

Testimony of

American Property Casualty Insurance Association (APCIA)

House Judiciary Committee

House Bill 639 - Vehicle Laws - Protective Headgear Requirement - Exception (In Remembrance of Gary "Pappy" Boward)

February 15, 2024

Letter of Opposition

The American Property Casualty Insurance Association (APCIA) is a national trade organization whose members write approximately 67.1% of the U.S. property-casualty insurance market. The bill would provide an exception for drivers over the age of 21 years of age who has been licensed to operate a motorcycle for at least 2 years or has completed certain motorcycle safety courses not to wear a helmet nor their passenger. APCIA appreciates the opportunity to provide written comments in opposition to House Bill 639.

Compared with cars, motorcycles are an especially dangerous form of travel. The National Highway Traffic Safety Administration (NHTSA) estimated in 2015 that, per mile traveled, the number of deaths on motorcycles was more than 29 times higher than deaths in cars. Motorcycles are capable of very rapid acceleration and high-top speeds. They are less stable than cars in emergency braking and less visible to other motorists. Motorcyclists do not have the protection of a vehicle structure around them, leaving riders vulnerable to contact with hard road surfaces, other vehicles, and fixed objects such as trees. This is why wearing a helmet, as well as other protective clothing, is so important.

Helmets are proven to decrease the severity of head injuries, the likelihood of death and the cost of medical care. Helmets are highly effective in preventing brain injuries, which often require extensive treatment and may result in lifelong disability. NHTSA estimates that in the event of a crash, un-helmeted motorcyclists are 3 times more likely than helmeted riders to suffer traumatic brain injuries, and that motorcycle helmets reduce the likelihood of a crash fatality by 37 percent.¹ Norvell and Cummings found a 39 percent reduction in the risk of death after adjusting for the effects of rider age, gender, and seat position². A literature review estimated that helmets reduce the risk of death in a crash by 42 percent and the risk of head injuries by 69 percent.³

Helmet Laws Change Behaviors

In 2016, 94 percent of motorcyclists observed in states with universal helmet laws were wearing helmets. In states without such laws, helmet use was 57 percent⁴. Use of helmets judged to be compliant with federal safety regulations was 80 percent among motorcyclists in states with universal helmet laws and 54 percent in states without such laws.

In a national telephone survey of motorcyclists, 22 percent of those who said they believe helmets keep riders safer reported not always wearing helmets while riding⁵. However, only 6 percent of motorcyclists in states with

¹ Insurance Institute of Highway Safety, <https://www.iihs.org/topics/motorcycles#cite-text-1-1>

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

universal laws reported not always wearing helmets, suggesting that education alone would not be as beneficial in increasing helmet use as a universal helmet law.

The Public Supports Helmet Laws

According to a 2000 national telephone survey, 81 percent of respondents reported that they favored mandatory helmet use laws for motorcyclists. Support was more prevalent among females (88 percent) than males (72 percent) and among non-motorcyclists (83 percent) than those who drove motorcycles (51 percent). Support was higher in states requiring all riders to wear helmets (84 percent) compared with states with lesser requirements (75 percent) or no requirements (79 percent).⁶

In an Institute survey of motorcyclists conducted in 2009, 45 percent said they favor universal helmet laws.⁷ Those who favor universal laws were more likely to report that they believe helmets keep riders safer than those who do not favor universal helmet laws (87 percent vs. 65 percent). Among motorcyclists who reported not always wearing helmets while riding, 57 percent said that a helmet law would encourage full-time helmet use.

Helmet Laws Reduce Deaths, Injuries and Medical Costs

In states that either reinstated or enacted universal motorcycle helmet laws, deaths and injuries of motorcyclists decreased. In states that repealed or weakened their universal helmet laws, deaths and injuries typically rose.⁸

Un-helmeted riders have higher health care costs as a result of their crash injuries, and many lack health insurance. A 2002 review of 25 studies of the costs of injuries from motorcycle crashes reported that helmet use reduced the cost of medical treatment, length of hospital stay and probability of long-term disability for riders injured in a crash.⁹ Studies that looked at who pays for injured riders' medical care found that just over half of injured riders have private health insurance coverage. For those without private insurance, most of the medical costs are paid by the government. A more recent study confirmed the earlier findings that un-helmeted riders had much higher hospital charges than helmeted ones.¹⁰

For these reasons, APCIA urges the Committee to provide an unfavorable report on House Bill 639.

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⁶ *Id.*
⁷ *Id.*
⁸ *Id.*
⁹ *Id.*
¹⁰ *Id.*