

Legislative Report Jan 11, 2012

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Go on to the ABATE of Florida Website www.abateflorida.com, Click on the Legislative Information Center (LIC) and subscribe to email list. You will get the latest legislative news and press releases. Some things happen very quickly and need our action. On Dec 12 an email went out. Later the AMA email alert and MRF follow-up were also forwarded

The Motorcycle Riders Foundation reports that the US Senate Committee on Commerce Science and Transportation will be marking up The Motor Vehicle Safety Act of 2011 (S. 1449). This bill governs the National Highway Transportation Safety Administrations activities. This bill has the potential to greatly affect motorcyclists nationwide.

There are three provisions that specifically target motorcyclists.

Call your Senators and ask them to:

1. Oppose Lautenberg amendment #1. This amendment would alter the motorcycle safety grant program by forcing states to pass mandatory universal helmet laws and drive federal tax dollars to be used to promote the use of helmets. This provision would make it easier for helmet law states to obtain 2010 grant money. This amendment would provide no money for awareness or training.
2. Support DeMint amendments #1 and #18. These amendments protect the NHTSA lobby ban. Under the proposed legislation are provisions to lift this lobby ban.
3. Support DeMint amendment #2. The bill, (S 1449) would change the definition of "motor vehicle equipment" to include motorcycle helmets. This would allow States to spend federal money dedicated to "motor vehicle equipment" on motorcycle helmets. The DeMint amendment would keep helmets out of that definition.

Lautenberg did not call that amendment to vote and the DeMint lobby ban amendment was added by voice vote. Sen. Marco Rubio was on this committee. This bill will likely be included in a future massive highway bill

Also:

A Naples-based think tank Monday unveiled a website that provides detailed information about state and county payrolls and how government money is spent. The Foundation for Government Accountability, which describes itself as a "free-market think tank," has compiled current and historical data on www.FloridaOPENGov.org Tarren Bragdon, chief executive officer of the non-profit group, described the website as the "great equalizer" in holding government officials accountable.

Here are the 2011 statues that especially affect motorcyclists. Always look up the statues. For years there were no front brake tickets issued to riders of choppers, until someone went to court and fought it.

316.1923 Aggressive driving defined

316.1926 Makes the wheelies violations and concealed motorcycle license plates a special penalty as described in 318.14

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

316.2085 Ride on regular seat not on gas tank, can't put the girls on your lap; no wheelies (2); permanent unmovable, un-obscured license tag (3); vertical license plate only with a toll transponder and if numbers read top to bottom(3); both hands free, can not carry anything, both hands must be able to grasp the handlebar (4). Violations are a moving violation chapter 318

316.2095 Footrests and handlebars

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

If the person is required to appear before the designated official pursuant to s. 318.19(1) and is found to have committed the infraction, the designated official shall impose a

civil penalty of \$1,000 in addition to any other penalties and the person's driver's license shall be suspended for 6 months.

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 injury (2) or death (1)

318.19 Infractions requiring a mandatory hearing.—Any person cited for the infractions listed in this section shall not have the provisions of s. 318.14(2), (4), and (9) available to him or her but must appear before the designated official at the time and location of the scheduled hearing:

(1) Any infraction which results in a crash that causes the death of another;

(2) Any infraction which results in a crash that causes "serious bodily injury" of another as defined in s. 316.1933(1);

(3) Any infraction of s. 316.172(1)(b);

(4) Any infraction of s. 316.520(1) or (2); or

(5) Any infraction of s. 316.183(2), s. 316.187, or s. 316.189 of exceeding the speed limit by 30 m.p.h. or more.

320.08068 MC specialty plate

324.021 (1) PD Financial Responsibility exemption for motorcycles routed to 627.732 (3)

627.732 (3) PIP No Fault exemption for motorcycles

"Motor vehicle" means any self-propelled vehicle with four or more wheels

TALLAHASSEE, FLORIDA

ABATE's Freedom Rally is Monday, February 13, 2012 Ride to the Capitol.

