

HB

48

FISCAL NOTE

No. 5

Bill Version: CSHB 48 (JUD)

(H) Publish Date: 3/22/95

STATE OF ALASKA 1995 LEGISLATIVE SESSION

Revision Date: March 17 1995 Dept. Affected: Public Safety
 Title: Motorcycle Safety Motor Vehicles
 Component: Driver Services
 Sponsor: Representative Rice
 Requestor: H Judiciary COMPONENT SERIAL NO. 0500

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES	-0-	-0-	-0-	-0-	-0-	-0-
Revenue Code						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF Program Receipts						
1006 GF MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 95) impact: \$ _____

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)

No fiscal impact is anticipated to the Department of Public Safety

Prepared By: Juanita M. Hensley Phone: 485-4850
 Division: Motor Vehicles Date: 3/17/95
 Approved by Commissioner: [Signature] Date: 3/17/95
 Agency: Ronald L. Otte, Dept. of Public Safety

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information call the Governor's Legislative Office

FISCAL NOTE

No. _____
 Bill Version: HB -3
 (H) Publish Date: 2/13/95

STATE OF ALASKA
 1995 LEGISLATIVE SESSION

BILL NO _____

Revision Date _____ Dept. Affected Public Safety
 Title Motorcycle Safety BRU Motor Vehicles
 Component Driver Services
 Sponsor Representative Brice
 Requestor TRANS COMPONENT SERIAL NO. 0500

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
OPERATING						
PERSONAL SERVICES						
TRAVEL	.4					
CONTRACTUAL	.4					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	1.2	0.	0.	0.	0.	0.
CAPITAL EXPENDITURES	0.	0.	0.	0.	0.	0.
CHANGE IN REVENUES ()	0-	0-	0-	0-	0-	0-
Revenue Code						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GE Match						
1004 GE	1.2					
1005 GE/Program Receipts						
1006 GE/MFTA						
Other						
TOTAL	1.2	0.	0.	0.	0.	0.

Estimate of current year (FY 95) impact \$ _____

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS (Attach a separate page if necessary)

This bill will require the Department to promulgate regulations regarding motorcycle safety programs and motorcycle training classes. Cost analysis is as follows:

Hearings would be held in Anchorage, Fairbanks, Soldotna/Kanai and Juneau. Travel = \$980.00 Airfare from Juneau to Anchorage, Anchorage to Fairbanks, Fairbanks to Soldotna and return to Juneau. Per-diem = \$336.00. Car Rental in Anchorage, Fairbanks, Soldotna \$75.00. Total of travel = \$14

Contractual = Publishing cost to publish notice of regulations 2 times in 6 different newspapers = \$2.1. Cost of contracting with the Legislative Information Offices to hold public hearings \$25.00 an hour, 4 hours in each location = \$04. Total cost of contractual is \$2.5.

Prepared By: Juanita M. Hensley Phone: 465-2850
 Division: Motor Vehicles Date: 2/12/95
 Approved By Commissioner: [Signature] Date: 2/13/95
 Agency: Ronald L. Otis, Dept. of Public Safety

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information call the Governor's Legislative Office

FISCAL NOTE

No. J
 Bill Version: HB 4
 (H) Publish Date: 2.22.95

STATE OF ALASKA
 1995 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: DOT & PF
 Title: Motorcycle Safety BRU: Commissioner's Office
 Component: Commissioner's Office
 Sponsor: Representative Brice
 Requester: Fred Pascoe/Brice's Office COMPONENT SERIAL NO. 530

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MFTA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Sam Kilo III Phone: 465-3604
 OMAIORT: Commissioner's Office Date: 2/13/95
 Approved by Commissioner: Joseph L. Dubino Date: 2/13/95
 Agency: Department of Transportation and Public Facilities

