

ABATE OF FLORIDA, INC.

Daytona Beach Chapter Legislative Report

May 6, 2008

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Have your voter's registration card ready so that you will be able to get specific alerts for your legislator. Session is over, it could have been worse. Cell phone bills, driver education bills and motorcycle lemon law bills died in committee. Stiffer penalties for those who specifically kill a motorcyclist when causing an accident were stripped from final bills. Popping a wheelie will result in expensive fines. Our portion of the motorcycle license fee that goes to the Florida Riders Training Program (FRTP) has been diverted to the general fund. The requirement for motorcycle endorsement for registration has been deleted. Those wishing to get a license endorsement for the first time still have to take a MSF approved course as listed in the FRTP.

HB137 Lopez-Cantera Passed, In messages, enrolled

Offenses Committed While Operating a Motorcycle; Originally called for the confiscation and forfeiture of a motorcycle endorsement for 10 years for anyone riding a motorcycle 30mph over the speed limit or recklessly driving such as wheelies. Our lobbyist got it to cover 50mph, from 30mph, and removed the forfeiture as originally files. The bill includes language in regard to a wheel losing contact with ground briefly due to road surface not applying.

SB802 Garcia (comparable) Substituted CS/HB137 Laid on Table

Motorcycles or Mopeds/Reckless Driving: The Senate version SB 802 was one of several bills with stiffer penalties attached but this version did not survive as the final version of the bill and thus our stiffer penalties were not included. Requires that a person riding on a motorcycle or moped must ride while sitting astride the seat with one leg on each side and with both wheels on the ground at all times, etc. The forfeiture portion has been taken out.

CS/CS/CS/SB1992 also contains the language of HB137

HB175 Brise Died in Committee

SB266 Wilson Died in Committee

Use of Cellular Telephones; Prohibits use of cellular telephone, except when using a headset or hands free device as defined in FS316.304, while operating motor vehicle except when using headset or hands-free device; provides exemptions; provides penalty; provides for enforcement only as secondary offense. Both Stuck in Committee

HB193 Legg Died in Committee

SB504 Baker (Identical) Died in Committee

Use of an Electronic Wireless Communication Device While Driving; Prohibits person less than 18 years of age from using electronic wireless communications device while operating motor vehicle, except under certain circumstances. Amends FS316.304. Unchanged is the part that makes headsets illegal unless they are for one ear or part of a motorcycle helmet for those over 18.

HB357 Holder Died in Committee

Use of an Electronic Wireless Communications Device While Driving; Prohibits operation of moving motor vehicle while reading, manually writing or typing, or sending message on electronic wireless communications device.

SB1266 Bennett Died in Committee

Electronic Wireless Communications Devices/Driving [EPCC]: Prohibits the operation of a motor vehicle while reading, manually writing or typing, or sending a message on an electronic wireless communications device. Provides that this provision does not apply to a person operating an

emergency vehicle or using the device to report illegal activity, summon medical or other emergency help, or to prevent injury to a person or property, etc.

SB1314 Deutch Died in Committee

Motor Vehicles/Wireless Communications Devices [EPCC]: Prohibits the operation of a motor vehicle while reading, manually writing, or sending a message on a wireless communications device. Provides that this provision does not apply to a person operating an emergency vehicle or using the device to report illegal activity, summon medical or other emergency help, or to prevent injury to a person or property, etc.

HB413 Galvano Died in Committee

Driver Financial Responsibility: Requires certain motor vehicle owners or operators to maintain, by insurance or other means, financial responsibility for on-scene wrecker service charges requested by law enforcement officers.

SB616 Bennett Died in Committee

Driver Financial Responsibility [EPCC]: Requires certain motor vehicle owners or operators to maintain, by insurance or other means, financial responsibility for on-scene wrecker service charges requested by law enforcement officers pursuant to the provision governing liens for recovery, towing, or storing vehicles and vessels, etc.

These bills appear to make everybody have their property damage (PD) insurance cover wrecker service if requested by law enforcement.