Several Daytona Beach Chapter members will be there and we will ask our legislators to support:

SB1754

Stiffer penalties

Serious injuries: \$500 AND 30 days in jail

Death \$1000 fine AND 90 days in jail

HM57

Resolution to stop Federal mandates

SB238/HB4013

Quit pushing ethanol, my old bike does not like it

SB416/HB299

Quit texting and driving. There are many distractions, which perhaps should not be legislated, but texting is the worse. (ABATE of Florida has not officially endorsed these bills)

ABATE of Florida's current agenda is to get the stiffer penalty bill, **SB1754**, on the books so law enforcement will write a citation for it. House Transportation Committee Chairman Brad Drake apparently does not favor stiffer penalties or Cell Phone legislation. Our State President and Lobbyist, **Doc Reichenbach**, will be trying to circumvent the House Transportation committee. Be aware there are political strategies which **cannot be divulged** till after the fact.

Bills HB1223, SB1122 and SB185 fine tweak the language for vertical license plates requirement that the numbers read top to bottom **and** if you have a toll transponder. If they read left to right it has to be attached horizontally. **What is new** is that **out of state riders**, with plates that read top to bottom can affix the plate vertically and they do not need a toll transponder. Now a logical Floridian might ask: what if I never go on a toll road, why can't I have a vertical license plate if my numbers read top to bottom? I do not know the process of obtaining a plate with numbers reading top to bottom. HB1223 & SB1122 also fine tweaks motorcycle specialty plate funding for the Florida Association of Centers for Independent Living

Previous discussions with legislators express reluctance on penalties requiring incarceration (because the state has not enough money). Well just look at Reckless Driving.

Upon a first conviction, by imprisonment for a period of not more than 90 days or by fine of not less than \$25 nor more than \$500, or by both such fine and imprisonment.

Sentencing guidelines for a first offense with no accident or injuries typically calls for fines **and** 6 month alcohol probation (regardless if someone had a beer) **and** community service **and** driver's school **or** 15 days in jail for those who do not want probation. Begging for food on Beach Street could get you a \$500 fine or two months in jail. Homeless people do not have \$500 in their pocket so it is off to jail. The

website www.lookwhogotbusted.com has the daily list with mug shots for both Volusia and Flagler counties. Most of the pretty girls get busted for shoplifting.

HOUSE BILLS

HM57 Rep. Caldwell Sovereignty of the State: Urges Congress to discontinue its practice of imposing federal mandates & legislation upon states which exceed scope of its constitutionally delegated powers under Tenth Amendment to U.S. Constitution & to repeal all existing compulsory federal legislation that directs states to comply or requires states to pass specific legislation in order not to lose federal funding.

Scribe's note – The above underlined part is HUGE for us, one way to implement a National Helmet Law is to withhold Federal funding to the States if they don't comply. The Feds could also require the States to have Motorcycle Only Check points or else lose funding.

Currently in: Federal Affairs Subcommittee

CS/HB33 Rep. Ahern Traffic Control Signals: Requires traffic control signals to maintain certain signal intervals & display durations based on approach speeds; provides that citation for specified violations shall be dismissed if traffic control signal does not meet specified requirements; provides dates for intersections to meet requirements.

Currently in: Appropriations Committee, past first committee

HB39 Rep. Julien Traffic Safety Requires person cited for moving violation while using handheld mobile telecommunications device to appear before designated official; provides additional penalties

Currently in: Transportation and Highway Safety Subcommittee

HB119 Rep. Boyd Motor Vehicle Personal Injury Protection Insurance PIP

Comprehensive Insurance Fraud Investigation and Prevention Act";

The House Insurance and Banking Subcommittee on a 10-5 vote approved HB 119 that restricts attorney fees and funnels accident victims to hospital emergency rooms or satellite urgent care facilities associated with ERs in an effort to curb costs. The bill also requires patients to seek care within 72 hours; a provision sponsor Rep. Jim Boyd, R-Bradenton, said was a moving target.

HB159 Rep Nelson (Yes the same Nelson who was criticizing ABATE about safety funding) Motor Vehicles: Creates "Highway Safety Act"; requires operator of motor vehicle to yield left lane when being overtaken on multilane highway; revises number of specified acts necessary to qualify as aggressive careless driver; requires DHSMV to provide information about Highway Safety Act in driver's license educational materials.