PREPARED TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

Bill No. _____
Bill Version: HB 48
(H) Publish Date: 2/22/95

Revision Date: _____ Dept. Affected: Public Safety
Title: Motorcycle Safety Highway Safety Planning Agency
Component: Federal Grants
Sponsor: Representative Price
Requestor: (H) Transportation COMPONENT SERIAL NO. 0499

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0-	0-	0-	0-	0-	0-
CAPITAL EXPENDITURES	0-	0-	0-	0-	0-	0-
CHANGE IN REVENUES	0-	0-	0-	0-	0-	0-
<small>Revenue Code</small>						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF Program Receipts						
1006 GF MHTIA						
Other						
TOTAL	0-	0-	0-	0-	0-	0-

Estimate of current year (FY 95) impact: _____

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)
See Attached Analysis

Prepared By: Tom Campbell Phone: 465-4371
Division: Highway Safety Planning Agency Date: 2/17/95
Approved by Commissioner: [Signature] Date: 2/17/95
Agency: Ronald L. Otis, Dept. of Public Safety

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information call the Governor's Legislative Office

Fiscal Analysis
HB 43

Section 151 of the Intermodal Surface Transportation Efficiency Act of 1991 required that every state have in place a mandatory helmet use law by FFY 95. Failure to enact a mandatory helmet use law would initiate a transfer of funds from the Department of Transportation and Public Facilities to the Alaska Highway Safety Planning Agency in the amount of one and one half percent for the first year and three percent each year thereafter.

Transferred funds come from three discrete highway programs: The Surface Transportation Program, the National Highway System, and the Congestion Mitigation and Air Quality Improvement Program.

On October 1, 1994, \$2.9 million was transferred for FFY 95. The estimated transfer for FFY 96 will be \$5.5 million.

ABATE OF ALASKA

March 15, 1995

From; Scott D. Hamann
ABATE OF ALASKA
State Legislative Coordinator

To; Representative Tom Brice
ALASKA STATE LEGISLATURE

RE; HB 48

Due to recent changes in Washington D.C. , the position of ABATE OF ALASKA concerning HB 48 has been modified. Sections 1 and 2 of HB 48 were originally included to bring the STATE OF ALASKA into compliance with the motorcycle helmet provisions in ISTPA, if a pending federal bill (S 1842) was passed. S 1842 said that states with a state funded motorcycle safety program would be exempted from penalties for not passing mandatory helmet laws. This year U.S. Senator Ben Nighthorse Campbell introduced his bill (S 234) with an important change. It now exempts states that have a state funded or authorized motorcycle safety program. Because ALASKA already has several authorized motorcycle safety programs, the need for section 1 and 2 of HB 48 has been removed. We also believe that with the current budget shortfalls that the state is facing , it would be an unnecessary burden on the Department of Public Safety to duplicate existing paper work. We believe that we can trust the Department of Public Safety to maintain the status quo without their being mandated to. Therefore we respectfully request that section 1 and 2 of HB 48 be amended out.

ABATE OF ALASKA is still very strongly behind HB 48. We salute REP. Brice for his courage in introducing this legislation and urge that this amended bill pass out of committee.

Sincerely,



Scott D. Hamann

THE
FOLLOWING
DOCUMENTS
ARE
POOR
ORIGINAL
COPIES

A. B. A. T. E.

Tanana Valley Chapter
P.O. Box 74773
Fairbanks, Alaska 99707

February 20, 1995

Representative Tom Brice
District 30
Alaska State Legislature

Re: House Bill NO. 48

Dear Mr. Brice,

During the last general membership meeting of ABATE of the Tanana Valley on February 11, 1995, HB 48 was discussed. A vote for support was unanimously passed. This letter is to confirm support of this bill. If you have any questions please contact me at 457-3246. Thank you for introducing this bill.

