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Transportation and Telecommunications Committee January 24, 2023  
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**GEIST:** We're going to get started. Good afternoon and welcome to the Transportation and Telecommunications Committee. My name is Senator Suzanne Geist, I represent District 25 in south Lincoln and southeastern Lancaster County. I serve as the Chair of Transportation and Telecommunications Committee. We will start off having the members of the committee and the committee staff do self-introductions, starting on my right with Senator Fredrickson.

**FREDRICKSON:** Hi, good afternoon. My name is Senator John Fredrickson. I represent District 20, which is in central west Omaha.

**DeBOER:** Good afternoon, everyone. I'm Wendy DeBoer, I represent District 10 in northwest Omaha.

**MOSER:** Hi, I'm Mike Moser. I represent District 22, it's Platte County and most of Stanton County.

**BRANDT:** Hello. Senator Tom Brandt, District 32: Fillmore, Thayer, Jefferson, Saline and southwestern Lancaster Counties.

**BOSTELMAN:** Bruce Bostelman, District 23: Saunders, Butler and Colfax Counties.

**M. CAVANAUGH:** Machaela Cavanaugh, District 6: west central Omaha, Douglas County.

**DeKAY:** Barry DeKay, District 40. I represent Holt, Cedar, Knox, Antelope, northern part of Pierce and most of Dixon County.

**GEIST:** To my right is Mike Hybl, who is our committee counsel. And to my left is Caroline Nebel, who is our committee clerk. Also assisting us in our committee are the pages, Delanie and Logan. Delanie is studying political science at UNL. Thank you. And Logan is studying international business at UNL. On the table near the entrance of the room, you will find the blue testifier sheets. If you are planning to testify today, please fill out one and hand it to the pages as you come up. This will keep a-- help us keep an accurate record of the hearing. If you do not wish to testify, but would like to record your presence at the hearing, please fill out the gold sheet on the table near the entrance. Also, I would note the Legislature's policy that all letters for the record be received by the committee by noon the day prior to the hearing. Any handouts submitted by testifiers will also be included as part of the record as exhibits. We would ask if you have any handouts that you please bring ten copies and give them

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to the pages. If you need additional copies, the pages will be happy to help provide them. Testimony for each bill will begin with the introducer's opening statement. After the opening statement, we will hear from any supporter of the bills and then those in opposition, followed by those speaking in a neutral capacity. The introducer of the bill will then be given the opportunity to make closing statements, if they wish to do so. We ask that you begin your testimony by giving us your first and last name, and please also spell your name for the record. We will be using a five-minute light system today. When you begin your testimony, the light on the table will turn green. The yellow light is your one minute warning. And the red light will come on and, at that time, we ask you to wrap up your final thoughts. I would like to remind everyone, including senators, to please turn off your cell phones or put them on vibrate. And with that, we will begin the hearing with LB247. Senator Lippincott, welcome to the Transportation and Telecommunications Committee.

**LIPPINCOTT:** Thank you. Good afternoon, Chairman Geist and members of the Transportation and Transport-- communications Committee. My name is Loren Lippincott, that's L-o-r-e-n L-i-p-p-i-n-c-o-t-t, I'm a legislative representative for District number three four, 34. I've introduced LB247 on behalf of Nebraska Association of County Officials. In 2009, the Legislature transferred the responsibility for issuing motor vehicle titles from the county clerk to the county treasurer. However, statutes 28-431 was not included in this bill, and this section states that when a forfeited motor vehicle is sold, the court order shall authorize the county clerk to issue a title to the purchaser. And LB247 changes clerk to treasurer. County clerks are no longer responsible for issuing motor vehicle titles. Last year, Senator Friesen introduced LB748 to make this change, but due to the forfeited vehicle language, it was assigned to the Judiciary Committee. And the committee advanced the bill 8-0, but it ran out of time to pass it on the floor. I respectfully ask you to advance this simple bill. It could easily be included in another committee bill or eligible for consent calendar. A person from NACO will be following me, and I'm happy to answer any questions. Again, on page 5 of the bill, it just strikes out "clerk" and inserts "treasurer" in paragraph number seven. That's the only change there is. Very straightforward.

**GEIST:** OK. Are there any questions from the committee? I don't see any. Do you plan to stay for your closing? You're gonna waive closing. OK, thank you.

**LIPPINCOTT:** Thank you.

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**GEIST:** Any proponents? Good afternoon.

**JON CANNON:** Good afternoon, Chairwoman Geist, members of the Transportation and Telecommunications Committee. My name is Jon Cannon, J-o-n C-a-n-n-o-n, I'm the executive director of the Nebraska Association of County Officials, sometimes referred to as NACO, here to testify today in support of LB247. Very proud to be the first bill that Senator Lippincott got to testify on. This-- so far in his young legislative career, and hopefully there are many mores-- many more, pardon me. And I also want to thank Senator Lippincott for working with us on this. We've had a great relationship already and one longstanding with NACO. So I don't know how many people here remember, I'm a-- I'm of a vintage old enough to remember when we did personal property for motor vehicles way back in the day. And that I can't believe I just outed myself as being not young enough to not remember something, but there it is. And then in the early 90s, we changed that to a motor vehicle registration system. And generally speaking, that was something that was handled by the clerk or their designate. And in 2009, we reached a tipping point where 47 out of 93 counties had the treasurer being that designated official and so we just made it official and had the treasurer do it. They basically took out all of Chapter 60 and changed clerk to treasurer in all those iterations. However, in Chapter 28 there was still a ref-- pardon me, a reference to the clerk. And so what we're doing here today is just changing that. I can tell you that currently all 93 counties, the treasurer is taking on this duty. So all we're doing is conforming the law to the practice and what we originally intended. With that, I'm happy to take any questions you might have.

**GEIST:** Great, thank you. Any questions from the committee? I don't see any. Thank you for your testimony.

**JON CANNON:** Thank you very much.

**GEIST:** Are there any other proponents of LB247? Are there any opponents to LB247? No? Anyone willing to speak in the neutral capacity to LB247? I don't see any. And Senator Lippincott has offered to waive his closing, so that will close our hearing on LB247. And I have no letters for the record on that bill either. So thank you very much. We will move on to LB288. Good afternoon, Senator Bostelman.

**BOSTELMAN:** Good afternoon, German guys and members of Transportation and Telecommunications Committee. My name is Bruce Bostelman, spell that B-r-u-c-e B-o-s-t-e-l-m-a-n. And I, and I represent legislative

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District 23. I'm here today to introduce LB288, which requires the Department of Motor Vehicles to update their online vehicle insurance verification system. Currently, the system requires insurers providing private passenger insurance policies to transmit their book of business, which is their database that lists all of their insurance policies the insurance company has written to-- on the day twice a month, either through first or third or through the eleventh to the thirteenth of the month. But this bill proposes that the insurance-- insurers transmit their book of business onto the system at the end of each business day. This would allow law enforcement and the Department of Motor Vehicles to track in near-real-time which motorists are actually insured. For example, a law enforcement officer would be able to check the online system while at a traffic stop to see the status of an individual's motor vehicle insurance is current. I'm introducing this bill after being contacted by constituents who have been involved in accidents where the other driver involved had provided what appeared to be a proof of insurance to law enforcement at the scene of the accident. However, after the investigation, these drivers were actually not insured, meaning some individuals will purchase motor vehicle insurance, register their vehicle and then cancel their insurance and drive uninsured. Several other states around the nation have also enacted legislation with the same or similar effects to this bill. I have spoken with Director Lahm and members of the insurance industry to ensure that we are working together on this bill. I'll make it clear this bill does not create a new program or requires those who are currently exempt to report. This is, this is just changing when those companies who do report twice a month to each-- to do that each business day. I feel this is an important issue to take up which will assist our insurance companies keeping drivers insured and assist law enforcement during traffic stops in an on scene-- on the scene of an accident. I ask for your support of LB288 and its advancement to General File. I'll answer any questions you have.

**GEIST:** Thank you. Are there any questions? Yes, Senator Bo-- Moser, sorry.

**MOSER:** So do the agents who write the insurance report it? Or does the insurance company report it?

**BOSTELMAN:** The-- it would be the business would report, the agent that reports for that business. Yeah.

**MOSER:** That like--

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**BOSTELMAN:** They have a book--

**MOSER:** --the State Farm agent--

**BOSTELMAN:** --[INAUDIBLE] business. Right. They're the ones that report.

**MOSER:** --or whoever? OK.

**BOSTELMAN:** And they have to-- it's not your small-- your-- there's a threshold of how much policy I think you have to, you know, value that's there. So your small insurance agents are exempt from this. They don't report currently. It's just those who do report. So like your State Farm agent, which I'm sure.

**MOSER:** OK. Thank you.

**GEIST:** Yes, Senator DeBoer.

**DeBOER:** So if the small agencies are exempt, how do we actually ensure that, like, wouldn't that just mean that all the people who want to go get their business cancel it, go through the small insurance?

**BOSTELMAN:** Well, this time there wouldn't be a way to do that. I mean, they would report-- they are exempt from reporting. And I'll get back with you on that because I'll talk to Director Lahm about it.

**DeBOER:** OK.

**BOSTELMAN:** But right now, they're not doing the same reporting. So this would be an exemption.

**DeBOER:** So they're also not reporting right now?

**BOSTELMAN:** Right.

**DeBOER:** Well, that seems interesting.

**BOSTELMAN:** And my understanding, it's a pretty low threshold.

**DeBOER:** Oh, OK.

**BOSTELMAN:** So it's not--

**DeBOER:** So it's pretty low.

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**BOSTELMAN:** Like you're going to see--

**DeBOER:** OK.

**BOSTELMAN:** You're not going to see a lot of companies.

**DeBOER:** Got it.

**BOSTELMAN:** And there's probably-- I'm sure there's someone behind me that can probably answer that question for you.

**DeBOER:** Perfect

**GEIST:** Senator DeKay.

**DeKAY:** Thank you, Chairman Geist. Senator Bostelman, in Nebraska, do you know-- and I don't know, that's why I'm asking-- do you know what the penalty is for vehicle owners that aren't carrying insurance and get found out? Do you-- is there like the fine that's involved with that? Or do you know?

**BOSTELMAN:** No, I don't know right off the top of my head. I don't. I do believe that they're no longer driving a vehicle at that time if they're cited. So but I'm not sure. I don't know what the--

**DeKAY:** I was just cur--

**BOSTELMAN:** --what the fines are. What it is.

**DeKAY:** I was just curious if it correlates like with what Iowa does. I do know that over in Iowa, if they don't have insurance that it doubles or whatever fine they would have going forward. So it gets pretty costly pretty fast for those people so.

**BOSTELMAN:** I can find out if you like. But no, I don't know right off the top of my head.

**DeKAY:** All right. Thank you.

**GEIST:** And I think you mentioned this in your testimony, but I just wanted to clarify, did you say this is done in other states? This type of reporting is done in other states?

**BOSTELMAN:** Yes.

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**GEIST:** OK. All right, good. Any other questions? Oh, yes, Senator Fredrickson.

**FREDRICKSON:** Thank you, Chairman Geist. So to follow up on that question, given that this is done and kind of just looking at the fiscal note here on this, so presumably the infrastructure to actually implement something like this is something that we could model off of another state who does this reporting.

**BOSTELMAN:** So it would be similar legislation. You know, it's-- the program it is, there's a number of other states, so it's very similar. There's other states that look like they do the same thing, but through our research, we really couldn't say, yes, definitely these states do. But [INAUDIBLE], yes.

**FREDRICKSON:** Thank you.

**GEIST:** Yes, Senator Brandt.

**BRANDT:** Thank you, Chairman Geist. Thank you, Mr-- or Senator Bostelman, for bringing this bill. Recently got my license plates at the Jefferson County Courthouse. Of course, State Farm being State Farm, I took in a stack of insurance cards because we license 14 vehicles once a year. Is there any way that we can go to the next step that the courthouse can see automatically that all these vehicles are licensed and save this huge tree-killing effort out there to mail all these cards and everything, that this whole thing could be automated? Is this--

**BOSTELMAN:** I'm sure there's a way.

**BRANDT:** OK.

**BOSTELMAN:** I mean, I'm sure there is, but that doesn't address that I'm-- the possibility, is there. You know, it's something I think I talked to Director Lahm about because I know there's other things, Game and Parks, you know, you license, you're going to have. You have a fishing license, whatever pulls up. So I'm sure it would be a matter of giving the program the software to do it if they don't have it already.

**BRANDT:** Yeah, I fully support this. I think this is a step in that direction. So hopefully, hopefully we can get there sooner rather than later. Thank you.

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**GEIST:** Any additional questions? I don't see any. Do you plan to stay to close?

**BOSTELMAN:** Yes.

**GEIST:** OK. Thank you. Are there any proponents for LB288? Hello there.

**MARK RICHARDSON:** Good afternoon, Senators. My name is Mark Richardson, M-a-r-k R-i-c-h-a-r-d-s-o-n, I am here today testifying in support of this bill on behalf of the Nebraska Association of Trial Attorneys. We like this legislation. We like any sort of legislation that is going to increase the-- or ensure-- better ensure the chance of there being insurance coverage for motorists on the roadway. We as trial attorneys representing a lot of people that get injured on the roadways come across all too frequently situations where there is no coverage out there. You have an uninsured motorist out on the roadway. All that does is drive up premiums for your own insurance because you're going to have your own underinsured motorist claim or uninsured motorist claim, I should say, in that situation. And so it's just from my perspective, from our perspective, that's going to drive up the premiums for the rest of us that are being responsible. So the more that we can have people making sure that they're insured, the better. That would be our-- the general reason why we would support legislation like this. It just goes that extra step to make sure that people aren't getting their insurance so that they can get their driver's license, get their vehicle registered, and then immediately drop their insurance afterward. This will be a better way to check that. Having said that, we always think that there can maybe be some improvements to legislation or proposed legislation. This is no exception. We would note that in this, the way this bill is drafted right now, it indicates that it basically applies to private passenger motor vehicles and that-- I would love to see that language expanded to include common carriers, meaning over-the-road trucks, just to ensure that they have the same reporting requirements as the average citizen or-- the insurance companies have the same reporting requirements for over-the-road trucks as they do for the average Nebraska citizens that they represent. There was a case that came before the Nebraska Supreme Court two years ago, the Gomez case, where we had an over-the-road carrier that was-- or there was an over-the-road truck that was playing this game where they would go and get insurance up to the federally mandated limits of-- minimum limits of \$750,000. And then two months later, they dropped it back down to what is the only required limit that, that insurance companies have to provide coverage for, which is the state minimums of \$25,000 per



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incident, \$50,000-- I'm sorry, \$25,000 per person, \$50,000 per incident. So they get the 750, two months later, they drop it back down to the minimum limits. They go and get their-- with their over-the-road truck, they get in a collision and all of a sudden they've caused huge damages and there's \$25,000 in coverage there. Tried to hold the insurance companies accountable for that by saying, you shouldn't have allowed them to drop those limits below 750. And there were varying factors out there with the Supreme Court that came back and said that's impractical. That's impractical to require the insurance companies to always issue 750 policies, because you could be getting insurance from here and here and here and here. You can't guarantee what those coverages are. This is another step in helping fix that. If common carriers are included in this, it's requiring that those limits be reported. It gives law enforcement a way to make sure that those, those companies aren't dropping those. And it's our understanding, at least the way I've been educated about this, is that that is more for the smaller companies that might be inclined to do this. You're Crete Carriers of the world, the big corporate trucking companies, this isn't an issue. They're always very well insured. They, they're doing the responsible thing. But every once in a while we get companies that pop up here and there that try to play this game with us. This would be another mechanism for improving that. So we'd like to see that fixed. But on the whole, we like the bill. We think it's worth supporting and that's why I'm here testifying today.

