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Transcriber's Office

Transportation and Telecommunications Committee  
February 20, 2007

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[LB253 LB589]

The Committee on Transportation and Telecommunications met on Tuesday, February 20, 2007, in Room 1113 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB589, and LB253. Senators present: Deb Fischer, Chairperson; Arnie Stuthman, Vice Chairperson; Ray Aguilar; Carol Hudkins; LeRoy Loudon; Mick Mines; and DiAnna Schimek. Senators absent: Dwite Pedersen.

SENATOR FISCHER: Good afternoon and welcome to the Transportation and Telecommunications Committee. My name is Deb Fischer. I am chair of the committee, and I am the senator representing the 43rd District here in the state of Nebraska. At this time I'd like to introduce our other committee members and committee staff to you. On my far right is Senator DiAnna Schimek from Lincoln; next we have Senator Ray Aguilar from Grand Island; to my immediate right is Mr. Dustin Vaughan, he is our committee counsel; on my left is Mrs. Pauline Bulgrin, she is the committee clerk; next we have Senator Mick Mines who is the senator from Blair; and to his left is Senator Carol Hudkins from Malcolm. We have three committee members who aren't here presently; they are introducing bills in other committees. And when they come in, I will announce their names also. Our pages today are Michael Schaeffer from Lincoln, and Kristen Kallsen from Big Springs. I'd also like to announce that we have a group of students with us today from Cross County School. And if they would please stand, we'd like to welcome you. So welcome to the Transportation and Telecommunications hearing. So they're visiting...they are visiting the Capitol today, I understand, and they're going to sit in on this hearing a little while. So welcome, and I hope you enjoy watching the committee process. We will be hearing the bills in the order that they are listed on the agenda, that would be LB589 first, and the second bill is LB253. Those wishing to testify on a bill should come to the front of the room and be ready to testify as soon as someone finishes testifying, in order to keep the hearing moving. Please complete the yellow sign-in sheet. Those are on the on-deck table, and have that ready to hand in when you testify. We do have a new computerized transcription program, and so you need to fill out that sheet according to the directions. And you also need to hand that to our committee clerk, Mrs. Bulgrin, before you testify. For the record, at the beginning of your testimony, please spell your last name, and also your first name if it can be spelled in different ways. Please keep your testimony concise and try not to repeat what someone else has covered. I see we do have a large number of people today, and we are using the light system. So you will have three minutes to give your testimony. And we'll have a yellow light come on as a warning that your time is almost up. And when the red light comes on, please then limit your testimony. That's time to stop. If you don't want to testify but you want to voice your support or opposition to a bill, you can indicate so at the on-deck table, on that sheet that's provided there. And this will become part of the official record of the hearing. If you want to be listed on the committee statement as a testifier at the hearing, you must complete the yellow sign-in sheet and actually testify, even if you just state your name and your position on the bill. If you do not choose to

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testify, you may submit comments in writing and have them read into the official record. Please relax, don't be nervous. If you need anything, we will get you a drink of water or whatever you need. And if you have handouts, please hold those up at the time you come up to the table and ask for a page, and they will distribute those handouts for you to the committee members. I would ask that you turn off all your cell phones. We do not allow cell phones at the committee hearings. I would also like to announce at this time that we have been joined by Senator LeRoy Loudon from Ellsworth, Nebraska. And with that, I will open the hearing on LB589. I see Senator Cornett is here for the introduction. Welcome, Senator Cornett. [LB589]

SENATOR CORNETT: (Exhibit 1) Thank you, Senator Fischer. Good afternoon, Chairman Fischer and colleagues. My name is Abbie Cornett and I represent the 45th Legislative District. I'm here to introduce LB589 along with an amendment which pretty much changes quite a bit of the bill. And it's AM389. The intent of the bill is to require individuals to complete a motorcycle safety training course before they can obtain a learner's permit. From my years on the police department, I've seen that motorcycles can pose tremendous risk to the health and safety of riders, and I believe that learning how to safely operate a motorcycle is something we need to ensure for the benefit of all riders on Nebraska roads. This is especially true if we allow the people to ride without helmets, which is the bill you will be hearing next. According to an article in USA Today, motorcycle deaths increased by 85 percent from 1997 to 2004. By looking at this statistic, it is clear why we need to mandate these safety measures. For example, the U.S. Department of Transportation found, in a study done in 2001, that half of the motorcycle fatalities are related to negotiating a curve prior to the crash, which could be prevented if riders had more training and felt more comfortable operating their motorcycles. In addition, braking and steering maneuvers accounted for 25 percent of the fatalities. It is clear from these two facts alone that more training is needed in order to keep riders safe. Making these courses mandatory works. Quebec implemented mandatory training in 1985, and then repealed it in 1997. After the mandatory system was repealed there was a 46 percent increase in fatalities in 1998, with another 6 percent in 1999. As I said, there were some significant changes made to the bill through our proposed amendment. Some of the changes from the original bill, LB589, to the AM389 are as follows: Instead of having to take an eight hour class, which we originally thought would help sustain the infrastructure of the current system, we implemented the current class, the NSF, basic rider course. This is a 16-hour class that includes a combination of classroom and laboratory work. It is very similar to what people have to take now to get a motor vehicle license. We had looked at what worked in other states, and the 8-hour class was something consistent in other states. But if the intention is to educate riders to the best of our ability, it makes more sense for us to implement the current system that has proven itself in our own state. It also did not make sense to add bureaucracy by creating a LPM learner's permit, designed specifically for motorcyclists, when the current LPE is sufficient for that purpose. In addition, we made changes to the Motorcycle Safety Fund...Education Fund. In order to be able to support the increase of

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course providers, we eliminated the \$1,500 grant for providers and the \$75 reimbursement given to the provider for students. We did, however, keep the reimbursement for instructors. This morning it was brought to our attention by the DMV there is a couple of technical language issues still to be worked out. One of them is the 16-year-old age requirement and the renewal process. We did not notice that when the bill was drafted it said that they couldn't take the course until they were 16; that isn't consistent with Nebraska law, where you can take a learner's class at 15. Thank you for...we will deal with that amendment and offer it to the committee by the end of the week. We thank you for your consideration on this bill. If you have any questions, I will be happy to answer them. I do have to waive closing, I have two other bills up immediately. [LB589]

SENATOR FISCHER: Thank you, Senator Cornett. Are there questions? [LB589]

SENATOR CORNETT: (Exhibit 2) Oh, I apologize. I have letters of support that need to be offered into the record. Thank you. [LB589]

SENATOR FISCHER: Thank you. Any questions? I see none. Thank you very much. [LB589]

SENATOR CORNETT: Thank you. [LB589]

SENATOR FISCHER: At this time I would ask for a show of hands on anyone who plans to testify on this bill, either in support or opposition. I see six hands. Thank you. Would the first proponent please come forward. Good afternoon. [LB589]

WILLIAM MULHERIN: Good afternoon, Senator. My name is Bill Mulherin, M-u-l-h-e-r-i-n. I'm with the National Safety Council, Greater Omaha Chapter. Thank you for allowing me here this afternoon as I'm here representing the council. We are a not-for-profit, nongovernmental, community-based organization and an accredited chapter of the National Safety Council, with the unique mission to promote safety and health by providing programs, resource services, and education to prevent and reduce the personal and economic loss associated with accidents. We are here today in support of this amendment or LB589. We support it as being an effective way to promote highway safety, especially with the amendments as proposed by the senator. Requiring new riders, especially those under age 21, to first hold a permit and take a safety course is a good idea for Nebraska. It will require tandem riding and development of critical skills, both in the classroom and on the road, prior to allowing the rider to enter the traffic stream. And as the senator mentioned, it uses an existing program that has been proven for years in our state. We do urge the committee, however, to promote the language in the amendment that favors existing legislation concerning motorcycle training in Nebraska. This system, which has been in place for years, is working right now for all citizens of the state and contains elements of the original legislation. Keeping

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this in place we will maintain the goal of highway safety without imposing additional burden on the DMV as well. We also encourage the committee however to remove the language calling for the end of the Motorcycle Training Fund and its reimbursements to the DMV approved training facilities across the state. These reimbursements are paid for by motorcycle registrations, and are critical to keeping the price of classes affordable for all riders in the state. Reimbursement also encourages the market to seek out and expand motorcycle training facilities in the state, upgrade equipment, maintain instructor training, and pursue curriculum updates through the MSF vigorously. So, with these changes, we urge the committee to adopt LB589. [LB589]

SENATOR FISCHER: Thank you very much, Bill. Are there any questions? Senator Louden. [LB589]

SENATOR LOUDEN: Yes, as I look this over, everyone thinks you should have a safety course or teach a course. How do you teach somebody how to ride a motorcycle? I mean you going to get on there and ride with them, or you about have to let them go out there and do it on their own, don't they? This is something like riding a bike, you can't run along behind and hold the seat for them. [LB589]

WILLIAM MULHERIN: Actually, it's very different from learning how to ride a bike. We put people on a controlled access range and they learn skills at slow speed that translate into those same skills at highway speeds on the streets and roads, critical skills, such as how to brake, how to make a turn, how to perform head turns to be sure that they're looking for other traffic, weaving from side-to-side, lane changing, and maintaining speed and distance as well as following distance from other vehicles. The course is extremely beneficial and we really see a marked improvement in new riders that are coming in and taking the course. I hate to point to old data, but in the 1980's, Dr. Hurt in California proposed a study at the MSF sites, that shows that 90 percent of the really bad accidents involving new riders are involving riders who were self-trained, so we know the course works. [LB589]

SENATOR LOUDEN: I agree with that. Now my next question is, where do you have this course at that they can do that over? I mean, who's going to set these courses up, and where do you find them? And do you have to have a fairly urban area in order to make something like that pay? I'm thinking about these people out in some of these rural areas who want to buy a motorcycle; where are they going to go to learn to do this? [LB589]

WILLIAM MULHERIN: Currently, to the best of my knowledge, there are eight ranges across the state, not just in Omaha and Lincoln, but also including Hastings, which is where all the instructor training has been taking place, and also, I believe, Columbus, Scottsbluff, and occasionally even in Kearney. As training is required the incentive for courses to open up becomes enough to cause people to do it. And currently, right now

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existing language still has some room for a \$1,500 reimbursement to encourage new courses to open up within the state. I believe there's still some... [LB589]

SENATOR LOUDEN: Now if someone wanted to get a license, then they would either have to go to Scottsbluff, Kearney, or Hastings, or one of these eight places in order to take this course? [LB589]

WILLIAM MULHERIN: Currently. But I do believe that if this legislation were to pass, you'd see new courses opening up in anticipation of the new training that would go on. [LB589]

SENATOR LOUDEN: What about the people that sell motorcycles? Are they willing to pony up some bucks to build these courses around there so they can have some place to sell motorcycles to people? [LB589]

WILLIAM MULHERIN: I can't speak for...because I don't own a motorcycle shop, but I would imagine that if they saw an ability to promote safety, break even and promote their shop, they'd be very interested in it. I know one shop that I talked to, in the Omaha area, is very interested in motorcycle safety. And we did pursue opening a range with them a few years ago, but there just wasn't enough people in town to make that happen at that time. However, as ridership and registrations continue to increase, we continually revisit that. [LB589]

SENATOR LOUDEN: Do you know how far it is from Scottsbluff to Kearney? [LB589]

WILLIAM MULHERIN: I sure do, it's a long eight hour drive. [LB589]

SENATOR LOUDEN: I was going to say, it would be a long ways to go to learn how to ride a motorcycle. This is what I'm wondering, if we do put this in statute, if...what kind of hardship will this put on people to learn to ride? And then what kind of a hardship will it put on people that are trying to sell them? [LB589]

WILLIAM MULHERIN: Well, I think that in the population centers of the state, Scottsbluff, Gering, certainly McCook, even perhaps Red Cloud, Norfolk, Columbus, you'll see the ranges drawn into that population center. Really the challenge with a range is not finding the population base, it's finding a relatively flat, unobstructed, 200 by 300 piece of ground to put it on. But of course there are lots of airport tarmacs and things along those lines that could be used for that purpose. [LB589]

SENATOR LOUDEN: Now my last question. Does this include those three-wheeled motorcycles? [LB589]

WILLIAM MULHERIN: I don't know if this legislation would pertain to those or not. Right

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now, there is, I think, one trike class in the area. We're not offering it in Omaha, I'm not sure who is. Those clearly have some dangers associated with them, but they're not very popular as far as ridership is concerned right now. If they grow in popularity, I think you'll see classes open to address that. [LB589]

SENATOR LOUDEN: Well, I notice they're getting to be quite more popular than the two-wheel variety, and that's surprising. [LB589]

WILLIAM MULHERIN: They're a very different ride than the two-wheeled variety. So there would actually be probably a different course that would address the unique aspects of operating those. [LB589]

SENATOR LOUDEN: Okay, thank you. [LB589]

WILLIAM MULHERIN: You're welcome, sir. [LB589]

SENATOR FISCHER: Other questions? Senator Mines. [LB589]

SENATOR MINES: Thank you, Chairwoman. Mr. Mulherin, much of your testimony today has been conjecture. And I'm not slighting you for it, I'm just stating that you're supposing that we will have training courses all over Red Cloud and wherever; you named a whole host of them. But given the base line of this bill and the amount of money that's been allocated, how would you indeed proceed with training? Where would training classes be at the very least? [LB589]

WILLIAM MULHERIN: At the very least, what will happen is I believe motorcycle shops around the state primarily, and then also the Safety Council's, both myself and the Nebraska Safety Council in Lincoln, as well as others, would probably look to see how many riders are there in their area. That's fairly easy to ascertain by getting some stats from DMV. And they would look to see how many riders would be looking for the training. I know for us, we get requests for training on a regular basis and so as we increase our classes, or decrease our classes, based on what that demand is. [LB589]

SENATOR MINES: So you mentioned motorcycle shops. Are you envisioning, this is conjecture again, are you envisioning that they would be partners, would somehow help facilitate this program? What...I'm having trouble getting my arms around it. [LB589]

WILLIAM MULHERIN: Well, again it's impossible to say, I mean nobody can say for sure. But clearly, if the market sees that there is a demand for the training, it will rise to meet that demand. Somebody will rise. [LB589]

SENATOR MINES: And will the dollars be there to meet that demand? [LB589]

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WILLIAM MULHERIN: For us, as a not-for-profit, the dollars are there to meet that demand. [LB589]

SENATOR MINES: So you would assume responsibility for training, for funding this, along with the registration fees, that would be sufficient? [LB589]

WILLIAM MULHERIN: Well, I can't assume responsibility for everybody. But we certainly would rise... [LB589]

SENATOR MINES: Well, again, it's conjecture. [LB589]

WILLIAM MULHERIN: ...to meet the demand in Omaha. [LB589]

SENATOR MINES: I'm asking, given the state of what we have in place in this legislation and the amount of money that's been allocated, I just think that it's not much money, in the grand scheme of things. And I'm curious how your organization...it obviously supports the bill, how might you ensure that some of this happens? You really can't. [LB589]

WILLIAM MULHERIN: Well, nobody can. We would have to look at the market, like anybody else and make some decisions. [LB589]

SENATOR MINES: The point is, and I'm sorry to be spinning in circles. [LB589]

WILLIAM MULHERIN: Okay. [LB589]

SENATOR MINES: The point is the state would be looked to, to ensure the delivery of this system. And I'm not sure that sufficient money or thought has gone into the developing of this program. But I'll listen to other testifiers. And I appreciate your testimony. Thank you. [LB589]

WILLIAM MULHERIN: Certainly, thank you. [LB589]

SENATOR FISCHER: Other questions? Senator Schimek. [LB589]

SENATOR SCHIMEK: Yes thank you, Madam Chair. I just have one question, and you may not know the answer to this. But at what age do most begin riding motorcycles? [LB589]

WILLIAM MULHERIN: Within our program we couldn't point to a specific age. There are riders who are coming on in their late teens with a drivers' license, who would like to learn how to ride for the first time. We also see a fair number of older riders who have not ridden in a while who are coming back into the sport and they want to take a training

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class voluntarily so that they can ensure their safety when they're riding. And we also see a fair number of people who have been riding without a license and now are obtaining that license legally as their insurer or other forces encourage them to take the course. [LB589]

SENATOR SCHIMEK: So am I to conclude from what you said that there aren't too many 16 year olds or 17 year olds who are taking up motorcycles? They're generally late teens and later? [LB589]

WILLIAM MULHERIN: Yes, they're older, generally speaking, young drivers for the first time are not coming in to take the course, they're getting their feet wet on four wheels first, and then they'll come back in a few years and take the course. [LB589]

SENATOR SCHIMEK: Right. That's what I suspected,... [LB589]

WILLIAM MULHERIN: Um-hum. [LB589]

SENATOR SCHIMEK: ...but I never thought about it much before. Thank you. [LB589]

WILLIAM MULHERIN: You're welcome. [LB589]

SENATOR FISCHER: Other questions? I just have one. Your organization, the Safety Council, is that a nonprofit? [LB589]

