

Daytona Beach Legislative Report July 9, 2010 Out of date as soon as it is written.

Here is the link to the ABATE of Florida's Legislative Information Center: <http://lic.abateflorida.com/>

Primary Elections are on August 24, 2010. See previous legislative reports on candidate listings. There will be non-partisan positions to be voted on.

What Happened in Tallahassee? Not much. See previous reports.

HB971, a massive DHSMV transportation bill was signed by Governor Friday, June 04, 2010.

Except as otherwise expressly provided, this act shall take effect September 1, 2010. Included in this bill is a request by toll road operators to address the vertical license plates which apparently do not work with their monitoring systems. Our State Legislative Trustee, Darrin Brooks, reports: Toll booths will soon be in the rearview mirror on part of the Florida Turnpike transportation officials confirmed Wednesday at the Floridians for Better Transportation Summit in Lake Buena Vista. Toll collections on the forty-seven mile Homestead Extension of the Turnpike, which runs north and west of Miami, will be completely electronic by early 2011. Drivers will have to pay tolls using pre-paid SunPasses or be billed using photographs of their license plates. Passengers who choose to be billed will have to pay a \$2.50 monthly service charge. The new electronic toll booths are already under construction.

Despite efforts by our State President and Lobbyist, Doc Reichenbach, Rep. Aubuchon, Cape Coral, pushed this thru. Vertical license plates are **STILL** a non-moving violation unless you have a toll road transponder. Amends 316.646. , 316.2952 Actual language puts it back into the statue with the \$1000 fine so that has to be looked into to see if it reverts back to the last fiasco. That actual statue also deals with mopeds, which are not allowed on toll roads. A prime example of poorly written legislation that we see much too often. Here is the portion of the bill:

316.2085 Riding on motorcycles or mopeds.

506 (3) The license tag of a motorcycle or moped must be
507 permanently affixed to the vehicle and may not be adjusted or
508 capable of being flipped up. No device for or method of
509 concealing or obscuring the legibility of the license tag of a
510 motorcycle shall be installed or used. The license tag of a
511 motorcycle or moped may be affixed horizontally to the ground so
512 that the numbers and letters read from left to right.
513 Alternatively, a license tag for a motorcycle or moped for which
514 the numbers and letters read from top to bottom may be affixed
515 perpendicularly to the ground, provided that the registered
516 owner of the motorcycle or moped maintains a prepaid toll
517 account in good standing and a transponder associated with the
518 prepaid toll account is affixed to the motorcycle or moped.

316.605 Licensing of Vehicles.—

573 (1) Every vehicle, at all times while driven, stopped, or
574 parked upon any highways, roads, or streets of this state, shall
575 be licensed in the name of the owner thereof in accordance with
576 the laws of this state unless such vehicle is not required by
577 the laws of this state to be licensed in this state and shall,
578 except as otherwise provided in s. 320.0706 for front-end
579 registration license plates on truck tractors and s. 320.086(5)
580 which exempts display of license plates on described former
581 military vehicles, display the license plate or both of the
582 license plates assigned to it by the state, one on the rear and,
583 if two, the other on the front of the vehicle, each to be
584 securely fastened to the vehicle outside the main body of the
585 vehicle not higher than 60 inches and not lower than 12 inches
586 from the ground and no more than 24 inches to the left or right
587 of the centerline of the vehicle, and in such manner as to
588 prevent the plates from swinging, and all letters, numerals,
589 printing, writing, and other identification marks upon the
590 plates regarding the word "Florida," the registration decal, and
591 the alphanumeric designation shall be clear and distinct and
592 free from defacement, mutilation, grease, and other obscuring
593 matter, so that they will be plainly visible and legible at all
594 times 100 feet from the rear or front. Except as provided in s. 595 316.2085(3),
vehicle license plates shall be affixed and
596 displayed in such a manner that the letters and numerals shall
597 be read from left to right parallel to the ground. No vehicle
598 license plate may be displayed in an inverted or reversed
599 position or in such a manner that the letters and numbers and

600 their proper sequence are not readily identifiable. Nothing
601 shall be placed upon the face of a Florida plate except as
602 permitted by law or by rule or regulation of a governmental
603 agency. No license plates other than those furnished by the
604 state shall be used. However, if the vehicle is not required to
605 be licensed in this state, the license plates on such vehicle
606 issued by another state, by a territory, possession, or district
607 of the United States, or by a foreign country, substantially
608 complying with the provisions hereof, shall be considered as
609 complying with this chapter. A violation of this subsection is a
610 noncriminal traffic infraction, punishable as a nonmoving
611 violation as provided in chapter 318.

