

Testimony for HB534 - 8a.m. Feb. 15<sup>th</sup>

EXHIBIT 15

DATE 2/15/07

Please distribute to Members of the Committee. S84



February 14, 2007

House Judiciary Committee Members  
Montana House of Representatives  
P.O. Box 200400  
Helena, MT 59620-0400

RE: OPPOSITION TO HB534

Dear Madame Chairperson, Members of the Committee:

For the record, my name is Tracey R. Feickert and I live at 42 Cemetery Loop in Terry, Montana. Thank you for the opportunity to present my testimony. I would love to be there in person and planned to today, but the roads are impassable.

It is my understanding that a mandatory motorcycle/quadracycle helmet law is being introduced for all Montana public roads. I am writing to ask you not to support such legislation.

I'd appreciate your consideration of the following:

1. I live and work on an irrigated farm and ranch in eastern Montana. With high fuel prices and low commodity prices, we try to save money any way we can, including using motorcycles and four wheelers (quadracycles) in our operation of farming and ranching activities. I've read the bill draft request and understand that a highway in Montana includes any road the public can drive on. This unfortunately includes roads through private property. A law requiring helmets to operate this machinery would be detrimental to my operation.
2. A mandatory motorcycle helmet law would hurt Montana's tourism industry. Riders traveling to enjoy Montana's great outdoors in the summertime would no longer visit here. Furthermore, riders will not come through the state of Montana on their way to gatherings such as Sturgis, etc., if they are required to wear helmets here.
3. A mandatory helmet law will not prevent accidents. In fact, "relative to the number of registered motorcycles, states with mandatory helmet laws had 12.5% more accidents and 2.3% more fatalities than free choice states for the 14 year period 1977-1990." (Source: *Accident and Fatality Statistics, analyzed by A.R. Mackenzie, M.D.*) "It is concluded that: 1. motorcycle helmets have no significant effect on probability of fatality; and 2. past a critical impact speed, helmets increase the severity of neck injuries." (Source: *Dr. Jonathan Goldstein, Bowdoin College*). "Helmets are minimally effective in preventing most injuries." (Source: *National Highway Traffic Safety Administration report to Congress, the CODES Study, 1995*). Motorcyclists have shown that they are no less responsible for bearing the consequences of their choices as any other vehicle

operator. It is not the role of government to protect people from the emotional effects of others' choices. If this were the case, laws would have been enacted against everything that has a potentially negative effect on others, such as divorce and death!

4. Education is key to promoting motorcycle safety. American Bikers Aiming Towards Education (A.B.A.T.E.) provides motorcycle safety courses every weekend with the goal of providing riders with safety techniques and information. I believe it is important to educate the public, rather than mandate safety gear. We all make choices. Being a free citizen of this country means being free to live our lives as we see fit, provided that we do not physically harm the person or property of another. It means bearing the responsibility of one's choices and decisions.

Lastly, I'd like to remind you of some meaningful words of Senator Mike Mansfield.  
"Montanans don't need Government telling them what is good for them.  
Montanans know what is right for them. That's why they are called Montanans."

It is NOT the role of government to protect one from oneself. The Declaration of Independence states that all men are "endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness." Let's keep our rights that our ancestors fought so hard for us to have!!

Please consider my statements. I appreciate your time and willingness to listen to my views on this issue. **Please do not support this legislation.**

Respectfully,



Tracey R. Feickert  
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