



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:

February 14, 2009

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

HOUSE BILL NO. 1425

COMMITTEE ON TRANSPORTATION

House Bill 1425 requires riders of mopeds to wear helmets and provides fines for violations.

The Department of Transportation supports the bill, but recommends amendments. We request the bill be amended to include provisions for helmet and other protective devices requirements for the leasing or renting of a moped to another person, as well as require other safety protective devices for moped operators. The Department also recommends that the bill include language that requires operators and passengers of motor scooters to wear helmets. For these reasons, we prefer House Bill 1169, as the legislation proposes provisions that address these concerns.

We do believe that House Bill 1425 will help to reduce fatalities and injuries on our roadways because safety helmets save lives. The legislation will help to enhance safety for moped riders who are the most vulnerable highway users because they are so exposed. They also tend to be the most inexperienced highway users, as compared to the majority of motorcycle riders who typically take rider education courses.

Hawaii had the 3rd highest fatality rate in motorcycle related crashes based on 2006 statistics from the National Highway Traffic Safety Administration (NHTSA). According to NHTSA, a person without a safety helmet that operates a moped is 40 percent more likely to suffer a fatal head injury. In addition, it is estimated that safety helmets can reduce the likelihood of a crash fatality by 37 percent.

Head injury is a leading cause of death in moped crashes. Wearing a safety helmet is the single most effective way to prevent head injury resulting from a moped crash.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu.org

MUJI HANNE MANN
MAYOR



BOISSE P. CORREA
CHIEF

PAUL D. PUTZULU
KARL A. GODSEY
DEPUTY CHIEFS

OUR REFERENCE TTN-LC

February 14, 2009

The Honorable Joseph M. Souki, Chair
and Members
Committee on Transportation
House of Representatives
State Capitol
Honolulu, Hawaii 96813

Dear Chair Souki and Members:

Subject: House Bill No. 1425, Relating to Mopeds

I am Major Thomas Nitta of the Traffic Division of the Honolulu Police Department, City and County of Honolulu.

The Honolulu Police Department supports House Bill No. 1425, Relating to Mopeds. This bill would require all moped riders to wear safety helmets.

We believe moped riders are extremely vulnerable while on the roadway. This safety requirement could probably lessen head injuries if a rider was thrown to the ground. From 2006 through 2008, there were 10 moped fatalities, of which nine were not wearing helmets.

Thank you for this opportunity to testify.

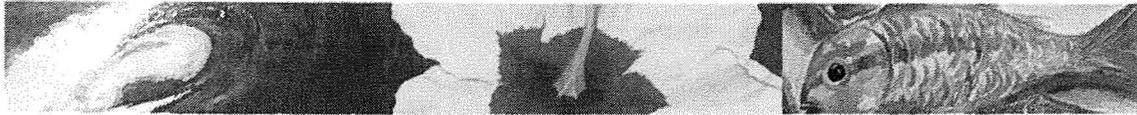
Sincerely,

A handwritten signature in black ink, appearing to read "T. Nitta".

THOMAS T. NITTA, Major
Traffic Division

APPROVED:

for: A handwritten signature in black ink, appearing to read "Boisse P. Correa".
BOISSE P. CORREA
Chief of Police



Ian L. Mattoch • Daniel P. Kirley • Mark F. Gallagher • Bruce A. Larson • Stuart M. Kodish • Emily K. Waters

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STATE OF HAWAII
HOUSE COMMITTEE ON TRANSPORTATION
Conference Room 309, State Capitol

February 14, 2009, 9:00 a.m.

RE: House Bill 1169: Relating to Highway Safety
House Bill ~~1429~~¹⁴²⁵: Relating to Mopeds

Chair Rep. Joseph M. Souki, Vice Chair Rep. Karen Leinani Awana, and Members of the Committee:

My name is Ian Mattoch and I am offering testimony in support of H.B. 1169 and H.B. ~~1429~~¹⁴²⁵ as President and legal counsel to the Brain Injury Association of Hawaii, and a personal injury attorney who specializes in brain injury cases.

The bills before you propose to require all operators of motor scooters and all passengers on motor scooters and mopeds on any highway to wear a safety helmet with a chin strap. According to the National Highway Traffic Safety Administration (NHTSA) head injury is the leading cause of death in motorcycle crashes. In accidents where the rider survives, helmets are 67% effective in preventing brain injuries. Data collected by NHTSA in three states with universal helmet laws showed that without the helmet law, total extra inpatient charges would have doubled from \$2,325,000 to \$4,095,000. This figure does not account for long-term care which can cost the state on average approximately \$2 million dollars over the lifetime of the survivor. When private sources of payment are considered, the cost is even greater.

