

## HOUSE COMMITTEE ON TRANSPORTATION

May 10, 1999 Hearing Room D

8:30 a.m. Tapes 98 - 99

**MEMBERS PRESENT:** Rep. Bob Montgomery, Chair

Rep. Mike Lehman, Vice-Chair

Rep. Richard Devlin

Rep. Jim Hill

Rep. Jerry Krummel

Rep. Jane Lokan

Rep. Jackie Taylor

Rep. Vicki Walker

Rep. Larry Wells

**MEMBER EXCUSED:** Rep. Jeff Kropf

**STAFF PRESENT:** Janet Adkins, Administrator

Brad Daniels, Administrative Support

**MEASURE/ISSUES HEARD:** SB 1228 Public Hearing and Work Session

SB 583A 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
TAPE 98, A		

004	Chair Montgomery	Opens the meeting at 8:35 a.m. Opens the public hearing on SB 1228.
<b><u>SB 1228 PUBLIC HEARING</u></b>		
007	Janet Adkins	Committee Administrator. Explains SB 1228, which places additional requirements on boat hull identification.
020	Paul Donheffner	State Marine Board. Supports SB 1228. Describes the three provisions of the bill. Notes that the bill brings Oregon into compliance with existing federal law concerning hull identification ( <b>EXHIBIT A</b> ).
033	Chair Montgomery	Asks about the effect on a documented boat that does not have numbers.
035	Donheffner	Replies that the bill applies to undocumented vessels.
038	Chair Montgomery	Asks if documented vessels will be required to post numbers.
039	Donheffner	Replies that documented vessels have numbers that are issued by the U.S. Coast Guard. Adds that the hull identification number is different than the registration number.
043	Adkins	Asks if the bill applies to personal watercraft.
046	Donheffner	Replies yes.
048	Chair Montgomery	Closes the public hearing on SB 1228. Opens the work session on SB 1228.
<b><u>SB 1228 WORK SESSION</u></b>		
<b>050</b>	<b>Rep. Hill</b>	<b>MOTION: Moves SB 1228 to the floor with a DO PASS recommendation.</b>
053	Rep. Lokan	Asks if there is a cost or fee for the service.
055	Donheffner	Replies no. States that the numbers are already affixed to the vessel by the manufacturer.
<b>058</b>		<b>VOTE: 7-0</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>  <b>EXCUSED: 3 - Devlin, Kropf, Krummel</b>

	Chair Montgomery	<p><b>The motion CARRIES.</b></p> <p><b>REP. LOKAN will lead discussion on the floor.</b></p>
068	Chair Montgomery	Closes the work session on SB 1228. Opens the public hearing on SB 583A
<b><u>SB 583A PUBLIC HEARING</u></b>		
070	Adkins	Explains SB 583A, which would require only persons under 21 to wear motorcycle helmets.
095	Melvin Yeager	Education Director, ABATE (This stands for...?). Supports SB 583A. Notes that ABATE and BikePAC have made education their number one focus, which includes the Motorcycle Awareness Program. Acknowledges the decline in the number of accidents and motorcycle-related deaths about the time the helmet law was passed, but denies that the law caused the reduction ( <b>EXHIBIT B</b> ).
145	Yeager	Concludes that helmets do not prevent accidents and may benefit or harm the rider depending on the accident. States that the rider should decide whether or not to take the chance. Reports that the focus of SB 583A is on the right to choose, not on denial of helmets' efficacy.
167	Rep. Lehman	Asks if the Governor continues to support the mandatory helmet law.
171	Yeager	Expresses uncertainty.
174	Rep. Hill	Asks what happens to the human head when it comes in contact with the pavement or a solid object at 35 miles per hour.
177	Yeager	Replies that the a number of things could happen depending on whether the person was wearing a helmet.
187	Chris Cuevas	Motorcycle Unit, Oregon State Police (OSP). Opposes SB 583A. Agrees that training and education are important, but indicates that training will not entirely prevent accidents. Indicates that OSP troopers would still be wearing helmets even if the helmet law is repealed ( <b>EXHIBIT C</b> ).
232	Rep. Wells	Asks about eye protection in the absence of a helmet.

236	Cuevas	Replies that there are goggles or protective eyeglasses, which are important protection against flying objects.
250	Rep. Walker	Asks if any injuries can be traced to the use of a helmet.
252	Cuevas	Replies no. Adds that the helmet has protected troopers.
260	Rep. Walker	Asks if troopers engage in high speed pursuits on motorcycles.
262	Cuevas	Replies yes, adding that they do train for high speed chases.
270	Ken Ray	Legislative Affairs Director, BikePAC. Supports SB 583A. Notes that freedom of choice is a common, but not the only, argument for helmet reform. States that helmet laws are irrelevant in controlling accidents or deaths. Describes the composition of the Oregon Health Policy Institute (OHPI) Motorcycle Technical Review Panel. ( <b>EXHIBITS D &amp; E</b> ).
330	Ray	Discusses myths and facts about helmet laws, including the use of faulty studies, the contention that helmets prevent accidents, and the attribution of the decline in deaths to the helmet law. Contests these myths and their factual basis. Indicates that, rather than increased education helmet laws have erroneously taken the credit for accident declines.
389	Ray	Reports that a repeal of helmet laws does not coincide with an increase in motorcycle deaths. Discusses the argument for freedom of choice. Adds that the OHPI report underlines the inability to measure the financial effect of helmet laws.
<b>TAPE 99, B</b>		
014	Rep. Walker	Cites page 3 of <b>EXHIBIT D</b> . Asks if he agrees with the statement that helmets have protective value.
032	Ray	Agrees with the statement, but underlines that the report should be taken as a whole. Indicates that riders should choose.
044	Rep. Walker	Cites page 3 of <b>EXHIBIT D</b> . Asks about articles which connect severity of injuries with helmet use.
047	Ray	Replies that many of the articles were taken from trauma centers, which see only the most severe cases.
064	Rep. Walker	Asks about Ray's view of seatbelts.

