

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON TRANSPORTATION**

**Seventy-Fifth Session
March 24, 2009**

The Committee on Transportation was called to order by Chairman Kelvin Atkinson at 1:36 p.m. on Tuesday, March 24, 2009, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/75th2009/committees/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblyman Kelvin Atkinson, Chairman
Assemblyman Mark A. Manendo, Vice Chair
Assemblyman John C. Carpenter
Assemblyman Chad Christensen
Assemblyman Jerry D. Claborn
Assemblywoman Marilyn Dondero Loop
Assemblyman Pete Goicoechea
Assemblyman Joseph M. Hogan
Assemblyman Ruben J. Kihuen
Assemblywoman Melissa Woodbury

COMMITTEE MEMBERS ABSENT:

Assemblywoman Ellen B. Spiegel (excused)

GUEST LEGISLATORS PRESENT:

Assemblyman Don Gustavson, Assembly District No. 32

STAFF MEMBERS PRESENT:

Marjorie Paslov Thomas, Committee Policy Analyst
Darcy Johnson, Committee Counsel
Sharon McCallen, Committee Secretary
Steven Sisneros, Committee Assistant

OTHERS PRESENT:

Dale Andrus, Treasurer, A Brotherhood Aimed Toward Education of Northern Nevada, American Motorcyclist Association; State Representative for the Motorcycle Riders Foundation, Elko, Nevada
John Bland, President, A Brotherhood Aimed Toward Education of Northern Nevada, American Motorcyclist Association; State Representative for the Motorcycle Riders Foundation; Founder of the Elko Motorcycle Jamboree, Spring Creek, Nevada
Mike Davis, President and Founder of American Bikers Aimed Toward Education of Southern Nevada, Las Vegas, Nevada
Connie Campbell, Vice President, A Brotherhood Aimed Toward Education of Northern Nevada, Elko, Nevada
John Hobbs, Member, A Brotherhood Aimed Toward Education of Northern Nevada, Elko, Nevada
Les Brown, Commanding Officer, POW*MIA Elko Awareness Association, Elko, Nevada
Rick Eckhardt, Northern Nevada Confederation of Clubs, Soldiers for Jesus, Sparks, Nevada
Paul Darrah, Private Citizen, Reno, Nevada
Mike Marcum, Longrider Cowboys Motorcycle Club, Reno, Nevada
Karen Jurasinski, Vice President, American Bikers Aimed Toward Education of Southern Nevada; President of Women in the Wind, Las Vegas, Nevada
Stu Cantera, Private Citizen, Henderson, Nevada
Scott McPherson, Private Citizen, Las Vegas, Nevada
Victor Moss, Commander, American Legion Post 149, Las Vegas, Nevada
Robert Fitch, Private Citizen, Las Vegas, Nevada
Jim Canfield, Private Citizen, Henderson, Nevada
Rick Williams, Private Citizen, Chicago, Illinois
John Johansen, Highway Safety Representative, Office of Traffic Safety, Department of Public Safety
Michael Geeser, Media/Government Relations, California State Automobile Association, American Automobile Association of Nevada, Las Vegas, Nevada
Wayne Hardwick, Emergency Room Physician, Reno, Nevada

Chuck Callaway, Sergeant, Las Vegas Metropolitan Police Department,
Las Vegas, Nevada

Frank Adams, Executive Director, Nevada Sheriffs' and Chiefs'
Association, Mesquite, Nevada

Jan Crandy, Strategic Plan Accountability Committee for People with
Disabilities, Las Vegas, Nevada

Michael Casey, M.D., Trauma Surgeon, University Medical Center,
Las Vegas, Nevada

Alma Angeles, R.N., Pediatric Trauma Program Manager, University
Medical Center, Las Vegas, Nevada

Jodi Sabal, Acting Program Director and Clinical Director, Nevada
Community Enrichment Program, Las Vegas, Nevada

Kate Osti, Disability Rights Advocate, Nevada Disability Advocacy and
Law Center, Las Vegas, Nevada

Jackie Suthers, State Director, Bikers of Lesser Tolerance of Nevada,
Battle Mountain, Nevada

Ted Suthers, Private Citizen, Battle Mountain, Nevada

Ken Kiphart, Program Administrator, Program for Education of Motorcycle
Riders, Office of Traffic Safety, Department of Public Safety

David Stilwell, Private Citizen, Las Vegas, Nevada

Chairman Atkinson:

[Roll taken.] Please record the others present as they arrive, and
Assemblywoman Spiegel is excused today.

Today we have Assembly Bill 300, which revises provisions governing the
wearing of protective headgear when operating motorcycles. After we hear
that bill we have a work session.

We have quite a few people to testify on A.B. 300, and we invite anyone to
speak, but if there are repetitive remarks, please use a "me too" as we do not
want to repeat the same testimony.

Assembly Bill 300: Revises provisions governing the wearing of protective
headgear when operating motorcycles. (BDR 43-735)

Assemblyman Don Gustavson, Assembly District No. 32:

[Handed out binder with helmet law statistics ([Exhibit C](#)), read from prepared
testimony ([Exhibit D](#)), and presented ([Exhibit E](#)).]

Chairman Atkinson:

First, I will ask if the Committee has any questions for you and then we will
move to the person who will do the presentation.

On page 2, line 9 of Assembly Bill 300, you are proposing to repeal the law that was already enacted and applying it to those who are 21 and older. Correct?

Assemblyman Gustavson:

Correct. If they have one year riding experience.

Chairman Atkinson:

If they do not?

Assemblyman Gustavson:

They have to wear a helmet.

Chairman Atkinson:

How do we know if they do have one year of riding experience? Is there some type of card?

Assemblyman Gustavson:

Basically, it is the same as when you get a learner's permit; you have so much time before the learner's permit expires.

Chairman Atkinson:

But the learner's permit is documented with the Department of Motor Vehicles (DMV), and you have to keep a log. How can we do this?

Assemblyman Gustavson:

It is a type of enforcement, because there is no way to judge whether you are 21 years old. It is really a judgment call.

Chairman Atkinson:

A judgment? People are going to have to be honest.

Assemblyman Gustavson:

As far as actual experience goes, it is based on one year—if you got your license today, one year from today you could go to DMV and get your motorcycle endorsement.

Chairman Atkinson:

The class for a motorcycle license is M. So if I got my motorcycle license, then I would have that license for a least a year and I would have to wear a helmet for that year?

Assemblyman Gustavson:

Right.

Chairman Atkinson:

So we will assume that anyone who just got their license was not driving illegally for a year. It will start from the day you obtain your license, then after a year, a police officer would be able to determine if that person did or did not comply within that year.

Assemblyman Gustavson:

The DMV would have a record. Probably all an officer would have to do is call in and check that record.

Chairman Atkinson:

That would be the best way to decide if someone has had a year of experience and to make it easier for a uniformed officer.

Assemblyman Claborn:

How do you get a motorcycle license?

Assemblyman Gustavson:

Actually, it requires more training to get a motorcycle license than it does to get an automobile license. At present you do not have to take a course, but you have to take a written test and a riding test.

Assemblyman Claborn:

If I buy a motorcycle tomorrow, can I drive it? Do I have to have a year of experience? I would like to know the procedure.

Chairman Atkinson:

I am reading the regulation online and it says that you must test online, and you must have a valid, noncommercial class C license and/or an M instruction permit to be eligible to get a license. Most of us have a regular C.

Assemblyman Claborn:

What are the qualifications then?

Chairman Atkinson:

You have to take a test online. Am I correct?

[Audience replied that you must take a physical skills test as well, before you get the M endorsement.]

Chairman Atkinson:

Both. They are a little more strict.

Assemblyman Claborn:

That sounds reasonable, but the online test does not sound right.

Assemblyman Gustavson:

You still have to have the physical skills test.

Chairman Atkinson:

Unless anyone else has questions for Assemblyman Gustavson, we will move to the video.

