

BILL ANALYSIS - AB 2427

Date of Hearing: April 24, 2006

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jenny Oropeza, Chair

AB 2427 (Canciamilla) - As Introduced: February 23, 2006

SUBJECT : Motorcycle helmets

SUMMARY : Exempts from the motorcycle helmet law any rider or driver who is 18 years of age or older and has either completed a motorcycle rider training program that meets the standards of the California Highway Patrol (CHP) or been issued a class M1 license or endorsement, or a comparable license from another jurisdiction, for two years or more.

**EXISTING LAW : Requires riders and drivers to wear an approved helmet when riding on a motorcycle, motor-driven cycle, or motorized bicycle. (emphasis added)**

FISCAL EFFECT : Unknown

COMMENTS : According to the author, California's motorcycle helmet requirement impacts freedom of choice for adults without reducing motorcycle fatalities. He contends that today's motorcycle fatality rate is higher than before the law was enacted, that motorcycle deaths were declining before approval of the law, and that any reduction in motorcycle accidents is due to the helmet law having discouraged riding.

Requiring motorcyclists to wear helmets has been a contentious and controversial matter that the Legislature has confronted a number of times over the past thirty years. The issue dates back to federal legislation in 1966 that authorized the withholding of highway funds from any state that failed to enact a mandatory helmet requirement. The vast majority of states complied with the federal requirement, but California was one of three states that long held out. Only by 1991 did California achieve full compliance through the enactment of AB 7 (Floyd), Chapter 32, Statutes of 1991.

## Exhibit "VV"

Page 2 of 5

In 1995, however, the federal government repealed the penalty sanction for states without helmet laws, and it is presently the prerogative of the individual states as to whether to require the use of motorcycle helmets. Currently, 19 states and the District of Columbia require safety helmets for all motorcycle riders, and 28 states have helmet laws that apply to some riders, generally riders younger than 18 years of age. In addition, three states, Colorado, Illinois, and Iowa, have no laws mandating helmet use.

The sponsor of this bill, ABATE, argues that wearing safety helmets is essentially a freedom of choice issue. They, and other supporters, contend that mandatory helmet requirements have proven ineffective in reducing motorcyclist fatalities and accidents, that unhelmeted operators do not represent an economic burden on public jurisdictions, and that motorcycle sales, and the resulting positive economic activity, have been discouraged by the helmet law. They argue that helmet use increases the likelihood of neck and spinal injuries, reduces peripheral vision, restricts hearing, and contributes to operator fatigue. According to the supporters of repealing the statute, fatality rates in non-helmet states are lower than in states that require helmets and the incidence of motorcycle fatalities has actually declined in some states after they rescinded the mandatory motorcycle helmet requirement.

Opponents counter that motorcycle injuries and fatalities and hospitalization and medical costs have been significantly reduced as a direct result of the mandatory helmet requirement. Helmets are widely believed to reduce the severity and frequency of head injuries, which are the leading cause of death for motorcycle operators. Opponents cite a study conducted by the University of Southern California which reviewed nearly 4,000 motorcycle accident reports and concluded that helmet use was the single most important factor affecting survival in motorcycle collisions. They contend that an unhelmeted motorcyclist is 40% more likely to incur a fatal head injury and 15% more likely to suffer a nonfatal injury than a helmeted motorcyclist when involved in a collision.

Commenting on the impact of eliminating or reducing mandatory helmet laws, Joseph Cindrich, Regional Administrator for National Highway Safety and Traffic

## Exhibit "VV"

Page 3 of 5

Association (NHSTA), noted that "in states where helmet laws were repealed or limited to 21 or 18 years, significant increases in fatalities resulted." Since 1997, six states (Arkansas, Texas, Kentucky, Louisiana, Florida, and Pennsylvania) have acted to limit mandatory helmet use to riders under the age of 21. NHSTA reports the following impacts of the helmet law changes in some of these states: In Arkansas, motorcycle fatalities increased by 21%. In Texas, motorcycle fatalities increased by 31%. In Kentucky: motorcycle accident injuries increased by 37%. And in Louisiana, the average annual number of motorcycle fatalities increased from 26 to 55.