**GEIST:** Great. Thank you for your testimony.

**MARK RICHARDSON:** Thank you.

**GEIST:** Are there any questions from the committee? Yes, Senator Moser.

**MOSER:** Do you have an opinion about the current requirements for the level, the dollar amount of insurance?

**MARK RICHARDSON:** Do I have opinions on that?

**MOSER:** Yes.

**MARK RICHARDSON:** Oh, absolutely. Yeah. I mean, if you're going to ask me on the private vehicles, 25 and 50 is rarely sufficient for even the most minimal car crashes these days. I mean, one visit to the ER and you're going to end up with a, with a medical, medical bill, especially if you go by ambulance, you're gonna end up with medical bills of \$10,000 or more. And that does nothing to the actual pain and

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suffering and all those other things, lost income, that you have to deal with. \$25,000 rarely covers it. So on the private side, we've introduced or we've been in support of, of legislation time and time again that increases that. It-- never made any headway with it, but we keep trying. On the federal motor carrier side where they-- it depends on the type of over-the-road truck you have. It's either 750 or it's a million depending on what kind you are. I mean, that is obviously a huge, substantial improvement. I'm not going to be anywhere near as critical of those numbers, but yeah.

**MOSER:** Are the, are ag vehicles regulated separately?

**MARK RICHARDSON:** Ag vehicles are-- OK, I'm stepping a little bit outside my exact area of expertise, but my understanding is ag vehicles are treated differently, but there are still set requirements for them. That I know ag vehicles don't have to necessarily have the million dollars, that there's like provisions that exclude them from that depending on the size of the operation that you're running, the number of trucks in those of issues.

**MOSER:** OK. Thank you.

**GEIST:** Any other questions from the committee? I don't see any. Thank you for your testimony.

**MARK RICHARDSON:** Thank you very much.

**GEIST:** Any other proponents? Are there any opponents of LB288? Is there anyone who would like to testify in the neutral capacity? Good afternoon.

**KORBY GILBERTSON:** Good afternoon, Chairwoman Geist and members of the committee. For the record, my name is Korby Gilbertson, it's spelled K-o-r-b-y G-i-l-b-e-r-t-s-o-n, appearing today as registered lobbyist on behalf of the American Property Casualty Insurers Association and the Nebraska Insurance Federation in a neutral capacity to LB288. First I want to get those of you who are new and haven't been here over different years when this type of legislation has been introduced, historically, it had been introduced by companies that wanted to sell their particular product to the state to be able to run the database and then use the information on that database for other reasons. That clearly is not what Senator Bostelman wants to do. And we want to work with Senator Bostelman to try to solve this issue, because trust me, insurance companies want you to be insured and we

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want you to have as much coverage as you can possibly afford. So I'll get more on that later. But switching to a new program, unfortunately, isn't probably going to solve this problem. There's no way to have all of the records be up-to-the-minute accurate. The information comes from the companies, not from the individual agents. So the companies do a dump. Most of them have the capacity to do a dump every day, some of them do not. In earlier versions of this bill, the reason why it was staggered for reporting is because if all of the companies dumped their information every 24 hours, we would lock up DMV's system. They can't handle that much data coming in all at once. So that's partially why it was set up like it is. We are not opposed to doing a daily dump. There will still be some companies that would have an issue doing that just because of their technology limitations. But we are willing to work with Senator Bostelman and DMV on that. The insurance industry has tried or is trying to deal with this on a nationwide basis, and hang on for this name. They have created an organization called the Insurance Industry Committee on Motor Vehicle Administration with an equally great acronym, IICMVA. So this organization has actually come up with some model legislation that has been adopted in 20 states and partially adopted in other states. It's actually a system where the vast majority of insurance companies can automatically plug into it, have no issues with their technology, not reading that program. Which is especially helpful when you have companies that do business all over the country. So with that, and I've talked to Senator Bostelman, we would like to work with the DMV to see if there are improvements we can make, that can be made to the system to have a more timely reporting aspect. And I can't remember who asked this, of what happens if you are driving without proof of insurance. You are subject to imme-- having your driver's license taken from you immediately. So don't forget your insurance cards. And don't-- or you actually can have proof of insurance on a mobile device now. Senator Brandt, you asked about trying to advance that. It took us six years to get that passed because people wanted the paper cards and didn't want it to be on devices. So I, I think you can find all of us saying, yes, absolutely, we're happy to help work on that. But then also, if you do have insurance on your vehicle and you just didn't have your card, you lose your license. There is a fairly lengthy process to getting your driver's license reinstated. You have to have a letter from the insurance company on letterhead that says who the person is writing the letter, gives all the information about you, when the ticket was written and things like that. Obviously you can see, that would take some time to get that done. So if this was to move forward, I think you'd want to look at making this type of

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ticket, some type of fix-it ticket where someone could show a law enforcement officer that they actually do have proof of insurance and let the officer sign off on it. Something along those lines. But I see a yellow light. I was going to address a couple of the limit issues, but I will-- if you want to ask questions, I can do that too.

**GEIST:** OK. Yeah, are there-- thank you for your testimony.

**KORBY GILBERTSON:** Yes.

**GEIST:** Are there any questions on the committee, from the committee? I don't see any, Korby

**KORBY GILBERTSON:** OK, great.

**GEIST:** Thank you.

**KORBY GILBERTSON:** Thank you.

**GEIST:** Any other neutral testimony? Senator Bostelman. He waives closing, so that will end the hearing on LB288. And before we get started on the next hearing, which is LB91, could I see a show of hands of who plans to testify in favor of LB91 and who plans to testify in opposition of LB-- OK. All right. Then we will go ahead and proceed. Good timing, Senator Hansen. Good afternoon.

**HANSEN:** Good afternoon, Chairwoman Geist and the members of the Transportation and Telecommunications Committee. My name is Ben Hansen, that's B-e-n H-a-n-s-e-n, and I represent District 16. I'd like to take a moment to just say that I miss the presence of Gary Neeman here today. He was one of the lobbyists for ABATE for many, many years, and he's been very involved with this bill specifically, and he recently passed away. So I just want to mention that for the record. He worked with me on this issue from the beginning of my time as a senator, and I always remember him as a friend. The handout I've given you has a telling picture. I hope everyone had received that. You see that little yellow state in the middle of the country, that's us. And we are surrounded by states like the dark blue have certain age requirements for helmets or the light blue have no helmet laws at all. The table includes the specifics of the age requirements and the year the current laws were implemented. Twelve of the blue states you see in the map have recently tried to reenact the helmet law for all. None have been successful. LB91 would help Nebraska join its neighbors in the common views of surrounding states. So what does LB91 do? In short, LB91 would amend current state statute to allow for individuals

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who, who are certified by the Motorcycle Safety Foundation Basic Motorcycle Rider Course and who is over the age of 21, the option to wear a helmet or not when operating or riding as a passenger on a motorcycle. This would make us one of the more restrictive states on age requirements-- most are typically 19 years and younger. It also specifies requirements for protection of an operator's and passenger's horizontal, horizontal line of vision in all operating positions. This is the third legislative session I have introduced legislation that would repeal Nebraska's helmet law, and I have learned that it is a topic involving a lot of emotion. For one, it is a freedom issue for me. Individuals who support LB91 support the freedom to take personal responsibility on their own safety. It is mandatory to take a safety course, but after that, motorcyclists would be able to make a decision. And it is a risk. I would personally wear a helmet and I would encourage everybody else to wear a helmet. But this is a risk they are free to take. And secondly, it's a hard issue. There are people who have lost loved ones or have been adversely affected by motorcycle accidents. And I could never imagine having to treat an acute motorcycle injury or have to take care of a chronic patient of this nature, and both hold weight. However, at the Legislature, it is our job to legislate not only with our heart, but with our head. The helmet is only relevant in motorcycle accidents. An estimated 80 percent of motorcycle crashes result in injury or death, helmet or not. In 2019, the states requiring helmets for all riders had a combined fatality rate of 6.3 per 10,000 riders. While in comparison, states that allow for individuals to choose helmets or not had 5.7 per 10,000 riders and a fatality rate. In 2021, motorcycle deaths accounted for 22.6 percent of motor fatalities in Nevada, a state that requires helmets on all riders, and only 7.1 percent of the motorcycle fatalities in Alaska, a state that requires 17 years old and younger to wear a helmet. Or compare Virginia state with the helmet law at 6.03 deaths per 10,000 riders versus Iowa with no restrictions at all and only 2.47 deaths. Relevant and current statistical data show that eight states that allow for individual choice and helmet requirements in 2020 either had an equal or greater percentage of motorcycle fatalities in riders who were wearing helmets. The numbers really depend on the state, the year, the weather, the blood alcohol content, the speed, and even the drivers. Carsurance [PHONETIC], one of the oldest insurance companies in the country, states that in a 2020 study about 67 percent of multiple vehicle accidents occur when the other driver violates the motorcyclist's right-of-way, but most importantly, depends on the individual. This is something I'm hoping we can all keep in mind with your testimony behind me. A lot of times we hear

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statistics that are hand-picked. And so I hope we kind of keep an open mind, an open view about really what the statistics, statistics and the data really show. And I'd like to focus on the individual. I'm not saying that people can't wear helmets. I even wrote this legislation with more safety measures on riders than 31 other states. You and any passenger would have to be 21. You both would have to be certified in the Motorcycle Safety Foundation Basic Motorcycle Rider Course or another substantially similar motorcycle rider course approved by the Department of Motor Vehicles, which I don't think any state does. This is one that we put in there last time we introduced it. These classes teach about appropriate safety on motorcycles, defensive driving and how to properly handle the bike on the road. Both would have to wear eye protection, either glasses that cover the orbital region of your face, a protective face shield attached to a protective helmet, goggles or windshield on the motorcycle or moped that protects you and your passenger's horizontal line of vision in all operating positions. Increased freedom to choose themselves, and something you've heard me say before, never a reason to make a bill or get rid of the law. But for economical reasons and tourism boost for the state will be among the reasons we can pass LB91. The opponents of this bill will give examples and personal stories of terrible accidents, which is relevant. Death in any regard is a terrible notion to fathom and one I don't take lightly or mention flippantly in this argument. However, this issue is more than a medical or even an economic issue. It's a cultural issue. There are over 80-- 83,000 proud motorcyclists residing in Nebraska that have a rich culture and history who want the option to choose for themselves to wear a helmet, not some rigid state mandate. So with that, I'd like to thank you for your time and consideration, and I would appreciate your vote to move this on to General File. Thank you.

**GEIST:** Thank you for your testimony. Are there any questions on the committee? Yes, Senator DeBoer.

**DeBOER:** Thank you, Senator Geist. Senator Hansen, do you have a mechanism or do you understand or envision or know what would be the way to sort of police this 21 and younger piece? Like how-- if I'm a police officer and someone comes by and they don't have a helmet on, obviously they're probably going to dispute that I can't get a good look at what their face is. How would I know how old they are to determine whether or not they were eligible to be one of these people who could go without a helmet?

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**HANSEN:** That's a good question. I can't with 100 percent specific say, but I would assume it's when you pull somebody over for other reasons and they're not wearing a helmet and check the license, you check their age of the license, I would assume that's one way to tell. I don't know if officers can--

**DeBOER:** I think it's a primary offense now, right?

**HANSEN:** --pull somebody over for that very specific reason. They could, I just don't know with 100 percent certainty. So hard for me to say.

**DeBOER:** So, you don't-- and maybe I'll ask someone, but you're not aware right now, and I can look it up to whether or not currently it's a primary offense to not wear a helmet?

**HANSEN:** I don't know for 100 percent certainty, yeah.

**DeBOER:** Thought it was, but I can check.

**HANSEN:** I want to check too now.

**DeBOER:** OK.

**HANSEN:** That's a good question.

**DeBOER:** Yeah, but and then and then-- so that's, that's kind of my question is how we would-- is there a decal or something you can put on the back if you're the person who has gone through the class and--

**HANSEN:** It's-- would it be like, and you know more much more about this than I do. Like if somebody is smoking cigarettes on the sidewalk, can a police officer walk up to somebody to say, show me your ID?

**DeBOER:** I mean, it's not a crime to--

**HANSEN:** Would it be similar to that? I don't know.

**DeBOER:** It's not a crime to, to-- oh, you mean if they're young?

**HANSEN:** Yeah.

**DeBOER:** It's not a crime, it's not a crime to smoke cigarettes. It's a crime to buy them.

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**HANSEN:** OK. Yeah.

**DeBOER:** That's how, that's how they do it.

**HANSEN:** [INAUDIBLE] that, too. Yeah. So I didn't know for sure how that works, but it's a good question.

**DeBOER:** OK, thanks.

**GEIST:** Senator Moser.

**MOSER:** How about somebody who would be traveling through the state and may not have the safety course that you mentioned in your bill? Are they able to go through without wearing a helmet or-- how would the arresting officer know whether they've completed that safety course?

**HANSEN:** I would think in order to get the, the motorcycle-- what do you call it, because I have it on my license-- when they put the M on your license, because it's by the Department of Motor Vehicles. The class has to be approved by the Department of Motor Vehicles so they would register whether you took it or not so you can get your endorsement.

**MOSER:** Yeah, I don't know if other states' licenses have a section for the M or it's similar--

**HANSEN:** We do on our license.

**MOSER:** I know, but other states. I mean, say somebody is going from California to New York and they come through Nebraska and they're not wearing a helmet after we change this law and then, you know, how does the-- how do the police officers or the sheriffs determine whether or not they meet the law?