Assemblyman Gustavson:

We have a couple of people to testify before the presentation.

Dale Andrus, Treasurer, A Brotherhood Aimed Toward Education of Northern Nevada, American Motorcyclist Association, State Representative for the Motorcycle Riders Foundation, Elko, Nevada:

What we are asking today is to modify Nevada's helmet law to resemble those of 30 other states ([Exhibit F](#)).

The American Automobile Association (AAA), Farmers, Progressive, Dairyland, and other companies all provide motorcycle insurance with limited liability, varying from \$1,000 to \$10,000. What I find very interesting is that they all give discounts for taking the rider's safety course because they know that education reduces accidents. Helmets do not prevent or reduce accidents; it is education, rider awareness, and vehicle awareness that prevent accidents. Many states have "share the road" programs that educate motorists to be aware of motorcyclists, bicyclists, and pedestrians. Many pedestrians get run over because their profile is very thin.

One thing I learned when I took the advanced riding class was when you are in a vehicle and you see a motorcycle coming, it gets taller. When you are in an automobile, an approaching vehicle gets wider. That is why motorcycles are harder to see. Our goal is to prevent accidents, not have safer crashes.

What about enforcement? The current law as it is on the books is not enforced. It puts law enforcement in a very bad and awkward position. I ride with a helmet. It is plastic, and has no inner shield. I wear a liner. I do not get a ticket if I am wearing this helmet. If I wear a novelty helmet, I get a ticket. What is the difference? There is none other than the fact that I purchased a Department of Transportation sticker for this one. Law enforcement cannot distinguish between a legal or novelty helmet, so they do not bother. There is no way to defend this helmet as being better than another to the local courts.

that hear these citations. That is why the law is not enforced as written, because they cannot identify the helmet.

This is from the National Highway Traffic Safety Administration (NHTSA): helmet use after repeal is still over 50 percent usage. There are people who will never sit on a motorcycle without a helmet. We are not against helmets; we are just against the law.

Another point I would like to make is riders who currently wear novelty helmets are probably the same people who will not wear helmets for safety. You will not have an increase in deaths. We are not going out there to try to kill ourselves. We are very careful, and ride defensively to enjoy our motorcycles and not to get hurt.

Riders who are using a helmet are going to continue wearing a helmet. Things really are not going to change. Arizona, Utah, and Wyoming have a lesser percentage of fatalities than we do and they do not have helmet laws. No one can explain that one to me. Nevada's motorcycle fatalities were at 13 percent in 2005. It dropped to 11.6 percent for some reason, but we are still over the national average of the percentage total for motorcycle fatalities.

Proponents of Assembly Bill 300 have brought documentation of their testimony ([Exhibit F](#)). It is verifiable and we ask the opponents to do the same thing. I am asking for passage of A.B. 300.

Chairman Atkinson:

What is the national average of motorcycle fatalities?

Dale Andrus:

Nationally that percentage is 11.3 percent. I believe that is 2007 information.

Assemblyman Hogan:

To further clarify that, could you state that in a full sentence, saying that 11.3 percent of riders...?

Dale Andrus:

Eleven-point-three percent of total fatalities in the U.S. are motorcyclists. That is how it is measured by NHTSA.

Chairman Atkinson:

We are confused with this last sentence on the handout's fourth page: "Nevada percentage of deaths is 11.6 percent with the current law

(NHTSA 2006)." If I am reading this correctly, and hearing the sentence correctly, Nevada is actually above the national average.

Dale Andrus:

The national average is 11.3 percent.

Chairman Atkinson:

So Nevada is a little above the national average?

Dale Andrus:

We are a little above it with the current helmet law.

Chairman Atkinson:

Your first statement was misleading then because it made us think we were below the national average. If the national average death is 11.3 percent and we are at 11.6 percent, then we are above the national average. Am I correct?

Dale Andrus:

That is correct and I apologize. I may have gotten my lower numbers from Arizona, but not intentionally.

Chairman Atkinson:

I just wanted to make sure. Are there any other questions from the Committee members? [There were none.]

John Bland, President, A Brotherhood Aimed Toward Education of Northern Nevada, American Motorcyclist Association; State Representative for the Motorcycle Riders Foundation; Founder of the Elko Motorcycle Jamboree, Spring Creek, Nevada:

The Elko Motorcycle Jamboree has become Elko's largest event. It brings in over 7,000 people and \$3 million in about three days. I have worked for the Elko County School District for 21 years and I have been responsible for over \$300 million of construction by managing the schedule, costs, and quality of those projects.

I am here today, like many others, because we are concerned about the loss of personal freedoms in this country and in the State of Nevada. This is not a helmet use issue. This is a helmet law issue. I do not think there is anyone, in this room, who is supporting this bill who opposes helmet use. It is the opposition to the law.

I hope some of you have had a chance to look at the legislative website opinion poll. It ranks 50 bills that have been introduced, and most of those 50 bills

have approximately 20 comments or votes. Yesterday, on that website, Assembly Bill 300 had 381 votes, and 95 percent of those votes and comments were in favor of the passage of A.B. 300.

I am showing you a color-coded map of the United States. There are 30 yellow states allowing adults freedom of choice, the red states are 100 percent mandatory, and the purple states have no helmet law whatsoever. Assembly Bill 300 would make Nevada a yellow state, making our helmet law similar to most states in the country.

I went to NHTSA to acquire statistics and information in preparation for this presentation. I was trying to find how Nevada, with a mandatory helmet law, compared to states that do not have a mandatory helmet law. What I found is that Nevada has a higher percentage of fatalities than Minnesota, North Dakota, Iowa, South Dakota, Wyoming, Utah, Kansas, Idaho, Oklahoma, and Colorado. I stopped there. There are probably more. You have to question the value of a helmet if these states without the helmet law have fewer percentages of fatalities than Nevada.

With regard to transportation-related brain injuries, please refer to the pie chart compiled by the Brain Injury Association of America ([Exhibit G](#)). Motorcyclists feel this law is discriminatory. Why are adult motorcycle riders being required to wear a safety device to reduce fatalities when they are not the real problem?

In speaking about tourism, I have some insight into tourism. I am proud of the Elko Motorcycle Jamboree I started and I am proud that it has been successful. I also have some insight into the visitor potential that Nevada has. The only direction that California motorcyclists really have is to come east to Nevada. Motorcycles are being seen and recognized as a green vehicle. A lot of people are purchasing motorcycles because they are friendly to the environment, and they require a small amount of natural resources to make. Therefore, motorcycle registrations are on the increase.

A 300- to 400-mile ride is a perfect ride on today's motorcycle. It is also the distance from Southern California to Las Vegas. The increased tourism from San Diego and Los Angeles into Las Vegas could be astronomical. That is also similar to the distance between Reno and Sacramento, central California, and the Bay Area. Nevada has the location. What we need to do is relax these laws and regulations that are hindering tourism into this state. This is a tourism-based economy and we have an opportunity here that is really unique. We need to take every advantage of it. We have casinos that are threatening to close or are closing in this state while we are in a difficult economic situation.

If you put everything else aside, tourism alone is a very attractive aspect for the passage of A.B. 300.

While I was going through NHTSA's website, I found a couple of things I would like to share with you. NHTSA has lost a lot of credibility because of the way they are presenting information on their website; it is not necessarily accurate because they are only giving part of the information. I do not know the reason for that, and it is very frustrating to see an agency that is supported by our tax dollars that is not honestly presenting information. If you go to the NHTSA website and click on motorcycles, the first page you will find is the 2007 Annual Assessment Highlights. Passenger-occupied vehicle fatalities declined for the fifth year in a row; light truck occupancy fatalities dropped for the second consecutive year; non-occupant fatalities declined; then they conclude motorcycle fatalities increased for the tenth year in a row, with the highest number since 1975. That is horribly concerning. Anyone who is considering the purchase of a motorcycle, or just wanting to know the statistics, would be misled by the information being presented to the public.

