

Focus + Unity = Repeal of Federal Helmet Law

by Wayne T. Curtin

MRF Vice President for Government Relations

On November 28, 1995, years of work by countless motorcyclists from around the country resulted in REPEAL of the Federal Helmet Law Mandate. This truly grass roots movement has done what few thought could be accomplished. In less than four years, we repealed the federal mandate that has most threatened the freedom of motorcyclists. During that four years, only one state passed a helmet law and the other 25 freedom of choice states stayed free!

Though the repeal took place in less than four years, there were many years of hard work that took place before 1991. In 1989 and 1990 Senator Chaffee and Rep. Cooper introduced legislation to withhold 10% of a state's federal-aid highway funds. There was enough opposition to this heavy handed approach that Senator Chafee and Rep. Cooper altered their approach and changed the penalty to a 3% transfer from only three of the highway construction funds to highway safety programs. This change is what enabled Senator Chafee and Rep. Cooper to have the penalty included in the major highway bill of 1991, the Intermodal Surface Transportation Efficiency Act (ISTEA).

I believe this is a classic example of when you cannot defeat a piece of legislation, you should alter it to make it livable or at least lessen the impact as much as possible. Motorcyclists never agreed to support this change, but we forced it to happen. The end result was that the penalty was of a level that 25 of the 26 states without helmet laws in 1991 were able to stand up to three years of penalties. I do not believe this would have been the case if the penalty had been an out and out loss of 10% of all of the state's federal-aid highway funds.

It was not just the lower level of penalties that kept helmet laws out of the 25 free states. The strong State Motorcyclists' Rights Organizations (SMROs) in those 25 states had spent the last 15 to 20 years building relationships in their state capitols. The motorcyclists in those states con-

vinced their legislators of two things: there was no need for a helmet law in their state; and that if the state legislators would endure the penalties for a few years motorcyclists would lead the effort to repeal the Section 153 penalties, and we would be successful. By doing this the 25 states that kept freedom helped our fight in Washington.

After our failure in 1991 to stop the penalties, many SMROs realized they needed to put more effort into federal legislation. In 1991 we could only get 18 states to send motorcyclists to Washington to try and stop the federal mandate. Between 1991 and 1995, every year more SMROs sent members to Washington, until this year when 37 states had delegations come to Washington. This, combined with motorcyclists doing more with Congressional and U.S. Senate campaigns in 1992 and 1994, is the core of why we succeeded in repealing the Section 153 penalties in 1995.

In the fall of 1994, motorcyclists had six very important things happen that laid a solid and unified base for our work in Washington for 1995. First, at MRF's annual conference, Meeting of the Minds, we held a two hour strategy session where we discussed all options we could pursue in 1995. This session had representatives from almost every SMRO in the country. Three major decisions were made at this meeting. 1) We would pursue repealing the penalties for helmet laws only, and drop our efforts on the seatbelt issue. 2) We would pursue full repeal and not some compromise, like a rider education exemption or 21 age limit. 3) The SMROs committed to supporting this MRF led effort both in the state and by sending representatives to Washington in early 1995.

The second major action was a phone call I received from Rob Rasor, AMA's vice president of government relations, in early October. Rob told me that now that the Desert Protection Act was done he wanted to commit more of the AMA's Washington Representative's time to support the MRF's efforts to repeal the federal helmet law.

Knowing how much time Jim Bensberg had put in on the Desert Protection Act in 1993 and 1994, I was elated to know that the AMA's new man in Washington, Rob Dingman, would be putting that amount of time and energy into repealing the helmet mandate. In addition, the AMA helped to fund trips to Washington for over 50 motorcyclists' rights activists in 1995.

The third thing that happened was that motorcyclists were more involved in the campaigns of Congressional and Senate races than ever before. Motorcyclists had established more friends through this campaign work. Several legislators that opposed freedom were defeated, including Rep. Cooper who ran for the Senate and several members of the House committee who had voted against the Petri Amendment.

