

MEMBERS PRESENT

Chairman Sena
Vice Chairman Glover
Mr. FitzPatrick
Mrs. Hayes
Mr. Polish
Mr. Prengaman
Mr. Stewart
Mrs. Wagner
Mrs. Westall

GUESTS PRESENT

See Guest List Attached

The meeting was called to order by Chairman Sena at 3:15 p.m. for the purpose of hearing A.B. 11 and A.B. 44.

Assembly Bill 11 - Excludes adult drivers of motorcycles and their passengers from requirement to wear headgear and other protective devices.

Appearing in support of the bill was Mr. Keith J. Henrikson, representing United Motorcycle Riders of Nevada, Nevada Association of Concerned Motorcyclists, and Nevada Motorcycle Franchised Dealers' Association.

A copy of Mr. Henrikson's statement to the committee is attached as Exhibit A.

Mrs. Wagner read a Massachusetts Federal District Court decision of 1972, subsequently affirmed by the United States Supreme Court, and asked Mr. Henrikson's response to such decision. Mr. Henrikson said that his response was contained in his initial presentation when he stated that statistics show nationally that 26 percent of motorcycle fatalities are from head injuries, but 28 percent of auto fatalities are from head injuries. It was Mr. Henrikson's contention that if the law applied equally, based on number of injuries, people in automobiles should also be required to wear helmets. Mr. Henrikson appealed to the committee to give equal treatment to motorcycles and automobiles.

In response to questions by Mrs. Hayes, Mr. Henrikson said that, to his knowledge, insurance was not higher in states which did not have a helmet law. He also questioned the validity of statements that helmets are sometimes a hindrance in hearing and seeing.

Mr. Prengaman asked if the motorcycle groups would support mandatory training programs. Mr. Henrikson replied they would not only support such training, but would also furnish teachers at no cost if such a program were initiated by the Motor Vehicle Department or the Office of Traffic Safety.

Mr. John W. Borda, Director, Nevada Office of Traffic Safety, appeared in opposition to A.B. 11.

A copy of Mr. Borda's statement to the committee is attached as Exhibit B. (The Motorcycle Helmet and Accident Analysis referred to in Mr. Borda's statement is available for review in the committee secretary's files, Legislative Building, Carson City).

Mr. Borda further told the committee that while the motorcyclists say they don't need a law requiring them to wear helmets, he does not believe that statement is true. States who repealed the law in 1977 are seeing the use of helmets in only 30 to 60 percent of riders. A survey in California, which has never had a helmet law, showed that of all those injured in accidents in 1 year, only 30 percent were wearing helmets.

Mr. Borda also said that requiring those under 18 years of age to wear helmets would create an enforcement problem because it would be difficult for peace officers to tell the age of a person speeding by on a motorcycle.

Mr. Dennis K. Tatum, Deputy Director, Nevada Office of Traffic Safety, discussed portions of the motorcycle analysis report which he had prepared. He noted that many schools are cutting back in their driver education programs and as a result it is difficult to get motorcycle training into the schools.

Mr. Prengaman asked if the Office of Traffic Safety would continue safety programs if the helmet law was repealed. Mr. Borda said his office would continue such motorcycle safety programs whether the law was repealed or not.

Mr. Gary Johnson, a member of the Silver City Scramblers motorcycle racing club, appealed to the committee to recognize that it is better to promote good safety practices for the individual rather than to try to legislate them. Mr. Johnson said he had worn a helmet by choice for 22 years and would continue to wear a helmet if the law were repealed, but again it would be by choice. He felt that the responsibility for his own well being should be left up to himself.

Mr. Wally Kurtz, a member of the Board of Directors of Nevada

Parent Teacher Association, read a statement expressing the PTA's opposition to A.B. 11. A copy of the statement is attached as Exhibit C.

Mr. Kurtz introduced his wife, Lois, and her nephew, Darrel Taylor. Mrs. Kurtz told the committee the story of Darrel's injury in a motorcycle accident 12 years ago in Battle Mountain. She said he had been unconscious for eight months and suffered permanent damage to the motor control section of his brain. Mrs. Kurtz said that a neurosurgeon told her this would not have happened if Darrel had been wearing a helmet. She also said the accident and resultant injuries had cost the State of Nevada almost \$100,000 in workmen's compensation.

Mrs. Wagner referred to Mr. Kurtz' statement that many states which had repealed helmet laws were attempting to put the law back on the books and asked which states were attempting this. Mr. Kurtz said he would obtain this information for Mrs. Wagner.

Mr. Samuel J. Marber, Legislative Chairman for the Sabres Motorcycle Club in Southern Nevada, said that he had been fighting mandatory helmet laws for adults for many years. He expressed the opinion that Americans live in an over-regulated society and that the notion that everything that is good should be mandated and everything bad should be prohibited is totalitarian. He further thought that safety should be the individual's responsibility and not the state's. A list of legislation proposed by the Sabres Motorcycle Club is attached as Exhibit D.

Mr. Peter C. Neumann and Ms. Barbara Bailey, representing Nevada Trial Lawyers Association, appeared in opposition to A.B. 11. Mr. Neumann submitted an article "The Odds Grow Shorter" furnished by the Reno Neurological Society, a copy of which is attached as Exhibit E. Mr. Neumann also asked the committee to carefully consider the consequences before it took the law away.

