

**Motorcycle Riders Foundation**

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*"The only national motorcyclists' rights organization  
dedicated to on-street riders"*



January 31, 2024

**Bill: SB 0397 - Vehicle Laws- Protective Headgear Requirement for Motorcycle Riders-  
Exception**

**Position: SUPPORT**

**Committee: Senate Judicial Proceedings**

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 SB 0397 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 freedom and safety of American street motorcyclists, while also supporting the efforts of our state partners. We are committed to being national advocates for advancing motorcycling and its accompanying lifestyle and work in conjunction with a variety of partners to help educate elected officials and policymakers.

Motorcycling is something enjoyed by over 8.6 million Americans and over 118,000 Marylanders. With our network of over 250,000 motorcyclists nationally, and on behalf of our members in Maryland, we support SB 0397 because it recognizes that motorcyclists who have experience and appropriate training have a right to choose for themselves whether they want to wear a helmet.

SB 0397 would exempt, from the requirement to wear specified protective headgear while operating or riding on a motorcycle, an individual age 21 or older who (1) has been licensed to operate a motorcycle for at least two years; (2) has completed an approved motorcycle rider safety course; or (3) is a passenger on a motorcycle operated by a rider who meets either of these criteria. In placing limits on who can operate without a helmet, SB 0397 protects less-experienced motorcyclists while allowing personal choice.

SB 0397 should pass for the following reasons: (1) individual autonomy and right to choose, (2) national statistics do not support the continued mandate for wearing helmets, and (3) educating motorcyclists is more effective than requiring them to wear helmets.

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## **The Principles of Personal Autonomy Support the Passage of SB 0397**

In our country, we tout our ability to choose. We can choose where we live, how to educate our children, 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 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." SB 0397 mirrors this idea - those that 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. SB 0397 recognizes that this choice belongs to the individual motorcyclist.

## **Using Statistics to Support Helmet Laws is Misleading**

The data surrounding motorcycle deaths, accidents, and helmet usage is not clear on if requiring helmets actually reduces fatalities. There are no substantial differences in the fatality rate in states that require helmets and States that do not. When it comes to deaths, the National Highway Traffic Safety Administration (NHTSA) has found that since 2017 there has been a decrease in the number of motorcyclists killed in traffic accidents. Further, there is no evidence suggesting helmet laws impact the number of motorcycle fatalities.

Outside of fatalities, NHTSA reports that 70.1% of motorcyclists wear helmets, which is a 16% increase from 2017. At the time of this survey, 19 states required helmets, 28 states required only certain motorcyclists to wear helmets, and 3 had no requirements. The data presented does not distinguish between States that require helmets and States that do not. The data suggests that more motorcyclists are deciding to wear helmets for themselves, outside of a State or government telling them to wear the helmet. So, if more individuals are choosing to wear helmets in states that do not require them to, why continue to require them by law?

## **Maryland Should Focus on Education, Rather than on Legal Requirements**

By focusing on education, rather than on a paternalistic legal requirement, SB 0397 focuses on learning about the various ways to operate a motorcycle, rather than focusing on punishing those who do not operate it in a way the state sees as satisfactory. In doing so, motorcyclists can learn about their motorcycle while also determining what safety precautions they want to take.

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While the fine of up to \$500 associated with not wearing a helmet is a deterrent for some, it is not effective for others. 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 SB 0397.

Should you have any questions, please feel free to contact Jay Jackson at [jay@mrf.org](mailto:jay@mrf.org).

Sincerely,

Jay Jackson

Vice President

Motorcycle Riders Foundation