The fourth action was taken by voters across the country, when they voted to support the concept of "less government and more freedom" by giving the Republicans control of both the U.S. Senate and House of Representatives. This action brought our strongest argument for repealing the penalties to the forefront: the 10th Amendment of the Bill of Rights and the issue of State's Rights became the creed of the 104th Congress.

The fifth thing that happened was probably the most surprising, and to many controversial, action. In December representatives from MRF and NCOM met to discuss how we could work on a common and non-competitive agenda for motorcyclists. Everyone in that meeting agreed that repeal of the federal Section 153 penalties on states without helmet laws was of such importance that MRF and NCOM owed it to motorcyclists to work together on this issue. NCOM asked the MRF to provide them with a strategy and list of priorities of states that needed to come to Washington and NCOM agreed to support that program and provide some funding to assist states in sending delegations to our nation's capital.

Lastly, the MRF's Board of Directors made the commitment to hire Carol Simpson as a legislative assistant to help me with the increased legislative workload the MRF would be facing. Carol worked with Bill Bish of NCOM to convince people to come to town and then helped them with their scheduling. Now, with the help of Rob

Dingman of the AMA and Carol, we could attend three meetings at the same time to provide support to all organizations. Some weeks we had as many as nine states in town.

These six actions brought about all of the ingredients that were needed for our victory in 1995; all we had to do was put them together. Dropping the seatbelt issue brought us considerable new support. Many of our new cosponsors in 1995 told us that dropping the seatbelt issue removed the only reservation they had about supporting repeal of the federal mandate on helmet laws. The change in the leadership in Congress and the general change of approach that brought was extremely important. The new focus on the 10th Amendment and State's Rights was what we had spent the last few years trying to get Congress to embrace.

But, most important of all was the commitment of MRF, AMA, NCOM and the State Motorcyclists' Rights Organizations to work on a coordinated agenda. This provided the personnel and financial resources it took to make repeal of the Section 153 penalties a reality.

On behalf of the MRF, I wish to thank our members, the SMROs, NCOM and the AMA for the support and action you delivered to bring about this great victory. This unified effort is a wonderful example of what happens when people and organizations set priorities, commit to work cooperatively and provide the resources that are needed to make the priorities a reality. Because we were focused in our priorities and unified in our approach, the states are now free to decide whether motorcyclists are required to wear helmets. And, we have returned to the control of the 25 penalized states \$200 million of the \$250 million they were penalized. The MRF is thankful to all involved for the opportunity to have provided leadership in this legislative victory for freedom loving motorcyclists.

Key Actions On The Federal Helmet Law

1988 through 1995

1988

MRF opens first lobbying office in Washington, DC for motorcyclists, partly in anticipation of legislation being introduced to enact a new federal helmet law.

101st Congress

1989

Senator Chafee (R-RI) introduces legislation that would withhold 10% of a state's highway funds for states without motorcycle helmet and automobile seatbelt laws. MRF and AMA testify in opposition to penalties at a hearing on Senator Chafee's legislation before Senate Environment and Public Works Committee.

1990

Congressman Cooper (D-TN) introduces legislation to withhold 10% of a state's highway funds if a state does not have motorcycle helmet law and automobile seatbelt law.

The 101st Congress adjourns without taking action on either Chafee's or Cooper's bills, thereby killing them.

102nd Congress

1991

Realizing that there is too much opposition to a 10% withholding penalty, Senator Chafee and Congressman Cooper weaken the penalty provision, making it a forced 3% transfer from highway construction to safety programs. This provision is written into the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA).

Motorcyclists fail to recruit a sponsor to offer an amendment in the Senate to strike the penalty. In the House of Representatives, Rep. Applegate's (D-OH) amendment to make the mandate for those under 21-years old fails in committee on a voice vote. The House Rules Committee refuses to let Reps. Klug (R-WI) and Williams (D-MT) offer amendments on the House Floor.