Mr. John Flanders, a former Carson City motorcycle dealer, appeared in support of the bill. He expressed concern that since Nevada requires California motorcyclists to wear helmets, California might retaliate by requiring that Nevadans entering California have smog control devices on their automobiles. He further said that the American Motorcycle Association does not support the mandatory helmet law.

Major Pete Zadra, Nevada Highway Patrol, presented a statement regarding A.B. 11, a copy of which is attached as Exhibit F. Major Zadra concurred with Mr. Borda's statement that peace officers would have to stop many motorcyclists to determine age.

Mr. FitzPatrick asked Major Zadra how many operators of motorcycles did not have motorcycle licenses. Major Zadra said he would give Mr. FitzPatrick the information by January 31.

Mr. John Miller, a private citizen and concerned father, appeared in opposition to the bill.

Mr. Virgil P. Anderson, American Automobile Association, opposed the bill on the grounds that insurance costs increase with increased injuries.

The Chairman of the Legislative Committee of the Independent Insurance Agents of Nevada, Mr. Bill Thomason, registered opposition to A.B. 11 for the same reasons expressed by Mr. Borda, Mr. Neumann and Mr. Anderson.

Assembly Bill 44 - Increases penalty for bypassing muffler on motorcycle.

Representing the same organizations as for A.B. 11, Mr. Keith Henrikson appeared in support of A.B. 44. He explained that this was referred to as an "overkill" bill to protest penalizing motorcycle drivers separately from automobiles. Mr. Henrikson pointed out that without 486.321 even being in the law, motorcycles would be controlled by the same laws as automobiles under 484.6101. He recommended that lines 4 through 13 be deleted from A.B. 44.

Mr. Henrikson pointed out various sections of NRS dealing with mufflers, noise emission standards, punishments for misdemeanors and gross misdemeanors, and the difference in penalties for motorcycles and automobiles.

Mr. Glover expressed the opinion that there should be a separate law covering mufflers for motorcycles since motorcycles without mufflers were so obnoxious. Mr. Polish and Mrs. Westall felt the penalties for muffler violations on motorcycles were too strong. Mr. Henrikson said that in many instances an officer would not issue a citation for a muffler violation because the penalties were so severe. He again requested that lines 4 through 13 be deleted from A.B. 44.

Mr. Samuel J. Marber requested that violations of muffler requirements be treated the same for motorcycles and automobiles.

Assembly Bill 11.

The committee returned to a discussion of A.B. 11. Mr. Stewart suggested an amendment that as a requirement for obtaining a

motorcycle license particular schooling or necessary training would be required in schools.

Mrs. Hayes said it would be inappropriate to put that particular type of amendment on the bill since it would require a fiscal note and a referral to Ways and Means. Other members of the committee stated they could not support such an amendment.

COMMITTEE ACTION

Assembly Bill 11: Mrs. Westall moved Do Pass with an amendment that it be effective upon passage and approval. Mr. Polish seconded.

After committee discussion, Mrs. Westall withdrew her proposed amendment and moved Do Pass A.B. 11. Seconded by Mr. FitzPatrick.

Mr. Prengaman stated that he was one of the sponsors of the bill but could no longer support it after hearing the testimony.

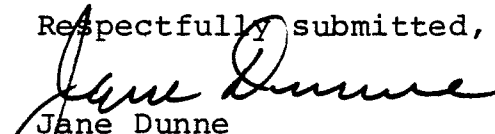
Mrs. Wagner said that she was impressed with the quality of the testimony from both sides, but she intended to vote "no" as she did in 1977.

Mr. Stewart said that until he was certain that requirements for licensing were strict and certain procedures complied with, he could not support A.B. 11.

On roll call, Mr. Fitzpatrick, Mrs. Hayes, Mr. Polish, Mr. Sena and Mrs. Westall voted yes. Mr. Glover, Mr. Prengaman, Mr. Stewart and Mrs. Wagner voted no. Motion carried.

The meeting was adjourned at 5:15 p.m.

Respectfully submitted,


Jane Dunne
Assembly Attache

60TH NEVADA LEGISLATURE
ASSEMBLY TRANSPORTATION COMMITTEE
LEGISLATIVE ACTION

Date January 30, 1979

Subject A.B. 11

MOTION:

Do Pass x Amend _____ Indefinitely Postpone _____ Amend & Do Pass _____

Moved by Mrs. Westall Seconded by Mr. FitzPatrick

AMENDMENT:

Moved by _____ Seconded by _____

AMENDMENT:

Moved by _____ Seconded by _____

| VOTE: | <u>MOTION</u> | | <u>AMEND</u> | | <u>AMEND</u> | |
|-------------|---------------|-----------|--------------|-----------|--------------|-----------|
| | <u>Yes</u> | <u>No</u> | <u>Yes</u> | <u>No</u> | <u>Yes</u> | <u>No</u> |
| FitzPatrick | <u>x</u> | _____ | _____ | _____ | _____ | _____ |
| Glover | _____ | <u>x</u> | _____ | _____ | _____ | _____ |
| Hayes | <u>x</u> | _____ | _____ | _____ | _____ | _____ |
| Polish | <u>x</u> | _____ | _____ | _____ | _____ | _____ |
| Prengaman | _____ | <u>x</u> | _____ | _____ | _____ | _____ |
| Sena | <u>x</u> | _____ | _____ | _____ | _____ | _____ |
| Stewart | _____ | <u>x</u> | _____ | _____ | _____ | _____ |
| Wagner | _____ | <u>x</u> | _____ | _____ | _____ | _____ |
| Westall | <u>x</u> | _____ | _____ | _____ | _____ | _____ |
| TALLY: | <u>5</u> | <u>4</u> | _____ | _____ | _____ | _____ |

