

- SUBJECT:** Repealing prerequisites for adults riding motorcycles without a helmet
- COMMITTEE:** Transportation — committee substitute recommended
- VOTE:** 9 ayes — Krusee, Phillips, Harper-Brown, Deshotel, Haggerty, Harless, Hill, Macias, Murphy
- 0 nays
- WITNESSES:** For — Jerry Rose and Sputnik, Texas Motorcycle Rights Association; Henry C. Hill II; (*Registered, but did not testify:* Dennis Childers, Leathernecks MC, Texas Motorcycle Rights Association II; Sherri Guillot, Texas Motorcycle Rights Association II; Terri Williams, Texas Motorcycle Rights Association; Darilynn “Dee” McClure)
- Against — (*Registered, but did not testify:* Michelle Romero, Texas Medical Association)
- On — (*Registered, but did not testify:* Clifton R. Burdette, Texas Department of Public Safety Motorcycle Safety Unit; Luis Gonzalez, Texas Department of Public Safety)
- BACKGROUND:** In 1999, the 75th Legislature enacted SB 99 by Patterson, allowing adult motorcycle operators and passengers to ride their vehicles without wearing protective headgear. In order to operate or ride a motorcycle without wearing a helmet, a person must be at least 21 years old and successfully complete a motorcycle training and safety course or be covered by a health insurance plan providing at least \$10,000 in medical benefits for injuries incurred as a result of a motorcycle accident (Transportation Code, sec. 661.003).
- The Texas Department of Public Safety (DPS) issues stickers to motorcycle owners who demonstrate they meet the criteria for riding without a helmet. A person displaying a sticker on the motorcycle is presumed to meet the requirements for riding without a helmet.
- DIGEST:** CSHB 727 would amend Transportation Code, sec. 661.003 to allow anyone age 21 or older to ride on a motorcycle without a helmet, repealing all other current requirements, including the safety course, insurance, and sticker requirements. Motorcycle operators and passengers younger than

age 21 still would be required to wear protective headgear on public roads. A peace officer would not be allowed to stop or detain a person operating or riding as a passenger on a motorcycle for the sole reason of determining whether a person was violating this statute.

The bill would take effect September 1, 2007, and would apply to an offense that occurred on or after that date.

**SUPPORTERS
SAY:**

CSHB 727 would return an important personal right and responsibility to the people most affected and burdened by the current helmet law, motorcyclists themselves. Helmets moderate certain kinds of head injuries, bruises, and road abrasions at low speeds, but provide no real protection against injuries resulting from rapid acceleration or deceleration, such as a high-speed collisions, in which the brain is jostled within the skull. The bill also would eliminate a cumbersome system involving the issuance of stickers upon completion of a training program.

The motorcycle helmet law has caused law enforcement officers to issue large numbers of tickets to motorcyclists who legally were entitled to be riding without a helmet. Some motorcyclists have threatened to bring lawsuits in federal court against the state for repeatedly issuing them tickets when they had violated no law. In many instances, motorcyclists have been pulled over simply because of the way they look. CSHB 727 would put an end to this abusive practice and appropriately would prohibit officers from stopping persons riding a motorcycle to check their age.

Because some insurers consider motorcycle riding an inherently dangerous activity, they often refuse to cover damages stemming from motorcycle accidents. It is not fair for the state to require motorcyclists to maintain health insurance that may not cover their medical costs in the event of an accident. Helmets may save some lives, but often with a need for ongoing care and with a questionable quality of life. Families of motorcycle accident survivors may spend astronomical amounts on the medical treatment and continuing rehabilitative costs necessary to care for the physical shell of an individual for whom there is no hope of even partial recovery.

Many helmets limit the cyclist's peripheral vision and hearing, placing the rider, passenger, and other drivers on the roads and highways in greater danger. The added weight of helmets also can cause increased fatigue for motorcyclists, thus lowering their level of concentration and

stamina and increasing the risk of a mistake. During the summer months, the heat inside helmets is debilitating and causes slower reaction time to road emergencies.

OPPONENTS
SAY:

CSHB 727 would represent a dangerous and tragic retreat from a public policy that clearly has shown success in reducing injuries and fatalities. Recent federal analysis of motorcycle crashes has shown an increase in the effectiveness of helmets in preventing fatalities in accidents. A person's personal freedom is not absolute, and the state has found many occasions to regulate such behavior — from seat belt laws to mandatory liability insurance — when such an action would benefit public safety on Texas roads.

The most recent report from the National Highway Traffic Safety Administration (NHTSA) shows a significant improvement in the effectiveness of motorcycle helmets in preventing fatalities due to advances in helmet design and materials. Using data collected from 1993 to 2002, it found the effectiveness rate was 37 percent, up from the previous estimate of 29 percent. The shift means helmets saved about 7,800 lives during that period, roughly 2,400 more than previously thought. Unfortunately, the data also show that about 4,000 lives could have been saved had those motorcycle riders been wearing helmets.

Much of the strongest opposition to a change in the helmet law has come from doctors, nurses, and other medical personnel who are responsible for trying to mend these victims. Accidents will happen, regardless of the expertise of the motorcyclist, but a helmet often can mean the difference between life and death. A change in the helmet law also surely would result in a substantial increase in both vehicle liability and health insurance costs. Insurance companies cannot be blamed for raising premiums when the medical evidence in favor of helmets is so clear and compelling.

Concerns about the additional effects and hazards created by wearing a helmet are overblown. Despite claims that helmets reduce peripheral vision and hearing, up to 90 percent of hazards to the cyclist appear in the narrow range of vision directly ahead and slightly left or right of their riding path. A helmet has no effect on that line of sight. With helmets, critical sounds still are audible, including police sirens, train whistles, and motor noises of other cars and trucks. As for the added heat, finding a cool highway in Texas in the summer is a problem regardless of whether or not the rider is wearing a helmet.

OTHER
OPPONENTS
SAY:

The penalty for a minor riding without a helmet — a \$10 to \$50 fine — is too small to effectively deter such behavior.

NOTES:

The committee substitute increased the minimum age requirement from 18 in the original version to 21 and would prohibit a police officer from stopping a motorcycle for the sole reason of determining compliance with the age requirement.

According to the Legislative Budget Board, this bill would have no significant impact on state revenue because the reduction of the \$5 fee DPS collects for stickers showing proof of completion of a motorcycle safety course would be offset by a corresponding reduction in the costs of administering the application process and issuing of the sticker.