
A BILL FOR AN ACT

RELATING TO HIGHWAY SAFETY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Section 286-81, Hawaii Revised Statutes, is amended to read as follows:

"§286-81 Motorcycle, motor scooter, etc.; protective devices. (a) No person shall:

(1) Operate a motorcycle or motor scooter, on any highway in the State unless the person and any passenger the person carries on the motorcycle or motor scooter wears:

(A) Safety glasses, goggles, or a face shield, in the case of a motorcycle or motor scooter that is not equipped with windscreens or windshields; and

(B) ~~[Any]~~ A safety helmet and any other protective devices~~[, other than a safety helmet,]~~ required by rules adopted by the director.

For the purpose of meeting the requirements of this paragraph, a required device shall meet the specifications and requirements established by rules adopted by the director;

(2) Lease or rent a motorcycle or motor scooter to another person unless the person furnishes:

(A) Safety glasses, goggles, or a face shield, in the case of a motorcycle or motor scooter that is not equipped with

windscreens or windshields; and

- (B) ~~[Any]~~ A safety helmet and other protective devices required by the rules adopted by the director for the use of the person or persons intending to operate or ride as a passenger on the motorcycle or motor scooter; provided that any person to whom a motorcycle or motor scooter is leased or rented may furnish for the person's own use the protective devices required by this part.

For the purposes of meeting the requirements of this paragraph, a required device shall meet the specifications and requirements established by rules adopted by the director; or

- (3) Sell or offer for sale or furnish any safety helmet, safety glasses, goggles, face shield, windscreen, windshield, or other protective devices represented to meet the requirements of this part unless the device meets the specifications and requirements established by rules adopted by the director.

(b) No person ~~[less than eighteen years of age]~~ shall operate or ride as a passenger on a motorcycle or motor scooter on any highway in the State unless the person wears a safety helmet securely fastened with a chin strap.

~~[(c) A safety helmet shall not be required for any person who operates or rides as a passenger on a motorcycle or motor scooter; provided that the motorcycle or motor scooter:~~

- ~~(1) Has three wheels;~~
- ~~(2) Is powered by an electric motor;~~
- ~~(3) Has a full body enclosed cab; and~~
- ~~(4) Has a seat belt assembly or a child restraint system for the driver and passenger;~~

~~and the operator and passenger uses the seat belt or child restraint system~~

~~pursuant to sections 291 11.5 and 291 11.6.]"~~

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY: _____

Report Title:

Highway Safety; Safety Helmets

Description:

Requires all operators and passengers of motorcycles and motor scooters to wear safety helmets.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

LINDA LINGLE
GOVERNOR



BRENNON T. MORIOKA
DIRECTOR

Deputy Directors
MICHAEL D. FORMBY
FRANCIS PAUL KEENO
BRIAN H. SEKIGUCHI
JIRO A. SUMADA

IN REPLY REFER TO:

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

February 3, 2010

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

HOUSE BILL NO. 2898

COMMITTEE ON TRANSPORTATION

The Department of Transportation supports this bill with one recommendation. We respectfully request that the current statute, §286-81(c), not be amended. §286-81(c) states that a safety helmet is not required for the operator and passenger of a three-wheeled motorcycle or motor scooter and identifies the vehicle safety standards that need to be met for three-wheeled motorcycles or motor scooters.

This section provides for minimum levels of passenger and driver safety while operating vehicles such as this and should be retained if not strengthened.



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

House Committee on Transportation
HB 2898 RELATING TO HIGHWAY SAFETY

Testimony of Chiyome Leinaala Fukino, M.D.
Director of Health

February 3, 2010

1 **Department's Position:** The Department of Health supports HB 2898. A universal helmet law is the
2 single most effective means of preventing death and reducing the severity of non-fatal head injury in
3 motorcycle, and motor scooter crashes.

4 **Fiscal Implications:** If enacted, this measure will save the State money through reduced Medicaid
5 payments for medical care and disabilities due to head injuries sustained in motorcycle and motor
6 scooter crashes.

7 **Purpose and Justification:** Unhelmeted riders and passengers of all ages are at increased risk for head
8 injury, which is the leading cause of death and disability in motorcycle and motor scooter crashes. Head
9 injuries can produce consequences, which are disabling, long lasting and extremely costly. Safety
10 helmets are the single most effective means of preventing death and reducing the severity of non-fatal
11 head injury in motorcycle and motor scooter crashes.

12 According to Hawaii Department of Transportation crash data, in the last 5 years motor vehicle
13 occupant, bicycle and pedestrian fatalities have steadily decreased in Hawaii. During the same period,
14 motorcycle related fatalities have increased reaching an all time high of 35 motorcycle fatalities in 2009,
15 a 29% increase in fatalities over 2008 (25 fatalities). This was the largest increase in over 15 years,
16 resulting in motorcycle related fatalities comprising about one third (32%) of all traffic related fatalities.