ORIGINAL MOTION: Passed x Defeated _____ Withdrawn _____

AMENDMENT: Passed _____ Defeated _____ Withdrawn _____

AMENDED & PASSED: Passed _____ Defeated _____

Attached to Minutes of January 30, 1979

GUEST LIST

IF YOU
WISH TO SPEAK

NAME

REPRESENTING

Pro Con

(Please print)

| | <u>NAME</u> | <u>REPRESENTING</u> | Pro | Con |
|------|--|-------------------------------|-----|-----|
| X | KEITH J. HENRIKSON | UMRON, NACM | X | ✓ |
| NE X | IRV J. LEWIS | UMRON | | ✓ |
| NI | Daniel A. Norby | President UMRON | | ✓ |
| X | Samuel J. Marber | Sabres M/C | | ✓ |
| X | | | | |
| X | | | | |
| X | B. J. Smith | AAA | | |
| X | Reginald P. Anderson | AAA | | ✓ |
| X | John W. Goods | Office Traffic Safety | | ✓ |
| X | Dennis Fitter | Office of Traffic Safety | | |
| X | Major <i>[Signature]</i> ^{2nd Lt} | Nev. Highway Patrol | X | ✓ |
| X | JOHN FLANDERS | NEV. MOTORCYCLIST | | ✓ |
| X | Allan Bruce | AEC | | |
| X | Jacqueline Chapman | Nev. High Sch. Comm. - 1950 | | |
| X | May Christiansen | So. Nev. % + Skat. Nat. Assn. | | |
| X | John S. Miller | Self | | ✓ |
| X | Bill THOMASON | Nevada Ind. Incentives | | ✓ |
| X | Peter C. Neumann | Nevada Trial Lawyers | | ✓ |
| X | Barbara Bailey | Nevada Trial Lawyers | | ✓ |
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KEITH J. HENRIKSON--representing UMRON, NACM, NMFDA:

Speaking in favor of AB-11, taking the unpopular stance of provocateur, spreading venom and prejudice, against any law compelling Americans to protect themselves. I am here on behalf of the rights of citizens in this "land of the free", to have "freedom of choice" in their personal life preferences. Those whom I represent are opposed to Federal Government mandates and Government intervention of states' or individuals' rights.

"Let those who ride decide"--the rally call of motorcycle riders--should not be misunderstood. All must realize that serious and fatal injuries are four (4) to five (5) times as likely without helmets as with them. We are, after all, not motivated by a need for self-destruction, but by the universal and basic concern of self-preservation.

"Ride free"--the cry of those who do not believe those "bigoted champions" who claim that it is important that laws are kept to protect all members of society, and if even one (1) life is saved then pass laws that restrict and affect everyone.

We do believe that what is effective is not being done. Motorcycle education programs, motorcycle safety courses, adequate licensing awareness programs, increased or tougher testing for motorcycle licenses, N. I. C. on-job rules. We do believe that these would cut accidents, injuries, and fatalities--and have shown recently a thirty percent (30%) reduction in Sacramento, which has no helmet law.

Keith J. Henrikson
Page Two

Of the thirteen (13) Western states only Wyoming and Nevada have yet to repeal this "Federally encouraged law." If saving lives is all we are after, then what about mandatory seat belts, shoulder harnesses, and helmets in cars. Statistics show nationally that twenty-six percent (26%) of motorcycle fatalities are from head injuries, but twenty-eight percent (28%) of auto fatalities are from head injuries!

NOTES:

NHISA says California has largest increase in fatalities; ironic, they had no helmet law to blame.

Percentage-wise, Nevada has no more injuries than California.

13,000 deaths from fires per year.

4100 deaths from motorcycles per year.

deaths from cars each year.

Mopeds and power cycles included in statistics?

Medical costs and statistics on motorcycles as % from cars?

Rehabilitation costs and statistics on motorcycles % from cars?

Dress for riding as if a crash at 9:37 AM was inevitable!

"State Legislature" magazine articles--read!!

We are, after all, not motivated by a need for self-destruction, but by the universal and basic concern of self-preservation.

Taking the Floor

What really happens
after states repeal
their helmet laws?

"Deaths Up Since End to Helmet Law," groaned the headline in the Wichita *Eagle*. The July 1978 article, compiled largely from press releases issued by the National Highway Traffic Safety Administration (NHTSA), explained that U.S. motorcycle fatalities rose by 770 in 1977, a 23 percent increase over 1976. The fault was laid squarely at the feet of the 25 legislatures that repealed or modified their compulsory helmet-use laws in 1976 and 1977.