The dynamics of a two-wheeled vehicle are much like a bowling ball released from the hand of a bowler. Once released, a change of course is not possible. Additionally, a two-wheeled vehicle offers no protection to its rider or its passenger, so that all of the energy of impact causes direct injury to the rider or passenger. When the injury is to the head, it is catastrophic. While "mild" traumatic brain injury is in fact a medical description, there is no such thing. Every head injury is significant.

The economic and social cost of head injury, whether paid by private resources or by the society through governmental agency funding, is great. Anecdotally, by an example, our client Beverly Gomes sustained a severe brain injury in a vehicular accident. The cost of her lifetime care was projected to be \$9 million dollars. The cost of purchasing a structure to fund that lifetime care was \$3,921,953.00. While

Hilo
586 Kanoelchua Ave., Ste. 200
Hilo, HI 96720

Maui
1 Main Plaza, 2200 Main St., Ste. 523
Wailuku, HI 96793

Waimea
Spencer House, Ste. 3
65-1148 Mamalaha Hwy.
Kamuela, HI 96743

Kona
75-127 Lunapule Rd., Ste. 15B
Kailua-Kona, HI 96740

Lihue
4473 Pahoe Street, Suite L
Lihue, HI 96766

RE: House Bill Nos. 1169 and 1429: Relating to Highway Safety
February 14, 2009
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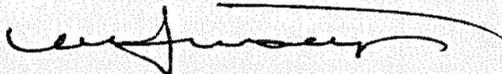
Beverly was not injured in a two-wheel vehicle accident, her life care plan would be the same as a rider on one of the vehicles sought to be regulated.

In the case of Juong Lee, a retired Marine Corps officer and a motorcycle rider, the head injury was less severe. After being knocked from her motorcycle by an inattentive driver, Juong struck her head on a close-by curb. Had she been wearing a helmet at the time, she would not have required the extensive acute inpatient care at Queen's Medical Center. Attached is a photo of Ms. Lee in the neuro intensive care at Queen's.

There is no natural constituency for support of a helmet law. Persons who have never sustained a head injury as a result of not wearing a helmet are unaware of the consequences of failing to take this simple and inexpensive form of protection. Once severely injured or dead, the cost of failing to take such protection becomes apparent to the survivor or his loved ones. As a society, we have taken steps to protect members of the military serving in Iraq. Isn't it now time to face up to the need for the protection a helmet provides a person riding on a two-wheeled vehicle on our crowded roadways? A difficult political decision, but irrefragably, the right decision to make.

On behalf of those uninjured persons who have yet to realize the risk of unprotected riding of two-wheeled vehicles, I urge you to give your favorable consideration of House Bill 1169 and House Bill 1429 in the name of safe cycling. This legislation is not draconian as its critics might allege: it is the responsible action of a legislative decisionmaker exercising concerns for the people of Hawaii.

Respectfully,



IAN L. MATTOCH

ILM:lw
Encl.

From: Carolyn Fujioka [carolyn.fujioka.atxn@statefarm.com]
Sent: Thursday, February 12, 2009 4:24 PM
To: TRNtestimony
Subject: Testimony HB 1425 Feb. 14

**Testimony to the House Committee on Transportation
Saturday, Feb. 14, 2009 9:00 a.m.
Conference Room 309, State Capitol**

Re: House Bill 1425 Relating to Mopeds

Chair Souki, Vice-Chair Awana, and committee members:

I am Carolyn Fujioka on behalf of State Farm Mutual Automobile Insurance Company, a mutual company owned by its policyholders. **State Farm supports HB1425.**

State Farm is vitally concerned with reducing motorized vehicle injuries and deaths on and off roadways. In the interests of our policyholders who ride mopeds, all-terrain vehicles, motorcycles, and other motorized vehicles, and for all of us who pay for the medical and societal costs incurred from the fatalities and severe head injuries of non-helmeted riders, State Farm supports a helmet law and appropriate fines for violations.

Programs that promote voluntary use of helmets do not achieve the high levels of helmet use found in helmet law states. We urge your favorable consideration of HB1425.

Thank you for the opportunity to testify.

