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FLOOR DEBATE

April 19, 2005      LB 70

SENATOR CUDABACK: Senator Beutler, to open on amendment FA149 to LB 70.

SENATOR BEUTLER: Senator Cudaback, members of the Legislature, this amendment goes right to the heart of the bill and, from my personal perspective, tries to sort out the good from the not so good. I think Senator Smith and Senator Baker and others are absolutely right on the point of education. I think more education is needed. I think the more education you have, the less likely you are to do foolish things on a motorcycle. I also think the rider is getting older and older over the years and that probably inserts another measure of caution into the whole matter. But I'm not yet convinced that allowing people to ride on motorcycles without helmets is a good thing, and so what this amendment does is to extract out of the bill that provision that says that they need not wear a helmet. I think the starting point, when I look at it, is the starting point that Senator Chambers emphasized, and that's the riding of the motorcycle, and that activity in and of itself almost reaches the point of being inherently dangerous in and of itself. Nobody has argued the statistic that indicates that it's almost 26 or 27 times more dangerous, in terms of being involved in a fatal accident, to be riding a motorcycle than it is to be riding in a car. So you start out from that point. Culturally, we're going to allow, and no one has every questioned this and I doubt if we every will, we're going to allow a very dangerous activity to continue; that is, the activity of riding a motorcycle. Your body is almost completely unprotected. It could be flung against a million things at very high speeds. I think Senator Chambers is right that at most high speeds, it doesn't matter whether you have a helmet or not. But I differ from Senator Chambers in that I think there are, logically and with the application of common sense, a number of situations where a helmet may be the difference between whether you live or you die, whether you're paralyzed for life or you become well and an able, functioning citizen again. I think one of the things we need to keep thinking about in terms of the kind of situation that we're dealing with is that the severity of harm to an individual is great. You have an accident on a motorcycle, it could very easily be a bad accident. The severity of harm in this situation is a serious matter. And so