HB503 Evers Passed Signed by Governor

SB1130 Peaden Substituted HB503, Laid on Table

Preservation and protection of the Right to keep and Bear Arms in Motor Vehicles Act of 2008. Watered down to only include those which have a concealed weapon permit. If you are considering getting a permit, the word is, get it now.

HB729 Simmons Died in Committee

Motor Vehicle Insurance: Increases required amounts for proof of financial responsibility; specifies required proof of financial responsibility amounts for owners of for-hire passenger transportation vehicles.

S2258 Aronberg Died in Committee

Motor Vehicle Liability Insurance: Redefines the term "proof of financial responsibility" for purposes of provisions requiring persons operating a motor vehicle to obtain liability insurance. Increases the amounts required with respect to bodily injury or death in a single accident, etc. Both in Committee, nothing concerning motorcycles.

HB1399 Aubuchon Died in Committee

DOT This is a massive bill covering a wide range of topics, nothing in staff reports

SB1688 Baker Died in Committee

Transportation Creates the Florida Transportation Revenue Study Commission to study state, regional, and local transportation needs and develop recommendations for funding sources to address those needs. Authorizes the transportation concurrency backlog authority to borrow money, including, but not limited to, issuing debt obligations, such as bonds, notes, certificates, and similar debt instruments, etc.

HB1043 Desoto Died in Committee Language was added into SB1992 and was passed

Street Racing: Creates "Luis Rivera Ortega Street Racing Act"; revises provisions prohibiting certain speed competitions & exhibitions; prohibits driving in any race, drag race, exhibition of speed, or exhibition of acceleration; prohibits certain acts in association with race, drag race, exhibition of speed, or exhibition of acceleration; prohibits being spectator at any such race, drag

race, or exhibition; provides that violation that causes or contributes to causing serious bodily injury to another is third-degree felony; provides that violation that causes or contributes to causing death of any human being or unborn quick child is crime of racing manslaughter; provides for arrest, citation, & disposition; provides for impoundment or immobilization & for seizure & forfeiture of motor vehicle.

S2604 Constantine Died in Committee

HB1111 Evers The House acted on the Senate version

Department of Highway Safety and Motor Vehicles: Requires operator of motor vehicle to yield left lane when being overtaken on multilane highway; provides exceptions; revises number of specified acts necessary to qualify as aggressive careless driver; provides penalties; requires person to stop at railroad crossing upon signal of law enforcement officer; requires placement of signs in certain school zones; authorizes police officer to make arrest for license violations; revises provisions for use of high-occupancy-vehicle lane, DUI offenses, window suncreening, commercial motor vehicles, soundmaking equipment, use of certain agriculture-related vehicles & farming or agricultural equipment, child restraint or safety belt usage, traffic citation forms & citation data, certificates of title, registration of motorcycles, display of truck license plates, commercial motor vehicle registration, specialty license plates, motor vehicle dealer liability insurance, transactions with department, offenses committed by person holding commercial driver's license, & licenses & identification cards; designates Joseph P. Bertrand Building in Lee County.

SB1992 Baker Passed, Enrolled

Department of Highway Safety and Motor Vehicles: Authorizes the driving of a hybrid, low-emission, or energy-efficient vehicle in a high-occupancy-vehicle lane regardless of occupancy. Requires the placement of signs in certain school zones stating that speeding fines are doubled within the zone. Prohibits driving in any race, drag race, exhibition of speed, or exhibition of acceleration. Revises the conditions under which the court may require the use of an ignition interlock device, etc.

Our lobbyist had stiffer penalties language attached to multiple bills; we did not succeed in getting any of it thru, including on SB1992. The stiffer penalties language was for those who specifically for those who violate motorcyclist's ROW that result in death. **This bill also deletes the requirement for a motorcycle endorsement to register a motorcycle.**

HB1299 Ambler Died in Council

Driver Education: Provides that DHSMV may not issue driver's license to minor unless minor has successfully completed specified driver education course; provides requirements for school district course of instruction in operation of motor vehicles; authorizes board of county commissioners to supplement funds for driver education programs; requires State Board of Education to prescribe standards & curriculum requirements; provides for restricted driver's permit under certain circumstances.