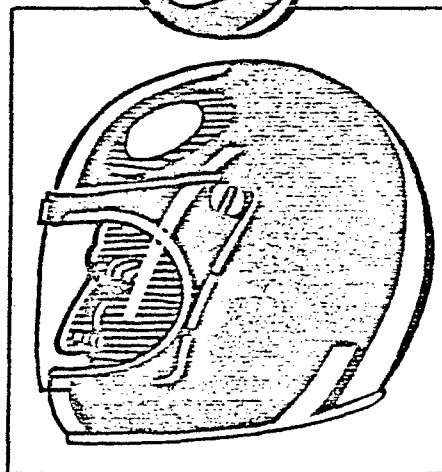
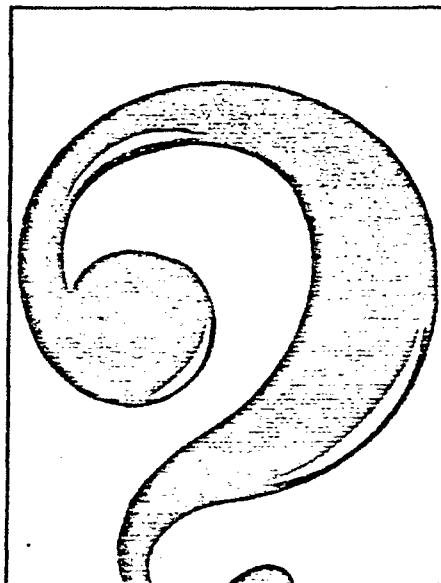
This news feature, like hundreds similar to it around the nation, neglected to mention other statistics that might have thrown some light on the state of motorcycle safety in 1977:

—Ohio and New York had fatality increases of 53 and 56 respectively, whether they accounted for 15 percent of the total national 1977 increase.

—Georgia, Massachusetts, New Jersey and West Virginia had 1977 percentage increases of cycle fatalities averaging 63 percent over 1976; Wyoming recorded a 202 percent increase in fatalities. In numbers of fatalities, these five states accounted for 17 percent of the total national increase in 1977.

There have been no NHTSA press releases discussing what happened in the seven states mentioned ~~above~~ because all seven kept their helmet laws in 1977.

NHTSA's claims concerning the national results of a spate of repeals (29 as of September 1978) simply don't hold up. That agency, with a monopoly on highway safety statistics, usually has its numbers and conclusions accorded a luxury no federal agency should have—that of employing black-white absolutes getting away with it. But that is changing. With dogged pursuit of the facts that count by the American Motorcyclist Association (AMA), the Motorcycle Industry



Council (MIC) and cycling citizens groups, the rest of the picture comes into focus. So set aside for a moment the impressions of helmet law repeals promoted by the Federal NHTSA and its state-level counterparts, and reflect on parts of the picture they have chosen to leave out.

1) "Repeal" states, as a group, had a slightly superior safety record to "law" states, as a group, in 1977. Comparing the fatalities-to-10,000-registrations ratio (f/10k r) of the two groups shows a figure of 7.19 for the 25 "repeal" states and 9.09 for the 23 "law" states. Of the nine states with the highest such ratios, eight had kept their helmet law.

Some motorcycle safety authorities have adopted a fatalities-per-100-accidents ratio (f/100a). This figure is considered especially im-

portant because it addresses directly the principal alleged benefit of a motorcycle helmet law—the protection of cyclists.

The f/100r for the "repeal" group in 1977 was 2.56; for the "law" states, it was 2.62. While the "repeal" states show a slightly better survivability score, the two figures are so close as to be essentially identical, as the AMA is emphasizing. NHTSA ignores these statistics.

The extreme similarity in fatality-per-100-accidents ratios between "law" and "non-law" situations has been demonstrated at least twice before. The AMA scrutinized 18 states with "clean" statistics (no non-motorcycles mixed with cycle registrations; no non-cyclists counted as cyclist fatalities) and compared f/100a ratios for years before and after enactment of their respective helmet laws. Before the laws, the states' overall average was 2.688; after the laws, it was 2.562. The "law" states came off with a slightly lower figure, but the AMA again points out the essential similarity between the two. A common test for statistical significance shows the two to have no real difference.

A comparison by the writer of 1976's eight "repeal" states to all the helmet law states showed an f/100a ratio of 2.33 for the repealers and 2.59 for the states with such laws. Again, it is a case of outstanding similarity.

2) The claimed fatality increase of 23 percent is an exaggeration. Some "fatal motorcycle accidents" don't involve motorcycles at all, according to the Fatal Accident Reporting System (FARS). About 2½ percent of the total fatal accidents are associated with mopeds and all manner of "unknowns," many of which are driven illegally in every neighborhood in the country. Mopeds are not considered motorcycles by 33 states. Yet at the federal level all moped fatalities are called motorcycle fatalities even when it is known that the moped fatalities in question occurred in one of those 33. (There may be far more moped accidents than is realized; from conversations with police officers. I

learned that many do not distinguish between the two vehicle types when investigating accidents in the field.) As with the mopeds, the "unknowns" are another category irrelevant to the helmet law because the victims can't be shown to have been on motorcycles, legal or actual, at all.

About 3½ percent of 1976's cycle fatality toll, the FARS said, were actually persons other than motorcyclists. There are many fallibilities still built into FARS, not the least of which is the situation in which some states count fatalities from accidents involving motorcyclists instead of counting fatally injured cyclists only. This would assure higher counts at the federal level.

No one is certain of the actual 1977 motorcyclist fatality toll, but it is clear that some categories should never have been included and ought to be subtracted from the claimed total.

3) A FARS study covering all states through most of 1977 found "no significant difference in the fatality rates of states requiring or not requiring the wearing of motorcycle helmets."