Currently in: Transportation and Highway Safety Subcommittee

HB161 Rep. Campbell Driving Without a Valid Driver License: Revises penalties for knowingly driving while driver's license or driving privilege is canceled, suspended, or revoked; revises procedures for impoundment or immobilization of vehicle.

Currently in: Transportation and Highway Safety Subcommittee

Same as last month

HB187 Rep. Slosberg Traffic Safety: Designates act "Minor Traffic Safety Act"; prohibits use of handheld cellular telephones & other electronic communications devices by drivers under 18 years of age & persons driving school buses; provides for voluntary check off on driver's license applications to permit contributions to AAA Foundation for Traffic Safety; requires DHSMV to issue distinctive placard when issuing or reissuing driver's license to person under certain age; requires such person to display placard at all times while operating motor vehicle; restricts number of certain passengers permitted in vehicle operated by person under certain age.

Currently in: Transportation and Highway Safety Subcommittee

The National Transportation Safety Board is urging states to ban cell phone use while driving, the first such call by a federal agency. Slosberg has in the past criticized the chairman of the House Transportation and

Highway Safety Subcommittee, Rep. Brad Drake, R-Eucheeanna, suggesting that Drake wants to kill bills related to regulations on drivers. Sen. Jack Latvala, a Pinellas County Republican, told 10 News WTSP in Tampa that he wouldn't support the proposed bans that are filed with the Legislature. "You can take it out of my cold dead fingers," Latvala said of his cell phone. He said he talks and drives all the time

HB299 Rep. Pilon Use of Wireless Communications Devices While Driving: Creates "Florida Ban on Texting While Driving Law"; prohibits operation of motor vehicle while using wireless communications device for certain purposes; provides exceptions; specifies information that is admissible as evidence of violation; provides for enforcement as secondary action; provides for points to be assessed against driver's license for unlawful use of wireless communications device resulting in crash

Currently in: Transportation and Highway Safety Subcommittee

HB343 Noncriminal Traffic Infractions Rep. Nehr

Provides for testing of unattended devices used to enforce traffic laws; specifies that burden for proving guilt rests with government entity bringing charge; provides that person charged with violation that involves traffic infraction detector or similar device may not be compelled to be witness against himself or herself & has right to confront any witnesses; requires that evidence obtained from such device be authenticated in court by certain persons who must appear in person & offer direct testimony & account in writing for any evidence used; provides that person receiving notice of violation involving such device has option of requesting hearing without further issuance of traffic citation & may not be charged surcharge for requesting hearing; provides that there shall be no prosecution of traffic infraction based upon evidence from such device & notice of violation or citation based on such device is void unless device has passed specified accuracy test

HB359 Rep. Costello Ethics: Defines "special private gain or loss"; prohibits member of Legislature from voting upon or participating in legislation inuring to personal gain or loss of member or his or her relative; prohibits member from participating in legislation inuring to personal gain or loss of business associate, employer, board on which member sits, principal by whom member is retained, or parent corporation or subsidiary of such principal; requires that member disclose all such interests to applicable legislative body or committee before legislation is considered; requires disclosure by certain period & in specified manner; requires that member vote on GAA & disclose conflicts of interest with line-item appropriation.

Currently in: Government Operations Subcommittee

HB571 Teenage Drivers Rep. Steinberg

Provides for DHSMV to electronically notify parent or guardian when certain events are added to driving record of minor licensed to drive.

HB1007 Rep. Horner PIP

Motorists would be required to carry \$10,000 in emergency payments coverage, which would pay 80 percent of emergency services rendered by qualified providers. Motorists would also have to carry additional body injury coverage of \$25,000 per person and \$50,000 per incident. Property damage coverage of \$10,000 would also be required. Eligible providers would be limited to hospitals, emergency rooms, and physicians' practices in contrast with the existing PIP system that pays a wider range of providers including private non-physician owned clinics and massage therapists. This would scrap the current no-fault PIP.