On another page on the Website is a chart explaining why the fatalities have increased. This chart is very difficult to find; it is buried in their website. The reason motorcycle fatalities have increased is because motorcycle registration has increased. If you have more motorcycles on the road, you are going to have more fatalities. It is as simple as that. Why NHSTA does not present the information in that manner is a matter of concern.

The opposition, typically, are large corporations, insurance companies, and safety regulators that are paid to be here—the professional speakers. The majority of the people here in support of this bill are just citizens; we are not professional speakers.

Some of the bill's opponents have been hurt on a motorcycle and claim they would not have been hurt if they had been wearing a helmet. Most of those people were not hurt while riding on a licensed motorcycle, or else they did not have the proper endorsement or license to be operating the motorcycle. Their testimonies really are not relevant, and I would ask that they not be allowed to testify.

Chairman Atkinson:

We are not going to be disrespectful to anyone in my Committee, so we will let everyone testify just as I am letting you testify. You have about two more minutes to finish up so we can take the rest of the people.

John Bland:

My conclusion is that noting the low percentage of trauma due to motorcycle use, and noting the potential tourism for this state, I would ask the Committee members take a good look at and approve A.B. 300.

Assemblyman Kihuen:

Do you have any statistics that differentiate Nevada residents versus non-Nevada residents?

John Bland:

No, I do not have anything like that. I have never seen anything like that.

Assemblyman Christensen:

With regard to the 30 yellow states, and the position you would like Nevada to be in as a yellow state, is this a growing trend? Has there been movement in the direction where states used to have helmet laws and over the last decade have been changing to do away with helmet laws, or have the yellow states always been that way?

Assemblyman Gustavson:

I did mention that other states have come on line where they formerly did require helmets. The most recent state that has pending legislation is Nebraska, and in Missouri the repealing legislation is now out of the Missouri Senate and in the House. In 2003 Pennsylvania repealed the law, and in 1997 Texas and Arkansas repealed the helmet law for riders under 21. Kentucky did the same thing in 1998, and Florida repealed their helmet law in 2000. There is pending legislation in at least two or three other states.

Assemblywoman Woodbury:

Help me understand the numbers you have given. Are they national numbers? In one instance you say there were more motorcyclists killed than were registered, and in the next you say almost as many motorcyclists are killed as are registered.

Assemblyman Gustavson:

It is a percentage. We are demonstrating a ratio; obviously it is not as many motorcyclists as are registered.

Assemblywoman Woodbury:

There were not 6,000 killed? That is not correct?

Assemblyman Gustavson:

The number of motorcyclists killed was 5,000; the number of registered motorcyclists was 6 million. We should have made that more clear.

Mike Davis, President and Founder of American Bikers Aimed Toward Education of Southern Nevada, Las Vegas, Nevada:

[Read from prepared text ([Exhibit H](#)).] You also have a white booklet ([Exhibit F](#)), which was referred to earlier, in front of you with real numbers and not statistics because as everyone knows statistics can be used to advantage or disadvantage. The information in this booklet is hard numbers, not statistics.

Assemblyman Carpenter:

You said there are not standards for helmets?

Mike Davis:

No, sir, there are not. The only standard for a helmet is the Motor Vehicle Safety Standard which is a manufacturer's guideline only. It determines how a helmet is manufactured.

Assemblyman Carpenter:

In the bill it says that the Department shall adopt standards for protective headgear and glasses. They have never done that?

Mike Davis:

Approved headgear is what it says and there has never been any approved headgear. It was thought at one time that the Department of Transportation (DOT) would put a DOT sticker on the back of a helmet and that would sanction the safety of the helmet. Young riders are going out and buying \$300 helmets and going down the road with a false sense of security and getting killed the same as anyone else.

Assemblyman Carpenter:

That was not my question, you know. It says the Department shall adopt standards for protective headgear and glasses, and you are saying they have never done that as long as this bill has been in effect?

Mike Davis:

No, sir.

Chairman Atkinson:

Are there any other questions from the Committee members?

Connie Campbell, Vice President, A Brotherhood Aimed Toward Education of Northern Nevada, Elko, Nevada:

I am also a cofounder of the Elko Motorcycle Jamboree and a board member of the Elko Convention and Visitors Authority (ECVA). [Presented letter from Elko County Board of Commissioners ([Exhibit I](#)).] They are urging your support of Assembly Bill 300. [Presented letter from Elko Convention and Visitors Authority (ECVA) ([Exhibit J](#)).] They are also urging your support for Assembly Bill 300. The reason behind these letters urging your support is because the ECVA goes to great lengths to promote Elko County as a tourist destination. Research has shown that motorcyclists avoid traveling through Nevada because of the mandatory helmet law. Upon passage of this bill there is a potential for millions of dollars to be generated by responsible motorcyclists. Tourism-related funds would have a great impact on areas such as Elko.

I am a motorcyclist. I ride my own motorcycle. Sometimes I wear a helmet when I am in a state that requires one, but if I am in a state that does not require a helmet, I do not wear one.

I have taken the beginner's safety course, which I had to take to get the M endorsement on my license, and I have also taken the advanced course. I highly recommend those courses.

John Hobbs, Member, A Brotherhood Aimed Toward Education of Northern Nevada, Elko, Nevada:

I am a concerned citizen when it comes to any matter of liberty. [Read from prepared text ([Exhibit K](#)).]

Les Brown, Commanding Officer, POW*MIA Elko Awareness Association, Elko, Nevada:

I was in the Army for 20 years and am a member of the Veterans of Foreign Wars (VFW) and also a VFW State Prisoner of War*Missing in Action (POW*MIA) Chairman. I am a director for the POW*MIA Elko Awareness Association, a member of A Brotherhood Aimed Toward Education (A.B.A.T.E.) of Northern Nevada, a Lions Club member, a father of five, and a grandfather of ten.

My wife and I both love to ride. We ride all over Nevada and Idaho. We like having the choice when we go to Idaho of whether or not to wear a helmet. When we are on a freeway we always wear a helmet. It does not matter what state, we wear a helmet on the freeways. When we are just riding around town, I like the choice to not to wear a helmet.

I have been asked to speak as a veteran today. The only real freedom I believe we have is the freedom of choice. After 20 years in the military, and having gone around the world and been in conflicts around the world, I really like the freedom of choice. I ask that you allow us that freedom of choice.

I teach my grandchildren to ride and I make them wear a helmet. It is not negotiable, and there are no complaints. They really enjoy riding. My wife and I, when we are out of state, choose to not wear a helmet in certain cases, but it is our choice. We still wear helmets when we deem it necessary. In most places, believe it or not, we deem it necessary.

Chairman Atkinson:

Is there anyone else in the audience that wishes to testify in favor of this bill?

Rick Eckhardt, Northern Nevada Confederation of Clubs, Soldiers for Jesus, Sparks, Nevada:

I am also representing the Soldiers for Jesus Motorcycle Club, and I am the General Manager of Badlands Motorcycle Products. A lot of good things have been said here so far. We are here for the freedom aspect of having the current law amended. I would like to see riders over 21 years old with five years of experience have that same privilege, which has not been outlined in Assembly Bill 300.

I believe that a sticker on the license plate frame showing that you have met or exceeded the requirements to not wear a helmet should be placed on the tag next to the expiration date. If you want to charge \$5 for the tag, we would all be happy to pay it. You could keep half of it and put the other half into motorcycle safety.

The aspect of safety was mentioned earlier. The helmets do not cause accidents or save you from having an accident. It is the vehicles impacting us, and a large part of the time, it is the vehicle in oncoming traffic that hits the motorcycle rider.

One of our brothers was buried last Saturday after being hit by a drunk driver. He was dragged for a block and crushed; the helmet had nothing to do with his death. The driver of the vehicle had no registration, no driver's license, and was an illegal immigrant.

