



ABATE OF MARYLAND, INC.

Dedicated to Freedom of the Road & Responsible Motorcycle Legislation

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

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

Date: February 21, 2024

Re: **SB503** - Vehicle Laws - Protective Headgear Requirement - Exception (In Remembrance of Gary "Pappy" Boward)

Position: **FAVORABLE: SUPPORT**

I am a BIKER from Queen Anne's County MD – District 36. I have ridden many, many miles of smiles across 30 different states in the past 35 years on street bikes. I attend leadership and legislative seminars, I have been to several “Meeting of the Minds” events where bikers from all over the country, and a few from other countries, gather to discuss motorcycle related issues. I attend Transportation Safety Summits, meet with all types of motorcycle related groups, clubs, and independent riders alike. I am a part of a large group of **motorcycling experts**. We spend a large part of our lives around motorcycles and bikers.

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. We cover the mountains to the ocean and every place in-between. Our members and friends include men and women of every race. We have junior members that hope to ride the roads alongside us one day. All of our members and board members are VOLUNTEERS. No one gets paid to be a part of our organization. We all dedicate our personal time and money to fighting for motorcyclists' rights.

ABATE of Maryland, Inc. **SUPPORTS SB 503** - Vehicle Laws - Protective Headgear Requirement - Exception (In Remembrance of Gary "Pappy" Boward). A large portion of our membership feels very strongly that the Freedom of Choice regarding the use of motorcycle helmets in Maryland should be restored to us as motorcyclists. Please note that the Fiscal Policy on this bill is listed as minimal. It states that “any impact of Medicaid expenditures and federal fund revenues is assumed to be negligible.”

ABATE is NOT a one trick pony. We have worked in the halls in Annapolis for the past 50 years. We have fought for and against numerous pieces of legislation. If it affects motorcyclists, we are tracking it and working on it. We try to make sure that the state, counties, and municipalities are a part of May is Motorcycle Safety & Awareness Month. We work closely with MDOT-MVA to hold motorcycle safety events and make sure that some of the motorcycle registration funds go back towards motorcycle safety & awareness. We were instrumental in getting the Motorcycle Safety Program started in Maryland. We have worked on bills that include violation of right-of-way, profiling, toll increases, passenger footrests, handlebar heights, license plate size, night-time awareness auxiliary lighting, definition of a motorcycle, motorcycle parking, motorcycle check points, and helmet bills, just to name a few.

Right now, we would like to make Maryland the 34th state to provide Freedom of Choice regarding helmets. 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

71 Franklin Street | PO Box 1733 | Annapolis, MD 21404

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

- 30 states are Freedom of Choice – Age Restricted
- 17 states & Washington DC 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 motorcycle than mandatory helmet states. See the attached chart itemizing the states nearby and including Maryland, showing the number of motorcycle fatalities compared to the number of motorcycle registrations. 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 significantly contribute to traumatic injury statistics.

We were successful in getting legislation passed in Maryland that prohibited profiling of motorcyclists. We should start thinking about why we are being profiled as being more of a “social burden” than any other injury classification. Why are pedestrians, bicycle riders, water/snow skiers, boaters, mountain bikers, automobile drivers, commercial truck drivers, etc., not mandated to wear helmets? As motorcyclists, we are MANDATED by law to make an additional purchase of a motorcycle helmet, that is allegedly a required safety device. No other vehicle classification on the roadway requires additional purchases to enjoy driving or riding after the initial purchase.

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 in the other 83%. Quite often, motorcycle riders receive major chest, spine, legs, arms, 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. 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.

Most of us have had friends that have experienced motorcycle accidents. Some have been minor; some have been major. However, there are over 4 million licensed drivers in the State of Maryland, with approximately 100,000 of them being licensed to ride motorcycles. We are talking about 2.5% of the licensed drivers, probably much less as many that are licensed just do not ride or own motorcycles any longer. I had friends that have worn helmets in accidents and died. I also have had friends that were not wearing helmets and made out just fine. I also have had many, many, more friends that have died of other causes such as heart disease, cancer, traumatic brain injuries from falls at home, construction accidents, automobile accidents, COVID, the list goes on. At some point, if you believe in any higher power, you really just have to realize that NONE of us are going to make it out alive. We are ALL going to die someday. No helmet or any other device is going to stop our deaths if it is our time to go. I firmly believe that I have an expiration date, I just do not know what date that is, and I prefer to live my life to the fullest.

Regarding medical costs, according to the National Highway Traffic Safety Division (NHTSA), DOT HS 810 581 – Rehabilitation Costs and Long Term Consequences of Motor Vehicle Injury publication, the following is the “Adjusted Federal Prospective Payment for Motorcyclists by Diagnosis Group (in 2002 dollars), specifically relating to Traumatic Brain Injury, which seems to be of great concern to some.

Diagnosis Group	Motorcycle Injury	Other Motor Vehicle	Attempted Suicide	Assault	Other Unintentional
Traumatic Brain Injury	\$ 16,545	\$ 16,441	\$ 17,096	\$ 15,369	\$ 15,169

Even if you adjust these for 2024 dollars, the ratios stay the same. TBI's as a result of a motorcycle injury are less costly than "Attempted Suicide", and pretty close to the "Other Motor Vehicle" category. Even when you look at the Average cost per day (mean total cost / Average length of stay), the TBI costs are lower than the average of \$796 when compared to the other Rehabilitation Impairment Categories (RIC). Bottom line, accidents happen. The cost of caring for an un-helmeted rider vs a helmeted rider does not seem to make a significant difference, especially considering amputation, fractures, and other orthopedics.

