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(Original Signature of Member)

111TH CONGRESS
2D SESSION

H. RES.

Supporting efforts to retain the ban on the National Highway Traffic Safety Administration's (NHTSA) ability to lobby State legislators using Federal tax dollars and urging the NHTSA to focus on crash prevention and rider education and training.

IN THE HOUSE OF REPRESENTATIVES

Mr. SENSENBRENNER submitted the following resolution; which was referred to the Committee on _____

RESOLUTION

Supporting efforts to retain the ban on the National Highway Traffic Safety Administration's (NHTSA) ability to lobby State legislators using Federal tax dollars and urging the NHTSA to focus on crash prevention and rider education and training.

Whereas since 1995, Congress has protected the authority of the States to determine whether motorcycle riders should wear helmets;

Whereas more than 7,000,000 motorcyclists cherish the personal freedom and individual responsibility of motorcycle riding;

Whereas there has been continuous growth in motorcycle use and ownership, especially among females who account for more than 23 percent of those who have ridden a motorcycle, and more than 12 percent of those who own a motorcycle;

Whereas motorcycles are the most affordable form of private motorized transportation in the United States;

Whereas according to the Governors Highway Safety Association, motorcycle rider fatalities decreased by at least 10 percent in 2009, without the implementation of a Federal mandatory helmet law;

Whereas the National Highway Traffic Safety Administrator stated that the “core component of our program has not changed; it is to increase helmet use” and “Anything that the Congress does that would support the movement of riders into helmets would be efficacious of safety”;

Whereas the Tenth Amendment of the Constitution reads, “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people”;

Whereas despite the Tenth Amendment, the National Highway Traffic Safety Administration (NHTSA) in the past lobbied State legislatures to enact mandatory helmet laws using Federal tax dollars;

Whereas in response to the NHTSA’s lobbying efforts, section 30105 of title 49, United States Code, states that “No funds appropriated to the Secretary for the National Highway Traffic Safety Administration shall be available for any activity specifically designed to urge a State or local legislator to favor or oppose the adoption of any

specific legislative proposal pending before any State or local legislative body”; and

Whereas the motorcycling community is concerned that government health care plans will exclude coverage for riders injured while not wearing a helmet: Now, therefore, be it

1 *Resolved*, That—

2 (1) the House of Representatives—

3 (A) supports efforts to retain the ban on
4 the National Highway Traffic Safety Adminis-
5 tration’s (NHTSA) ability to lobby State legis-
6 lators using Federal tax dollars;

7 (B) encourages continued growth in the
8 motorcyclist community and for owners and rid-
9 ers to be responsible road users;

10 (C) recognizes the importance of motor-
11 cycle crash prevention as the primary source of
12 motorcycle safety;

13 (D) encourages the NHTSA to focus on
14 crash prevention and rider education as the
15 most significant priorities in motorcycle safety;

16 (E) recognizes that if motorcycle riders are
17 not involved in a crash then they will not be in-
18 jured; and

19 (F) encourages the NHTSA to provide to
20 the appropriate committees a detailed statement
21 of why it believes it is less important to focus

1 on crash prevention, rider education and train-
2 ing, proper licensing, and reducing impaired
3 riding than on mandating universal helmet use;
4 and

5 (2) it is the sense of the House of Representa-
6 tives that any law that supersedes State laws re-
7 garding the use of helmets as it applies to denial of
8 health care coverage and benefits resulting from an
9 injury sustained while riding a motorcycle should not
10 be implemented.