National Highway Traffic Safety Administration NHTSA, June 2023, DOT HS 813 466, available at: <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813466>; 2020 Population and Housing State Data, US Census Bureau, August 2021, available at <https://www.census.gov/library/visualizations/interactive/2020-population-and-housing-state-data.html>
- ^{xi} Traffic Safety Facts. 2020 Data: Motorcycles, National Highway Traffic Safety Administration (NHTSA), May 2022, DOT HS 813 306, available at <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813306>; 2020 Population and Housing State Data, US Census Bureau, available at <https://www.census.gov/library/visualizations/interactive/2020-population-and-housing-state-data.html>
- ^{xii} The Economic and Societal Impact of Motor Vehicle Crashes, 2019 (revised), The National Highway Traffic Safety Administration (NHTSA), February 2023, DOT HS 813 403, available at: <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813403>^{xiii} The Economic and Societal Impact of Motor Vehicle Crashes, 2019 (Revised), National Highway Traffic Safety Administration (NHTSA), February 2023, DOT HS 813 403, available at: <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813403>
- ^{xiv} The Economic and Societal Impact of Motor Vehicle Crashes, 2019 (Revised), National Highway Traffic Safety Administration (NHTSA), February 2023, DOT HS 813 403, available at: <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813403>
- ^{xv} The Economic and Societal Impact of Motor Vehicle Crashes, 2019 (Revised), National Highway Traffic Safety Administration (NHTSA), February 2023, DOT HS 813 403, available at: <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813403>
- ^{xvi} Analysis of Motorcycle Crashes: Comparison of 2012 to Previous Years, 18th Michigan Traffic Safety Summit, 2013.
- ^{xvii} NHSTA State Traffic Safety Information for Michigan, accessible at <https://cdan.dot.gov/stsi.htm>.
- ^{xviii} "Michigan traffic deaths fall 5 percent in 2011". *New Haven Register*. (2012, April 20), available at: <https://www.nhregister.com/news/article/Michigan-traffic-deaths-fall-5-percent-in-2011-11520391.php>
- ^{xix} State Traffic Safety Information for Missouri (2021), NHTSA, available at <https://cdan.dot.gov/stsi.htm>.
- ^{xx} Youth Motorcycle-Related Brain Injury by State Helmet Law Type: United States 2005-2007, Pediatrics, Vol. 126, No. 6, 2010.
- ^{xxi} Traffic Safety Facts: Motorcycle Helmet Use Laws, National Highway Traffic Safety Administration (NHTSA), January 2008, DOT HS 810 887W, available at: <https://www.nhtsa.gov/sites/nhtsa.gov/files/810887.pdf>
- ^{xxii} Public Concern About Roadway Safety, ENGINE's CARAVAN Survey, January 2022, available at: <https://saferoads.org/wp-content/uploads/2022/01/Advocates-January-2022-Poll-Report-Final.pdf#page=4>
- ^{xxiii} Public Concern About Roadway Safety, ENGINE's CARAVAN Survey, January 2022, available at: <https://saferoads.org/wp-content/uploads/2022/01/Advocates-January-2022-Poll-Report-Final.pdf#page=4>
- ^{xxiv} 2017 Traffic Safety Culture Index, AAA Foundation for Traffic Safety, March 2018, available at: <https://aaaafoundation.org/wp-content/uploads/2018/03/TSCI-2017-Report.pdf>

HB0639_UNF_MedChi_Veh. Laws - Protective Headgear

Uploaded by: Pam Kasemeyer

Position: UNF

MedChi

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TO: The Honorable Marc Korman, Chair
Members, House Environment and Transportation Committee
The Honorable William J. Wivell

FROM: Pamela Metz Kasemeyer
J. Steven Wise
Danna L. Kauffman
Andrew G. Vetter
Christine K. Krone
410-244-7000

DATE: February 15, 2024

RE: **OPPOSE** – House Bill 639 – *Vehicle Laws – Protective Headgear Requirement – Exception (In Remembrance of Gary “Pappy” Boward)*

The Maryland State Medical Society (MedChi), the largest physician organization in Maryland, **opposes** House Bill 639.