S2678 Crist Died in Committee

Driver Education: Requires that minors complete a driver education course prior to issuance of a driver's license. Provides that the course may be given by a public secondary school, nonpublic school, or commercial driving school meeting specified requirements. Requires the school to issue a certificate to a student who successfully completes the course. Provides instruction and training requirements for driver education courses, etc. These bills are good ideas but lack in addressing funding and availability.

HB1439 Robiana Died in Council

Motor Vehicle Sales Warranties: Defines term "motorcycle;" provides that provisions of Motor Vehicle Warranty Enforcement Act apply to motorcycles.

SB1190 Wise Died in Committee
Identical

HB5067 Cannon Passed, Enrolled

Glorioso; Aubuchon State Infrastructure; Revises provisions for distribution & use of funds received from various sources; provides for revised funding levels for DOT projects; revises provisions for evaluation, approval, & funding of seaport projects; revises duties & responsibilities of Florida Seaport Transportation & Economic Development Council; increases service charge paid to DHSMV to reinstate suspended driver's license; defines term "certificate of title", etc.

SB1882 Fasano Passed, Enrolled

Department of Highway Safety and Motor Vehicles [FPCC]; Deletes the DUI Programs

Coordination Trust Fund from the list of funds invested by the Chief Financial Officer.

Authorizes the Department of Highway Safety and Motor Vehicles to issue electronic certificates of title for motor vehicles and certificates of title to vessels and to provide notification through e-mail. Revises provisions relating to the implementation of programs to improve driving ability to conform to changes made by the act, etc.

The above is how these bills are listed. **However, both these massive bills have grabbed our license fees and have taken the portion of the fee for the Florida Riders Training Program (FRTP) and diverted them to the general fund.** So much for searching bills by statute number.

SB2220 Died on calendar

Department of Highway Safety and Motor Vehicles [EPCC]: Reenacts and amends the provision relating to the creation of the Department of Highway Safety and Motor Vehicles (HSMV) under the Florida Government Accountability Act. Requires the HSMV to collect and report to the Legislature information concerning customer service at driver's license offices. Deletes provisions exempting certain persons from the requirement to surrender a license issued by another jurisdiction, etc. This bill also would divert funds from our FRTP. I do not know at this time on the situation of the actual FRTP fund.

HB7011

Florida statutes

CS/SB1678 Identical Signed by Governor

Deletes outdated Florida statutes

SB680 Bullard Died in Committee

Cellular Telephones in School Zones; Prohibits the use of cellular telephones while operating a motor vehicle in a school zone. Provides that a violation is punishable as a nonmoving violation and the fine shall be doubled, etc. Not Moving.

SB828 Bennett Withdrawn

This bill would have attempted to prevent children under 12 to ride on motorcycles, mopeds or ride with someone. The sponsor withdrew this bill from consideration on March 12. You can thank our lobbyist for pointing out to Sen. Bennett that not everyone has cars that always work and sometimes we do have to take our children to school by motorcycle.