1 According to the Trauma Registry of Queen’s Medical Center, the mortality rate among unhelmeted
2 riders in the Registry was more than twice that for helmeted riders (5.6% vs. 2.3%). National studies
3 estimate helmets to be 37% effective in preventing fatal injuries to motorcycle riders and 41% effective
4 for motorcycle passengers.

5 In addition to fatalities, each year in Hawaii there are approximately 394 head injuries
6 related to motorcycle crashes that require medical care at a hospital. For non-fatal injuries, a Crash
7 Outcomes Data Evaluation System (CODES) study found that motorcycle helmets are 67% effective in
8 preventing brain injuries and unhelmeted motorcyclists involved in crashes were 3 times more likely to
9 suffer brain injuries than those wearing helmets.

10 Universal helmet laws are recommended by the Center for Disease Control and Prevention
11 (CDC), National Highway Traffic Safety Administration (NHTSA), Governors Highway Safety
12 Association (GHSA), and Hawaii’s Strategic Highway Safety Plan (SHSP).

13 Universal helmet laws are easy to enforce because violators are highly visible. Laws that require
14 helmets only for certain age groups are less effective as they are not as easily applied and enforced. In
15 2009, helmet usage in states with universal helmet laws averaged 86% compared to 55% usage in states
16 without a law.

17 Universal helmet laws are fiscally responsible. The annual average hospital charges for head
18 injuries to motorcycle, motor scooter and moped riders in Hawaii are \$9,920,000. Medicaid, Medicare
19 or Quest incurs 19% or \$1,900,000 of these charges. The cost of rehabilitation and long-term support
20 for persons with disabilities due to head injuries is substantial.

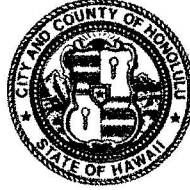
21 The Legislature is commended for hearing this bill, which if enacted will assist in saving lives
22 and reducing head injuries. However, we would like to see this measure apply to HRS 291C-195 to
23 include moped riders of all ages.

1 In summary, universal helmet laws are proven to be a low cost and enforceable measure that is
2 successful at reducing the tragedy of traffic related deaths and head injuries as well as the financial
3 burden they cause.

4 Thank you for the opportunity to testify.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu.police.org



MUFI HANNEMANN
MAYOR

LOUIS M. KEALOHA
CHIEF

DELBERT T. TATSUYAMA
RANDAL K. MACADANGDANG
DEPUTY CHIEFS

OUR REFERENCE TTN-LC

February 3, 2010

The Honorable Joseph M. Souki, Chair
and Members
Committee on Transportation
House of Representatives
State Capitol
Honolulu, Hawaii 96813

Dear Chair Souki and Members:

Subject: House Bill No. 2898, Relating to Highway Safety

I am Major Thomas Nitta of the Traffic Division of the Honolulu Police Department, City and County of Honolulu.

The Honolulu Police Department supports House Bill No. 2898, Relating to Highway Safety.

The Honolulu Police Department supports the use of helmets while operating a motorcycle or motor scooter. The use of an approved safety helmet will prevent more injuries than the lack of a safety helmet and head injuries will be of a less serious nature.

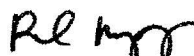
Less serious injuries will mean lower medical costs affecting not only insurance companies but also the hospitals, the state and the community. Motorcycle operators are uninsured to medical costs as it is very expensive. Medical costs are borne by No-Fault insurance (ultimately all insured drivers) or to any automobile policy issued to a resident relative of the rider. If the operator is insured, the cost is borne by the medical or a portion to the state via Medicaid upon approval.

Thank you for this opportunity to testify.

Sincerely,


THOMAS T. NITTA, Major
Traffic Division

APPROVED:


FOR LOUIS M. KEALOHA
Chief of Police



February 3, 2010, 9:00 am

The Honorable Joseph Souki, Chair
The Honorable Karen Awana, Vice Chair
House Committee on Transportation

Dear Chairman Souki and Members of the Committee on Transportation,

Subject: **Support for HB 2898**

The Injury Prevention Advisory Committee strongly supports HB 2898. This bill requires all operators and passengers of motorcycles and motor scooters to wear safety helmets.

Established in 1990, the Injury Prevention Advisory Committee (IPAC) is an advocacy group committed to preventing and reducing injuries in Hawai'i. IPAC members include representatives from public and private agencies, physicians and professionals working together to address the eight leading areas of injury, including traffic safety.

Mandatory helmet laws are the most effective method of preventing death and reducing the severity of non-fatal head injury in motorcycle crashes. There are few laws as easy to implement and enforce, with minimal inconvenience and cost, with nearly 100% compliance that can have such a tremendous impact on saving lives and preventing disability. The Injury Prevention Advisory Committee urges passage of this mandatory helmet law.

Thank you for allowing us to testify.