067	Ray	Replies that seatbelts are proven to work, while helmets are not. Emphasizes that they are not the same issue.
075	Rep. Lehman	Asks about the Governor's view of the helmet law.
078	Ray	Expresses hope that the Governor will look at the facts objectively. Expresses uncertainty as to his actual feelings.
090	Rep. Lehman	Asks if it would be better to refer the measure to the voters.
095	Ray	Replies no, stating that motorcyclists lack the money to combat erroneous arguments. Stresses that they look to the legislature to make an intellectual, not emotional, decision.
111	Rep. Hill	Asks if he would wear a helmet in a hypothetical situation involving a stationary motorcycle.
116	Ray	Replies that the hypothetical situation is not necessarily pertinent to the bill.
125	Rep. Hill	Asks if he would wear a helmet if the motorcycle is moving.
131	Ray	Replies that he would wear a helmet.
134	Rep. Lokan	Cites page 12 of <b>EXHIBIT D</b> . Asks if helmets increase the probability of crashes.
142	Ray	Replies that this topic has not been researched.
150	Grant Higginson	State Health Officer. Opposes SB 583A. Agrees that education and training are important safety measures in addition to the helmet law. States their belief that helmets and the helmet law prevent accidents. Discusses the OHPI report's conclusions concerning helmet use, prevention of injuries and impact on health care costs. Underscores that helmets are effective safety devices ( <b>EXHIBIT F</b> ).
208	Higginson	Notes that public responsibility surmounts the freedom argument. Reiterates that repeal of the helmet law will increase costs to the public. Adds that the voters have already voiced their support of a helmet law.
234	Rep. Lokan	Asks about the rarity of brain stem and spinal cord injuries due to helmet use.
243	Higginson	Replies that the most common injury would be brain trauma. Compares the example of injuries related to helmet use with injuries related to seatbelt use.

257	Rep. Hill	Asks what happens to the human head when it comes in contact with a solid object at 35 miles per hour.
260	Higginson	Replies that the hard portion of the head stops while the brain keeps moving.
265	Rep. Hill	Asks what happens to the human head when it comes in contact with the pavement at 35 miles per hour.
266	Higginson	Replies that head trauma and lacerations would result.
274	Scott Gallant	Oregon Medical Association. Opposes SB 583A. Emphasizes common sense and economic costs in the debate over helmets.
313	Brad Higbee	American College of Emergency Physicians. Cites statistics about increases in fatalities and severe injuries for motorcyclists who do not wear helmets. Refers to page 3 of <b>EXHIBIT G</b> . Suggests that the age restriction will not be effective ( <b>EXHIBIT G</b> ).
358	Rep. Devlin	Asks if the public would incur the cost of caring for a person who is unable to function due to head injuries.
369	Higbee	Replies yes.
378	Sen. Gary George	District 2. Supports SB 583A. Discusses the importance of relative risk and preventative training. Cites statistics concerning causes of all deaths, the relatively small number of motorcycle deaths and the number of deaths in states with and without helmet laws.
<b>TAPE 98, B</b>		
027	Sen. George	States that SB 583A is not an anti-helmet bill. Stresses the importance of choice and putting the issue into perspective.
039	Rep. Hill	Asks what happens to the human head when it comes in contact with the pavement or a solid object at 35 miles per hour.
040	Sen. George	Replies that trauma will result with or without a helmet. Reiterates that the solution is training and education.
052	Rep. Hill	Notes that accidents are unplanned events. Asks what happens to the human head when it comes in contact with a solid object at 35 miles per hour.
055	Sen. George	Replies that, clearly, the body was not designed to do this.

063	Chris Vieira	ABATE. Supports SB 583A.
076	Frank Saxton	ABATE. Stresses the importance of choice and freedom. Indicates that helmets restrict a person's vision and hearing. States that riders know more and have the right to choose concerning safety equipment. Calls attention to the number of people in support of the bill. Reiterates that the focus should be on accident prevention through education and training ( <b>EXHIBIT H</b> ).
135	Chair Montgomery	Closes the public hearing on SB 583A. Adjourns the meeting at 9:45 a.m.

Submitted By, Reviewed By,

Brad Daniels, Janet Adkins,

Administrative Support Administrator

#### **EXHIBIT SUMMARY**

**A ñSB 1228, written testimony, Paul Donheffner, 3 pp.**

**B ñSB 583A, written testimony, Melvin Yeager, 1 p.**

**C ñSB 583A, written testimony, Chris Cuevas, 1 p.**

**D ñSB 583A, written testimony and report, Ken Ray, 31 pp.**

**E ñSB 583A, written testimony, Ken Ray, 2 pp.**

**F ñSB 583A, written testimony, Grant Higginson, 3 pp.**

**G ñSB 583A, written testimony, Brian Higbee, 3 pp.**

**H ñSB 583A, letter, Brian Stovall, 3 pp.**