

HB 7596

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House 4841

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Senate 3093

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**JOINT
STANDING
COMMITTEE
HEARINGS**

TRANSPORTATION

**PART 2
338-674**

1971

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Sen. Mondani: Thank you Senator. Senator Crafts.

Sen. Crafts: Mr. Chairman, members of the committee, I'd like to very briefly lend my voice in support of Senator's Alfano's bill 1530. I do think it's a good protective measure for the people of the State of Connecticut, and it should be enacted. I would like to speak in favor also of H.B. 5245 AN ACT REPEALING THE REQUIREMENT THAT MOTORCYCLISTS AND THEIR PASSENGERS WEAR HEADGEAR. To my knowledge no ones life has ever been saved because they wore a headgear while riding a motorcycle, and I do believe it impairs the vision, it's most uncomfortable to wear, and I urge your favorable consideration of this bill. And, in conjunction with this H.B. #6332 which is a new bill pertaining to headgear for motorcyclists, and while your considering 5245, I would ask you to oppose 6332. A favorable on 5245, naturally follows that an unfavorable should be voted on 6332. Thank you.

Rep. Rose: Representative Rose, Mr. Chairman, and members of the Transportation Committee. I want to speak in favor of H.B. 5245, 7596 and S.B. 696. S.B. 696 is a qualification for motor vehicle and motorcycle operators licenses requiring annual inspections and of the operator and of the vehicle. And, this is in conformity with the Federal Uniform Safety Code and I think that it is high time we in Connecticut can adopt this type of legislation, which does protect the public. The bill which has to do with license plates for motorcycles, 7596 is a very simple bill, which simply states that registration plates on motorcycles may also have the option buying at special rates plates which have initials, which under the present law we allow automobile license plates to buy at an additional costs, license plates that have initials. I can see no reason to discriminate against the motorcycle in this particular area. My main thrust this morning speaking to you Gentlemen, and Ladies is to support the repeal of the present compulsory helmet law which has been on the books now for some four years. I'm sure many of you who have been in the legislation know how this has been waged up and down in the past few years. You know that I am a motorcyclist, I've ridden motorcycles all my life, I find it an extremely wonderful sport, a very attractive method of quick transportation about in local areas and I even come to the Capitol when the weather is good, on it. I do not consider it a vehicle which is a primary dangerous vehicle, anymore than an automobile, it is a matter of skill, matter of passing proper examinations, and so forth. The fundamental issue is as I see it, in repealing a compulsory helmet law is this. If you as the public is coming down the highway, bringing a automobile with your family aboard, and you see a motorcyclist coming in the opposite direction, my question to you as a motorist is this. Do you feel safer as the motorist in that automobile, if the person coming toward you on the motorcycle has a helmet on, or does not have a helmet on? Does it have any bearing on your safety as the public? In my judgement it has no bearing whatsoever. And this is what the area of legislation so far as Transportation is concerned involved in, is safety of the public. You attempt to impose upon an individual his right to protect himself in the manner in which he feels is protection, seems to me to be outside the purview of the legislation. This caused all sorts of difficulties, all over the country. I would remind you that no country in the world has compulsory helmet legislation, except the present temporary one which is now on our books. The riding of motorcycles is something which is becoming extremely popular in our country in the last few years. And because of the unfortunante happenings of some of the so called "Hell Angles Clubs" and so forth there has been