MRF E-MAIL NEWS Motorcycle Riders Foundation

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10NR20 - MRF News Release - Lobby Ban Supported July 1, 2010

Today, 5 Members of the House of Representatives introduced a resolution that "supports efforts to retain the ban on the National Highway Traffic Safety Administration's ability to lobby state legislatures using federal tax dollars and urging NHTSA to focus on crash prevention and rider education". The ban is current Federal law, the resolution simply supports the lobby ban and puts the Obama Administration on notice that this is an important law and should remain in place. There is recent activity to support the fact that the current Administration would like the ability back to lobby state legislatures. At a hearing, Obama's NHTSA chief, Mr. Strickland, has said the motorcycle helmet use will be the core of NHTSA's approach to motorcycle safety. He went on to say that "anything the Congress does that would support the movement of riders into helmets would produce the desired effect of safety." So, we are pleased that Representatives Sensenbrenner (WI), Ryan (WI), Rehberg (MT), Lanborn (CO), and Petri (WI) have all sponsored (*The original MRF alert listed this as House Res 1498 as did the AMA*) today, and the Motorcycle Riders Foundation (MRF) hopes more of their colleagues will follow suit. The bill is a direct result of the MRF's spring ride to the capitol known as **Bikers Inside the Beltway**. A group from ABATE of Wisconsin brought this issue up with Congressman Sensenbrenner and he agreed to do the resolution. Prior to 1996, NHTSA could and did send paid staff to State legislatures, uninvited, to testify in favor of State helmet laws. This irked the constituents and Members of Congress, who felt that it was a waste of tax payer money. They felt that the feds should not be able to use taxpayer moneys against the will of the taxpayers. So, Congress passed a law that forbids NHTSA staff from entering state assemblies uninvited. Sensenbrenner led the charge back in '96. He had this to say about the issue "It is the job of Congress to defend the freedom and individual responsibilities that motorcycle riders across the nation enjoy as they travel the open roads of America," Congressman Sensenbrenner said. "Mr. Strickland's plan greatly concerns me as it is not the job of the federal government to create one-size-fits-all helmet laws. Mr. Strickland appears to be intent on pursuing all means possible to enact mandatory helmet laws, either at the federal level or by violating the principles of the 10th Amendment and bullying the States into enacting mandatory helmet laws."

H.RES.1498 -- Whereas since 1995, Congress has protected the authority of the States to determine whether motorcycle riders should wear helmets; (Introduced in House - IH)

Send a letter to Representatives Mica, Brown and Kosmas at their local office.

Dear Congressman Mica,

Please sign on as a co-sponsor to **House Resolution 1498**. This resolution is necessary to Support 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. A review of NHSTA's publications, on motorcycle safety, indicates NHSTA is still concentrating on pushing for helmet laws. NHSTA is seeking to circumvent the lobbying ban. Regardless of the philosophy of the role of government and personal intrusive legislation, that helmet does not do what the non-riding public thinks it does.

