

UNITED WE RIDE
◇
DIVIDED WE DRIVE



CMT/ABATE, Inc.
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POSITION STATEMENT

MOTORCYCLIST LIBERTY RESTORATION BILL

HB ____ / SB ____

“The LIBERTY Restoration Bill”

HB2661 is not the “Helmet” Bill. We are *pro-device* but *anti-law*. There is a big difference.

If our state legislature were to propose that we were not allowed to use a helmet when we operate a motorcycle on public roads we would be lobbying against that as well. In contrast, we seek to restore equitable liberty to Tennessee motorcyclists.

Presently, Tennessee is only one of 20 states with a mandatory helmet law. All thirty states who presently afford some level of adult choice are lobbied every year that “the sky is falling” and “motorcyclists are dying everywhere and becoming a social burden” yet those states maintain their discretion to protect the liberty of their citizens. That is because there is no factual data to the claim that unhelmeted motorcyclists are 1) social burdens and 2) reckless motorists.

In the past sixteen years Arkansas (1997), Kentucky (1998), Florida (2000), Pennsylvania (2003) and now Michigan (2012) have reinstated adult free choice on their helmet law. During this era, state reporting has dramatically improved with the computer advancements. Each state shows that motorcycle registrations dramatically increased. In some cases motorcycle fatalities also increased but only at an equal or lesser value than the registered motorcycles per fatality rate.

Most recently in April 2012 Michigan became the 31st state to afford adult choice to their motorcyclists. Mandatory helmet proponents were surely disappointed when the first report of accidents and fatalities came back LOWER during peak riding season than the prior reporting periods of mandatory helmets.

Pennsylvania made a provision within their law that their Legislative Budget and Finance Committee study the results of their liberty restoration every two years. Their reports for 2006 and 2008 found no significant impact or reason to make any changes to their law.

Liberty Opponents continue to lobby our Legislature with incomplete evidence of rising numbers of accidents and fatalities in states that have modified their helmet law. They have

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failed to also share the rise in registrations as that would disqualify their claims that instinctually instill a fear for fiscal responsibility.

This opposition also claims that unhelmeted motorcyclists represent a risk to the tax payer as a heightened risk of accident and unlikely insured. Statistical data gathered by NHTSA from individual state records indicates the complete opposite of this claim. That data shows that in almost every comparison, helmeted motorcyclists represent 60-65% of all accidents, head trauma and fatality rates.

More over, the average household income for a new motorcycle purchaser is reported by two reporting agencies as between \$55,000 to \$84,000*. This annual income is equal to that of boat owners and in-ground-pool home owners. Individuals within this income range are much more likely to possess personal health insurance. They additionally are more likely to protect their assets with automobile insurance. In many cases they also possess temporary disability insurance.

Most recently, liberty opponents have gone so far as to suggest that studies reveal a significantly higher incidence of under 21 helmet noncompliance accidents, head trauma and death in states who afford adult free choice. The absurdity to imply that the liberty of adult Tennessee citizens should be sacrificed in order to provide a good example to other people's children and under 21 adults is not only farcical, it is unconstitutional.

Since Tennessee's enactment of mandatory helmet law, two federal "Transportation Equity Acts" have been adopted by the US Congress stating that our National Constitution mandates that the federal government cannot enforce sovereign legislation upon independent states. Both instances have spawned states to reconsider their mandatory helmet laws and significantly contributed to the current number of 31 adult free choice states.

In 1994 Tennessee sent a resolution to US Congress in support of states rights to decide sovereign matters. In that resolution, motorcycle helmets were specifically mentioned. Yet we have still failed to receive relief from this injustice upon Tennessee citizens.

Forty-four years ago our federal government threatened to withhold Tennessee tax revenues if our sovereign government refused to enact legislation that has remained unfounded and prejudicial. Tennessee Motorcyclists respectfully request their Legislature to remedy this constitutional hijacking before the end of the 108th Session.

** 2006 MIC (Motorcycle Industry Counsel) and Harley Davidson Finance*

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