House Bill 639 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. House Bill 639 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.

HB0639 - MVA - Protective Headgear Requirement_LOO

Uploaded by: Patricia Westervelt

Position: UNF

February 15, 2024

The Honorable Marc Korman
Chair, House Environment and Transportation Committee
251 House Office Building
Annapolis MD 21401

RE: Letter of Opposition – House Bill 639 – Vehicle Laws - Protective Headgear Requirement - Exception (In Remembrance of Gary "Pappy" Boward)

Dear Chair Korman and Committee Members:

The Maryland Department of Transportation (MDOT) respectfully opposes House Bill 639 and offers the following information for the Committee's consideration.

House Bill 639 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 Motor Vehicle Administration (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 1,150 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 2021, 96% of motorcyclists observed in states with universal helmet laws were wearing helmets. In states without such laws, helmet use was 57%. Use of helmets judged to be compliant with federal safety regulations was 86% among motorcyclists in states with universal helmet laws and 53% in states without such laws.

The Honorable Marc Korman
Page Two

Currently, 17 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands 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 House Bill 639, 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.

The Maryland 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. House Bill 639 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.

For these reasons, the Maryland Department of Transportation respectfully requests an unfavorable vote on House Bill 639.

Respectfully submitted,

Christine E. Nizer
Administrator
Maryland Motor Vehicle Administration
410-787-7830

Pilar Helm
Director of Government Affairs
Maryland Department of Transportation
410-865-1090

HB 639- AAA Testimony in Opposition -Motorcycle He

Uploaded by: Ragina Ali

Position: UNF



AAA Mid-Atlantic's Testimony in OPPOSITION to HB 639

Vehicle Laws – Vehicle Laws - Protective Headgear Requirement for Motorcycle Rides - Exception (In Remembrance of Gary "Pappy" Boward)

Sponsors: Delegate Wivell et al

- AAA Mid-Atlantic **opposes** [HB 639](#), 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 under certain circumstances.
- Motorcycle safety is trending in the wrong direction. As disheartening as the nationwide fatality trends are, the numbers for motorcyclists are even worse. In 2021, according to the National Highway Traffic Safety Administration (NHTSA), more than 6,000 motorcyclists were killed across the country – the most since the federal government started keeping records in 1975. That's a 9% jump from the prior record in 2020.
- There are multiple reasons for this increase in fatalities, including drunk driving and speeding, but a decrease in helmet usage among motorcyclists contributed as well. After reaching a peak of 71% in 2018, the percentage of riders using helmets declined to 69% in 2020 and 65% in 2021, according to a NHTSA observational survey.
- According to the Maryland Institute for Emergency Medical Services Systems (MIEMSS), Maryland's trauma centers treated 904 patients involved in motorcycle crashes during fiscal 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 percent were not wearing a helmet.
- According to a [report on Motorcycle Crashes and Helmet Use](#), in 2021, there were 1,343 motorcycle crashes in Maryland, resulting in the deaths of 76 motorcyclists (*driver-specific*). Of those killed, 15 or nearly 20% were not wearing helmets. (*Source: University of Maryland School of Medicine, National Study Center for Trauma and Emergency Services*)
- 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.
- Helmets are effective: According to the Insurance Institute for Highway Safety, motorcycle helmets reduce the risk of death by 37-42%, and motorcyclists not wearing helmets are three times more likely than helmeted riders to suffer traumatic brain injuries.
- 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 **HB 639** and respectfully urge the Committee to render an **unfavorable** report.