**HANSEN:** That's a good question. I don't know. Be similar maybe to what other states do.

**MOSER:** Well, the other ones--

**HANSEN:** Like--

**MOSER:** --don't have as many regulations, so I guess it doesn't matter. Thank you.

**HANSEN:** Yep. Good question.



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**GEIST:** Yes, Senator Brandt.

**BRANDT:** Thank you, Chairman Geist. Thank you, Senator Hansen, for bringing this bill. Full disclosure, I'm a cosponsor on this bill. But back to what the previous two test-- or senators' questions, I would assume Nebraska would just have reciprocity with other states and just honor that license. That's-- I would assume that's--

**HANSEN:** That's what other states do.

**BRANDT:** --how the DMV is going to do this.

**HANSEN:** I think it's what other states do. Yes.

**BRANDT:** All right. Thank you.

**GEIST:** Any other questions? Yes, Senator Cavanaugh.

**M. CAVANAUGH:** Sorry, just clarification. Other states do have this 21 and over?

**HANSEN:** No, most are typically 19.

**M. CAVANAUGH:** But they have a-- take a training program and you can get--

**HANSEN:** I think we're the only ones who are going to implement that.

**M. CAVANAUGH:** What you're proposing would be the first state to implement that?

**HANSEN:** Yeah. Most states do not require you to take a motorcycle safety class.

**M. CAVANAUGH:** But this would require you to take the safety class in order to not have to be required to wear--

**HANSEN:** In order to have the option to wear a helmet.

**M. CAVANAUGH:** OK. So kind of back to Senator Moser's question, one of the arguments I've heard in the past over why we should lift the requirement is to encourage tourism traffic through the state. So I-- how would this-- maybe that's not your intention, but would this, how would this work for people coming from out of state? I assume at this moment that we would have to have signs at the state borders about this change in policy. So would this still practically require

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out-of-state individuals to wear a helmet while driving through the state unless they have gone through our requirement?

**HANSEN:** I can't answer that one with 100 percent certainty either. Somebody might be able to after me. If not, I can answer for you later.

**M. CAVANAUGH:** OK. Thank you.

**GEIST:** Senator DeKay.

**DeKAY:** Thank you, Chairman Geist. Senator Hansen, when we're talking about the safety program and stuff, is-- would there be any stipulation in place for riders that are now currently 21 and older that would per se be "godfathered" in, or would they still be required to take that safety--.

**HANSEN:** From my understanding, they would be grandfathered in.

**GEIST:** Yes, Senator Brandt.

**BRANDT:** Thank you, Chairman Geist. To clarify, you take the motorcycle safety course to get your motorcycle license in Nebraska.

**HANSEN:** The endorsement on your license.

**BRANDT:** Right. You cannot not get a motorcycle license without taking the safety course. I think that's the way it is today.

**HANSEN:** Yes, it is today.

**BRANDT:** OK. So I mean, this isn't--

**HANSEN:** Well--

**BRANDT:** This isn't an either/or deal. You can only get a motorcycle license if you take that to get your motorcycle endorsement.

**HANSEN:** I think. I'm not 100 percent certain. Somebody else behind me might be able to answer that.

**BRANDT:** All right. And then--

**HANSEN:** Because I remember before they had to-- we had to do a certain test and follow and other kinds of things when I had mine. But that was a while ago.

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**BRANDT:** And then I would assume on signage coming into the state, like with the old seatbelt laws, Nebraska didn't have a seatbelt law. I live by Kansas. When you cross the border, there's a big sign that says you have to wear a seatbelt. I didn't say you didn't have to if you're not from Nebraska. I would assume this-- they would put a plate on the bottom of our signs that say 21 and younger helmet law required. I would think everybody would understand that. Does that sound reasonable?

**HANSEN:** I think that sounds reasonable, yes.

**BRANDT:** All right. Thank you.

**GEIST:** Any additional questions from the committee? I don't see any. Do you plan to stay to close?

**HANSEN:** Yes.

**GEIST:** OK. Awesome. Great.

**HANSEN:** Thank you.

**GEIST:** Thank you for your testimony. All right, proponents. Afternoon, Senator.

**DAVE BLOOMFIELD:** Thank you. Same to you. Good afternoon, Chairman Geist and members of the Transportation and Telecommunications Committee. My name is Dave Bloomfield, D-a-v-e B-l-o-o-m-f-i-e-l-d, I'm a former state senator from District 17 in northeast Nebraska. Joni Albrecht currently holds that position. It's an honor to appear before you today in support of LB91. Some of you may be aware that I have carried similar legislation in the past. You can make it the last time we need to address this issue. I could, as I have in the past, present evidence and endless statistics about safety issues on either side of the debate. I won't do that, even though they clearly speak in favor of repeal. I could also get the numbers to show that thousands of tourists avoid our great state because of this bad law. It's not just the people that attend the Sturgis rally, but bikers avoid us like the COVID throughout the warm months. I could even come up with statistics about how much money Nebraska is losing due to this flawed law. I won't bother you with that either, even though it amounts to tens of millions of dollars. What I want to point out is that a freedom has been lost and the right is being denied. Freedom is a precious commodity that, once lost, is nearly impossible to regain. The motorcyclists have been trying since the last century. I've been

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involved for over a decade now. The law that we're asking you to repeal is the remnant of an overly zealous federal government that forced helmet laws onto the states. The idea was to protect us from ourselves. It is similar in intent to the banning of gas stoves, if today's zealous federal lawmakers proceed with that nonsense, and nearly as foolish. At this point, I'd like to quote President Ronald Reagan. Quote, Government exists to protect us from each other. Where government has gone beyond its limits in, in deciding to protect us from ourselves. LB91 as presented by Senator Hansen and do several things for the state of Nebraska. It can encourage an increase in tourism, increase revenue, and possibly encourage some new businesses. More importantly, LB91 can restore a right that has been denied for too long. Here's a quote from another U.S. president, John Kennedy. Quote, In giving rights to others which belong to them, we give rights to ourselves and our country, close quote. That is what I and thousands of Nebraskans are asking you to do. This state and this country are due for a rebirth of basic freedoms. LB91 is a good place to start. Thank you for listening. I'll try to answer any questions you might have.

**GEIST:** Thank you, Senator Bloomfield. Are there any questions from the committee? I don't see any. Thank you for your testimony.

**DAVE BLOOMFIELD:** Thank you.

**GEIST:** Any other proponents? Afternoon, Mr. Geer.

**RANDALL GEER:** Good afternoon, Senator Geist and ladies and gentlemen of the Transportation and Telecommunications Committee. Thank you for allowing me to testify here today. My name is Randall Greer, R-a-n-d-a-l-l G-e-e-r, I am currently state legislative coordinator and district rep for the Lincoln area of ABATE of Nebraska. I testify before you today as a proponent of LB91. In years past, I've testified on similar bills and brought statistics and data to support modifying the Nebraska helmet law. I'll try a different approach this year. You'll hear a lot of people mention the economic impact, including those that ride around Nebraska to attend the Black Hills motorcycle rally in Sturgis each year. While those numbers are significant, that only considers motorcycle traffic for about a month through July and August. The Nebraska riding season typically runs from late March to October. As you can see with the maps, by the maps that were provided showing helmet mandates, Nebraska is an island right smack dab in the middle of the U.S. That labels us as not motorcycle-friendly to riders across the nation. Many riders will circumvent our state solely

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because of that mandate, mandate whether they wear a helmet or not. How many of the communities in the state would benefit from any increase in tourism-- any increased tourism in seven months out of the year? Today, you'll hear opponents of this bill say that helmets save lives and that motorcycles are vulnerable. Do I feel vulnerable-- vulnerable on my motorcycle? Of course I do. I know that my 700 pound motorcycle will never win a battle royale with a 3,000 pound car. Because of that, I do things to minimize the risk. I have an endorsement on my license. I make it a point to allow adequate space between me and the traffic in front of me. And I make an effort to avoid riding in other drivers' blind spots. Since most crashes occur when a single rider is not seen, I try to reduce the amount of time I ride by myself. And when I do ride solo, I change my position in my lane frequently to make me as visible as possible to oncoming and entering traffic. These are things that are taught in motorcycle safety courses and defensive driving courses. These tools will prevent crashes, not make crashing safer. From 2016 to 2021, there were 142 motorcyclists killed in Nebraska. Of those, only 48 percent had motorcycle endorsements. That means less than half were even licensed to ride a motorcycle. How many of these would still be alive today had they learned the tools of riding safely and defensively? Safe, responsible riding will save more lives than mandated helmets. As for the DOT standard helmets from 2017 to 2021, 169 helmets were tested. Of those, only 53 passed the testing. Doing the math, that's a 68 percent failure rate. These helmets were not recalled or banned. According to manufacturers, if your helmet falls to the ground from the seat or saddle bag, it may be compromised and needs to be replaced. If I replaced my helmet as recommended, I would need a bigger house to store them all. I believe that LB91 will enhance motorcycle safety within our state by assuring that our riders have the necessary skills and abilities to prevent motorcycle crashes. I also believe that increasing motorcycle awareness through greater emphasis, training riders and nonriders alike to share the road responsibly will do more to save lives and reduce crashes than making-- trying to make it safer to crash by mandating helmet use. Again, do I feel vulnerable riding? Yes, but the wind therapy I receive riding makes it a risk I'm more than willing to accept every time I throw my leg over my bike. It's something those who ride, only those who ride can fully understand. I feel no less vulnerable wearing a helmet. Safety and education are keys. Let those who ride decide. Thank you all for your time and consideration of LB91. Please support this legislation for the riders in Nebraska. Have a great day.

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**GEIST:** Thank you for your testimony.

**RANDALL GEER:** Any questions?

**GEIST:** Yes, Senator DeBoer.

**DeBOER:** Thank you for your testimony. Can you explain? I just need some education about what the motorcycle endorsement on your license is.

**RANDALL GEER:** Endorsement is M sticker on my license.

**DeBOER:** What's, what's the process? What do you have to do to get it?

**RANDALL GEER:** Depending on which county you're in, you can go and take the safety course. There's, there's the drive, driving course-- after a written test and a driving course to show your proficiency on a motorcycle at, at the DMV there. Some of your counties will actually-- if you take your motorcycle there, they will give you an earbud and they will follow you around town to see-- shows your, shows your proficiency riding around.

**DeBOER:** And then if I don't have that and I'm riding a motorcycle, is there any consequence to me?

**RANDALL GEER:** There is a--

**DeBOER:** If I'm driving.

**RANDALL GEER:** There is a fine for not being an endorsed driver.

**DeBOER:** Got it. Thank you.

**RANDALL GEER:** Driving a motorcycle without a license.

**DeBOER:** All right. Thank you.

**RANDALL GEER:** OK.

**GEIST:** Any other questions from the committee? I don't see any. Thank you for your testimony.

**RANDALL GEER:** Thank you. You guys have a great day.

**GEIST:** Thank you. Good afternoon.

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**TODD MILLER:** Good afternoon, Senators. My name is Todd C. Miller, T-o-d-d M-i-l-l-e-r, from Lincoln. I speak to you today in favor of LB91 as a citizen of Nebraska, concerned motorcyclist and as chair of American Bikers Aimed Towards Education. It has been said, if you ask-- have to ask why I ride, you wouldn't understand. I believe that is true. So imagine it's a summer day in a nice new convertible, a few friends driving down a country road, sun in your face, wind in your hair, smell of fresh-cut alfalfa. You see it all, smell it all, with no place to go and all day to get there. Maybe you can relate. Now imagine having to wear a helmet. Would that experience be the same for you? This is what we are fighting for. This is what we want back, that summer day of riding. Maybe you can begin to understand why we keep fighting. I remember as a kid riding with grandpa in the truck, waving at every vehicle as we drove by. You don't see that much anymore. That was community, friendship, a neighbor. Bikers still do that. We are a community, hugging on first meetings, helping our neighbors, raising funds for charities. ABATE alone raised over \$24,000 last year for Nebraska charities and we are just one of hundreds of motorcycle organizations. We are not what you see in the movies. OK, that is who we are, who we aren't, and what we're fighting for here. I can testify on how uncomfortable wearing a helmet is. Restrictions to hearing, vision, and the amount of fatigue. I can testify on how it is hurting our state economically. Lost revenues, tax dollars. Our own citizens are riding out of the state solely because of the current helmet law. A straw poll estimated 90 percent of the 83,000 registered motorcyclists take a trip at least once annually out of state to ride without. The Kaiser Family Foundation has debunked the idea that insurance and medical costs will increase without mandatory laws, so why do we still have a law. Opponents of this bill bring forth filtered data to defend the position to keep the law. These regression analyses predict how many more could have lived, but this is based on assumptions. No one can predict who could have lived. They would have you believe the root cause of death on our roadways is irresponsible motorcyclists, and that helmet law fixes that. So far, it has worked. I am a quality engineer. I look at data, analyze and find the root cause of problems. What I see here is that Nebraska made a knee-jerk reaction to a problem, loss of life on the roadways, with just that assumption in mind. Creating a helmet law to solve this problem is like putting duct tape on a leaky pipe. May make you feel good that you did something, but the problem is still there. Most recent data from NHTSA from 2011 to 2020. Nationally, 224,000 deaths on the roadways from passenger cars alone; 50,000 motorcyclists died. Of those, 60 percent were wearing helmets. It's alarming, but if 60

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percent of helmets-- were wearing helmets and died, the mandate can only hope to affect the other 40 percent. I don't like to put lives in numbers, as every life is one too many. Let's not filter the data this way. It's too narrow a view. Many more lives are lost in our roads. Nearly 56,000 pedestrians died on our roadways. More people are dying walking than motorcyclists. Are they are responsible or is there some other reason? How will the helmet law stop that? Is it distracted driving the more likely root cause of our problem? I cannot count how many times I've nearly been run off the road on the bike from someone talking on the phone. Education, training and awareness programs have shown to be effective measures, reducing not only motorcycle deaths but properly instituted pedestrians, bicycles, and for all those that share the road. Truth is, some crashes are not survivable. Avoiding crashes is the only real solution. Instead of duct tape or a knee-jerk fix, let's work together. Let's work to save some lives. Tax dollars, both federal and municipal, would be better spent working for safety and education, preventing crashes, not enforcing this unjust law that only addresses one segment of the population and ineffectively at that. We, the members of ABATE believe there are better solutions and we'd be happy to share them. We just ask you to give us our rights back. Give us our summer ride in Nebraska back. Stop sending the message that helmets can make you survive a crash that should have never happened. Madam Chair, committee members, please move this bill to the floor for debate and consider supporting it to law. Thank you.