On December 18, President Bush signs ISTEA into law, including a federal helmet law mandate on the states. Penalty provision becomes Section 153 of title 23 U.S.C., thereby becoming known as Section 153 penalties.

1992

Senator Durenberger (R-MN) and Congresswoman Snowe (R-ME) introduce legislation to repeal penalties on states without helmet and seatbelt laws. Also, Rep. Klug introduces legislation to only require the mandate for those under 21 years of age. The 102nd Congress adjourns without action on repeal of the Section 153 penalties. However, a solid base of support in Congress for repeal of the mandate is put in place.

Only one state, Maryland, passes a helmet law. The other 25 freedom of choice states defeat helmet laws.

103rd Congress

1993

Senator Durenberger and Congresswoman Snowe reintroduce legislation to repeal penalties on states without helmet and seatbelt laws. Senator Campbell (D-CO) introduces legislation that would exempt states from penalties for not having helmet laws if they have motorcycle rider education programs.

MRF, AMA and ABATE of California testify before House Public Works and Transportation Committee requesting repeal of the Section 153 penalties.

None of the 25 freedom of choice states enact helmet laws.

1994

MRF and AMA testify before House Public Works and Transportation Committee requesting repeal of the Section 153 penalties. During Surface Transportation Subcommittee mark-up of National Highway System (NHS) bill, Rep. Petri

(R-WI) offers amendment to repeal Section 153 penalties, wins on 20-19 vote. Five days later, at Public Works and Transportation Committee mark-up of NHS bill, penalties are reinstated on a vote of 40-24.

The 103rd Congress adjourns without further action on repeal of Section 153 penalties and NHS legislation dies without final action.

Again, none of the 25 freedom of choice states enact helmet laws.

At MRF's annual conference, Meeting of the Minds, a two hour strategy session is held to discuss focus for 1995. Three key decisions are made. First, in 1995 motorcyclists will recruit sponsors for bills that only deal with helmet law penalties, dropping efforts to repeal penalties for not having seatbelt laws. Second, most State Motorcyclists' Rights Organizations commit to sending delegations to Washington, D.C. in 1995. Third, we agree that our goal is to have an amendment repealing the penalties attached to the NHS legislation, which has to be passed in 1995.

Motorcyclists are more active in the campaigns of people running in federal elections than ever before. Republicans sweep election, taking control of both U.S. Senate and House of Representative. Though our lead sponsor in the Senate, Senator Durenberger, has retired, Rep. Snowe is elected to the Senate.

104th Congress 1995

Senator Snowe and Congressman Young (R-AK) introduce legislation to repeal the provision of the Section 153 penalties dealing with helmet laws. Senator Campbell reintroduces legislation to exempt states from penalties for not having helmet laws if they have motorcycle rider education programs. Rep. Klug introduces bill to repeal penalties on states for not having helmet and seatbelt laws, drinking age of 21 and not complying with national speed limit.

Through a cooperative effort of the MRF, AMA, NCOM and the State Motorcyclists' Rights Organizations, over 300 motorcyclists from 37 states come to Washington, D.C., to lobby their congressional delegations to cosponsor Senator Snowe's and Rep. Young's legislation. Six other

states get their entire delegation to support repeal without coming to Washington.

This effort results in 34 senators being sponsors of Senator Snowe's bill by the time the Snowe-Campbell Amendment is offered. Two-hundred and four Members of Congress are sponsors of Rep. Young's bill when he offers his amendment, making it the 5th most sponsored bill in the 104th Congress.

MRF and AMA arrange for state legislators and motorcyclists from Illinois, Rhode Island and New Hampshire to testify before the Senate Environment and Public Works Committee and House Transportation and Infrastructure Committee. When National Highway System Designation Act (NHS) is debated on Senate floor Senators Snowe, Campbell (now a Republican) and Smith (R-NH) lead effort to repeal penalty provisions. The Snowe-Campbell Amendment repealing the Section 153 penalties on states without helmet laws is approved on a vote of 64-36.