HB1087 Rep. Berman Concealed Weapons or Firearms

Provides that license to carry concealed weapon or firearm **does not authorize any person** to openly carry handgun or carry concealed weapon or firearm into state, county, municipal, school board, constitutional officer's, or special district office or building that primarily consists of offices for one of these entities or any combination of them or into child care facility.

HB1223 Rep. Albritton Highway Safety and Motor Vehicles

Renames Office of Motor Carrier Compliance; revises provisions for operation of motor vehicle, motorized wheelchair, bicycle, motorcycle, & moped; provides for special mobile equipment, swamp buggies, custom vehicles, street rods, electronic data collection & notifications, electronic titling, specialty & enhanced driver licenses & identification cards; removes requirement that law enforcement officer record certain information; revises provisions relating to traffic citations, rebuilt vehicles, title transfers & reassignment forms &

odometer disclosure statements, certificates of title, assignments or reassignments, encumbrances, recovery agents, vehicle registrations, insurer's filings, license plates, salvage motor vehicle dealers, driver licenses, identification cards, commercial instruction permits, commercial driver licenses, medical examiner's certificates, & liability insurance or surety bond

HB4013 Florida Renewable Fuel Standard Act Rep. Gaetz

Repealing the Florida Renewable Fuel Standard Act, to remove the requirement that all gasoline offered for sale in this state include a percentage of ethanol, subject to specified exemptions, waivers, suspensions, extensions, enforcement, and reporting. SCRIBE wrote in a Dec. 7 email:

A House panel Tuesday approved repealing a 2008 law that requires ethanol in Florida gasoline, with sponsor Matt Gaetz, R-Fort Walton Beach, saying government is "crawling into our gas cans." The proposal (HB 4013) is backed by groups such as the marine industry, which argues that ethanol damages boat motors. But it drew criticism from companies that are developing ethanol plants in Florida. Aaron Pepper, chief executive officer of Southeast Renewable Fuels, LLC, said his company is preparing to break ground on an ethanol plant in Hendry County. "Now, however, it feels like the state is pulling the rug out from under us," Pepper told the House Energy & Utilities Subcommittee. The panel approved the bill in a 10-4 vote. The Senate version (SB 238) has also been approved by one committee and is scheduled to go to the Commerce and Tourism Committee on Wednesday. The 2008 law, backed by then-Gov. Charlie Crist, requires gasoline to include 9 to 10 percent ethanol. Even if lawmakers repeal the requirement, however, it is unclear how much effect the change would have. Federal law also includes ethanol requirements.

Currently in: Energy and Utilities Subcommittee

HB4021 Adultery, Cohabitation, and Lewd and Lascivious Behavior Rep. Workman

Repeals provisions relating to living in open adultery; deletes language that made prohibition on couples lewdly & lasciviously associating & cohabiting together part of prohibition of lewd & lascivious behavior.

Current 2011 Statue, which this bill would repeal:

798.01 Living in open adultery.—Whoever lives in an open state of adultery shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Where either of the parties living in an open state of adultery is married, both parties so living shall be deemed to be guilty of the offense provided for in this section.

SENATE BILLS

SB196 Child Safety Devices in Motor Vehicles Sen. Altman This bill will require children under 7 to be in a car seat. This is on the NTSB agenda although they have no documentation of any circumstances that would be changed if this was enacted. No motorcycle rides for your first grader. This is going to pass. It passed the Senate one session. It will probably be also added to a massive DHSMV bill.

SB238 Florida Renewable Fuel Standard Act Sen. Evers, who is our buddy. See HB4013.

