

Daytona Beach Chapter Legislative Report November 11, 2006

Elections

Charlie Crist will be our new Governor and is sympathetic to our positions. We lost a strong ally since Skip Campbell was not elected attorney general, however Bill McCollum did support motorcyclists when he was in Washington DC. All of the current Volusia County's State Representatives are returning to Tallahassee. Rep. Pat Patterson, who does not support freedom of choice, was re-elected. The unofficial results for district 27 was 53% Patterson, 47% Cahen. District 27 was created to favor the Republicans and Patterson received strong NRA support. Rep Patterson said constituents were satisfied with his leadership.

STATE

The ABATE of Florida legislative hotline 1-866-352-2283 (1-866-FLABATE)

The next legislative session in 2007 will be busy. The DHSMV bill is now law, Effective July 1, 2008, all first time applicants, for motorcycle endorsement, must take a rider course. For original registration of a motorcycle, proof of valid motorcycle endorsement is required. ABATE of Florida will try to tweak the recent DHSMV bill so that the mandated rider training will be regulated. The Florida no-fault Insurance law has to be reinstated this session and it is here where we can expect Florida motorcyclists to come under additional insurance requirements.

Senator Lautenburg's letter calling for a return to mandatory helmet laws might have some impact. The MRF does not recommend that you contact Senator Lautenberg's office at this time. If history is any indicator generating a national response will only serve to provide unwarranted attention and validation for his unsolicited letter. We will use NHSTA's own reports against his arguments.

\$853 million in cost would have been saved if all motorcyclists wore helmets.

WE will use the February 1996 Report to Congress on Benefits of Safety Belts and Motorcycle Helmets based on data from the Crash Outcome Data Evaluation System. While the report does have flaws, it does compare head injury costs between helmeted and non-helmet motorcyclists. The dollar figures DO NOT support the effectiveness of helmets in reducing injuries.

Helmets reduced the likelihood of crash deaths by 37%

This is based on the March 2005 research note Calculating Lives Saved By Motorcycle Helmets. That report leaves out the listing of raw data that the March 2004 Technical report Motorcycle Helmet Effectiveness Revisited. NHSTA released the March 2005 report probably because the March 2004 report is a **statistical embarrassment**.

Deaths have increased by 53% in the six states that have repealed all-rider motorcycle laws.

The numbers from the Florida DHSMV Traffic Crash Statistic report 2005 fails to show the effectiveness of wearing a helmet. June 2006 Recent trends in Fatal Motorcycle Crashes, An Update will show the underlying cause to be the increase in new units sold and increase in motorcycle registrations. The August 2005 Motorcycle Helmet Use in 2005-Overall Results show that over half of the motorcyclists are wearing helmets, further reinforcing the Florida DHSMV report.

April 16, 2006 Monday is the 12th Annual Freedom Rights Rally in Tallahassee

NATION 109th Congress

There is a short lame duck session after the elections. Despite Motorcycle Riders Foundation's optimism, I do not have a good feeling about our bills. Both Rep Mica and Rep Feeney are returning to Washington DC.

I use the following to track the bills

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

HIPAA Recreational Injury Technical Correction Act

This bill would promote Health Care coverage parity for individuals engaged in legal use of modes of transportation.

HR2793 Rep. Burgess (R) and Rep. Strickland (D) There are 92 other co-sponsors including, from Florida, Representatives Wexler, Putnam and Shaw. It has been referred to Energy & Commerce Committee, Subcommittee on Health, Ways and Means, an Education and the Workforce. Corrine Brown was a co-sponsor for the bill in a previous session.

S577 Senator Collins (R) and Sen. Feingold (D) introduced this bill and it has been referred to Health Education and Labor & Pensions committee. There are 8 other co-sponsors.

Motor Vehicle Right to Repair Act of 2005

HR2048 Congressman Joe Barton (R-TX) and Edolphus Towns (D-NY) There are 97 other co-sponsors including, from Florida, Miller, Shaw, Hastings, Bilirakis, **Foley**, Meek, and **Corrine Brown**.

The legislative intent of this measure is to offer protections for the American motor vehicle owner by making it illegal for the manufacturer of the motor vehicle to withhold information necessary to diagnose service or repair the motor vehicle. Many manufacturers will consider this information proprietary unless this bill is passed. HR 2048 aims to guarantee that individual owners and repair shops have access to after-market parts and the same tools and training offered to those within the dealership network. Congressman Foley is no longer up in Washington.

NHSTA Here is the link to all their pro-helmet reports:

<http://www-nrd.nhtsa.dot.gov/departments/nrd-30/nrsa>

MRF

MRF E-MAIL NEWS

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The 2005 Transportation bill, Safe, Accountable, Flexible and Efficient Transportation Equity Act, A Legacy for Users SAFETEA-LU makes available \$25 million dollars for motorcycle education and awareness campaigns (Florida's 2006 grant is \$225,414), and calls for the organization of a motorcycle advisory council to advise the Federal Highway Administrator on road design. The MRF reports that the FHA Motorcycle Advisory Council met on October 24, 2006. Motorcyclists

hold five of the ten seats, the remainder by transportation officials and engineers. The Secretary of Transportation, Mary Peters, also attended and she is also a motorcyclist.

