

Daytona Beach Legislative and State Meeting Report

June 15, 2011

John Banta Daytona Beach Legislative Trustee

On June 11, Steve Fritze and myself were the chapter delegates for the ABATE of Florida State Meeting. Riding with us was Frank and Gary Dubnicek. We took Frank's route, going North on US1, past St. Augustine then headed West on 16, stopping at a golf course snack bar for snacks in Green Cove Springs, then to 218 at Penny Farms and on to Middleburg. Distance up was about 94 mile with the only annoying traffic in St. Augustine. Meeting started around 2:25 PM, we sat at with delegates from Gulf Coast Chapter. The Masterlink will have the official minutes; I am just going to cover the highlights and Legislative news.

State President Doc Reichenbach discussed the WESH May 4th Newscast. This negative reporting has already caused some hardships for Lake County Chapter. The Eagles have denied the use of their property for Lake County to run their Leesburg Bikefest Campground. It was interesting that this journalism was pulled from the WESH archives within 24 hours of being aired. The newscast was shown to the delegation. Orlando reporter Gregg Fox questioned Doc about the use of "public money" for our safety and awareness program. That segment was extremely edited and Doc answers were not aired. Doc explained exactly where that money comes from. Rep. Bryan Nelson also was questioning the use of "public money" by ABATE. They were critical of the handout expenditure for calendars, key chains, bumper stickers, silicone wristbands at the safety awareness seminars. I myself do not understand the wristbands; however, high school students today really like them. Also involved were RC, Rogue and others motorcyclists who have a personal problem with Doc. This newscast also included the helmet issue and the **alleged** taxpayer support of injured motorcyclists without insurance. The only positive reporting was about Toy Runs and billboards. Everyone likes the billboards. Those billboards can cost from \$400 to \$1400 depending on location. Handouts are used by many diverse groups to get **their message across**, go to any trade show or conference. **If it did not work, why do all the attorney groups have giveaways** like cozies, small flashlights, measuring tapes? Using the press is tricky and apparently some bikers, especially the RC's Big Bend group, have not realized they will be used to further the media agenda of making us all wear helmets. You do not have any control over what they will print or video. You can state verifiable facts, to reporters, which will be edited out and the only thing publish will be what the reporter wants for the slant of the story. Krys Fluker, of the News-Journal, was the **only reporter ever to give me a fair chance**.

Public Money, Baloney, The \$250000 is just a PORTION of the funds collected from the added \$2.50 fee on Motorcycle REGISTRATIONS.

To those who are critical of our school programs and our advertising about sharing the road with motorcyclists, WHAT's YOUR IDEAS? Just criticizing everything ABATE tries is not in the best interest of motorcyclists. Has everything ABATE of Florida tried achieved spectacular results? Perhaps not. It is still better than DOING NOTHING. ABATE of Florida had funding for one year, then the DHSMV, then ABATE had it for 2010 and now 2011.

It was ABATE of Florida who realized that unskilled motorcyclists were prone to be involved in accidents so we asked our legislators for motorcyclists to be licensed (and tested). You say you can ride, prove it. Injuries and fatalities had to be reduced in order to change the mandatory helmet law. The late Bill Bankhead sponsored the Senate Bill. It was ABATE of Florida who asked for the additional \$2.50 fee so that the State of Florida could develop rider training and public awareness. A portion of this funding was used to subsidize the fees to take the MSF beginner and advanced rider courses provided by private vendors. Some might say this merely gave the vendors a bonus. This was administered by the DHSMV through the Florida Riders Training Program. Besides providing a salaried administrator, the DHSMV also had a Bike on a Trailer taken to motorcycle events (along with brochures) to promote rider awareness about safe riding habits and training. **Was that such a better idea than handing out key chains?** It was ABATE of Florida that protested over previous Governors' raiding that trust fund for the general fund. ABATE of Florida got involved with FDOT Safety Boards. Past Chapter President Mike Albert went to them. We learned that despite some colorful stories it is not the elderly and tourists but the local 19-29 year

old automobile driver that is involved in motorcycle/ car accidents. At one time roughly 65% of the motorcycle accidents involve an automobile, and according to the printouts and the TV commercials of John Rue of the Law office of Rue and Ziffra, with the driver usually being cited. I know, I reviewed a one year's printouts of Volusia County (this has changed, motorcycle only accident have now increased). Several sessions ago the DHSMV dismantled the FRTP and it is ABATE's efforts that the funding is used for it's intended purpose and not go to the DHSMV general fund or to the State of Florida General fund. The very group that slams ABATE has stated, in their blog, that the MSF courses are "*ineffective*". I have taken the advanced course and they could not be more wrong. That same group calls the video "*obviously low budget*". That video is similar in timing and tempo to any other training film at a high school level. It gets the point across. That same group that complains about ABATE getting funds has stated "*We have in the past and will continue to question the efficacy of the in school programs ABATE claims to engage in. Our past experience is that they have been inconsistent, Instructor credentialing is suspect, and of this writing there is no peer reviewed or any other kind of study/ research and/or follow up on which to judge the efficacy of such programs. Without such studies demonstrating achievement of a specified goal these programs are meaningless for anything other than show and tell.*" I do not think that group has any past experience with our safety and awareness program. Senator Evelyn Lynn (then Representative) sat thru the entire awareness seminar and she is not someone who would waste her time. The specified goal is to pay attention to driving and do not pull out in front of motorcycles. Studies with credentials cost money. Spend it on a study or spend it on teaching aids and safety advertising.