Wearing a motorcycle helmet has to be up to the individual. The crew I rode down here with are all for the passing of Assembly Bill 300. We are here for the freedom of choice, but we all wore \$300 to \$400 full-face helmets—Shoei, Nolan, and Schubert helmets. They are expensive, and if you like a helmet,

you will wear a helmet. If you do not like a helmet, you are wearing an illegal beanie because they are light.

Not everyone can wear a full-face helmet. When you wear a full-face helmet and are getting on an on-ramp, you have a larger blind spot than a car does. What I actually do, and again, you have to be a proficient rider to do this, is I have two hands on the bars and I am accelerating and clutching while I am getting on the freeway, then I let go of the left side so I can actually turn my body a little bit to look back to see who is coming on the freeway. We have a big crew with us so I am looking for a big, open spot so we can all merge safely onto the freeway. If you are not a proficient rider and are afraid to take a hand off the handle bars, you cannot see who is coming up on the freeway alongside of you. The chaplain in our club tried to get used to a helmet, but he says his neck just does not move like that, and he cannot get used to it. He says he will never wear a full-face helmet even though he would like to.

Once again, it should be up to the individual to chose whether or not to wear a full-face, half-face, or a three-quarter-face helmet, or no helmet at all if he feels it is the safest for visibility, looking into the blind spots to see who is coming up, and being able to hear. It has to be up to the individual.

Chairman Atkinson:

Are there any questions from the Committee? [None]

Paul Darrah, Private Citizen, Reno, Nevada:

I have been a motorcycle rider for 50 years, and I am here to ask that you pass Assembly Bill 300 as a personal rights issue, not as a safety issue as it has always been before ([Exhibit L](#)).

Mike Marcum, Longrider Cowboys Motorcycle Club, Reno, Nevada:

I have been listening, and I would like to add "me too" as well as my two cents' worth. I would like to add that until now I have felt we have not had our most basic fundamental freedom of seeking redress to the government in previous sessions. In previous sessions we have not been able to get our bill out of Committee for an up or down vote on the floor by the representatives of the people, not the rulers of the people. I would truly appreciate your letting the representatives of the citizens of Nevada listen to their constituents and please pass this out of Committee and give it a chance to be heard on the floor. Let the voice of Nevada's citizens be heard.

Chairman Atkinson:

Is there anyone else in Carson City who would like to testify in favor of Assembly Bill 300? Seeing none, we will go down to Las Vegas for those in favor of A.B. 300.

Karen Jurasinski, Vice President, American Bikers Aimed Toward Education of Southern Nevada; President of Women in the Wind, Las Vegas, Nevada:

I have been riding for 38 years. Until January I worked as a staffing manager for a temporary staffing agency that did hospitality work. Due to the economy, my company has temporarily closed our office, so like several other people in this room, I am unemployed due to the economy.

Passing Assembly Bill 300 will bring more tourists into Nevada. By bringing more people in, it would also help with the 3 percent room tax that was just enacted. We have been told that the reason this bill has not been passed is that we have not had enough representation for the bill. There are approximately 90 to 95 people in this room today and about 95 percent of us are for passing A.B. 300. Since it is a work day, there are not as many present as would have been otherwise.

I would like to tell you that we motorcycle riders are generous people. We are constantly having motorcycle runs to raise money for charities, and to help people who have been injured in an accident, as well as to raise money for families, as in the case of the rider who was killed last Saturday who rode for the Soldiers for Jesus—so that his family has money to live on.

If you ask the March of Dimes, or the Pediatric Brain Tumor Foundation, they have started doing motorcycle runs to help increase the money that they raise. We have several runs here in Nevada such as Street Vibrations in Reno, the Laughlin River Run, the Bike Fest in Las Vegas, and of course the Elko Motorcycle Jamboree. I know for a fact that Elko has lost about 200 motorcycles a year, because there was a national group which held their national meetings in Elko during the jamboree, but because of the motorcycle helmet law here, they have moved their convention to Utah.

We would appreciate having the choice to decide whether or not we would wear a helmet, but also it would help bring extra money into the State of Nevada.

Stu Cantera, Private Citizen, Henderson, Nevada:

I want you to know that every weekend between 20 and 30 of us get on our bikes and ride over the dam, take our helmets off, and ride down to Kingman, Arizona, where we buy our fuel, eat, hang out, and spend all of our money.

Then we come back to Nevada. If there was no helmet law here, we would hang out in Nevada and go the places that are nice to ride here instead of wasting our time going all the way down to Arizona every weekend to ride with no helmet.

Scott McPherson, Private Citizen, Las Vegas, Nevada:

I am a small-business owner, taxpayer, and former Marine. I have been riding for over 25 years and I am also a member of the American Motorcycle Association (AMA). You will hear from people about the safety facts and figures, and you will hear from people representing the federal government regarding studies that have been done with our money for an outcome they wanted, and maybe even hear about people who have lost loved ones. I can empathize with them. The fact is that this country and state is a republic form of government. The rule of law applies, that law being our *U.S. Constitution* and our founding document, the Declaration of Independence, both of which guarantee us from government control of liberty. Our *Nevada Constitution* states in its "Declaration of Rights," section 1: "All men are by Nature free and equal and have certain inalienable rights among which are those of enjoying and defending life and liberty; Acquiring, Possessing and Protecting property and pursuing and obtaining safety and happiness." If we are free to enjoy our liberty, give it back to us. Since we are free to pursue and obtain safety and happiness, then we are free to determine what level of safety we want in order to be happy.

I served my country proudly, and it disgusts me to see this nation slide into socialist control of our people. We have a God-given right to be free to do whatever we want as long as we do not infringe on anyone else's rights. That's when the government steps in.

People talk about a motorcyclist choosing not to wear a helmet as being a burden to society and the health care system. Where in the *U.S. Constitution* does it say that the government provides us with health care? It says "promote the general welfare." If you do not have health insurance and you are involved in an accident of any kind, who pays the bill? If you are involved in an accident and you have insurance, again, who pays the bill? The answer is you do. It is called personal responsibility. You pay the health care provider.

In the Declaration of Independence it says "life, liberty, and the pursuit of happiness"; life—not to just be alive, but to live life to its fullest; liberty—to live our lives to the fullest as free people; free to make our own choices on our own pursuit of happiness. Let us stop sliding into the nanny state of socialism by voting yes on A.B. 300 and voting no to any other bill that restricts individual

freedoms. Bring back freedom to help us bring tourists back to the State of Nevada and let us not slide into the social abyss like our neighbors in California.

We have three states around us—Arizona, Utah, and Idaho—that have a total of over 5 million registered motorcyclists and do not have helmet laws. That is a lot of people that could come to this state. If they do not wear a helmet, they are not going to drag one along with them just to come to our runs here. If we adopt the same laws of freedom, they will come.

Since last midnight, on the Legislature's website, 400 were for freedom, 23 were against.

Victor Moss, Commander, American Legion Post 149, Las Vegas, Nevada:

I sat in front of your Committee two years ago over the veteran's license plate issue and I would like to remind you that a government agency, the Department of Motor Vehicles, stated that it could not be done. Of course, if you notice the very colorful license plates from all over the country, it can be done. I would caution you that when our opponents speak to you, take what they say with a grain of salt; there is always another story.

I am here as a Motorcycle Safety Foundation certified instructor. I am also a training provider running two programs here in southern Nevada. I do not speak on behalf of the Motorcycle Safety Foundation, the Nevada Rider Motorcycle Safety Program, or for the American Legion above and beyond my post. The reason I am here is because my post operates one of these training programs. Anytime you give an incentive for a motorcycle rider to get training that is a good thing. As stated before in earlier testimony a number of people who would normally ride without helmets are people who are already riding with little, non-approved skid lids. What we teach in our class is defensive driving with a motorcycle twist. A number of these people sitting behind me have been through our class and they will all nod right now saying, yep, that is what it is, because they have become better drivers as well. We teach risk management in the classes besides showing people how to ride motorcycles. Our opponents will tell you that the helmets are thoroughly tested. I do not know if you have ever seen the test, but they take a helmet that is empty and drop it from 36 inches and say that simulates a low-speed impact. I do not know if it does or does not, but I know that it does not simulate a 70 mile-per-hour crash with a human being inside that helmet. I do not know what the odds are of getting into a crash at 70 miles per hour on the way up to Reno, but they are pretty slim. If you compare that to the odds of getting struck by lightning in the United States, I am probably certain to die by lightning strike. The odds of getting into a crash on a place like the Gabbs highway between Austin and

Tonopah are even less so. If I were to crash out there, with or without a helmet, the coyotes would probably eat me before anyone knows I crashed.