An amendment to deny motorcyclists federal benefits, offered by Senators Chafee and Hutchison (R-TX), is defeated 39-60. Motorcyclists fend off efforts by Rep. Shuster (R-PA), chairman of the Transportation and Infrastructure Committee, to keep the NHS bill "clean" of amendments, getting him to agree not to vocally oppose Rep. Young's amendment.

At the committee mark-up of the NHS bill, Rep. Young's amendment is approved 38-17. Rep. Oberstar's (D-MN) amendment to deny motorcyclists federal benefits is ruled out-of-order. On the House Floor Rep. Ward's (D-KY) amendment to reinstate the penalties was defeated on a voice vote.

After efforts to kill the NHS bill through the appropriations process are fended off, the NHS bill is reported out of conference committee with repeal of the Section 153 penalties intact. In addition, due to MRF and AMA lobbying efforts, there is a provision included that repeals the penalties retroactively for two of the three years states were penalized.

On November 28, President Clinton signs the National Highway System Designation Act into law, and thereby repeals the Section 153 penalties on states without helmet laws.

Once again, none of the 25 freedom of choice states enact helmet laws. On December 7, due in part to repeal of the Section 153 penalties, the New Jersey State Senate votes 27-9 to let those over the age of 21, who have either had a motorcycle endorsement for two years or have taken a rider education course, have the choice of whether or not to ride without a helmet.

So How Did We End Up With a Retroactive Repeal?

by Wayne T. Curtin

MRF Vice President for Government Relations

After last year's Meeting of the Minds, I spent a few weeks thinking about and talking to people who had been there about what happened in the legislative strategy session. It was clear that our priority legislative goal was repeal of the provision of Section 153 that penalized states without helmet laws. The major changes from previous years were, we were dropping the seatbelt issue, and we would pursue all out repeal and not look for compromises. With a primary goal of repealing the penalties on states without helmet laws, I established additional goals and set priorities that would meet and then enhance the overall goal.

The number one priority had to be ensuring that the repeal was accomplished before the end of 1995. Most of the 25 free states felt they could hold off helmet laws for one more year, as long as we were showing progress (winning votes) during the year on our effort to repeal the Section 153 penalties. If, as they did, the 25 free states could survive 1995 and then enter the 1996 legislative session without the threat of federal penalties, freedom would survive in those states, and it would provide the other 25 states a new tool and big boost in their fight for freedom of choice.

The second priority was to have the repeal take place before October 1, 1995. If this goal could be obtained then the 25 free states would avoid a third year of penalties. Under Section 153, penalties were assessed each year on October 1. If a state did not have a helmet law on that day, the state's following fiscal year's funds were penalized. If we could both repeal the penalties and

keep the states from being penalized a year they had expected to be penalized, we would earn respect and appreciation from state legislators.

The third priority would be to have the penalty repealed so early in 1995 that we could use the appropriations or authorization process to relieve some of the penalties on states in fiscal year 1996, for not having helmet laws prior to October 1, 1994.

Though they did not all come in the way expected, we obtained all three of these additional goals and all 25 free states remained free in 1995. The repeal was signed into law on November 28, 1995, prior to the 1996 legislative year. The number one priority of ensuring repeal and keeping the 25 free states free was accomplished. In Washington we made steady progress in attaching the repeal to the National Highway System Designation (NHS) Act, which we had chosen in 1993 to be the legislative vehicle we would use to attach a repeal amendment.

However, the other two priority goals were reached in an unusual way. The third priority of a repeal early enough to bring relief to the states in fiscal year 1996 seemed to disappear early. Senate action did not come until June and the House did not begin committee action until September. Then in mid-September, when it became obvious that the NHS legislation would not become law before September 30, our number two priority was in jeopardy as well.