Brian Grayling, State Director
Street Bikers United
P.O. Box 5003
Kaneohe, HI 96744
(808) 216-2040

Thursday, February 12, 2009

Committee on Transportation

Representative Joseph M. Souki, Chair
Representative Karen Leinani Awana, Vice-Chair

Representative Henry Aquino
Representative Faye Hanohano
Representative Gilbert Keith-Agaran
Representative Marilyn Lee
Representative Mark Nakashima
Representative Karl Rhoads
Representative Scott Saiki
Representative Roy Takumi
Representative Kyle Yamashita
Representative Kymberly Pine

Testimony Against HB1425

Members of the Transportation Committee:

Normally Street Bikers United would not involve themselves with the consideration of legislation dealing with mopeds and bicycles. However, HB1425 proposes that moped riders wear a safety helmet with a chin strap. SBU would like to remind the committee of HRS291-195, which already mandates a safety helmet fastened with a chin strap for moped riders under 18. HB1425 is almost identical to other legislation that has popped up, except it contains some draconian fines to punish those who do not wear a helmet. So who would be affected by HB1425 if passed? Primarily the young college students and eighteen to twenty five year olds whose income is usually low, and their moped their only means of transportation. The cost of a helmet for many would be equivalent to a months worth of groceries. The cost of the proposed fine would drive many out of school. In these times of gridlock and overburdened roads and parking facilities, legislators should be encouraging the use of bicycles and mopeds under the current rules and regulations, and not put up road blocks. Further, in discussions with local moped dealers, there is a genuine concern that a helmet law will cause a clear and dramatic decrease in alternative vehicle sales. We should not be placing further governmental regulations on a means of transportation that is efficient, reduces congestion on our already taxed roadways, reduces pollution, and saves our natural resources. Under the Statutes, the use of the word moped and bicycle is almost interchangeable. Certainly, as a small example, mopeds have the right of use of the bicycle lane. Yet there is no proposal to mandate helmets for bicyclists over sixteen. There is an intrinsic unfairness to HB1425. Street Bikers United has always held the tenant that allows those adults who ride to decide whether to wear a helmet. This basic belief should extend to the laws governing the riders of mopeds and bicycles, and we urge the removal of HB1425 from further consideration.

Thank you for your attention.

Brian Grayling
State Director, SBU

**STATE HOUSE OF REPRESENTATIVES
COMMITTEE ON TRANSPORTATION
HEARING
FEBRUARY 14, 2009, 9:00 am
STATE CAPITOL, CONF. RM. 309**

**Testimony in support of
HB 1425, Relating to Mopeds**

CHAIR JOSEPH SOUKI, VICE CHAIR KAREN LEINANI AWANA, AND MEMBERS OF THE COMMITTEE:

Thank you for the opportunity to provide testimony in support of HB 1425, which requires riders of mopeds to wear helmets and provides fines for violations.

My name is Lyna Burian. I am a member of the Brain Injury Association of Hawaii (BIA-HI). My son, Albert, sustained a brain injury sixteen years ago, and since then I have been involved with the BIA-HI, where I have met a number of people with brain injuries from traffic accidents involving mopeds and other two-wheeled vehicles. They were not wearing helmets at the time of their accidents.

Brain injury changes not only the life of the individual completely, but the lives of his/her family members as well. Depending on what part of the brain gets injured, the individual may suffer physical, cognitive or behavioral problems, and what is so sad about it is that very few rehabilitative services are available and affordable in Hawaii for the survivors after the initial acute care phase.

The best cure for brain injury is PREVENTION. According to statistics gathered by the Brain Injury Association of America (see attached information sheets), 1.4 million people sustain a brain injury in the United States each year. Direct medical costs and indirect costs, such as lost productivity from TBI, totaled an estimated \$60 billion in the U.S. in 2000. Wearing a helmet can make a big difference. A recent study showed that the use of helmets reduces the risk of brain injuries by 88%.

I urge you to pass HB 1425. It will help save lives. It will help reduce the number of brain injuries related to crashes.

Respectfully Submitted,



Lyna O. Burian
1515 Nuuanu Avenue, #40
Honolulu, Hawaii 96817

Facts about Traumatic Brain Injury

What is a traumatic brain injury?

A traumatic brain injury (TBI) is defined as a blow or jolt to the head or a penetrating head injury that disrupts the function of the brain. Not all blows or jolts to the head result in a TBI. The severity of such an injury may range from "mild," i.e., a brief change in mental status or consciousness to "severe," i.e., an extended period of unconsciousness or amnesia after the injury. A TBI can result in short or long-term problems with independent function.

How many people have TBI?

Of the 1.4 million who sustain a TBI each year in the United States:

- ♦ 50,000 die;
- ♦ 235,000 are hospitalized; and
- ♦ 1.1 million are treated and released from an emergency department.¹

The number of people with TBI who are not seen in an emergency department or who receive no care is unknown.

What causes TBI?

The leading causes of TBI are:

- ♦ Falls (28%);
- ♦ Motor vehicle-traffic crashes (20%);
- ♦ Struck by/against events (19%); and
- ♦ Assaults (11%).¹

Blasts are a leading cause of TBI for active duty military personnel in war zones.²

Who is at highest risk for TBI?