Bikers as a group are blue collar, white collar, no collar, and everything in between. We belong to professional organizations, social organizations, and fraternal organizations. We are Elks, Masons, Shriners, Lions, the local PTO, and scout leaders, etc. Many are active or retired military. Many of us belong to other riding organizations. American Legion Riders, VFW Riders, ABATE of nearby states, Winged Riders, or any of the numerous clubs and groups. We are members of other motorcycle organizations such as the American Motorcyclist Association, The Motorcycle Riders Foundation, Bikers Without Borders, Bikers Against Child Abuse, etc. We plan, attend, donate and spend countless hours and dollars supporting events that benefit our communities.

There are many members here in the General Assembly that own and ride motorcycles. As many of you are aware, motorcycling is not an inexpensive lifestyle. Motorcycles range in cost from \$5,000 to \$50,000 or even higher. A very 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, parts, services, accessories, 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 rider leaves Maryland, he can head up through Pennsylvania and go all the way to Sturgis SD and enjoy the Freedom to Choose. That is over 1800 miles one way! I have personally done it several times and have thoroughly enjoyed the ride! So far, Idaho is my furthest destination away from home while riding.

Here are a few facts about Freedom of Choice states. Many of these events have attendance in the hundreds of thousands of bikers. Think about those tourism dollars.

Major US Motorcycle Rally locations:

- Daytona Bike Week - **Florida: Freedom to Choose**
- Laconia Bike Week – **New Hampshire: Freedom to Choose**

- Myrtle Beach Bike Week – *South Carolina: Freedom to Choose*
- Republic of Texas Bike Rally - *Texas: Freedom to Choose*
- Hog Rock - *Illinois: Freedom to Choose*
- Sturgis Motorcycle Rally – *South Dakota: Freedom to Choose*
- Bikes, Blues & BBQ - *Arkansas: 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 experienced 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 SB503 and move it to the Senate floor for a vote.

Thank you!



Kenneth B. Eaton, Executive Director
ABATE of Maryland, Inc.
Tel: 410-263-9185 (office)
Email: director@abateofmd.org

NUMBER OF MOTORCYCLE FATALITIES COMPARED TO MOTORCYCLE REGISTRATIONS

		FREEDOM OF CHOICE STATES						HELMET MANDATE STATES				
Description	Year	Pennsylvania	Delaware	Ohio	Indiana	Illinois	6 Years Cummulative	Maryland	Virginia	N Carolina	W Virginia	6 Years Cummulative
# of registered M/C	2021	385,129	26,729	389,657	234,393	284,754	1,320,662	104,783	188,042	250,075	49,563	592,463
Fatalities		230	24	226	137	176	793	80	114	233	29	456
Fatalities per 10K Reg M/C		5.97	8.98	5.80	5.84	6.18	6.00	7.63	6.06	9.32	5.85	7.70
# of registered M/C	2020	400,550	26,594	392,928	230,658	303,917	1,354,647	111,553	196,469	243,437	52,915	604,374
Fatalities		219	15	211	151	153	749	85	101	192	38	416
Fatalities per 10K Reg M/C		5.47	5.64	5.37	6.55	5.03	5.53	7.62	5.14	7.89	7.18	6.88
# of registered M/C	2019	366,641	28,312	406,543	252,280	314,802	1,368,578	113,195	193,813	187,849	46,763	541,620
Fatalities		176	18	162	127	138	621	75	102	208	28	413
Fatalities per 10K Reg M/C		4.80	6.36	3.98	5.03	4.38	4.54	6.63	5.26	11.07	5.99	7.63
# of registered M/C	2018	393,509	26,035	388,108	231,183	300,247	1,339,082	114,460	200,422	236,636	52,641	604,159
Fatalities		165	17	145	117	119	563	62	100	191	39	392
Fatalities per 10K Reg M/C		4.19	6.53	3.74	5.06	3.96	4.20	5.42	4.99	8.07	7.41	6.49
# of registered M/C	2017	377,158	27,810	410,187	250,579	333,943	1,399,677	118,277	193,951	188,843	60,582	561,653
Fatalities		187	10	157	149	162	665	86	117	176	26	405
Fatalities per 10K Reg M/C		4.96	3.60	3.83	5.95	4.85	4.75	7.27	6.03	9.32	4.29	7.21
# of registered M/C	2016	393,037	28,158	408,114	223,603	214,807	1,267,719	114,460	200,422	236,636	52,641	604,159
Fatalities		191	14	199	101	155	660	62	100	191	39	392
Fatalities per 10K Reg M/C		4.86	4.97	4.88	4.52	7.22	5.21	5.42	4.99	8.07	7.41	6.49

5.04	Fatalities per 10,000 Registered Motorcycles	7.07
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* States selectd based upon similar riding season to Maryland

Data obtained from NHTSA

Information Compiled by ABATE of Maryland, Inc.