Sincerely,

Bruce McEwan
Chair
Injury Prevention Advisory Committee



THE QUEEN'S MEDICAL CENTER

1301 Punchbowl Street • Honolulu, Hawaii 96813 • Phone (808) 538-9011 • Fax: (808) 547-4646

Rep. Joseph M. Souki, Chair
Rep. Karen Leinani Awana, Vice Chair
COMMITTEE ON TRANSPORTATION

February 3, 2010 – 9:00 a.m.
State Capitol, Conference Room 309

In Strong Support of HB 2898, Relating to Highway Safety

Chair Souki, Vice Chair Awana, and Members of the Committee,

My name is Caesar Ursic, MD, FACS, Trauma Medical Director for The Queen's Medical Center. I am testifying for The Queen's Medical Center in strong support of HB 2898, which requires all operators and passengers of motorcycles and motor scooters to wear safety helmets.

Over the past two decades multiple medical and epidemiological studies from leading U.S. and international trauma centers have shown that motorcyclists involved in crashes without the benefit of protective helmets are more likely to die of head trauma or, if they survive, sustain severely disabling and often permanent brain injuries.

These are some of the facts that have been established by these studies:

1. Un-helmeted riders are 3-4 times as likely to die after a crash as are helmeted riders.
2. Un-helmeted survivors are 3-4 times as likely to suffer serious-to-critical brain injuries as are helmeted riders.
3. States that have adopted mandatory motorcycle helmet use have shown significant subsequent reductions in rates of motorcycle crash-related death and disabling brain injury.
4. States that have repealed mandatory helmet laws have seen a significant subsequent rise in their rates of motorcycle crash-related death and disabling brain injury.
5. Patients with severe brain injuries are among the most expensive to treat: they require longer hospital stays, need more intensive medical therapy, and have among the highest rates of complications among all injured patients.
6. Patients with severe brain injuries are often young and in the most productive years of their lives.
7. Helmets have been shown to have NO adverse effects such as causing accidents by reducing hearing, peripheral vision or by causing fatigue.
8. Neck fractures are as common among helmeted and un-helmeted riders, invalidating the claim by opponents of helmet use that helmets lead to more neck injuries.

In the State of Hawaii (year 2007) motorcyclists involved in crashes who were not wearing a helmet were much more likely to sustain a serious head injury (65%) than those who were wearing a helmet (14%).

Seat and shoulder restraints have long been shown to reduce death and injury rates among automobile drivers and passengers, and their use is mandatory in all fifty States. Helmet use has equally been shown to improve the odds of surviving a motorcycle crash and of reducing the chance of a life-altering brain injury. I feel that the social, medical financial benefits associated with enacting mandatory helmet legislation are clearly and unarguably of value not only to the patient, but to the patient's family and community as a whole.

We urge you to pass this measure and thank you for the opportunity to testify.

awana1-Enoka

From: Carolyn Fujioka [carolyn.fujioka.atxn@statefarm.com]
Sent: Monday, February 01, 2010 4:26 PM
To: TRNtestimony
Subject: FW: HB2898 2/3/10 9am TRN

Testimony to the House Committee on Transportation

Wednesday, Feb. 3, 2010 9:00 a.m.

Conference Room 309, State Capitol

Re: House Bill 2898 Relating to Highway Safety

Chair Souki, Vice-Chair Awana, and committee members:

I am Carolyn Fujioka on behalf of State Farm Mutual Automobile Insurance Company, a mutual company owned by its policyholders. **State Farm supports HB 2898.**

State Farm is vitally concerned with reducing motorized vehicle injuries and deaths on and off roadways. In the interests of our policyholders who ride motorcycles, mopeds, all-terrain vehicles, and other motorized vehicles, and for all of us who pay for the medical and societal costs incurred from the fatalities and severe head injuries of non-helmeted riders, State Farm supports a helmet law and appropriate fines for violations.

Since 1997, the number of motorcyclists' deaths has increased 75 percent. Over 4,800 motorcyclists were killed and 88,000 injured in crashes in 2006, according to the National Highway Traffic Safety Administration (NHTSA). The most effective way to reduce the number of deaths and serious injuries is the mandatory use of safety helmets for all riders.

A 2004 NHTSA study, based on data from 1993 to 2002, established that motorcycle helmets are estimated to be 37 percent effective in preventing fatalities and 67 percent effective in preventing brain injuries. During the years of the study, it was estimated that 7,808 motorcyclists' lives were saved by helmet use. If all motorcyclists and passengers had worn helmets during this time period, and estimated 11,915 lives could have been saved.

Programs that promote voluntary use of helmets do not achieve the high levels of helmet use found in helmet law states. We urge your favorable consideration of HB 2898.

Thank you for the opportunity to testify.

awana1-Enoka

From: Dustin Edwards [dustinedwards69@hotmail.com]
Sent: Tuesday, February 02, 2010 10:05 AM
To: TRNtestimony
Subject: Opposition to Bill HB2898 - Motorcycle Helmet Law

Dear Mr. Joseph Souki, Chairman of the Transportation Committee:

I will keep this letter short and sweet. I strongly oppose the bill HB2898, the requirement for operators and passengers of motorcycles to wear helmets.

