



URGENT: Action Needed to Defeat Amendment to LB 138 to Repeal All-Rider Motorcycle Helmet Requirement

Background on Status of Nebraska Bill to Repeal All-Rider Helmet Requirement:

Numerous efforts have been made to repeal Nebraska's all-rider helmet law since it was first enacted more than 33 years ago. They have all failed, and for good reasons. This year, lawmakers introduced Legislative Bill (LB) 91, that would effectively eliminate the state's all-rider helmet law by allowing motorcycle operators and passengers 21 years of age or older to be exempt from helmet requirements if they take basic rider education and training and wear eye protection. The measure also reduces enforcement to secondary.

[LB 91](#) was indefinitely postponed in March 2023. On May 24, an amendment, which is essentially LB 91, was successfully tacked onto [LB 138](#). LB 138 is pending a vote for final passage.

Outcomes projected by those on the ground are not favorable for retaining the state's all-rider motorcycle helmet requirement. LB 138 includes transportation language that has wide support, and the helmet repeal amendment received 30 votes, majority support, last week. It is expected that LB 138 will be on the agenda for May 31, that it will pass, and that Gov. Jim Pillen (R-NE) will sign the bill. There are four days remaining in the legislative session so there is still time to urge that the helmet repeal amendment is stripped.

Our Ask: Please contact leadership TODAY and urge them to strip the helmet repeal amendment: **Nebraska Unicameral Legislature Leadership:**

- Sen. John Arch, Speaker of the Legislature: jarch@leg.ne.gov, 402-471-2730
- Executive Board Members:
 - Sen. Tom Briese, Chairperson, tbriese@leg.ne.gov, 402-471-2631
 - Sen. Ramond Aguilar, raguilar@leg.ne.gov, 402-471-2617
 - Sen. Beau Ballard, bballard@leg.ne.gov, 402-471-2673
 - Sen. Eliot Bostar, ebostar@leg.ne.gov, 402-471-2734
 - Sen. John Lowe, jlowe@leg.ne.gov, 402-471-2726
 - Sen. Merv Riepe, mrriepe@leg.ne.gov, 402-471-2623
 - Sen. Julie Slama, jslama@leg.ne.gov, 402-471-2733
 - Sen. Tony Vargas, tvargas@leg.ne.gov, 402-471-2721
 - Sen. Robert Clements, rclements@leg.ne.gov, 402-471-2613

Talking Points:

- **Repealing this critical law would be a deadly and costly mistake.** For over 33 years, Nebraska's all-rider helmet law has been preventing deaths and injuries and saving taxpayer dollars in the state.
- **Motorcycle helmets are proven lifesavers and injury preventers.** In the event of a crash, helmet-wearing reduces a motorcycle rider's risk of head injury by 69 percent and risk of death by 42 percent.
- **Motorcycle crashes are costly.** Annually, motorcycle crashes cost nearly \$17 billion in economic impacts and \$107 billion in societal harm as measured by comprehensive costs based on 2019 data. Serious injuries and fatalities accounted for 83 percent of total comprehensive costs of motorcycle crashes, compared to 60 percent of the total comprehensive costs of all motor vehicle crashes. In 2019, motorcycle helmets were preventing \$21.2 billion in societal harm costs annually, but another \$9.4 billion in harm costs could have been prevented if all motorcycle riders had worn helmets.
- According to a report by the Government Accountability Office (GAO), **laws requiring all motorcyclists to wear helmets are the only strategy** proven to be effective in reducing motorcyclist fatalities.
- **A partial age helmet law, as created by LB 138, is extremely difficult for a police officer to enforce.** Police will be unable to know if a motorcyclist riding by without a helmet is over 21 and has the required

health insurance, and especially as the bills would also reduce the law to secondary enforcement. Secondary enforcement requires the officer to observe an additional violation, such as speeding, before enforcing the helmet law.

- **Age-specific helmet laws, such as LB 138 would enact, are ineffective, unenforceable and unpopular.** According to the American Academy of Pediatrics, in states with weak youth-specific helmet laws, use decreased and youth mortality increased. Serious traumatic brain injury among youth was 38 percent higher in states with age-specific laws compared to states with all-rider helmet laws.
- **History shows helmet law repeals are deadly.** Experience and data have proven that states that repeal an all-rider motorcycle helmet law always experience an increase in rider deaths, serious and disabling brain injuries, and medical costs usually borne by taxpayers and the state. When Florida repealed its all-rider helmet law in 2000, rider death rates in the state increased by close to 25 percent. Deaths of motorcycle riders under the age of 21 who were not helmeted increased by 188 percent, even though the law still applied to them.
- **The public overwhelmingly supports Nebraska's all-rider helmet law.** An October 2022 survey of 8,000 Nebraskans revealed that 81 percent support Nebraska's law requiring motorcycle helmets.

Thank you for your assistance in helping to oppose the helmet repeal effort. Please contact Tara Gill (tgill@saferoads.org) with Advocates for Highway and Auto Safety if you have questions or need more information.