



CASE STUDY

BUILDING A MOTORCYCLE HELMET SAFETY COALITION THE PENNSYLVANIA EXPERIENCE

Issue

Repeal of Pennsylvania's 30 year old all-rider motorcycle helmet law has been an objective of a group of vocal and persistent motorcyclists that includes the Alliance of Bikers Aimed Towards Education (ABATE), the national organization of cyclists dedicated to repealing helmet laws.

ACEP Position

"The American College of Emergency Physicians believes that public information, laws and enforcement, and engineering enhancements have all been shown to play an important part in reducing motor vehicle trauma. Legislatures should adopt and enforce laws requiring all motorcyclists, bicyclists, and in-line skaters to wear helmets."

Background

Helmet laws work. Reputable scientific and medical research indicates that head injuries are a leading cause of death in motorcycle crashes. When involved in a crash, an unhelmeted motorcyclist is 40 percent more likely to incur a fatal head injury and 15 percent more likely to incur a non-fatal head injury than is a helmeted motorcycle rider. The Crash Outcome Data Evaluation System (CODES) study found that motorcycle helmets are 67 percent effective in preventing brain injuries and that unhelmeted motorcyclists involved in crashes were more than three times more likely to suffer brain injury than those using helmets.

Nationwide, taxpayers pay between 60 and 80 percent of the cost of caring for injured motorcycle riders. Brain injuries require costly treatment and rehabilitation. According to the Hospital and Healthsystem Association of Pennsylvania, the average

cost of hospitalization of a motorcyclist with a head injury is more than \$43,000. Federal law (EMTALA) requires that hospitals stabilize these patients even though less than half the cost of motorcycle injuries is covered by private health insurance. The remaining cost for caring for injured motorcyclists is then shifted to state taxpayers and health care providers. According to estimates from the National Highway Traffic Safety Administration (NHTSA), repeal of the all rider helmet law would cost Pennsylvania taxpayers more than \$32 million annually in medical and rehabilitation costs, lost productivity and other expenses.

Legislative History in Pennsylvania

All-rider repeal advocates have worked tirelessly in Pennsylvania on this single issue for many years. They have cultivated relationships with key legislators, worked on campaigns, and orchestrated a well-organized public relations campaign to enhance their public image. In the past few years, the repeal lobby has worked behind the scenes and almost succeeded in repealing the law without any public hearings.

In September 1997, a legislative friend of the helmet repeal lobby offered an amendment to an unrelated House transportation bill. The repeal amendment provided for eliminating the requirement for protective headgear or eyewear by any rider 21 years of age or older who has completed a motorcycle rider safety course approved by the Pennsylvania Department of Transportation, provided the rider has evidence of insurance.

The amendment passed the House and went to the Senate where it was left pending in the Senate rules committee during the final minutes of the 1999 legislative session. The Senate subsequently passed the repeal measure by a 3-vote margin. The measure then went to the

Governor's desk in November, where enactment was assured unless it was specifically vetoed.

While Pennsylvania ACEP had been carefully monitoring the helmet repeal activity, the last-minute action in the legislative session made it virtually impossible to stop it at that point. It appeared that the grassroots lobbying effort by the repeal advocates had been successful by this last minute stealth attack on the all-rider law. However the last minute trickery served as a rallying call to action for motorcycle safety advocates concerned about the measure. Once the bill went to the governor's desk in November, he had one month to either veto the measure or let it become law. The governor had already indicated that he would sign a repeal bill if it reached his desk. During that month, Pennsylvania ACEP and its motorcycle safety allies worked intensely to convince the governor to veto the repeal measure.

Pennsylvania ACEP spearheaded the formation of a coalition joined by:

- The Pennsylvania Medical Society
- The Hospital and Healthsystem Association of Pennsylvania
- The Pennsylvania Emergency Services Health Council
- The Pennsylvania Nurses Association
- The Pennsylvania Emergency Nurses Association
- The Epilepsy Foundations of Eastern and Western Pennsylvania
- The Pennsylvania Chapter of the American Academy of Pediatrics
- The Pennsylvania Psychiatric Society
- The Pennsylvania Trauma Systems Foundation
- Advocates for Highway and Auto Safety

As the struggle to convince the governor to veto the bill ensued, the coalition was advised that the battle would primarily be fought in the media. Pennsylvania ACEP and others contacted a variety of media sources, including the

major newspapers in Philadelphia, Pittsburgh, and Harrisburg, where the veto effort received excellent editorial support. Letters to the editor were written in key legislative districts to help influence potential swing votes. The coalition partners also sponsored a full-page advertisement in Harrisburg's main newspaper just before the December holiday season. A news conference was held at the Capitol with the motorcycle safety healthcare coalition partners in white coats filling the rotunda with emotional presentations and anecdotal experiences about the tragedy and the cost of closed head injuries. The event culminated with the President of the Pennsylvania Emergency Services Health Council (a PaACEP member) urging the governor to veto the helmet repeal law and provide a great holiday gift to Pennsylvanians.