Opponents of this bill further argue that safety helmets do not impede the ability of a motorcyclist to operate in a safe fashion, nor do they impair vision or hearing. They point out that the public bears considerable financial costs for unhelmeted operators through tax-supported medical and rehabilitation programs and private insurance premiums. Law enforcement personnel engaged in motorcycle patrol throughout the United States, including CHP, are routinely and universally outfitted with motorcycle helmets. The CHP itself contends that "helmets are effective in reducing motorcycle rider head injuries and death rates. There is ample safety, scientific, and medical data supporting helmet use requirements." The CHP also asserts that limiting helmet requirements to only one particular age group would have the same effect as having no helmet law at all.

Finally, the California Research Bureau, which did a comprehensive review of the various studies and claims offered by advocates and impartial observers alike, concluded the following: Helmet use decreases head injuries, the severity of injuries overall, and fatalities. States with partial use helmet laws (such as proposed in this bill) have high fatality and injury rates comparable to states without any helmet law. States that repeal or soften their helmet laws subsequently experience radically increased fatality and severe injury rates.

Clearly, supporters and opponents of this bill each can cite numerous studies, reports, and analyses in support of their respective positions. While proponents can demonstrate that the decline in motorcycle accident and fatality rates of the 1990's began before passage of AB 7, and that there has been an apparent increase in fatality

## Exhibit "VV"

Page 4 of 5

rates since 1998, the scientific, safety, and medical communities seem largely to agree that helmets are effective in reducing motorcycle rider head injuries and fatalities and their associated medical and societal costs. For example, NHTSA estimates that motorcycle helmets reduce the risk of death in a motorcycle collision by nearly 30% and the risk of a fatal head injury by 40%. Opponents also point out that the recent increase in fatalities coincides with an increase of over 50,000 motorcycle registrations from 1998 to 2000.

Beyond the competing claims, anecdotes, and rhetoric, the issue seems to be reducible to a simple question. How shall the Legislature balance the evidence, which appears to point to the clear safety benefit of helmet usage, against the rights of adult motorcyclists to make informed choices regarding the manner in which they ride?

Related legislation : Previous similar bills -- AB 2331 (McDonald) of 1993, AB 373 (Morrow) of 1995, SB 1197 (Morrow) of 1999, SB 1057 (Morrow) of 2001, AB 1200 (Longville) of 2004, and SB 969 (Ducheny) of 2005 all failed in their first policy committee. AB 224 (Morrow) of 1996 and AB 1412 (Ducheny) of 1997 passed out of the Assembly but failed in Senate Transportation. AB 2700 (Mountjoy-2002) passed out of this committee after being amended so that it exempted from the helmet law motorcyclists 21 and over who carry proof of at least \$1 million in medical insurance on their persons. That bill was subsequently defeated on the Assembly floor. SB 685 (Hollingsworth-2003) would have exempted from the helmet law persons who file a physician's certificate with the Department of Motor Vehicles (DMV) substantiating a disability that renders them unable to wear a helmet. That bill was defeated in the Senate Transportation Committee.

REGISTERED SUPPORT / OPPOSITION :

Support

American Motorcyclist Association  
ABATE of California, Local #10  
ABATE of California, Local # 14  
ABATE of California, Local #23  
ABATE of California, Local #25  
ABATE of California, Local #28  
ABATE of California, Local #36  
ABATE of California, Local # 44  
BAJA Consultants  
California Motorcycle Dealers Association  
District 37 AMA Road Riders  
Letters from 84 individuals  
Petition signed by 125 individuals

Opposition

Advocates for Highway and Auto Safety  
Association of California Insurance Companies  
Automobile Club of Southern California  
California Highway Patrol  
California Hospital Association  
California Medical Association  
California Psychological Association  
California State Automobile Association  
Emergency Nurses Association, California State Council  
Insurance Agents and Brokers of the West  
Nationwide Insurance Company  
San Diego Trauma Center

Analysis Prepared by: Howard Posner/TRANS./(916)319-2093