

Date of Hearing: April 15, 2024

ASSEMBLY COMMITTEE ON TRANSPORTATION

Lori D. Wilson, Chair

AB 2392 (Soria) – As Introduced February 12, 2024

**SUBJECT:** Vehicles: motorcycle: safety helmet exception

**SUMMARY:** Exempts a driver or a passenger of a motorcycle, motor-driven cycle, or motorized bicycle from having to wear a safety helmet if they wear a turban or patka as an expression of the person's religious belief and practice.

**EXISTING LAW:**

- 1) Requires any driver or passenger to wear a safety helmet when riding on a motorcycle, motor-driven cycle, or motorized bicycle. (Vehicle Code Section (VEH) 27803)
- 2) Requires safety helmets to meet requirements imposed by the Federal Motor Vehicle Safety Standards and be conspicuously labeled as in accordance with such. (VEH 27802)

**FISCAL EFFECT:** Unknown

**COMMENTS:** According to the National Highway Traffic Safety Administration (NHTSA), in 2021 5,932 motorcyclists were killed, 14% of all traffic fatalities, and the highest number of motorcyclist killed since the federal government began collecting data on traffic fatalities in 1975. The per vehicle miles traveled fatality rate for cyclists was 30.05, almost 24 times the passenger car occupant fatality rate of 1.26. In states without universal helmet laws, 55% of motorcyclists killed in 2021 were not wearing helmets, as compared to 9% in states with universal helmet laws.

According to *Motorcycle Fatality Rates Due to Head Injuries are Lower in States with Helmet Laws*, a research paper by the Lerner Center for Public Health Promotion at Syracuse University, 37% of all motorcycle crash fatalities involve head injuries. States with helmet laws had a 33% lower head-related fatality rate compared to states without helmet laws. From 1999 to 2019 there were approximately 7,000 deaths in states without helmet laws compared to what they may have experienced with helmet laws in effect.

Every year NHTSA conducts the National Occupant Protection Use Survey, which provides nationwide observed data on motorcycle helmet use. In 2021 this survey found that in states requiring every rider to use a helmet 86% of riders wore a helmet while in other states only 53% wore a helmet.

According to the author, "Sikh men are specifically required to tie a dastar, or turban, as part of the articles of their faith. However, California's motorcycle helmet law has come into conflict with this religious observance as both the helmet and dastar cannot be worn simultaneously. While nations like the United Kingdom and Canada have either fully or partially authorized an exemption from helmet laws for this group, California has not.

In order to allow Sikh Californians to fully observe the tenants of their faith, an accommodation must be made to our laws surrounding helmet requirements. AB 2392 does so by providing a

limited exemption for Sikh Californians from the requirement to wear a helmet while on a motorcycle while wearing a turban or patka as part of their religious observance.”

*Turbans, patkas, and Sikhism.* The 2021 American Community Survey estimated that 211,000 Sikhs live in California, nearly half of all Sikhs living in the United States. The Sikh Reht Maryada is a code of conduct and conventions for orthodox Sikhism. This code of conduct includes a dress code requiring Sikhs to carry five articles of faith, referred to as the Panj Kakkar. Among these articles is the Kesh, the practice of allowing one’s hair to grow naturally, without being cut. Sikh men are specifically required to tie on their head a dastar, or turban, as a symbol of humility and the supremacy of God. Many Sikh children wear patkas, a cloth head covering secured with strings, some Sikh men also choose to wear patkas, larger than those worn by children.

Eighteen states and Washington D.C. have a universal helmet law for all riders. Twenty-nine other states require a helmet for people either under the age of 21 or 18. Illinois, Iowa and New Hampshire are the only states with no helmet requirement. No state with a helmet requirement exempts Sikhs or any other group from wearing a helmet on the basis of religious practice. In Canada, Sikhs are exempt from motorcycle helmet laws in the provinces of Alberta, British Columbia, Manitoba, and Ontario.

Sikhs are also exempt from wearing motorcycle helmets in the United Kingdom and India. According to the *Times of India*, in 2022 75,000 people in India lost their lives while riding a motorcycle, accounting for nearly half of all road fatalities in the country. Eighty-seven percent of those deaths were a result of not wearing a helmet.

*A Voice for Choice Advocacy, writing in support of this bill*, argues “We support this bill exempting persons who wear turbans or patkas as an expression of religious belief and practice from driver and passenger safety helmet requirements while riding on a motorcycle, motor-driven cycle, or motorized bicycle.”

This bill is similar to the introduced version of SB 847 (Dahle) of 2023. SB 847 was amended in this committee to authorize the California Highway Patrol (CHP) to approve an alternative helmet that is designed for the purposes of compliance with a driver’s or passenger’s religious beliefs. That bill was vetoed by Governor Newsom. In his veto message, the Governor wrote:

“This bill would authorize the California Highway Patrol to adopt a regulation to certify motorcycle helmets that do not meet the safety requirements imposed by Federal Motor Vehicle Safety Standards in order to accommodate a driver's or passenger's religious beliefs.