The motorcycle safety coalition had thoroughly mobilized its grassroots army for the veto fight. Pennsylvania ACEP communicated effectively with its members through the use of broadcast email and faxes with key talking points. The flood of contacts into the governor's office was impressive. Many lay and professional constituents called and registered their opposition to the repeal legislation. The governor's staff indicated surprise with the volume of calls from those wanting to maintain the current all rider-law.

On the last day before the bill would become law, the governor vetoed the helmet repeal legislation, saying that he was concerned that the bill eliminated both the requirements for "helmet and eyewear protection." He noted, however, that if a bill were to reach his desk with a repeal of the helmet law alone, he would sign it.

One month later, the legislature began a new session. The state senator who had repeatedly introduced the all-rider helmet repeal legislation in past sessions immediately reintroduced the repeal measure.

The helmet safety coalition immediately resumed its opposition to the bill. In a successful effort to garner publicity

for the coalition's effort, Pennsylvania ACEP and the state medical society taped rolls of lifesavers to colorful plastic helmets tagged with the message, "Motorcycle Helmets are Lifesavers." The helmets were distributed to Senate offices primarily by members of the Alliance of the Pennsylvania Medical Society. Coalition members then contacted several newly elected senators who had not voted previously and urged them to oppose the repeal legislation.

One newly elected senator had been a state representative during the House's consideration of the repeal. He had voted against repeal but was thought to be reconsidering his position. He had experience working in the EMS community and was contacted by EMS opponents of the repeal effort and urged to oppose the bill. A Pennsylvania ACEP member hosted a mini-internship (see *Physicians' Guide* section on how to host a legislative mini-internship) for the legislator in his ED. This helped galvanize the senator's opposition to the repeal effort. In fact, this senator ultimately became an ardent opponent of the repeal legislation on the Senate floor.

Another Senate leader expressed interest in learning more about the issue from the emergency physician's perspective. Again, a mini-internship was arranged where he met with a Pennsylvania ACEP member that he credited for changing his position from cosponsor of the repeal effort to being a solid vote against repeal.

Yet another Senator who had voted for previous repeal bill said he was amazed by the outpouring of unified resolve among both medical and lay constituents that the helmet law should not be repealed. He said this played a significant role in his decision to vote against repeal.

As in the previous battle to convince the governor to veto the repeal bill last session, the media continued to be a strong ally of the chapter's effort. Newspapers in large and smaller but influential markets printed a series of editorials on the importance of maintaining the current helmet law. During a National Public Radio talk show program in the Philadelphia area

callers, including motorcyclists themselves, expressed overwhelming support for maintaining the current law. One caller was particularly impressive. He was the chair of the Delaware Valley area organ transplant foundation. He made an impressive argument in favor of keeping a law that saves many lives.

The state senate leadership decided to have a vote on the helmet repeal bill in April 1999. A last minute flurry of coalition activity was focused on senators who had indicated that they were not yet certain of their position on the measure. In a very close vote, the Senate voted 26 to 24 to oppose repeal of the all-rider helmet law. While the margin of victory was small, the vote was significant and reinforced the message that hard work and an effective coalition of health care and lay organizations can make a difference in protecting the health and safety of the state's citizens.

One very important piece of this legislative success story still remained. Pennsylvania ACEP held its 1999 Scientific Assembly in Harrisburg. It provided chapter members with an important opportunity to thank those legislators who stood with the chapter in opposition to the repeal effort and to tell those legislators who supported repeal that on some issues, "agreeing to disagree" was part of the process and that they may find themselves working together on other issues of concern.

In stark contrast, the bikers' annual May rally was filled with harsh criticism of

those who voted against repeal of the helmet law.

Arguments in Favor of This Position

See summary of testimony above.

Arguments Against This Position

The repeal advocates use the following arguments to support their position in support of repeal:

Helmets obstruct critical vision

Helmets obstruct peripheral vision

Helmets can cause fatigue that contributes to crashes

Helmets can build up dangerous temperatures inside the helmets

Helmets interfere with critical hearing

Legislative History in Other States

See attachment—

Potential Proponent Organizations

See legislative history above.

Potential Opponent Organizations

- ABATE
- Local Motorcycle Clubs
- “Personal Freedom” Advocates

Although Pennsylvania ACEP successfully led the effort to defeat the all-rider motorcycle helmet repeal effort, the repeal threat continues. Chapter leaders and executive staff continue to strengthen the relationships they established with their supporters and continue to meet with newly elected legislators to educate them about the importance of helmets to the health and safety of all motorcyclists in the State of Pennsylvania.

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