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considerable, or has been considerable prejudices against all people who ride motorcycles. And as a result even the legislatures find themselves sort of on the side with the public which has had in the past formed a prejudice. And it is, unfortunately we have gotten over that hurdle. I think people now realize it is a legitimate form of transportation and a very comparable transportation and therefore, the reason legislation which was brought out on motorcycles in this country was so ridiculous that it was almost incredible to read some of the bills that were brought in, some of them even required that you wore a seat belt on motorcycles, or that you have some sort of a whirling propeller on your helmet and so forth. We have gotten through this, we ought to get down now to the fact of real public safety. A motorcyclist is one best able to judge his own safety in reference to wearing a helmet. The statistics on the deaths in our State in this last year, where there has been information through the police record of those who wore helmets and those who did not wear helmets, in the deaths in Connecticut, are completely inconclusive as to the helmet being the cause or saving the life. There were eight deaths in Connecticut, that wore helmets, there were eleven that did not wear helmets, and the rest of those that died there was no particular information on. I don't think these statistics really mean anything, they're not conclusive. The facts are those who were killed with a helmet on could very well have been saved if they had not had a helmet on. It could be very easily demonstrated, that a helmet might have caused the death, or caused the accident, because of some lack of vision, lack of hearing, the weight of the helmet itself during an emergency. I would like to demonstrate, if I could, I don't want to take your time, but I can safely say that when you put a thing on top of your head that weighs three pounds, which is the weight of a heavy helmet, and one which comes under the 290 requirements, the head weighs about six pounds, and your adding half again the weight of your head, to your head, at the end of a _____ which is about three feet long, from the waist to the top of your head, when you put your bike down with this helmet on your head there is a very violent reaction of weight to thrust your head forward. Anyone who has ever ridden on the back of a motorcycle with a helmet knows, this is a difficult problem, because they're constantly bumping into the driver's head. The driver has to warn them, be careful to hold yourself back when I put the brake on, otherwise you'll bump into me and we may have an accident. These are some of the facts that some of us who ride motorcycles know about. There isn't a motorcyclist in the State of Connecticut, to my knowledge in the whole country, who feels that we should have compulsory helmet laws. We do feel that in most cases a helmet is a protection, and in most cases the rider will decide to use a helmet. I use a helmet, but I insist that there are many people who almost cannot ride a bike with a helmet on because of the handicap it presents. I would like to give you an example, of some of the young people who ride motorcycles today. Young girls perhaps weighing less than a hundred pounds, putting this thing on her head, and trying to manipulate it in traffic, you almost asking her to have an accident. And I think it's cruel to have such laws on the books. The thing we did in our legislation, which you people did, as a Transportation Committee, that saved the lives of the motorcyclists was done back when we got requirements for special operators license and examination, before you could ride a motorcycle. Prior to that anyone who had an automobile operators license could ride a motorcycle. This was obviously asking for trouble, because the motorcycle is a special type of equipment, it does require special knowledge and experience in operation and training to drive safely, and our laws in Connecticut now protect the public by having the requirements of a special examination, and a special operators license. This is the