AIM/NCOM

http://www.aimncom.com/mc_news/

GOLDEN STATE ENACTS R-O-W LEGISLATION "I decided to sign this bill after extensive consideration and thorough deliberation with proponents and opponents of this issue," said California Governor Arnold Schwarzenegger in signing a bill to increase penalties against motorists convicted of a right-of-way violation that results in injury. "I remain committed to enhancing traffic safety in California." SB-1021, which was signed into law on September 30, imposes additional fines when a motorist is convicted of a traffic offense that causes "bodily injury" or "serious bodily injury" to another person. The new law also mandates that the California Driver's Handbook and the curriculum of traffic-violator schools include information about "respecting the right-of-way of others, particularly pedestrians, bicycle riders, and motorcycle riders." The R-O-W bill was sponsored by Senator Debra Bowen (D-28) and co-sponsor Assembly Member Bonnie Garcia (R-80), worked with ABATE of California in successfully lobbying SB-1021 into law. Sixteen states have now passed R-O-W Bills since Virginia passed the first such legislation three years ago, spearheaded by ABATE of Virginia and the Virginia Coalition of Motorcyclists (VCOM) founded by Aid to Injured Motorcyclists (AIM) Attorney Tom McGrath. They are: Arkansas, Georgia, Iowa, Louisiana, Maine, Missouri, New Hampshire, New York, North Carolina, Oklahoma, Pennsylvania, Virginia, Washington, West Virginia, Wisconsin, and now California.

CALIFORNIA GOES HANDS-FREE California lawmakers have joined New York and New Jersey in requiring drivers to use hands-free headsets, earbuds or speaker phones. Gov. Arnold Schwarzenegger signed the ban on handheld cell phone use while driving, and the new law goes into effect in July 2008. Violators face a whopping \$20 base penalty - local fees can be added in - that rises to \$50 for subsequent offenses.

AMA also reported on stiffer penalty bills.

California has enacted a law supporting the goals of the AMA's "Justice for All" campaign. California SB-1021, which was signed into law by Governor Arnold Schwarzenegger on September 30, imposes additional fines when a motorist is convicted of a traffic offense that causes "bodily injury" or "serious bodily injury" to another person. The new law also mandates that the California Driver's Handbook and the curriculum of traffic-violator schools include information about "respecting the right-of-way of others, particularly pedestrians, bicycle riders, and motorcycle riders." The bill becomes effective January 1, 2007.

The Florida Department of Highway Safety and Motor Vehicles now offers an emergency contact information registration. The idea being that if you are ever in an accident and are injured and unable to speak the officer will be able to type your driver's license number into his computer and, if you have registered your emergency contact information the DHSMV website, they will be able to pull up your contact information immediately. By having access to this information at the accident site they will be able to save time if you are seriously injured by being able to contact someone who can make decisions about your care.

<https://www6.hsmv.state.fl.us/dlcheck/findcustomer>

Local

The News-Journal ran several articles about Bike Week 2006 motorcycle fatalities:

Bikers Want Harsher Penalties 10/22/2006

Respond to Tragedy with Fairness 10/24/2006

Wanted: fewer deadly events 10/30/2006

News Journal columnist Pamela Hasterok had to throw this in “Authorities point to riders not wearing helmets. State statistics show that 81 percent more bikers died after lawmakers allowed riders to go without them. Many deaths were caused by blunt force trauma to the head.” Since tracking the fatalities of the two special events, since 2000, I do not see how helmet use has to do with the deaths. The News-Journal say we must be reasonable about expecting vehicular manslaughter charges being imposed. I know what’s not reasonable and that is a \$120 right of way violation when a person is killed in an accident. Quoting from the AMA, driving is a serious responsibility. Consequences of a mistake can be high for the victim and they should be high for offenders. There was no mention of Florida Statues 318.14 and 318.19. These statues state that when a person is killed in a traffic accident, a mandatory hearing must be held, and if a person is found responsible for the accident, a \$1000 fine must be imposed and the license gets suspended for 6 months. I do not understand how motorists, who run over stopped motorcyclists at traffic lights, receive not guilty or adjudication withheld verdicts to careless driving tickets. With such verdicts, the intent of FS 318.14 is circumvented. Gov. Bush approved HB 1697 in 2005. It was in this DHSMV bill where Florida stiffer penalties was tighten. Our Lobbyist, James “Doc” Reichenback helped write the language. NCOM and the AMA fail to recognize Florida’s accomplishment. It might be a while before we will have sympathetic judges who will enforce the intent.

A synopsis of the Biketoberfest deaths is as follows.

Biketoberfest 2006

Volusia & Flagler 6 deaths including pedestrian

| Person | Age | Hometown | Helmet | Location |
|----------------------|-----|---------------|------------|--|
| Dion Houck | 45 | SpringHill | Unknown | Volusia Bikers Fault Lost Control of Bike, |
| Nora Carodona | 39 | Coconut Creek | Pedestrian | Volusia Bikers Fault 10/21/06 Kreso Orlic NJ Suspended License |
| Mary Willis | 58 | Boynton Beach | No | Volusia 10/20/06 Passenger |
| Paul Morley | 70 | Sanford | Came Off | Volusia 10/19/06 Car left hand turn Driver Chris Seagle 41 Deltona |
| Kenneth Akerly | 44 | Anchorage | Yes | Volusia 10/19/06 Slumped over before crashing |
| Clifford Atkinson | 68 | Bunnell | Yes | Flagler 10/19/06 Hit head on while passing truck |
| Not counted by media | | | | |
| Al Gannon | 82 | Tampa | Yes | Hillsbough 10/22/06 swerved and rear-ended another vehicle |

That’s it, John Banta