Contacts:

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Public and Government Affairs Manager
443.465.5020*

*Sherrie Sims, GS Proctor & Associates
Senior State Associate
410.733.7171*

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Uploaded by: State of Maryland (MD)

Position: UNF



**2024 SESSION
HOUSE BILL 639**

Vehicle Laws – Protective Headgear Requirement for Motorcycle Riders – Exception (In Remembrance of Gary “Pappy” Broward)

**WRITTEN TESTIMONY BEFORE THE
HOUSE ENVIRONMENT AND TRANSPORTATION COMMITTEE
Matthew McConaughy, MPH, Health Officer, Wicomico County Health Department
For the Maryland Association of County Health Officers (MACHO)
*Position: Oppose – February 15, 2024***

The Maryland Association of County Health Officers (MACHO) **strongly oppose HB 639**. 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 when maintaining the status quo is best for Maryland.*

Public health policies are steeped in science and data. 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, prevent injury, and save money. This is not true for partial laws. Nationally, riders 30 years and older account for over 70% of all motorcycle fatalities. More riders over the age 50 died in 2019 than riders under the age of 30. <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813112>

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

Helmets are an effective, low cost and non-intrusive way to prevent death and catastrophic injuries that affect many in our communities. When a non-helmeted motorcycle rider crashes and is injured, many are impacted and traumatized – not just the individual. This includes the families who now must care for their

*HB 639
House E&T
MACHO O/T
R. Wack
Page 2*

loved one or say goodbye, the EMT's who arrive on the scene, the nurses and doctors who treat and rehabilitate the patient; the employer who lost a good worker, the insurer who is paying the bills, and society who has lost a valuable member.

Maryland has a long history of supporting public health and public safety. This is accomplished by data driven decision making, backed by science, facts, and subject matter experts. Some of the greatest improvements in health and life expectancy over the last 100+ years are due to the very measures enacted on behalf of public health.

Maryland has many public health laws and regulations to ensure safety while pursuing activities that are potential dangerous and life threatening. These include seatbelt laws, life vest laws, hunter wearing orange/pink laws, car seat laws, cell phone laws, and speeding laws. ***These laws are safety provisions that do not restrict the ability of an individual to participate in the desired activity.*** Now is not the time to change what is working for our communities.

MACHO opposes HB 639. 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.*

2024-02-15- MD - Motorcycle helmet repeal - HB 639

Uploaded by: Nicholas Worrell

Position: INFO



Testimony of

Nicholas Worrell
Director, Safety Advocacy
National Transportation Safety Board

Before the

House Environment and Transportation Committee
Maryland General Assembly

— On —

House Bill 639

Vehicle Laws – Protective Headgear Requirement – Exception

Annapolis, MD • February 15, 2024



An Independent Federal Agency

Good afternoon Chair Korman, Vice Chair Boyce and Members of the Committee. Thank you for the opportunity to for the National Transportation Safety Board (NTSB) to testify before you today.

The NTSB is an independent federal agency charged by Congress with investigating aviation, marine, and rail accidents, commercial space launch and re-entry mishaps, highway crashes, and hazardous materials releases, in pipelines and elsewhere in transportation.

We determine their probable causes and issue safety recommendations to prevent them from happening again. We also conduct safety research.

The NTSB has no power to regulate or legislate, and we rely on the persuasive power of our comprehensive investigations and research to encourage the recipients of our recommendations to act to improve safety. We have 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 HB 639, as it would allow most 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 and makes it clear now is not the time to change the current law. In 2021, the number of motorcyclists killed in crashes increased by 8 percent from 2020.¹ Although motorcycles represent only 3.5 percent of the registered vehicles on our roads, motorcyclists account for 14 percent of all highway deaths. In Maryland, 81 motorcyclists lost their lives in 2023, which was over 13% of all crash-related fatalities.²

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.³ 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.”⁴ 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 2021, 86.1 percent of motorcyclists observed in states with universal helmet laws were wearing DOT-compliant helmets. In states without such laws, helmet use was just 53.4 percent.⁵ NHTSA estimates that helmets saved an estimated 1,872

¹ National Highway Traffic Safety Administration, National Center for Statistics and Analysis. June 2023. *Motorcycles: 2021 Data*. Traffic Safety Facts. Report No. DOT HS-813-466. Washington, DC: NHTSA.

