



Date: January 31, 2025

Hearing Date: February 4, 2025

Committee: Senate Judicial Proceedings Hearing

Bill: Senate Bill 0397 – Motorcycles – Protective Headgear Requirements – Exception

Position: Oppose and Request Unfavorable Report

Submitted by:

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Our organization:

The Brain Injury Association of Maryland (BIAMD) is a 42-year-old organization providing education, advocacy, and research. We operate an information & assistance hotline, work with over 100 clients in case management, host a yearly conference on brain injury, and advocate for policies that are means tested to improve the life of people suffering from Traumatic Brain Injuries (TBI) and Acquired Brain Injuries (ABI). We are writing a letter in opposition to this bill, after speaking with numerous Marylanders injured in motorcycle crashes and their family members, and reviewing the extensive data associated with other states that have passed similar legislation.

Rationale:

According to a recent study on the Insurance Institute for Highway Safety/Highway Loss Data Institute website, If all states had all-rider helmet laws throughout the 1976–2022 study period, 22,058 fewer motorcyclists would have died in crashes. This represents 11% of all motorcyclist fatalities during these years. The number of motorcyclists killed in 2022 would have been 10% lower. Additionally, advocates for Highway & Auto Safety, the National Highway Traffic Safety Administration (NHTSA) estimated that roughly helmets save over 1600 lives each year in America. But they also indicate that motorcyclist wearing helmets reduce the rate of head injury in the event of a crash by 69%. In 2013 alone, there were 88,000 motorcycle accidents that led to injuries alone. In every states that have passed similar legislation, we have seen an increase in deaths and brain injuries associated with motorcycle accidents.

Reviewing this data, we see that Kentucky's motorcycle deaths increased by 50%, Texas saw a 31% increase, and Louisiana's saw a 100% increase in motorcycle deaths. For Louisiana, after a decade, they repealed this law to require helmets. This also greatly reduces the percentage of people who survive motorcycle accidents in these states. For instance, Michigan saw a survival rate of motorcycle accidents from 98% to 74% after just one year of this

legislation. The federal government, in a NHTSA article calculates that wearing a helmet reduces the overall risk of dying in a crash by 37%. With the same study stating that rider without a helmet is three times more likely to sustain a traumatic brain injury in the event of a crash.

It's for all of these reasons that The Brain Injury Association of Maryland has opposed this bill and every iteration this change in statute has been proposed. This legislation would statistically raise the rate of death per motorcycle accident, increase the number of deaths in motorcycle accidents yearly, increase the number of TBIs acquired by motorcycle riders, and would encourage people to put themselves at unnecessary risk. Brain injury is a "community injury" in that it not only affects the injured individual, it affects their loved ones and friends, their employers if they have jobs, their places of worship if they are active, and the other activities in the community in which they are involved.

In 2025, particularly during these challenging financial times, Maryland does not have the necessary resources to take care of everyone with brain injuries already living in the state, and all this legislation would accomplish is exacerbating these issues for no practical reason. For the same reason, we are not arguing we should allow people to drive vehicles without a seatbelt, or allow people to drive their vehicles while intoxicated, nor should we advocate for needlessly burdening our hospital systems or social safety net with an unnecessary increase in deaths and brain injuries.

We respectfully request that this Committee issue an Unfavorable report on this bill.

Resources:

[The human cost of allowing unhelmeted motorcycling in the United States](#)

[Deaths Soar After Repeal of Motorcycle Helmet Law - The New York Times \(nytimes.com\)](#)

<https://pubmed.ncbi.nlm.nih.gov/33108139/>

<https://one.nhtsa.gov/people/injury/pedbimot/motorcycle/kentucky-la03/index.html>

<https://www.iihs.org/topics/bibliography/ref/928>

[Evaluation of Motorcycle Helmet Law Repeal in Arkansas and Texas \(bts.gov\)](#)