Sincerely,



Charles E. Mitchell
President, ABATE of Tanana Valley



Representative Tom Brice

ALASKA STATE LEGISLATURE

119 N. Cushman, Ste. 206
Fairbanks, AK 99701
907-456-7423 Fax: 451-9293
While in Juneau
State Capitol
Juneau, AK 99801-1182
907-465-3466 Fax: 465-2294

REPRESENTATIVE TOM BRICE HB 48 Sponsor Statement

The federal highway safety act, ISTEA, requires each state to adopt a mandatory helmet law. The penalty for noncompliance in the first year (FY95) is 1.5 % of federal transportation funding which must be transferred from DOT&PF to the 402 fund for safety, training, and enforcement. In October 1994 (FY95) \$2.6 million was transferred to the 402 fund. Each year thereafter for the remaining four years of the act 3% will be moved. Depending on whether the act is fully funded by the US Congress, \$5.2 million will be moved to 402 each year. Over the life of ISTEA the total would be approximately \$23.5 million.

During the summer and fall of 1993, the state's Attorney General's office, in an attempt to bring Alaska into compliance with ISTEA mandates, issued an opinion supporting the state's ability to mandate the use of a helmet for motorcycle operators. The opinion's argument revolved around the use of "singularly licensed to drive a motorcycle." Although the opinion has been withdrawn, this is a new interpretation of a statute that has been on the books since 1976, and is contrary to legislative intent and current enforcement policy.



MEMORANDUM

State of Alaska

Department of Law

TO: The Honorable Bruce Campbell
Commissioner
Department of Transportation
and Public Facilities

DATE: September 28, 1993

FILE NO.

TEL. NO. 465-3603

SUBJECT: Motorcycle Helmet Law

FROM: Deborah Vogt
Assistant Attorney General
Transportation Section-Juneau

You have asked for an interpretation of the statutory and regulatory requirements for motorcycle helmets in Alaska.

AS 28.35.250 provides:

(b) A person who has reached the age of majority as defined by AS 25.20.010 may not be required to wear a helmet while operating a motorcycle if the person is the holder of a license that, under regulations adopted under AS 28.15.041, is classified singly as a license to operate a motorcycle.

The classes of licenses are set out in 13 AAC 08.150, which is "adopted under AS 28.15.041." While many classes license the driver for any motor vehicle, class M1 licenses the driver only for "motorcycles, motor-driven cycles, and motorized bicycles, singly or in combination with trailers or sidecars designed to be used with these vehicles." 13 AAC 08.150(b)(2)(B). Thus, it is my opinion that only a Class M1 license is "classified singly as a license to operate a motorcycle."

The requirement for a helmet is set out in 13 AAC 04.150. That regulation provides:

(a) Except as otherwise provided by statute, a person operating or riding upon a motorcycle or motor-driven cycle upon a public roadway must wear protective headgear

Thus, this regulation makes helmets mandatory unless "otherwise provided by statute" The only statute that qualifies the helmet requirement is AS 28.35.250(b), set out above, prohibiting the requirement of a helmet when an adult holds a license classified singly for motorcycles.

/DV:ae

Distributed by:
Representative Brice



**In Support Of
Voluntary Helmet Use:**
*Facts and fallacies surrounding
the current helmet law debate.*

CONTENTS

INTRODUCTION	2
THE AMA POSITION ON VOLUNTARY HELMET USE	4
RESPONSES TO CLAIMS MADE BY HELMET LAW ADVOCATES	7
RESPONSES TO CLAIMS MADE CONCERNING THE FEDERAL TRANSPORTATION BILL	9
COMPREHENSIVE PROGRAMS THAT PROMOTE MOTORCYCLE SAFETY	11
CONCLUSION	12

INTRODUCTION

The debate over mandatory helmet use for motorcyclists will soon enter its third decade and the temperament of the discussion remains as heated now as it was when such laws were first mandated by the Highway Safety Act of 1966. Historically, the debate has centered around a rider's freedom to make decisions affecting his or her personal safety versus the government's, or society's, power to mandate such protection. However, in recent years the debate has swung away from this philosophical argument to encompass a more difficult, but more easily quantified element: the claim that motorcycle accident victims represent a disproportionate burden to society. This issue has now set the tone of the debate.