WILLIAM MULHERIN: Yes, we're a not-for-profit. [LB589]

SENATOR FISCHER: Okay. Thank you very much, appreciate you coming today. [LB589]

WILLIAM MULHERIN: You're welcome. Thank you. [LB589]

SENATOR FISCHER: Could I have the next proponent, please. Good afternoon. [LB589]

DEBORAH HENRI: Good afternoon. I'll make this real short. My daughter and I approached Abbie Cornett... [LB589]

SENATOR FISCHER: You need to state your name and spell your last name. [LB589]

DEBORAH HENRI: Deborah Henri, H-e-n-r-i. [LB589]

SENATOR FISCHER: First name, I'm sorry? [LB589]



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DEBORAH HENRI: D-e-b-o-r-a-h. [LB589]

SENATOR FISCHER: Thank you. [LB589]

DEBORAH HENRI: My daughter and I approached Abbie Cornett, last May or so, I believe. I have a son who passed away on April 1st due to a motorcycle accident. [LB589]

SENATOR FISCHER: I'm sorry, you have to speak up a little louder. [LB589]

DEBORAH HENRI: I'm sorry. I lost a son, last April 1, due to a motorcycle accident. He was a later rider; he was 27-years-old. He was actually signed up to take the safety class later in April. He knew the importance of it. My daughter and I, I guess, our thinking was he would have taken the class before he got his permit, if that's what he was, you know, told that he had to do. And that's really all I have to say is my daughter just thought it didn't make sense just to kind of throw somebody out on the road, you know. And the safety features that they were talking about that they learn in this class, he crossed a line on a curve and ran into a van. And that's all I have to say. That's why it was important for us to meet with Abbie. I did a lot of the research, that she spoke of, on the Internet and found out a lot of the statistics myself. And that's why it made sense to bring it forward. So I thank you for your time. [LB589]

SENATOR FISCHER: Thank you for coming. And on behalf of the committee, I extend you our sympathies on the loss of your son. [LB589]

DEBORAH HENRI: Thank you. [LB589]

SENATOR FISCHER: Appreciate you being here. Any questions? Senator Louden. [LB589]

SENATOR LOUDEN: Yeah, I'd have a question. And certainly sorry to hear of this accident. Do you think then that this course should be a prerogative? In other words, should you have this course before you can purchase a motorcycle or before you can begin to purchase, or should this be part of the purchase agreement for motorcycles, so that someone doesn't buy one and try to practice on their own? [LB589]

DEBORAH HENRI: Actually, from what I've heard about the courses, is they supply motorcycles, which makes sense to me. They can get on and ride and decide if it's something that they even want to do, you know, before they buy it. And that was our purpose in having to have the class before you even get your learner's permit because, unlike driving in a car, there isn't somebody with you, there isn't someone that can answer your questions or tell you that something is coming up that you need to be careful about. You don't really have guidance when you're just out on the road with a

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bunch of other riders, you know, to be able to ask. I mean, for me that's a huge difference between learning to drive a car and learning to drive a motorcycle. When you're sitting next to whoever it is in the car, you have feedback, back and forth, which you don't have, you know, on a motorcycle. And as I said, my son knew it was important enough to take, and he would never have gone on the road if it was legislated that he had to take it before he ever got on the road. [LB589]

SENATOR LOUDEN: Okay, thank you. [LB589]

DEBORAH HENRI: You're welcome. [LB589]

SENATOR FISCHER: Thank you. Other questions? Thank you for being here today. [LB589]

DEBORAH HENRI: You're welcome. [LB589]

SENATOR FISCHER: Next proponent, please. [LB589]

STEPHANIE BRAZELL: Good afternoon. My name is Stephanie Brazell, B-r-a-z-e-l-l. And Stephanie is S-t-e-p-h-a-n-i-e. And I am her daughter, and I'm just here to show my support. I just feel that this bill would help with the safety of not only motorcycle riders, but also people in cars on the road. It makes me nervous now knowing that somebody could be on the bike for the first time and maybe they hit me or something happens. So I just feel that when we're talking about how far people would have to drive, when it's someone's life that you're hopefully saving, that those things could fall into place maybe later. So I'm just here to show my support. [LB589]

SENATOR FISCHER: Thank you, and we appreciate you being here today, too, and realize it is a difficult time for you and your mother. Thank you. [LB589]

STEPHANIE BRAZELL: Thank you. [LB589]

SENATOR FISCHER: Any questions? I see none. Thank you very much. [LB589]

STEPHANIE BRAZELL: Thank you. [LB589]

SENATOR FISCHER: Any other proponents? I need you to bring the paper up, the yellow sheet, please. Good afternoon. [LB589]

RYAN BRAZELL: Good afternoon. My name is Ryan Brazell, last name is B-r-a-z-e-l-l. It's short, what I have to say. Under current law when you get a permit you have to rely on family and probably your friends to teach you how to ride a bike. And a lot of the times in accidents your friends or your family will fail you. They don't give you the proper

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education or the training for a bike. Under this, they have to. And, yeah, it may be a thorn in your side to drive a few hours for a class. But if it saves a life, then it's good education. There's nothing bad that comes from education. And if it's law I believe that it will save lives. And that's all I have to say. [LB589]

SENATOR FISCHER: Thank you, Ryan, for being here. Are there any questions? I see none. Thank you very much. [LB589]

RYAN BRAZELL: Thank you. [LB589]

SENATOR FISCHER: Other proponents, please. Welcome. [LB589]

ANNIE HUSTON: Good afternoon, senators. [LB589]

SENATOR FISCHER: I need you to bring your yellow sheet up, please. Thank you. Good afternoon. [LB589]

ANNIE HUSTON: Good afternoon. My name is Annie Huston, it's A-n-n-i-e H-u-s-t-o-n. I'm here to support this bill. I have been riding a motorcycle for eight years now. My first year, I tried to teach myself. I would go out at two o'clock in the morning and try to brave the streets by myself. Otherwise, my friends would throw me into the streets with them. And I never felt confident until I took a course, a year later, and that made a world of difference. I came out of that and I felt confident and I felt great. It's the best thing I've ever done. I recommend it to everyone. In the course they teach you, you know, basically basic things that you need to know on the street--how to stop mid-turn. The bikes are light. You feel much safer because if you do mishandle it and you tend to start falling, you can actually catch it, as opposed to a 450 pound bike that there's no way you can catch and it will take you down with it. They also state, from when I took the class, that most people get into accidents in the first three months, just basically trial and error. The class, from what they told me, it put you about eight months ahead. So it just cuts down on accidents. So as you can, three months to eight months, you obviously know a lot more about how to ride and what you're doing. I've never currently caused an accident. I've been hit twice, but it's definitely helped me a lot. That's pretty much all I have to say. [LB589]

SENATOR FISCHER: Thank you. Any questions? Senator Mines. [LB589]

SENATOR MINES: I have one. What kind of bike do you ride? [LB589]

ANNIE HUSTON: I have a ZX-6R Ninja, Kawasaki Ninja. [LB589]

SENATOR MINES: It's...I'm sorry, I'm not familiar with that? [LB589]

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ANNIE HUSTON: It's a sport bike, it goes fast. You can get up to about 165 miles an hour. [LB589]

SENATOR MINES: Oh, that's a rocket. [LB589]

ANNIE HUSTON: Yeah, but it's heavy. [LB589]

SENATOR MINES: I was going to ask you, you're a slight person. And this has nothing to do with the bill, how do you ride that? [LB589]

ANNIE HUSTON: Start out very... [LB589]

SENATOR MINES: I used to ride a 750 Norton, and that was all I could handle. Yours is much faster than that. [LB589]

ANNIE HUSTON: Yeah, yeah. Um, you know, there's no problem, I think you get used to it. I kind of built up. I started out with a 500 Ninja, and then I've had a 600 for years. I don't really feel like I need anything faster than that. [LB589]

SENATOR MINES: Well, thank you. [LB589]

ANNIE HUSTON: Yeah, I definitely very slowly...you know, you really...a lot of people don't...they want a bike so bad because it's cool, and that's why they don't learn; they don't learn the basics. They want to go out with their friends. And everyone that I know that rides, I mean there's...you know, most of Omaha, you kind of know each other, you know who rides. Everybody gets thrown into it. Nobody takes courses. A lot of people don't have an endorsement on their license even. They just go out and ride. So I think it would be really, really helpful if you endorse this and make sure people do that, and do the right thing and save accidents and save lives. [LB589]

SENATOR MINES: Thank you. [LB589]

SENATOR FISCHER: Other questions? I see none. Thank you very much. [LB589]

ANNIE HUSTON: Thank you. [LB589]

SENATOR FISCHER: Other proponents, please. Welcome. [LB589]

DAVID HALEN: Good afternoon. My name is David Halen, last name is spelled H-a-l-e-n, first name is David. I'm pretty sure you've all gotten e-mails from me. I am a part-time motorcycle safety instructor; I'm a chief instructor for the state of Nebraska, but I am here representing myself and can help with some of the questions you folks have asked. I like the provisions of this bill to make training mandatory. But as my

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friend, Marvin, asked me, the biggest concern is capacity or ability to serve the community. I think I've heard some questions from you about that already. We'd like to step up and do it. Senator Louden and Mines both asked about what are dealerships doing. There are two dealerships in the state that do this. They're both what are called rider's edge dealerships. One is in Omaha and one is in Lincoln. Bill also didn't mention there was a training site in Norfolk, at the community college there. And there are no three-wheel classes currently taught in the state of Nebraska, at least not one that has any implication for licensing. There is a gentleman in the Omaha area who does teach a trick class. Senator Schimek, you asked about age. The majority of the students, and I run the program at the Harley Davidson dealer in Omaha, the majority of the students are 40 years to 50 years old. Teenagers make up less than 5 percent of our students. Although, quite interestingly, women now make up about 40 percent of our classes. It's a very growing demographic. Another concern I had about the language in the bill, which may be taken care of by the amendment, I'm not quite sure, is it looked like in order to renew a motorcycle license this course was required. I guess that's going to further add to the capacity issue. Perhaps that's been taken care of. And I had the question about instructors who teach this class. The bill implied that they would also have to take the class they were teaching. I'm pretty sure we want to fix that. But the major concern is capacity. And like I think it was Brian said, any education you do is good. The young woman before me talked about people not being endorsed. The DMV has recently allowed the skilled rider course to act as an endorsement course as well, to try and get some of the old-timers out there who never did get their license endorsement. So the industry in the state is responding and doing the best they can, but I think our capacity right now is a couple of thousand a people a year as a practical matter. And, personally, our dealership just increased our capacity by 100 percent, but we're pretty much maxed out. We're going to teach about 400 people this year. Do you have any questions? [LB589]

SENATOR FISCHER: Are there any questions? Senator Schimek. [LB589]

SENATOR SCHIMEK: Thank you, Madam Chair. I probably should have gotten this and I didn't. How many motorcyclists do we have in Nebraska, do you know? [LB589]

DAVID HALEN: I think it's in the neighborhood of 50,000 to 60,000. [LB589]

SENATOR SCHIMEK: Wow. Okay, thank you. [LB589]

DAVID HALEN: Um-hum. [LB589]

SENATOR FISCHER: Other questions? Senator Aguilar. [LB589]

SENATOR AGUILAR: Thank you. Thank you for coming today. [LB589]

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DAVID HALEN: Sure. [LB589]

SENATOR AGUILAR: Do you have any clue as to how many new motorcycles are sold each year in Nebraska? [LB589]

DAVID HALEN: I do not. [LB589]

SENATOR FISCHER: Other questions? Senator Mines. [LB589]

SENATOR MINES: Just one. Thank you, Senator Fischer. David, how does the state or the DMV or whoever confirm that a rider has had the training, has been through the course? [LB589]

DAVID HALEN: That's a good question. We administer two tests at the end of every...every site in the state of Nebraska who teaches the MSF/BRC course, that is the course we teach, must pass two tests. There's a four-skill riding test, and there's a 50-question multiple choice written test. They both have to be passed in order to earn a Motorcycle Safety Course Completion Card. I can show you one of those, if you'd like to see one. It has to be signed by a certified instructor, and a DMV office employee verifies, anytime an applicant comes to their window then they ask to see that card, it has to have the name and instructor number of a certified instructor. [LB589]

SENATOR MINES: But they can get a license without that card. [LB589]

DAVID HALEN: That is correct. The class is an option right now to waive the testing at the DMV. If an operator chooses, they can get a learner's permit, get the practice they require on their own with friends and family teaching them, and then they can go to an examining station, usually by appointment, and go through the riding test administered by the DMV. [LB589]

SENATOR MINES: Okay. So it's not necessary to have a card. Under the new...proposed legislation it's going to be mandatory? [LB589]

DAVID HALEN: I believe that's correct, with LB589, yes. [LB589]

SENATOR MINES: And then they would show DMV that card. [LB589]

DAVID HALEN: That is correct. [LB589]

SENATOR MINES: Okay. Thanks. [LB589]

SENATOR FISCHER: Senator Louden. [LB589]

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SENATOR LOUDEN: Yes. Thank you, Senator Fischer. David, I think you'd be the one I ought to ask this question. This just pertains to riding these motorcycles on the highway, is that correct? I mean, this bill, in other words you could ride them off-road.

And...because what I'm wondering about is you go some of these places and there's actually these tykes are riding these little dirt bikes all up and down mountains and everything else like that. So this bill wouldn't affect those people at all, as long as they're out there tearing up the dirt? [LB589]

DAVID HALEN: That is correct. There is a provider in the Omaha-Lincoln area who teaches the MSF dirt bike school. If you wanted to learn how to ride a dirt bike, he will accommodate you, supplies motorcycles and gear. [LB589]

SENATOR LOUDEN: But the way this bill is written, this doesn't have anything to do with that, doesn't pertain to it. They can still buy a dirt bike and ride it out, as long as their off-road, they can ride it or do whatever they want to? [LB589]

DAVID HALEN: That's correct. [LB589]

SENATOR LOUDEN: They don't have to have a learner's permit or anything? [LB589]

DAVID HALEN: That's correct. This is public highways only, I believe. [LB589]

SENATOR LOUDEN: Okay, thank you. [LB589]

DAVID HALEN: You're welcome. [LB589]

SENATOR FISCHER: Other questions? I have just one. I don't know if I understood you correctly or not. Did you say that you were against an instructor having to take the class that they would teach? [LB589]

DAVID HALEN: I'm not against it, but we teach it typically seven to eight times a year, sometimes more, sometimes less. It strikes me as odd that you would have them take that class. The DMV has...myself and the other chief instructor of the state do, for lack of a better description, annual updates, there are seminars that the instructors are required to attend. The MSF, which is a national organization, requires a certain number of classes and professional development activities in order to maintain their certification. I'm sure we'd do it, if we had to, but it takes up capacity. We've got 70 instructors, maybe 70 students who have never taken a class would be better served than making instructors take the class on a repeated basis. [LB589]

SENATOR FISCHER: Okay. Thank you very much. Other questions for Mr. Halen? I see none. Thank you. [LB589]

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DAVID HALEN: You're welcome. [LB589]

SENATOR FISCHER: Other proponents for the bill? Are there other proponents? I see none. Are there opponents to the bill? I see none. Anyone who wishes to testify in the neutral capacity? Senator Cornett has waived closing. So with that, I will close the hearing on LB589 and open the hearing on LB253. Senator Rogert is here to introduce the bill. Good afternoon. [LB589 LB253]

SENATOR ROBERT: Good afternoon, Chairwoman Fischer and members of the Transportation and Telecommunications Committee. For the record, my name is Senator Kent Rogert and I represent the 16th Legislative District. I am pleased today to present LB253 to you for your consideration. Under current Nebraska law, all motorcycle operators are required to wear protective helmets on state highways. LB253 would give motorcycle operators who are 21 and older a choice on whether or not to wear a helmet while operating a motorcycle. In accordance with this proposed legislation, all motorcycle operators under the age of 21 would still be required to wear a protective helmet. Those who turn 21 on or after January 1, 2008 will still be required to wear helmets, unless they successfully complete a motorcycle safety training course. In any case, the use of protective eye wear will be mandatory. LB253 would increase the motorcycle registration fee by \$5, starting on October 1, 2007, while maintaining the Motorcycle Safety Education Fund through the end of this year, at which time the name of the fund would change to the Motorcycle Safety and Training Fund. The rise in motorcycle registration fees would cover the expected increase in demand by motorcycle operators to enroll in motorcycle safety training courses in order to ride without a helmet. LB253 exempts operators who are already 21 and over, on January 1, 2008 from the requirement to wear a helmet if they receive the necessary endorsement on their operators license and they ride with eye protection. An individual who turns 21 on or after the effective date of this act, they must take the training course in order to ride without a helmet; they must wear eye protection and carry proof of completion of the training course. Eye protection, under the act, is defined as glasses that cover the orbital region of the operator's face, a protective shield attached to a helmet, goggles, or windshield on the motorcycle that protects the operator's horizontal line of vision in all operating positions. In addition, LB253 would require operators who seek to operate a motorcycle without a helmet to obtain a new operator's license with the words "helmet not required" as an endorsement. As to the penalties for violation of this new act, LB253 would allow an individual to be charged as a secondary offense for any violation of this act, unless it is related to the failure to wear eye protection, which shall be a primary offense. The minimum fine for any conviction for operation of a motorcycle without a Class M license or endorsement is increased from \$10 to \$75. Furthermore, any individual violating this act shall be guilty of a Class III misdemeanor. Today you're going to hear testimony from Nebraskans and others who merely want their choice to operate a motorcycle without a helmet. You'll hear from Nebraskans who are professionals, that take their motorcycles on long trips through other states, all the while