This is pro-active legislation to deal with the Federal EPA, which wants to increase allowable ethanol content in gas. Ethanol is bad for those riding older bikes. SCRIBE wrote in a Dec. 6 email:

The sponsor of a measure that would repeal a law requiring ethanol in Florida gasoline agreed to postpone its consideration Wednesday in the Senate Commerce and Tourism Committee, with several members of the panel saying they're uncomfortable with a full repeal, though there's support for making sure non-ethanol gasoline is available. Bill sponsor Sen. Greg Evers, R-Baker, said blended gasoline damages boat motors, and other engines, and said the requirement has been difficult for gas stations. Committee Chairwoman Nancy Detert, R-Venice, said she understood the problems with the requirement, but thought the bill should keep some requirement in place, while making some exceptions to allow for people to be able to find non-blended gas. "I just don't want to hurt the businesses that are in place to offer us renewable energy ideas," Detert said. Evers agreed to pull his bill (SB 238) back to continue to work on a compromise measure. A House version of the proposal (HB 4013) was approved Tuesday by the Energy & Utilities Subcommittee. The 2008 law that would be repealed by the bill, backed by then-Gov. Charlie Crist, requires gasoline to include 9 to 10 percent ethanol. Even if lawmakers repeal the requirement, however, it is unclear how much effect the change would have because the federal government also has ethanol requirements

Passed: Communications, Energy, and Public Utilities 10-1

SB244 Motor Vehicles Sen. Bennett

Cites this act as the "Highway Safety Act;" providing legislative intent relating to road rage and aggressive careless driving; requiring an operator of a motor vehicle to yield the left lane when being overtaken on a multilane highway; revising the number of specified acts necessary to qualify

as an aggressive careless driver; providing specified punishments for aggressive careless driving, including imposition of an increased fine; providing that a second or subsequent infraction as an aggressive careless driver requires attendance at a mandatory hearing; requiring the Department of Highway Safety and Motor Vehicles to provide information about the Highway Safety Act in driver's license educational materials, etc. This bill tries to get the slow drivers out of the left lane. However, I fail to see how it deals with impatient hot heads.

Currently in: Budget Subcommittee on Transportation; **Passed:** Transportation

SB286 Vehicle Crashes Resulting in Personal Injury Sen. Fasano

Increasing from a third-degree felony to a second-degree felony the penalty imposed for willfully failing to remain at the scene of a crash involving personal injury; conforming provisions of the offense severity ranking chart of the Criminal Punishment Code, etc.

Currently in: Criminal Justice; **Passed:** 1st Committee

SB 416 Use of Wireless Communications Devices While Driving Sen. Detert

Creating the "Florida Ban on Texting While Driving Law"; prohibiting the operation of a motor vehicle while using a wireless communications device for certain purposes; specifying information that is admissible as evidence of a violation; providing penalties; providing for enforcement as a secondary action; providing for points to be assessed against a driver's license for the unlawful use of a wireless communications device resulting in a crash, etc. First time offenders get fined \$30, court costs and six points on their driving record

Currently in: Communications, Energy, and Public Utilities; **Passed:** 1st committee

SB552 Ethics Sen. Dockery

Defining the term "special private gain or loss"; prohibiting a member of the Legislature from voting upon or participating in any legislation inuring to the personal gain or loss of the member or his or her relative; prohibiting a member of the Legislature from participating in any legislation inuring to the personal gain or loss of a business associate, employer, board on which the member sits, principal by whom the member is retained, or parent corporation or subsidiary of such principal; requiring that members of the Legislature vote on the General Appropriations Act and disclose conflicts of interest with any line-item appropriation, etc

Currently in: Governmental Oversight and Accountability

SB568 Noncriminal Traffic Infractions Sen. Wise; (CO-INTRODUCER) Sen. Evers

Noncriminal Traffic Infractions; Providing for testing of certain unattended devices used to enforce traffic laws; specifying that, at a hearing of any charge of a noncriminal traffic infraction, the burden for proving guilt rests with the governmental entity bringing the charge; specifying that a person may not be compelled to be a witness against himself or herself in any hearing of a noncriminal traffic infraction; requiring that evidence obtained from such device must be authenticated in court by certain persons who must appear in person and offer direct testimony and account in writing for any evidence used; providing that a person receiving a notice of violation involving such device has the option of paying a fine or requesting a hearing without further issuance of a traffic citation and may not be charged a surcharge for requesting the hearing, etc.

