

TESTIMONY BEFORE THE  
HOUSE TRANSPORTATION COMMITTEE  
SEPTEMBER 10, 1987

THE HONORABLE AMOS K. HUTCHINSON, CHAIRMAN

TESTIMONY PRESENTED BY:  
CHARLES C. UMBENHAUER  
LEGISLATIVE COORDINATOR  
ABATE OF PENNSYLVANIA

FOR ADDITIONAL INFORMATION OR COMMENTS PLEASE CONTACT:

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CHAIRMAN HUTCHINSON AND MEMBERS OF THE COMMITTEE - MY NAME IS CHARLES UMBENHAUER AND I REPRESENT ABATE OF PENNSYLVANIA - "THE ALLIANCE OF BIKERS AIMED TOWARD EDUCATION."

ABATE IS A STATEWIDE ORGANIZATION MADE UP OF SEVERAL THOUSAND MOTORCYCLISTS FROM ALL WALKS OF LIFE THAT PROMOTE SAFE MOTORCYCLING AS A SPORT AND SEEK TO HAVE IT REGULATED BY FAIR LEGISLATION.

I HAVE BEEN RIDING MOTORCYCLES FOR OVER 20 YEARS AND HAVE LOGGED OVER 100,000 ACCIDENT FREE MILES.

I WOULD LIKE TO PRESENT TESTIMONY ON H B 813 WHICH WOULD ALLOW FOR FREEDOM OF CHOICE CONCERNING THE USE OF HELMETS FOR MOTORCYCLISTS OVER THE AGE OF 21.

WE SEEM TO BE IN AN ERA OF SUPER SAFETY PROMOTION AND AWARENESS. PROPOSED SEAT BELT LAWS, HELMET LAWS, LOWER SPEED LIMITS AND AIDS HYSTERIA.

WHILE SOME OF THESE CONCERNS ARE WARRANTED, SUCH AS MANDATORY SEAT BELT USE FOR INFANTS AND SMALL CHILDREN, OTHER LAWS ARE GROSSLY UNFAIR, SUCH AS THE MANDATORY HELMET LAW FOR ADULTS.

WHILE I AM CERTAINLY IN FAVOR OF PROTECTING OUR CHILDREN THRU MANDATORY SAFETY LEGISLATION, I AM EQUALLY OPPOSED TO LEGISLATION THAT MANDATES THE USE OF WHAT IS CONSIDERED SAFETY EQUIPMENT IN THE EYES OF SOME LEGISLATORS. ADULTS SIMPLY MUST HAVE THE RIGHT TO CHOOSE FOR THEMSELVES WHAT SAFETY EQUIPMENT THEY FEEL NECESSARY. OUR POSITION ON THIS ISSUE IS QUITE CLEAR. WE FEEL ALL ADULTS OVER 21 SHOULD HAVE THE RIGHT TO CHOOSE FOR THEMSELVES WHETHER OR NOT TO USE A HELMET.

I WOULD LIKE TO NOTE THAT THIS YEAR WE HAVE HAD THE AGE LIMIT ON THE REPEAL BILL RAISED FROM 18 TO 21. WE FEEL THIS PROVIDES THE GREAT MAJORITY OF NEW AND INEXPERIENCED RIDERS WITH THE PROTECTION THE PRO HELMET ADVOCATES FEEL COMFORTABLE WITH BUT STILL ALLOWING MOST SEASONED VETERANS OF THE ROAD A CHOICE. THIS HAS BEEN ONE OF THE HOTTEST AND DRIEST RIDING SEASONS IN SOME YEARS. TEMPERATURES WERE CONSISTENTLY IN THE 90'S AND IN MANY CASES CLOSE TO 100 DEGREES. TEMPERATURES INSIDE A HELMET CAN CLIMB TO 140 DEGREES AND HIGHER. ADD TO THIS, THE ADDED WEIGHT OF A HELMET TO YOUR HEAD AND NECK PLUS THE INCREASED WIND REISTANCE, PLUS THE OCCASIONAL BUGS THAT MANAGE TO GET TRAPPED INSIDE EVEN THE SNUGGEST FITTING HELMET ALL ADD UP TO A LESS THAN ENJOYABLE TIME.