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spending several thousands of dollars in doing so. You'll hear testimony about the amount of insurance many of these riders already carry, about the education that LB253 requires, and the benefit that would be not only to riders, but to all persons in Nebraska who operate on our highways and Interstates. You will hear testimony from individuals involved in law enforcement and emergency responders who want this law repealed. You will also hear a response to the misinformation that has been disseminated to the public by groups who don't like the freedom of choice. Finally, you will hear from ordinary folks, folks from both inside and outside Nebraska, about how repealing the helmet law would affect them. And I appreciate the committee's attention to these issues. I know there are those here who oppose this repeal, and I look forward to hearing their testimony. I would state however, that I have two main goals in the introduction of LB253. The first goal is to open our borders to hundreds and thousands of people who, for one primary reason, choose to avoid our beautiful state because they wish to ride without a helmet. The second goal is to uphold our citizens' belief in their right to choose. Whatever the committee's decision, I hope you will keep these fundamental goals in mind. And I appreciate your attention to this issue, and would entertain any questions at this time. [LB253]

SENATOR FISCHER: Thank you, Senator Rogert. Are there any questions? I see none. Thank you very much. [LB253]

SENATOR ROGERT: Thank you. [LB253]

SENATOR FISCHER: Do you plan to stay? [LB253]

SENATOR ROGERT: I will be here. [LB253]

SENATOR FISCHER: Okay, thank you. Could I have a show of hands of the number of people who wish to testify on this bill, either for or against? Okay. About 20, I think. And at this time we'll have the first proponents come forward, please. And please remember, we are using the time limit system here. So three minutes, and good afternoon. [LB253]

ALAN FOSLER: (Exhibit 1) Good afternoon, senators. My name is Alan Fosler, A-l-a-n F-o-s-l-e-r. I'm here to speak in support of LB253, a bill to adopt the Motorcycle Safety and Training Act and changes the current motorcycle helmet provisions. I've followed this issue in the Legislature since 1999 and I feel it's an important issue that deserves your support to advance it out of the Transportation Committee and into the full Legislature for debate. I'm a lifelong Nebraska resident who grew up on a farm in rural Seward County and now reside in Lincoln. I attended the University of Nebraska - Lincoln and graduated with a degree in business administration. I'm a banker and serve as a senior vice president of the operations division for one of the largest locally owned financial institutions in the state of Nebraska, where I have worked for 33 years. My wife works for the public school system. My son is also a graduate of the University of

Nebraska, from the College of Architecture, and is now attending graduate school at the University of Washington in St. Louis. My daughter is a freshman at the Kansas City Art Institute. I want you to know my family and to understand my passion for motorcycling. I'm not alone. Recently, in an article in the Wall Street Journal reporting on Harley Davidson stock sales, it stated that the median age of their riding customer is 47, is male with an average income of \$83,000, and has at least two years of college education. The motorcycle company is also focused on younger, more diverse set of riders, including women who represent a growing market for the company. Recently, we invited ABATE and the motorcycling public to a Lobby Day, here at the Capitol. Over 200 supporters showed up for this event, with the simple goal of meeting their senators and making their positions known. Motorcyclists are often stereotyped as undesirables, when in fact they are regular citizens, neighbors, coworkers, professionals, as well as your constituents. I started riding motorcycles when I was 16 years old. I am now 52 and enjoy riding motorcycles with my friends and family. I've owned nine different motorcycles and have enjoyed each one greatly. My current ride is a 2006 Harley Davidson Ultra Classic which I purchased right here in Lincoln from Frontier Harley Davidson and paid \$25,000 for it. I just want you to understand that many riders have a major investment in their motorcycles and a great deal of pride in owning them as well. My most recent trip on this bike was in August of 2006, when my wife and I rode with four other couples to Sturgis, South Dakota and onto Glacier Park in Montana. My riding partners were a banker, a doctor, a restaurant owner, and an engineer. We rode over 3,000 in miles in seven days and had a wonderful trip. We stayed in motels that cost nearly \$300 a night that were close to Sturgis, and more affordable rooms for about \$75 in states further away from the annual rally. Our total cost of this trip, which included many great meals and souvenirs, was about \$300 per day. I'm watching the light. Does this mean I have one minute left? [LB253]

SENATOR FISCHER: You're down to about probably 20 seconds. [LB253]

ALAN FOSLER: Okay. I'm going to hit the highlights here. What I really wanted to say is I've met recently with the Nebraska Travel Association. I heard their concerns and met with their industry to talk about tourism in this state. They welcomed me and expressed their support of our organization in the past. They recognize the impact that just a fraction of those 1 million bikers who traveled to Sturgis each year would have on their industry. They also understand the importance of tourism spending in our state for goods and services, as well as tax revenues. We must also encourage tourism in this state, and I believe that LB253 can have a positive impact on tourism. [LB253]

SENATOR FISCHER: I'm afraid I'm going to have to cut you off there. [LB253]

ALAN FOSLER: Okay. I have included my written testimony to you because we didn't know about the time limit until today, so it got a little bit condensed. But I appreciate your attention to my information. [LB253]

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SENATOR FISCHER: Thank you. Any questions? Senator Aguilar. [LB253]

SENATOR AGUILAR: Thank you. We do have your written testimony in front of us. But at the same time, is there one more point you'd like to make? [LB253]

ALAN FOSLER: There was. One of the main things that I wanted to stress with the group, and you've talked about it today, and that's the education fees. And if I could call your attention to the last page. One of the things we want to point out to you is that we are a minority group in this state, and motorcycle riders are often identified as that. LB253 is not just about wearing a helmet or not. A helmet can be a false sense of security. Motorcycle safety is a much bigger issue. And education is one component that we can help to prevent accidents. But it's not just for motorcyclists alone; safety also involves other drivers on the road. Increasing education to nonriders can positively impact motorcycle riders, distracted drivers with cell phones, drinks, under the influence of alcohol or drugs, speeding, turning left, or whatever are the types of dangers that happen. And it happens close to us all the time. The Governor pointed out recently that the medical expense is one the major expenses you all have to deal with in your budget this year. We want to help you understand that motorcycling fatalities, accidents or whatever pale in comparison to the other medical factors that are involved with the medical expenses of the state. Prescription drugs, elder care, obesity, diseases of all types and causes are one of the major issues that you have to deal with. Those were some of the major things I wanted to cover today. [LB253]

SENATOR AGUILAR: Thank you. [LB253]

ALAN FOSLER: Thank you. [LB253]

SENATOR FISCHER: Other questions? Senator Louden. [LB253]

SENATOR LOUDEN: Yes, Alan, when you go on these road trips, as you've stated here in your testimony, do you wear a helmet? [LB253]

ALAN FOSLER: In states where it's required I do. And I can tell you one of the things I had in my testimony that I wanted to talk about was a trip I took to Arizona, just a few weeks ago. It's not a helmet state. I wore a helmet, although it's an illegal helmet in Nebraska, for the protection of shade, sun and heat, because it was a little cool the week we were there. But in the states where we go, to Sturgis for example, we'll ride in the Black Hills or through the Badlands with no helmet, and feel great that we're able to do so. [LB253]

SENATOR LOUDEN: Do you ride at night? [LB253]

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ALAN FOSLER: Yes. [LB253]

SENATOR LOUDEN: Now, when you're cruising down the road at 60 miles an hour and you hit whatever varmint is out there, and you put that bike down on the highway, what do you do to keep from wearing clear through the bone on your head then, if you don't have a helmet on? [LB253]

ALAN FOSLER: Interesting question, Senator. I think you have to go back, one of the main thing we're trying to do is avoid those accidents purely. A lot of it is in rider skills and education, which is a piece of this legislation to help us avoid those type of accidents. There are some accidents that a helmet is not going to protect you. I had a very good friend who had a motorcycle accident, and the handlebar went through the front of his face. No helmet protects the front of your face. [LB253]

SENATOR LOUDEN: Yeah, but I'm not talking about that. I'm talking about, you know, when something puts you down on the pavement. [LB253]

ALAN FOSLER: Um-hum. [LB253]

SENATOR LOUDEN: Because I've seen guys that went down on the pavement far enough... [LB253]

ALAN FOSLER: Sure. [LB253]

SENATOR LOUDEN: ...they wore clear through the helmet until they got to their head. [LB253]

ALAN FOSLER: Yeah, yeah, it... [LB253]

SENATOR LOUDEN: And I'm wondering what, you know, if you're not wearing a helmet, what do you do, or what do you plan on doing when that happens to you? [LB253]

ALAN FOSLER: A lot of times in a situation like that you don't have the ability to plan. It is strictly a reaction. Hopefully, you're holding your head up. But there's other parts of your body that are equally exposed, and that's one of the things that sometimes people don't understand. A helmet can give you a false sense of security. A helmet is not a protect all solution to motorcycle riding. There's a lot of other parts of my body that are exposed when we ride. And in the event of an accident, I've seen it happen, the accident can involve your extremities, your back, a lot of different things, in addition to your head. [LB253]

SENATOR LOUDEN: When you ride at night, how fast do you go? [LB253]

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ALAN FOSLER: The speed limit. [LB253]

SENATOR LOUDEN: Okay. (Laughter) When you mentioned Ellsworth here,... [LB253]

ALAN FOSLER: Um-hum. [LB253]

SENATOR LOUDEN: ...I came through here, you know, last spring. We picked a guy up that hit a cow. I mean there was three of them going,... [LB253]

ALAN FOSLER: Um-hum. [LB253]

SENATOR LOUDEN: ...three motorcyclists. And the lead guy, they were running like they were supposed to, the lead guy hit the cow. [LB253]

ALAN FOSLER: Yep. [LB253]

SENATOR LOUDEN: The guy on the left was in the clear, he missed. The guy on the right had to go up over the cow, that put him down on the ground... [LB253]

ALAN FOSLER: Um-hum. [LB253]

SENATOR LOUDEN: ...and he survived. Of course, the guy that hit the cow, helmet or no helmet, that got him. But they were riding at about 9:30 at night. [LB253]

ALAN FOSLER: Right. [LB253]

SENATOR LOUDEN: And I'm wondering where you guys come in when you say we shouldn't really have a helmet? Shouldn't we be having every safety devise out there? Should we maybe be even saying that you shouldn't ride those things at night? Because I know of two people got killed in Wyoming last year. One of them hit an antelope, I think, and I forget what the other one hit. One person from Grand Island, that is related to our neighbors there, hit a deer,... [LB253]

ALAN FOSLER: Um-hum. [LB253]

SENATOR LOUDEN: ...and it said it took him I don't know how many hours to spit all the hair out of his mouth,... [LB253]

ALAN FOSLER: Yep. [LB253]

SENATOR LOUDEN: ...and that was with a helmet on. [LB253]

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ALAN FOSLER: Right. [LB253]

SENATOR LOUDEN: So I'm wondering, you know, when you say we shouldn't do this, because the medical people are going to come down on us like you wouldn't believe. [LB253]

ALAN FOSLER: Oh, absolutely. I know you're prepared for that because it's the argument every year. One of the things that I know some of you understand and that is you cannot legislate common sense. And some of this is a matter of common sense as to how you act yourself and the situations that you get yourself into. You mentioned riding at night. Riding at night is more dangerous. There are more deer out than ever in the early evening hours. Sometimes, they call it an accident because of that very reason, it's an accident, it's just an act of God that things happen to you at certain times in your life. Protecting yourself with a helmet may provide some partial benefit, but not total, it's not the only solution. And if it was the total solution to every accident, you'd wear them in a car, you'd wear them on a tractor, you'd wear them in a lot of situations. And what we're asking for is to help us educate the motorcycling public with the education we've got proposed, to eliminate the requirement of the helmet, which is truly a false sense of security; it does not protect you 100 percent. And you mentioned the first rider that hit the cow. My guess is that was a fatality from your comments? [LB253]

SENATOR LOUDEN: Oh, deader than a doornail. [LB253]

ALAN FOSLER: Yeah. And the helmet...I've often said when people... [LB253]

SENATOR LOUDEN: Him and the cow, both. [LB253]

ALAN FOSLER: Yeah. When people ask me, I think a helmet will do little more than help them identify you. Motorcycling is dangerous, we recognize that. It's a dangerous sport. [LB253]

SENATOR LOUDEN: But the second guy that hit the cow, the helmet saved him because he hit the cow dead on the ground, and they went clear over. [LB253]

ALAN FOSLER: Yep. And I think there are many situations in a car when a helmet could save lives as well. It's a matter of how far do we legislate the safety of our citizens? [LB253]

SENATOR LOUDEN: Okay, thank you. [LB253]

ALAN FOSLER: Thank you. [LB253]

SENATOR FISCHER: Other questions? I have a question. You brought up medical

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expenses. [LB253]

ALAN FOSLER: Um-hum. [LB253]

SENATOR FISCHER: Do you have any kind of numbers on what it costs the state in dealing with people that are involved in motorcycle accidents without helmets, or even with helmets, that the state then has to take care of? [LB253]

ALAN FOSLER: No, Senator, I do not have those statistics in my comments today. My focus with you was more on the tourism issue and the dollars that it can bring to our state for revenue in that direction. There will be others that can address that topic. [LB253]

SENATOR FISCHER: Okay. Thank you very much. [LB253]

ALAN FOSLER: Okay. [LB253]

SENATOR FISCHER: Other questions? Thank you. [LB253]

ALAN FOSLER: Thank you. [LB253]

SENATOR FISCHER: Next proponent, please step forward. Good afternoon. [LB253]

MARVIN GROVE: (Exhibit 2) Good afternoon, senators. My name is Marvin Grove, M-a-r-v-i-n, my last name is G-r-o-v-e. I've been here on numerous times to talk to you on this situation and I'm here again as it's been pretty much a lifelong deal to learn about this and to form an educated opinion about it. I want to talk to you today about the insurance and the question, Senator Fischer, you just brought up. It's basically this, the first thing is insurance companies are in business to make money; they wouldn't be here if they weren't in that business. And the bottom line is they form risk pools to judge their costs and how they're going to set rates. And those risk pools are a benefit of the people that are strictly in that risk pool. Insurance rates for you may be different for me by age or whatever. Motorcyclists carry their own risk pool. Some notion that rates go up because we take the helmets off of peoples heads outside of the risk pool or even in the risk pool is without found (sic), it doesn't happen. And I will get to that in just one second to back that up. Basically, the idea is that they're not going to pay out all the money, which they don't, and they stay offering that product or that insurance. Now, let's get down to the real facts of this deal. The average motorcyclist is 47 years old across the nation. He has an annual income of \$61,250 for his family, he's just as likely to own a home as any group, and he's just as likely to have two children in college. We have mandatory insurance in this state for all drivers. Motorcycle insurance is sold on a quarterly basis, not monthly like automobiles. So the theory that you're going to run down, buy your insurance, get your plates and then not make a payment on it is fine

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and dandy but, with our short riding season, we are way more covered than your average automobile guy that drives year-round. The other thing is this, the average cost of a motorcycle anymore requires a loan. And the banking for any vehicle requires the fact that insurance is carried on that loan. Okay? And in a North Carolina study, the examination of motorcyclists that were admitted to trauma centers, Senator, was this, they were just as likely to be medically insured as any other person involved in a road accident; they were the highest paying insurance rated group, otherwise they overinsured themselves; they relied (sic) on public assistance less than any other group; motorcyclists had a higher rate of self-pay than any other group, and motorcyclists average medical costs were comparable to all other groups in trauma. When you look at the fact that under 65, 84 percent of the people have some type of insurance or public assistance that we taxpayers fit into. I've left you this also. You can look at it later. If there's any statements, questions? [LB253]

SENATOR FISCHER: Thank you very much, Mr. Grove. Are there any questions? I see none. Thank you very much. Next proponent, please. Good afternoon. [LB253]