Motorcycling is a high-risk activity, whether operators and their passengers wear helmets or not, the possibility for serious injuries or death is an accepted inherent risk when mounting the motorcycle. As an avid motorcycle enthusiast for more than 20 years (note I did not type "biker"), I believe the best approach to limiting injury and deaths among motorcyclists is through education, not mandatory helmet wearing. I am appalled by the red tape surrounding the formation of a motorcycle safety class on neighboring islands (I have tried to set one up on the Big Island). The only motorcycle safety class offered in the State of Hawaii is on Oahu, with neighboring islands shut down when insufficient rules changed the layout of the course. A strong belief of mine that cannot be argued against is education and knowledge of motorcycles and riding skills will help prevent deaths because riders will be more experienced and understand how to react to certain situations.

Obviously making a motorcycle safety course available, if not mandatory to receive a motorcycle license, will not eliminate all motorcycle related injuries or fatalities - that is not the point. The point of offering these classes is to give riders the skills needed to survive with arming them with education and experience, not a mandatory helmet.

I hope this letter does not fall on deaf ears (or blind eyes). I am an experience rider who truly loves motorcycling and would like to see laws go into effect to benefit riders and the community in general, not laws to simply get passed.

If you have any questions or concerns, please do not hesitate to contact me at the info provided below.

Mahalo and aloha,

Dustin Edwards
Big Island Motorcycle Co. #A4
250 Waikoloa Beach Dr.
Waikoloa, HI 96738
808-886-2011 office
808-640-3639 cell
www.BigIslandMotorcycleCo.com

Hotmail: Free, trusted and rich email service. [Get it now.](#)

TO: Honorable Legislators
FROM: Robert H.K.Souza
RE: OPPOSITION OF HB2898
DATE: February 2nd 2010

Dear Honorable Legislators,

My name is Robert Souza, and I am in opposition of HB2898 (Relating to Highway Safety). I am an advocate of the freedom of choice and to this I say LET THOSE THAT RIDE DECIDE. In years past, a mandatory helmet law was enacted and subsequently repealed. The choice of your constituents is clear and another attempt to reinstate a mandatory helmet law is a waste of government resources.

I log between 15 and 22 thousand riding miles per year and have seen many instances where accidents and near accidents involving motorcyclists are not the fault of the rider, but the carelessness of a motorist on a cell phone, or somehow otherwise distracted or impaired vehicle operator. The problem here lies in the education of the motorist. How many times have we heard the response: "I didn't see the motorcycle" The problem is not they did not see, but in reality is that they were not looking for a motorcycle. The average motorist is not trained to look for such things as the emphasis in driver training is in 4-wheeled vehicles.

To be fair: Helmets DO save some lives, but not all and not in all cases. Responsible riding and driving techniques save many more than helmets ever will. I ride one of 3 motorcycles that my wife and I own DAILY, and I choose to not wear a helmet, or choose to wear one in certain conditions (usually weather related).

Please consider this in your deliberations regarding HB2898 and others like it; motorcycle riders are more attentive than the average motorists, as our training teaches us to be especially diligent... we know our lives depend on it, helmet or not.

My suggestion is that successful completion of the classroom portion of the motorcycle safety course be an additional requirement of the driver's licensing process. This will teach learning motorists the awareness skills that all vehicle operators should have, in addition to what they are already taught. Making our roads safer is indeed the goal. Lets make it priority.

Thank you for your time.

Sincerely,

Robert H.K. Souza

awana1-Enoka

From: Bryan Marks [bryan1958@msn.com]
Sent: Tuesday, February 02, 2010 9:07 AM
To: TRNtestimony
Subject: Re: Bill # HB2898

Attn: Transportation Chair: Joseph M. Souki

Re: Bill # HB2898

**Time, Date & Place: The hearing for this bill is Wednesday, Feb. 3rd
9:00 AM - State Capitol - Conference Room 309
415 South Beretania St.**

From: Bryan Marks, 697 Pelenaka Place, Makawao, HI 96768

I OPPOSE any bill which requires the operator or passengers of motorcycles to wear helmets.

Let those who ride decide, Please let us keep what little freedom we have left.

Hotmail: Trusted email with Microsoft's powerful SPAM protection. [Sign up now.](#)

awana1-Enoka

From: jandreu@hawaii.rr.com
Sent: Tuesday, February 02, 2010 8:16 AM
To: TRNtestimony
Subject: HB2898

To; Transportation Committee, Chair; Joseph M. Souki

Ref; HB2898

Please do not pass HB2898 or any other bill which would require adult Motorcycle riders in the state of Hawaii to wear safety helmets. This is an arbitrary requirement that should be a free choice of Adult riders.

