

HOUSE COMMITTEE ON GENERAL GOVERNMENT

February 17, 2005 Hearing Room B

7:00 P.M. Tapes 19 - 20

Corrected 10/13/05

MEMBERS PRESENT: Rep. Vicki Berger, Chair

Rep. Peter Buckley, Vice-Chair

Rep. Mac Sumner, Vice-Chair

Rep. Sal Esquivel

Rep. Larry Galizio

Rep. Brad Witt

STAFF PRESENT: Caralyn Fischer, Committee Administrator

Linda K. Gatto, Committee Assistant

MEASURES/ISSUES HEARD:

HB 2488 Public Hearing

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments
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TAPE 19, A

004 Chair Berger Calls the meeting to order at 7:00 p.m. Opens the public hearing on HB 2488. Requests that the committee members introduce themselves.

HB 2488 – PUBLIC HEARING

009 Rep. Brad Witt House District 31. Introduces himself.

013 Rep. Larry Galizio House District 35. Introduces himself.

015 Rep. Max Sumner House District 18. Introduces himself.

017 Rep. Peter Buckley House District 5. Introduces himself.

019 Rep. Sal Esquivel House District 6. Introduces himself.

022 Rep. Kevin Cameron House District 19. Introduces himself.

027 Chair Berger House District 20. Introduces herself and staff. Announces the procedures for taking testimony. States that the Oregon Department of Transportation (ODOT) and the Department of Human Services (see exhibit A from 2/15/05) have provided information to the committee since the meeting on Tuesday **(EXHIBIT A)**.

079 Rep. Witt States that he is submitting prepared testimony on behalf of constituent Roger Tower **(EXHIBIT B)**.

089 Bonnie Hawkins Submits and reads prepared testimony **(EXHIBIT C)**.

144 Mel Yeager Submits and summarizes prepared testimony **(EXHIBIT D)**. States that education is more effective and refers to educational programs TEAM OREGON motorcycle training and the Motorcycle Awareness Program.

200 Andi Easton Representing the Oregon Medical Association. Submits prepared testimony and a copy of an e-mail from Derek P. Stables, M.D. **(EXHIBIT E)**.

228	Rep. Witt	Refers to testimony regarding the average hospitalization costs for brain injuries resulting from motorcycle accidents to average over \$34,500. Asks if that figure would include after hospitalization medical care.
240	Easton	Responds that she would assume that it represents the immediate health care costs.
254	Steve Sweatt	From Bend Oregon. Testifies in favor of HB 2488 because he believes it is his freedom to decide whether to wear a helmet or not.
283	Golda Ayers	Introduces himself as “Red” and states that he has been riding for over 30 years and is a TEAM OREGON motorcycle training instructor. States that driver education and motorcycle awareness is what will save lives. Comments on the weight of cars and SU’s etc, in relationship to cycles.
350	Rep. Cameron	Asks if motorcycle riders are required to carry insurance and does it include medical insurance.
362	Ayers	Answers yes they are required to carry insurance but not medical insurance.
373	Rep. Sumner	Asks if this bill passed would he continue with teaching the motorcycle training course.
385	Ayers	Respond that he has not taught the course in years. TEAM OREGON will continue to teach motorcycle safety.
400	Al Sims	Albany Oregon. Provides information on helmets law statutes by state (EXHIBIT F) . Reads the second paragraph on page two that states motorcycles represent 2% of the vehicles in the United States, account for less than 1% of accidents. Displays a paper showing there are twenty states that have helmet laws.

TAPE 20, A

010	Rep. Buckley	Asks which states have restrictions based on insurance.
012	Sims	Answers, Texas and Florida. Adds that extra medical coverage is available for purchase.

028	Rep. Buckley	Asks what is the burden of the helmet.
030	Sims	Responds that a helmet limits peripheral vision, hearing and balance.
039	Rep. Witt	Asks what is the cost for additional insurance.
040	Sims	Responds that it was not too expensive.
070	Rex Jamison	States that he has been a rider for 35 years with and without helmets. Refers to the question regarding helmets impeding perception. States that helmet impedes directional hearing. Comments on how the bottom back of the helmet causes injuries in some collisions. Adds that helmets cause neck fatigue due wind resistance and heat.
114	Bill Olson	Advocacy Chair of the Brain Injury Association of Oregon. Submits prepared testimony in opposition to HB 2488 (EXHIBIT G) . Comments on the cost of care, and acute care costs of Traumatic Brain Injury (TBI) and concludes that the burden is too much for a family to bear.
166	Olson	Supports strengthening prevention efforts.
180	Christine Chin Ryan	Resident of Clackamas County. Submits and reads prepared testimony in support of HB 2488 (EXHIBIT H) .
245	Rep. Buckley	Asks how does requiring a helmet compare with wearing a seatbelt in a car.
251	Chin Ryan	Responds that she cannot answer that question.
252	Rep. Buckley	Asks would a requirement for motorcyclist to carry long-term care insurance be a compromise.
260	Chin Ryan	Responds that personally she has coverage.
282	Ken Ray	Executive Director BikePAC of Oregon. States the issue is not helmets but rather helmet laws. Submits informational materials that include fact sheet on HB 2488, prepared testimony, a study by the University of North Carolina, and Bureau of Transportation Statistics, (EXHIBIT I) Referring to the study, states that ridership increases

when helmet laws are not in place but the rate of accidents does not increase.