MICHAEL HOCH: (Exhibits 3 and 4) Good afternoon, senators. My name is Michael Hoch, H-o-c-h. I'm a retired Omaha police officer. I'd like to thank you for the opportunity for letting me express my support for LB253. I've distributed some letters from two individuals. One, Mark Munger, who is a retired Lincoln firefighter and member of the International Association of Firefighters Motorcycle Group, and John Francavilla, who is an Omaha police officer, as a matter of fact he's a motor officer, rides a motorcycle for a living, and is president of the National...the Nebraska Fraternal Order of Police. Neither one of them could be here today just because of some scheduling conflicts. All of the states that border Nebraska do not mandate helmet use. As a result of that, I do a lot of my motorcycling in Iowa, which does not mandate. And it's a close border to us. As a matter of fact, the Omaha Police Union sponsors a poker run every year which benefits Special Olympics. This poker run starts in Omaha at the union office, and from there goes directly to Iowa, where a number of the riders remove their helmets, because that's what they are able to do; it's more comfortable. To make it as short as can be, I feel that with proper safety instruction in riding a motorcycle it's going to give you...should give you the option of wearing a helmet or not in Nebraska. That's all I have. [LB253]

SENATOR FISCHER: Thank you, Mr. Hoch. Any questions? I see none. Thank you. Oh, I do have one. Did you make the comment that, you know, you travel in some of our border states when you cycle because you don't like wearing a helmet? [LB253]

MICHAEL HOCH: That is correct. I feel it's much more comfortable, most of the time, without the helmet on. [LB253]

SENATOR FISCHER: Okay. So you do it for comfort reasons? [LB253]



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MICHAEL HOCH: That's one of the issues, and it's just...I basically, don't like wearing a helmet. [LB253]

SENATOR FISCHER: I've had different people tell me that they really can see and hear better without a helmet on? [LB253]

MICHAEL HOCH: Yes, ma'am. [LB253]

SENATOR FISCHER: Is that your experience? [LB253]

MICHAEL HOCH: Depending on...a lot of it is depending on the type of helmet you're wearing, too. If you wear a full faced helmet, of course, your hearing is restricted quite a bit and your vision can definitely be restricted. Without a helmet, definitely you have no restriction on vision. [LB253]

SENATOR FISCHER: And would you happen to have any information on cost for motorcycle accidents? [LB253]

MICHAEL HOCH: No, I'm sorry. [LB253]

SENATOR FISCHER: Thank you. Next proponent, please. Good afternoon. [LB253]

DANIEL SPOTTEN: (Exhibit 5) Good afternoon, senators. My name is Daniel F. Spotten. Daniel is spelled correctly. The last name, S-p-o-t-t-e-n. Thank you for taking the time to listen to my testimony. I'm here today to implore you to vote yes on LB253. I have been riding since the age of 8-years-old, that's been for 31 years, do the arithmetic from there, if you will. I learned to ride by accident. I've had three major accidents, never wearing a helmet, survived all of them. You might say I banged my head, and that's why I'm here, but no, that is not the case. The current helmet law is stifling to tourism in Nebraska. From a national perspective, you have in front of you all, 35 written testimonies from respondents from all over the country through a survey we did, from Massachusetts to California and Hawaii. Among the respondents are lawyers, insurance professionals, retired military veterans, school teachers, business owners, and regular workers like myself. The average amount of money these people have invested in their motorcycles is \$24,318. Most have full coverage insurance on their motorcycles. of the 22 respondents mentioned that they had health insurance, most had full medical insurance through their jobs, and some even had up to \$5 million worth of health coverage. The average amount of money these respondents claim they spend is \$178.92 a day while traveling on their motorcycles. Every one of these respondents from other states say they do not and they will not travel through Nebraska until this helmet mandate is modified by the passage of LB253. You're going to hear the opponents of this legislation talk a lot about NHTSA studies, about Florida, about

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Pennsylvania, Texas, and Arkansas. Let's look at Arkansas. The year after Arkansas repealed the helmet bill, Arkansas gained only 250 new riders, but the fatalities for 10,000 registrants went from 4.23 percent in 1996, to 2.88 percent in 1997. The reality is that if motorcyclists were allowed to remove their helmets, it will help motorcyclists get out of the way of those drivers that continue to run stop lights, speed, talk on cell phones, and do others thing while driving and not watching out for traffic. The cause of the accident is not from the motorcyclist wanting to ride without a helmet. There are current laws to punish drivers who shouldn't be driving or are not paying attention. We are not asking for any special treatment. The truth is that in 2005, out of 4,553 motorcycle fatalities nationwide, states with motorcycle helmet laws had 1,998 deaths, including the 17 in Nebraska. Out of the 2,555 deaths in nonhelmeted states, 900 of those were actually wearing helmets, meaning that 1,243 more motorcyclists were killed nationwide wearing helmets than those not wearing helmets. And my time is almost up. Thank you for allowing me to testify. This has been a great experience. I've never done anything like this before, and I'm going to remember this day the rest of my life. Thank you. [LB253]

SENATOR FISCHER: Well, welcome, Mr. Spotten; it's nice to have you here. Senator Aguilar, do you have a question? [LB253]

SENATOR AGUILAR: Yeah. You said something there that was kind of new information to me, and that was that more people have died wearing helmets than not wearing helmets than not wearing helmets? [LB253]

DANIEL SPOTTEN: In the year 2005. [LB253]

SENATOR AGUILAR: Would you offer an opinion as to why you think that is? [LB253]

DANIEL SPOTTEN: Okay. Simply, I think, motorcyclists nationwide do wear helmets. A lot of them in Iowa, guys that I ride with, wear their motorcycle helmets all the time. They have the choice to do that, they prefer to do that, they feel safer. I think overall, more motorcyclists wear helmets. In any given number of accidents there's going to be proportionately more motorcyclists wearing helmets. [LB253]

SENATOR AGUILAR: Okay. I follow you, thank you. [LB253]

SENATOR FISCHER: Other questions? Senator Mines. [LB253]

SENATOR MINES: Thank you, Senator. Mr. Spotten, your testimony that you didn't get a chance to finish includes some information on helmet testing. [LB253]

DANIEL SPOTTEN: Oh, yes. [LB253]

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SENATOR MINES: Are you comfortable responding to any of this, questions about helmet testing, or should I direct it maybe later to someone? [LB253]

DANIEL SPOTTEN: If you want to direct them to me, I that in front of me, sir. [LB253]

SENATOR MINES: Okay. This is not a new issue in Nebraska. And I seem to remember in a hearing at some point, must have been Judiciary, several years ago, helmets are certified to a certain amount of speed. I mean, some...they're not...they won't hold up, they won't save your life after a very minimal amount of speed. And your testimony shows that most helmets, many of the helmets that were tested in 2006, about half of them passed, and half of them...is that...no, about half of them passed. Are all helmets certified and tested and approved, will they provide the same level of safety, or are helmets different? [LB253]

DANIEL SPOTTEN: Well, helmets are different. Each manufacturer, manufactures their own helmet, their own brand to their own proprietary specifications. [LB253]

SENATOR MINES: Right. [LB253]

DANIEL SPOTTEN: What NHTSA does is bench-tests these using... [LB253]

SENATOR MINES: And NHTSA is? [LB253]

DANIEL SPOTTEN: National Highway Traffic Safety Administration. [LB253]

SENATOR MINES: And how is that different from the Federal Motor Vehicle Safety Standard? They impose the standard? Do you know? [LB253]

DANIEL SPOTTEN: I guess I'm not sure who imposed the standard. I will say that NHTSA tries to uphold the standard. [LB253]

SENATOR MINES: Okay. [LB253]

DANIEL SPOTTEN: And they also do the testing of the motorcycle helmets. [LB253]

SENATOR MINES: Okay. So they test. [LB253]

DANIEL SPOTTEN: Yes. [LB253]

SENATOR MINES: And there's a pass, fail. [LB253]

DANIEL SPOTTEN: Yes. [LB253]

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SENATOR MINES: Do you know what the fail is? I mean, is it based on so much impact or so much...do you happen to know? [LB253]

DANIEL SPOTTEN: And I'll be honest, many of the failures are due to labeling issues, because the helmets are labeled wrong. But very...a good number of them, and I do not have that information in front of me for each year. Many of them are...simply failed the bench test. [LB253]

SENATOR MINES: Right. Okay. I seem to recall, years ago, that a helmet, to pass, would withstand an impact equivalent of seven miles an hour, but I don't know that. [LB253]

DANIEL SPOTTEN: And you could ask 100 different people, and you will get 100 different answers. [LB253]

SENATOR MINES: Yeah, okay. [LB253]

DANIEL SPOTTEN: If I may continue,... [LB253]

SENATOR MINES: Sure. [LB253]

DANIEL SPOTTEN: ...the way the testing works is the helmet is set on a bench and a weight is dropped onto the helmet. And basically, 13 to 18 miles per hour, this weight falls and hits the helmet. If the helmet does not crack or sustain damage, that brand, model of helmet is approved by the DOT. [LB253]

SENATOR MINES: Thank you. [LB253]

SENATOR FISCHER: Other questions? I have a couple for you. [LB253]

DANIEL SPOTTEN: Sure. [LB253]

SENATOR FISCHER: Would you happen to know the percentage of accidents, total accidents in either Iowa, since you're from Iowa, or Nebraska that involve motorcycles, and what percentage of those accidents are caused by motorcycles? [LB253]

DANIEL SPOTTEN: I do not have that information in front of me. No, ma'am. [LB253]

SENATOR FISCHER: If you...or do you know anybody who could get me information like that, I'd appreciate it. [LB253]

DANIEL SPOTTEN: I would be more than happy to get you that information. [LB253]

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SENATOR FISCHER: Okay. That would be great. Also, when you see a decrease in the number of deaths, when states don't have their requirement anymore, do those states also require the safety education classes? [LB253]

DANIEL SPOTTEN: Some of them do. I believe Florida did, I believe Texas did, and both Florida and Texas also have an insurance mandate attached that they must carry X amount of dollars of medical insurance to ride without a helmet. [LB253]

SENATOR FISCHER: Okay. Okay, thank you. Other questions? Thank you, Mr. Spotten. [LB253]

DANIEL SPOTTEN: Thank you. [LB253]

SENATOR FISCHER: Next proponent, please. Good afternoon. [LB253]

JAMES ALLSTOT: (Exhibit 6) Good afternoon. Thank you for allowing me the time to give you my testimony. My name is Jim, well James Allstot. Last name is spelled A-I-I-s-t-o-t. I live at 7641 Ringneck Drive, here in Lincoln, Nebraska. I live in Legislative District number 25, represented by Senator Ron Raikes. I have been riding a motorcycle for over 40 years. I grew up in Iowa on a farm. I started riding a Cushman Scooter that I got for my tenth birthday from my parents. Motorcycles and riding became a passion, a hobby, and a love for me ever since that time. I started riding in the pastures and fields and attribute much of my accident-free riding to those experiences. Growing up in Iowa, I was never forced to wear a helmet, which I did wear from time to time, until I moved to Nebraska where it is mandatory. Iowa is one of the many states around us that allow the rider to make the choice for themselves. I have two motorcycles and have about \$37,000 invested in them. I have insurance on all my vehicles that I own, which has standard coverage, and with that type of an investment I can't afford not to. I have full coverage with uninsured, under insured, replacement cost, including medical, and I also have health insurance. On the average, I spend about \$150 per weekend on purchases, including gas, food, and incidentals while riding on motorcycle events, which by the way a lot of them are charity rides. If I go on a weekend trip and spend a night in a hotel or camp, I'll spend around \$250 or \$300, depending on if I'm by myself or if I have a passenger. I normally go on five extended weeks of motorcycle trips each year. On four of these tours I will spend \$400 to \$700, depending where the trip is to and what activities I pursue. If I go to Sturgis or Colorado, I'll spend \$1,700 to \$2,500. All the states around us, Kansas, Colorado, South Dakota, and Iowa, allow me, as an adult, to make my choice for myself in what I think is best and when to carry and use a helmet. The much bigger question I have for you is, why do we want or allow traffic to avoid our state and not contribute to our economy? The only other states around us that have a mandatory helmet law is Missouri. And if you look at the map, all the other states are open. I find it hard to believe that there's a business in our state or a property owner that pays taxes that would not want that traffic to help ease those

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burdens on the taxpayers in this state. There are many reasons I support this law. I'm a taxpayer, I'm over 21 and, as long as I don't cause any harm to anyone else, I should have the right to choose what's best for me. My grandfather, my father, and countless thousands of other Americans went to war to protect the freedoms for me under the Constitution of the United States of America and everyone else in this great country to be able to make choices, or at least that's what the politicians and government has always told us since 1776. I go to different states and spend money that I would much rather spend here and see that going to the Nebraska economy. There would...I'm done. (Laugh) [LB253]

SENATOR FISCHER: Thank you, Mr. Allstot. Any questions? I have a question. You said you've gone to Sturgis? [LB253]

JAMES ALLSTOT: Yes, ma'am. [LB253]

SENATOR FISCHER: Have you gone up Highway 83, north through Valentine? [LB253]

JAMES ALLSTOT: No, ma'am. [LB253]

SENATOR FISCHER: Ahh. [LB253]

JAMES ALLSTOT: You want to know the reason why? [LB253]

SENATOR FISCHER: Enough said. (Laughter) Enough said. [LB253]

JAMES ALLSTOT: I was just going to say because Iowa is right there and I can go up Iowa into South Dakota and I don't have to wear a helmet. [LB253]

SENATOR FISCHER: You have South Dakota. Do you go down the Interstate in South Dakota then? [LB253]

JAMES ALLSTOT: Yes, ma'am. Yes. I would love to ride up through Valentine. [LB253]

SENATOR FISCHER: If you would ever happen to go up Highway 83 north to Valentine, there is...we have a little thing there called, the Hog Stop, which is kind of fun. [LB253]

JAMES ALLSTOT: Exactly. I know the gentleman who runs that. [LB253]

SENATOR FISCHER: Yeah. Although, it did move; we'll have to talk to you about that. [LB253]

JAMES ALLSTOT: Yes. [LB253]

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SENATOR FISCHER: Yes. Thank you. Any other questions? Senator Mines. [LB253]

SENATOR MINES: I do. Thank you, Senator. Mr. Allstot, maybe it's...now is the time to bring up, based on your testimony, it might be time to bring up the argument that I've heard so many years. You are over 21. You do have insurance, you are careful. [LB253]

JAMES ALLSTOT: Um-hum. [LB253]

SENATOR MINES: But at some point, if you are injured in an accident and are critically injured and let's just say paralyzed for the rest of your life, you need to be in a facility of some kind the rest of your life. Your insurance doesn't cover that very long. And at some point it's possible or probable that you will end up on Medicare, and that's the state's responsibility. And I just wonder how you might respond to someone that says, yes, you are able to do what you want to do, on the other hand, how about if we amend this bill to say that all riders that choose not to wear helmets shall have insurance capable of carrying through such tragic accidents? Which will be tremendously high. But that... [LB253]

JAMES ALLSTOT: Um-hum. [LB253]

SENATOR MINES: But that means the state is off the hook. How would you respond to that? [LB253]

JAMES ALLSTOT: Well, I would respond to that by simply by, why would you make the standards for me different than anybody else that lives in this state? If you're driving a car, or you're driving a semi, or you're driving a pickup, you're driving a tractor, I don't care what you're involved with, if that type of an accident causes that type of an injury, no matter what you're driving, why should I be dealt with any differently than the resident that's driving the car, or the tractor, the semi, the pickup? [LB253]

SENATOR MINES: I think there's just a little bit...I mean it's not apples to apples. [LB253]

JAMES ALLSTOT: Right. [LB253]

SENATOR MINES: Again, I see your point. I'm just going to say,... [LB253]

JAMES ALLSTOT: Um-hum. [LB253]

SENATOR MINES: ...that's what comes up on the floor. I'm sure we'll hear testimony in opposition that will say those very things. I was just curious how you might respond? [LB253]

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JAMES ALLSTOT: Yeah. I just think it's a fair issue of I'm a taxpaying citizen, just like everyone else. [LB253]

SENATOR MINES: Thank you. [LB253]

SENATOR FISCHER: Other questions? I see none. Thank you very much. [LB253]

JAMES ALLSTOT: Thank you. [LB253]

SENATOR FISCHER: Any other proponents? [LB253]

LARRY SCHUTT: (Exhibit 7) Hello, senators. [LB253]

SENATOR FISCHER: Good afternoon. [LB253]

LARRY SCHUTT: My name is Larry Schutt, S-c-h-u-t-t. Senators, I'm here today to ask you for your support on LB253. As a state coordinator for ABATE of Nebraska, I'm here today to represent the hopes and desires of over 1,500 ABATE members. There's an additional tens of thousands of motorcyclists in Nebraska that would like to have the freedom of choice, and yet hundreds of thousands of out of state ones, you've heard these numbers before, that would like to come here. I want to make something perfectly clear to you, ABATE of Nebraska is not an anti-helmet organization. ABATE is pro-choice. Many of our members choose to wear helmets, and that's fine. If this legislation passes, we don't want to see everybody riding without helmets, it's their choice. I want to also add that ABATE has not filled the room with testifiers. We had over 200 people here for Lobby Day to show their support. And I thought it was senseless to have that many people or more people come and take up your time. You've got better things to do. So you all have a set of e-mails that was sent to us out-of-state and in-state. Please read them; there's a lot of good information there, Nebraska taxpayers, and they really want you to read them. Opponents to this legislation will tell you all kinds of horror stories. Our highways will be littered with dead bodies all over, wearing helmetless motorcyclists, and our state coffers will be emptied by those brain-dead motorcyclists who don't have insurance. The opponents may only use small parts of huge studies and distort the truth. But for the most part, the opponents are only reading tea leaves and gazing into crystal flawed balls for the opinion that is not based, it is fact, only their opinion. I'm going to finish this with a personal note. My wife and I both ride motorcycles and we're lucky enough to live in Legislative District 18, so we're close to Iowa. So we hop the bridge on a summer's evening, we go over there, have dinner, ride around for a little bit, spend 50 bucks, happens pretty quick. It's easy for us to have another 10 couples or up to 20 couples go with us on any evening. So there's 250 to 1,000 bucks just on one night, leaving our home area, just to go over there to take the helmets off and relax. Nebraska has always