The Highway Safety Act of 1966 incorporated language that required states to pass mandatory helmet use laws or lose a portion of their highway construction money. Few states could afford to lose construction dollars. As a result, by 1975 all but three states had passed helmet-use laws. In that year, largely as a result of pressure applied by citizens who objected to such legislation, this "blackmail" power was removed from the federal government by the passage of the Federal Aid Highway Act of 1975. Subsequently, 31 states moved to permit adult riders to make their own decisions on helmet use.

The "blackmail" element was reintroduced into the debate with the passage of the Intermodal Surface Transportation Efficiency Act of 1991. Section 153 of this bill requires states to enact mandatory seat belt and helmet-use laws or lose control of a portion of their highway construction dollars.

The restoration of this heavy handed federal coercion, combined with the "social burden" argument, has radically changed the nature of the legislative debate on helmet-use legislation. No longer are such laws presented as merely issues of "individual choice." The threat of federal sanctions has reduced the decision to one of simple dollars and cents for beleaguered state legislators looking at million dollar deficits. This has caused a renewed interest in helmet legislation affecting adult motorcyclists.

Not since the passage of the original 1966 act have so many states contemplated helmet use laws for all riders. Currently, 25 states maintain freedom of choice for adult motorcyclists, three have no requirements. However, during the 1992 legislative session, twelve of these states considered legislation to require helmet use for all riders.

Legislation has already been introduced in both houses of the U.S. Congress to remove the federal "blackmail" sanctions. If either of these repeal bills, Senate Bill 2204 and House Resolution 4207, are to have a chance of passing, riders must be familiar with the new elements surrounding the mandatory helmet law debate.

The interest of the American Motorcyclist Association in these contemporary issues is heightened because the rationale that supports mandatory helmet laws for adults is also frequently cited in support of other public policy issues which are potentially detrimental to motorcycling. Proponents of catastrophic health insurance, legislative bans on certain classes of motorcycles and other forms of discrimination rely on similar arguments to justify their position.

Regardless of one's beliefs with respect to mandatory helmet-use laws, familiarity with the information in this booklet will be helpful in responding to other forms of legislation that threaten motorcycling. Many of the arguments put forth by our detractors are simply wrong, but only by being informed can you protect your right to ride and motorcycling's future.

THE AMA POSITION IN FAVOR OF VOLUNTARY USE OF HELMETS

POSITION

The American Motorcyclist Association (AMA) has always encouraged the use of helmets, gloves, sturdy footwear, and protective garments in general, as part of a comprehensive motorcycle safety program to help reduce injuries and fatalities in the event of a motorcycle accident.

The Association will not oppose laws requiring helmets for riders and passengers who are minors. It believes that many young motorcyclists and passengers who are minors may lack the maturity to make an informed decision regarding the use of motorcycle helmets. It is, therefore, appropriate to require the use of safety helmets for minors.

Although the Association strongly encourages helmet use by all motorcyclists, it maintains a long-standing fundamental belief that adults should continue to have the right to voluntarily decide when to wear a helmet.

The Association further believes that helmet use alone is insufficient to ensure a motorcyclist's safety. There is a broad range of other measures that can be implemented to improve the skill of motorcycle operators as well as reduce the frequency of situations where other vehicle operators are the cause of accidents involving motorcycles.

DISCUSSION

The AMA has traditionally supported the right of adults to choose whether to wear a helmet. Our position has remained unchanged since the 1966 inception of mandatory helmet laws across the nation. Even though our members are strongly encouraged to wear helmets, we believe the choice clearly should remain with the individual.

