

MEMORANDUM

DATE: May 1, 2007

TO: All Members of the Delaware State Senate
and House of Representatives

FROM: Ms. Daniese McMullin-Powell
Chairperson
State Council for Persons with Disabilities

RE: S.B. 46 [Motorcycle Helmets]

The State Council for Persons with Disabilities (SCPD) has reviewed S.B. 46 which would require all persons to wear a safety helmet while operating or riding on a motorcycle. As background, the current statute requires adults over 19 years of age to have a helmet in their possession while riding a motorcycle. Persons under 19 must actually wear the helmet. The bill would amend the statute to read as follows: "Every person operating or riding upon a motorcycle shall wear a safety helmet and eye protection that meets United States Department of Transportation Federal Motor Vehicle Safety Standard No. 218". SCPD strongly endorses the proposed legislation and has the following observations.

Consistent with the attachments, approximately 4 states have no helmet requirement. Approximately 20 states, including neighboring Maryland and New Jersey, have full helmet laws applicable to all riders. Approximately 26 states require riders below a certain age (18-20) to wear a helmet. In addition, there are many reasons for requiring all riders to wear a helmet. The attachments also reflect the following statistics.

Motorcycle deaths increase dramatically after repeal of helmet laws. Although motorcycles comprise less than 2% of all registered vehicles, they account for more than 9% of total traffic fatalities. After Pennsylvania repealed its mandatory helmet law in 2003, motorcycle-related fatalities increased by 53%.

The fiscal impact on state budgets is dramatic. Almost 50% of motorcycle crash victims have no private health insurance. In 2004, Maryland estimated that repeal of its all-rider helmet law would increase Medicaid expenditures by \$750,000 in the first year. The average treatment cost for a motorcycle accident-related head injury is conservatively estimated at \$43,000.

Helmets reduce the risk of death by 29% and are 67% effective in preventing brain injuries to motorcycle riders. A motorcyclist who is not wearing a helmet is 40% more likely to suffer a fatal head injury and 15% more likely to suffer a nonfatal injury than a helmeted motorcyclist when involved in a crash.

SCPD has one recommendation for an amendment to the bill. Title 21 Del.C. §2703(a)(3) should be amended to read "(a) safety helmet and eye protection that meets United States Department of Transportation Federal Motor Vehicle Safety Standard No. 218 must be worn". This would update the statute which requires riders with temporary instruction permits to wear a helmet to conform to the helmet standard reflected in S.B. 46.

Thank you for your consideration and please contact SCPD if you have any questions regarding our position on the proposed legislation.

cc: The Honorable Ruth Ann Minner
Department of Safety and Homeland Security
Division of Medicaid and Medical Assistance
Office of Management and Budget
Brain Injury Association of Delaware
SCPD Brain Injury Committee
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council

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