SB854 Teenage Drivers Sen. Evers

Providing for the Department of Highway Safety and Motor Vehicles to electronically notify a parent or guardian when certain events are added to the driving record of a minor licensed to drive; providing for discontinuance of the notifications; providing for forms; providing for a fee, etc.

Lawmakers want state officials to be able to send you a note to let you know if your kids get a speeding ticket. But if you get caught going too fast, they don't really want the state telling your boss.

Of course you - and your boss - can find out anytime you want if someone's had a ticket: driving records are public under state law. Just go to the Department of Highway Safety and Motor Vehicles and give them your kid's name - or an employee's name - and pay the fee and you can find out whether they have a lead foot or drive while drunk. Almost any company that has employees who drive for work, from school bus drivers to package deliverers, checks on driver records. But at issue on Monday was a bill that would turn the process around in some cases, letting parents sign up to be notified electronically anytime their child violates a traffic law. The parent wouldn't have to periodically check their child's record, the DHSMV would simply let them know any time their kids have seen blue lights in the rearview. The bill enjoyed full support of the Senate

Transportation Committee on Monday, sending the measure to the Budget Committee. But not before the Transportation Committee firmly rejected a proposed amendment that would have also allowed employers to sign up with DHSMV to get notices when their workers – whether they drive for their job or not – get some sort of traffic ticket.

SB930 Motor Vehicles Sen. Altman

Citing this act as the "Minor Traffic Safety Act"; prohibiting a person younger than 18 years of age from operating a motor vehicle while using a wireless communications device or telephone; providing for a voluntary check-off on motor vehicle registration forms to make a contribution to the Auto Club South Traffic Safety Foundation; providing for a voluntary check-off on the driver license application forms to make a contribution to the Auto Club South Traffic Safety Foundation; restricting the number of passengers under the age of 18 permitted in a vehicle operated by a person under the age of 18 unless accompanied by a driver at least 21 years of age.

Currently in: Transportation Committee

SB1122 Department of Highway Safety and Motor Vehicles Sen. Latvala

THIS is the bill which might see many things tacked on to it

Renaming the Office of Motor Carrier Compliance within the Division of the Florida Highway Patrol as the "Office of Commercial Vehicle Enforcement"; prohibiting the operation of swamp buggies on a public road, highway, or street; requiring that the application for a certificate of title, corrected certificate, or assignment or reassignment be filed after the consummation of the sale of a mobile home; requiring that the department establish and administer an electronic titling program; requiring that the department develop a bid process for legislatively authorized voluntary contribution organizations to be listed on the renewal notices for vehicle registrations, vessel registrations, and driver licenses; authorizing the department to issue a specialty driver license or identification card to qualified applicants; revising provisions relating to license fees, etc.

This bill also fine tweaks 316.2085. It will allow Florida vertical license plates if you have a toll transponder and the license plate numbers and letters can be read top to bottom as opposed to left to right. It also allows out of state riders that have such plates that read top to bottom. This bill also fine tweaks motorcycle specialty plate funding for the Florida Association of Centers for Independent Living

SB 1340 Sen. Sachs Concealed Weapons or Firearms

Providing that a license to carry a concealed weapon or firearm does not authorize any person to openly carry a handgun or carry a concealed weapon or firearm into a state, county, municipal, school board, constitutional officer's, or special district office or building that primarily consists of offices for one of these entities or any combination of them or into a child care facility,

SB1754Traffic Offenses Sen.Evers

Providing criminal penalties for a person who commits a moving violation that causes serious bodily injury to, or causes or contributes to the death of, a pedestrian or a person operating or riding in a motor vehicle or operating or riding on a motorcycle or bicycle; requiring that the person pay a specified fine, serve a minimum period of incarceration, and attend a driver improvement course; requiring that the court revoke the person's driver license for a minimum specified period; providing that the act does not prohibit the person from being charged with, convicted of, or punished for any other violation of law, etc.

Serious injuries: \$500 AND 30 days

Death \$1000 fine AND 90 days.

