

**SUBJECT:** Eliminating prerequisites for adults riding motorcycles without a helmet

**COMMITTEE:** Law Enforcement — committee substitute recommended

**VOTE:** 6 ayes — Driver, Jackson, Frost, Hegar, Hupp, Veasey  
0 nays  
1 absent — Burnam

**WITNESSES:** For —Robert Fletcher, Texas ABATE Confederation; Sputnik, Texas Motorcycle Rights Association; Jenifer Edgett; Jerry Patterson; Richard F. Reynolds; Bill Walker  
  
Against — Amanda Glazener; Elsa Wylie; Rick Wylie  
  
On — Clifton Burdette, Texas Department of Public Motorcycle Safety Unit; Russell Gardner, Texas Commission on Law Enforcement Officer Standards and Education

**BACKGROUND:** Transportation Code, sec. 661.003, states that a person may not ride or allow a passenger to ride a motorcycle on a public road without a helmet unless the person is at least 21 years of age and has completed a motorcycle operating training and safety course or is covered by special health insurance covering injuries stemming from motorcycle accidents. A peace officer may not issue a ticket to a person riding on a motorcycle without a helmet if the person presents evidence of meeting these requirements to the officer.  
  
DPS issues stickers to motorcycle owners who demonstrate that they meet the criteria for riding without a helmet. A person displaying a sticker on the motorcycle is presumed to meet the requirements for riding without a helmet.

**DIGEST:** CSHB 264 would amend sec. 661.003 to allow anyone 21 years of age or older to ride on a motorcycle without a helmet without additional requirements. A person would be forbidden from allowing a passenger younger than 21 years of age to ride as a passenger without a helmet.

The change in law made by the bill would apply to an offense committed on or after September 1, 2005. The bill would take effect September 1, 2005.

**SUPPORTERS  
SAY:**

CSHB 264 would return an important personal right and responsibility to the people most affected and burdened by the current helmet law: the motorcyclists themselves. Helmets do moderate certain kinds of head injuries, bruises, and road abrasions at low speeds, but provides no real protection against injuries resulting from rapid acceleration or deceleration, such as a high-speed collisions, in which the brain is jostled within the skull.

The motorcycle helmet law has caused law enforcement officers to issue large numbers of tickets to motorcyclists who were legally entitled to be riding without a helmet. Some motorcyclists have threatened to bring lawsuits in federal court against the state for repeatedly issuing them tickets when they have violated no law. Additionally, because some insurers consider motorcycle riding an inherently dangerous activity, they often refuse to cover damages stemming from motorcycle accidents. It is not fair for the state to require motorcyclists to maintain health insurance that may not cover their medical costs in the event of an accident.

In addition, many helmets limit the cyclist's peripheral vision and hearing, placing the rider, passenger, and other drivers on the roads and highways in greater danger. The added weight of helmets also can cause increased fatigue for motorcyclists, thus lowering their level of concentration and stamina and increasing the risk of a mistake. During the summer months, the heat inside helmets is debilitating and causes slower reaction time to road emergencies.

**OPPONENTS  
SAY:**

Helmets have been found to be 29 percent effective in preventing fatalities in motorcycle accidents, according to National Highway Traffic Safety Association. From its analysis of some 3,600 motorcycle crash reports, the U.S. Department of Transportation concluded that wearing a helmet is the single most important factor in surviving a crash. This nationwide study also indicated that helmets saved the lives of almost 7,000 motorcyclists from 1984 through 1994, and further estimated that another 6,000 lives would have been saved over that period had all motorcycle riders and passengers worn helmets. Clearly, the use of a helmet while riding has saved many lives. Motorcyclists should be required to wear a helmet

unless they carry special health insurance or have taken a safety course. This is a small inconvenience in comparison to the huge benefits.

Despite claims that helmets lower peripheral vision and hearing, 80 to 90 percent of hazards to the cyclist appear in the narrow range of vision directly ahead and slightly left or right of their riding path. A helmet has no effect on that line of sight. With helmets, critical sounds are still audible, including police sirens, train whistles, and motor noises of other cars and trucks.

The argument that the helmet law impinges upon personal freedom or inconveniences the motorcyclist is not a compelling reason to change the law. Texas has enacted scores of regulations limiting rights in many areas, including seat belt laws and mandatory liability insurance for automobile drivers. Texas' roads and highways are a public resource built with taxpayer funds – motorcyclists should be required to abide by sensible regulations designed to protect them and the rest of the driving public.

OTHER  
OPPONENTS  
SAY:

The penalty for a minor riding without a helmet – a \$10 to \$50 fine – is too small to effectively deter such behavior.

In addition, if helmets restrict vision and hearing and do not prevent crippling injuries, as maintained by helmet opponents, then the mandatory helmet law puts our young people at risk by requiring that they wear devices not mandated for adults.

NOTES:

The committee substitute changed the effective date to September 1, 2005.