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kind of legislation that makes good sense, protecting the public. As you know last year the helmet law was presented to the legislation again, and I amended it, so that it was not compulsory to wear the helmet, my amendment passed the House almost unanimously, it went to the Senate, and passed the Senate, almost unanimously, but recognition of a ~~3-----~~ bad legislation ___ made it compelling ___ wearing a helmet. Then came the problem of the federal threat to withhold funds, then the Uniform Safety Code was not observed. Among other things on that code is the Compulsory Helmet Law. As a result of this threat that the Federal Government to the State of Connecticut, that it would withhold certain percentage of the highway funds, the Senate reconsidered, voted down my amendment, It was sent back to the House, the House reconsidered, voted down my amendment. The bill was passed, in its original form as a Compulsory Helmet Bill, It went to the Governor, and what happened. He vetoed it. Because as you will read in his veto message, he very clearly stated that the reason for the veto, it was not a public safety measure, There was no evidence conclusive that there was helping even the driver of the motorcycle, and there were certain constitutional reservations so the authorities could pass it to law. There are many states that have had this up in the courts, there are several now that have declared it unconstitutional, in the case of the Federal grant. The point here is we are going to ___ as much I think look at all of the facts, decide on the safety of the public in connection with this bill, and pass what is a bill which will protect the safety of the public. I maintain that the compulsory helmet law will hurt the safety of the public, and I think that anyone who has ever had the experience of driving a motorcycle would agree. We are invading the primary right of an individual, to protect himself, if we once pass such a law and put it on the books, and keep it on the books, what is to stop them from next saying you must wear a certain type of boot, to ride on your motorcycle, or a special type of glove, which would protect your hand from being hit by objects which will throw you off, or wearing leather ___ which will protect you from getting hurt if you do fall off, There's no limit to what the Federal Government or the State Government might pass in my way as a practical laws and really have no business in this area. The motor, helmet has a very remarkable connotation to the general public of protection, and I can understand this. The helmet came into use primarily as a means of protecting against falling objects, for construction workers, and most construction contractors require that their workers wear helmets, and this is reasonable because things flying from above, tools and metal objects, hitting a laborer could injure. The possibility of anything falling on top of a motorcyclists, riding their motorcycle is almost impossible. There's just as much danger for a person riding in an open car, to have something fall on top of his head, therefore, we would certainly require all people who have convertible automobiles to wear helmets. The protection of the face is not in the business of the helmet, it does not protect the face. If there is any area where protection is needed from objects such as bumps and so forth hitting you, it would be in the face, we have laws which protect this. You must wear goggles or have a wind screen, this takes care of that problem. There's very little likelihood and I don't know of any instance that I can think of where it is reasonable to suppose that a motorcyclist is going to get hit on top of the head while he's driving. He might after he gets off, some individual might want to hit him, but the purpose of the helmet on a motorcycle is very vague except when he does fall off his bike and under certain circumstances, it will protect his head. There's no question about this, the question is would he have fallen off the bike if he had not had the helmet on in the first place. So I plead with you to repeal the present law as is requested in my bill, and to give an unfavorable to the bill

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which again presents the compulsory helmet. I'm sorry I've taken so much time, -I know you realize how sincere I am, and how much time I've put into this. I would like to have the opportunity to answer any questions, any committee member might have. I think I have answers, I have a great file on this whole business over the years and I am working from experience as a legislature as well as a motorcycle operator. in the best interest of the safety of the public. Thank you very much.

Sen. Gunther: Chairman, Senator Gunther, 21st Senatorial District in favor of H.B. 5245, I'm not going to dwell any longer on it, then Representative Rose, he rides in the lower House, and I ride in the upper House, and all I have to say is this is an absolutely ludicrous law. It's unforcable and it has done nothing but serve as a harassment to the motor cyclists in the State of Connecticut. I concur one hundred percent with Representative Rose on the whole thing. To amplify a little bit, we all know what we had in the last session, we were more or less blackjacked into taking and rejecting this bill with his ammendment, because we had that threat of loss of the ten percent highway fund. I call to your attention the fact that both Illinois, and Michigan, repealed their laws requiring compulsory helmets and they have no penalties whatsoever. So, I say it was purely a black-jacking type operation out of the Transportation Secretary out of Washington I think this is the height of paternalism and ought to be eliminated. And I strongly support 5245, I think it's about time you take the paper off the books and put us back into the business of being intelligent human beings. Thank you.