To better understand the Association's position on helmet laws, it is first necessary to make a distinction between the use of helmets and mandatory helmet laws. Some members of society tend to view the helmet only as a mechanical safety device in the same category as seatbelts. What they fail to realize is that it is viewed by motorcyclists as an accessory of personal apparel connected with their chosen lifestyle and their right as adults to make their own decisions. Unlike seatbelts, helmets do not come "standard" with motorcycles and represent a separate purchase. Helmet laws, on the other hand, are a manifestation of society's belief that its members lack the wisdom to make decisions about personal safety and must therefore be subjected to arbitrary laws. This is a concept we must reject.

The injuries from which a helmet may protect a rider do not occur until after a rider is involved in an accident. A mandatory helmet law does nothing to prevent an accident from occurring. The AMA has been a strong advocate of motorcycle rider education, improved licensing and testing and increased public awareness, all proven preventive measures that actually reduce accidents and improve safe operation. These statistically viable programs did not exist twenty years ago. There is evidence that these programs, and the comprehensive approach to motorcycle safety they represent, have contributed significantly to the improved safety record of motorcycles.

It is suggested by some that permitting mature adults to make their own decisions on helmet use creates an excessive burden for society as a result of health care costs incurred by helmetless riders. However, when the costs of motorcycle related injuries are examined in the context of the total social health care picture, the figures are not unusually startling.

According to the U.S. Department of Health and Human Services, Americans spent \$75 billion on all motor vehicle accident related medical expenses in 1989. This compares with \$60.4 billion for total U.S. health care costs (reported by Health and Human Services Secretary Louis W. Sullivan), indicating that

motor vehicle accidents account for 12.4% of our nation's annual health care costs. The National Highway Traffic Safety Administration reports that there were 11,522,000 crashes involving motor vehicles in 1989, 101,000 of which were motorcycles. Simply translated, motorcycles represented less than 9/10ths of one percent of all crashes involving vehicles or approximately .001% of our nation's total annual health care expenses when compared proportionately. This figure would be further reduced if it were possible to determine what percentage of those expenses were incurred by helmeted vs. non-helmeted riders.

Realistically, motorcyclists are certainly not the only group of people who might create a social burden as a result of individual decisions. We are a society of risk takers and even by avoiding the "extremes," mountain climbers, bicyclists, skiers, equestrians, and joggers could be placed in a similar category. Despite these "burdens," we don't see aggressive legislative action designed to limit society's exposure to these costs nor would such legislation be appropriate. We have long ago decided as a civilized society to balance individual freedoms with necessary social costs.

The value of a helmet is neither enhanced nor diminished by the presence or absence of a mandatory helmet law. We believe that the same principle applies to mandating personal safety, whether it be for motorcycling, skiing or some other risk related activity. We must rely on individuals and society to provide the education and the experience to aid us in making decisions that are right for us. Ultimately, society cannot be expected to make individual decisions we must be free to make ourselves.

RESPONSES TO CLAIMS MADE BY HELMET LAW ADVOCATES

CLAIM

"Injured motorcyclists do not pay their hospital bills, they are usually uninsured and rely on the public to pay for their injuries!"

RESPONSES

- A study conducted at Harborview Medical Center in Seattle, Washington, reported that 63.4% of the injured motorcyclists in the trauma center relied on public funds in order to pay their hospital bills. However, according to testimony by the director of the trauma center, David Gitch, 67% of the general patient population also relied on taxpayer dollars to pay their hospital bills in the same time period.
- In a more recent study conducted by the University of North Carolina's Highway Safety Research Center, researchers reported that 49.4% of injured motorcyclists had their medical costs covered by insurance while 50.4% of the other road trauma victims were similarly insured. *Motorcyclists are just as likely to be privately insured as any other injured road user.*
- Spiraling health care costs and the difficulties many Americans have in obtaining adequate health insurance are very real problems. Mr. Charles Browsher, the Comptroller General of the United States, testified before the House Ways and Means Committee that if current trends in health care spending continue, the nation will expend nearly 15% of its Gross National Product on health care by the year 2000. This is an amount equivalent to our current defense budget. Additionally, there are an estimated 32 million Americans lacking any form of health insurance whatsoever. However, the problems evident in our nation's health care system are in no way the fault of America's motorcyclists.