I strongly oppose the passing of HB2898.

awana1-Enoka

From: David Frazier [dfrazier@MauiCoastHotel.com]
Sent: Tuesday, February 02, 2010 8:23 AM
To: TRNtestimony
Subject: Attn: Transportation Committee Chair Joseph M. Souki

HB2898

OPPOSE

I strongly oppose this bill or any bill that would force the use of helmets.

Sincerely

David Frazier

David Frazier

General Manager

MAUI COAST HOTEL

2259 South Kihei Road

Kihei, Hawaii 96753

Direct: 808-891-4900

Fax: 808-875-4618

Email: dfrazier@mauicoasthotel.com

Transportation Committee
Representative Joseph M. Souki, Chair

Brian Grayling, State Director
Street Bikers United
P.O. Box 5003
Kaneohe, HI 96744
(808) 291 8761

Hearing Wednesday, Feb. 3rd, 2010

Testimony Against HB2898

Mr. Chairman and Members of the Transportation Committee:

My name is Brian Grayling, State Director of Street Bikers United. SBU is a motorcycle rights and safety organization represented throughout the Hawaiian Islands. As a safety organization, we would like to offer testimony against the helmet bill before you.

I would direct the committee to two major studies on motorcycle helmets, one from the University of Southern California named the "Motorcycle Accident Cause Factors and Identification of Countermeasures" and the other from Bowdoin College "The Effect of Motorcycle Helmet Use on the Probability of Fatality and the Severity of Head and Neck Injuries".

Both studies draw similar conclusions. To quote from the latter study by Dr. Goldstein: *It is shown that past a critical impact velocity to the helmet (approximately 13mph), helmet use has a statistically significant effect which increases the severity of neck injuries. Thus we reject the claim that, helmets have no effect on neck injuries in favor of the claim that, past a critical impact speed, they exacerbate neck injuries.*

A full face helmet allays head abrasion on pavement contact at low speed. The problem arises with the intrinsic weight of the helmet under normal driving speed during a sudden change in forward momentum. A four pound helmet weighs two hundred pounds during sudden deceleration. If the torso is impacted, the head, because of the added weight of the helmet, can keep on going, causing neck breakage and basal skull fracture.

SBU would like to thank the Transportation Committee for their continued efforts to make the roads safer for the motorcycling public, and would urge the rejection of this bill.

awana1-Enoka

From: elliotk@hawaii.rr.com
Sent: Tuesday, February 02, 2010 7:42 AM
To: TRNtestimony
Subject: HB2898

The Honorable Joseph Souki, Chairman
Transportation Committee

I want to express my opposition to HB2898, mandating the use of helmets for motorcycle, scooter riders. The freedom to choose what to wear when riding a two wheel vehicle should be the fundatmental choice of the rider. Was there ever a bill introduced for operators of 4 wheel vehicles to also wear helmets? I am sure there are as many if not more, accidents involving 4 wheeled vehicles resulting in serious injury. If this bill was introduced due to concerns for the safety of 2 wheel vehicle operators, I appreciate your and your committee's concern. But the focus should be on the operators of 4 wheeled vehicles, who are in the majority as to the causation of motorcycle/scooter accidents. Education and stiffer penalties need to be examined for the many incompetent drivers out there causing harm to motorcyclist/scooters.

Thank you for your time to read my opinion.

Sincerely,
Elliot Kano
Hawaii Kai, Oahu

awana1-Enoka

From: Mick McDole [db7279@hawaii.rr.com]
Sent: Tuesday, February 02, 2010 7:04 AM
To: TRNtestimony
Subject: Hard knocks ...

Push for mandatory helmets for moped riders. Enforced with stiff fines to force stubborn people like my wife (and UH students) to wear them. Because as anybody with any EMT training will tell you, head injuries are virtually untreatable in the field. More often than not, they're fatal (even at relatively slow speeds). Even when the head injury is "closed", the intracranial bleeding is a severely debilitating event that only worsens as the minutes tick away. Forcing responders to "scoop and run". Surgery is mandatory (if one wishes for any meaningful recovery). And brain surgery is always: difficult, labor-intensive, and costly to all involved. The state could really serve the public well by protecting folks from themselves (via their own pride). Not to mention preventing loss of vital resources from our local hospitals. A law like this would be simple to pass, yet far-reaching on the side of good by saving many lives and comforting caring friends and families of mopeders.

Since I can't force my wife to wear a helmet, perhaps the police could!
and save me a whole lotta' headaches of my own. Given the choice, I'd much rather nurse my wife than bury her. With this type of law, I at least have a choice. (= - /)

Respectfully submitted,

Mick McDole

awana1-Enoka

From: Capt. Jeff Rogers [Jeff@FISHinKONA.com]
Sent: Tuesday, February 02, 2010 6:19 AM
To: TRNtestimony
Subject: Stop HB2898

To Transportation Chair Joseph M. Souki,

I strongly oppose this House Bill (HB2898) that will infringe on the rights of motorcycle riders. People who do not ride shouldn't make decisions for those of us that do. I have been a motorcycle rider for many years both dirt and street. I always wear a helmet when dirt riding but I don't want it required of me to do that on the street! It needs to remain the option of the rider. There is a certain feeling of freedom riding without a helmet that only a rider would know. Don't take that away from me PLEASE!