In the meantime, we have people all over the country who will not come into our state to see all of the beautiful things we have to offer in places like Elko, Ely, Battle Mountain, and the Big Smoky Valley. All you have to do is look at the Laughlin River Run and see the thousands of people who spend all of their money, millions of dollars, in Bullhead City and not in Nevada.

Our opponents will tell you there are all kinds of health care costs associated with allowing people to make the choice to not wear a helmet. There is more health care cost due to the unhealthy food we eat. No one in the Assembly would think to mandate that we have to eat lettuce and granola bars every day. Yet we pick on motorcycle riders only when we are not the ones causing the problems. By giving riders the incentive to take the class, it gives us, as instructors, the opportunity to talk about the street strategies that keep us alive on the highways. For those people who decide they want to take their helmets off, it gives us an opportunity to talk about what they can do to mitigate any additional risks they might have from that. Street strategies are far more effective in saving lives of motorcycle riders than the perceived panacea of helmet laws.

The Department of Public Safety actually sent out an email to every training provider in the State of Nevada asking what the backlog of training is and asked that every person answer to all numbers on the email list. The only people that answered the questions to everybody were private businesses—the American Legion, the Harley-Davidson dealer, and the Silver State Motorcycle Academy. The colleges that run the government program did not have the courtesy to do so. I do not know if they want to hide what their problems are, but there is no such thing as a backlog of training. That is a problem and a phenomenon of the government bureaucracy that runs those programs. We in the private businesses that run these programs only have to add more classes. It is a market-driven situation. We simply sign people up. The better question that you need to ask is, not what the backlog is, but what is the capacity for training? I will tell you that we are running at about one-third capacity, as are the Harley dealers and the Silver State Motorcycle Academy. We put that information out on the website, and you cannot find that anywhere from the government.

The reason I bring this up, and why I am here as an American Legion Post Commander, is we are the only nonprofit, nongovernment training provider in Nevada. Increasing the number of students who would come through our program increases the money that the American Legion can raise to help

our veterans, just like the license plate program that was passed thanks to your Committee. Those programs help us take care of the families of the 850 Nevada soldiers who are heading out to war in three weeks. That money helps us modify houses for our wounded warriors, it helps us with the homeless veterans here in Las Vegas and also in Reno, it raises money for the American Legion Boys State, and it helps the community, all because we allow Americans the freedom to make a choice and get some training.

If you pass this law, we all win. The State of Nevada wins because we get more money through tourism, the riders win because they get to make a choice, and veterans win because there is more money for our program. At our peak we put about \$30,000 into the veterans community. If we could triple our capacity, that would be close to \$100,000 that we could give to help our veterans. If you pass this law, we all win because we get a little bit more of our freedom back.

Robert Fitch, Private Citizen, Las Vegas, Nevada:

I am Battle Born and retired military and have been a motorcycle rider for 47 years, since I was 13 years old. I feel a helmet is somewhat restrictive when you change lanes because it blocks your peripheral vision. It would make more sense to put windshields on motorcycles. I am for Assembly Bill 300.

Jim Canfield, Private Citizen, Henderson, Nevada:

In Nevada there are plenty of smokers and much secondhand smoke, despite the well publicized health issues. Nevada skiers and snowboarders, even children, on state-owned property are not required to wear any safety equipment. These are only two examples, yet some of you claim to support the Nevada motorcycle helmet law because you believe it saves lives. This appears to be a double standard. The smokers get a warning on their pack of cigarettes, skiers may get a small print disclaimer on the lift ticket, and I get forced to wear a helmet. Members of the Assembly, I think we all realize that laws alienating smokers and skiers would result in their vacation dollars going to other states. It is the same with motorcyclists. There are 30 states that let adults decide when and if they choose to wear a helmet. Thirty states where they are not treated like a minor. I will be 60 this November and all I ask is to be responsible for my own actions and dress myself.

Rick Williams, Private Citizen, Chicago, Illinois:

I have been riding motorcycles since 1977. I am in a fortunate situation where I get to choose where I am going to live. I was disabled in a construction accident seven years ago, and because of that accident I have plates in my neck. Due to those plates, wearing a helmet causes extreme pain because of its weight. I had a triple fusion with bone graft. I am self-sufficient financially

and I will be buying a house here or in Arizona. I would prefer it to be in Nevada as I have made a lot of friends here when I lived here before. I am voting for Assembly Bill 300.

Chairman Atkinson:

Is there anyone else in Las Vegas wishing to speak in favor of this measure? Seeing none, we will come back to Carson City and take the individuals who are in opposition to Assembly Bill 300.

John Johansen, Highway Safety Representative, Office of Traffic Safety, Department of Public Safety:

[Presented handout ([Exhibit M](#)).] I picked the "Florida Experience" because it had the best information available. The study compared the three years prior to the repeal of Florida's universal helmet law which took place in 2000, to the three years after the repeal. The repeal of the law said no helmet was required at age 21 or older, but those who declined to wear helmets had to have \$10,000 in insurance coverage. In the three years after the repeal of the helmet law, registrations increased 33 percent, total fatalities increased 81 percent, the under-21-years-of-age fatalities increased 188 percent, acute care increased 40 percent, head injuries increased 80 percent, and the cost for all injuries increased 109 percent, from \$21 million to \$44 million. These figures were to 1999 dollars. Twenty percent of this amount went into the state Medicaid program.

Other states that did, in fact, repeal the universal helmet law had these results after the repeal. Louisiana had an increase of 130 percent in fatalities; these are rates per 100,000 registered motorcycles. Kentucky was 99 percent up, Texas 52 percent up, and Arkansas 23 percent up in fatalities.

The helmet usage statistic shows that during the universal helmet law, motorcyclists did wear their helmet whether they liked to or not simply because it was the law. You can see that with the law the range was 97 to 99 percent usage; after the repeal, the rates ranged from 42 to 56 percent usage. Again, those are the people who chose to wear their helmet.

The next set of numbers is most interesting as it pertains to Nevada. It is data from the University Medical Center (UMC) in Las Vegas. They may have the best and most complete data. From 2005 to 2008 the total number of trauma cases resulting from motorcycle crashes was 1,334. Because we are a helmet law state, 1,193 of those were helmeted, and 141 were not helmeted. The total charges for these 1,334 trauma cases were \$121,713,213. The average case was \$91,239. There was a small difference between helmeted

and non-helmeted riders. With a helmet the cost was approximately \$90,000 per case, without a helmet \$102,500.

The study was most interesting regarding insurance, however. The resulting cost really has nothing to do with whether or not you are wearing a helmet. The 666 insured at an annual average cost of \$91,000 cost \$60 million plus; the 608 uninsured had a total cost of \$55 million plus for the four years. The average annual cost for the uninsured was \$13,868,328. Because Clark County subsidizes UMC, and Medicaid is also billed for uncollected UMC charges, between the taxpayers of Clark County and the state, you are potentially being billed for \$13 million. If that cost for the uninsured were to go up simply because we have an experience similar to Florida, where they saw increases in costs, crashes, and fatalities, even at a only 50 percent increase you are looking at an extra \$7 million per year potentially billable to either Clark County or to state Medicaid.