I WANT TO ADDRESS WHAT I FEEL IS THE MAIN OPPOSITION TO A HELMET REPEAL:

- 1) A REPEAL WILL RESULT IN HIGHER FATALITY RATES.
- 2) A REPEAL WILL CAUSE A SOCIAL BURDEN (COST TO SOCIETY).

BOTH OF THESE ASSUMPTIONS ARE FALSE. FIGURES SHOW THAT OF THE FIVE STATES WITH THE BEST SAFETY RECORDS (THE RATIO OF FATALITIES TO REGISTRATION) NOT ONE HAS A HELMET LAW. IN FACT, OF THE TWELEVE TOP STATES IN CYCLE SAFETY, ONLY ONE HAS A HELMET LAW. ON THE OTHER HAND, HALF OF THE TWELVE STATES WITH THE WORST RECORDS ARE HELMET LAW STATES. NON-HELMET LAW STATES AVERAGE ONLY 7.35 FATALITIES PER 10,000 REGISTRATIONS AS OPPOSED TO 9.75 FOR THOSE STATES WITH HELMET LAWS.

ACCORDING TO FEDERAL FIGURES RELEASED BY THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, MOTORCYCLIST INJURIES ARE RESPONSIBLE FOR LESS THAN 0.1 (ONE-TENTH OF A PERCENT) OF THE NATIONS HEALTH CARE COSTS. CONSIDERING THE HIGH PERCENTAGE OF HELMET USAGE AND THE FACT THAT THOSE FIGURES DO NOT DIFFERENTIATE BETWEEN HELMET AND NON-HELMET WEARING "VICTIMS," THE TRUE COST PROBABLY IS CLOSER TO 0.05 PERCENT. HARDLY WHAT COULD BE CALLED A "SIGNIFICANT BURDEN" TO SOCIETY. THAT PUTS MOTORCYCLISTS WAY DOWN ON THE COST-TO-SOCIETY INDEX.

I CAN UNDERSTAND WHY ON THE SURFACE A MANDATORY HELMET LAW APPEARS NOT TO BE DEBATABLE. IT TAKES A GREAT DEAL OF RESEARCH TO UNCOVER ALL THE FACTS IN ORDER TO COME TO A RESPONSIBLE CONCLUSION.

IN STATES THAT HAVE REPEALED MANDATORY HELMET LAWS, 62% OF MOTORCYCLISTS STILL WEAR HELMETS 100% OF THE TIME AND 15% WEAR A HELMET MOST OF THE TIME. MANY OTHERS WEAR HELMETS DURING COLD OR RAINY WEATHER. THIS NARROWS THE PERCENTAGE OF THOSE WHO WOULD REALLY BE AFFECTED BY A HELMET REPEAL.

IN CONCLUSION, I WOULD LIKE TO SAY THAT HELMETS HAVE NOT BEEN THE ANSWER TO SAFE MOTORCYCLING: OVER THE LAST FEW YEARS I HAVE LOST SEVERAL FRIENDS THRU MOTORCYCLE ACCIDENTS. THEY WERE ALL WEARING HELMETS. I AM SURE THERE ARE JUST AS MANY WHO WOULD CLAIM THEY BELIEVE THEY WERE SAVED BY THE HELMET.

I FEEL MOTORCYCLING FATALITIES CAN BE REDUCED BY IMPLEMENTING STRICTER LICENSING PRACTICES, MORE AND BETTER DRIVER EDUCATION FOR BOTH MOTORCYCLISTS AND AUTO DRIVERS, STRICTER ENFORCEMENT OF TRAFFIC VIOLATIONS AND STILL EVEN TOUGHER PROSECUTION OF THOSE WHO DRINK AND DRIVE.



MOTORCYCLE FATALITIES HAVE NOT AND WILL NOT BE REDUCED THROUGH  
THE CONTINUED USE OF A MANDATORY HELMET LAW. THIS WE ALREADY  
HAVE 19 YEARS OF PROOF - HOW MANY MORE MUST BE ENDURE?  
LET THOSE WHO RIDE DECIDE!



## ABATE OF PENNSYLVANIA

P.O. Box 15226  
Harrisburg, PA 17105-5226

Dear Representative:

House Bill 813 - Repeal of the mandatory helmet law for motorcyclists over **21** years of age.