This is when motorcyclists having had a presence in Washington for seven years paid off. The

work that had been done over the years by the delegations the SMROs sent to Washington and the staff of the MRF and AMA brought about strong relationships with several members of the conference committee and their staff. At first we brought up with staff that by missing the September 30 deadline the states would be penalized another year. Their initial response was, "Oh no, the repeal is in the bill and once it becomes law NHTSA would not penalize the states again just because the date of the repeal wasn't until a few weeks later." Our response was, "That is not the NHTSA we know, would you please confirm that?"

Well, when conference committee staff checked, they were told that the letters notifying the states of another year's penalties were being prepared as they spoke. At that point we quietly worked with members and staff to address this problem. The end result was both our number two and three priorities were met, and we got a little more.

The legislative language of the conference reported NHS bill includes an effective date of September 30, 1995 for the repeal. This provision accomplished our second priority goal. The third priority was met by report language in the conference committee report. That language makes

it clear that the states have the authority to transfer back to construction accounts any funds they were penalized for fiscal year 1996. This report language leaves it up to the states to decide whether to use these FY96 funds for construction, safety or a combination of both.

The importance of this is that many states had already budgeted this money for FY96 and to have it taken away without notice would create problems for the state. Also, several state motorcycle safety programs benefited from the transfer funds in FY95 and hoped to get additional funding in FY96. The end result is the ultimate States Rights answer, let the states decide for themselves how to use the FY96 penalty funds.

Even though they did not come the way we had originally planned, having priorities defined allowed us to look for other ways to accomplish them. The end result is everything we wanted, and then some. Now freedom of choice is safer in the 25 free states than it has been in many years. And, with the federal mandate gone the other 25 states have a better chance of obtaining freedom than they have had in 20 years.

MRF Honored for Federal Helmet Law Repeal

by Wayne T. Curtin

On July 4, 1996 the Motorcycle Riders Foundation was awarded the American Society of Association Executive's (ASAE) Excellence in Government Relations Trophy. The ASAE presented the award in recognition of MRF's leadership in the repeal of the federal penalties on states without helmet laws.

The ASAE represents over 23,500 association professionals from over 10,000 associations and organizations. Each year it requests nominations from associations that have made major legislative or regulatory accomplishments. The ASAE honored 21 associations with awards in 11 categories for their government relations victories during 1995. The MRF received the top award in the "Single Program Federal Legislative" category.

In its news release announcement of the award, the ASAE wrote the following: "The Motorcycle Riders Foundation (MRF), Washington, DC, won a protracted battle through perseverance and by improving its grassroots network. MRF anticipated a 10% withholding penalty on federal highway funds for states without helmet laws. MRF created a grassroots network, lobbied Congress, and helped lower the penalty to 3%. Emboldened by this victory, MRF redoubled its grassroots effort by utilizing various technologies (mail and fax lists, the Internet, and a World Wide Web site) and by increasing member presence in DC. Due to these efforts Congress not only repealed the withholding but also returned 80% of the withheld funds to 25 states."

After the awards ceremony, Wayne Curtin, along with two other award winners from the American Bar Association and the National Truck Equipment Association, presented case studies as a workshop for the attendees of the ASAE's 15th annual legislative summit.

The nomination for these awards had to be three pages or less, and were submitted to a judging panel made up of other government relations professionals. Below is the nomination that was submitted on behalf of the MRF. To supplement the nomination, one copy of each news release, MRF Reports, MRF White Papers and tri-folds were included as well.

Background on MRF

In October of 1985, leaders of several of the State Motorcyclists' Rights Organizations (SMROs) in the country held the first national conference for motorcyclists' rights activists. Most of the SMROs had been in existence since the mid-1970s. However, there was little communication between the different groups. The purpose of this first conference, Meeting of the Minds, was to get the leaders of SMROs together to get to know each other, hold seminars in leadership training and to begin discussions on whether there was a need for a national motorcyclists' rights organization. Though little was decided about the need for a national organization, it was agreed to hold another Meeting of the Minds.