Back to the State Meeting,

Vice President Danny Fish talked about new scams people do with [pictures of others' license plates in place of their own and running toll booths. Leadership seminars are in Clermont, July 9th, and are for everyone. Those that have held the particular office for a while are encourage to participate. Boots reminded us that change of chapter board of director's forms is due and she does not print out newsletters, we have to mail the State office one. We picked up Dan Muirs Life Card. Lockdown reported that some Jurors are being asked if they belong to ABATE on certain types of cases. Attorneys only get so many times they can excuse a potential juror without cause, then it would be up to the judge's discretion. Several ideas were heard about safety promotional material. State Legislative trustee Darrin Brooks reported about CUTR (Center for Urban Transportation Research) at USF has just opened a motorcycle survey for Florida riders. They asked me to help and I have jumped at the chance to get this survey into the hands of our members. It is an easy survey that asks about your riding observations, road conditions, safety equipment, and so on... It is a great opportunity for our members to have their voice heard. The website is <http://bike.mcsurvey.org/>. Lunch was a choice between barbeque pulled pork or chicken with numerous deserts. State meetings for next year are Feb. Tallahassee; April St. Augustine; June Lake County; August west Coast; October Spooks & Scoots; December Duval. This next Bikeweek is the last year of our current contract to run a campground at Volusia County Fairgrounds. Meeting ended about PM and we took 16 over to Green Cove Springs then South on 17 to Palatka, SR100 to Bunnell, then US1 to where we started. Same distance, took longer we made several stops. On SR100 we caught the smoke from the Espanola Fire in Flagler and then had to deal with the wind blown sand from the 4 wheel drive Mud Bog and bare earth on the sod farms.

Here are the CURRENT 2010 statues that especially affect motorcyclists

316.1923 Aggressive driving

316.209 Two abreast okay but no passing another vehicle within the same lane or driving down center of lane

316.2095 Footrests and handlebars

316.2085 Ride on regular seat not on gas tank, can't put the girls on your lap; no wheelies; permanent unmovable, un-obscured license tag; vertical license plate only with a toll transponder; both hands free for handlebar. Violations are a moving violation chapter 318

316.211 (3b) \$10000 medical coverage requirements for helmetless riders

316.605 Non-moving violation vertical license plates; cross referenced to 316.2085 transponders

318.14 (5) The actual stiffer penalties for those under 318.19

318.14 (13)(a,b,c) The \$1000 fine for popping a wheelie, poorly written, but at least it can be interpreted that it does not apply to vertical license plate violations.

318.19 Mandatory hearings for those who are involved in an accident with severe injuries or death

320.08068 MC specialty plate
324.021 (1) PD Financial Responsibility exemption for motorcycles
627.732 (3) PIP No Fault exemption for motorcycles

Session is over. Priority was on the budget and the shortfall in state revenues.

Funding for Motorcycle Safety

From State Legislative Trustee Darrin "Scribe" Brooks:

On Thursday, Gov. Scott signed the budget after making more than \$615 million in line item vetoes. Saying lawmakers had approved a budget weighted down with "short-sided, frivolous, wasteful" projects, Gov. Rick Scott vetoed a record \$615 million from the once nearly \$70 billion spending plan. Doc spent the week convincing Gov. Scott that the money for motorcycle safety awareness is worthwhile (***After all it comes from the extra fee motorcyclist pay on motorcycle registrations***). When all the dust settled the money set aside for motorcycle safety awareness was still in the budget. If you want a little peak into how closely Gov. Scott looked into the budget to make cuts, here is a quote, "Where I'm from, rainwater can be caught with a \$2 bucket." -- Gov. Rick Scott on his decision to veto a \$250,000 line item funding a plan to collect rainwater at state prisons.

Stiffer Penalties, Nothing New

Chairman Rep. Brad Drake, from a panhandle district, refused to hear this bill in the first House committee

Vertical License Plates Still A Moving and Non-Moving Violation.

From State Legislative Trustee Darrin "Scribe" Brooks:

The vertical tag amendment that Doc was able to get added to SB 1150 the proposed budget (*and massive transportation*) for the DHSMV was a victim of the budget process between the House and the Senate. SB 1150 died and the new stripped down DHSMV budget was pushed through without the amendment. So the law still stands, if you have a vertical tag on your motorcycle you must have a pre-paid toll transponder on your bike at all times. Even if you never even get close to a toll road you have to have the transponder with your bike.

Washington, DC

AIM/NCOM MOTORCYCLE E-NEWS SERVICE:

NEWSBYTES MAY 2011

WASHINGTON STATE ENACTS NATION'S FIRST ANTI-PROFILING LAW

Motorcycle riders routinely report being profiled by law enforcement, but a new law in Washington State is intended to prohibit police from singling out bikers for stops without clear and legitimate reason.