Florida DHSMV releases yearly accident statistics. Despite the increase in the number of vehicle registrations from the previous year, motorcyclist deaths have decreased. The current Florida Helmet law, that allows the rider to decide when to wear a helmet, does not significantly impact the death and injury rate. **In previous years, the ratios were better for those not wearing helmets.**

2008

The Fatality per Accident ratio for helmeted motorcyclist 4.63%

The Fatality per Accident ratio for un-helmeted motorcyclist 4.99%

The Incapacitating Injury per Accident ratio for helmeted motorcyclist 24.78%

The Incapacitating Injury per Accident ratio for un-helmeted motorcyclist 26.53%

2009

The Fatality per Accident ratio for helmeted motorcyclist 3.94%

The Fatality per Accident ratio for un-helmeted motorcyclist 4.36%

The Incapacitating Injury per Accident ratio for helmeted motorcyclist 25.71%

The Incapacitating Injury per Accident ratio for un-helmeted motorcyclist 28.61%

That helmet is not making much of a difference. While a motorcycle helmet does offer protection, accident reduction is needed. Motorcyclists are not waiting on NHSTA. ABATE of Florida, a motorcyclist advocacy organization, has developed a Motorcycle Safety and Awareness presentation that is offered to the non-riding public to explain how to share the road with motorcyclists. We have presented this one hour course to many driver education classes in Volusia County. This program, along with other awareness programs, funded by motorcyclists, has made a difference. In 2008 there were 502 Motorcyclists killed and 9618 crashes. In 2009 there were 376 Motorcyclists killed and 8313 crashes. Please sign on as a co-sponsor.

Yours truly,

That's It
John Banta

*****Write Your Legislators*****05/2010

US Capitol Bill web site <http://thomas.loc.gov> Governor Charlie Crist
Florida Web sites <http://www.myflorida.com> The Capitol, Tallahassee, FL
<http://www.flsenate.gov> 850 488-4441 Fax 850 487-0801
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US Senate*****

Bill Nelson		George LeMieux	
225 E. Robinson St.	716 Hart Bldg.	315 E. Robinson St.	356 Russell Bldg.
	Washington, DC	Suite 475	Washington, DC
Orlando, FL 32801	20510	Orlando, FL 32801	20510
1-888-671-4091	202 224-5274	1-866-630-7106	202 224-3041
FAX 407 872-7165	FAX 202 228-2183	FAX 407 423-0941	FAX 202 228-5171

US House**Send letters to the district office*****

District3	District 24	District 7	
Corrine Brown	Suzanne Kosmas	John Mica	
101 E. Union St.	1000 City Center Cir.	840 Deltona Blvd	770 W Granada Blvd
Suite 202	2 nd Floor	Suite G	Suite 315
Jacksonville, FL	Port Orange, FL	Deltona, FL	Ormond Beach, FL
32202	32129	32725	32174-5180
904 354-1652	386 756-9798	386 860-1499	386 676-7750
FAX 904 225-2256	FAX 386 756-9903	FAX 386 860-5730	FAX 386 676-7748
2336 Rayburn Bldg.	238 Cannon Bldg.	2313 Rayburn Bldg.	
Washington, D.C.	Washington, D.C.	Washington, D.C.	
20515	20515	20515	
202 225-0123	303 225-2706	202 225-4035	
FAX 202 225-2256	FAX 202 226-6299	FAX 202 226-0821	

Florida Senate*****

District 7	District 8	District 20	District1
Evelyn Lynn	John Thrasher	Carey Baker	Tony Hill
Suite 101	Suite 108		Suite 5
536 N Halifax Ave	9485 Regency Sq. Blvd.	301 West Ward Ave.	5600 New Kings Rd
Daytona Beach, FL	Jacksonville, FL	Eustis, FL	Jacksonville, FL
32118	32225-1845	32726-4024	32209-2146
386 238-3180	904 727-3600	352 742-6490	904 924-1646
FAX 238-3179	FAX 904 737-3603	FAX 352 742-6492	FAX 904 924-1648
416 Senate Office	212 Senate Office	316 Senate Office	213 Senate Office
Tallahassee, FL	Tallahassee, FL	Tallahassee, FL	Tallahassee, FL
32399-1100	32399-1100	32399-1100	32399-1100
850 487-5033	850 487-5030	850-487-5014	850 487-5024
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Florida House*****

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32114-4773	32720-4257	32127-8915	32765-9347
386 239-6202	386 736-5100	386 322-5111	407 977-4020
	FAX 736-5102	FAX 322-5110	FAX 977-4022
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32399-1300	32399-1300	32399-1300	32399-1300
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