CLAIM

"Many injuries and deaths occur as the result of motorcycle accidents and society must take steps to minimize the costs associated with these accidents."

RESPONSES

- Motorcycles account for only 9/10ths of 1% of all the crashes involving vehicles in this country, the smallest recorded category.
- Recent studies indicate that injured motorcyclists constitute the smallest identifiable category of trauma victims, representing between 2.8%–6.4% of the injured patient population.^{2,3,4}
- The cost of treating an average motorcycle-related injury is similar to the cost of treating other road trauma victims. One recent study reported that hospital charges for 765 identified motorcyclists, were "not significantly different from patients injured in other transportation-related accidents⁵." Additionally, "hospital charges were not different in helmeted and unhelmeted patients." Motorcyclists comprise a very small fraction of trauma patient populations and the costs associated with their treatment are similar to other road trauma victims.

CLAIM

"Mandatory helmet laws are the most effective way to reduce the injuries and fatalities that result from motorcycle accidents."

RESPONSES

- Helmets do not prevent accidents.
- While the AMA strongly encourages motorcyclists to use all the appropriate protective gear, we recognize that motorcycle safety requires a comprehensive approach that many helmet law proponents ignore. Advocates of mandatory helmet laws claim that "Laws requiring helmet use by all motorcyclists have been shown by a variety of studies to reduce motorcycle deaths by about 30 percent."⁶ If this claim were true, presumably it would be reflected in drastically lower fatality rates in states that have mandatory helmet laws. However, when

the figures for fatalities per 100 accidents are compared between states, there is no evidence to support the claims of helmet law advocates. In short, given 100 accidents, more of these accident victims would be expected to survive in states with mandatory helmet laws. **THIS IS NOT THE CASE.** In fact, the average figure for fatalities per 100 accidents in states without helmet laws is identical to the national average.

- A recent University of North Carolina study examined the relationship between helmet use and injury severity and found that, "Helmet use was not found to be associated with overall injury severity (ISS), discharge facility (home, rehab, etc.), or insurance status."

RESPONSES TO CLAIMS MADE CONCERNING THE FEDERAL TRANSPORTATION BILL

Recently passed federal legislation, known as the Intermodal Surface Transportation Efficiency Act of 1991, includes language intended to coerce states into passing mandatory helmet laws. This bill defines both grants and sanctions applicable to states that have or have not passed mandatory helmet and seat belt laws. While the grant language may seem initially attractive, the requirements that must be met in order to obtain a grant are prohibitive and will ultimately cost the state money.

CLAIM

"If the state passes a mandatory helmet law for adults, the state will receive federal grant money in accordance with the new federal transportation bill."

RESPONSES

- In order to secure a federal grant, the state is required to match a portion of the federal allotment total. 25% of the first year's grant would be borne by the state, increasing to 50% and 75% in the succeeding two years. These grants cannot be used to offset what the state had previously been spending on highway safety programs. Grants will be issued only to states that maintain their previous levels of spending on state and community safety projects (402 funds)

- Federal grants under this provision can only be spent on a very limited number of highway safety programs and *cannot be used to offset any fiscal shortfalls in the state's general fund*. These federal safety grants will provide absolute, no relief to the state's general fund
- There is no guarantee that a state would receive any grant money even if an adult helmet law was passed. The state may receive a grant in the first year, but the federal government is not required to issue a grant to states that have both helmet and seat belt laws. Federal requirements dictate that in order for states to receive grants after the first year, they must meet stringent compliance rates for both helmet and seat belt use. Efforts to boost compliance will result in further state expenditures.

CLAIM

"The state must pass a helmet law; otherwise, a portion of its federal highway construction dollars will be diverted into highway safety programs."