SB1754Transportation Sen.Evers

Revising a provision that prohibits a school bus from exceeding the posted speed limits; requiring that the license tag of a motorcycle or moped remain clearly visible from the rear at all times; prohibiting deliberate acts to conceal or obscure the license tag; providing that certain license tags may be affixed perpendicularly to the ground; providing that a dealer of certain farm or industrial equipment is not subject to licensure as a recovery agent or agency under certain conditions; reducing the annual license taxes for the operation of certain vehicles; reducing certain driver license fees; deleting fees for requesting a review or hearing related to the cancellation of a driver license, etc.

Fine tweaks 316.2085. It will allow vertical license plates if you have a toll transponder or if the license plate numbers and letters can be read top to bottom as opposed to left to right. This is primarily for out of state riders that have such plates

SB1860 Sen. Negron PIP

Tighter restrictions on clinics, more detailed police reports and making sure hospitals get paid are all part of a Senate proposal introduced Monday to make major revisions to the state's much maligned no-fault auto insurance market. Increasingly expensive and riddled with fraud, the state's personal injury protection system has found itself in several crosshairs. Gov. Rick Scott, Chief Financial Officer Jeff Atwater and leaders in both chambers have singled out the issue as a priority for the upcoming session. Business groups have called on lawmakers to fix the system or scuttle it. In the House, a handful of bills have been filed. Some repeal the PIP system altogether (HB 1007) and replace it with a system of mandatory emergency coverage that would be paid by the driver at fault. Others (HB 119, HB 523 are more targeted at the fraud elements and crash reports.

Washington, DC

H.R. 904 is a bill that would prohibit future funding of mandatory motorcycle-only roadside checkpoints. Virginia, New York, Georgia, Utah and Maine have conducted these controversial roadblocks. Rep. Allen West (FL-22) has signed on.

H. Res. 239 is a resolution that supports the NHTSA lobby ban and asks the agency to focus on crash prevention rather than injury reduction when addressing motorcycle safety. 17 co-sponsors.

H.R. 748 is a bill would prohibit the Administrator of the U.S. Environmental Protection Agency (EPA) from authorizing the use of gasoline containing greater than 10 percent ethanol in certain vehicles. Sponsored by Representative Jim Sensenbrenner (R-WI). 10 Co-sponsors, Rep Dennis Ross (FL-12) has signed on.

H.R.1449 Motor Vehicle Owners **Right to Repair** Act of 2011 43 co-sponsors

Sponsored by Rep. Edolphus Towns (NY-10) Requires the manufacturer of a motor vehicle sold, leased, or otherwise introduced into U.S. commerce **to**: (1) provide **to** the vehicle owner and service providers all information necessary **to** diagnose, service, maintain, or **repair** the vehicle; (2) offer for sale **to** the vehicle owner and service providers any related tool or equipment; and (3) provide the information that enables aftermarket tool companies to manufacture tools with the same functional characteristics. Exempts trade secrets, so long as the information is not disclosed **to** authorized dealers or service providers. Rep. Mica had expressed concerns with previous versions of this bill because of international trade agreements. Independent car repair shops will be a thing of the past without this bill

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

Send an email; use <http://www.house.gov> to navigate to send an email to your US Representative
Write a letter to the local office.

NCOM Biker Newsbytes Dec 2011

Compiled & Edited by Bill Bish,

National Coalition of Motorcyclists (NCOM)

NOISE CAMERA TO MUFFLE LOUD VEHICLES

First came red-light cameras, followed closely by speed-cameras, and now Calgary will soon become the first municipality to introduce noise cameras to the motoring public. "Motorcycle riders and hotrod enthusiasts beware: the Noise Snare is one step closer to squelching your high-decibel expressions of mechanical masculinity," reported the Calgary Herald about the pilot project that pairs a noise-reader with a camera to catch law breakers. The \$112,500 device was offered to Calgary for free as the first city to test the gadget, and if all goes well the city expects to be handing out \$200 tickets by summer. "This is something that will

allow municipalities across North America to start enforcing (noise) bylaws. The fact that now it's been proven to be an accurate test is very, very important," said Bill Bruce, the city's director of bylaw services. Electrical engineer Mark Neddoly invented the "Noise Snare" after a loud motorcycle awoke his sleeping daughter one night.