Rep. Holdsworth: Mr. Chairman, members of the committee. I would like to speak along with the other persons who have _____ to photographs on driver's licenses. There are 13 bills submitted for photographs on driver's licenses. I think there are probably one other category in the bills submitted which are a greater number than that is, Assistance to the Aged. It certainly is evident that with this number of bills before the committee, it is a very strenuous push being made for required, in my opinion required, part of a driver's license. I want you to know that there are 21 states at the present time that issue photo licenses. There are nine states, Connecticut being one of them, which has legislation at the present time before them, for doing just this. The cost of a photo license, of course, is obviously higher than a paper license but the benefits far outweigh the added cost. First I'd like to discuss the benefits and then I will discuss the costs. A photo license can virtually eliminate the counterfeit and altered license problem, and I am told this is a considerable problem. Our present paper license can be mass produced by forgers and can easily be duplicated by students. Road safety is seriously jeopardized by this ease of counterfeiting. Drivers who have lost their license can obtain afforged one for sometimes less than the price of a valid license. These people should be kept off the roads. Also minors can easily change the birthdae on a paper license or buy one with the necessary birthdate. These drivers are a double risk. They lack experience in both driving and drinking. Next we could solve a very serious problem in Connecticut that is caused by passers of bad checks. These criminals use a phony Connecticut paper license to cash bad checks. The loss to bankers, merchants, and to the State as a result of bad checks is in the multi million dollar range. If we could solve this problem imagine how much we could save in law enforcement, court costs, and the cost of keeping these check passers in our jails. Next, a photo license would help conform our licensing process to the Federal Highway Standards.

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- Rep. O'Dea: Thank you sir. Anyone else to comment on these bills? The hearing is closed on 6430, and 6431. Next bill is H.B. 6082 DEFINITIONS. Anyone speak in favor?
- Sgt. Bohan: ~~Sergeant~~ Sargeant Joseph Bohan, Connecticut State Police Traffic Division. We are in favor of H.B. 6082, the police department favors this proposed statute which defines the term limited access highway. There are certain statutes and regulations that apply to only so called limited access highways. The term limited access highways in itself appears in the statutes in a number of occasions. Nowhere in the statutes is the term defined, if this could possibly lead to problems and enforcement of those laws and regulations which apply only to limited access highways, since nowhere in the law is there a statment defining what constitutes this type of highway.
- Rep. O'Dea: Thank you Sargent. Anyone else in favor? Any opposition? The hearing is closed on 6082. The next bill is 7596 and that's concerning LICENSE PLATES ON MOTORCYCLES. Rep. Rose has already spoken on this. Does anyone else want to comment?
- Mr. Carroll: Ed Carroll, Department of Motor Vehicle. I'd just like to advise the Committee that with regard to all inital plates, whether they be for motorcycles, passenger vehicles, or whatever, we support the increase in the one time fee, from the present \$15.00 to \$30.00. Thank you.
- Rep. O'Dea: Thank you Sir. Any other comments? The hearing is closed on this bill. H.B. 7699 AN ACT CONCERNING BICYCLES WITH MOTORS. Anyone in favor?
- Mr. Bassford: Gentlemen, Mr. Chairman, I'm familar with the type of vehicle you have in mind. I oppose this bill, my name is Steven A. Bassford, from Norwalk, Connecticut. I have hear several copies of the type of bicycle in question. There are several of this type on the market. To best describe my complaints about the present law, I think it would be advisable to relate this story of my connection with these bicycles. I'm an airline pilot, and in my travel all over Europe and France, Switzerland, Holland, I noticed the people of all ages, driving a bicylce of this type. So I decided to bring one home for my wife, who was 50 at the time, this was about 7 years ago, \$o where did I go? I went to a department store, in the bicycle section. I purchased the bicycle and I found someone who could speak a little english, and they showed me how to operate it. I got on it and went out in traffic and there are two, three points I want to make on this, I went to a department store, I didn't have to go to a licensed motor vehicle place or anything else, I went downstairs, got on it, and ride it. Two more points, I did not have to register it, I did not have to have a license to drive it. Well, to make a long story short I brought the bicycle home in a plane put it in my volkswagon and brought it home, gave it to my wife, she first looked at, she said, "what's that thing on the front!" "I said" it's a little motor to help you travel." And now she said, "are your out of your mind, a woman of my age, driving a motorcycle?" I said, "it's not a motorcycle, it's a bike with a helper motor". Meantime I saw children in the area riding this thing, they soon lost interest, because it only goes as fast as a bicycle. I finally got my wife on it, then I couldn't get her off it, she enjoyed it so much, she wouldn't go out on a regular bicycle, but on this machine, she could go anyplace she wanted, and I think it's really therapy for her, and there's another world in it. That was before they had this motorcycle driver's test law and helmet. Becuase both of the bicycles we had were registered