To give you an idea of the percentage of helmet use by state, this is from the trauma data also. Of course, Nevada is overrepresented. Of the Nevada cases, 91 percent were helmeted; in California, also a universal helmet law state, 95 percent were helmeted; in Arizona, without a universal law, 62 percent were helmeted; and in Utah, 59 percent were helmeted.

The last figure is interesting in that it might represent one of the traps that we can all fall into. In 1968, when the federal government put in some sanctions if you did not have a universal helmet law, the states basically enacted a helmet law. In 1976, the United States government removed those sanctions and was trying incentive grants, et cetera. In 1976, Louisiana repealed their law. It did not take them too long to decide they could not live with the consequences and reenacted the law in 1982. Seventeen years later, the pressure was on to repeal it, so the helmet law was again repealed in 1999. Five years later, Louisiana was having problems and the consequences proved too much for them and they reenacted the bill. There is a cycle these laws seem to go through.

As an aside, there was a question, and I will use the Nevada numbers to answer it. It was not in my presentation, but from previous testimony. The question was, why did it seem to be that motorcycle fatalities are increasing as a percentage of total fatalities? Part of the answer for Nevada, not nationally, is that in 2006 there were 432 total fatalities, 51 of which were on motorcycles, or 11.8 percent. In 2007 there were 373 total fatalities, a significant reduction, but again, motorcycles were 51 of those and, against the lower total, the percent of motorcycle fatalities went up to 13.5 percent. In 2008, we again reduced total fatalities to 325. Fifty-seven motorcyclists died, which was

15.4 percent of the total fatalities. The interesting thing is the decrease in fatalities from 432 to 325—a decrease of over 100 fatalities in two years—has been related almost entirely to motor vehicle occupants. Motorcycle fatalities have not changed, pedestrian numbers have not changed, and bicycle fatalities are up and down, ranging from seven to ten. As you see, motorcycles are increasing as a percentage of total fatalities, and it is perhaps less because there is a huge increase in the actual number of motorcycle total fatalities but more of a function of the reduction of total fatalities overall.

Assemblyman Manendo:

Do you know what the last state was to repeal the helmet law?

John Johansen:

I can find out for you, but I believe it was in 2004 and Arkansas seems to ring a bell. I will have to look that up.

Assemblyman Manendo:

That is okay. I know you are really good on that kind of thing.

Assemblyman Carpenter:

To your knowledge, has the Department of Public Safety adopted any standards for helmets?

John Johansen:

I believe there is a standard that can be found in the *Nevada Administrative Code* (NAC) under Chapter 486. That has some standards for helmets. Everyone is correct that the Department of Transportation is still struggling with what is a compliant or noncompliant helmet. Per the NAC, there is an identification of a standard.

Chairman Atkinson:

Let me help. It is under NAC 486.015 and it adopts the standards for helmets provided by code in federal regulations. It states, "The department hereby adopts by reference the regulations contained" in *Code of Federal Regulations*, Title 49, Section 571.218 "as those regulations existed on January 1, 1994."

Assemblyman Goicoechea:

Is the "Florida Experience" in your handout strictly for motorcycles?

John Johansen:

That is strictly motorcycles. It is the years 1997, 1998, and 1999 compared to 2001, 2002, and 2003. Again, the dollars for the medical expenses were

adjusted to reflect the 1999 dollars to make it apples and apples as much as possible.

Michael Geeser, Media/Government Relations, California State Automobile Association, American Automobile Association of Nevada, Las Vegas, Nevada:

I want to go on record saying we oppose Assembly Bill 300. On the issue of education, we believe that safety education and the use of helmets go hand-in-hand, not in lieu of, as the bill states, once you have accomplished a certain level of education. We believe helmets are the right thing to wear. They protect riders' heads from the impact of a crash, and we believe it is a good law for the State of Nevada.

Assemblyman Goicoechea:

Why do we have so many uninsured motorcycle riders? We are running at 50 percent.

Michael Geeser:

Sir, I honestly cannot answer that question. I do not know why we have that number.

Chairman Atkinson:

It is interesting when we get into these conversations because we have another bill that will be coming up like this and we definitely have an uninsured motorist issue in this state. That is another topic for another bill.

Wayne Hardwick, Emergency Room Physician, Reno, Nevada:

I have been working in trauma centers since 1976. I am a member of the AMA, but it is the American Medical Association, not the American Motorcycle Association.

I have seen countless head injuries. The acute injuries are the easy ones; we get a CAT scan, and then send them downstairs to have their brain opened. The sad ones are the ones we see years later. These are the people with chronic brain injuries. They are taken care of by family, they are living in a nursing home, and their only access to care is the emergency room because their insurance has run out. I think you know who pays for their care.

A famous movie actress was killed last week when she was taking a ski lesson, fell backwards, hit her head on the snow, and died. That shows you what a tender and fragile organ the brain is.

Based on my experience working in trauma centers for the past 33 years and seeing countless head injuries, I think helmets should be mandatory to reduce mortality and morbidity. Somebody pays for these horrible injuries.

[Chairman Atkinson turns chair over to Assemblyman Manendo.]

Vice Chair Manendo:

Are there any questions from the Committee? Seeing none, thank you.

**Chuck Callaway, Sergeant, Las Vegas Metropolitan Police Department,
Las Vegas, Nevada:**

We oppose Assembly Bill 300. We also believe it is a matter of public safety. From 2007 to 2009 at intersections only in Clark County, we had 1,168 motorcycle-related traffic collisions, and of those 1,168 accidents, 33 were fatalities for the motorcycle operator. I do not know how many of those 33 had helmets on and how many did not. I would have to research that further to find out.

As far as law enforcement not enforcing the helmet law, there are some obstacles to the helmet law, but also, from 2007 to 2009, the Las Vegas Metropolitan Police Department did write 641 tickets under *Nevada Revised Statutes* (NRS) 486.231, which covers the helmet law. The obstacles we run into are with the novelty helmets. It is difficult to watch a moving motorcycle and to tell visually if the rider's helmet is a real helmet or a novelty helmet. Usually we need to have some other probable cause to pull that motorcycle over other than just visually inspecting the helmet. Once the rider is pulled over, the compliance of the helmet is pretty easily determined by the weight, by the material inside the helmet, and if there is an official stamp on the back of the helmet that says DOT and not one that someone printed off a computer or bought somewhere. It must be a legitimate Department of Transportation approved helmet with a stamp. Usually those helmets have some type of marking inside by the company that manufactured it and serial numbers that indicate its testing criteria. In the field, the officers that stop these motorcycle drivers can inspect the helmet if they think it does not look to be real, and in cases where we determine the helmet is not real, we can cite the driver for that offense.

I do not know if the District Attorney's Office is prosecuting those cases or not. That would have to be something they would answer for you.

Vice Chair Manendo:

You said 641 citations? Is that in 2008?

Chuck Callaway:

Yes sir, 641, and that was from 2007 up to March 23, 2009.

**Frank Adams, Executive Director, Nevada Sheriffs' and Chiefs' Association,
Mesquite, Nevada:**

We represent the category one officers in the field who are enforcing these laws and we are adamantly opposed to the repeal of this law. Mr. Johansen very adeptly gave you the statistics to show you there are major issues. We have seen the increase in the number of motorcycle riders out there, and I think what has happened are guys like me and the baby boomers are thinking that we are 13 years old again and so we go out riding motorcycles. We are against Assembly Bill 300 because we are the guys out there scraping riders off the road, and we are the ones taking them to the hospital along with the Emergency Medical Technicians (EMTs), and we are the ones making the death notifications.

Reading the bill as it is now, I see some difficulty with our officers enforcing that particular law. First of all, you are asking us to determine age, and second, you are asking us to determine experience. We cannot do that until we stop you and ask for your driver's license unless there is a tag or some kind of notification on the bike. Who is to say the bike belongs to the same person driving it at the time? It also says they are required to attend a certified class approved by NRS, so how do we determine if anyone from out of state has met these qualifications? It will be very difficult for my officers in the field to enforce, so we are opposed to the bill and we ask that you consider the statistics provided, as well as our concerns.