I would like to address the main opposition to this bill:

- 1) A repeal will result in a higher fatality rate.
- 2) A repeal will cause a social burden (cost to society).

Both of these assumptions are false. Figures show that of the five states with the best safety records (the ratio of fatalities to registration) not one has a helmet law. In fact, of the twelve top states in cycle safety, only one has a helmet law. On the other hand half of the twelve states with the worst records are helmet law states. Non-helmet law states average only 7.35 fatalities per 10,000 registrations as opposed to 9.75 for those states with helmet laws. (See attached).

According to federal figures released by the National Highway Traffic Safety Administration, motorcyclist injuries are responsible for less than 0.1 percent (one-tenth of a percent) of the nations health care costs. Considering the high percentage of helmet usage and the fact that those figures do not differentiate between helmet and non-helmet wearing "victims," the true cost probably is closer to 0.05 percent. Hardly what could be called a "significant burden" to society. That puts motorcyclists way down on the cost-to-society index.

I can understand why on the surface a mandatory helmet law appears not to be debatable. It takes a great deal of research to uncover all the facts in order to come to a responsible conclusion.

In states that have repealed mandatory helmet laws, 62% of motorcyclists still wear helmets 100% of the time and 15% wear a helmet most of the time. Many others wear helmets during cold or rainy weather. This narrows the percentage of those who would really be affected by a helmet repeal, but I don't feel it is overstating the case when I say, I still support the freedom of choice for adults in this matter.

When freedom of choice is no longer a valid issue, which some legislators have proclaimed, I ask you what is?

Sincerely,

Legislative Coordinator

References: AM, the monthly journal of the American Motorcyclist Association, May 1987. Statistics are compliments of Roger Hull, founder and former editor and publisher of Road Rider Magazine, currently public relations consultant for Harley Owners Group.

# 1985 Motorcycle Statistics

## Fatal/10,000 Registrations

State	Fatal/10,000	Helmets
North Dakota	2.61	No (under 18)
Iowa	3.03	No
Alaska	3.46	No (19 under)
South Dakota	3.96	No (under 18)
Kansas	4.57	No (under 18)
Vermont	4.64	Yes
Wisconsin	4.89	No (under 18)
Utah	5.14	No (under 18)
Minnesota	5.15	No (under 18)
Rhode Island	5.71	NO (passengers)
Nebraska	6.11	No
Colorado	6.17	No
New Jersey	6.18	Yes
Idaho	6.27	No (under 18)
Missouri	6.48	Yes
West Virginia	6.51	Yes
Maine	6.59	No (under 15)
Washington	6.79	No
Louisiana	7.04	Yes
Wyoming	7.16	No (under 18)
New Hampshire	7.25	No (under 18)
Michigan	7.28	Yes
Ohio	7.46	No (under 18)
Oregon	7.57	No (under 18)
Illinois	7.84	No
Indiana	7.88	No (under 18)
Massachusetts	8.00	Yes
Oklahoma	8.04	No (under 18)
Pennsylvania	8.16	Yes
Georgia	8.93	Yes
Maryland	8.94	No (under 18)
Alabama	9.37	Yes
New Mexico	9.38	No (under 18)
New York	9.78	Yes
Nevada	9.99	Yes
Montana	10.25	No (under 18)
Hawaii	10.37	No (under 18)
Tennessee	10.47	Yes
Virginia	11.44	Yes
Florida	11.55	Yes
California	11.75	No
Kentucky	12.11	Yes
Mississippi	12.47	Yes
Arkansas	12.48	Yes
Texas	13.22	No (under 18)
Connecticut	14.21	No
North Carolina	14.49	Yes
Arizona	15.05	No (under 18)
D.C.	17.73	Yes
Delaware	22.73	No (under 19)
South Carolina	23.71	No (under 21)

# Motorcyclist's Acceptance of Helmet Laws

## 1986 UPDATE

In September of 1986, Road Rider Magazine published the results of their nation-wide survey of motorcyclist's views and opinions of helmets and Helmet Laws. They enlisted the assistance of 34 motorcycle organizations across the country (including several ABATE groups) and received 11, 219 responses to their survey questions.

The results **do not** support the wild eyed claims of the NHTSA and other Safety groups but do provide credibility to our statements over the last 12 years.