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been a state that bucks trends. We got the only Unicameral in the United States. We're one of few states that wearing a seat belt is a second offense. We also have a conceal and carry law. So we do a lot of things here in Nebraska that are different than elsewhere. My time is going to run out, so I'm just going to say, senators, as a taxpayer and a businessman and a father, I want to ask you to support this bill. It's good legislation. Thank you. [LB253]

SENATOR FISCHER: Thank you, Mr. Schutt. Are there any questions? Senator Mines. [LB253]

SENATOR MINES: Thank you, Senator. Larry, how many states do not have a mandatory helmet? Do you know? [LB253]

LARRY SCHUTT: I can't give you that number without the map in front of me. [LB253]

SENATOR MINES: Okay. [LB253]

LARRY SCHUTT: Missouri is the only one around us that is still a helmeted law, but South Dakota, Colorado... [LB253]

SENATOR MINES: Yeah. Okay. All right, thanks. [LB253]

SENATOR FISCHER: Other questions? I see none. Thank you very much. [LB253]

LARRY SCHUTT: Thank you. [LB253]

SENATOR FISCHER: The e-mails that were referenced by our last testifier, they are at your table, so you have those. Are there other proponents to the bill? Please come forward. Good afternoon. [LB253]

DOUG PRANGE: Good afternoon. My name is Doug Prange, spelled P-r-a-n-g-e, first name is Doug, D-o-u-g. I'm an aerial photographer by trade. I don't own a motorcycle now, but I have been a motorcycle rider since '68 or '67. Part of the reason or one of the reasons that I don't currently own a motorcycle is because of the helmet law, part of it is financial as well. But my wife, when we did have a motorcycle, several over the years, what we enjoyed most was just jumping on the motorcycle on a nice day or evening and going for a ride. Locally, I don't spend a lot of money on long trips. Don't go on a lot of long trips. As an example, though, I'm kind of a fair weather rider. Friends went deer hunting in Chadron, so I put my motorcycle in the back of their pickup, and when we got up there we unloaded it, and I drove it through the Black Hills. And I got into some inclement weather, so I put my helmet on. I did wear it when it was cold and rainy, and I do wear it when I do have a motorcycle and I do have a helmet. I wear it when it's necessary, when I feel like it's necessary. And just feel like I should have the choice to

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make that decision. That's it. [LB253]

SENATOR FISCHER: Thank you very much. Any questions? I see none. Thank you. Other proponents, please. Please step forward. It's not a firing squad (laughter), don't be shy. Welcome. [LB253]

MARTY SHEPARD: Welcome, senators. My name is Marty Shepard, S-h-e-p-a-r-d, M-a-r-t-y. And, I guess, the point that I'd like to stress is the education on riding a motorcycle would save lives. Personally, myself, I'm originally from Iowa. When I learned how to ride, it was get out there and more or less crash or almost crash. I've known people that have been killed on motorcycles, some had worn helmets, and some haven't. And a good friend of mine, he was killed a number of years back, and his main, I guess, problem was he never had a course to go to, and it probably would have saved his life, because a dog ran out in front of me, he hit the ditch and broke his neck. It's just...and then being a motorcycle rider is a lot different than driving down in your car or whatever because you've got to be such a defensive driver, because people don't see you. And that's something that can be taught in a class or on a course or what have you, to where it would educate people. And then I think it would save a lot of lives. I guess that's my two cents worth. [LB253]

SENATOR FISCHER: Thank you, Mr. Shepard. Are there any questions? I see none. Thank you very much. Other proponents? Are there any other proponents for the bill? I see none. Would the first opponent, please step forward. Good afternoon. [LB253]

DAVID YOUNG: (Exhibit 8) Good afternoon. My name is David Young. I've been a surgeon for 35 years. I'm one of the dreaded professionals that some of the proponents have warned you about. [LB253]

SENATOR FISCHER: Could you spell your last name, please. [LB253]

DAVID YOUNG: Y-o-u-n-g. [LB253]

SENATOR FISCHER: Thank you. [LB253]

DAVID YOUNG: First name is David. I'm currently associate director of trauma at the University of Nebraska School of Medicine. I have previously been director of trauma at the Barrow's Neurologic Institute in Phoenix, Arizona, and also director of trauma at Christiana Hospital in Wilmington, Delaware. I also work in O'Neill as a general surgeon, from time to time, and did spend ten years working there. O'Neill, as you know, is on one of the main paths, main routes on the way to Valentine, and also on the way to Sturgis. And each year we see a few motorcycle accidents there. I've brought with me a letter from Dr. Stothert, who is director of trauma at the University of Nebraska School of Medicine, as well as director of the Omaha Fire Department, medical director of 911

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communications, medical director of the Eppley Fire and Rescue, and director of trauma for the state of Nebraska. And I would ask you to read that letter, but I'm here to testify for myself here. In addition to directing trauma centers and being an active trauma surgeon for the last 20 years, I have also been a trauma instructor for 20 years, and I'm a critical care instructor also. I take care of motorcycle accidents. In Omaha we take care of two types of motorcycle accidents: those from Nebraska and those from Iowa. The ones from Iowa almost invariably are without helmets, almost invariably have severe head injuries, and almost invariably have a much higher permanent consequence in terms of disability or injury or death. You asked a question, Senator Fischer, about the cost of motorcycle accidents. Motorcycle accidents come in all varieties, from a broken finger to a DOA. However, statistically, a helmetless motorcycle accident costs twice as much as a helmeted motorcycle accident, and that is the medical costs. Senator Mines, I think you mentioned something about a quadriplegic or paraplegic, which is not really an issue in terms of the helmet, per se, it's more like brain damage and hemiplegic. But a paraplegic will cost about \$500,000 in their first year of recuperation, and about \$200,000 a year after that. Essentially, I'd like to cover a couple of things. First of all, we see a tremendous difference between the nonhelmeted states and the helmeted states in Nebraska. I really want to bring up one point. I have sent you, by snail mail, a letter, along with two articles from NHTSA. And I will tell you that every state that...I have been in several states. And every state that has instituted a helmet law and then repealed it has seen, first, the incidence of death from motorcycle accidents when they instituted the helmet law drop in half; and then the incidence of death, once the helmet law was repealed, double. Okay? My red light is on. [LB253]

SENATOR FISCHER: Thank you, Dr. Young. Are there questions? Senator Mines. [LB253]

SENATOR MINES: Thank you, Senator. Doctor, thanks for being here today. Would it be a true statement that most motorcycle...most severe motorcycle accidents are of the neck rather than the head? Or...and I'm just pulling it out of the air. [LB253]

DAVID YOUNG: No, no. [LB253]

SENATOR MINES: It's not a true statement? [LB253]

DAVID YOUNG: No. In actual fact, the vast majority of injuries are orthopedic, broken arms, broken legs. But when you add a smashed brain to that, we can fix almost everything else, except the brain. We can actually replace hearts and livers and everything like that, which is rare in a motorcycle accident. But the one thing that we cannot undo is brain damage. [LB253]

SENATOR MINES: But there are many instances of neck injury as well? I'm not fishing, I'm just curious. [LB253]

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DAVID YOUNG: There are, there are a significant number. But I would not say that that is the single most important or most...the single largest cause of death in a motorcycle accident. The single largest cause of death is a head injury, an unsalvageable head injury. I would like to add also that my first ride was a Lambretta 150. I graduated to a Triumph Bonneville, and then to a Norton. [LB253]

SENATOR MINES: I love the Triumph. [LB253]

DAVID YOUNG: And I stopped riding...Norton is a wonderful bike. And I stopped riding in 1972, when I took care of my first motorcycle victim. [LB253]

SENATOR MINES: Okay. Thanks [LB253]

SENATOR FISCHER: Other questions? I have a couple for you, please, Dr. Young. [LB253]

DAVID YOUNG: Sure. [LB253]

SENATOR FISCHER: You said the major cause of death with a motorcycle accident is a head injury. [LB253]

DAVID YOUNG: Yes, ma'am. [LB253]

SENATOR FISCHER: What is the major cause of, as Senator Mines was referring to before, if a person is paralyzed or has to be cared for by the state of Nebraska? [LB253]

DAVID YOUNG: Probably, and I'm going to guess, but it's a very educated guess based on my background, I'm going to guess that unseat-belted, dropped riders are the single most important cause of para- or quadriplegic, or motor vehicle-pedestrian accidents. [LB253]

SENATOR FISCHER: So the argument that we hear, as senators, against repealing motorcycle helmets would be that it costs the state more money to care for those victims of accidents if they are not wearing a helmet? Is that a true statement or false? [LB253]

DAVID YOUNG: Absolutely, absolutely. It costs twice as much to care for an unhelmeted rider as it does to care for a helmeted rider. And we're not even talking about the long-term care, when we have to send them to a nursing home. [LB253]

SENATOR FISCHER: Right. But you just said previously that a major cause of people who are in the care of the state because of accidents is due to them not wearing seat

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belts. [LB253]

DAVID YOUNG: That is also a cause, that is not the only cause, but that is also a cause. If you are going...there are many reasons to become a paraplegic or a quadriplegic, many of them are car accidents, motor vehicle-pedestrian accidents, falls, and recently in my hands a gunshot wound. [LB253]

SENATOR FISCHER: Where does a motorcycle accident and not wearing a helmet rank in that? [LB253]

DAVID YOUNG: In terms of the... [LB253]

SENATOR FISCHER: Cost to the state in caring for an individual. [LB253]

DAVID YOUNG: Overall costs, absolute costs, it's not one of the highest. In terms of relative costs and the percentage of motorcycle accidents compared to the percentage of cars it is far, far, far higher. The mortality rate... [LB253]

SENATOR FISCHER: But in total cost to the state, that's what I want. [LB253]

DAVID YOUNG: Total cost to the state it is not one the highest costs. [LB253]

SENATOR FISCHER: Okay, thank you. Also, you were saying when states repeal a helmet law, and I didn't get the numbers written down, the incidence of accidents do some... [LB253]

DAVID YOUNG: Doubles. [LB253]

SENATOR FISCHER: Doubles? [LB253]

DAVID YOUNG: The incidence of death from motorcycle accidents doubles. [LB253]

SENATOR FISCHER: Okay. Okay. [LB253]

DAVID YOUNG: And that is readily available, I've sent each one of you a couple of articles, and it's also readily available on the NHTSA web site. You can pull down several thousand articles about the incidence of what happens when helmets are instituted and helmets are repealed. [LB253]

SENATOR FISCHER: Okay. Thank you. Other questions? Are you doing this? Senator Mines. [LB253]

SENATOR MINES: What's the NHTSA...I'm sorry. NHTSA web site, what is that? NN?

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[LB253]

DAVID YOUNG: It's N-H-T-S-A dot com. Dot gov, I'm sorry. [LB253]

SENATOR MINES: Okay. Thank you. [LB253]

SENATOR FISCHER: Please, in the audience, please don't say anything right off. Thank you. Other questions? Senator Aguilar. [LB253]

SENATOR AGUILAR: Yes, doctor, thank you for coming today. Thank you, Senator Fischer. You said that the greatest cause of death in a motorcycle accident is by head injury? [LB253]

DAVID YOUNG: Is by head injury. [LB253]

SENATOR AGUILAR: What's the greatest cause in an automobile accident? [LB253]

DAVID YOUNG: Probably, probably, internal bleed from abdominal injury or collapsed lungs, from a collapsed lung, what we call a tension pneumothorax. [LB253]

SENATOR AGUILAR: Okay, thank you. [LB253]

DAVID YOUNG: And again, in a seat-belted rider it would be a lot less than an unbelted rider. [LB253]

SENATOR FISCHER: Other questions? I see none. Thank you, Doctor Young, for being here today. The next opponent, please step forward. Good afternoon. We just...not yours yet, please. If you'd take your yellow sheet back, we already have somebody in the chair. [LB253]

DAVID HALEN: That's okay, that's okay. We're on the same side. [LB253]

SENATOR FISCHER: So which sheet is yours here, sir? You'll confuse our transcriber. Thank you. Good afternoon. [LB253]

DAVID HALEN: (Exhibits 9 and 10) Hi. I was here before. You want my name again? Halen, last name, H-a-l-e-n, first name David. I'm a mechanical engineer as well as a part-time motorcycle safety instructor, as I mentioned earlier. I guess, my basic position is that while I agree with the education and eye wear provisions of this legislation, I have a hard time with the repeal the helmet part of it. Because while education and training are certainly important and I represent that, when a crash does occur, a DOT approved helmet is in fact the most important piece of gear you can be wearing. I have personally ridden 37 years. I've always worn a full face helmet to protect the front of my face. I've

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had three incidents, two were my fault, one was unavoidable. First one, I was riding too fast on a sandy rural road, got into a corner, got the bike slowed down, and as I came to a stop fell on my left side and hit my head pretty hard on the asphalt, enough to see stars. I think if I were not wearing a helmet, I probably would have been more severely injured. The second incident was a brand new rear tire, turning left onto an intersection, accelerated too hard, and the motorcycle went out from underneath me. My head didn't even strike the pavement. Third incident, I was riding down a rural highway in California at about 60 miles an hour and bird swooped down to eat something, struck me basically right between the eyes. I think without a helmet I probably would have not stayed on the motorcycle, and could very well have been killed. So I'm a proponent of helmets. I look at this debate as pretty emotional. It's personal freedoms versus logic and fatalities. The large report I gave you, the one that is this NHTSA study, Senator Mines, essentially compares before and after helmet law repeals in a number of states. Page 32 of the report tells you about Arkansas, Kentucky, Louisiana and Texas. I think this was a question you asked, Senator Fischer. In Florida, the three years prior to changing the law versus the three years after, fatalities increased 81 percent. Arkansas same deal, 23 percent, not quite as big a jump. Texas, 52 percent, Kentucky 99 percent, Louisiana 130 percent. Louisiana, it was so bad, they've reinstated their mandatory helmet law. And I guess I would just ask this committee and our Legislature, do you want to be responsible for sponsoring this bill, passing it, and increasing the likelihood of injuries and fatalities? You have any questions? [LB253]

SENATOR FISCHER: Thank you, Mr. Halen. [LB253]

DAVID HALEN: You're welcome. [LB253]

SENATOR FISCHER: Any questions? Senator Mines. [LB253]

SENATOR MINES: Thank you, Senator. Mr. Halen, I think it's probably true, isn't it, that some of the increase in fatalities in these states can be attributed to more motorcycle riders? I think we heard that in debate last year... [LB253]

DAVID HALEN: Absolutely, absolutely. [LB253]

SENATOR MINES: ...on Florida. [LB253]

DAVID HALEN: This big document, read at your leisure, it does a little bit of analysis on that. Those are the raw numbers, the percentages I gave you. [LB253]

SENATOR MINES: Okay, thank you. [LB253]

DAVID HALEN: You're welcome. [LB253]

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SENATOR FISCHER: Other questions? I have one for your, Senator, Senator, I just gave you a demotion, didn't I? I apologize. [LB253]

DAVID HALEN: Some year, huh? No, no, I wouldn't say that. [LB253]

SENATOR FISCHER: Mr. Halen, you said Louisiana reinstated their helmet law. How many years had it been repealed? [LB253]

DAVID HALEN: If I...well, let me take a look here. [LB253]

SENATOR FISCHER: Is it in the report? I can find it. [LB253]

DAVID HALEN: Actually, I don't think it is. I want to say they reinstated the law in 2003 or 2004, and it changed in 1999, according to that table on page 32. [LB253]

SENATOR FISCHER: Okay. [LB253]

DAVID HALEN: I could get that answer for you, if you'd like it. [LB253]

SENATOR FISCHER: I'll look through there. Thank you very much. Other questions? Thank you very much. [LB253]

DAVID HALEN: You're welcome. [LB253]

SENATOR FISCHER: We have been joined by the vice-chair of the committee, Senator Arnie Stuthman. And would the next opponent, please come forward. Good afternoon. [LB253]