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concerning open air theaters, shopping centers on State highways, File No. 1492. Calendar No. 1315, Substitute for H.B. No. 6260, an Act concerning proposed Amendments to the Constitution, File No. 1496. Calendar No. 1317, Substitute for H.B. No. 6316, an Act concerning the registration of commercial motor vehicles, File No. 1483. Calendar No. 1319, Substitute for H.B. No. 6420, an Act concerning the authority of the Commissioner of Motor Vehicles to make regulations and certify equipment in the interest of public safety, File No. 1498. Turning to Page 3, Calendar No. 1321, Substitute for H.B. No. 6444, an act concerning approval of motor vehicle equipment, File No. 1460. Calendar No. 1326, H.B. No. 6564, an Act concerning the classification of forest land, File No. 1491. Calendar No. 1327, Substitute for H.B. No. 6573, an Act concerning erasure of Circuit Court arrest and conviction records, File No. 1484. Calendar No. 1335, H.B. No. 7321, an Act concerning payment for preparation of preliminary school building plans, File No. 1490. Calendar No. 1336, Substitute for H.B. No. 7596, an Act concerning license plates on motorcycles, File No. 1454. Calendar No. 1340, H.B. No. 8127, an Act concerning the sessions of the Board of Admissions, File No. 1465. Turning to Page 4, Calendar No. 1342, Substitute for H.B. No. 8271, an Act imposing an interim tax on motor vehicles registered between assessment dates, File No. 1474. Calendar No. 1343, Substitute for H.B. No. 8467, an Act concerning real estate licenses, File No. 1443. Calendar No. 1345, H.B. No. 8612, an Act permitting Constables in small towns to make arrests outside their jurisdiction in fresh pursuit cases, File No. 1472. Calendar No. 1346, H.B. No. 8690, an Act concerning the

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1252 , File 1478, H.B. 6538, An Act Concerning the Powers of the Commission on Aid to Higher Education.

Page 17, File 1256, File 1485, H.B. 6982 An Act Exempting the State and its Political Subdivisions from the Fair Trade Act.

1259, File 1454, Sub. H.B. 7596 An Act Concerning License Plates on Motorcycles.

Page 18, Cal. 1260, File 1488 Sub. H.B. 7712 An Act Concerning the Federal-Aid Urban System of Highways.

Page 19, Cal. 1268, File 1447, Sub. H.B. 9165 An Act Concerning Administrative Appeals.

Cal. 1270, File 1473, H.B. 9255, An Act Concerning Amending the Charter of Bacon Academy.

Page 21, Cal. 536, File 1195, Sub. S.B. 1679 An Act Concerning Claims Against the State.

Cal. 688, File 1008, Sub.S.B. 429, An Act Concerning the Retirement Salary of Certain Workmen's Compensation Commissioners.

Page 22, Cal. 705, File 1023, S.B. 1405 An Act Concerning the Creation of the Naugatuck Valley Industrial Development Distr.

Cal. 789, File 1122, Sub. S.B. 879 An Act Concerning Investigation of Rates of a Public Service Corporation By the Public Utilities Commission.

Cal. 813, File 1391, Sub. H.B. 6161 An Act Concerning the Establishment of Transit Districts by Vote of the Legislative Bodies of Municipalities Subject to the Approval of the Commissioner of Transportation.

Page 31, Cal. 881, File 1246, Sub. S.B. 0654 An Act Concerning the Authority of the Commissioner of Motor Vehicles to Make Regulations.

I believe thats it. I now move for suspension of the rules for consideration of all items that were not starred, or only single starred.

THE CHAIR:

The question is on suspension of the rules . Is there any objection? No objection. The rules are suspended. All the matters