The results are:

1. On a national level, 66.0% always wear a helmet and 15.5% wear a helmet most of the time.
2. In States **without a Helmet law**, 62% always wear a helmet and 15.0% wear a helmet most of the time.
3. 68.8% **do not favor** a National Helmet Law.
4. 62.9% **do not favor** State Helmet Laws (for ABATE, it was 95.4%).

# HELMETS - The Motorist's Security Blanket

## **Misconception:**

The helmet law benefits the driver of a vehicle which may accidentally collide with a motorcyclist. Since the helmet is designed to protect the biker, the helmet may prevent a fatality and the automobile driver has not killed anyone.

## **Analysis:**

With 60-90% of the car-bike accidents being the fault of the car drivers and the majority of those accidents resulting from car drivers turning left in front of a biker, this is definitely a concern for someone, obviously not the car drivers.

First, since we can now show that helmet laws increase the accident and fatality rates, this argument is an emotional one trotted out by the "safety experts" when they have fallen through their facts and are searching for anything to appeal to fellow car-drivers.

Second, my sympathies will always lie with the biker in the "accidental" collision. The phrase, "Honest officer, I didn't see the biker", has become a license to kill in some areas of this country. The study in North Carolina that showed a police motorcycle to be more visible and spotted sooner than a marked police car proves to me and any experienced biker that car drivers can see you when they want to; a fact we have always known.

If they can't see me across the intersection while I'm sitting on 500 lbs. of steel, rubber and fiberglass - how are they going to see my young children crossing the street?

The driver that doesn't see a biker and then "accidentally" collides with him doesn't deserve sympathy - he deserves to have his license taken away!!

# **Will Insurance Rates Increase with the Repeal of Pennsylvania's Mandatory Helmet Law?**

## **Misconception:**

Repealing the helmet law will cause an increase in automobile insurance premiums because the car driver running into a biker will be more likely to cause a fatality or serious injury if the biker is not wearing a helmet.

## **Analysis:**

This argument, like the 'public burden theory', is based on the premise that repealing the law will cause an increase in the fatality rate.

It appears that every state that repealed their law has heard from various insurance lobbys that repeal would bring increased auto insurance premiums. It hasn't happened yet, but in states considering repeal, we hear insurance lobbys and 'safety experts' trying to convince lawmakers of the increase in cost to the car owner. No insurance company has been able to justify an increase in premiums because of helmet repeal. No company reduced rates when helmet laws were originally passed and no company has offered to provide reduced premiums for individuals agreeing to voluntarily wear a helmet when on their bikes.

The rates for motorcycle insurance are so varied in different states that helmet laws or repeals cannot possibly be isolated as a cause for increases. For example, bike insurance in Arkansas is 20-40% higher than the same coverage in Colorado. Arkansas has a helmet law and Colorado doesn't, but insurance lobbys in Arkansas have stated that repeal of the helmet law will increase the cost of insurance to bikers and car owners.

The 'insurance' argument is an emotional one used by 'safety experts when all of their 'facts' disappear in the harsh light of truth. This argument would never again be used if the lawmakers, when they hear it, would simply ask "can you back that up with facts?"

# Helmet Law Scorecard

Helmet use laws remain one of the hottest topics of 1987. To date, 24 states have considered bills on either side of the voluntary helmet-use issue. The following is a scorecard to show you helmet action in your state.

States that already require helmets for all riders are:

Alabama	New Jersey
Arkansas	New York
Florida	Nevada
Georgia	North Carolina
Kentucky	Pennsylvania
Louisiana	Tennessee
Massachusetts	Vermont
Michigan	Virginia
Mississippi	West Virginia
Missouri	District of Columbia

Nine of these states currently have legislation pending that would let adults (either 18 or 21 years of age, depending on the state) decide whether to wear a helmet. They are:

Arkansas	Nevada
Florida	New York
Massachusetts	Pennsylvania
Mississippi	Tennessee
Missouri	

The nine states that have active legislation on requiring helmets for all riders:

California	Oregon
Illinois	Texas
Maryland	Washington
Nebraska	Wisconsin
Ohio	

Six states where legislation was introduced and now is either dead or postponed indefinitely are:

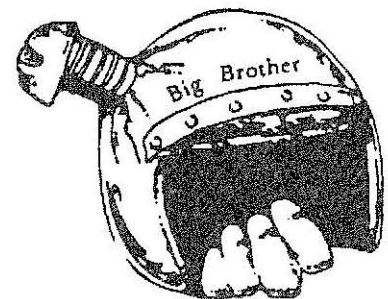
Arizona	Iowa
Hawaii	Minnesota
Indiana	Montana

Although the AMA encourages all motorcyclists to wear helmets, the Association believes that it is the right of the individual rider to choose whether to wear protective headgear.