In 1986, Howard Segermark, a former Senate staffer and president of an association management firm, rode his motorcycle from Washington to Little Rock, Arkansas and talked to the attendees of Meeting of the Minds about the need for motorcyclists to have representation in our nation's capital. Even though SMROs were estab-

lished and effective in their states, there was no representation of motorcyclists in Washington, DC, and no lines of communication nor organization to effectively deal with legislation that might arise in our nation's capital.

In June of 1987, the Motorcycle Rights Fund (MRF) was incorporated for the purpose of establishing a national motorcyclists' rights organization [501(c)(4) association]. The purposes of the MRF were to be a resource to support the SMROs and to work towards establishing a presence in Washington, D.C.

In 1988, the MRF changed its name to the Motorcycle Riders Foundation. Also, by this time it had become clear that in the near future, legislation to establish a federal mandate on states to pass motorcycle helmet laws would be introduced. In October, at Meeting of the Minds, a decision was made to hire someone to open a full-time MRF office in Washington, D.C. With less than \$30,000 in the bank, MRF hired Wayne T. Curtin and opened its national headquarters on November 8, 1988.

Today, the MRF has an office at 228 East Capitol Street, just steps from the Capitol; has a three person full-time staff and a budget of \$250,000. MRF has been successful at numerous legislative initiatives and on November 28, 1995 saw years of work rewarded when President Clinton signed into law repeal of federal penalties on states without helmet laws.

Explanation of Issue

Opposition to helmet laws is the number one priority issue for the motorcyclists' rights movement. It was opposition to helmet laws that caused the first motorcyclists' rights organizations to be formed in the early 1970s. Up until the mid-1960s there were no helmet laws for motorcyclists. Through the Highway Safety Act of 1966, federal penalties were enacted that would withhold 10% of a state's federal-aid highway funds if the state did not have a mandatory helmet law for all motorcyclists. By 1975, only California had refused to enact a helmet law and Illinois' law was ruled unconstitutional. This intrusion into motorcyclists personal lives is what caused the SMROs to be formed. A loose coalition of these SMROs worked in 1975 to have the federal penalty repealed. In early 1976, President Ford signed legislation, a major highway bill, that included repeal of the penalty on states without helmet laws.

Between 1976 and 1983, 30 states joined Illinois and California in giving back freedom of choice to motorcyclists on helmet use. Louisiana reinstated a helmet law in 1980, a year after repeal. From 1988 to 1991, Oregon, Nebraska, Washington, Texas and California enacted helmet laws for all motorcyclists.

In April of 1989, Senator John Chafee (R-RI) introduced legislation to reinstate the withholding of 10% of a state's federal-aid highway funds if the state did not have both an automobile seat belt law and a motorcycle helmet law for all motorcyclists. In January of 1990, Rep. Jim Cooper (D-TN) introduced an identical bill in the House of Representatives. From past experience, motorcyclists knew the 26 state legislatures that had resisted passing helmet laws could not do so if these 10% withholding penalties were enacted. Preventing the imposition of these penalties be-

came the MRF's number one legislative priority.

Building the Team & Communicating the Message

When the MRF opened its office in Washington in 1988, only a few of the SMROs supported the efforts of the MRF. The American Motorcyclist Association (AMA), the nation's oldest and largest motorcyclists' association, had been trying to conduct federal government relations from Westerville, Ohio. A couple of years after the MRF set up shop in Washington the AMA opened a Washington office. The AMA has worked with and supported the MRF's efforts on the federal helmet law. The National Coalition of Motorcyclists (NCOM), a network of SMROs, most of whom did not support the MRF, initially competed with the MRF for support. However by 1995, every SMRO in the country was supportive of the MRF, both financially and with legislative action. The AMA was fully committed to supporting MRF's efforts, with their Washington Representative working daily with MRF staff. NCOM committed finances to help bring motorcyclists to Washington in 1995 and encouraged SMROs they worked with to support the MRF legislative strategy.