Chairman Atkinson: [Returned to chair.] Are there any questions from the Committee members for Mr. Adams?

Assemblyman Kihuen:

Regarding the same question that I asked earlier, do you have any statistics or data that differentiates the fatalities of Nevada residents and non-Nevada residents?

Frank Adams:

I believe that we can find those numbers. We have a fatal accident reporting system and I will go back and check to see if I can get those numbers for you. We do a follow-up on each fatality in the State of Nevada. It may take me a little while, but I will work on it for you.

Assemblyman Manendo:

If there were no age limit, and you were just required to be a properly licensed driver, would you be all right with that?

Frank Adams:

We oppose revoking the helmet law.

Jan Crandy, Chair, Strategic Plan Accountability Committee for People with Disabilities, Las Vegas, Nevada:

[Read from prepared text ([Exhibit N](#)).]

Chairman Atkinson:

I have a quick announcement to make for anyone in our audience either here in Carson City or in Las Vegas who are waiting to listen to our work session. We are going to move our work session to Thursday to allow us to finish out this bill. We will not be voting on any of the bills in our work session. We will do them first thing on Thursday when we come to Committee. That will be our first order of business.

Michael Casey, M.D., Trauma Surgeon, University Medical Center, Las Vegas, Nevada:

I have been a licensed rider of a motorcycle for the past 32 years. I say without reservation that helmets do not save lives in a motorcycle crash. The deaths related to motorcycles with or without helmets are insignificant. The education of motorcycle riders is paramount; however, the helmets are what are at stake here. You are looking at riders as two different factions. When I look at the audience today we have seasoned riders, people who have been on motorcycles for years. Those riders are less likely to be involved in an accident. It is the weekend warriors, the doctors like myself, who want to go out and buy a motorcycle and ride. They have not ridden for years and do not put on a helmet. I think the passage of the law, as it is stated, is inappropriate.

One of the testimonies given earlier had a very interesting take on this. I believe that the passage should be mandated to 21 years of age at least. The five-year experience mark would be a great amendment to this bill. The identification of experience labeled on the license plate would not be opposed by anyone who rides. I do understand that traumatic brain injuries happen both with and without helmeted riders and there is an equal amount of both. There is a fear that if we take away helmets that we will not be able to enforce the rules for those under 21 years of age. I do not believe that is the case if we properly identify the motorcycle riders.

As the bill currently stands, with only one year of experience required, and under 21 years old being mandated, the bill needs adjustment. Looking at the health costs of people who are involved in motorcycle accidents, and we review the Nevada trauma databank statistics, our statistics do not exclude mopeds and other scooters that are exempt from helmet laws now from our motorcycle crash fatalities data. That statistic should be fleshed out a little more accurately.

Part of the problem with health care is not so much a lack of helmets, but the lack of insurance. Lack of insurance imparts a burden on the state, which causes the state to shoulder that cost for the long-term traumatic brain-injured patient. As we know, traumatic brain injuries range from severe vegetative states to very mild and moderate injuries which may mean cognitive deficits in the person's ability to repeat his job or other functions. It may be something imperceptible to most of the population.

Understanding that the statistics show that we have a 15 percent increase in fatalities is owing to the fact that other forms of traffic accidents and collisions have been monitored and subjugated, and that needs to be brought to light.

Again, as the bill currently stands, I would oppose its passage except with an amendment adding a five-year experience requirement to the under 21-years old provision. It would be an appropriate bill.

Chairman Atkinson:

So are you against the bill or neutral?

Michael Casey:

I am against the bill as it currently stands. I think it needs amending.

Alma Angeles, R.N., Pediatric Trauma Program Manager, University Medical Center, Las Vegas, Nevada:

I am here against Assembly Bill 300 as it is written. You have heard the numbers and statistics from the National Highway Transportation Safety Association (NHTSA) as well as the Office of Traffic Safety, and as a nurse with several years of critical care and trauma background, my experience is that when a patient survives and is brought to the trauma center, it is taking care of them and the long-term effects that most impacts us. Broken bones, cuts, internal injuries are things that our medical community can fix with little or no difficulty. However, the brain being the complex organ that it is, it is unpredictable how it will respond. We can treat signs and symptoms that occur as a result of the traumatic brain injury, but we cannot fix it. Some people heal fully, and some come out with deficits or injuries that result in brain death.

From the time of their admission to the hospital to the time they get discharged with rehab, the cost and the burden is not only on the medical community, but also on the patient's families who have to take care of them in the long run. It is for this reason that we ask that A.B. 300 not be passed.

There has been mention of the freedom and rights of individuals, but we ask you as an elected official to protect the public from harm, and that is why I ask you not to pass this bill.

Jodi Sabal, Acting Program Director and Clinical Director, Nevada Community Enrichment Program, Las Vegas, Nevada:

[Read from prepared text ([Exhibit O](#)).]

Kate Ostie, Disability Rights Advocate, Nevada Disability Advocacy and Law Center, Las Vegas, Nevada:

We are the federally mandated, state appointed Disability Rights Center for the State of Nevada. I work predominately with individuals with traumatic brain injury.

We have heard a lot of testimony regarding statistics and cost and, of course, about the politics of constitutional rights. I am here today to speak simply for the motorcycle victims, the survivors that I work with day-to-day. I currently work with three individuals who are survivors of traumatic brain injury as the direct result of motorcycle accidents. I know firsthand that these three individuals were not wearing motorcycle helmets. These three individuals are all under the age of 29 and residing in long-term care facilities in Las Vegas. That is just a fancy name for a nursing home. These individuals, sadly, will never regain their lives or any type of independence because of the severity of their injuries.

I also work with a lot of individuals who have mild-to-moderate traumatic brain injuries. They struggle daily to try to put their lives back in order because they have an invisible disability. No one knows that two years ago they sustained a head injury from a motorcycle or other kind of accident. Some of the motorcyclists' injuries were sustained even while wearing a helmet. These people are not able to put their lives back together even if they survive the accidents. They may lose their jobs, their relationships, and their homes, and they do not understand why.

I am here today on behalf of the Nevada Disability Advocacy and Law Center in opposition to this bill.

Chairman Atkinson:

Is there anyone on this Committee who has questions for the witness at the table? Is there anyone else in Las Vegas who wishes to be heard in opposition to Assembly Bill 300? Seeing none, we will come back to Carson City. Is there anyone in Carson City that would like to speak neutral?

Jackie Suthers, State Director, Bikers of Lesser Tolerance of Nevada, Battle Mountain, Nevada:

When Assembly Bill 300 first came out, my husband Ted and I did not think we would support it because it was a 21-years-and-older bill. The way we look at things, if you are old enough to go to war, and old enough to buy cigarettes, you are old enough to ride a motorcycle without a helmet. We gave in a little bit. I am going to answer some of the questions that have been asked.

Mr. Claborn, you can go down and buy a motorcycle and insure it without having a motorcycle endorsement. If you chose to ride it, you would be breaking the law, so that would be up to you.

Mr. Carpenter, our current helmet law is based on the Federal Motorcycle Vehicle Safety Standard 218. It is 19 pages long. It is a manufacturer's standard and I do have it available if you would like to see it. The ability to enforce the helmet law keeps coming up; do we put a sticker on the helmet or what? It has come up in other states to make the helmet law a secondary offense. If you pull us over for speeding, or for being in an accident, then you check to see if we have the training and the endorsement, or whatever stipulations you put into the law. That has worked to some degree. If you put the stickers on, the best police officer in the county will not be able to see one of those little stickers on a license plate frame in the middle of the night.

I believe A.B. 300 should be given a chance. Motorcycle riders in Nevada are far more responsible than people give us credit for. We are not your average 10-year-old on a motorcycle. The average rider is 42 years old with more than 10 years riding experience.