MAY 1987

***"The helmet is a metaphor for something deeply wrong in America . . . a sign we've entered the era of the Hardhead. A Hardhead is one who seeks to protect us not only from others, but from ourselves . . . America is being smothered by safety.***

—Gregory Bayan, *Newsweek*

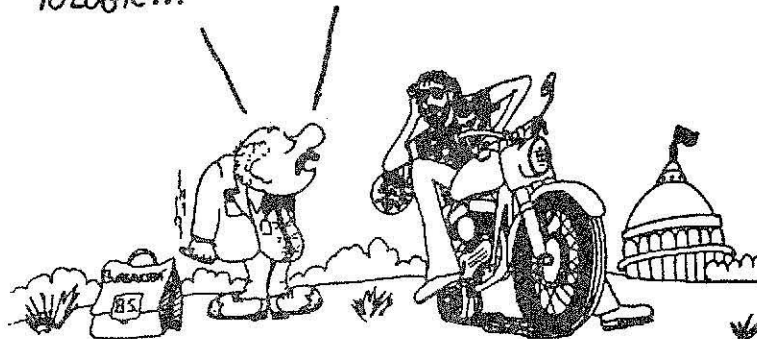


The Lighter Side of the Helmet Issue

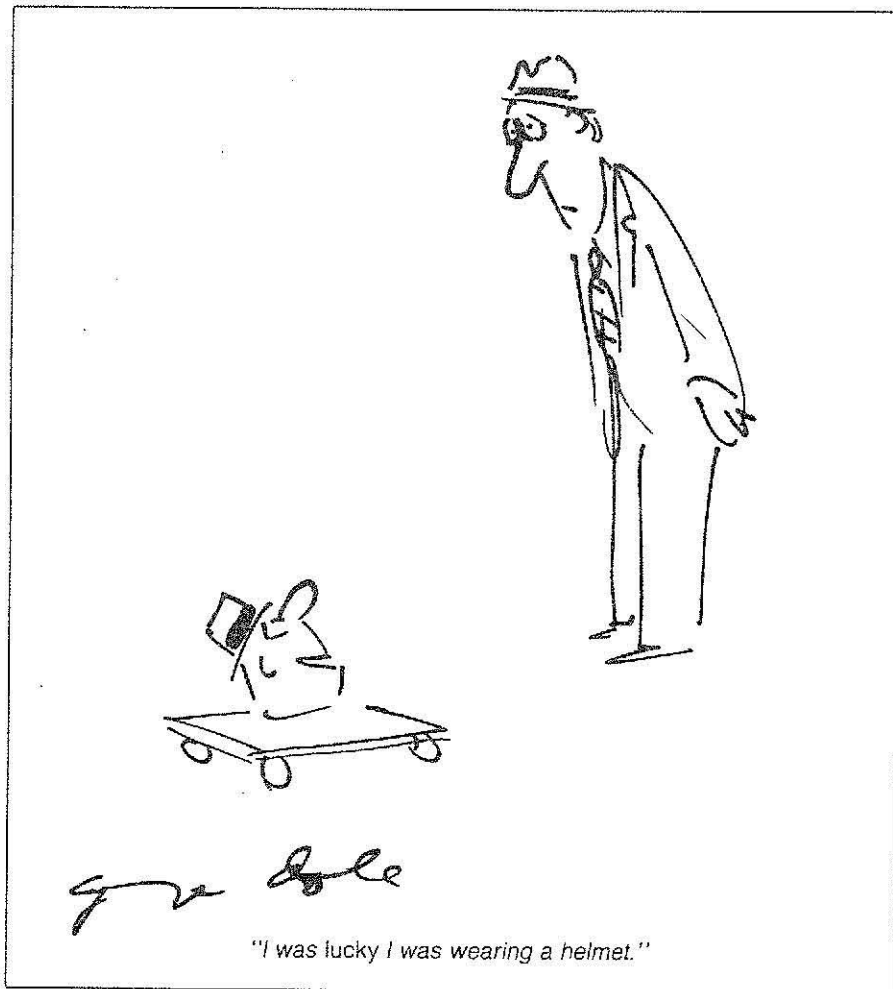
WELL, IF YOU'RE GOING TO RESORT TO LOGIC... THEN THERE'S NO POINT IN EVEN DISCUSSING IT ANY FURTHER



...and its certified seal of safety is your assurance...oops...