**GEIST:** Thank you for your testimony. Are there any questions from the committee? Yes, Senator Cavanaugh.

**M. CAVANAUGH:** Thank you. Thanks for your testimony. What does fresh cut alfalfa smell like?

**TODD MILLER:** Excuse me?

**M. CAVANAUGH:** Fresh cut alfalfa. I've never heard that--

**TODD MILLER:** Well, if you're from the country, it smells pretty good, I tell you what on a summer day.

**M. CAVANAUGH:** Does it? OK. All right. I've never, I've never heard that before.

**TODD MILLER:** Similar to fresh cut grass.

**M. CAVANAUGH:** OK.



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**TODD MILLER:** You can imagine that.

**M. CAVANAUGH:** Thank you.

**GEIST:** Any other questions? I don't see any. Thank you for your testimony.

**TODD MILLER:** Thank you.

**GEIST:** Any other proponents?

**KENT ROBERT:** Good afternoon, Senator Geist--

**GEIST:** Afternoon.

**KENT ROBERT:** --members of the Telecommunications and Transportation Committee. My name is Kent Robert, K-e-n-t R-o-g-e-r-t, and I'm here today representing ABATE of Nebraska as a proponent of LB91. I want to thank Senator Hansen for introducing the bill, and I want to thank Senator Bloomfield for coming down today. If you noticed, I was crossing off most of my testimony because he stole all my thunder. But I appreciate him doing that for us. So what I'm going to do is I'm just going to talk a little about-- I've been sitting in front of this committee since 2007 working on this bill. I grew up and still spend a lot of time in Burt and Washington Counties, two, two counties that have a direct line via a bridge over the Missouri River into Iowa. And what I see and have seen for all of my life is watching-- well, since 1989, watching motorcycles mount up, head east, take their helmets off and spend time and money in towns like Glenwood, Modale, Logan, Soldier, Woodbine, and now they go down to Marysville, Summerfield, Hannibal in Kansas. And they go down to St. Joe in Missouri and go to Minnesota, Colorado, Wyoming. Motorcyclists, five hours of riding a day in the summer is a lot. It's a long day, hot. And so they'll stop, you know, typical take off in the morning, stop for lunch somewhere, spend an hour, two hours in a town, spending money, filling their tanks, grabbing snacks and refreshments for the rest of the ride. Then they head off. If they're on a trip, they head off to the next destination. And so when you're talking about going for the month of traffic in Sturgis, lots of those riders are going to stay here, spend money at the hotels. But the rest of the year, they're, they're using their motorcycles as their cars like we do when we go golfing. We stay in a hotel, we spend money. It's thousands of dollars a week that it's going out of our state. There are a lot of things that we do as a society that we could say cost us. We eat red meat and potato chips.

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We drink Mountain Dew and Busch light, ride bicycles up and snowboards down mountains. We ride horses around tracks and jump out a perfectly good airplanes. There's a lot of good, a lot of activities that somebody might call poor risk or ill advised. But for others, it's the essence and enjoyment of life. I want to emphasize that with individual choice, promotion of awareness, education, training and eye protection are far more effective and proactive than mandating that all riders wear a helmet when we know that helmets do absolutely nothing to prevent accidents on the road. Can helmets save lives and lessen injury? You bet. But do they save enough lives? No. One might think we're saving a motorcyclist from himself by forcing a helmet on him, but we're never going to save a motorcyclist from an oncoming truck, a car changing lanes, or simply someone who didn't see the motorcycle and turned left. Helmets don't and never will prevent accidents. But education, awareness and rider training will. Thank you, Senator Geist, and I'll answer any questions that you may have.

**GEIST:** Thank you for your testimony. Any questions from the committee? I don't see any.

**KENT ROBERT:** Thank you.

**GEIST:** Thank you. Any other proponents? OK. Any opponents to this bill?

**ERIC KOEPPE:** Chairman Geist, members of the Transportation and Telecommunications Committee. I'm Eric Koeppe, I'm the president and CEO of the Nebraska chapter of the National Safety Council. We are in Nebraska-based nonprofit that provides program, resources and education to prevent injuries and save lives.

**GEIST:** Excuse me, Eric, could you spell your name for the record?

**ERIC KOEPPE:** Yep, and I have it spelled out right there. I said spell out and I still forget to do it. I've only been doing this for about ten years now. It's Eric, E-r-i-c, Koeppe, K-o-e-p-p-e. So of course I'm here to express our interest in opposing LB91. I will address Senator-- I think it was Brandt's comment about how do people get a license. They are not required, as far as I know, to take a motorcycle safety foundation course. Their option is to go to the DMV, take a written test and do a drive test at the DMV. I would tell you our organization offered the Motorcycle Safety Foundation course for many, many years. And it allows kind of like teen driver education, if a person passes the Motorcycle Safety Foundation course at a provider

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that they then don't have to take the test, the drive test at the DMV. So just a little clarification on that. I would like to give a few things in support of the universal helmet law. According to NHTSA, of course, helmets are estimated to be a 37 percent effective in preventing fatal injuries to motorcycle riders, 41 percent for passengers. But if we spin that around, for every 100 motorcycle riders killed in crashes while not wearing their helmets, 37 of them could have been saved, 37 out of 100. When we examine, and I think this is very interesting, when we examine the impact of Missouri's August 2020 helmet law change, the effects are telling. Missouri changed its law to allow riders 26 and older to opt out of wearing a helmet. In a period from January to October of 2020, when the helmet requirement existed, the state saw 14 riders without helmets die. In the period of January of 21 to October of 21, just one year later, after the helmet law changed, the state saw 72 riders without helmets die. That's an over 400 percent increase in the number of nonhelmeted fatalities. What's interesting is, and I think I've got it in your packet, overall traffic fatalities in Missouri during that time was a 2 percent increase. So it wasn't just the effect of overall that. Michigan is the other state that changed their traffic law, they partially repealed it. Their University of Michigan Injury Center did a partial study on it, resulted that there was a 25 percent decline in helmet use after their change in their law and a 14 percent increase in head injuries. They go on to say that those portion of head injuries that are concussion-related fell 17 percent, but the proportion of head injuries due to skull fractures increased 38 percent. The need for invasive neurosurgery increased nearly doubled from 3.7 to 6.5 percent. The acute care cost for nonhelmeted riders who were hospitalized after crash is about \$33,000, which is 35 percent higher than the cost of helmeted. When we talk about training in Nebraska, I took note that from 2012 to 2022, basic rider course certificates issued in this state dropped in all but one year, and the decrease from 2012 to 2020 was a 48 percent, 48 percent less people. According to public support, if we look at public support, the University of Nebraska-Lincoln did a study, a BOSR study last year and indicated, quote, 81 percent indicated the Nebraska law requiring motorcycle helmets should be continued, 12 per-- 12 percent indicate it should be repealed, 7 percent had an opinion. Overall, public opinion in the state is that we should continue to have a mandatory helmet law. Helmets save lives and quality of life. I encourage you to not advance LB91 from committee. Thank you for consideration. If you have any questions, I would be happy to answer them.

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**GEIST:** Thank you for your testimony.

**ERIC KOEPPE:** You're welcome.

**GEIST:** Are there any questions from the committee? Yes, Senator Bostelman.

**BOSTELMAN:** Thank you, Chairman Geist. One question I have is, maybe it's in the document you have, is there an age where there's a higher propensity for either deaths or head injuries to occur on riders or not?

**ERIC KOEPPE:** Well, I don't know the statistic on that. I will tell you that a very high majority, I think-- I shouldn't say it. I probably have it in here. Oh, I do. It's in here, it's in a chart. It's the number of riders that are under the age of 21. And I think it's the very last sheet in the pack that I handed out. As you can see there, that the people 21 and older are a significantly higher portion of riders in the state than those 21 and under. Now, I will agree with the gentleman, one of the gentlemen that talked on behalf of nonendorsed riders. I think that is a separate issue. There are far too many riders in the state that are riding without an M endorsement, meaning they not only didn't take a class, they didn't even go take the the test and the, and the permit course. So I would encourage us as a state to do something to try to get more people to get their M endorsements.

**BOSTELMAN:** Thank you.

**ERIC KOEPPE:** You're welcome.

**GEIST:** Yes, Senator Fredrickson.

**FREDRICKSON:** Thank you, Chair Geist. Thank you for your testimony. I'm, I'm looking at the chart you provided us on the Nebraska motorcycle basic rider course training certificates. And from 2012 to 2022, as you described, there seems to be a really sharp decrease there. Can you shed some light on what that course is? Is that this is an optional course--

**ERIC KOEPPE:** So, so it is an optional course. There are a number of courses. Most people take the basic rider course. That is the one that you can take and it is a basically a waiver course. If you take that course, you can go to the DMV with your certificate and you don't have to take that. So that, and that course is put together by the

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Motorcycle Safety Foundation, which is a nationwide organization, I would say almost all states recognize the Motorcycle Safety Foundation course. It is a really good course.

**FREDRICKSON:** Sure. And are there alternatives to receive this training in Nebraska? In other words, is this not necessarily an accurate measure of--

**ERIC KOEPPE:** This course is the only course allowed in the state of Nebraska that would be used for a waiver for taking the test. Certainly, there could be some other training out there, but it wouldn't have any weight carried at the DMV when you got your license.

**FREDRICKSON:** Thank you.

**ERIC KOEPPE:** Yep.

**GEIST:** Yes, Senator DeBoer.

**DeBOER:** Thank you, Senator Geist. You may not know the answer to this, but if you have to have an M on your license to drive a motorcycle, how do you learn to drive the motorcycle before you have the M on your license?

**ERIC KOEPPE:** Well, I would suspect in most cases it is, and this is just pure conjecture. It is, it grows up-- you grow up in it. It would be a lot of it. Right? People grew up in a family and a history of motorcycle riding. I'm sure the riders behind me could be better at answering this question. But the other thing is you can take beginning level motorcycle courses. When we offered them, we offered even a course that was not, it was not even a waiver course. It was meant for the person-- I think we offered it something motorcycle 101, and it was the very basics for the people that did. That is not something that I think a lot of companies offer. I know the Nebraska Safety Counsel who will be testifying still does the rider course, and they probably would be able to best answer those things.

**DeBOER:** All right. Thank you.

**ERIC KOEPPE:** You're welcome.

**GEIST:** Yes, Senator Moser.

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**MOSER:** How long does it take to complete that course to satisfy the requirement so you don't have to take the driving test when you go get your license?

**ERIC KOEPPE:** Typically, when we offered it, it was a weekend-long course. So you came in and you did classroom Friday night, that you would do some classroom and some range time both for Saturday and Sunday. Usually it was over one weekend.

**MOSER:** OK. Thank you.

**ERIC KOEPPE:** Thank you.

**GEIST:** Yes, Senator Bostelman.

**BOSTELMAN:** Thank you. I do have one question on your basic rider course information.

**ERIC KOEPPE:** Yes.

**BOSTELMAN:** You have 1,229. Do you know how many new riders or-- I mean, that tells us how many took the course, but it doesn't tell us what percentage of riders, new riders, new licenses.

**ERIC KOEPPE:** I, you know, I do not have the stat for the new licenses issued that year. That would be a good comparison. We know how many people have license, which was 104,000.

**BOSTELMAN:** [INAUDIBLE] how that, how your graph compares the--

**ERIC KOEPPE:** Yeah, that would be good. That would be good, something we can provide to you would be how many M endorsements were put on people's licenses last year.

**BOSTELMAN:** OK. Thank you.

**ERIC KOEPPE:** You're welcome. I'll make sure I make a note to get that down to you guys.

**GEIST:** Any additional questions? I don't see any. Thank you for your testimony.

**ERIC KOEPPE:** Thank you very much.

**GEIST:** Any other opponents? Good afternoon.

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**DANIEL ROSENQUIST:** Good afternoon, Chairman Geist and members of the Transportation and Telecommunications Committee. My name is Dr. Daniel Rosenquist, D-a-n-i-e-l, Rosenquist, R-o-s-e-n-q-u-i-s-t, I'm a family medicine physician in Columbus and the current president of the Nebraska Medical Association. As a part of my practice, I actually provide care for a couple of long-term injury-- or long-term care for patients who have had motorcycle injury. As the voice for Nebraska physicians, including the physicians working in emergency departments and trauma operating rooms across Nebraska, the NMA as opposed to LB91 and the repeal of the state's motorcycle helmet requirement. I'd like to make three points to the committee. First, helmets save lives. Second, helmets reduce serious injury. And third, helmets save health care and taxpayer costs. First, helmets save lives. The statistics surrounding motorcycle accidents and helmet use are clear. Though motorcycles account for only 3 percent of registered vehicles and only 0.6 percent of total miles driven per year, motorcycle crashes make up 14 percent of all traffic fatalities. According to data from the National Highway Traffic Safety Administration, the NHTSA, in 2020, more than 5,500 U.S. motorcyclists lost their lives due to motorcycle crashes. That means that more than 5,500 times a physician or other health care worker had to sit down with strangers and tell them that someone they love has now died. While there are inherent risks in riding motorcycles, helmets are the single most effective ways to save those lives. Motorcycle helmets are 37 percent effective, as we've heard previously, in preventing driver deaths and 41 percent effective in preventing passenger deaths. Helmets save an estimated 1,872 lives since in 2017, with an estimated 749 additional lives that could have been saved if all motorcyclists had worn helmets. Secondly, helmets reduce injury. In addition to saving lives, helmets reduce the risk and severity of injury. When Nebraska reinstated its helmet law in 1989, the state saw a 22 percent reduction in motorcyclist serious head injury. The CDC reports that motorcycle helmets are established-- estimated to reduce the risk of head injury by 69 percent. NHTSA reports that unhelmeted riders are three times more likely than helmeted ones to sustain traumatic brain injuries in the event of a crash. A 2018 study in the Journal of Neurosurgery: Spine evaluated over 1,000 patients involved in motorcycle crashes and showed that wearing a helmet not only protects your head and your brain, but also is protective against a cervical spine injury injury, an area that can lead to severe disability and complete, including complete paralysis. Helmets save costs. Not only do they save lives and reduce serious injuries, but they also save health care dollars. NHTSA data from 2017 suggests that helmet use in Nebraska saved nearly \$30 million in

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economic costs, including productivity, medical costs, legal and court costs, emergency services, insurance administration, property damage and workplace losses. Helmet use reduces the cost of medical treatment, the length of hospital stay and probability of long-term disability for riders involved in a car-- in a crash. And much of this cost is borne by taxpayers. Studies have looked at who pays for injured riders' medical care found that just over half of injured riders have private health insurance coverage. Therefore, the burden of caring for these patients is transmitted to society as a whole through increased governmental spending, increased costs for health care services and increased insurance premiums. While some may believe that personal freedom and liberty should prevail in this debate, the data, data demonstrates that asking motorcyclists to wear a helmet significantly mitigates health and economic risk to-- for the good of all Nebraskans. We ask that you not advance LB91 from committee. Thank you.