Local activism is the base of MRF's approach. Our plan for success was to have active communication between motorcyclists and their congressional delegation. This communication was in the form of letters, phone calls, visits to district offices, and visits to Washington, D.C. Motorcyclists invited representatives and senators to local charity events they sponsored and asked them to come speak at SMRO meetings and rallies. And, motorcyclists became very involved in federal election campaigns beginning in 1990.

In 1991, as the highway bill was coming to the Senate floor, MRF could only get 25 people from 18 states to come to Washington to recruit support for an amendment to strip the penalty provision of the bill Senator Chafee had included. The end result was that no amendment was offered and motorcyclists ended up with a federal helmet law mandate on the states.

In 1995, over 300 motorcyclists from 37 states came to Washington to lobby their congressional delegations. That effort resulted in Senator

Snowe's bill S.388 having 34 sponsors and being the 20th most sponsored bill in the Senate when the Snowe-Campbell Amendment came up for a vote. Rep. Young (R-AK) introduced H.R.899 to build support for repeal. On the day the Young-Petri Amendment was passed, H.R.899 was the 5th most sponsored bill in the House of Representatives with 204 sponsors.

The MRF expanded its seminars beginning in 1991. In addition to holding an annual national seminar, Meeting of the Minds, MRF began a series of regional seminars. The MRF is currently involved in six regional seminars, which attract not only state officers of the SMROs, but also bring in leaders of county and local chapters. The MRF sends staff and board members to attend state seminars as well. This field activity allows MRF to directly communicate its message to local activists.

In addition to the seminars, which were more organization building than just a communication method, the MRF took several different approaches to communicate with motorcyclist activists. First, MRF developed a legislative action mailing list which sent current information to almost 1,200 leaders in the motorcyclists' rights movement, at least once a month. MRF felt that if a president of a local chapter or club had the information in hand they were more likely to talk about it at the meeting. Second, since the MRF's newsletter was only published six times a year, MRF worked with the SMROs to make sure current legislative information was in their monthly publications. Third, MRF developed a FAX ACTION list of over 300 people who would receive information and begin immediate action when needed. Fourth, MRF became very active on the Internet in 1995. E-Mail Action Notices were transmitted and re-transmitted so that thousands had information in minutes. MRF also established a Home Page on the World Wide Web in August that is recognized as the best motorcyclist related Website. Fifth, the MRF staff and volunteers worked the phones to help educate its activists about what needed to be done.

The Campaign

In 1989 and 1990 motorcyclists' efforts pre-

vented the enactment of the 10% withholding penalty on states without helmet laws. 1991 brought new challenges. First, there was a major highway re-authorization bill moving that would be enacted in 1991. Second, Senator Chafee was the ranking minority member of the authorizing committee, the Environment and Public Works Committee. However, the strength of the opposition to a harsh 10% withholding penalty did force Senator Chafee and Rep. Cooper to try a new approach. Instead of a 10% withholding of all highway funds, their new legislation would transfer 3% of only three highway programs from construction uses to safety programs. In addition, these transferred funds would become 100% federal match, waving the normal 20% state matching funds required to obtain federal-aid highway funds. MRF was asked by Senator Chafee and Rep. Cooper to support this change, which MRF continued to oppose as strongly as the harsher approach. This change was a major success for the long-term fight against this federal mandate. Senator Chafee, as the committee's ranking minority member, was able to have the new approach included in the introduced Senate version of the 1991 highway bill. Motorcyclists were not able to remove this provision during Senate mark-ups and floor action; once that happened the House leadership included it in the House version of the Highway bill.

On December 18, 1991 President Bush signed into law the Intermodal Surface Efficiency Transportation Act (ISTEA) of 1991, which included the 3% penalty transfer on states without seat belt and helmet laws.

