

**Testimony of Twyla Gab
to South Dakota House Transportation Committee
February 1993
Regarding Mandatory Helmet Bill**

I ride a motorcycle. In the past couple of years I have ridden almost 20,000 miles, and 4,000 of those miles have been in mandatory helmet states. I mention this only so you know I am speaking from experience of riding with a helmet and without.

Until I started to work on opposing the helmet bill, I did not realize the magnitude of misconceptions about helmets and even motorcyclists in general. I do not oppose the wearing of helmets. That should be a choice. But I do oppose a mandatory law for reasons hereafter stated.

I am not some radical who thinks wearing a bandanna is more macho than wearing a helmet. I have 4 children, I'm a grandmother, and I am a legal assistant and have worked for the same firm for 24 years. I own a mobile home park and 13 rental properties, and am probably one of the most conservative people you will ever meet. My form of recreation and stress relief just happens to be riding my Harley up to Oakwood Lake to watch the ducks. I want to continue to do that without wearing an unsafe helmet.

I would first like to address the bill itself. The ordinary citizen would assume that this bill has been introduced because someone believes that helmets will save lives. Yet, there is an exception in the bill which will permit no helmets at a time when there are 150,000 motorcycles in this state during the Sturgis Rally. It appears to me that this State has sunk to an unprecedented low by placing the value of money over the lives of motorcyclists. It is obvious that saving lives was in no way the primary concern of the authors of this bill. It is frightening that this could happen in South Dakota.

The proponents of this bill are trying to scare people into believing that federal funds will be lost. This is not true. No funds will be lost. A small amount of federal funds will be diverted from the highway fund to a safety fund. Do you oppose funds for safety education? Furthermore, motorcyclists are more concerned than anyone about the condition of our highways. So before coming here today I had to decide which had a better chance of causing my death -- a pot hole in the road or an unsafe helmet. There is no question in my mind that a helmet has a better chance of taking my life.

Proponents have also used motorcycle related deaths as a reason to pass this bill. They make it sound like every death could have been prevented with a helmet. If you have not personally considered each accident on its own merits, you may be listening to information which is misleading.

I am somewhat familiar with two of the accidents. One accident occurred 20 miles from my home. They hit an animal. The passenger was wearing a helmet and died of a broken neck. The driver was wearing a helmet, but the helmet was not strapped on. His helmet flew off, and that driver is alive today. If the vision and

hearing of the driver had not been impaired by that helmet, the accident may not even have happened, and they would both be alive.

Two deaths occurred on a motorcycle traveling at a very high speed. If I crashed into a brick wall at 120 mph, I doubt if I would be alive today even if I were driving a Mack truck, wearing a seat belt and a helmet.

Now let's look at helmets, and I own 3 different kinds. Helmets come in sizes small, medium, large and one-size-fits-all. I ask you, if all shoes were made in sizes small, medium, large and one-size-fits-all, how many people in this room would be wearing a shoe that fits.

In preventing a head injury, wearing a helmet which does not fit properly is a death sentence. There is no helmet manufactured that is not a detriment to the safety of motorcyclists. In fact, a Brookings medical doctor who does not ride agreed that the design of helmets is a detriment to the rider.

Many people in our state are uninformed regarding motorcycle helmets simply because they do not ride. When they hear the facts, they understand. I would refer you to the July 1992 issue of Trial Lawyers Magazine for more information on the inept testing and danger of helmets as they are presently designed.

Nebraska has a helmet law, and you heard proponents distort the statistics. We need to compare statistics in Nebraska and South Dakota, and look at all of the facts.

The Nebraska helmet law was enacted January 1, 1989. Motorcycle registrations were 29,088 in 1988 and 20,264 in 1991. Fatalities were 19 in 1988 and 15 in 1991. Motorcycle riders declined 30% while fatalities declined only 21% (Nebraska Department of Motor Vehicles, Nebraska Motorcycle Crash Statistics). The South Dakota 1991 motorcycle registrations were 24,133 with only 10 fatalities, 3 of whom were wearing helmets (Department of Transportation, Motor Vehicle Traffic Accident Summary). With an additional 150,000 motorcyclists at the Sturgis Rally that year, the facts speak for themselves.

When you look at these statistics, you also need to consider what has happened to motorcycling in Nebraska. Motorcyclists have been known to travel as much as 800 miles out of their way to Sturgis just to avoid Nebraska. Nebraska motorcycle sales have decreased 41% since enactment of the helmet law. In addition, my friends in Nebraska tell me that they just aren't riding many miles anymore. Add the decreased riding miles to the decline in touring motorcyclists through Nebraska to the statistics, and it becomes even more clear that helmets do not save lives, but quite the contrary.

In our state in 1991, only 4.2% of the licensed motorcyclists were under 20 years of age, but were involved in 21.6% of the motorcycle accidents, and accounted for 25.5% of the accidents involving speeding (Department of Transportation, Motor Vehicle Traffic Accident Summary). This will only change if our children are required to take the motorcycle safety course and a safe helmet exists. Again, do you oppose spending money on safety education? I need to avoid the accident to stay alive and the motorcycle safety course taught me this. I must be in complete control of my environment and 100% alert at all times. I must ride as though I am invisible. If I am wearing a helmet, that is not possible. In addition to being hot

(up to 130 degrees in the summer causing disorientation) and heavy (5 pounds), a helmet does obstruct my peripheral vision and my hearing. If I cannot see you and cannot hear you, I am really in trouble because many times you don't see me.

When I ride my motorcycle, I not only have my life at stake, but most of the time the life of my 11 year old daughter who rides with me. A mandatory helmet law will not prevent even one accident, and in fact will cause more accidents which in turn will lead to more fatalities. The Nebraska statistics prove this. I have more parts than my head that can be injured. I need to prevent the accident, and the only way to prevent accidents and save lives is through education.

I am reminded of a motorcycle death 2 or 3 years ago. It happened in town, at low speed (estimated 15 mph), with the victim wearing a full-face helmet. Cause of death: massive brain injuries.

No one has the right to pass a law that could cause my death, particularly after they have been fully informed. I would suggest to you that passing a helmet law in this state and forcing us to wear a helmet at a time when a safe helmet does not exist will be creating a windfall for the legal profession, and that \$8 million diversion to safety education will be not be even a drop in the bucket compared to the personal injury awards.

Please listen to the people who ride motorcycles before you vote. And please consider what I have said, because today the enormous responsibility of deciding the fate of my life and the life of my little girl has been placed in your hands.

NOTE: Failed in committee. Jeff Stingley who is Secretary of Commerce stated during the hearing, in answer to a question by Representative Volesky, that the bill would not have been introduced at all of there would not be the diversion of highway funds for education imposed by the feds.