...that...er...you shouldn't believe everything you hear!"

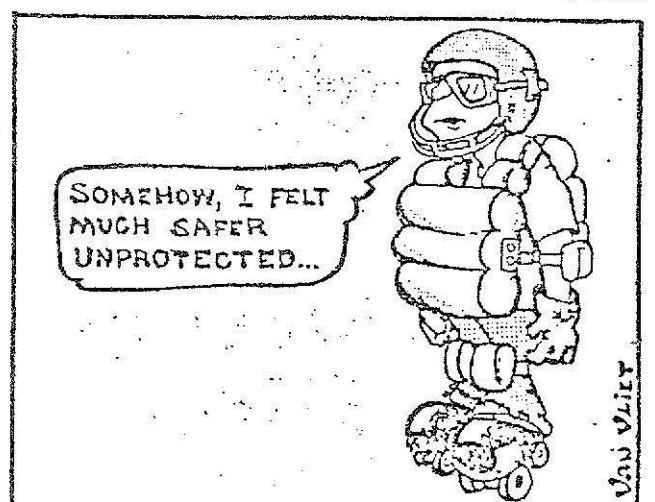
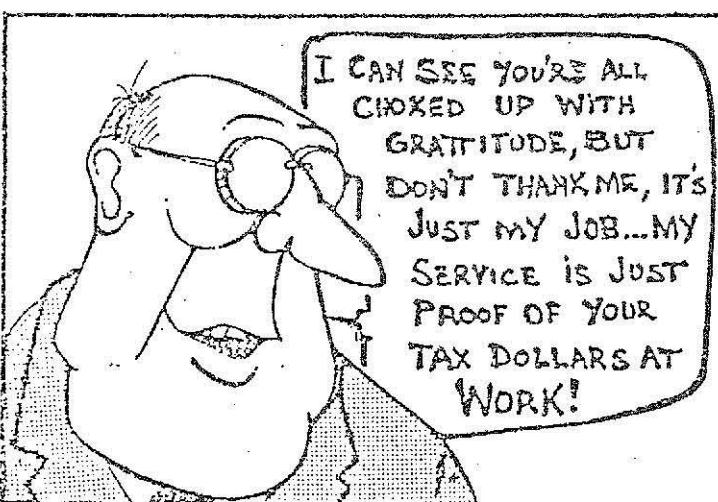
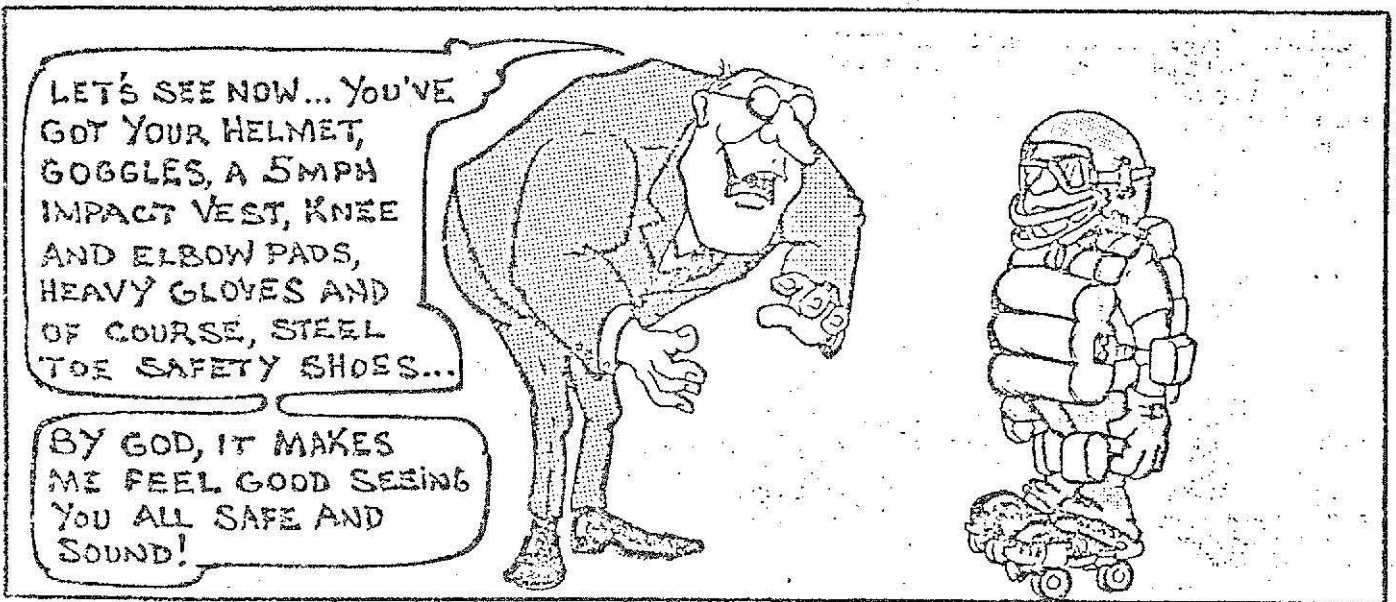