Capt. Jeff Rogers
<http://FISHinKONA.com>

awana1-Enoka

From: kkkikuka@hawaii.rr.com
Sent: Tuesday, February 02, 2010 6:14 AM
To: TRNtestimony
Subject: OPPOSE HB2898 - Mandatory Helmet

Good Morning,

I would like to provide my comment/testimony on the upcoming HELMET LAW BILL.

I have been a motorcycle rider since 1998. I have ridden on the mainland and of course in Hawaii.

I feel that helmets are not the 'saving' factor in any accident. It's the experience and riding style of the owner that makes the biggest difference. Many non-riders may feel that you are saving my life, but on my motorcycle, the only person that is going to save my life, is me.

Me that has the ability to see that car that might turn suddenly in front of me, me that might see that little patch of oil on the road, me that will drive at a safe speed me that avoids riding in cars 'blindspots'.

I feel that wearing a helmet, especially by sportsbike riders, give them a sense of safety and causes them to speed more. With the wind in your face, it's harder to speed.

Emergency Medical friends have also mentioned and I agree, that wearing a helmet and flying across the road, may cause more neck and back injury. Helmets may get caught on something and stop you abruptly causing you neck injury. Take the brunt of the force, but give that force, back to your neck.

Helmets should be a choice. I am a law abiding, tax paying individual that rides a motorcycle. I want to decide on helmet use.

Karen Kikukawa
562 Kipuka Place
Kailua, HI 96734

From: Steve Carter [cartercpa@hotmail.com]
Sent: Monday, February 01, 2010 9:55 PM
To: TRNtestimony
Subject: Transportation: Testimony in regard to HB2898

We strong OPPOSE bill: HB2898

Wednesday, February 3, 2010, Time: 9:00 AM

Committee: Transportation

Chair: Joseph M. Souki

Voter submission names: Steve Carter and Amalia Carter,
Kihei, Hawaii

Bill regarding operators and passengers of motorcycles and motor scooters to wear safety helmets - we both strongly OPPOSE.

Should this measure go forth; an amendment or rewritten bill should require, by law, all insurance companies within the State of Hawaii to lower motorcycle insurance premiums by a minimum twenty percent (20%) at no sacrifice to coverages. Not being able to choose whether or not to wear a helmet should not come with the same premiums which are expensive in the State of Hawaii. We would rather have higher insurance premiums and have the right to choose.

I, Steve, have purposely lived in four different States which allowed the freedom of choice as to whether or not to wear a helmet.

Thank you for your time.

Hotmail: Trusted email with powerful SPAM protection. [Sign up now.](#)

awana1-Enoka

From: hawaiiacycle@aol.com
Sent: Monday, February 01, 2010 10:30 PM
To: TRNtestimony
Subject: Safety Helmet?

My name is Wayne E Huddy. I am against this bill:

**The hearing for this bill is Wednesday, Feb. 3rd
9:00 AM - State Capitol - Conference Room 309
415 South Beretania St.**

This bill is not for the safety of the motorcyclist. It is for the extra monies it may generate for the State in taxes.

There has been documented proof provided by Street Bikers United showing the hazards a helmet creates but still is ignored by the State as they try to use "Highway Safety" to impose a mandatory helmet law.

Why does the State keep allowing this to come up? Are you waiting for the Bikers to get tired of fighting? Or, is it just for the extra income the State would receive from the sales tax?

I was in a serious motorcycle accident and lost my leg but not my head. I do not wear a helmet. A number of motorcycle riders lost their legs in motorcycle accidents. Why hasn't the State tried to impose a mandatory cage for the motorcycle.

Here's a helpful suggestion that would cut down motorcycle accidents, impose severe penalties on automobile drivers that are at fault in a accident involving a motorcycle. Then automobile drivers would make an extra effort to look out for motorcycles instead of just other automobiles.

Wayne E Huddy
Former Sales Rep for South Seas Cycles.

awana1-Enoka

From: Alvin Ozaki [hisashi@hawaii.rr.com]
Sent: Monday, February 01, 2010 10:55 PM
To: TRNtestimony
Subject: Helmet Bill

I have ridden bicycles and motorcycles for over 40 years. To wear a helmet or not is a personal decision. I know the experts say otherwise, however, to me, the helmet cuts out some of my peripheral vision and blocks some of my hearing. Motorcycle deaths are caused primarily by head injuries but then again, most of those who died did so doing something stupid like speeding, racing, driving drunk, etc. And then there are the inconsiderate auto drivers that don't give a damn about motorcycle riders. If you are to pass a bill requiring moped and motorcycle drivers to wear helmets, please pass one to make sure all bicycle riders of all ages who ride on the streets, sidewalks, in the parks, etc. need to wear one too. Bicycle riders can go down hills at over 3 miles per hour.