Motorcycle helmets save lives. The NHTSA requires that all motorcycle helmets sold in the United States meet Federal Motor Vehicle Safety Standard (FMVSS) 218. This standard defines minimum levels of performance that helmets must meet to protect the head and brain in the event of a crash. According to NHTSA, helmets that do not meet FMVSS 218 create a higher risk for skull fracture and brain injury when compared to certified ones. Approval of a helmet model that does not comply with rigorous federal safety standards will undoubtedly impact public safety.

While I am sensitive to the protection of religious freedoms, I cannot support legislation that would have the unintended public safety consequences associated with this proposal.”

*The County Health Executives Association of California (CHEAC), opposing this bill, argues* “According to the Centers for Disease Control and Prevention (CDC), in 2020 more than 5,500 motorcyclists died in our nation’s roads, and more than 180,000 were treated in emergency departments for crash injuries. In 2017, the CDC found that the use of helmets saved an estimated 1,872 lives and that 749 more lives could have been saved if all motorcyclists had worn helmets. The CDC also notes that helmets are 37% (for riders) and 41% (for passengers) effective in preventing deaths and reduce the risk of head injury by 69%. According to a NHTSA report posted on the CDC webpage, helmets saved an estimated 1,872 lives and more than \$3.5 billion in economic costs and \$21 billion in comprehensive costs in 2019.

CHEAC understands that wearing turbans and patkas are deeply important religious expressions and we encourage innovation and equity in the design of helmets to accommodate head coverings instead of weakening existing helmet laws and risking the safety of these riders. Riders of all religions deserve to have access to the same safety measures and protections while riding a motorcycle, motor-driven cycle, or motorized bicycle. Creating an exemption may unintentionally lead to disparities in related crash injuries and deaths.”

*Committee Concerns:* Wearing a motorcycle helmet saves lives. States with helmet laws are substantially more likely have riders wear a helmet and as a result fewer traffic fatalities for motorcyclists.

Not wearing a helmet not only places the rider’s life in jeopardy, but also has a larger societal cost. According to a journal article published by the National Institute of Health titled *Assessment and treatment of PTSD after a motor vehicle collision: Empirical findings and clinical observations*, individuals who experience a serious motor vehicle accident (MVA) are at increased risk for psychological problems, particularly Posttraumatic Stress Disorder (PTSD). According to that journal, “For many individuals, the symptoms of PTSD following a serious MVA may include psychologically re-experiencing the trauma (e.g., intrusive thoughts about the accident, distressing dreams about the accident), persistent avoidance of thoughts or situations associated with the accident (e.g., reluctance or refusal to drive, actively avoiding thoughts about the MVA), numbing of emotional responsiveness (e.g., greatly reduced or absence of emotions, feeling detached from others), and increased physical arousal (e.g., exaggerated startle, irritability, disturbed sleep).” The journal notes that individuals that caused a fatality, even if not at fault, have a heightened risk of developing PTSD, and may even cause mental health issues with others in group therapy inadvertently hearing about the fatality.

The Legislature should weigh if it is comfortable passing legislation that would authorize an individual to engage in behavior that may come at a substantial risk to their own life and may emotionally harm others.

*Previous Legislation:* SB 847 (Dahle) of 2023 was substantially similar to this bill. That bill was amended to instead authorize CHP to approve an alternative helmet to meet religious needs. That bill was vetoed by Governor Newsom.

AB 695 (Norby of 2011) would have exempted motorcycle drivers 18 years or older who have completed a motorcyclist safety training program from the universal helmet law. *This bill failed passage in the Assembly Committee on Transportation.*

AB 1205 (Logue of 2009) would have exempted motorcycle drivers 18 years or older who have completed a motorcyclist safety training program from the universal helmet law. *This bill failed passage in the Assembly Committee on Transportation.*

AB 2427 (Canciamilla of 2006) would have exempted motorcycle drivers 18 years or older who have completed a motorcyclist safety training program from the universal helmet law. *This bill failed passage in the Assembly Committee on Transportation.*

SB 969 (Ducheny of 2006) would have exempted motorcycle drivers 18 years or older who have completed a motorcyclist safety training program and has proof of current medical insurance from the universal helmet law. *This bill failed passage in the Senate Committee on Transportation and Housing.*

SB 685 (Hollingsworth of 2003) would have exempted from the helmet law persons who file a physician's certificate with the DMV substantiating a disability that renders them unable to wear a helmet. *This bill failed passage in the Senate Committee on Transportation.*

AB 2700 (Mountjoy of 2002) would have exempted from the helmet law motorcyclists 21 years old and over who carry proof of at least \$1 million in medical insurance on their persons. *This bill failed passage on the Assembly Floor.*

#### **REGISTERED SUPPORT / OPPOSITION:**

##### **Support**

American Sikh Sangat  
Voice for Choice Advocacy  
Guru Nanak Sikh Temple  
Jakara Movement  
Voice for Choice Advocacy  
One Individual

##### **Oppose**

Auto Club of Southern California, AAA  
California Coalition for Children's Safety and Health  
County Health Executives Association of California (CHEAC)

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