4) While NHTSA bemoans helmet law repeals, its own FARS is unable to tell it whether or not 31 percent of the nation's fatalities were even using helmets. With such an enormous gap in essential supportive data, the vigorous and continued promotion of mandatory helmet laws—after three-fifths of the states have rejected them—seems a classic example of bureaucratic bullheadedness.

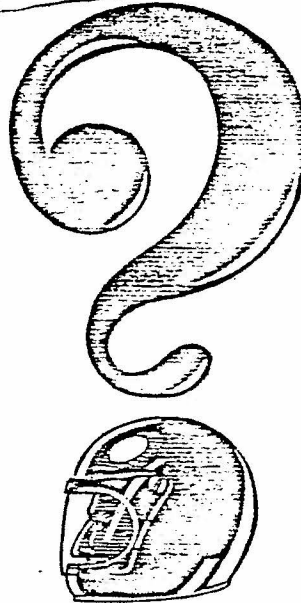
A close examination of the increase in fatalities among cyclists reveals that the same increase probably would have occurred had no repeals been enacted at all; there is evidence that average annual cycle usage had doubled by 1976 from a decade ago and was increasing even more in 1977; that weather throughout the nation inhibited motorcycling in 1976 but encouraged it in 1977, thereby increasing rider exposure; that the number of persons licensed to operate cycles in 1977 in-

creased about 9 percent over 1976; that the increase in cycle fatalities is part of a national trend affecting all vehicles (up 14 percent from 1975 for all and up 21 percent for big trucks).

This nation's 20 million motorcyclists want a safer motorcycling environment. But the ideals instilled in us make forced helmet-use laws a totally unacceptable approach. Having established that there is no real difference in the safety records of "law" and "non-law" states, we should now seek this safer environment through training, stricter licensing, awareness campaigns, and voluntary helmet-use programs, all of which are supported by the vast majority of cyclists.

But the bureaucratic class, which got us all into this compulsory law morass a dozen years ago, has its incisors imbedded deeply, and typically and stubbornly refuses to let go.

The helmet law had its turn and failed to deliver. Now it's time to concentrate on accident prevention, the only meaningful motorcycle safety goal, and the one the helmet law does not acknowledge.



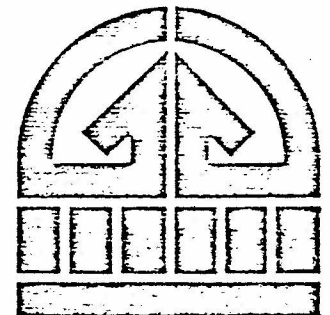
Gary Cape is a Colorado writer and real estate appraiser. Sources of the figures cited in this article are available from the author.

Coming

in the
November-December
issue of

State Legislatures

- Women's Rights and State Laws
- Looking Ahead to Reapportionment
- America's Distressed Cities: Are They Really Bouncing Back?
- The Year of the Initiative



TESTIMONY
ASSEMBLY TRANSPORTATION COMMITTEE
MOTORCYCLE HELMETS

JANUARY 30, 1979

WE HAVE PROVIDED YOU WITH A MOTORCYCLE ANALYSIS. DENNIS TATUM, DEPUTY DIRECTOR OF OUR OFFICE, WILL RESPOND TO ANY QUESTIONS YOU MAY HAVE CONCERNING THE ANALYSIS.

I WOULD LIKE TO BRING TO YOUR ATTENTION THE FACT THAT 43 INDIVIDUALS RESPONDED THAT THEY FELT THE HELMET SAVED THEM FROM SERIOUS INJURY. 25 STATED THAT THE HELMET HAD SAVED THEIR LIVES.

MY OFFICE WAS INFORMED THE PREVIOUS SESSION THAT A POLL CONDUCTED BY OTHERS THAN MOTORCYCLISTS WAS NOT VALID. THEREFORE WE CONDUCTED THE SURVEY WITH MOTORCYCLISTS ONLY.

65% FAVORED THE LAW

94% FELT HELMETS LESSENERED OR PREVENTED HEAD OR NECK INJURIES

I RECALL THAT A MEMBER OF THE TRANSPORTATION COMMITTEE OF LAST SESSION POLLED HIS DISTRICT IN LAS VEGAS AND LEARNED THAT 79% FAVORED THE LAW.

PERSONS TELL ME THAT IT'S NOT FAIR TO REQUIRE HELMETS WHEN WE DON'T REQUIRE SAFETY BELTS. THERE'S A SLIGHT DIFFERENCE. WE DON'T CURRENTLY HAVE A MANDATORY SAFETY BELT LAW. HOWEVER, IF WE DID, I WOULD HOPE THE LEGISLATURE WOULD SEE FIT TO RETAIN SUCH A LAW THAT WOULD SAVE MANY LIVES A YEAR.

FINALLY, IF THE LAW IS RESCINDED, FATALITIES AND INJURIES WILL INCREASE AND THE COST TO ALL OF US WILL DRAMATICALLY RISE. (COST OF A STATE WORKER)

(DARRELL TAYLOR). IF I MAY, LET ME REPEAT AN INCIDENT WHICH OCCURRED AT A COMMITTEE HEARING LAST SESSION. A MOTORCYCLIST ROSE TO SHOUT THE FAMILIAR CRY, "LET THOSE WHO RIDE DECIDE". A SENATOR RESPONDED TO THE INDIVIDUAL, "AND LET THOSE WHO PAY SAY!"