A. Ozaki

awana1-Enoka

From: H3YJUDE@aol.com
Sent: Tuesday, February 02, 2010 4:47 AM
To: TRNtestimony
Subject: HB2898

HB2898: We are **opposed** to this bill which REQUIRES ALL OPERATORS AND PASSENGERS OF MOTORCYCLES AND MOTOR SCOOTERS TO WEAR SAFETY HELMETS!

We want the option to choose for ourselves, PLEASE STOP forcing rules on us. Helmets can cause severe NECK injuries due to the added weight on the skull! ...WE want you to VOTE: **NO**

William R. & Audrey L. Meehan
91-1074 Anaunau Street
Ewa Beach, HI 96706

awana1-Enoka

From: W. Nick Cambra [thehawaiian69@hotmail.com]
Sent: Monday, February 01, 2010 7:57 PM
To: TRNtestimony
Subject: FW:

I am a resident of Oahu and have been a motorcycle rider for over thirty years and am in strong opposition to being forced to use a motorcycle helmet. I was also an HPD solobike officer for over four years and wore a helmet on duty. There were several disadvantages, including hearing vehicles along side. The only advantage was being able to hear our police radio. it should be a choice. Those who operate recklessly are screwing it up for the rest of us. I oppose House Bill 2898.

awana1-Enoka

From: Brad DeMello [brad.demello@yahoo.com]
Sent: Monday, February 01, 2010 4:29 PM
To: TRNtestimony
Subject: HB2898

I oppose this bill.

I'm a rider with about 10 years riding experience. I took and passed the MSF class. After taking the class it was immediately obvious that skills are far more important than safety gear.

Before taking this class, I had never ridden a motorcycle. I left the class equipped with some real skills to keep me alive on the road.

I ride with all the safety gear and sometimes with just some of it. When bad weather is obvious, or mostly highway riding, the helmet goes on. When I'm just cruising, I like to ride without a helmet because I get better peripheral vision than wearing a full face helmet. The full face is heavy, hot and lacks great visibility.

A simple choice;

Rider A - No skills, no understanding of how a motorcycle operates and all the safety gear in the world.

Rider B - MSF Instructor, 20 years riding experience, never been in a motorcycle accident.

Who would you rather have your son/daughter/wife/husband learn from and ride with?

Thanks,
Brad DeMello

From: Ronald Troia [rltroia@snet.net]
Sent: Tuesday, February 02, 2010 2:58 PM
To: TRNtestimony
Subject: HB2898 Transportation Committee

Dear Mr. Souki,

I would like to take this time to voice my strong opposition to HB2898, an act that would require all operators and passengers of motorcycles and motor scooters to wear safety helmets. I am an area rep with the Connecticut Motorcycle Riders Association as well as the Connecticut State Rep for the Motorcycle Riders Foundation based in Washington, D.C. I am also a life member of the American Motorcyclist Association and The Harley Owners Group. I am 58 years old and have been riding motorcycles for 41 of those years.

While I do appreciate the concern for motorcycle riders, the inference that helmets will make a significant difference in motorcycle rider injuries and fatalities really is not based in fact. I point to a report issued last year by United States Transportation Secretary Mary Peters who stated that forty per cent of all motorcycle fatalities were not wearing helmets. Conversely that means that sixty per cent of the fatalities were wearing helmets and died anyway.

We need to focus on avoiding crashes rather than trying to make crashing safer. Many motorcycle crashes are the result of right of way violations and many are from speeding and/or reckless operation of the motorcycle. I have no doubt at all that education and motorcycle awareness are a big part of the answer to preventing motorcycle injuries and fatalities. Motorcycle riders and those who do not ride need a better understanding of how to safely co-exist on our nations roadways. The motorcycle operator must be committed to riding in a responsible manner. Other road users must concentrate on driving and not talking on cell phones, putting on make up, shaving, or reading the paper. And let us be perfectly clear; there is no helmet on the market that will prevent a crash and crash prevention is the most efficient way to prevent deaths and injuries.

I would also like to point out that I am not personally against helmets but am vehemently opposed to any law requiring their use by adult riders. I also remind you that not having a helmet requirement does not prevent anyone from wearing one if they chose to do so.

Although I am not currently a resident of the great State of Hawaii, my wife and I do visit there every other year. In fact I just finalized plans last week for our trip out to Oahu and Maui starting on April 2nd of this year. The reason we so faithfully spend our hard earned dollars and make the long twelve hour plus flight from the east coast is because we love the fresh clean beauty of your islands from the seat of a motorcycle which I always rent while visiting. If you enact such a law I am afraid this will be our final trip out there. I strongly believe that individual adults should make their own decisions regarding safety devices.