366 Ray States that in Oregon there have been great results in training. Discusses alcohol accidents and non-endorsed motorcycle riders. Concludes testimony stating that society bears the costs of lifestyle choices. Restore the adult choice.

416 Rep. Galizio States drivers need to be trained. Asks what is magic about the age of 21.

458 Ray Responds that society arrived at the number and it is an arbitrary number. Society has decided that you can make lifestyle choices at age 21.

TAPE 19, B

028 Rep. Galizio Asks if a requirement increasing the age or experience would be amiable.

034 Ray Responds by asking at what age is a person ready to make life style decisions. States that age 21 is considered a reasonable age. Adds that Iowa, Minnesota, and Illinois have no age restrictions.

051 Bob Avery Chief of Staff for Representative Bruce Hanna, House District 7. Submits prepared testimony (**EXHIBIT J**) on behalf of Rep. Hanna in support of HB 2488. States that the burden of a helmet is a reminder that someone is telling us what to do.

097 Avery States, from a personal viewpoint, a requirement for additional long-term care insurance would be discriminatory.

100 Rep. Esquivel Refers to the information from ODOT on the average fatalities when a helmet law was in place and when it was not.

119 Avery Responds there was a dramatic reduction in accidents after the helmet law was put in place because people stopped riding.

133 Rep. Cameron Notes that medical insurance is mandated on automobile drivers.

148 Avery Responds that medical coverage is not mandated for motorcycles.

146	Bill Siegrist	Albany. Member of the Sport-bike WS Group. States that most of those who ride in his group are over 21 and the consensus is that as adults they should be able to decide when to wear a helmet. The head injuries sustained in automobile accidents are the same as when riding motorcycles.
177	Rep. Buckley	Asks how the requirement to wear helmets is different from the seat belt law.
202	Siegrist	Responds that seatbelts have statistically shown to help where helmets have not. Comments that there have been injuries sustained because of seat belts and air bags. It comes down to personal decisions on what is appropriate.
218	Dana Foxx	Sport bike rider from Albany. Refers to the special insurance issue and states that he is okay with that if it allows him to choose when to wear a helmet or not. Defines what "lane splitting." is
249	Rep. Sumner	Asks if "lane splitting" is legal.
250	Foxx	Answers yes. States that in Florida during the 2001 Daytona Bike week the helmet law was passed making it optional to wear a helmet. States that had two cousins die and he believe one was because of the helmet.
280	Chair Berger	States that California allows lane splitting but requires a helmet. Asks what is the difference between a sport bike and touring bike.
305	Chris Rosen	States that he rides a performance scooter and PIP insurance it is not same coverage. Asks why medical insurance is available if driving a car but not a bike. Supports HB 2488.
377	Chair Berger	States that the committee will not be voting this evening.
429	Dave Ganslein	States that he has been riding for 35 years states that he became active in this issue when Governor Kitzhaber labeled all Oregon motorcyclist "an indigent public burden."
441	Terry Quiring	Salem resident. Supports HB 2488 and safety education for new riders.

TAPE 20, B

062	Larry Brown	Coordinator for Columbia River Chapter. States he has been riding since age 13 mostly in rural area. States that seat belts are incorporated into automobile equipment but a helmet is optional equipment. States it should be a personal choice to wear one or not. Supports TEAM OREGON and education efforts. Believes that the helmet is a detriment because the danger is not the helmet but rather not being able to see or hear.
124	Jim Jones	Myrtle Creek resident. Comments that the strength of the helmet has not been mentioned. Asks how strong is the helmet when traveling 60 mph versus 15 mph. Supports freedom of choice.
131	Rep. Galizio	Asks to what extent has this become a symbolic debate.
165	Jones	Responds to how the public responded to a California law that required rear view mirrors. States the helmet itself is a liability.
178	Chair Berger	Notes that the helmet law was enacted by the voters of Oregon. States that speaking for the committee they appreciate their participation and appreciate the seriousness of the matter.
215	Chair Berger	Closes the public hearing on HB 2488 and adjourns the meeting at 8:43 p.m.

EXHIBIT SUMMARY

- A. HB 2488, state and federal statistical information from Troy Costales, Rep. V. Berger, 10 pp**
- B. HB 2488, prepared testimony of Roger Tower, Rep. B. Witt, 2 pp**
- C. HB 2488, prepared testimony, Bonnie Hawkins, 2 pp**
- D. HB 2488, prepared testimony, Mel Yeager, 1 p**
- E. HB 2488, prepared testimony, Andi Easton, 2 pp**
- F. HB 2488, helmet law statutes by state, Al Sims, 2 pp**
- G. HB 2488, prepared testimony, Bill Olson, 5 pp**

H. HB 2488, prepared testimony, Christine Chin Ryan, 2 pp

I. HB 2488, informational materials, Ken Ray, 20 pp

J. HB 2488, prepared testimony, Bob Avery for Rep. Bruce Hanna, 2 pp