² Zero Deaths Maryland, Fatal Crash Dashboard: https://zerodeathsmd.gov/resources/crashdata/crashdashboard/?utm_medium=print&utm_source=asset&utm_campaign=data%20dashboard&utm_content=banner

³ Deutermann W. 2004. *Motorcycle Helmet Effectiveness Revisited*. Report No. DOT HS-809-715. Washington, DC: National Highway Traffic Safety Administration.

⁴ 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.

⁵ National Highway Traffic Safety Administration, National Center for Statistics and Analysis. March 2022. *Motorcycle Helmet Use in 2021—Overall Results*. Traffic Safety Facts. Report No. DOT HS 813 270. Washington, DC: NHTSA.

motorcyclists' lives in 2017, and an additional 749 lives could have been saved if all motorcyclists wore helmets.⁶ In states without universal helmet laws, 57 percent of motorcyclists killed in 2020 were not wearing helmets, as compared to 11 percent in states with universal helmet laws.⁷

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 injury severities, worse neurologic injury, and heightened hospital mortality among nonhelmeted riders involved in crashes.⁸ HB 639 exempts all motorcycle riders over the age of 21 who have been licensed to operate a motorcycle for two years or who have completed a motorcycle safety course from wearing a helmet, which not only leaves a significant portion of Maryland's motorcycle-riding population unprotected, but is also unenforceable. 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. Additionally, universal helmet laws are part of a safe system. A Safe System approach addresses all aspects of traffic safety: road users, vehicles, speeds, roads, and postcrash care and follows the core belief that even one roadway death or serious injury is too many. Which is why individual road users are included, and who must make safe choices every time they walk, run, bike, drive, or roll. For more than 70 years, research has shown that helmets protect motorcyclists and passengers from death and serious injury. I hope that, as the Environment and Transportation Committee hears HB 639, 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 testimony 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.

⁶ National Highway Traffic Safety Administration, National Center for Statistics and Analysis. December 2019. *Lives and Costs Saved by Motorcycle Helmets, 2017*. Traffic Safety Facts. Report No. DOT HS 812 867. Washington, DC: NHTSA.

⁷ NHTSA. *Motorcycle Helmet Use in 2021—Overall Results*.

⁸ 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.

HB 639_Motorcycle Helmets_MIEMSS_Letter of Informa

Uploaded by: Theodore Delbridge

Position: INFO



February 15, 2024

The Honorable Marc Korman
Chair, House Environment & Transportation Committee
Room 251 - House Office Building
Annapolis, Maryland 21401

**Re: HB 639: Vehicle Laws-Protective Headgear Requirement -- Exception
Letter of Information**

Dear Chairman Korman:

I am writing to provide you with information that may be helpful as the Committee considers HB 639. HB 639 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 meet 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.
- The average acute care cost of un-helmeted riders is nearly \$28,000, 32 percent higher than for helmeted riders. See <http://www.iihs.org/iihs/sr/statusreport/article/51/7/2>
- Most patients involved in motorcycle crashes who are treated in Maryland trauma centers are age 21 or older. In FY23, Maryland's trauma centers treated 932 patients involved in motorcycle crashes, 818 of whom were 21 years of age or older. Of these patients, 206 sustained a head injury, 15 of whom subsequently died. Of the 206 riders who sustained head injuries, 159 (77.2%) were wearing a helmet and 47 (22.8%) were not. All 206 head injured patients required treatment and 137 were admitted. Only nine (6.6%) of the admitted patients stayed in the hospital for one day, while 23 of the admitted patients required hospitalization for more than 28 days.
- Helmets have been shown to provide significant protection from head injury for motorcyclists since serious head injury is common among fatally injured motorcyclists. 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 percent 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 and see [Motorcycle Safety: Helmets, Motorists, Road Awareness | NHTSA](#).
- Studies have found that helmet use ranges 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 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 HB 639. 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