Modeled after a 2002 state law outlawing racial profiling by police, the nation's first "anti-profiling" bill passed unanimously through both the House and Senate, and was signed by Gov. Chris Gregoire on April 13. Sponsored by Rep. Steve Kirby (D-Tacoma), the new law will force local law enforcement agencies to adopt a written policy designed to condemn and prevent the profiling of motorcyclists, and it institutes training to address the problem. Motorcycle enthusiasts presented compelling evidence to legislators, including a video of a state trooper crawling through bushes near the Legislative Building in Olympia two years ago and writing down motorcycle license plates while bikers were holding their annual "Black Thursday" legislative rally and lobby day.

STATES COMBAT MOTORCYCLE-ONLY CHECKPOINTS

Calling motorcycle-only roadblocks discriminatory and unconstitutional, ABATE of California is pushing a bill that would ban state and federal funding of such so-called "safety checkpoints". New York and Georgia have initiated roadside barricades under the auspices and guidance of NHTSA to coral motorcycle riders en route to major motorcycle events to check paperwork and equipment for violations, and for other illegal activity. AB 1047, authored by Kevin Jeffries, Vice Chairman of the Assembly Transportation Committee, would prohibit the CA Office of Traffic Safety (OTS) from issuing grants to law enforcement agencies to stage Motorcycle-Only Checkpoints and also require the OTS to conduct audits of the safety checkpoint

grants to insure that law enforcement is complying. Similarly, North Carolina is currently considering two bills (H375 & H381) aimed at preventing law enforcement agencies from establishing patterns for vehicle stops at checking stations based on a particular type of vehicle.

In Congress, Rep. Tom Petri (R-WI) and some of his colleagues have authored legislation to de-fund the checkpoints. **US House Resolution 904** would prevent the US DOT from providing funds to states which would be used for motorcycle roadblocks.

NHTSA UPDATES MOTORCYCLE HELMET STANDARDS

The National Highway Traffic Safety Administration has updated the federal motorcycle helmet standards (FMVSS 218) in an attempt to stop riders from wearing non-DOT approved "novelty" helmets. The new standard does not affect the construction of helmets directly, but changes the way they're labeled to make it more difficult to mimic DOT compliance certifications. Effective immediately under the final rule issued May 13, helmets that conform to Federal Motor Vehicle Safety Standard No. 218 will carry a sticker with the manufacturer's name, the helmet model and the words "DOT FMVSS No. 218 Certified." The move to make non-compliant helmets harder to sell comes after the number of riders sporting novelty helmets increased dramatically in 2010 over 2009. According to NHTSA statistics, in 2010, only 54% of motorcyclists wore a DOT-approved helmet. Around 14% wore a novelty helmet, and 32% rode without a helmet. In 2009, those numbers were 67%, 9% and 24%, respectively. In 2010, 75% of riders who did elect to wear a helmet wore a DOT-compliant one. In 2009, that number was 86%.

MRF E-MAIL NEWS Motorcycle Riders Foundation

11NR18 - MRF News Release - Bikers Inside the Beltway 2011 13 May 2011

Thursday, May 12th, 2011 was the 3rd Annual Michael "Boz" Kerr Bikers Inside the Beltway event in Washington, DC. The event is a national lobby day, sponsored by the Motorcycle Riders Foundation, for motorcyclists to come to Capitol Hill to meet with their elected officials and brief them on all issues affecting motorcyclists at the federal level. This year's event drew hundreds of motorcyclists from 20 States and met with almost 250 elected officials. Some folks rode in from as far away as Arizona, California, and Oklahoma. One of the top issues the attendees were lobbying for was asking their members of the US House of Representatives to sign onto a "dear colleague" letter sponsored by Wisconsin Representative James Sensenbrenner. The "dear colleague" being circulated by Sensenbrenner asks his fellow Members of Congress to sign onto a letter that will go to the Chairmen and Ranking Members of the House Transportation and Infrastructure Committee. The letter asks that the language of **H.R. 904** and **House Resolution 239** be included in the large Highway Bill that the committee will be drafting later this year. **H.R. 904** is a bill that would prohibit future funding of mandatory motorcycle-only roadside checkpoints (*HR904 Only Rep. Allen West (FL-22) has signed on from Florida.*) and **H. Res. 239** (*no one from Florida has signed on*) supports the NHTSA lobby ban and asks the agency to focus on crash prevention rather than injury reduction when addressing motorcycle safety.

Contact your US House of Representative (Mica, Brown or Adams) and ask that they sign on to these resolutions

Send an email; use <http://www.house.gov> to navigate to send an email to your US Representative

Dear Representative Mica
Please Co-sponsor H.R.904

This resolution would prohibit the United States Department of Transportation funding for motorcycle-only roadside checkpoints. Funding is supplied by the NHTSA whose goal is supposed to be accident avoidance not injury reduction. Clearly motorcycle checkpoints do not promote accident avoidance. This appears to be vindictive on the part of NHSTA. What would the response be if everyone was pulled over and lectured about texting while driving? Best regards, John Banta