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**Capitol View**

**Commentary by J.L. Schmidt**

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**Hold On, Motorcycle Helmets Required Until January 1, 2024**

Disclaimer: I have never owned, driven, or ridden a traditional two-wheel motorcycle. I sat on one owned by my late brother. But in more than five decades as a reporter I have covered numerous accidents involving motorcycles with any variety of other vehicles. I have seen dead bodies and spent time waiting and praying in hospital emergency rooms. I have also covered countless hours of debate about repealing the helmet law.

That said, I must admit I was surprised that the 2023 Legislature passed such a bill (LB91 amended to LB138) to remove the state’s helmet law for riders aged 21 and older who have completed a motorcycle safety course and agree to wear shatterproof protective eye equipment or have a windshield on their bike.

But I shouldn’t have been, given that this Legislature appeared to collectively bristle at laws being shoved down their throats by government. Remember abortion and transgender health care?

Giving riders the option of wearing a helmet beginning January 1, 2024, probably didn’t seem out of line to them. Chief sponsor Sen. Ben Hansen of Blair said states surrounding Nebraska already have adopted similar measures, many with even lower age requirements, without negative consequences.

I can hear my mother asking, “If everyone else jumped off a cliff, would you do it too?”

“The bill is more conservative in nature so that we can make sure we are doing our due diligence to protect [riders] as best we can, but also give them the freedom and liberty to choose to wear a helmet or not,” Hansen said during floor debate. Interesting that conservative and carrot both start with “c.”

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Bennington Sen. Wendy DeBoer admitted that helmets save lives and riders should opt to wear them, but “the government should not be involved in these personal decisions.”

North Platte Sen. Mike Jacobson, a banker, said the state loses out when riders traveling to the Sturgis Motorcycle Rally in South Dakota avoid Nebraska, taking significant economic activity with them. That event is August 4-13 this year, four months before the repeal takes effect.

Brainard Sen. Bruce Bostelman spoke in opposition to the proposal saying that over the years there has been significant opposition from a variety of medical associations and health professionals. Data shows that the number of deaths and significant injuries has increased in states that removed helmet requirements.

Columbus Sen. Mike Moser said the Legislature should encourage people to wear helmets for their own safety by maintaining the legal requirement to do so.

“Government tells us to wear seatbelts. Government tells us to obey speed limits. They tell us to obey stop lights,” Moser said. “Government tells us what to do all the time.”

Hansen said the choice to wear a helmet is an issue of freedom and individuals who are in favor of it support the right to take responsibility for their own safety.

OK senator. Then perhaps we should amend the law next session to require riders to provide proof of health insurance and long- term disability care so the state doesn’t have to pick up the tab for those freedom riders who are head injured but can’t pay for their own care.

For years, the chief opponent of the measure was a now-deceased Omaha senator who brought his motorcycle accident head-injured adult son to the hearing in a wheelchair. The son didn’t have to say much, couldn’t say much. But the pain in the face of that broken body spoke volumes.

During the committee hearing on Hansen’s bill, Dr. Daniel Rosenquist representing the Nebraska Medical Association said helmets reduce serious injury and lower health care costs, saving taxpayers’ money.

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“While there are inherent risks in riding motorcycles, helmets are the single most effective way to save lives,” Rosenquist said.

So, senators, consider proof of health insurance and long-term disability care to get a waiver on helmet wearing, because you can’t fix stupid.

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*J.L. Schmidt has been covering Nebraska government and politics since 1979. He has been a registered Independent for more than 20 years.*