Thank you for your consideration on this very serious matter.

Sincerely,

**Ronald L. Troia
31 Ladas Place**

awana1-Enoka

From: I cooper [kiheilesley@yahoo.com]
Sent: Tuesday, February 02, 2010 12:44 PM
To: TRNtestimony
Subject: Bill HB2898

Mr. Souki:

I oppose Bill HB2898. I am an adult motorcyclist and feel that safety helmets are more of a danger and hindrance than protection.

aloha,

Lesley Cooper

Maui Girl Friday - your independent personal assistant

**1592 S. Kihei Rd.
Kihei, Hawaii 96753**

(808) 250-6912

Being kind is usually more important than being right....

awana1-Enoka

From: iceman@artlover.com
Sent: Tuesday, February 02, 2010 12:44 PM
To: TRNtestimony
Subject: bill HB2898

I oppose bill HB2898 and I am a motorcyclist

Ben kinney
Kula Hi
808-870-8058
It's not a loophole -- it's a policy flexibility assurance aperture.

awana1-Enoka

From: bhickle@aol.com
Sent: Tuesday, February 02, 2010 1:21 PM
To: TRNtestimony
Subject: *****SPAM***** HB2898 Relating to the use of Safety Helmets

Testimony relating to HB2898,

Hearing Date: Wednesday, February 3. @ 09:00.

Honorable Chair Joe SOUKI,

My name is Brad Hickle I am a motorcycle enthusiast and have been riding motorcycles for many years. Aside from being a Police Officer and serving the Maui County Community for the past 20 years I am also a member of the Harley Owners Group (HOG) Chapter 44 on Maui, the Blue Knights-Hawaii I Chapter which is an International Law Enforcement Motorcycle Club and the Street Bikers United of Hawaii. I love to ride and I like my Freedom of Choice to ride with or without a helmet.

After hearing of the proposed House Bill HB2898, "Requiring All Operators and Passengers of Motorcycles and Motor Scooters to Wear Safety Helmets", I felt compelled to write and express my Opposition for this bill. I hope that you choose to leave the freedom of choice to wear a helmet in the hands of the people who ride motorcycles and not pass this bill requiring the use of helmets based upon the ranting's of those who don't.

Thank you for allowing my testimony,

Brad Hickle
131 Alahahele Place
Kihei, Maui, Hawaii 96753

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awana1-Enoka

From: Joseph Kerska [j_kerska@yahoo.com]
Sent: Tuesday, February 02, 2010 1:38 PM
To: TRNtestimony
Subject: *****SPAM***** I oppose bill HB2898 and I am a motorcyclist

Aloha,

I oppose bill HB2898 and I am a motorcyclist.

Mahalo,

Joe Kerska, and I vote.

Who knew SPAM could become such an object of derision?

awana1-Enoka

From: Kimo [copperhead1@hawaiiantel.net]
Sent: Tuesday, February 02, 2010 4:13 PM
To: TRNtestimony
Subject: helmet laws

Importance: High

As a veteran, and a voter, and a member of SBU, I am totally against helmet laws. Have ridden for over 40 years without one. Please consider the freedom of the individual, before making any laws that infringe upon them.

Mahalo. J. Lowe Kahana Maui



awana1-Enoka

From: Russell Awana [rawana@hawaii.rr.com]
Sent: Tuesday, February 02, 2010 4:27 PM
To: TRNtestimony
Subject: HB2898

I OPPOSE the part of HB2898 (Sect. 1-a-1-B) requiring the use of helmets while operating a motorcycle or scooter as an operator, or passenger. I do however SUPPORT the rest of the bill.

I ride motorcycle and own three helmets of which I use all of them on different occasions depending on the weather conditions, and sometimes I don't wear a helmet. When I get on my motorcycle and decide whether to use a helmet or not, I fully realize and understand the implications of my decision and don't need any law to dictate so. Freedom of choice!

Mahalo!

Russ Awana

382-4075

From: Steph Caires [scaires@vanerika.com]
Sent: Tuesday, February 02, 2010 4:32 PM
To: TRNtestimony
Subject: Motorcycle helmets

To Whom It May Concern:

Regarding motorcycles and helmets, personally I find wearing a helmet to be harder to see and to hear what is going on around me. I have daughters that ride on the motorcycle (with a helmet because they are under the age of 18) and I understand that but as a driver I need to have a clear view of what is around me and also to be able to hear what is going on around me. Most vehicles do not pay attention or are not able to see motorcycles that are around them so I want to be able to hear a horn or a skid happening or seeing a car change lanes beside me. I feel that the driver over the age of 18 should not have to wear a helmet if they feel they don't need to. For myself I feel that it would be safer for me and the passenger on my motorcycle that I am not bound to wearing a helmet so that I can see and hear what is going on around me.

Thank you.

John