NATION

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May 2, 2008

Secretary Mary Peters officially rang in May as motorcycle safety month Thursday morning in Washington DC with an official event at the base of the US Capitol, the Motorcycle Riders Foundation reports. Alongside her were the chairs of the US House Motorcycle Safety Caucus Reps Burgess(R-TX) and Giffords (D-AZ). There were a few different types of motorcycles on hand to make for a nice photo op. However due to a one-two punch of a driving rain and urgent votes on the House floor, the event was cut short. The message to motorists was clear though even if the skies were not, May is the beginning of the riding season for a good portion of the country and many motorists are still groggy from the long winter and not used to seeing motorcyclists out on the road. Therefore start talking about motorcycles and getting the word out to share the road. Another message was clear too; motorcycles are here to stay and with gas prices and the state of the economy expect to see more two wheelers everyday. Michael Burgess had some of the best quotes though, as he shared some stories of his first \$300 motorcycle as a youngster and how much he enjoyed the freedom. "I love the sound of a motorcycle in the morning, it sounds like freedom!" said the congressman. He also had some advice on riding safe. "As a medical doctor and as a motorcyclist, you do not want to be involved in a motorcycle crash of any kind." We at the MRF could not agree more on both counts with the Congressman. Secretary Mary Peters had her prop helmet on hand that was damaged in a collision a few years ago with her riding partner who also happens to be her husband. She proclaimed May as Motorcycle Safety Month and then extolled the virtues of the 2010 funds, and the Motorcycle Advisory Council. She then gave a short commercial for her proposed legislation to raid the 2010 SAFE TEA LU funds defending her position saying she's not for helmet requirement, just helmet use promotion. Gabrielle Giffords arrived in a fancy alpinestars-esque leather riding jacket lending an atmosphere of motorcycle cool to the event. She mentioned her House Resolution (HRes 339) that supports the goals of a motorcycle safety month. That resolution is likely to be passed by the US House in the next few weeks. The MRF will keep you informed on that legislation. Representative Giffords owns 3 motorcycles so she can wear that leather just about any where. You should be familiar with Representatives Burgess and Giffords as the two of them just happen to be the lead sponsors on the HIPAA loophole fix legislation in the House (HR 1076). Burgess made some extensive remarks about the bill saying its "high time to close this loophole once and for all". The MSF and AMA also gave some brief remarks and the MIC did a fantastic job of organizing and coordinating a top notch event.

Washington DC

Using the following website:

[Http://thomas.loc.gov](http://thomas.loc.gov)

HIPAA Technical Corrections H1076 S616

Referred to the House Subcommittee on Health, Employment, Labor, and Pensions and referred to the Senate Committee on Health, Education, Labor, and Pensions. With out the loopholes corrected, the federal agencies will not implement the legislative intent of the original bill. Without this bill, health insurance companies or employers, in their quest to get the cheapest coverage, could deny coverage for injuries received from a motorcycle accident. There are only 8 Senators as co-sponsors. Of the 115 co-sponsors, only Representatives Wexler & Putnam, from all of the Florida's Congressmen, have signed on as a cosponsor.

H2694 Right to Repair Bill

The purpose is to protect the rights of consumers to diagnose service, maintain, and repair their motor vehicles. Motor vehicle companies consider a lot of information proprietary. Rep. Mica

has stated that there is some international trade issues involved. I find Rep Hastings and Brown among the 45 cosponsors.

Election 2008

May 2 was the last day for qualifying for non-local offices

August 26th - Primary Election

November 4th - General Election

State Senator District 1

Tony Hill Sr. Dem Incumbent

State Senator District 7

Evelyn Lynn Rep Incumbent

Brian Swanson

1004 Warner Road

Green Cove Springs, FL 32043

State Representative District 27 Joyce Cusack is being termed out.

Terry Dilligard Sr. Dem

218 West Euclid Avenue

Deland, FL 32720

Jake C. Ross Dem

315 Orange Avenue

Daytona Beach, FL 32114

Dwayne L. Taylor

325 Dahoon Holly Drive

Daytona Beach, FL 32117

State Representative District 28

Dorothy Hukill Rep Incumbent

William Smalley Dem

4495 S Atlantic Ave #202

New Smyrna Beach, FL 32169

State Representative District 29

Pat Patterson Rep Incumbent No opponent

US House of Representatives

District 3

Corrine Brown Dem Incumbent No opponent

District 7

John Mica Rep Incumbent

Faye Armitage Dem

Clyde Malloy Dem

District 24

Tom Feeney Rep Incumbent

Suzanne Kosmas Dem

Clint Curtis Dem

Jason Paul Davis Rep