BRAD MEURRENS: (Exhibit 11) Good afternoon, Senator Fischer. Members of the Transportation and Telecommunications Committee, for the record, my name is Brad Meurrens, B-r-a-d M-e-u-r-r-e-n-s. And I am the public policy specialist and registered lobbyist for Nebraska Advocacy Services, Incorporated, the Center for Disability Rights, Law, and Advocacy. We are the designated protection and advocacy organization for persons with disabilities in Nebraska. Under the federal Protection and Advocacy for Traumatic Brain Injury Act, we provide legal and other advocacy services to persons with traumatic brain injury. I'm here today to testify in opposition to LB253. The passage of LB253 as currently written would be bad public policy. If passed, it would reverse decades of low injury and fatality rates for Nebraska's motorcyclists. According to the Nebraska Department of Health and Human Services, there were 29 motorcycle crash fatalities each year from 1974 to 1998. When Nebraska instituted its helmet law, crash fatalities dropped to an average of ten per year. Nebraska's experience is consistent with the studies and statistics published by the National Highway Traffic Safety Administration (NHTSA). NHTSA has conducted evaluations of several states that



repealed their helmet laws, looking at the consequent impact on numbers of injuries and fatalities. Here are some of their conclusions. Head injury is a leading cause of death in motorcycle crashes. Helmets are 67 percent effective in preventing brain injuries. Since 1989, six states: Oregon, Nebraska, Texas, Washington, California, and Maryland, have enacted helmet use laws that govern all motorcycle occupants. In Oregon, there was a 33 percent reduction in motorcycle fatalities the year after its helmet law was restored. Nebraska had a 32 percent reduction the first year after it enacted its law. Texas had a 23 percent reduction; Washington 15 percent reduction; California 37 percent reduction; and Maryland 20 percent. Helmet use decreased following the changes in helmet laws in Arkansas and Texas. In the first full year following repeal of the law, fatalities in Arkansas increased by 21 percent; in Texas 31 percent. Proponents claim that mandating helmet use is an infringement on their freedom and liberty to make choices. However, this is a false statement. This bill does nothing to increase liberty, since it simply trades the helmet requirement for an eye protection mandate. It seems to be logically inconsistent for Nebraska to require protection for a motorcyclists eyes, but not for their brain. Driving any vehicle on Nebraska's streets and highways is a privilege, not a right. In order to exercise that privilege, drivers must follow established rules and there are already many restrictions on driving in Nebraska--for example, speed limits, requirements for licensing, registration, and child safety seats. Given the numerous restrictions, is individual liberty really that repressed if the helmet mandate is retained? Since some people like to speed should we then repeal speed limits? Where do we stop? And in the interest of brevity, I will conclude my testimony here. Just to point out that we have some proposed recommendations to strengthen the bill, if the Legislature wants to pass it. And those would be requiring a bond of \$5 million for any incidental injuries that might happen, and/or putting some of the money into a Traumatic Brain Injury Trust Fund to provide coverage for persons who don't have insurance or would not cover the extensive costs of their brain injuries. And I'd be happy to answer any questions that you might have. [LB253]

SENATOR FISCHER: Thank you, Mr. Meurrens. Any questions? Senator Aguilar. [LB253]

SENATOR AGUILAR: I have one. You know, you made the statement about, why would we protect the eyes and not the brain? Would you not agree that if you protect the eyes, you may very well prevent an accident, indeed protecting the brain? [LB253]

BRAD MEURRENS: Ah, I would say protecting the eyes could be a way to prevent accidents. But I would say that if you really... [LB253]

SENATOR AGUILAR: Thank you. [LB253]

BRAD MEURRENS: ...wanted to protect the eyes,... [LB253]

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SENATOR FISCHER: That's fine, thank you. [LB253]

SENATOR AGUILAR: Thank you. [LB253]

BRAD MEURRENS: ...you'd have a helmet, too. [LB253]

SENATOR FISCHER: Thank you. Other questions? I have a question. On your testimony that you handed in, on the second, oh gosh, now where did I see it. I think it was on the second page as I was reading ahead of you there. You were talking about different studies. Ah, yes,... [LB253]

BRAD MEURRENS: Um-hum. [LB253]

SENATOR FISCHER: ...on your bullet point. Do you have what those studies were? You just said a number of studies have compared hospital costs. I've asked for studies in the past, and haven't received them is why I'm asking, do you have those studies? [LB253]

BRAD MEURRENS: Sure. I don't have those particular studies. This point was pulled out of...off the web site in studies that were compiled by the National Highway and Traffic Safety Administration. [LB253]

SENATOR FISCHER: If you could provide me with copies of any studies, I would certainly appreciate that. [LB253]

BRAD MEURRENS: Sure. I will work to track those down. [LB253]

SENATOR FISCHER: Okay, thank you. Also, do you, and possibly for anybody else who's going to come up and testify on this, would you happen to know the average age of a motorcycle rider here in the state of Nebraska? [LB253]

BRAD MEURRENS: Not off the top of my head, I don't. [LB253]

SENATOR FISCHER: Okay. And, as I said, this is kind of a question for anybody, if they could provide this to me. And also, would you happen to know the average age of a person who's either killed or injured when riding a motorcycle? [LB253]

BRAD MEURRENS: I don't have that information either. [LB253]

SENATOR FISCHER: Okay. Appreciate it. Senator Aguilar. [LB253]

SENATOR AGUILAR: Yeah, you were citing some statistics earlier that death rates go down in states where they enact a helmet law. Could that be attributed to the fact that a

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lot of riders flat, quit riding? [LB253]

BRAD MEURRENS: Well, I would say that that could be one variable. But I would say,... [LB253]

SENATOR AGUILAR: Thank you. [LB253]

BRAD MEURRENS: ...a small variable. [LB253]

SENATOR AGUILAR: Now, on the other side of the coin. You say they go up in states where they repeal the helmet law. Could that be attributed to the fact that now you have a lot more riders in that state? [LB253]

BRAD MEURRENS: I... [LB253]

SENATOR AGUILAR: Yes or no answer will suffice. [LB253]

BRAD MEURRENS: Well, I don't think so. I don't think that that would explain the 32 percent, you know, the large percent drops in injuries and fatalities. [LB253]

SENATOR AGUILAR: And you have statistics to back that up? [LB253]

BRAD MEURRENS: Right, right. Like in the first part of my testimony it talks about 33 percent reduction in Oregon, 32 percent in Nebraska. And I don't believe that a decrease in the number of registrants or registered motorcyclists or a decrease in the people that are actually riding cycles could actually account for a 33 percent reduction, and a 32 percent reduction, and a 20 percent reduction. I don't think that the numbers are going down that low to create such a large reduction, especially in the year after they passed the law. [LB253]

SENATOR AGUILAR: Thank you. And I might point out that you said you don't believe so. You don't have statistics, and that is just your opinion. Thank you. [LB253]

BRAD MEURRENS: Sure. [LB253]

SENATOR FISCHER: Other questions? I see none. Thank you very much. [LB253]

BRAD MEURRENS: Thank you. [LB253]

SENATOR FISCHER: Would the next opponent, please step forward. Good afternoon. [LB253]

KERMIT MOORE: (Exhibit 12) Good afternoon. My name is Kermit, K-e-r-m-i-t Moore,

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M-o-o-r-e. Senator Fischer and members of the Transportation and Telecommunications Committee, my name is Kermit Moore and I'm the chief nursing officer at Nemaha County Hospital in Auburn, Nebraska. I am also a member of the Nebraska Hospital Association and an avid motorcyclist. Today I am here on behalf of both organizations to strongly oppose LB253. Having worked in the healthcare industry for 12 years, I can tell you that persons who sustain traumatic injuries in motorcycle crashes most frequently suffer serious brain injury, often resulting in a significant need for hospital and post-hospital care for the rest of their lives. This care frequently is in the form of long-term nursing home placement, often requiring Medicaid support. At a time when the state is facing rapidly increasing Medicaid costs, placing a preventable increased burden on the system hardly seems wise. Before entering nursing management, I worked as a registered nurse in the trauma center intensive care unit. There I saw firsthand crash victims who had elected to refrain from helmet use. They required more extensive rehabilitation services and longer length of stays in the hospital. As you can easily surmise, both lead to dramatic increases in medical costs. I have ridden motorcycles for 29 years. I currently ride a 2005 Harley Davidson Ultra Classic; before that I had a 2003 Harley Davidson Ultra Classic. And I have...my wife and I have a Sportster that she was supposed to ride, but I'm the one that rides it all the time. And I certainly understand the freedom, and the reason I own them and the reason I ride them and the reason I travel about 15,000 to 20,000 miles a year on my motorcycles is I enjoy the freedom that it provides me when I get on my motorcycle. The wind in my face, you know, we travel from the east coast to the west coast, we've traveled all around and I understand that freedom. But the freedom that it provides me is not lessened by the helmet that I wear, or the protective leathers that I wear. I have ridden in Utah in 110 degree weather and I had my helmet on. I've seen what accidents can do when you don't have a helmet on. I can't imagine anybody supporting repeal of the seat belt law, and why would we want to repeal a safety measure for motorcyclists? I provide you with statistics that I have used to come to my opinion. Thank you very much. [LB253]

SENATOR FISCHER: Thank you very much, Mr. Moore. Any questions? I happen to have one for you. On the second page of the letter that you gave us, I haven't gotten to the third page yet, but on the second page you give a statistic that...from the Nebraska Medical Center, the costs were about \$19,000 for those that were injured wearing helmets, and the average cost was almost \$46,000 for those that weren't wearing helmets. Do you happen to have the number of accidents that are involved in that? When you give an average cost, was the \$19,000 for one accident, was it for 20? And conversely... [LB253]

KERMIT MOORE: That's per accident. [LB253]

SENATOR FISCHER: But how many accidents total that got you that average? [LB253]

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KERMIT MOORE: I can get that for you from UNMC. I'll provide that. [LB253]

SENATOR FISCHER: Okay, that would be good. Okay, thank you. Other questions? I see none. Oh, Senator Stuthman popped up here. Okay. [LB253]

SENATOR STUTHMAN: Thank you, Senator Fischer. Mr. Moore, when you get that information, could you also in that information, I would like to know, you know, how many deaths there were with the motorcycle accidents in comparison to the ones with, you know, not wearing a helmet for this \$46,000 and compared to how many deaths there with the helmet and how many injuries with the helmet. I mean, are we speaking of...do we have twice as many, you know, are still alive, wearing a helmet? Or...I need to have that information also, so if you could provide that also. [LB253]

KERMIT MOORE: I will get that study and provide it to the committee. [LB253]

SENATOR STUTHMAN: Okay, thank you. [LB253]

SENATOR FISCHER: Other questions? I see none. Thank you, Mr. Moore. [LB253]

KERMIT MOORE: Thank you. [LB253]

SENATOR FISCHER: Next opponent, please. Welcome. [LB253]

JAMES MANION: (Exhibits 13 and 14) Thank you. Good afternoon, senators. I'm James Manion, MD. I'm an anesthesiologist and associate professor at Creighton University. [LB253]

SENATOR FISCHER: Could you spell your last name, please. [LB253]

JAMES MANION: M-a-n-i-o-n. I have worked at trauma hospitals for all 40 years, since I've been a doctor. I have worked on the helmet law for 22 years, from 1985 until now. And I started my remarks at the last Transportation Committee meeting by saying there are not two absolutes in life, death and taxes, there are three absolutes, death, taxes and the annual challenge to the helmet law. This has become quite wearisome and also worrisome. In the last few years, the anti-helmet law contingent has gotten much closer to the repeal of this present very good law. In 1985 I didn't need reading glasses, but I do now. Some stars in the Legislature in the past--Patricia Morehead, Peter Hoagland, Dan Lynch, Jim Jensen, they're not in the Legislature anymore. Dan Lynch worked very hard, he was a champion of the helmet law because he had a brain-injured son, and he knew exactly what it was like to live with a brain-injured son. The son was in a car accident, but the brain injury was a terrible thing, and the son still is in a rehabilitation home, many years later. My efforts over these 22 years have been to alert senators to the deaths and the serious injuries that occur in motorcyclists, and to alert senators to

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families suffering. And I have some quotations here that some of you more senior senators, I hope, have seen before. I've sent them along your way. This second one, I live with that quotation. I would give anything to have my son back, but all I have now is his baby book, scrap book, and a book from the funeral home. That's 21-years-old, and I still remember that mother so well and how sad she was. There was a gentleman who was a proponent, who said, I'm only hurting myself. There's another great quotation here. He was our special son, a good, kind, gentle, loving person. He had 750 people sign the guest book at the funeral home. I received over 275 sympathy cards. So you can see how many people are affected by one death. And I would suggest to the gentleman, that he's hurting a lot more than just himself when he's in a motorcycle crash. And I have some statistics for you. And you've seen those before. An argument in recent years to relax the helmet law, motorcyclists are bypassing Nebraska, and so we're losing tourist dollars. Well, they're also bypassing Nebraska hospitals, too. And I would say if you look at the statistics, in 2005 and 2006, 2004, we're up in the higher ranges again. But there's a lot of problems now about the motorcyclists wearing just plastic lids that don't have Department of Transportation approval. And I think that's a major reason why mortality has gone up again. So I would urge you strongly to oppose this. Thank you. [LB253]

SENATOR FISCHER: Thank you, Doctor. Are there any questions? Senator Louden. [LB253]

SENATOR LOUDEN: Yeah. Thank you for testifying today. When you talk about the 17 dead, and the 18 dead, and then the 21, you have no helmets there on them. Do you have any idea like in 2006 how many...is that statistic out yet on... [LB253]

JAMES MANION: Mr. Fred Zwonechek, in the Department of Highway Traffic Safety, here has a wealth of information. And he does have how many of these are killed that didn't have a helmet on, that weren't complying with the law. Yes, sir. [LB253]

SENATOR LOUDEN: And I'm wondering, one of the testifiers mentioned what the average cost on a motorcycle accident was, and when one's killed outright, why that cost is minimal, I mean you don't have this big cost. So I was wondering how that's averaged into the cost? Do you have any idea how that's done in the hospital? [LB253]

JAMES MANION: In the 1980's, and early 1990's, when I was heavy into all the arguments for a helmet law, I knew monetary costs. But I don't know them anymore. And those aren't what I have focused on in all these years. I want to decrease the carnage and the families suffering, that's my focus, sir. [LB253]

SENATOR LOUDEN: Okay, thank you. [LB253]

SENATOR FISCHER: Other questions? I see none. Thank you, Doctor. [LB253]

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JAMES MANION: Thank you. [LB253]

SENATOR FISCHER: Next opponent, please. Good afternoon. [LB253]

ROBERT MUELLEMAN: (Exhibit 15) Good afternoon. My name is Robert Muelleman, M-u-e-l-l-e-m-a-n. I'm here to oppose LB253. I'm an emergency physician. I'm speaking on behalf of myself, but also testifying on behalf of the Nebraska Medical Association, as well as the Nebraska Chapter of American College of Emergency Physicians. I've performed research in helmet, in fact I did this study after the helmet law was enacted; looked at the decreased mortality as well as the decrease in costs. There was a decrease, an estimated \$1.1 million in costs due to the enactment of the helmet law. The total costs at that time were about \$3.5 million medical costs. So that was 20 years ago. Medical inflation, if it's doubled twice, you're looking at perhaps \$10 million to \$12 million in costs, but I don't have those numbers, I'm just extrapolating, just to put it in perspective, because you had asked that question several times. Also, I did a study looking at the effect of the helmets on neck injuries, which is another question. And showed definitively, for the first time, in terms of the numbers that we had that helmeted motorcyclists and unhelmeted motorcyclists had identical neck injuries, which is about one percent. So there was no cause and effect in regards to the presence of a helmet. Also worked with the Motorcycle Safety Foundation to develop the national agenda for motorcycle safety, which is an interesting group of medical people, insurance people, user groups, law enforcement. Sat down and tried to identify several things to set a national agenda for motorcycle safety. One of the 20 recommendations had to do with personal protective equipment. So I've got a little bit of background there. Let me just cut to the chase. There is no medical argument against helmets, zero. Okay? It's often used to kind of confuse the issue, but there are no medical arguments for that. Also, the other point is that passage of this bill will increase death, disability, and medical costs in Nebraska. And I think, you know, the thing you have to remember in helmets is just remember thirds. Helmets decrease deaths by one-third, and severe head injuries by two-thirds. Helmet issue aside, if you're wearing a helmet deaths decrease by one-third, and severe brain injuries by two-thirds. We know that helmet laws is close to 100 percent helmet use, without a helmet law it's about 50 percent. So you can work the numbers. We know that the people that have repealed their helmet laws, death rates went up; Nebraska is not going to be any different. I want to make one comment about the age. Under 21, only 15 percent of the deaths were under age 21. You know, if you want to...if you're looking at the big picture, you're just looking at a small slice by protecting under age 21. But also it makes it very impossible to enforce. You going to be able to recognize a 21- from a 22-year-old? And that's why in Florida, when they did the under 21, the highest change in death rate was in the under 21 age group, because a lot of them went without helmets. The increased death rate went up 81 percent in that age group. So I think let's be fair, the 21 probably doesn't need to be there, it's not going to impact deaths and disability or medical costs very much. So in summary, there is no