**GEIST:** Thank you for your testimony, Doctor. Are there any questions from the committee? I don't see any. Thank you. Any other opposition?

**JERRY STILMOCK:** Thank you. Chairperson, members of the committee, my name is Jerry Stilmock, J-e-r-r-y S-t-i-l-m-o-c-k. I'm testifying on behalf of my clients, the Nebraska State Volunteer Firefighters Association and the Nebraska Fire Chiefs Association, both groups pertaining to both fire and emergency rescue throughout the state. The, the principal company referenced, the Nebraska State Volunteer Firefighters association have over 8,000 members of the state of Nebraska. We've testified historically in opposition to the measure before. We're back again today. A couple of the questions that came up sitting in the back of the room, excellent questions. As I read through the legislation, I could not discern-- I didn't come up with the questions. How does law enforcement judge who is and who is not over 21 years of age? It is not a secondary offense, the way we recognize seatbelts right now, to my knowledge. Violations, it's treated as an infraction. It's a statutory \$50 penalty. But if I may indulge a committee, Madam Chair, I was taught by my trial advocacy judge who was a judge-- teacher who was a judge, not to read to the jury. And I try to carry that habit over to all of you. But if I'd be allowed to read a few quick sentences. The head injuries by motorcyclists could be prevented or lessened by wearing a helmet. Our societal problem and the financial and emotional costs of the injuries cannot be viewed solely as a personal choice. We can prevent injuries and fatalities which occur due to motorcycle accidents and prevent the subsequent damage to society, which results due to the cost of caring



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for the injured people, the pain and suffering which accompanies them, such injuries and fatalities for the loss of productive members of society because of the injuries. I went quickly not to bore you with me reading, but to let you know those are words of the Legislature. That's found in statute right now. It was passed as a part of the helmet law in 1988. And the, the, the proponents and of course senator bringing the item to you, want change. They want freedom of choice. But I just ask you to reflect, in 1988 those words were indoctrinated into law by your predecessors. I don't mean to preach, and I'm not. And if I have that sense, I apologize. But those words meant something then, and hopefully they continue to mean something now. For those reasons, and the reasons I've attempted to share with you, are the reasons why the clients that I represent oppose the legislation. Thank you, Senators.

**GEIST:** Thank you. Thank you for your testimony.

**JERRY STILMOCK:** Yes, ma'am.

**GEIST:** Are there any questions from the committee? I don't see any. Thank you.

**JERRY STILMOCK:** Thank you, Senators.

**GEIST:** Any other opposition testimony? Good afternoon.

**ALICIA GENTLE:** Good afternoon, Senators. I usually don't win in a footrace so.

**GEIST:** You did this time.

**ALICIA GENTLE:** My name is Alicia Gentle, it's A-l-i-c-i-a G-e-n-t-l-e, and I'm here to testify on behalf of CHI Health Creighton University Medical Center: Bergan Mercy Trauma Department, and as immediate past president for the Nebraska Emergency Nurses Association and as a nurse. Additionally, I served as an active duty air trauma nurse in the United States Air Force. I have seen firsthand the impact wearing helmets has for motorcycle riders in our state. And for the first time in 2021, motorcycle crashes were in the top three traumas seen at CHI Health Creighton University Medical Center: Bergan Mercy. As a level one trauma center, this is frightening. As a trauma coordinator, my beliefs align with the Nebraska Strategic Highway Safety Plan and agree that zero is the only acceptable number of fatalities on Nebraska roads. In fact, 22.2 million federal dollars are provided annually to the Nebraska's Strategic Highway Safety Plan and helmet

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repeal would certainly decrease the safety and increase the deaths on our roads. As Nebraskans, and has-- and has been mentioned earlier, we have seen how helmet laws affect death and injury. Nebraska reinstated the helmet law on January 1, 1989, after repealing the law in 1977. The state then saw a 22 percent reduction in serious head injuries among motorcyclists. Additionally, acute medical hospital charges for injured motorcyclists declined 38 percent. Currently, in states without universal helmet laws, 50 per-- 57 percent of motorcyclists killed in 2020 were not wearing helmets as compared to 11 percent with universal laws. Just like seat belt and speed limit laws, helmets save lives by reducing the likelihood of a crash fatality and decrease the likelihood of riders to suffer a life-altering traumatic brain injury. LB91 proposes helmet uses exempt for people over the age of 21 and has been cert-- and that have been certified by the Motorcycle Safety Foundation basic motor-- motorcycle rider course. And I agree-- I would argue that the use of these laws apply only to young riders are impossible to enforce. In 2021, the Nebraska Department of Transportation Safety Office noted that 104,975 licensed motorcycle operators 21 and older-- and 21 and older had 808, so that's only 0.8 percent of licensed operators that this law would be protecting. On a personal note, as a nurse, I carry the stories of people I could not help survive. With helmet repeal and place, injuries will become more severe and many more nonsurvivable. Thank you for your consideration for the safety of all licensed motorcycle operators in Nebraska.

**GEIST:** Thank you for your testimony.

**ALICIA GENTLE:** Thank you.

**GEIST:** Are there any questions from the committee? I don't see any. Thank you.

**ALICIA GENTLE:** Thanks.

**GEIST:** Good afternoon.

**JOHN LEFLER JR.:** Good afternoon, Chairman Geist, members of the committee. My name is John Lefler Jr., J-o-h-n L-e-f as in Frank l-e-r, and I am the executive director at the Nebraska Safety Council. I'd like to, if I could, to start by addressing a question from Senator Bostelman from earlier, if I could. With regard to your question on motorcycle requirements as far as licensing and taking safety courses, it is not mandatory to take a safety class in Nebraska unless you are 18 and under. The Nebraska motorcycle license

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requirements pro-- you need to provide proof of your identification, residency and legal presence, pass a vision exam, pay the required application and testing fees, pass the motorcycle written knowledge exam and motorcycle road skills test, or take an approved motor-- motorcycle safety training course. And I believe that the cost right now is \$24 for that DMV test. I wanted to talk a little bit about why I'm in opposition to LB91 and the effort to repeal our mandatory helmet law in Nebraska, which has been in place since 1989. Our mission, our purpose at the Nebraska Safety Council is to provide education and leadership to empower Nebraskans to live safe and healthy lives at home, at work and on the road. Our programs include training and classes that focus in the areas of wellness, safety in traffic. In fact, a commitment to traffic safety is embedded in our heritage. At the request of Nebraska Governor Frank Morrison, the Nebraska Safety Council was founded in 1961 in response to the high number of automobile crashes on our roads. The Nebraska Safety Council offers motorcycle operator training and follows the Motorcycle Safety Foundation's training curriculum. The Motorcycle Safety Foundation is the nation's leading safety resource and advocate for motorcyclists providing world-class education and training systems, as well as raising public awareness of motorcycling to promote a safe riding environment. Of all the safety gear that the Motorcycle Safety Foundation recommends, including face protection, face shields, goggles, gloves, jackets, riding suits, rain suits and hearing protection, helmets are deemed the most important piece of protective gear. The National Highway Traffic Safety Administration estimates that helmets cut the risk of a motorcycle fatality by 37 percent. Now, I mentioned the numbers earlier, and I heard in earlier testimony that they placed Nebraska motorcyclists somewhere in the neighborhood of 83,000. To give you an idea, the Nebraska Safety Council provides motorcycle education and training for approximately 100 to 125 individuals annually, Nebraskans who embrace the responsibility to develop and improve their riding skills and operate their motorcycles in a safe manner. Our class participation has grown by 25 percent during the last five years, but again, it is not mandatory to take a safety course to ride a motorcycle. I would close just by saying that a helmet law in Nebraska is not an issue that affects those that ride exclusively. This protection is something that the majority of Nebraskans want. According to the October 2022 Nebraska Annual Social Indicators Survey, 81 percent, 81 percent indicated the Nebraska law requiring helmets should be continued, with only 12 percent saying that it should be repealed and 7 percent with no opinion. The Nebraska Safety Council cannot in good conscience and in compliance with our

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mission and purpose, which has been in place since 1961, stand by and allow a bill that compromises the safety and well-being of Nebraskans to go unchallenged. Thank you for your time, and I'll take any questions that you have.

**GEIST:** Thank you. I have a question. Are the safety courses free? Are they at a charge?

**JOHN LEFLER JR.:** No, the, the cost of a safety class at the Nebraska Safety Council, it's a three-day course for motorcycles, is \$270.

**GEIST:** OK. Thank you.

**JOHN LEFLER JR.:** And that includes classroom time and two days on the range.

**GEIST:** And riding?

**JOHN LEFLER JR.:** Yes.

**GEIST:** Any other questions from the committee? I don't see any. Thank you for your testimony.

**JOHN LEFLER JR.:** Thank you.

**GEIST:** Good afternoon.

**ROBERT BELL:** Good afternoon, Chairwoman Geist and members of the Transportation and Telecommunications Committee. My name is Robert M. Bell, I am the executive director and registered lobbyist for the Nebraska Insurance Federation. The Nebraska Insurance Federation is--

**GEIST:** Excuse me, Mr. Bell. Would you spell your name, please?

**ROBERT BELL:** Sorry about that. Yes, I will. It's-- my last name is spelled B-e-l-l. Thank you for the reminder, the Nebraska Insurance Federation is the state trade association of insurance companies. The Federation currently has over 40 member insurance companies. Members of the Federation include companies who write all lines of insurance and who provide over 16,000 jobs to the Nebraska economy and over \$14 billion of economic impact to the state, and provide over \$14 billion of economic impact to the state on an annual basis. Perhaps most importantly, though, the Nebraska Insurance Federation member companies provide high-value quality insurance products that protect Nebraskans during difficult times. LB91 amends Nebraska Revised

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Statute Section 60-6,279 to allow motorcyclists who are over-- who are 21 years of age or over and who have been certified by the motor-- by the Motorcycle Safety Foundation safety course to ride their motorcycles helmetless. LB91 does mandate eye protection. Information and statistics as you already heard from the National Highway Safety Traffic-- excuse me, the National Highway Traffic Safety Administration indicates that helmet use significantly lowers the risk of both death and traumatic brain injury resulting from motorcycle accidents. So why do insurance companies care about helmet use? Increase in death and traumatic brain injury will increase the costs of policyholders in nearly all lines of insurance. Let's take an example. In a typical motorcycle accident involving traumatic brain injury, the motorcycle is required to be covered by a policy written by a property and casualty insurer, like Farmers Mutual of Nebraska, that will pay for any property damage, some limited medical payments and liability of the driver at fault. Health insurance provider-- provided either by a private insurer such as Blue Cross Blue Shield of Nebraska, an employer or the government through Medicare or Medicaid, will be responsible for the additional medical expenses not paid by the property and casualty insurer's medical payment-- medical payments and liability coverage, coverage, if any exists. With traumatic brain injury, life and health insurance companies such as Mutual of Omaha that provide life, disability and long-term care insurance products also can become involved depending on the policies and the circumstances. Even without death, some types of life insurance could be liquidated to help pay for the long-term care of the patient. All of these claims can come at a cost, costs-- cost the insurance company's policyholders who pay the premiums associated with the increased costs of medical care associated with a helmet law repeal. If insurance is not in place, some of these responsibilities for the financing of long-term care will instead fall to the hands of the state and its taxpayers-- payers, excuse me. A better solution would be to keep the current helmet law in place. For these reasons, the insurers of Nebraska oppose the passage of LB91. I appreciate the opportunity to testify. Thank you.

**GEIST:** Thank you. Are there any questions? Yes, Senator Moser.

**MOSER:** So are motorcycle insurance policies cheaper in Nebraska because we have a helmet law?

**ROBERT BELL:** I don't know the answer to that off the top of my head.

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**MOSER:** Well, you know, you might expect that if they're effective in reducing injuries and expenses, that maybe the insurance would--

**ROBERT BELL:** So, yeah. So they probably are. They probably are slightly. That would be my best guess. Now, you know, again, the amount of property damage involved in a motorcycle accident is probably relatively minor, whether or not there's a helmet involved or not. Really, where you run into the large expense is, is the injury to the individual. So and there can be, of course, some portions of the policy that would apply to that, but there would be portions of other insurance policies, if you're properly insured, that would also start kicking in on that care.

**MOSER:** You mean their auto insurance might cover them when they're riding their motorcycle?

**ROBERT BELL:** No, I'm talking about their health insurance. So--

**MOSER:** Oh yeah.

**ROBERT BELL:** --if I'm in an accident and my-- there's not coverage, I can go to my health insurance.

**MOSER:** OK. Medical insurance is not required to ride a motorcycle. Just property damage and liability?

**ROBERT BELL:** Right. You're required, I believe, under federal law. Well, that's changed a little bit, right, over, over time, it's kind of gone back and forth with the Affordable Care Act. But most Americans are required to cover some sort of medical, have some sort of medical coverage.

**MOSER:** OK. Thank you.

**ROBERT BELL:** Yep, you're welcome.

**GEIST:** Senator DeBoer.

**DeBOER:** Thank you. Can you help me kind of go through this slowly as I'm trying to parse this all out? Couldn't those who sell products to motorcyclists sort of change their actuarial tables or something so that if there were not helmets, they would say, OK, well, now it's more risky to ride a motorcycle, therefore we're going to just charge more for motorcycle insurance.?

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**ROBERT BELL:** Yeah. I mean, I believe that would be the case. I think I would make the argument that that may impact other lines of insurance just as much, if not more.

**DeBOER:** OK. So those we can set to the side.

**ROBERT BELL:** Right.

**DeBOER:** So what are the other lines of insurance that you're talking about that would, that would go up?

**ROBERT BELL:** Well, OK. So if we have more traumatic brain injury in the state overall, that, that has to be paid by somebody and a lot of times that's paid by your health insurance. So you go into a hospital, you're treated certainly there, there's some liability insurance that's going to kick in, or med pay under your motorcycle policy may kick in \$5,000. You know, you go to the hospital for a day is probably going to cost you tens of thousands of dollars, right? Well, your health insurance steps in and whether or not-- who provides a health insurance? Well, it could be a private insurer, could be an employer plan, it could be Medicare or your Medicaid or Medicare supplement policy or your Medicare Advantage policy. Or it could be Medicaid, of course, as well. So those would all-- would be in, in play. And then as well as disability products. So let's say you can't work anymore. Your disability products would start kicking in. So maybe there's an income protection product that you have or a long-term care policy, although those are becoming increasingly difficult to find, they still do exist. And so if you were going to a nursing facility for however long, those products would kick in. And all of that would, yeah, if the law passed, it would, it would affect future actuarial tables.