TESTIMONY AGAINST CHANGE IN HELMET LAW--AB 11

Transportation Committee--Assembly Tuesday, Jan. 30, 1979

By - Wally Kurtz - Nevada Parent Teacher Association

Since 1969, the Nevada Parent Teacher Association has supported the Helmet Law and we reaffirmed that position during the Legislative Sessions of 1971, 1973, 1975 and 1977. Today our position stands more solid than ever as representatives of the nearly 27,000 members of the PTA across the state oppose AB 11, which would render the present Helmet Law virtually useless.

To eliminate the helmet requirement for persons over the age of eighteen years, would be tantamount to the elimination of helmets for nearly everyone except the very young. We, as parents and teachers, know that young people pattern much of their behavior after adult role models and it is not wise to assume that teenagers under eighteen will wear helmets when their role models are not required to wear them.

The most obvious flaw in this compromise bill is the difficulty of properly identifying the age of a motorcyclist. It is almost impossible to distinguish between a sixteen year old and an eighteen year old when they are standing still side by side, let alone when going down the highway at forty-five miles an hour. We feel that this fact would make the law unenforceable and within a short time the entire law would become a farce.

We, in the PTA, have heard the arguments about the individual rights of older motorcyclists, but we also are aware that individual freedom ends with the tip of the other fellow's nose. If the statistics about death and permanent head injury affected only those with the injuries or who die, it might be another matter, but the fact is that society as a whole is affected by almost every death and injury resulting from a motorcycle accident. The Federal District Court of Massachusetts, which was later affirmed by the U. S. Supreme Court, said it best. "From the moment of the injury, society picks the person up off the highway, delivers him to a municipal hospital and municipal doctors; provides him the unemployment compensation, if, after recovery, he cannot replace his lost job and if the injury causes permanent disability, may assume the responsibility for his and his family's subsistence. We do not understand a state of mind that permits plaintiff to think that only he himself is concerned."

Several states have gone through the process we are now going through and have made the error of compromising the law without proper thought of the eventual outcome. In twenty-two such states the death rate from motorcycle accidents has increased to 32.8% compared to 23% increase nationally during the same period of time.

Following the repeal of the Helmet Law in Colorado, the use of

helmets dropped from almost 100% usage to less than 60% and the increase of severe head injuries in motorcycle accidents zoomed upward by 26%, all of this following the pleas of responsible adult motorcyclists who swore that they were not fighting the concept of wearing helmets, only the fact that it was to be mandated. In most hearings, all motorcyclists attest to the fact that they will continue wearing helmets, yet the statistics in states which have accepted these pleas in good faith and repealed the helmet laws, have been so appalling, that many of these same states are now fighting to put the law back on the books.

The thrust of our concern, as a PTA, is to protect our children and we firmly feel that the helmet law must remain as it is because the unenforceability of AB 11 is obvious. Our children look to older teenagers and adults for guidance and when their older friends and relatives doff their helmets, so will the fifteen year old and no police officer will be able to identify the fifteen year old from his eighteen year old companion. It will do little good to ticket the fifteen year old rider after the accident.

The PTA looks to you to use judgment which protects the majority and not be swayed by a minority of our citizens who cloud the issue with freedom of personal choice when this issue is so much more far reaching than anyone of them realizes.

NRS 486.201 HANDLEBAR HEIGHT

Change to: A person shall not drive a motorcycle equipped with handlebar handgrips whose highest point is higher than the driver's shoulders while the driver is seated on said motorcycle. The handgrip flange shall not be considered a point on the handgrip.

Explanation: This replaces the statute demanding no more than 15 inches in height from the seat to the handlebar. "Handgrips" is the operative word since most handlebars curve up higher from the point at which they are gripped. "Handlebar" is used to modify the word "handgrip" because many motorcycles have handgrips on their sides to hold on to while the motorcycles are put on their center stands. The handgrip flange may be likened to the hilt of a knife. Since it is never gripped, it should not be considered as part of the handgrip for purposes of measuring.

NRS 486.321 MUFFLERS

This should either be deleted completely so that mufflers on motorcycles would be governed by the same statute governing automobile mufflers with regard to excessive noise, or it should be replaced by a statute giving motorcyclists equal treatment compared to automobile drivers with regard to their auto mufflers. Presently NRS 486.321 calls for a misdemeanor if mufflers are altered as well as a six month suspension of driver's licence and a year's suspension for each offense thereafter.

NRS 486.231 HELMETS

Change to:

No person under 18 years of age may ride or drive a motorcycle without an appropriate helmet worn on and fastened to the head.

NRS 486.211 POSITIONS OF HANDS

Change to: No person may drive a motorcycle unless at least one hand is on its respective handgrip.

Explanation: Presently, both hands must be on the handlebars, which merely assures immobility without assuring control. A motorcyclist legally could have both hands on the handlebars but not on the handgrips. Thus he could not control the throttle, front brake, turn signals, clutch, etc. Also, one hand needs to be free to adjust choke, turn petcock valve to reserve gasoline, shift gears on some older motorcycles, take off or put on sunglasses, etc.

Accident statistics are not very impressive or alarming when viewed as isolated, local incidents. It is only when taken as a nationwide total that the magnitude and seriousness of motor vehicle mishaps become apparent. This is particularly true when we look at the death and injury consequences of motor-driven two-wheeled vehicle crashes.

