

SENATE BILL REPORT

SB 5198

As of March 2, 2015

Title: An act relating to the use of motorcycle helmets.

Brief Description: Limiting mandatory motorcycle helmet use to persons under the age of eighteen.

Sponsors: Senators Benton, Angel, Hatfield and Hargrove.

Brief History:

Committee Activity: Transportation: 2/09/15, 2/25/15 [DPF, DNP].

SENATE COMMITTEE ON TRANSPORTATION

Staff: Kim Johnson (786-7472)

Background: Currently, persons riding motorcycles, motor-driven cycles, and mopeds in Washington State are required to wear motorcycle helmets. This is called a universal helmet law.

According to the Insurance Institute for Highway Safety, 19 states and the District of Columbia have a universal helmet law. Twenty-eight states have laws requiring only some riders to wear a helmet, usually riders under a certain age. Three states have no helmet requirement.

Summary of Bill: Only persons under the age of 18 must wear a helmet while riding upon a motorcycle, motor-driven cycle, or moped.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This issue is about whether individual liberty interests outweigh state paternalism. Thirty-one states have sided with liberty. Only 19

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

states, including Washington, still have universal mandatory helmet laws. The substantive analysis proves that helmets do not decrease fatalities, do not decrease accidents, and do not substantially contribute to the public burden. Studies that show that helmets decrease fatalities or accidents are methodologically flawed. According to the National Center for Health Statistics, only 0.001 percent of all healthcare costs are attributable to motorcycle accidents and of that only a very small fraction are attributed to helmetless riders, and that the majority of those health care costs are covered by private insurance. This should not outweigh a rider's personal choice. Helmets do not reduce fatalities. Dr. Goldstein's study finding is that most other helmet studies do not take into consideration speed to impact ratios. Above 13 m.p.h. there is a diminishing return on what a helmet can do to reduce a fatality because there is a kinetic energy transfer from the helmet, so neck and cervical injuries rise. That is why 31 states have moved to repeal their universal helmet law. Florida International University has explained that maybe the reason why accidents decrease here after repeal of a universal helmet law is due to risk homeostasis, which means that when you feel vulnerable you are much more careful. It is hypocritical for the state to require motorcyclists to wear helmets when automobile accidents result in a fatal head injury 26 percent of the time compared to motorcyclists at 19 percent of the time, yet you don't require car drivers to wear a helmet. The Michigan data is showing the exact opposite effect of the National Highway Traffic Safety Administration (NHTSA) data.

We are very concerned with our own safety, it is absurd to think that we have not considered the safety issues in this debate. It should be up to a citizen to make a decision about your own personal safety. Mandatory helmet laws decrease ridership. There is an economic benefit to the state for repealing the helmet law. You will see a rise in ridership, which means more motorcycles purchased and registered which translates to more tax dollars, at least \$3 billion. Revenue from tourism is difficult to estimate, but Washington would become the only state in the nation where you could reach the Pacific with the wind blowing in your hair. Put your trust in the citizenry. A 2014 letter from the Centers for Disease Control and Prevention (CDC) indicates that in 59 percent of the fatalities involving motorcycles the rider was wearing a helmet. In Washington in 2011, 100 percent of the riders that were killed were wearing helmets. NHTSA's own tests on helmets indicate that there is a failure rate of over 60 percent. One-size-fits-all helmet laws are unsafe. Put the rider's safety in the rider's hands.

CON: Motorcycle helmets are proven to reduce fatalities and the severity of head injuries and the overall health care costs for everyone. In 2012 the CDC found that when states repeal all or portions of their helmet laws, helmet use decreases while injuries, fatalities, and medical costs increase. Nationally, motorcycle crash-related injuries and deaths cost a total of \$12 billion in one year. Motorcyclists deaths almost doubled in Washington in 1997 after the universal helmet law was first repealed. In 1990, when Washington's universal helmet law was adopted, deaths dropped by almost 40 percent. A 1988 study by Harborview Injury Prevention and Research Center found that public funding paid for 63 percent of motorcycle injury medical costs. NHTSA estimates that for the years 2007 and 2008, Washington's helmet law saved \$123 million attributable to our high helmet use rates and that helmets saved the lives of 81 people. The CDC finds that helmets prevent 37 percent of deaths amongst motorcycle riders. The most effective way to get people to wear a helmet is to have a universal helmet law. Helmets also provide face and head protection from road debris that is thrown up by vehicles. Age, as a distinguishing factor between who is legal to ride without

a helmet and who is not, is very difficult for a patrolmen to determine by just looking at someone.

As a trauma doctor I have a unique perspective on how helmets can prevent injuries. Motorcycles are 3 percent of the registered vehicles, and 0.6 percent of the miles traveled, but they make up 14 percent of all traffic deaths in the U.S. The best study here is a large review of all the studies that have been done that are of a high quality by the Cochrane Collaboration. They found strong evidence that helmets led to a 42 percent reduction of the risk of fatal injuries and a 69 percent reduction in risk for head injuries. States that have repealed a universal helmet law have seen significant increases in the costs. Universal helmet laws keep young people safer. States that have repealed a universal helmet law have seen an increase in fatalities, injuries, and health costs.

Persons Testifying: PRO: Donnie Landsman, Director, Bikers of Lesser Tolerance; David Devereaux, WA Confederation of Clubs; Brian Lange, A Brotherhood Against Totalitarian Enactments of WA; Louise Bentley, A Brotherhood Against Totalitarian Enactments, Harley Riders Group.

CON: Rob Huss, WA State Patrol; Shelly Baldwin, WA Traffic Safety Commission; Beth Ebel, citizen.