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medical argument against the helmets, there is none; and the increase, if this law, if this legislation passes, there will be increased deaths, increased disability, increased medical costs, and that will probably be a pretty heavy burden to bear. My time is up. [LB253]

SENATOR FISCHER: Thank you, Doctor. Any questions? Senator Mines. [LB253]

SENATOR MINES: Thank you, Senator Fischer. Doctor Muelleman, you've done some research. And I wonder if it would be possible to get some of that information that you talked about? In particular I think you talked about, early on in your testimony, you said you got some statistics or worked through some. I'd be interested in seeing that. That's different information than I've heard before. Also, the one percent neck injury, if I understand right, of all injuries, of all motorcycle accidents, one percent are neck injuries? Or... [LB253]

ROBERT MUELLEMAN: Serious neck injuries, yes, yes. [LB253]

SENATOR MINES: Serious neck injuries. [LB253]

ROBERT MUELLEMAN: Yeah, we combined data from Nebraska, Iowa, Wisconsin, Illinois and evaluated about 1,300 to 1,400 crashes, group with helmets, group without helmets, compared serious neck injury rates. [LB253]

SENATOR MINES: I was under the impression that neck injuries were more significant, severe neck injuries were more significant. [LB253]

ROBERT MUELLEMAN: I'm glad you brought that up. That is a huge myth, it's been dispelled, but it's still out there. And that's my point, there is no medical argument. [LB253]

SENATOR MINES: And can you quantify severe head injuries? What percent of motorcycle accidents are severe head injuries? Do you happen to know? [LB253]

ROBERT MUELLEMAN: In the study that we did in Nebraska, the severe head injuries was 13 percent of the people that were transported to a hospital. [LB253]

SENATOR MINES: Okay. [LB253]

ROBERT MUELLEMAN: Less serious head injury 26 percent, but serious head injury 13 percent, that's 1988 data. [LB253]

SENATOR MINES: So 26 percent and 13 percent, 39 percent of all motorcycle accidents involved the head? Do I... [LB253]



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ROBERT MUELLEMAN: Of the people that were transported, that...yes. [LB253]

SENATOR MINES: Yes, that you say... [LB253]

ROBERT MUELLEMAN: But I think focus on the 13 percent serious. [LB253]

SENATOR MINES: Okay. [LB253]

ROBERT MUELLEMAN: Which is...I mean, I've heard over and over that helmets don't prevent all deaths. Nobody has ever proposed that. But an intervention that affects 30, you know, one-third, it's a little over one-third, but one-third is a huge intervention. [LB253]

SENATOR MINES: Thank you. And if you wouldn't mind, I'd be interested in seeing that information. [LB253]

ROBERT MUELLEMAN: I'll leave this. [LB253]

SENATOR MINES: Thank you. [LB253]

SENATOR FISCHER: Other questions? Senator Louden. [LB253]

SENATOR LOUDEN: Yes. That's what I was curious when you said those that were transported. Those that were killed outright aren't in your statistics then, because they weren't transported, right? [LB253]

ROBERT MUELLEMAN: Well, we have the fatality rates, and you're right, they had very minimal hospital costs. Social Security costs, to support the family, were high. We didn't quantitate that. [LB253]

SENATOR LOUDEN: Okay. In the instances where I've been around, I live on Highway 2 and we get a lot of people going to Sturgis through there, and we lose one every year. And some of them aren't transported to the hospital, they're decided out there. And that's where I'm wondering, when you get your statistics, how that's figured in? [LB253]

ROBERT MUELLEMAN: They would not be...well, if they got transported, there would be some hospital costs associated, but it would be very minimal. Again, the Social Security costs to cover the family is relatively...could be relatively high, depending on the circumstance. What we found is that when we looked at who paid the costs, 50 percent were either government sources or weren't paid at all, even though more than amount had insurance, they reached their limits, went on to state funding. [LB253]

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SENATOR LOUDEN: Okay, thank you. [LB253]

SENATOR FISCHER: Other questions? Perhaps I missed this, Doctor. When you said there were 13 percent that had serious head injuries, was that without wearing a helmet? [LB253]

ROBERT MUELLEMAN: That was prelaw, and that was some were wearing helmets, some were not wearing helmets. That's the...you kind of have to sort out, are we talking about helmeted versus unhelmeted, or helmet law versus no law. Because when you don't have a helmet, up to 50 percent of the people are wearing helmets. But...so this was prehelmet law. And the helmet use rate then was probably 50 percent. [LB253]

SENATOR FISCHER: Do you have any studies on head injuries due to automobile accidents, serious head injuries? [LB253]

ROBERT MUELLEMAN: I did not bring any down. The numbers are higher, but what you have to remember is if you're looking at exposure for vehicle mile traveled, traveling on a motorcycle is 32 times more dangerous in terms of fatalities per vehicle mile traveled. There's way more motor vehicle miles traveled. The head injury rate is going to be higher than motorcyclists by a fair amount. But in terms of exposure it's way lower. Does that make sense? [LB253]

SENATOR FISCHER: Um-hum. [LB253]

ROBERT MUELLEMAN: You know what I'm saying? So vehicle mile traveled 32 times the risk, way more vehicle mile traveled by a car, cars are going to be higher. [LB253]

SENATOR FISCHER: Okay, thank you. Other questions? Senator Aguilar. [LB253]

SENATOR AGUILAR: When you talked about exposure you made me think of something here. When we talk about all the numbers that changes when you have a helmet law or when you repeal a helmet law. But I just got to thinking that when you repeal a helmet law, you heard people here testify that that's going to bring all the people from other states going through Nebraska. So you have a high increase of motorcycle riders, whereby when you have a helmet law you heard people testify they go out of state to go to Sturgis and other places like that. So you have a huge decrease in the number of motorcycle riders. Don't you think somehow that attributes to the numbers? [LB253]

ROBERT MUELLEMAN: No doubt that when a helmet law...registrations go down. But what you really need to know is how many miles are traveled. There's a lot of registered motorcyclists that are sitting in the garage. So... [LB253]

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SENATOR AGUILAR: But you are talking about a larger number of people that you're measuring with, or in some cases a smaller number. [LB253]

ROBERT MUELLEMAN: That's why I like to sort out helmeted versus unhelmeted, law aside. And we know that helmeted motorcyclists have one...they have...the presence of the helmet decreases death by over one-third, and decreases severe head injury by two-thirds. But you're absolutely right, the exposure numbers, if you've got more riders riding more miles, the crash rate is going to be higher. But if the crash... [LB253]

SENATOR AGUILAR: Is this your handout, Doctor? [LB253]

ROBERT MUELLEMAN: No, it's not. [LB253]

SENATOR AGUILAR: Okay. [LB253]

ROBERT MUELLEMAN: But if the crash... [LB253]

SENATOR AGUILAR: Okay, well, I'm just going to refer to this a minute because of something you just said. In 1999, there were 17 deaths, three weren't wearing helmets; that means four were that died. In 2004, there were 21 dead, seven weren't wearing helmets, that means 14 were wearing helmets that died, twice as many people died wearing helmets as not wearing helmets. [LB253]

ROBERT MUELLEMAN: Well, you need to look...the real denominator is 14 out of how many thousand drivers died that were wearing helmets? So, in other words, of the proportion of all drivers wearing helmets, 14 died. That percentage is going to be lower than the number that were not wearing helmets, which is going to be a smaller number, but a bigger number of deaths. So the death rate...so in other words, 14 with helmets, I'd need to know how many total were wearing helmets. Because the fraction that died wearing helmets would be very small. In the seven without helmets, I'd need to know how many total were not wearing helmets, that fraction would be higher. [LB253]

SENATOR AGUILAR: Okay, thank you. [LB253]

SENATOR FISCHER: But, Doctor, you won't have those numbers. Nobody is going to have those numbers. So are you telling us that the material that we received listing that is worthless? [LB253]

ROBERT MUELLEMAN: I can't speak for the material received. But I know that some of the material that is sent is a little deceptive. But the studies that have looked at that group of helmeted drivers that show up and the unhelmeted drivers that show up, the death rate is one-third less in the helmeted drivers, and the severe brain injury is two-thirds. And that's documented in study after study. That's not voodoo. [LB253]

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SENATOR FISCHER: But you don't know the big numbers. You don't know how many people are wearing helmets. You know how many are injured when they wear a helmet, or are killed when they wear a helmet. You don't know how many people are not wearing helmets, but you know how many are injured, and you know how many are killed without a helmet. [LB253]

ROBERT MUELLEMAN: Well, there are two things. In the whole state how many are not wearing helmets we don't know. But when they come to the hospital, we know how many weren't wearing helmets. [LB253]

SENATOR FISCHER: Correct. Correct. So you really...we'll never have those numbers that you were talking about earlier, because we'll never know how many people in the state of Nebraska are going to wear a helmet and how many aren't going to wear a helmet. [LB253]

ROBERT MUELLEMAN: You mean if this law passes? [LB253]

SENATOR FISCHER: Correct. [LB253]

ROBERT MUELLEMAN: The experience in other states is about 50 percent. And I'm not sure...I don't know why Nebraska would be much different. [LB253]

SENATOR FISCHER: Okay. Other questions? I see none. Thank you for the good information. Other opponents, please. Good afternoon. [LB253]

ROSE WHITE: (Exhibit 16) Good afternoon, senators, thank you. I'm passing out this information, I think it will help clear up some of the issues. [LB253]

SENATOR FISCHER: Could you state and spell your name, please. [LB253]

ROSE WHITE: Thank you, Senator. Rose White, R-o-s-e W-h-i-t-e. I'm representing AAA of Nebraska. Some of the information being passed out to you now will provide the statistics and some of the information that you've requested earlier, especially on the helmeted rider versus nonhelmeted rider, how many young people in our state were killed and so forth. It has a lot of statistics there that I think will be very valuable to you. I've testified on several bills several times during the past two decades. As policymakers on important lifesaving legislation that impacts our entire state, you rely on the information presented to you to be current and accurate. And I promise to provide what you expect and deserve. Two years ago, however, a similar piece of helmet repeal legislation was introduced, LB70, and information presented at that time claimed that helmets could cause serious neck injuries based on a study conducted by Dr. Robert Hubbard, creator of the HANS device, a neck brace used in race cars today. And after

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the hearing, I contacted Dr. Hubbard at Michigan University. He was appalled that his research was being used in this manner. He explained that the laws of physics for a restrained race car driver and an unrestrained motorcycle rider cannot be compared and are completely different. A copy of his response letter is also enclosed. I also have a helmet here as an example, if you'd like me to pass it around, so you can see actually, it's not very heavy. In fact, my purse weighs more than this does. They're designed much better these days, much lighter weight, but more durability. And so, like I said, if you want to see it, I will certainly keep it here until after the meeting. In previous hearings members of the committees have been shown heavy and bulky helmet gear, but this will show you that they are not made that way anymore. A review of information recently presented by this bill's supporters to some of my associates with the Nebraska Travel Association, the proponents of LB253 selected particular years, particular states, and statistics for their claims and positions. To build the case on the negative economic impact of states with the helmet law, they provide information stating that motorcycle sales, ridership, and sales revenues dropped in California after the passage of their helmet law. They did not mention that between '95 and 2004, most current data available, motorcycle registrations in California climbed from 518,000 to 642,000 in this all rider helmet state; they did not mention that the number of licensed motorcycle drivers increased over 1 million during that same period; or that the California taxpayers saved an estimated \$8.8 million due to its all rider helmet bill in 1995 alone. Now as state leaders we encourage you to thoroughly explore all the issues associated with this important piece of legislation, and review the numerous years of results, not just one or two, and evaluate every aspect, especially the healthcare cost ramifications. Of course, we'd love to see an increase in tourism revenue in Nebraska, in motorcycle events, races and rallies. Other states have shown us that we don't need to remove our helmet law to host successful events. All rider helmet usage states, such California, Nevada, Missouri, Oregon, Tennessee, North Carolina, Washington, and Georgia offer wonderful bike rally events. In fact, each of them host the All Harley Drag Racing Association Event. And at these races participants are required to wear safety gear, including a helmet. In fact, in the states that do not have a motorcycle law, that also offer these events, such as Florida, Arizona, and South Dakota, a helmet is required for the All Harley Drag Racing Events. Now some of these races are at speeds in excess of 100 miles per hour. Contest sponsors are the most recognized motorcycle product manufacturers in the country today. And why would they require this gear if they didn't believe in its effectiveness? Are they concerned about safety, healthcare, and liability issues? You bet. Now I do have more information, but I understand that we're limited to time and so forth. So it is covered in the information that I've provided. [LB253]

SENATOR FISCHER: Okay. Thank you, Ms. White. Any questions? I have a couple questions for you. [LB253]

ROSE WHITE: Certainly, Senator. [LB253]

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SENATOR FISCHER: In passing almost you mentioned healthcare cost ramifications. [LB253]

ROSE WHITE: Yes. [LB253]

SENATOR FISCHER: I'm paging through your packet that you gave us. I haven't run across any statistics on that. Do you have that in here? [LB253]

ROSE WHITE: It is being prepared, Senator, as we speak, and I apologize, it's not ready today. But we have two different government agencies, Nebraska government agencies that are doing an impact study. [LB253]

SENATOR FISCHER: And what are those agencies? [LB253]

ROSE WHITE: The Department of Transportation Office of Highway Safety, I should DMV Office of Highway Safety, and the Health and Human Services Agency. They're working together to do an impact study on what has happened and what could happen. [LB253]

SENATOR FISCHER: Okay. I'll leave it at that. Any other questions? Okay, thank you for the information. [LB253]

ROSE WHITE: Okay. Thank you, Senator. [LB253]

SENATOR FISCHER: Appreciate it. Next opponent, please. Welcome. [LB253]

KATHRYN WARREN: (Exhibit 17) Good afternoon. My name is Kathryn Warren. First name is K-a-t-h-r-y-n. Last name is spelled W-a-r-r-e-n. I reside in Omaha, Nebraska. I am the trauma nurse coordinator at University of Nebraska Med Center, the hospital is now named the Nebraska Medical Center. And I've been in that position for the last 15 years. Previously, previous to that I was a staff nurse in the Emergency Department at University of Nebraska Medical Center. Much of what I have prepared to you today includes most of those NHTSA statistics that everyone keeps referring to. I did give you handouts for that. Some of this would be repetitious, so I will try to summarize. We see these patients passing through our doors. Motorcycle helmets provide the best protection against a catastrophic brain injury. We know that they will not prevent all injuries and all deaths. Brain injuries are the leading cause of death and long-term disability in motorcycle crashes. I am the person that prepared the data from the University of Nebraska. I actually entered all the data as well. For that ten year period that you were asking Mr. Moore about, our data showed that...and we compared Iowa versus Nebraska, mainly because we see so many Iowa...patients that come from Iowa, that may be Nebraska citizens or Iowa citizens without...with or without helmets. And so we did look at those statistics. In that ten year period we saw 213 motorcyclists that

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were injured, 137 of them came from the state of Nebraska, 76 from Iowa; 85 percent of Nebraskans wore helmets, 27 percent of patients from Iowa wore helmets. The average injury severity score for patients, which is an indicator of how severe an injury was, and anything greater than 15 is considered severe. Those with helmets had an injury severity score of 13, those without were 20, so it was much more severe. For a severe head injuries there were 10 percent with helmets, 35 percent without helmets. We did not see an increase in neck of spinal cord injuries. Disabilities were 14 percent with helmets, 20 percent without helmets. Disability due to head injury 10 percent with helmets, 73 percent without helmets; deaths 5 percent with helmets, 11 percent without helmets. Death due to head injury or spinal cord injury, because I looked at each one of these deaths, and there were 43 percent with helmets, and 88 percent without helmets. These average hospital costs were figures that I got from our hospital charging system. And you had asked for the numbers. There were 138 patients that had helmets on, and 75 that did not have helmets on. And I just took the total number of charges and divided that by the total number of either helmeted or nonhelmeted patients. One of the questions came up was, what is the average age of a motorcyclist? Those that we see in our hospital are 37. And helmet laws that govern only minors are impossible to enforce. We need to protect all riders, not just minors. I guess that's the end. [LB253]

SENATOR FISCHER: Okay. Thank you, Ms. Warren. Any questions? I see none. Thank you for the information. [LB253]

KATHRYN WARREN: Okay. [LB253]

SENATOR FISCHER: Are there other opponents? If I could, I'd ask for a show of hands on how many more plan to testify on the bill? Two? Okay. Three. Welcome. [LB253]