- ♦ Males are about 1.5 times as likely as females to sustain a TBI.¹
- ♦ The two age groups at highest risk for TBI are 0 to 4 year olds and 15 to 19 year olds.¹
- ♦ Certain military duties (e.g., paratrooper) increase the risk of sustaining a TBI.³
- ♦ African Americans have the highest death rate from TBI.¹

What are the costs of TBI?

Direct medical costs and indirect costs such as lost productivity of TBI totaled an estimated \$60 billion in the United States in 2000.⁴

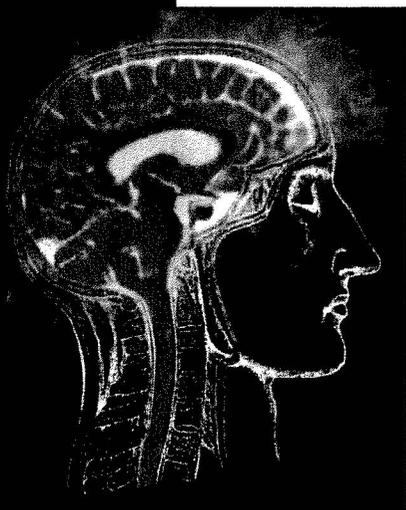
What are the long-term consequences of TBI?

The Centers for Disease Control and Prevention estimates that at least 5.3 million Americans currently have a long-term or lifelong need for help to perform activities of daily living as a result of a TBI.⁵

According to one study, about 40% of those hospitalized with a TBI had at least one unmet need for services one year after their injury. The most frequent unmet needs were:

- ♦ Improving memory and problem solving;
- ♦ Managing stress and emotional upsets;
- ♦ Controlling one's temper; and
- ♦ Improving one's job skills.⁶

TBI can cause a wide range of functional changes affecting thinking, language, learning, emotions, behavior, and/or sensation. It can also cause epilepsy and increase the risk for conditions such as Alzheimer's disease, Parkinson's disease, and other brain disorders that become more prevalent with age.^{7,8}



Collaborating Organizations

Brain Injury Association of America
www.biausa.org
800-444-6443

Centers for Disease Control and Prevention
www.cdc.gov
800-311-3435

Defense and Veterans Brain Injury Center
www.dvbic.org
800-870-9244

Health Resources and Services Administration
www.hrsa.gov
301-443-3376

National Association of State Head Injury Administrators
www.nashia.org
301-656-3500

National Brain Injury Research Treatment and Training Foundation
www.nbirtt.org
434-220-4824

National Center for Medical Rehabilitation Research, NICHD, NIH
www.nichd.nih.gov/about/ncmrr
800-370-2943

National Institute on Disability and Rehabilitation Research
www.ed.gov/about/offices/list/osers/nidrr
202-245-7640

National Institute of Neurological Disorders and Stroke, NIH
www.ninds.nih.gov
800-352-9424

North American Brain Injury Society
www.nabis.org
703-960-6500

Social Security Administration
www.ssa.gov
800-772-1213

References

1. Langlois JA, Rutland-Brown W, Thomas KE. Traumatic brain injury in the United States: emergency department visits, hospitalizations, and deaths. Atlanta (GA): Centers for Disease Control and Prevention, National Center for Injury Prevention and Control; 2006.
2. Defense and Veterans Brain Injury Center (DVBIC). [unpublished]. Washington (DC): U.S. Department of Defense; 2005.
3. Ivins BJ, Schwab K, Warden D, Harvey S, Hoilien M, Powell J, et al. Traumatic brain injury in U.S. army paratroopers: prevalence and character. *Journal of Trauma Injury, Infection and Critical Care* 2003;55(4): 617-21.
4. Finkelstein E, Corso P, Miller T and associates. *The Incidence and Economic Burden of Injuries in the United States*. New York: Oxford University Press, 2006.
5. Thurman D, Alverson C, Dunn K, Guerrero J, Sniezek J. Traumatic brain injury in the United States: a public health perspective. *Journal of Head Trauma Rehabilitation* 1999;14(6):602-15.
6. Corrigan JD, Whiteneck G, Mellick D. Perceived needs following traumatic brain injury. *Journal of Head Trauma Rehabilitation* 2004;19(3):205-16.
7. National Institute of Neurological Disorders and Stroke. *Traumatic brain injury: hope through research*. Bethesda (MD): National Institutes of Health; 2002 Feb. NIH Publication No. 02-158. Available from: www.ninds.nih.gov/disorders/tbi/detail_tbi.htm.
8. Ylvisaker M, Todis B, Glang A, et al. Educating students with TBI: themes and recommendations. *Journal of Head Trauma Rehabilitation* 2001; 16:76-93.