Chairman Atkinson:

So you are speaking in favor of the bill? We are on neutral. We do not have an undecided category.

Jackie Suthers:

I am now. I was neutral until I listened to the testimony. I would prefer it to be 18-years-old-and-under law. I will take 21 years and over.

Ted Suthers, Private Citizen, Battle Mountain, Nevada:

Since we moved to the State of Nevada, I have really enjoyed being here. The state we came from did not have a helmet law. When I arrived here, I had not brought a helmet with me, and I was pulled over. The officer was really nice about it and told me that I needed one. I went down to the Harley shop and purchased a helmet. I was told that it was legal, but a year and a half later, I was made aware through researching different laws that the helmet I had purchased was not legal by the way the law was worded. There was not a sticker on the inside of the helmet from the manufacturer saying what material is used in it or what protection it offered. The individual who showed me the law went back, went through the law, and made me a helmet according to what the law required. [Held up a beanie-type plastic helmet with leather ear covers.] I have been wearing this helmet ever since that time. I have not been pulled over because of it.

I am not for this law and I am not against it, but something needs to happen where our law enforcement can enforce the law.

Chairman Atkinson:

If there was clear definition in the law as to what type of helmet is required, do you think you would be for helmets?

Ted Suthers:

If I have to wear a helmet and someone can tell me exactly what we have to wear to save our lives.... Statistics are not out there to say, "Yes, this is going to protect you." I do not think there is a helmet made that would protect you if you are going down the highway at 75 miles an hour, or one that would have the necessary 72 inches of foam.

Assemblyman Claborn:

We have been listening to testimony for more than two hours, but the way I look at this, I do not think helmets save a lot of lives. What the issue is here is what is it going to cost the state when you get hurt and go to the hospital? That is what costs us the money. I do not know whether helmets save lives or not. The helmet you have there would definitely not save any lives. That is not the issue with me. What I will vote on is what it is going to cost me and my family and everyone else in the State of Nevada to pay for you once your insurance money runs out. I have seen hundreds of these kinds of cases. That is my issue. What is it going to cost us when you run out of money or your insurance runs out of money? Who is going to keep you in those hospitals? We are—the public. I know there are wrecks in automobiles, but a person is so much more vulnerable to being hurt, injured, or severely impaired on a

motorcycle. We all have this out of context. I believe helmets can do more than save some lives, but it is not the end of the world to wear a helmet.

My case is this: it is going to cost me and my neighbors more taxes to keep people in the hospital.

Ted Suthers:

In response to that, my insurance is probably as good as it gets. I really do not depend on that to save my life, and my particular helmet is not going to save my life. It will be my driving ability and my awareness. The law needs to be changed to where I cannot wear this helmet, or to enable law enforcement to enforce the law.

Assemblyman Claborn:

I agree with what you said. With insurance or whatever, it will run out eventually. Everyone's does. Even with automobile insurance, if you are in the hospital with a brain injury it will run out too. You are much more vulnerable without protection. In an automobile you have some protection. On a motorcycle you have nothing but that little bitty thing you wear on your head. To me, that will just not do it.

Ken Kiphart, Program Administrator, Program for Education of Motorcycle Riders, Office of Traffic Safety, Department of Public Safety:

For the record the Department of Public Safety is neutral on Assembly Bill 300. My only concern is because I run the training discussed in paragraph (a), subparagraph (3), which says "has completed a course of instruction on motorcycle safety that has been approved pursuant to NRS 486.372. My issue is, can I meet the demand? We trained over 5,500 students in 2008. At the Department of Motor Vehicles, the same year, they had 6,900 applicants walk in to get their Class M endorsement. If I do some math, it looks like I would need to train 1,400 more people than I trained in 2008. Almost all of our sites are maxed out now. Other math shows I need an additional 116 classes to turn out 1,400 more people. Also, although I am not an attorney, the bill says that the person has to take a motorcycle safety course approved pursuant to NRS 486.372. That legislation establishes the state motorcycle safety program and requires the Public Safety Director to pick our curriculum for us. That is what we use in Nevada. I have no idea what is going to happen with out-of-state riders. How do we check? How do we prove it? Does this language say you have to have a Nevada course to ride in Nevada? What happens when you take the course in New York? It is a language issue and I am perplexed.

Chairman Atkinson:

Are there any questions from the Committee? [There were none.] Is there anyone in Las Vegas who would like to speak in neutral on Assembly Bill 300?

David Stilwell, Private Citizen, Las Vegas, Nevada:

I used to race quads at the Las Vegas Motor Speedway, and also in Pahrump. I was involved in an accident on the racetrack and was taken to the hospital with a broken collar bone, et cetera. I just want to say the University Medical Center (UMC) listed my accident as a motorcycle accident and that I had no insurance. I paid my bill, but that is part of the statistics that are being presented today. That might have something to do with the uninsured statistics.

Chairman Atkinson:

Do we have anyone in Carson or Las Vegas who wishes to testify on this bill?

Assemblyman Gustavson:

There have been a lot of numbers thrown around, back and forth today, either way. We have heard a lot of statistics on people not wearing helmets that have brain injuries and trauma, but what we are not hearing is where do these accidents happen? Were they on the highway or are they off-road on a quad or a motorcycle somewhere? The numbers get scary but if you research the numbers, they can be misleading. I want the Committee to know that and if they have questions, please come to me.

For example, in Nevada, automobile registrations increased by 40,000 in the past four years but did not vary by more than 10,000 to 15,000 in the six years prior to that. Automobile registrations stayed pretty steady over the last 10 years, but motorcycle registrations, from 2004 to 2009, almost doubled, going from 34,000 to 61,000 as of January 2009. If your registration rates go up, your accidents are going to go up as well. Obviously, your insurance is going to go up too. It is no different if automobile registration goes up; accidents, fatalities, and brain traumas will go up. It is a numbers thing. You can throw out numbers all day long, but just be careful with them.

Chairman Atkinson:

Thank you, Assemblyman Gustavson. I have that same issue myself. I work for the Coroner's Office, and we always have statistics regarding suicides, gunshots, and other types of deaths, and I tell people, we have more and more people in the valley every year, so of course our numbers are going to go up. It is the same correlation, so I know where you are going with this. The more motorcycles, the more accidents.

Seeing no more questions, we are adjourned [at 4:01 p.m.].

RESPECTFULLY SUBMITTED:

Sharon McCallen
Committee Secretary

APPROVED BY:

Assemblyman Kelvin Atkinson, Chairman

DATE: _____

EXHIBITS

Committee Name: Committee on Transportation

Date: March 24, 2009

Time of Meeting: 1:30 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance roster
A.B. 300	C	Assemblyman Don Gustavson, District No. 32	Binder containing statistics in support of the helmet law A.B. 300
A.B. 300	D	Assemblyman Don Gustavson, District No. 32	Letter in support of A.B. 300
A.B. 300	E	Assemblyman Don Gustavson, District No. 32	Handout containing statistics in support of the helmet law A.B. 300
A.B. 300	F	Dale Andrus	Handout to modify Nevada helmet law to match 30 other states in support of A.B. 300
A.B. 300	G	John Bland	Pie Chart of statistics in support of the helmet law A.B. 300
A.B. 300	H	Mike Davis	Letter in support of A.B. 300
A.B. 300	I	Connie Campbell	Letter from Elko County Board of Commissioners in support of A.B. 300
A.B. 300	J	Connie Campbell	Letter from Elko Convention & Visitors Authority in support of A.B. 300
A.B. 300	K	John Hobbs	Prepared speech in support of A.B. 300
A.B. 300	L	Paul Darrah	Testimony in support of A.B. 300
A.B. 300	M	John Johansen	Handout consisting of Department Overview, Power Point Presentation
A.B. 300	N	Jan Crandy	Testimony in opposition to A.B. 300
A.B. 300	O	Jodi Sabal	Testimony in opposition to A.B. 300