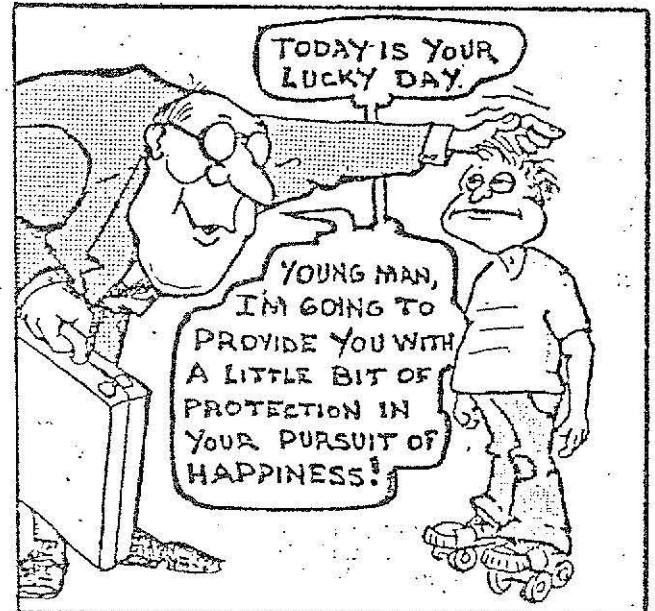
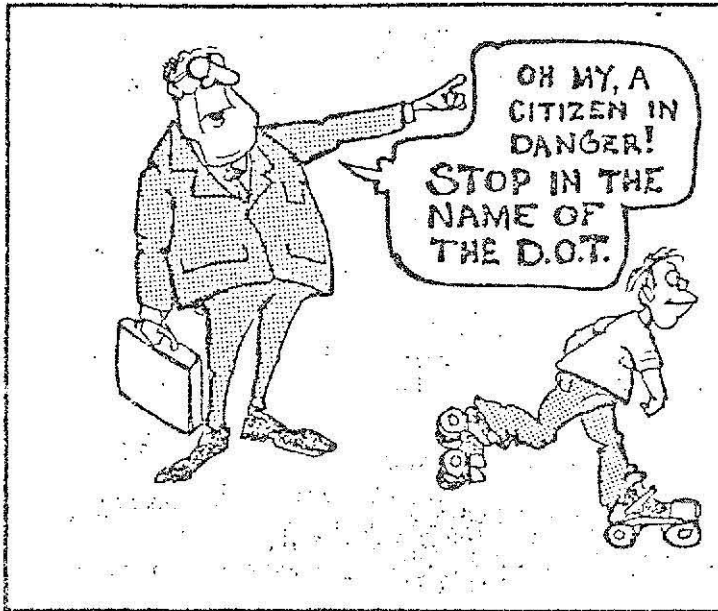


*you dole*

"I was lucky I was wearing a helmet."



# DEPT. OF TRANSPORTATION FUNNIES



Van Vliet