At this point 26 states did not have helmet laws for all motorcyclists and were subject to the penalties. To help the SMROs, MRF produced an issue paper called "Dollars and Sense" that explained the transfer and that not only would the states not lose any federal funds but it actually saved a state money because it would not have to provide matching funds. The end result was that only one state, Maryland, passed a helmet law after the ISTEA penalties became law. Keeping the states from reinstating helmet laws was an important part of fighting the federal mandate. Having the other 25 freedom of choice states hold

together and incur the penalties for three years helped fight the penalties. Half the states refused to comply, therefore it appeared to be bad legislation and it meant half the senators' and almost a third of the representatives' states were being penalized. No one believes these 25 states could have held up under the pressure of the 10% withholding if that version had become law. What on the surface looked like a total loss when the ISTEA penalties passed was actually a victory that allowed 25 of the 26 free states to stay freedom of choice on helmet use.

In 1992, MRF began the effort to repeal the ISTEA penalties. This effort reached fruition in 1995. Because the National Highway System Designation Act was a "must pass" authorization bill the MRF chose it as the legislative vehicle to attach an amendment. In the Senate, where motorcyclists could not even get an amendment offered in 1991, the Snowe-Campbell Amendment repealing the penalties passed on a vote of 64 to 36. In the House of Representatives' Transportation and Infrastructure Committee, where the issue was defeated in 1994 on a vote 40 to 24, the Young-Petri Amendment was victorious on a vote of 38 to 17. Twelve members of the committee who voted against repeal in 1994 and 10 of the 11 freshmen on the committee voted for repeal. On the House Floor the Ward Amendment to strike the Young-Petri Amendment was defeated on a voice vote. Also, the Chafee-Hutchison Amendment denying injured motorcyclists federal benefits was defeated 60 to 39 and a similar amendment offered by Rep. Oberstar at the committee markup was ruled out-of-order, for being non-germane. A significant fact that had to be overcome was that House committee Chairman Bud Shuster was opposed to the repeal and on the Senate side the committee Chairman Chafee, who was the original sponsor of the penalty provision, as the NHS bill floor manager led the floor opposition to the Snowe-Campbell Amendment.

When the NHS legislation reached conference committee the MRF was able to convince members that the repeal should be made retroactive. The 25 states without helmet laws had penalties assessed against them for Fiscal Years 1995, 1996, and 1997 for not passing helmet laws prior to

October 1, 1993, 1994 and 1995 respectively. Though the National Highway System Designation Act did not become law until November 28, 1995, the legislative language included an effective date of September 30, 1995. The effect was that instead of three years of penalties, at a total of \$250,000,000, two years of penalties for a total of \$200,000,000 were lifted. The only penalty the states incurred was for the first year, FY 95 for not having a helmet law prior to October 1, 1993. The first year penalty was only 1.5%, instead of 3%. For FY97 the penalized funds are returned to states' highway construction accounts and for FY96 the states have the option of continuing to use the funds for safety or they may transfer any portion of the penalized funds back to construction accounts.

Success of Campaign

First, the initial efforts that resulted in Senator Chafee and Rep. Cooper changing to a weaker 3% transfer penalty meant that 25 of the 26 states without helmet laws were able to stay freedom of choice during the three years of penalties. This "loss" really became an asset in the effort. If the 10% withholding penalty had become law most of the free states would have passed helmet laws and our effort at the federal level would have been hampered.

Second, MRF's primary goal of keeping the federal government from penalizing states for not having helmet laws was accomplished.

Third, by repealing the penalties retroactively, motorcyclists have increased their credibility with legislators in the 25 states without helmet laws. Removal of the penalties and the return of two years of penalized funds to the states is a major step in ensuring freedom of choice for motorcyclists on helmet use for many years to come.

Fourth, in the other 25 states the federal penalties, which have been the major obstacle to repealing helmet laws, have been removed. Without the penalties several states are expected to repeal their helmet laws in the next two years.