**DeBOER:** So is there any such thing as like you have to have a certain kind of coverage for wearing-- or for driving a motorcycle without a helmet? I mean, could, could you create a new insurance product that was, you know, driving a motorcycle without a helmet that we could require that would then take all of the burden off of--

**ROBERT BELL:** I mean, I don't know.

**DeBOER:** That's a weird question.

**ROBERT BELL:** That's pretty speculative. Yeah, but I think, yeah, they could. I mean, I don't know that they would.

**DeBOER:** Yeah.

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**ROBERT BELL:** Right? Because they would need to find it.

**DeBOER:** I mean, the cost for one of these traumatic brain injuries is, is astronomical, right?

**ROBERT BELL:** Correct.

**DeBOER:** So even one is going to be pretty astronomical.

**ROBERT BELL:** Yes. So it would probably be a low-frequency, high, high, high-risk event, right? So not going to happen very often, but when it does happen, it costs a lot of money so. And that's what concerns. That's what concerns all lines of insurance, right? Just not the property and casualty side or your motorcycle insurance, but all that other insurance that may kick in. And then depending on who's at fault in a particular accident, you could have, you know, oftentimes it's not the motorcyclist that's at fault--

**DeBOER:** True.

**ROBERT BELL:** --it's, it's the, it's the other driver or the motor carrier or a city or county or whoever may be at fault. And you know that insurance is kicking in as well. And obviously, the, the severity of those claims goes way up.

**DeBOER:** You could do some kind of comparative negligence for not wearing a motorcycle helmet as far as who was at fault. But that doesn't really help you with your insurance.

**ROBERT BELL:** Yeah. Yeah, exactly so.

**DeBOER:** All right. Thank you.

**ROBERT BELL:** You're welcome.

**GEIST:** Any other questions from the committee? I don't see any. Thank you for your testimony.

**ROBERT BELL:** All right. Thank you very much.

**GEIST:** Good afternoon.

**JULIA KEOWN:** Good afternoon. Chairwoman and members of the committee, my name is Julia Keown, J-u-l-i-a K-e-o-w-n, I'm a registered nurse representing the Nebraska Nurses Association. The Nebraska Nurses Association represents more than 30,000 registered nurses in the state



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of Nebraska. The Nebraska Nurses Association is opposed to LB91, a bill that would weaken the all-rider motorcycle helmet law in Nebraska. Motorcycle helmets save lives. It's a fact. Death rates from head injuries are twice as high among motorcyclists in states without all-rider helmet laws. According to a comprehensive study published by the National Institutes of Health in 2016, a statistical analysis of decades' worth of crash data found that motorcycle helmets reduce the risk of head injuries by nearly 70 percent. Based on the best estimates from public health researchers, the CDC estimates wearing a motorcycle helmet will reduce your risk of being killed in a motorcycle collision by nearly 42 percent. The bill proposes to add eye protection, but remove the helmet requirement for those riders over 21 years. Eye protection will not prevent catastrophic head injuries. Motorcycle helmets do prevent many of these head injuries. As Nebraska nurses, we believe that preventative measures like helmets can result in longer and better quality of life and ultimately reduce lifetime health care costs for Nebraskans. We urge you to oppose LB91 to protect the safety and well-being of motorcycle riders in our state. And then as an aside, on a personal note. And also-- so not associated with the NNA, not associated with my employer, I personally am a board-certified trauma and critical care registered nurse, and I've spent my career in local neurotrauma intensive care. So this is very much right up my alley, right? So I take care of-- we call them MCC patients, right? Motorcycle collision patients. Day in and day out. And I obviously wholeheartedly oppose this bill. So one thing that I found in this bill, to my understanding that it allows for those who are 21 years of age and older to attend a certified motorcycle course that would then allow them to ride the motorcycle in Nebraska without the protection of a safety helmet. So while I applaud the idea of these safety courses, I do think that would be quite helpful, I'm concerned that it's not going to be capable of addressing the real threat to motorcyclists. So anyone who knows anything about the epidemiology about Nebraska, or worldwide really, motorcycle collisions is going to know that the threat is not the motorcyclist themselves. It's not going to be anything that they've done wrong. It's other drivers, it's car drivers, it's vehicle drivers, it's semi-trucks, it's the rest of us, right? So we're putting the onus of responsibility by telling them you have to take this course, it's going to teach you all these things about how to, you know, do defensive driving and things like that. Well, research shows that they often have less than 2 seconds, often, if not a fraction of a second, to be able to respond to a threat on the road. None of us has that quick of a reaction. So by telling them, OK, you're going to be safer

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because you've taken this course, and you know you're going to be totally fine without wearing a helmet. No, you're not. The statistics show that. So I would, I would ask you to go to that second page. It's got two black graphs on it. And this is, you know, we're not going to get into emotion or anything like that about how awful it is to take care of long-term MCC patients. It's horrific. I have quite literally pulled brain matter out of people's heads that, you know, they have skull depression fractures and you just-- it just keeps coming and coming because the swelling is so bad, the brain just smashes itself. So aside from that, someone has done some great research on the kinetic energy in motorcycle collisions, right? So that first one shows the energy spike for a helmeted head. So the helmets are wonderful. They have foam in them. The foam not only increases the surface area for the impact, but it also absorbs that, that kinetic energy. So you can see it's got just kind of a curve, right? It would be like if I smacked my hand on the table, right? Larger surface area in your hand, it's going to have a less concentrated area for that energy to go into your head. Energy spike for a bare head, right? You can see it's just a huge spike up and down. So that would be like if I took a ball-peen hammer to this table. What's going to happen? A lot of energy that's concentrated in a very small area. That's going to smash this table, just like it's going to smash your head open. That's why helmets save lives.

**GEIST:** Thank you for your testimony.

**JULIA KEOWN:** Yeah.

**GEIST:** Are there any questions? I don't see any. Thank you very much.

**JULIA KEOWN:** Thank you.

**GEIST:** Any additional opponents? Good afternoon.

**BROOKE MURTAUGH:** Thank you, Senator Geist and the Transportation and Telecommunications Committee. My name is Dr. Brooke Murtaugh, spelled B-r-o-o-k-e M-u-r-t-a-u-g-h, and I am testifying as the brain injury program manager at Madonna Rehabilitation Hospitals, covering both Lincoln and Omaha campuses. I'm also representing the Nebraska Hospital Association. I'm an occupational therapist specializing in brain injury medicine and rehabilitation. I provided education to medical professionals on brain injury and rehabilitation regionally and nationally. I'm a certified instructor for the National Brain Injury Specialist Certification through the Brain Injury Association

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of America, an active member of the American Congress of Rehab  
Medicine's Brain Injury Special Interest Group, International Brain  
Injury Association. I also serve on the scientific steering committee  
for the Neurocritical Care Society's curing coma campaign and on the  
American College of Surgeons Committee to rewrite the traumatic brain  
injury best practice guidelines for trauma Centers. I've spent the  
last 17 years of my practice working exclusively with traumatic brain  
injury population. I implore you to vote no to LB91 and not allow LB91  
to move out of committee. Madonna's organization admitted 457 moderate  
to severe brain injury survivors to inpatient rehabilitation in fiscal  
year 2022 and served over 1,500 brain injury survivors of all  
severities. I have treated thousands of survivors of TBI during my  
career. No one can comprehend the pain and suffering survivors of  
brain injury and their families endure. There's a plethora of  
long-term deficits survivors experience for years, if not for a  
lifetime. These deficits include cognitive, mental, emotional  
challenges, long-term physical deficits and mobility and chronic pain,  
and a loss of productive employment. Survivors of brain injury are  
also at a significant higher risk for developing substance abuse  
issues, increased risk of incarceration after injury and increased  
risk of suicide. Functional outcome studies 1 to 5 years post moderate  
to severe brain injury demonstrates significant long-term deficits and  
disability. Two-thirds of individuals continue to require a formal  
caregiver. One-third require daily assistance with simple tasks, 12  
percent of those were institutionalized, 60 percent of those with  
moderate to severe brain injury are still unemployed two years after  
injury. Therefore, anything we can do as Nebraskans to lessen the  
incidence and severity of traumatic brain injury is required.  
Continuing to enact the current universal helmet law would limit the  
number and severity of TBI in the state. Several quantitative studies  
have demonstrated that universal helmet laws decrease the incident and  
severity of traumatic brain injury. A Cochrane systematic review on  
helmet use and TBI found that the helmet use by motorcycle operators  
reduced the risk of death by 42 percent and reduced the incidence of  
TBI by 69 percent. Traumatic brain injury is a costly injury, I think  
we've heard that earlier today. The lifetime economic costs of TBI,  
including direct and indirect medical costs, is estimated to be  
approximately \$76.5 billion. Additionally, the cost of fatal TBIs and  
TBIs requiring hospitalization account for approximately 90 percent of  
the total TBI medical costs. Only 5 percent of persons with severe TBI  
have the adequate funding for long-term treatment and supports.  
Ninety-five percent of individuals with traumatic brain injury rely on  
state and federal programs to fund and support their long-term needs.

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A study by the American Journal of Surgery published in October of 2018 examined the impact of rep-- repealing Michigan's helmet law. Michigan repealed their universal helmet law in 2012 and implemented a law similar to LB91. As a result, helmet use decreased by 27 percent and head injuries increased by 14 percent. Helmet nonuse doubled the odds of fatality and tripled the odds of brain injury. Furthermore, the injuries that were sustained following the repeal were more significant, with more skull fractures requiring neurosurgery. More patients required the high-cost treatment services of ICU and placement on a ventilator. The study also looked at insurance coverage for helmet versus nonhelmeted riders and helmeted riders were 12 to 16 percent more likely to have government insurance or be uninsured. The state of Nebraska, as a fiscally conservative state, cannot afford an increase in the number of TBI and the cost of care for the acute and long-term needs of this population. At Madonna, we speak to 100 percent of our patients and families with moderate to severe brain injuries about Medicaid and Social Security disability process and resources. We know through our decades of experience and ever changing health care costs and reimbursement systems, no private insurance will provide the resources required for long-term needs of this population. This also holds true for middle- and upper-income families. Utilization of state and federal programs will be imminent for these families to care for their loved ones, who will require 24-hour care for years to come. According to the 2021 Nebraska Medicaid annual report, 15 percent of Nebraskans currently utilize Medicaid. Nebraskans paid out \$3 billion for Medicaid services in 2021. The aged, blind and disabled cohort is the category of Medicaid recipients. Only 18.6 percent of Medicaid recipients were aged and disabled, but utilized 56 percent of the \$3 billion. One of our argument-- one of the arguments I heard in 2021 testimony by proponents of the repeal was that death was imminent after an unhelmeted motorcycle crash. This is false. Only 4 percent of motorcycle accidents are fatal, thus increasing the probability-- ability of survival on long-term disability. I understand the pro-repeal position for free choice to not-- or to not wear a helmet or to wear a helmet. However, when the free choice to not wear a helmet leads to TBI and long-term disability that you and I as a taxpayer will have to fund, then that free choice of the individual has now affected all of us as Nebraskans. The societal, ethical and economic costs versus benefit of LB91 are too high to support repeal. I implore you, as a brain injury professional and as a taxpayer, to vote no to LB91. As the Transportation Telecommunications Committee, thank you. And I urge you to indefinitely postpone LB91. Thank you.

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**GEIST:** Are there any questions from the committee? Yes, Senator Bostelman.

**BOSTELMAN:** Thank you, Chairman Geist. And thank you, Dr. Murtaugh, for being here and testifying. I guess, I think you mentioned it at the end. And I think to be asked the question-- I've been trying to figure out how to phrase the question appropriately, perhaps. Is what we see as our proponents testify, presented information earlier, we see pedestrian accidents, we see motor vehicle accidents, those other accidents too. They stress in what they say, they acknowledge that these actions happen. They acknowledge that there's going to be-- thus they acknowledge that there's going to be some brain injury that, that's going to happen. It happens in all accidents, different accidents. But part of what they stressed too is through safety and through other courses that they can take, that they feel that they should have that opportunity to be able to do what they feel is right. And by safely riding a motorcycle without a helmet if that would be appropriate. And I just think that it's a question that needs to be asked, and I would be interested in your direct response, because, you know, they're-- I understand them, and they expressed as well as those who would come up and testify of, of the medical side of things, of costs and that. Yet, they're talking about their ability to be able to do something that they feel that they, they've taken as much risk as they can out of it and others, and they should be able to do it. So the right without a helmet. Could you address-- could you speak to that?

**BROOKE MURTAUGH:** I think if I'm understanding your question, so let me rephrase to make sure I'm answering it appropriately. So proponents are saying we understand the risks. This is still our choice. I completely understand that. But there's not a guarantee, and again, I think all the statistics are there that it's not usually the motorcyclist's fault if there is an accident. I don't think there's any guarantee, though, of are you going to live or you're going to die? Most people accident, they're going to survive. Our trauma systems, our EMS systems have become so well-prepared. Time is brain. Our response rates are much quicker. These individuals are surviving severe, massive head injuries. Most people, especially younger riders, you know, even under the age of 65, aren't going to have, the majority, in place a living will and testament to really tell us as health care professionals what we're supposed to do. If-- to remove the vent, to remove feeding tube, those types of questions. It's not laid out if you're in that position. So we're still obligated as health care professionals to save you and to provide the appropriate

care down the road unless your family decides otherwise. Because the majority of these individuals with massive head injuries for probably the rest of their life do not have the capacity to make those decisions about their care moving forward. So there's a big gray area there, unless you're a motorcycle rider with, you know, we repeal the helmet law, I don't think we're going to make a statue in the law saying, well, you have to make sure that you have an advanced directive and a living will to show us what we need to do if you are in an accident and have a catastrophic head injury. Do we spend the money and the resources staffwise and moneywise to try and rehabilitate you and recover as much as we can? Or not? I mean, that's a huge ethical question. So, I mean, does that get to your point?

**BOSTELMAN:** Well--

**BROOKE MURTAUGH:** Did I understand it correct-- correctly?

**BOSTELMAN:** Yeah, the point being is that could happen in a motor vehicle, in a car accident.

**BROOKE MURTAUGH:** It absolutely could.

**BOSTELMAN:** That can happen when we walk across the street.

**BROOKE MURTAUGH:** Yes. So as health care professionals, EMS, trauma coordinators, neurocritical care physicians and us as rehabilitation professionals, we're always going to err regardless of how you got hurt, if we don't have any directive, we're going to move forward because that's the right thing to do. So, I mean, the money and the health care is going to be spent.