Great strides have been made to increase the survivability of automobile occupants. Stronger body shells, better-cushioned interiors, and well engineered inertia restraint systems have made the automobile a significantly safer mode of transportation. The same can not be said for the motorcycle. Engineering changes have made two-wheelers lighter, faster, cheaper, and more plentiful. Statistics show they have also become more lethal.

In 1960, when only 75 million motor vehicles traveled our highways, one of every 130 passenger-carrying vehicles was a two-wheeler. Yet, one of every 40 highway deaths was a cyclist.

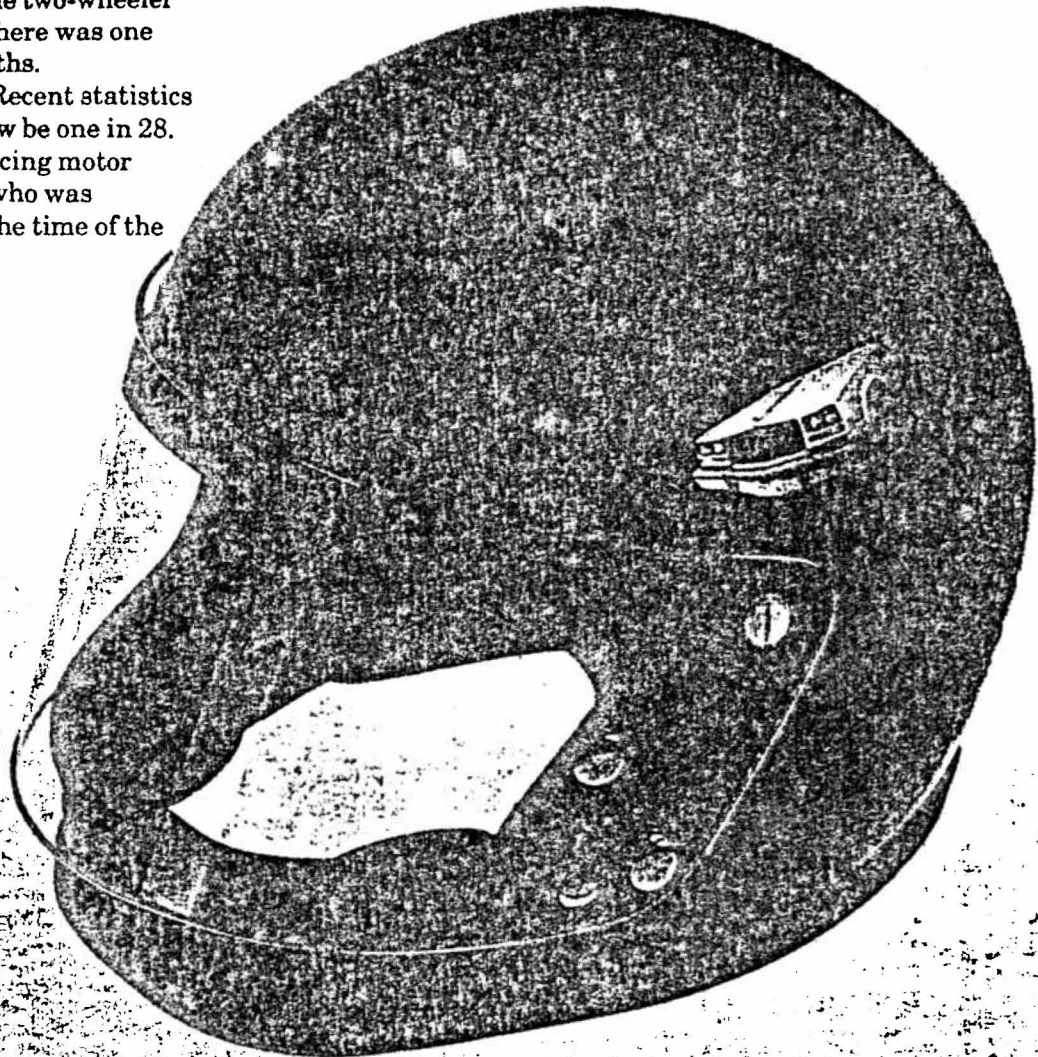
Ten years later, there were slightly more than 100 million motor vehicles in use. Almost three million of these were motor-driven cycles — one two-wheeler for every 40 autos. And, tragically, there was one cyclist among every 19 highway deaths.

Today the toll is even more grim. Recent statistics show the cycle-auto traffic mix to now be one in 28. One death in every 12 fatality-producing motor vehicle accidents involves a person who was operating or riding a motorcycle at the time of the crash.

by Earle P. Brown
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P. NEUMAN

THE ODDS GROW SHORTER



Let's look at last year's motorcycle accident statistics in a different way. Visualize 10 jumbo jetliners filled to capacity — more than 3,000 happy, mostly young people enjoying the exuberance of youth and the excitement of travel. Now visualize these 10 aircraft crashing and bringing death to all on board. A gruesome simile? Yes, but no less gruesome than the real tragedies experienced by the friends and families of the 3,000 cyclists killed in traffic accidents last year.

In another sense, a real tragedy of the same magnitude did happen last year. Not all at once or in 10 dramatic incidents as we illustrated, but at a slower, less noticeable rate scattered throughout the nation. Last year over 400,000 motorcyclists were hospitalized or treated for injuries received while operating or riding a two-wheeled vehicle — almost 1,100 per day. The total cost for their treatment and care has been estimated at more than 100 million dollars.