WILLIAM MULHERIN: Good afternoon. Bill Mulherin, M-u-l-h-e-r-i-n, National Safety Council in Omaha. I'll try to reiterate what's already been spoken. In short, we applaud the education component of the bill. As we've testified before we know education does promote an attitude of safety. However, the other problem is that we don't believe the benefits of the education will outweigh the detractors of removing the helmet provisions in our state. The education is not going to offset the price. I have to say, I'm in safety. And one of the things I do is advise people every day as to what the best practice is, what is the most reasonable alternative to providing workplace safety, both on the job and off the job, to people around our service area, in the Omaha area. And this I see as a similar argument. I hear freedom of choice, and I hear that from workers every day that don't want to wear PPE, eye protection, whatever. But it boils down to this, what is a reasonable step to prevent most injury. And in this particular case the data keeps showing it's a motorcycle helmet. And that sort of refutes the freedom of choice argument. Safety and reducing costs, and reducing injuries trumps when it's a reasonable, minimal intrusion. You've seen the NHTSA studies. I won't go over that, but I will say this is what we've seen--in Nebraska we have a universal helmet law; we have

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near universal compliance which explains the difference in helmeted versus unhelmeted injuries and fatalities. Repeal the helmet law, we'll see use down to around 50 percent, that's out of the NHTSA study, based on other states that have done this. Under 21, you've heard people say, NHTSA says it, you can't enforce the difference between 21 and under 21. We do know you repeal the helmet law, motorcycle registrations will continue to increase, we also know fatalities will continue to increase. But NHTSA has studied this in several states, and their conclusion, I have to...they're a federal government, they don't have an agenda, I have to conclude that their solutions...their conclusions are accurate, the registrations and the increases in fatalities can't all be explained by repealing helmet laws. The fatalities far outpace what you'd expect on registrations. One last thing, the eye protection piece, we'd like to...if you're going to go forward with this, please amend the bill to require shatterproof eye protection, preferably with some...meeting some sort of ANSI standard as is required in the workplace. And one last piece of food for thought. On Offutt Air Force Base, the real defenders of our freedom, the people who are fighting the war overseas are required to wear gear, full gear, bright gear and helmets, both on and off base. Why? The government wants to protect the safety of the personnel that are fighting for our freedom and they want to protect their investment in those people. It's very expensive to replace a service person; that's nationwide, not just here, but something to think about. Thank you. [LB253]

SENATOR FISCHER: Thank you, Mr. Mulherin. Any questions? I see none. Thank you very much. [LB253]

WILLIAM MULHERIN: Thank you. [LB253]

SENATOR FISCHER: Other opponents, please. [LB253]

LAURIE KLOSTERBOER: (Exhibit 18) Senator Fischer and members of the Transportation and Telecommunications Committee, my name is Laurie, L-a-u-r-i-e, Klosterboer, K-l-o-s-t-e-r-b-o-e-r. I'm the executive director of the Nebraska Safety Council and we are opposed to this legislation. Our main concern is the repeal of the helmet provision in the law. Certainly we believe in education. I am having the page hand out, which I felt it was just some more information for you. You may have it. If you don't, great; it's from the Insurance Institute for Highway Safety. I just think it's a very succinct piece of paper that talks about this issue that not only has been debated in Nebraska for many years, but in other states as well, enacting, repealing, amended, and so on and so forth. I would call attention to number two, Senator Mines, where you were asking about the neck. And number two kind of addresses that with the neck injuries. So there have been some studies done that neck injuries was an issue with helmets. But then, according to this document, those have been refuted. So that may be some information that you may want to review. Also, if you look at number five, it also talks about states that had a law, repealed it, and the injuries and fatalities going up. It does state that as far as the registrations going up, that that has had an impact on more



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injuries and fatalities, but that they felt that that was not the entire reason for the increase but because there was not a helmet law in effect. Nebraska is also under number five. Nebraska has been quoted in this document as well for what we had seen after the repeal of our motorcycle helmet law. Number seven talks about the healthcare cost issue. And I know that that's been talked about a lot today. There's also a report that was an actual study that was done in Nebraska. I believe that this may have been done through Bryan Hospital, but it is also listed in this document, I believe Dr. Muelleman, who was here, he was part of this study. And so that information is as well in here; about 41 percent of motorcyclists that were injured in Nebraska, from January of '88 to January of '90, lacked health insurance or received Medicaid or Medicare. So hopefully, that's the study that the doctor was talking about, Senator Mines, that he gave you a copy of. And so with that, again I don't have anything else to offer. I just wanted to make sure that you had this other document so that when you are reviewing this information we would ask that you not pass this onto the floor, but that you kill this in committee. And I would be happy to answer any questions that you might have. [LB253]

SENATOR FISCHER: Thank you, Ms. Klosterboer. Any questions? I see none. Thank you for the information. [LB253]

LAURIE KLOSTERBOER: Thank you. [LB253]

SENATOR FISCHER: Other opponents? Good afternoon. [LB253]

PEGGY REISHER: (Exhibit 19) Good afternoon. My name is Peggy Reisher. My last name is spelled R-e-i-s-h-e-r. I would like to thank you for this opportunity to speak against LB253. I've been a social worker. I don't have a lot of statistics for you. I'm a social worker. But I've been a social worker at Madonna for the last ten years. And I work on our traumatic brain injury unit. Also have been a member of the Nebraska Brain Injury Advisory Council. During my ten years at Madonna Rehab Hospital, we've worked with hundreds of people with traumatic brain injury. And although some brain injuries are not preventable, for those which are, persons with brain injuries and families often regret not taking the steps necessary to help prevent those injuries. And it is certainly what we at Madonna feel like you know helmets certainly can help prevent injuries. It is often my responsibility as the social worker at Madonna to help prepare family members, as well as those with brain injury for the long road to recovery. The average time a person stays within our unit at Madonna is about 24 days. It is not uncommon for us to be haggling with insurance companies along the way, begging for more time if a person is not able to go home. One of the first conversations I usually have family members is starting to apply for Nebraska Medicaid as well as Social Security. In healthcare we know that there is limited coverage with insurance. There just is. We have to have weekly reviews with the insurance companies to make sure a person is meeting criteria to stay there. That's why we instantly start talking about applying for Social Security disability as well as Medicaid benefits. Often times people leave our unit

still needing 24-hour supervision, also needing out-patient therapy, and that's if a person's recovery is fairly good. But as you've heard a lot of testimony, a lot of times people still...as a discharge planner at our hospital we see a lot of people need nursing home levels of care. In the state of Nebraska we're fortunate enough to have a program in Omaha called Quality Living, which we see a lot of folks go to. They're a specialized post acute rehab program. But for folks who aren't appropriate to get into that program, we do...my job is to call nursing homes and beg them to take these patients because they're unable to go home by themselves, their family members are unable to provide the care that they need because they themselves need to continue to work or support their family. So they're unable to provide the 24-hour supervision that folks often need after a traumatic brain injury. I think if there's one guarantee after a brain injury, it's that life for those family members will not be the same, and not only for the patient, but the family members themselves. They have to make a lot of shifts in responsibilities. If a person is unable to return back to work because of the brain injury, then you lose that wage earners income to be able to support the family. As I talk with families and watch them cry over the bedside of their family member, it's...so many of them have...you know, what could we have done different? And lots of times, as we've already discussed, accidents can't necessarily be prevented. But if there's some simple things you can do, whether it's putting a helmet on your kid as he's riding his bike, or making, you know, having folks wear motorcycle helmets when riding, I think family members who sit by the bedside certainly wish they would have done all they could have done to encourage their family member to do that. Some of those that aren't wearing the helmet, their family members say, if they ever get back on the bikes again, they will certainly make every effort to make sure their family member wears the helmet. But unfortunately the sad part is a lot of those folks don't always get that opportunity to ride again because of their disability, because of the head injury. I guess prevention, prevention, prevention is all that we have to say. [LB253]

SENATOR FISCHER: Thank you very much. [LB253]

PEGGY REISHER: You're welcome. [LB253]

SENATOR FISCHER: Are there questions? Senator Aguilar. [LB253]

SENATOR AGUILAR: You may have touched on this and I may not have heard you, if so I apologize. But what percentage of your patients in Madonna are there because of a motorcycle accident in relation to other trauma related accidents? [LB253]

PEGGY REISHER: I kind of...I don't have the actual motorcycle statistics. On the unit which I work it's about a 16-bed unit that specializes in brain injury. And at any one time it's not uncommon for us to have a person there because of a head trauma due to a motorcycle accident. Again, because Madonna has grown regionally, we often see people come from out of state. We have a lot of Kansas patients, a lot of Iowa patients

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that come to our facility for care. So statistically it seems as though those who are there, because of brain injury, because of no helmet, is because they're from folks from out of state. I know there was a time last year where we had five patients on our unit out of the 16 beds that were there because of brain injury. Some of them had helmets and some of them did not. [LB253]

SENATOR FISCHER: Other questions? You made the comment that people who have been in accidents from other states come to your facility. Do the accidents happen in the other state? [LB253]

PEGGY REISHER: Yes. [LB253]

SENATOR FISCHER: When these people then come to Nebraska for care, do you help them to receive Nebraska Medicaid? [LB253]

PEGGY REISHER: No, if they're a resident, no. [LB253]

SENATOR FISCHER: Shame on you, if you do. No. (Laugh) [LB253]

PEGGY REISHER: No, I won't, I can't. It will not happen. No, what happens is if they're from Kansas, I mean say they're a resident of Kansas, they're here just for medical care, and therefore we help them apply for Kansas Medicaid. [LB253]

SENATOR FISCHER: Okay, thank you. Other questions? I see none. Thank you very much. Other opponents, please. And I believe this is our last opponent? Is that correct? Good afternoon. [LB253]

TIFFANY ARMSTRONG: (Exhibit 20) Good afternoon, Senator Fischer, members of the committee. Thank you for this opportunity to share information against LB253. My name is Tiffany Armstrong and I'm originally from Lyons. I am a survivor of a... [LB253]

SENATOR FISCHER: Would you spell your last name, please. [LB253]

TIFFANY ARMSTRONG: Armstrong, A-r-m-s-t-r-o-n-g. [LB253]

SENATOR FISCHER: Thank you. [LB253]

TIFFANY ARMSTRONG: I am a survivor of a traumatic brain injury. Currently, I am also employed as a registered nurse at Madonna Rehabilitation Hospital, assisting patients with brain injuries. I also serve on the Nebraska Brain Injury Advisory Council. My life changed in an instant almost seven years ago. I felt as if I was a cautious driver, however my efforts were not enough to prevent my accident when another driver pulled in front of me. I was lucky to only have a mild brain injury. Mild, though, does not

adequately describe my brain injury. I went from remembering everything, to never knowing what I would remember. I went from being full of energy, to barely making it out of bed at times. My life was completely turned upside down. With the help with many therapists and physicians, I've been able to regain some of my memory and energy. However, I still struggle with both seven years after my accident. I now depend on writing everything down to remember things, and just hoping that I will have enough energy to finish my day. You probably cannot tell that there is anything wrong or different about me, but I can. I have to face these changes every day. I am not the only one that has had to face these changes either. My family has also had to suffer. My mother had to take time off of work, after my injury, to assist in my rehabilitation. My family also had to deal with changes in who I was, and I struggled through the changes myself. I now work with others who have had their life turned upside down. Seeing my patients and their families go through daily struggles is difficult. It is something I wish no one else had to endure. I wish I could tell you about each and every one of my patients that was saved completely from a brain injury, or at least had their injury severity lessened by the use of a helmet. However, there is not enough time to discuss all of them, and of course I cannot give details of their injuries. Please know that there are many individuals that have been thankful to have been wearing a helmet, while many others or their family who have been devastated from the effects of not wearing a helmet. As a survivor of a traumatic brain injury, I feel strongly against changing the helmet law in Nebraska. Every effort should be taken to prevent this type of injury from occurring to anyone else. A brain injury is not something that quickly heals and is over. A brain injury can completely change a family and forever change an individual life. Thank you. [LB253]

SENATOR FISCHER: Thank you, Ms. Armstrong. Any questions? Senator Schimek. [LB253]

SENATOR SCHIMEK: Thank you, Madam Chair. Thank you for being with us, Ms. Armstrong. I take it from your testimony that you were not riding a motorcycle when you received your injury, right? [LB253]

TIFFANY ARMSTRONG: No, yeah I was actually in a motor vehicle accident. But basically a brain injury is a brain injury, no matter how it happens. [LB253]

SENATOR SCHIMEK: Right. But I just...that's what I thought you meant, but I wanted to clarify it for the record. Thank you. [LB253]

TIFFANY ARMSTRONG: Um-hum. [LB253]

SENATOR FISCHER: Thank you. Other questions? Thank you, appreciate you being here today. [LB253]

TIFFANY ARMSTRONG: Thank you. [LB253]

SENATOR FISCHER: Is there anyone who would...any other people to speak in opposition to the bill, first of all? Is there anyone who would like to speak in a neutral capacity? I see none. Senator Rogert, would you like to close? [LB253]

SENATOR ROGERT: Yes, ma'am. Thank you, members of the committee. I felt everybody was low on homework for the night, so I made sure you guys all had plenty to read for a couple days. I appreciate everybody testifying today, both the pros and...the proponents and the opponents. I have a few comments I'd like to make on behalf of both parties. Over the past 20 years, the stereotype or definition of a motorcyclist or a biker has changed dramatically. And the average biker is sitting right over here to my right and behind me. They are the average today. We know from movies and TV that they were outlaws, drunks, rowdy, gangsters, but the average motorcyclist today is what's sitting across from me--women, young people, baby boomers, wealthy people, educated. These are expensive toys, they're \$20,000, \$30,000. The people who ride them make \$60,000 on average. I live closer to Iowa than anybody in this body. I live about 200 yards from the state of Iowa. And I've worked in that state with my business for about eight years. And every weekend through the summer or week nights I drive through the little towns in the Loess Hills, along I-29, and I see the towns full of motorcycles. And the vast majority of them have Omaha plates on them. And I come back home to Tekamah, on the Nebraska side, and I see one or two bikes in town, and those are the guys coming home from Iowa, they've been on a trip. We have poker runs in our state, they almost all go into Iowa. I see them advertised all the time in Omaha, and they go across the river instantly. Other things I'd like to have you think about is I don't ride a motorcycle personally, but I do lots of other hobbies that are dangerous. I have a boat. I don't want to wear a life jacket. I ride a bicycle, I don't want to be told to wear a helmet there. I ride ATV's, we don't have to wear helmets there either, and I don't want to be told to. We do dangerous things every day and we need to make good decisions for ourselves on how to handle those. You got a lot of information there, and there's a lot of studies done. And, Senator Fischer, you asked a lot of questions on more of the results of those studies. And I think my answer is why a lot of these people can't provide the answers to those questions is they're very inconclusive. There's a lot of uncontrollables in a lot of these studies that are done. And one thing we don't want to consider, because it's a hard fact to put in your head, but Senator Aguilar I think you touched on it, when you have a repeal of a helmet law in a state, your ridership increases, therefore your deaths do, because you have a higher number of riders riding through your state. They mentioned Louisiana, for example, had a 100 percent increase in their death rate when their helmet law was repealed. Louisiana is on a major interstate byway, along the southern coastal borders from Houston to Florida. It's not too hard to go around Louisiana, if you want to, but if you don't have to, it's the shortest way. And the ridership increased many times. I have a study sitting in front of me from the Nebraska Department of Roads, done in 2003, it

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was done by the Highway Department. Underlined here, under motorcycle crashes, it says, the increase in motorcycle crashes is most likely related to the growing number of motorcycles registered in Nebraska. There are...five years ago there was one or two motorcycle dealers in the city of Omaha, now there are five, and they're building million dollar facilities in west Omaha to support them, because they're selling bikes left and right. So obviously, we're going to have increased problems due to the increased number of sales and ridership. You know it was also mentioned that there's an organized effort every year to challenge this law. And if there is an organized effort every year, maybe it's time to really consider about repealing it. If enough people are strong enough...they feel strongly about it to bring it before this body each and every year for the past ten years, it seems to me that maybe it's something we ought to reconsider. We actually are adding to the restrictions with this legislation by adding an eye wear restriction, which I think is a huge portion of it. Education fortunately is also huge. We've got a lot of new riders with these increased sales in all ranges of age, from the young folks to the old folks. And teaching them how to ride safely and giving them some ideas on how to control themselves and stay away from accidents is a good idea. And wearing eye wear will protect from a lot of those as well. With that, I will entertain any questions that you have. But it's been a long day and I appreciate your patience. [LB253]

SENATOR FISCHER: Thank you, Senator Rogert. Senator Aguilar. [LB253]

SENATOR AGUILAR: Thank you. I don't have a question, just a comment. You made reference to the outlaw bikers of 30 years ago. I would submit to you that's them behind you, they just got older and cleaned up their act a little bit. (Laughter) [LB253]

SENATOR ROGERT: Well, Senator Aguilar, I will say that they're too old to cause any problems then. (Laughter) [LB253]

SENATOR FISCHER: Be careful there, Senator Rogert. Any other questions? I see none. Thank you very much. [LB253]

SENATOR ROGERT: Thank you, folks. [LB253]

SENATOR FISCHER: With that, I will close the hearing on LB253 and hearings are closed for the day. I would entertain a motion, unless somebody would like a break before we go into Exec Session? [LB253]

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Disposition of Bills:

LB589 - Held in committee.

LB253 - Advanced to General File.

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Chairperson

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Committee Clerk