**BOSTELMAN:** Understand. I think there's still feeling in the sense that it's their-- should be their decision to be able to, to make that decision of not wearing a helmet. And then they have the decision, responsibly too whether they have a, you know, whether they have any medical care. You know. and--

**BROOKE MURTAUGH:** True. However, in my experience with the severity of head injury and with our ever-changing health care systems, there is not enough money. You could be insured by Blue Cross Blue Shield of Nebraska, you can have United Health Care, they will pay a percentage of your ICU and acute care costs. If you need rehabilitation, you maybe get two weeks. And then what? You're not ready to go home unless your family can quit their jobs and provide 24-hour care. So then it's Medicaid, Social Security disability. That is the only way you are

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going to get the resources to provide care for you to be able to survive.

**BOSTELMAN:** Thank you.

**BROOKE MURTAUGH:** And I think on a personal note, like I understand the free choice discussion. But is that going to, I mean, the consistency of that. There's other bills that are going to be coming up about free choice and decision making of individuals. So, I mean, we need to be consistent with that as well. But it does affect other people. And again, the way health care and insurance is changing, we see it every day. I've been doing this 17 years. We used to be able to care for people at a place like Madonna for six months to a year. Now it's literally 2 to 3 weeks. And the brain does not recover that fast.

**BOSTELMAN:** Thank you.

**GEIST:** Thank you. Thank you. Any additional questions? Thank you, Doctor, for your testimony.

**BROOKE MURTAUGH:** Thank you.

**JOSHUA WILDERMAN:** Chairman Geist.

**GEIST:** Yes.

**JOSHUA WILDERMAN:** Senators, thank you.

**GEIST:** Afternoon.

**JOSHUA WILDERMAN:** My name is Joshua Wilderman, J-o-s-h-u-a W-i-l-d-e-r-m-a-n, I'm a trauma nurse and injury prevention coordinator at Nebraska Medicine. Today I'm testifying on my individual capacity, and I ask you to oppose LB91. Working as a trauma nurse in Omaha, we receive patients from Nebraska and Iowa. When motorists-- motorcyclists are involved in a collision with a helmet, we often manage lacerations and broken bones. When a motorcyclist pres-- presents with a head injury, their case becomes far more complex and complicated. Patients and family members experience longer ICU stays, increased surgical interventions, longer acute hospitalizations, greater difficulties managing rehabilitation and longer challenges post-discharge. Nebraska's helmet law provides protection to our motorists and gives them a fighting chance in the event of a collision. Motor vehicle traffic injuries is the leading cause of TBI-related injury and death. Patients that survive

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motorcycle accidents are often left to figure out a vastly different way of life. These changes can come in the form of physical, cognitive and financial, leaving a lifetime of challenges for the patient, their families, their communities and the health care system. For patients who experience brain injury, their cognitive challenges can range from range from postconcussive syndrome to severe traumatic brain injury. Patients with traumatic brain injuries often struggle with cognitive disabilities, PTSD, functional disabilities, disabilities returning to the workforce, financial burdens, health care costs and lost wages. And some never return to their baseline quality of life. As many others have spelled out the statistics and numbers I've typed up here, I'll save us all extra numbers to digest and that time. I want you to, while you're taking this matter under consideration, please think about the motorcyclist, when they're riding home back to their families, their spouses, their children, their jobs, their productivity and their communities. Please consider the journey back to their life after head injuries from a collision without a helmet. Please consider the additional stains to the post-acute care systems and the financial stakeholders of patients that suffer a te-- sorry, traumatic brain injury. Given Nebraska's distribution of population and access to medical care, patients attempting to integrate back into life post-injury find many challenges. Our medical providers, neuroscience specialists and rehabilitation facilities are difficult for many to access due to the distance and financial strains. Nebraska's helmet law provides protection for a motorist and gives them a fighting chance in the event of a collision. Maintaining Nebraska's helmet law reduces the financial burdens to the patient, the taxpayers and the state of Nebraska. I ask you to please oppose LB91. Thank you for your time and consideration.

**GEIST:** Thank you for your testimony.

**JOSHUA WILDERMAN:** Thank you.

**GEIST:** Are there any questions? I don't see any. Thank you. Good afternoon.

**GARY HAUSMANN:** Good afternoon. My name is Gary Hausmann, G-a-r-y H-a-u-s-m-a-n-n, I'm from Blair, Nebraska. I am a retired corporate pilot who spent the last 41-plus years working in the Omaha area. I have been involved in this debate in opposition to this, to this, to this helmet issue since 2007. I was still recovering before that, because of my accent. You see, I had a very serious motorcycle accident on September 1, 2006. The accident was not my fault. However,



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the injuries were still very serious, regardless of who's to blame. Fortunately, I was wearing a very good-quality helmet. Evidently, I was approaching a car who was waiting for me to get past her. And she saw me coming. And then she was going to take her baby up to their babysitter. While I was approaching her and only 58 feet from her, she was rear-ended by a small SUV. She was pushed into my path and I could not get stopped. I struck the rear corner of her vehicle. As I struggled to get stopped, I jumped off of the motorcycle and slid underneath the rear of her vehicle. My injuries were a broken C5 and C6 cervical vertebrae, the top two ribs on each side of my sternum were broken, my sternum was shattered, collapsed my right lung, and dislocated my right shoulder. However, the most serious injury by far was my brain injury, known as diffuse axonal injury, or DAI, which is widespread bleeding and bruising on the brain. Statistically, 9 percent of DAI victims survive, and 92 percent of the ones that do survive are in a wheelchair the remainder of their life. So obviously, I'm very fortunate and blessed to be here today. Certainly the result of having worn a very good motorcycle helmet that day played a big role. While my medical bills were only \$383,000, in 2006, a motorcycle accident that did involve head injuries such as mine resulted in \$1.41 million in medical bills. Certainly that figure is much higher today. How many motorcyclists are on the road in Nebraska during the year that you meet who would or could pay that kind of a medical expense? Senators, we've all heard about the individual's personal freedom. I agree with every one of them, they should have the personal freedom to pay their own medical bills, especially if they choose to not wear a good-quality motorcycle helmet. Thank you very much.

**GEIST:** Thank you for your testimony--

**GARY HAUSMANN:** Questions?

**GEIST:** --Mr. Hausmann.

**GARY HAUSMANN:** Comments?

**GEIST:** Are there any questions from the committee? I don't see any.

**GARY HAUSMANN:** Thank you much.

**GEIST:** Thank you very much.

**GARY HAUSMANN:** Have a good day.

**GEIST:** You too. Any other opponents? Good afternoon.

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**SCOT ADAMS:** Good afternoon, Senator Geist and members and staff of the Transportation and Telecommunications Committee. My name is Dr. Scot Adams, that's S-c-o-t A-d-a-m-s, 3116 South 76th-- or South 58th Street in Omaha. I previously served and used to testify pretty regularly to committees. I served for eight years as the director of the Division of Behavioral Health for the state of Nebraska under Governor Heineman at the time. Sheri Dawson, who some of you may have heard, and I worked closely with one another. And I'm happy for Tony, who's the interim director now in this transition. I am here to oppose LB91. Copies of my written comments are being handed out to you now, and I've also included my 2017 comments in opposition to LB-- to the helmet repeal law at that time. I refer to those bills in my 2017 comments as zombie bills because these things just won't die. They keep coming back and they keep coming back and they keep coming back. I want to acknowledge the proponents for LB91 today because they thought that their testimony was strong, compelling and I wish you all success in sorting through these issues. Personal freedom versus the cost of that freedom. Taxation is a personal representation and personal freedom as well, and I don't choose to be taxed by their bills for people not wearing a helmet. Here we are again. I'm a former board member for the Brain Injury Alliance of Nebraska, serving as its president-- as its president for three years. Most more notably, I've ridden a motorcycle for more than 20 years and over 100,000 miles. And I'm here on my own initiative because of that fact. The points I made back in 2017 remain relevant. From proponents today, you have heard helmets restrict my freedoms. Absolutely they do. It happens all the time in America. But the first rule of the purpose of government, is to protect its citizens. You have an opportunity to do that today by retaining the helmet law. It doesn't affect anybody but me, is the second argument you will hear. And you've already heard tons of comments about the financial implications. And I'm fine with that, but just don't use my money to pay for your bills. The third argument that you hear is that Nebraska loses out on tourism. All the research you'll hear, all the research I have read has been undocumented assertions with regard to that. I don't know of a number or dollar value of that. And I don't know anyone who would go 500 miles out of their way just because of the helmet bill. And the tax, yeah, just doesn't make sense in the face of it. Since my earlier testimony, I myself had a motorcycle accident at the intersection of 72nd and Cass going north in Omaha. A young woman decided to turn in front of me. I had to put the bike down and as my head, helmeted head, bounced on the cement, I was able to see the right rear, the passenger rear tire, say Firestone as it rolled by me. Didn't strike me at the time, but I

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thought, you know, I shouldn't be able to see that. That's how close that, that tire was. We all know it's dangerous. Boy, every now and then it kind of reaches up and grabs you in a way that catches your attention. I knew it was a very close call at that moment. And although I was skinned up and shaken up, I was able to stand up as others ran to help me. And I not only was lucky in that it wasn't worse, but I had been prepared and thereby took the responsibility to ensure that it wasn't worse. Happy to take your questions.

**GEIST:** Thank you for your testimony. Are there any questions? I don't see any.

**SCOT ADAMS:** Thank you

**GEIST:** Thank you much. Any additional opponents?

**MARK RICHARDSON:** Afternoon, Senators.

**GEIST:** Good afternoon.

**MARK RICHARDSON:** Chairwoman Geist, I'm back again. Mark Richardson, M-a-r-k R-i-c-h-a-r-d-s-o-n, I'm here again to testify on behalf of the Nebraska Association of Trial Attorneys. And I'm not sure what else I can really add that hasn't already been said by the opponents here. So maybe I'll just try to give you my own perspective on this a little bit. And I think the perspective a lot of my brethren who I would tell you, one, we are here testifying against our own interest. We are personal injury attorneys, we make more money when the, when the injuries are more significant. By keeping a helmet law in place, it will reduce those injuries by all of the testimony that you've heard before me. So for what it's worth, here we are. We're here because the, the NATA, Nebraska Association of Trial Attorneys has a long history of supporting measures in front of this Legislature when they improve the safety on the roadway of the motorists, as well-- the motoring public as well as the motorists themselves. If there's a seatbelt, seatbelt law that's up, like when there was an attempt to make sure that school buses had seatbelts a few years ago, we were here testifying in favor of that. If there was a bill that was going to come up that was going to ask you guys to repeal the existing seatbelt law for private passenger cars, we would be here testifying against that because these are commonsense safety measures that should be, should be in place in this state. I will tell you personally, I am a annual supporter of ABATE. I have an undying respect for motorcyclists. I've had the opportunity to represent too many

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motorcyclists, and I'm sure I will have the opportunity to represent more in the future. They have an amazing culture. I was never a motorcyclist myself, I've never been a motorcyclist. I've learned that while they have this amazing culture, you also have to take every one of them individually because they are as a diverse group of people as anybody else you're going to find on the street. And it's been an absolute honor and pleasure to be able to represent them, who in a time where they're going through nothing good in their life. So I have that part of me has all this respect for them. I'm also a financial supporter year in, year out of the Nebraska Brain Injury Alliance, who I know has submitted, submitted written letters in opposition to this bill as well, for all the reasons that a lot of the other testifiers have already stated here today. When it comes down to it, we're always going to go with the side of increased safety, increased protection for the people who are ultimately may find their way through our doors because of something that happened that was nothing-- that had nothing to do with their own fault. I've heard a lot of testimony today about maybe we could, you know, with this bill, we're going to have them take safety courses and we're going to teach the right way to, to be a defensive driver and to avoid driving in blind spots. We're going to require you to wear a helmet and that's going to be a safer measure. And I'm sitting here back in the back going, all of these make sense. It's not one or the other. This is not a dichotomy. We can do both. We can require you to wear helmets and also do everything we can to encourage you to become a better defensive driver and it's still not going to matter in some situations. Whether you're-- it's true, there are situations where a helmet will not save your life. But I've sat enough across from enough neurologists in my practice who've looked me in the eye and said, this helmet saved your client's life. And I trust them when they tell me that. So, you know, speaking from personal experience, I-- there are those occasions where it absolutely does. I like bad analogies, so I'll leave you with a couple. Well, first, first, before I get to that, let me say this: I've heard a lot of empirical evidence thrown your way today, a lot of, a lot of facts. And then I've heard people have got up to say, well, you can make facts, say whatever you want. You can make the data say whatever you want. I don't believe that. I believe empirical data matters. I believe getting the right empirical data to rely upon is important. So when you're talking about per capita injuries on motorcycles versus gross injuries, I heard a statistic thrown out about people-- about pedestrians on sidewalks versus the number, the gross number of those injuries versus the gross number of injuries of motorcyclists. Well, that's an apples to oranges comparison because there's a lot more

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pedestrians out on the road, out traveling in Nebraska than there are motorcyclists. So the empirical data matters, and everything I've heard today would indicate that we are strongly in favor of keeping this law in place. And the last thing I would just say, my bad analogy for the day is, you know, I see on Sundays and Saturdays around here everybody playing football and they're all wearing helmets. And we've done-- we've taken many, many steps to try to make the game safer by increasing the-- by bettering the rules, making it safer out there for them. I've not heard anybody suggest we should take their helmets away, because at the end of the day, that is also an important measure. And if you want to play the game, you're going to wear the helmet. I think that somewhat applies in this situation. Thank you.

**GEIST:** Thank you. Thank you for your testimony. Any questions from the committee? Seeing none, thank you.

**MARK RICHARDSON:** Thank you.

**GEIST:** Any other opp-- opposition testimony? Is there anyone here to testify in the neutral capacity? If not, Senator Hansen, you are welcome to close.