RESPONSES

- In no case will a state lose a single dollar if they choose not to pass a helmet or seat belt law. A portion of their highway construction dollars would be rechanneled into highway safety programs, but all the money allocated to the state would remain within the state
- The sanctions will not take effect until fiscal year 1995 and there are presently two bills in the U.S. Congress, H.R. 4207 and S.B. 2204, which would repeal the sanction provisions in the federal helmet law. State governments do not like their policies arbitrarily set for them by the federal government and there is time available to repeal the federal penalties. These repeal bills will bring the states rights issue to the forefront unlike the federal transportation bill, which buried the issue inside a very big and important piece of legislation

COMPREHENSIVE PROGRAMS THAT PROMOTE MOTORCYCLE SAFETY

In the past decade, motorcycle fatalities have decreased 38 percent while accidents have plummeted 41 percent. These figures are particularly impressive in light of the fact that the Federal Highway Administration estimates that the average vehicle miles traveled by motorcyclists has increased 85 percent since 1975. These statistics are unmatched by any other category of road user but there remains room for improvement. There are several less personally intrusive measures that can be taken to make motorcycling safer.

- Approximately 40 percent of all fatally injured motorcyclists are unlicensed.⁸ Creative motorcycle safety programs that provide incentives to promote licensing and training can reduce accident and fatality statistics further. These rider education programs are funded solely with surcharges upon motorcycle licenses and registrations and are no drain whatsoever on state resources. The Ohio Motorcyclist Enrichment Program recently completed a study which showed that their course graduates under 18 years of age are 1/7th as likely to be involved in an accident as untrained riders in the same age group.
- Approximately 50 percent of all fatal motorcycle crashes involve alcohol.⁹ Alcohol awareness programs and "Dial a Risk" campaigns can drastically reduce alcohol-related accidents and fatalities.
- Two-thirds of all motorcycle related multi-vehicle crashes are caused by the driver of another vehicle.¹⁰ The most common accident involves an automobile failing to yield the right of way to the motorcyclist. Motorist awareness campaigns and conspicuity programs can reduce the frequency of these sorts of accidents.

CONCLUSION

Motorcyclists have a vested interest in their own safety. Ultimately, the issue is not the efficacy of helmet use but a question of whether adults should be able to make personal decisions regarding their own safety, free from state interference. A recent Motorcycle Industry Council survey identified the average motorcyclist as being 32½ years of age, married and college-educated with an income slightly in excess of \$33,000 a year. There are risks inherent in any form of transportation, but these demographics describe the type of individuals who can evaluate safety issues for themselves.

Think about the facts presented in this booklet. If you have any questions, contact the AMA Government Relations Department at 614 891-2425 for more information.

END NOTES

1. *Trauma Care, Lifesaving System Threatened by Unreimbursed Costs and Other Factors.* United States General Accounting Office, GAO/HRD 91-57
2. *Motorcycle Injuries, An MTOS Perspective.* Cooper, Dickman, Champion and Sako
3. *The Association of Helmet Use with the Outcome of Motorcycle Crash Injury Severity.* Rutledge, Stuffs, Foil, Otter and Meredith
4. *An Analysis of Injury Outcome and Insurance Status of Hospitalized Motorcyclists.* Stuffs, Rutledge and Marshall
5. *The Association of Helmet Use with the Outcome of Motorcycle Crash Injury Severity.* Rutledge, Stuffs, Foil, Otter and Meredith
6. *The Injury Fact Book, 2d edition.* Baker, O'Neill, Ginsburg. Oxford University Press 1992
7. *1991 Motorcycle Statistical Annual.* Motorcycle Industry Council
8. *Highway Safety Priority Plan 1991-1993.* USDOT, National Highway Traffic Safety Administration
9. *Fatal Accident Reporting System 1990.* USDOT, National Highway Traffic Safety Administration
10. *Summary of Results: "Advances in Accident Factors Study."* USDOT, National Highway Traffic Safety Administration