A Caution, Not a Condemnation

These frightening statistics are not intended as a condemnation of the motorcycle. They are meant to show that the two-wheeled vehicle is potentially more hazardous for its operator or passengers than any other form of motorized transportation. A cycle can be ridden safely, but it takes experience, skill and maturity. Here are some tips for cycle owners:

- Wear an approved safety helmet. Two-thirds of all cycle fatalities involve skull fractures or other head injuries.

- Wear proper clothing and footwear. The Motorcycle Safety Foundation recommends leather gloves, sturdy over-the-ankle boots, trousers, and a long-sleeved jacket as minimum protection for cycling. An added factor of safety can be gained by wearing a high-visibility overvest of bright-colored or reflective cloth or plastic.

- Never lend your cycle to anyone. Statistics show that 20 percent of all cycle accidents involve persons riding a two-wheeler for the first or second time. A further study showed that 20 percent of the cyclists killed did not own the motorcycle they were riding at the time of their fatal accident. Need more be said?

- Watch for the unexpected left turn by an automobile.

Cycling Tips for Automobilists

Most automobilists have never ridden a cycle, whereas most cyclists are usually experienced automobile drivers. Here are some ways the auto driver can lessen the probability of auto-cycle accident involvement:

- Double your normal following distance if the vehicle ahead is a cycle. This allows the cyclist to devote his full attention to the road and traffic

environment in front of him, rather than be nervously keeping a check on the auto behind him. Also, it makes the cyclist more visible and allows more room in the event a passer must quickly pull in front of you to avoid opposing traffic.

- Look for a cyclist before you make a traffic maneuver that could bring your vehicle into conflict with a cycle. Remember, there is now one cycle registered for every 28 autos in use. Failure of the automobilist to see the cyclist in time to evade (or allow the cyclist to evade) collision is a factor in most cycle-car accident involvements.

The Odds Grow Shorter

As the number of vehicles using our nation's 3.85 million miles of streets and highways increases; the probability of accident involvement becomes greater. As the percentage of two-wheelers in the vehicle population rises — currently slightly more than four percent — the greater the jeopardy to cyclists will be. We should all increase our driving awareness to include "seeing" and recognizing motorcycles in the traffic scene.

There is no question who will be more seriously injured in a collision between a 400-pound cycle and a 4,000-pound automobile. Whether you are in control of a two-, four-, or 18-wheeler, resolve to drive as though your life depended on it. It might.

Another Hazard — Liability

There is great variance among the states regarding motorcycle insurance requirements. Factors such as the cycle's size, engine displacement, and whether or not it is designed or equipped for street use determine the type and amount of insurance needed by the cycle owner. In some states under certain circumstances a cycle owner need not purchase any insurance if he so chooses.

However, USAA recommends as an absolute minimum of protection that cycle or moped owners purchase liability coverage at least as high as the liability limits carried on the family automobile. Property damage, collision or comprehensive claims arising from a cycle mishap could conceivably be absorbed by the owner. However, a stiff liability award could bring financial ruin to an unlucky cycle owner.

Don't cycle without adequate liability protection.

Comment: Part of the problem with motorcycle and automobile operators is an attitude. AIDE has said it before, but now quotes from a letter to the editor in the March 5, 1978, issue of the San Antonio Express-News saying the same thing better: "You wouldn't print a headline, 'Pickup driver sought in knifing,' would you? In fact, knifings are frequent enough to seldom warrant the front page, much less a headline. So why print, 'Cyclist sought in fatal knifing'?" - Editor.

STATEMENT FROM NEVADA HIGHWAY PATROL REGARDING AB 11:

The Nevada Highway Patrol is in opposition to the passage of AB 11. We feel it is in the public interest to retain mandatory helmet usage requirements.

Many states have researched accident statistics regarding the helmeted and unhelmeted motorcyclists. These include Kansas, California, Colorado, Oklahoma, South Dakota, and North Dakota. All have found an increased risk of injury and death with not wearing a helmet. For example:

North Dakota - Crash deaths among unhelmeted motorcyclists in the state in 1977 and 1978 outnumbered those among helmeted motorcyclists by 6 to 1. Although total injuries among unhelmeted motorcyclists outnumbered those among helmeted motorcyclists by a 5 to 4 ratio, the corresponding ratio for head, face, or neck injuries was 3 to 1, according to their research.

Colorado - Repealed law requiring helmet and preliminary findings from 1976 to 1977 showed:

1. Deaths increased from 14 per 1,000 riders in reported crashes to 22 per 1,000 riders.
2. The proportion of crashes involving severe head injuries increased 260 percent.
3. Helmet use declined from almost 100 percent to less than 60 percent.

National Highway Traffic Safety Administration - Based on studies it funded, the chance of sustaining a fatal head injury appears to be at least four times greater for the unhelmeted motorcyclist.

Preliminary results of a University of Southern California study of 970 motorcycle crashes in the Los Angeles area show that not one case was found to support the claim of some helmet law opponents that the headgear causes crashes by impairing hearing and/or vision. Nor did the results show that helmets were responsible for causing "any type of injury other than in severe impacts where some minor skin burns resulted from the chin strap."

All available safety data showing the lifesaving results of helmets compels the Nevada Highway Patrol to go on record as requesting the retention of the mandatory helmet law.