**HANSEN:** Thank you, Chairwoman Geist and the committee. That's kind of what I prepared everybody for, how this hearing was going to go. You've heard a lot of different statistics, and I appreciate the previous testifier. And that was a bad analogy. At least he admitted it. Because guess what? You have the choice to play football without a helmet and it's not against the law. So I have to go through some of the stuff that people said here. And he also made a good point, the previous testifier about how data and statistics can be manipulated to prove a point. And he's very true. But first, I want to touch on a couple of things, and I know the questions that some the senators had before. And they were good questions. Right now, yeah, they address about the ability to take the, the certified safety course in order to get your license. And that is not a requirement right now. And then how do we tell if somebody has taken the course or not? And I think that's one of the things we can work with the DMV with to make-- right now, they get like an M on their license to show they've had a motorcycle license. The DMV could easily put an M-1 if they've taken the course and passed it or an M with the circle on it. Or they can have a registry of those who have been in-- who have taken the class. So then if somebody pulls somebody over, they know who's taken it and who hasn't. That was a good question. And also, how can we tell if somebody is too young or not? And from my understanding, and I think

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Mr. Rogert touched on that, too, is the same way as if somebody was driving a car. He said, I'm driving a car and they look under 16. You know, they look like they're 14 years old. I think right now they can address that, pull them over for it so. All right, so one of the first things I want to touch on again was that map that I first gave you. I think that is probably one of the most telling pieces of evidence apart from all the statistics and all the testimony you've heard right now, that country is moving the opposite direction of what a lot of the testifiers in opposition said. More states are getting rid of their helmet law or repealing it to a certain degree. And out of all those blue states on there, none of them are going backwards. You would think if there was a lot of despair and death and injury, states all over would put their helmet law right back in place right away. They don't. That's very telling. And this is not a Democrat or Republican issue. If you look at the states on there, it's a healthy mixture of all of them. And if your argument is trying to keep people safe, which is a valid argument and it comes from the heart, how many mandates should we put in place to keep people safe from all kinds of decisions that we make in our life. That's what makes us unique. The ability for somebody to wear a helmet or not wear a helmet does not affect any of your civil liberties. Their right to choose-- ask yourself, does it affect your life? Does it affect your liberties? Some people might say, well, we got to pay more in insurance. Guess what? Most of them already pay insurance, if not all of them do. You know what else they pay into? Medicare and Medicaid, for reasons just like this. Most traumatic brain injuries come from a fall. Over 40 percent. If I remember right, motor vehicle injury, which, of course, is all motor vehicle injury is like third on the list at like 14 percent. I just looked it up from the, from the data from the Nebraska Department of Health and Human Services. So do we mandate people don't go on ladders? Do we mandate they don't go on the roof to put their Christmas lights on or walk on ice? Why this one? If something else we want to mandate, maybe probably one of the biggest cost to the state of Nebraska, especially with Medicaid and the health care industry as a whole, is obesity. Obesity leads to a wide range of other illnesses and injury. They use the-- and I'm going to take anything away from them. It is actually a traumatic thing to see being in an ER or dealing with brain injuries. I'm not taking that away from anybody. But if we're going use that as an example, we can use that as example in other instances, too. If somebody say was over 400 pounds and they were obese, should we mandate that they don't have soda anymore? How much would that save us? How much would that save-- how many people would be saved? How many lives would be saved? So why the helmet law?

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You ask anybody, any orthopedic doctor about having to do an amputee on a-- or multiple amputee on somebody with diabetes, it's traumatic for them too. I think we should mandate the amount of beers that you can drink in a bar to two. How many lives would we save? These are decisions people make on their own. We have mandates in place for people who drive and drink, which is-- which makes sense to me because then you're affecting someone else's liberties. You ask anybody who works in a transplant, transplant ward how many liver transplants they have to do because of alcoholics. And this list goes on and on. Ask yourself, is it our job as a government to protect people from their own decisions, to do stuff to themselves? I don't think it is. Something Eric said from the Nebraska Safety Council kind of caught my ear a little bit. He was using some statistics about when Missouri got rid of the helmet law, they had it in 2020. And then when they got rid of the helmet law, how the, how the rate of injuries went up. Helm-- people with no helmets went up. Actually, when I looked at the statistics, I had to look it up, in 2019-- actually, I used 2020 as well, motor fat-- motorcycle fatalities in 2019 was 118. Motorcycle fatalities in 2022 was 119, almost exactly the same. They're not going to tell you that. Data can be manipulated. Now, the people-- the injuries with no helmets was 66 in 2022, in 2019 was 10 because they repealed the helmet law, so more people were not wearing a helmet. But you would expect the total fatalities to go up. They didn't. Another statistic that was put out there for 83,000 motorcyclists riding in the state of Nebraska, 125-- only 125 of them take the safety the classes. But from my understanding, many of them don't get endorsed, so they might not be counted as part of 125. And they're not going to tell you that. And I kind of want to touch on now-- well, one other thing. South Dakota, when we're talking about how well helmet laws protect people, South Dakota has over 100-- has about 130,000 registered motorcyclists. And in 2020, they had 27 motorcycle fatalities. Nebraska has 50,000. Last year they had 34 with the helmet law. South Dakota does not have theirs. Some people attribute that to a greater acceptance and proclivity of taking the safety training class that South, that South Dakota pushes. You learn defensive driving because it's like everybody else said here, typically most injuries come not from the motorcycle rider, but the people hitting them. So defensive driving matters and that is a huge. Now let's talk about insurance. Let's see. They were saying, and again, this is, this is a philosophical argument too, whether you think if people have the right to choose to not wear helmet, they can choose to pay more if their insurance. If I sell my insurance and go up 30 percent and they said, well, if you wear your helmet, it goes down 30 percent, I'm

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going to wear my helmet. I'd wear my helmet anyway. But you can also argue that states with mandatory laws are not the same as those with nonmandatory laws. In a recent review of hospital expenses in the country, the Kaiser Family Foundation broke down inpatient hospital expenses per day in 2012. And this is inpatient hospital costs, so I know it's not specific as saying motorcycle injuries per se, but the average daily inpatient cost for states with a mandatory motorcycle helmet law was \$2,047. Those without a mandatory law was \$1,987. You'd expect if you got rid of your motorcycle law, you would see overall inpatient hospital costs going up significantly. They don't. I appreciate Senator Bostelman's question to Dr. Murtaugh earlier, because I was, I was trying to hash out some of the stuff she was saying about power of attorney and a living will. I don't think again, and she alluded to that, too, I don't think it's the government's right to tell you that you have to get a power of attorney or living will if you're gonna make decisions. And if insurance doesn't cover it, that's a reason that we should take others rights away? Let them pay more if they don't want to wear the helmet. Like I said, most already have insurance. Actually, a lot of them actually increase their insurance and a lot of them still pay into Medicare and Medicaid. And we can't forget that actually, Senator McDonnell about two years ago passed, it was a Brain Injury Trust Fund, I believe. We put \$500,000 in a year, I think up to a million. That should help the situation. I want to make sure I go through all my notes here. Joshua earlier talked about traumatic brain injury. He made a lot of good points. And I think one of things we have to think about, not just the statistics about how many traumatic brain injuries there are that come from falls and then whether we should regulate those or not, which we don't. I don't think we ever should. But typically, helmets prevent from lacerations and fractures of the skull. What they don't typically protect from are contusions or contrecoup contusions, as that's when your brain is in the skull and it kind of wobbles back and forth if you have a hit, like where a football player might get or somebody in a boxing ring or somebody who falls on the ice. And that then in turn can lead to subdural hematoma, which is swelling in the brain, which can lead to a lot of traumatic brain injury, which is then they have to provide surgery and open up the head and relieve that pressure. So the point of that is, is that helmets are not the end-all be-all and they save everybody. They don't. And one of the other testifiers, and it might have been-- not the last one, but the one before him, he mentioned it's the role of government to protect its citizens. I fundamentally disagree with that, and it depends on what aspect we're talking about. It's the government's right to protect citizens in



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their property rights. I don't think it's the right of the government in its entirety to protect people from dumb decisions. We all do it. If I came up here and wanted to ban smoking, how many of you would ban smoking entirely because we save lives? How many of you would ban sugar because it saves lives or alcohol or crossing the street or going out in a lightning storm? We would never think of that. But why this one? I just want people to ask themselves that. And somebody else has said, he also said, I shouldn't be taxed for their decision. Well, you're already taxed for the decision and the decisions of many other people. That's called Medicaid and Medicare and the Brain Injury Trust Fund we all passed, among other things. So I just hope you can have an open mind and you can think about this logically, also emotionally. But just remember, the people who are riding the motorcycles want this passed. The people who don't ride motorcycles don't want it passed. So we're stopping them from making a decision that does not affect any of us to protect them. That doesn't sound right to me. So with that, I'll take any questions best I can. Thank you.

**GEIST:** Thank you. Are there any questions from committee? Yes, Senator Fredrickson.

**FREDRICKSON:** Thank you, Chair Geist. Thank you, Senator Hansen, for, for bringing this. This was a really--

**HANSEN:** Welcome to the motorcycle helmet law.

**FREDRICKSON:** Welcome to the motorcycle helmet law. My first one. No, it's-- no, I appreciated hearing all the testimony. And I'm kind of marinating on a few things that I, I have maybe some follow-up questions that you might be able to help with.

**HANSEN:** Best I can.

**FREDRICKSON:** One was I'm curious about-- so one thing I heard today was this argument that the decision-making process of the operator of the motorcycle has a big impact on sort of safety with that versus sort of the helmet safety in certain ways. And that got me curious about the age requirement for this law. So is it-- can you give me any insight into why, why 21 and why, why not a different, different number or a different age for this?

**HANSEN:** Could be a couple of different reasons.

**FREDRICKSON:** Sure.

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**HANSEN:** One, well, most states are 19 and younger, right? We decided to go a little more restrictive. In my personal opinion, that's typically when the frontal cortex of the brain gets developed and you actually have better decision-making skills.

**FREDRICKSON:** Sure.

**HANSEN:** If you all remember by the time you were 21, 22, 23, how many times you sat there said, crap, my parents were right. That's because the logic brain finally kicked in. And that could be the--

**FREDRICKSON:** Mid to late 20s, yeah.

**HANSEN:** --that's the time when they have better decision-making skills.

**FREDRICKSON:** OK. So you were kind of thinking of the [INAUDIBLE].

**HANSEN:** In both aspects, yeah.

**FREDRICKSON:** OK.

**HANSEN:** To align with what other states have done--

**FREDRICKSON:** Sure.

**HANSEN:** --as well.

**FREDRICKSON:** OK. Thank you.

**HANSEN:** Yeah.

**GEIST:** Yes, Senator Cavanaugh.

**M. CAVANAUGH:** Thank you. Thank you, Senator Hansen. I do want to first push back on a statement that you made. I don't think it was intentional, but you did make a comment about weight of individuals and comparing that to regulating in soda. It's, it's kind of offensive, especially as someone who is overweight, to feel that you are judging my decisions of what I am putting into my body as being related to health care, diabetes, heart disease, cancer. None of those things are directly linked to an individual's weight. And so I just wanted to say that publicly, because I don't think that that was your intention. But I think you can understand how that is perhaps--

**HANSEN:** Definitely.

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**M. CAVANAUGH:** --not a great statement to make.

**HANSEN:** I think a better-- I could have said BMI, right?

**M. CAVANAUGH:** Sure.

**HANSEN:** And then--

**M. CAVANAUGH:** But those things are still not related to illness and disease. You made a lot of other great all--

**HANSEN:** That was a good kind of analogy I used. OK. I appreciate the comment.

**M. CAVANAUGH:** Yes.

**HANSEN:** But think how offended you were. Now multiply that for every motorcycle rider who gets their right taken away--

**M. CAVANAUGH:** Well, I mean, I was not offended for myself, more for--

**HANSEN:** I get what you mean. Again, another analogy, right?

**M. CAVANAUGH:** The term fat-shaming comes to mind. And I don't think that that's your intention because I know you and I know that you would not want to hurt people's feelings.

**HANSEN:** No, you're exactly right. I could use better language.

**M. CAVANAUGH:** Thank you.

**HANSEN:** Thank you.

**M. CAVANAUGH:** I did, however, want to follow up on a comment that you made. It is not the role of government to ban bad decisions. And I just want to say I really look forward to keeping that at front of mind next Wednesday when we have a bill in our HHS committee that is about making judgments about people's decisions.

**HANSEN:** Yep.

**M. CAVANAUGH:** So just I appreciate that you said that.

**HANSEN:** And I'll put that into context as well, to prevent any emails I might get. To protect them as themselves as decision-making adults,

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which is what I was kind of going to. We all make decisions as people. As adults.

**M. CAVANAUGH:** Thank you. I am a decision-making adult.

**HANSEN:** That's right. And you have the decision--

**M. CAVANAUGH:** I look forward to that conversation.

**HANSEN:** Great.

**GEIST:** Yes, Senator Moser.

**MOSER:** I had a question about-- it wasn't-- I don't believe the statistics were yours, but somebody said that the number of motorcyclists below 21 was like eight-tenths of a percent of the total motorcycle drivers. Is that possible?

**HANSEN:** I don't-- I can't answer that with certain, certainty. Eight-tenths of the total? So 0.8 out of 100?

**MOSER:** I think that's what they said, that there were 114,000 motorcycle licensed riders and some really small fraction were under 21.

**HANSEN:** Yeah.

**MOSER:** Because they were saying that the, the age requirements only eight-tenths of 1 percent improvement. Yeah, 808 riders were 20 and under and 101,000 were 21 and older was from the Department of Transportation. That just didn't sound right to me. I would think motorcyclists would be-- there would be a lot of-- unless parents just don't let their kids ride motorcycles. I don't know.

**HANSEN:** Yeah. I, I am unfamiliar. I'm sure there's some of the fellows behind me might be able to answer that later after we're done so.

**MOSER:** And I wasn't insulted by your analogy of people who eat too much. I thought it was a bad analogy, but.

**HANSEN:** I'm just, I'm just adding to the bad analogies.

**MOSER:** Yeah.

**HANSEN:** This whole thing.

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**MOSER:** I was-- I, you know, people choose to eat or not, but you don't choose whether somebody is going to do something stupid and, and cause your motorcycle to crash. I mean, or for that matter, the testifier that said that it was a problem that people don't have advanced directives what to do, you know, when you really are sick. It's one thing to give an advanced directive when you're healthy and everything is right. And when you're laying there, you know, about to die or could, you know, die, would you give a different answer?

**HANSEN:** We can all say that in all aspects of injury and illness at that point, right?

**MOSER:** Yeah.

**HANSEN:** Like in some of the analogies that I used before, there's a lot of better decisions I could have made.

**MOSER:** I'm saying I would just discount that argument that they're stressed because they don't know what to do with people who have serious injuries, you know?

**GEIST:** Any other questions from the committee? I do not see any. And so that, with that, Senator Hansen, we will close this hearing.

**HANSEN:** Thank you.

**GEIST:** Thank you. Oh, the letters. Excuse me. I always forget. I do have letters that came in about this bill. Proponents, 60 opponents; opponents, 18; and one neutral. And with that, we will close this hearing.