

February 2, 2007

Representative Rick Jore  
House Judiciary Committee  
Montana House of Representatives  
State Capitol  
P.O.B. 200400  
Helena, MT 59620-0400

Re: HB 534

Honorable Representative Jore:

Representative Erickson has introduced HB 534, a mandatory motorcycle helmet law. It has been assigned to your committee. I'd hoped that such a bill would not have introduced.

I am the national Chairman of the American Motorcyclist Association and Chairman of the Montana Motorcycle Safety Advisory Committee. Both entities support the voluntary use of motorcycle helmets by adults. Neither is for mandatory equipment or lifestyle related restrictive law.

Montana has more than 40,000 motorcyclists counting both on and off-road riders. Family members, occasional riders and ATV riders may make that a larger number. Hunters, farmers/ranchers, rock-hounds all will have to wear helmets when riding on any public way over public lands or trails across private land (see definition of "highway" in 60-1-103(19), MCA). Many of those riders wear helmets but most are very opposed to mandatory restrictions on lifestyle choices for adults.

Many of us believe that safety training for auto drivers and motorcycle riders is much better than making restrictive legislation. Montana has a fine program run by MSUN, the Montana Motorcycle Rider Safety Program. It has now trained a number of riders equal to about one-third or more of the riders in the state.

That program is eligible to receive federal highway safety money from the Office of Highway Safety at MDOT. Motorcycle safety is one of the top five priorities set by the federal government. MDOT refuses to grant any of those dollars to the Montana Motorcycle Safety Program even though non-priority programs are funded.

A very positive, pro motorcycle rider, legislative effort would be to require that MDOT utilize federal 402 A funds to assist the Montana Motorcycle Rider Safety Program unless that program affirms that it does not have an unmet need. Such legislation was proposed some years ago but the, then, director of MDOT promised to make these funds available (he did not keep that promise).

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Motorcyclists really do not want restrictive lifestyle legislation. Speaker Sales, at his response to the State of the State speech promised that his party would oppose restrictions on Montanan's liberty. Motorcyclists have been legislatively very active in the past when faced with restrictive legislation and I know they are becoming concerned about this bill as they learn about it.

It is my belief that adults should be able to make their own choices. If others don't approve of those choices for safety or other reasons it ought to be up to the adult to choose how they want to live. Some motorcyclists don't want to wear helmets just as some horsemen don't want to wear helmets, it ought to be their choice. The choice to not wear a helmet does not cause injury to any other person.

The failure to wear a helmet does not cause an accident. Activities like cell phone use by auto drivers actually causes accidents, often it causes injury to pedestrians, bicyclists and motorcyclists. Added attention to limiting those sorts of activity could save the most lives.

Auto driver's inattentiveness causes most motorcycle accidents. Often drivers causing these accidents receive very little penalty. Many states are enacting legislation creating greater penalties for these right-of-way infractions. That type of legislation would gain the support of Montana's motorcyclists and would likely save more lives.

In closing, please reject HB 534, a bill that limits Montanan's liberty. A bill restricting liberty such a bill will cause so much dissention and bad will. We would love to work with you on positive bills that can really help Montana's motorcycle riders and gain our support.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dal Smilie', with a stylized, cursive flourish at the end.

Dal Smilie, Chairman  
American Motorcyclist Association

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