

## **Daytona Beach Chapter Legislative Report January 10, 2007**

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

The requirement of a rider's course, in order to obtain a new motorcycle license, will go into effect in 2008 unless refined this legislative session. While a nice idea, this requirement holds motorcyclists to higher standards than automobile drivers. If the state of Florida is to mandate something, it needs to be regulated. At issue is course fees and availability.

This session will also reinstate the no-fault insurance laws, which are due to sunset. I expect increased insurance requirements for motorcycles to be attached.

I am now starting to track bills using: traffic safety, highway safety, helmet, motor vehicle, insurance, motorcycle.

### **HB13 Taylor Motor Vehicle Warranty Enforcement Act**

Revises procedures relating to Lemon Law

### **HB27 Glorioso Safety Belt Enforcement**

S484 Rich

Deletes secondary offense enforcement requirement. Senate bill is identical.

### **HB31 Jordon Bicycle Safety**

Conforms helmet requirement to federal standards, provides for enforcement of nighttime equipment

### **HB65 Porth Driving without a Valid License**

Provides for seizure of vehicle

### **HB99 Hupper Charitable Public Solicitations**

Establishes conditions to solicit on or along roads

### **HB145 Quinones DHSMV**

Will create accessible Internet database of habitual traffic offenders

### **HB183 Kravitz Blood test**

This bill would require an operator to submit to a blood test if an officer has reasonable suspicion the motor vehicle was in an accident, which resulted in death or injury

### **S140 Wise**

This bill is similar, a blood test would be required if the accident only involved a death.

### **S124 Posey Custom Vehicle & Street Rods**

Defines these vehicles as being 25 years or older AND built on or before 1948 or if built after 1948, resembles a 1948 or earlier vehicle. These vehicles would be exempt from emission control inspections and would be allowed to have blue dot taillights if certain conditions are met. One of them is a statement saying that the vehicle would not be used for daily transportation.

### **S151 Posey Minors Riding in Open Beds**

This bill would prohibit minors in pickup beds unless properly equipped

### **S172 Geller Changing Lanes**

Prohibits driving outside authorized lanes. This bill also deals with traffic queuing.

### **S200 Geller HOV Lanes**

Provides for use of these lanes by vehicles fueled by bio-diesel or natural gas.

### **S210 Lynn Habitual Traffic Offenders**

Exempts persons convicted, under specified provisions FS 322.34(1), of driving with suspended or revoked license from being designated as a habitual traffic offender. A look at 322.34 (1) has me clueless. I think I might have to call Senator Lynn's office.

### **S306 Fasano Motor Vehicle Repair Shops**

Requires liability insurance.

S536 Bennett Highway Safety

Provides legislative intent in regards to road rage and aggressive careless driving

## **PLAN OF ACTION**

**April 16, 2007 Monday is the 12<sup>th</sup> Annual Freedom Rights Rally in Tallahassee**

## **NATION 110<sup>th</sup> Congress**

I use the following to track the bills.

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

The HIPAA Recreational Injury Technical Correction Act and Motor Vehicle Right to Repair Act both died in committee last session.

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

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

## **MRF**

<http://www.mrf.org>

January 4, 2007

Motorcycle Safety Foundation vs. Oregon

On December 15, 2006 the Motorcycle Safety Foundation (MSF) announced that they had filed a lawsuit against Oregon State University (OSU) and Steve Garets, Director of the Team Oregon Motorcycle Safety Program (TOMS) of OSU. The MSF is claiming copyright infringement and violation of their rights under the Lanham Act. This action was not completely unexpected, as the Motorcycle Riders Foundation (MRF) has paid close attention to this issue for several years. The very afternoon of the announcement MRF Director of Motorcycle Safety, Jay Jackson, spoke with Steve Garets of Team Oregon as well as MSF President Tim Buche. Communication from the MRF was quickly established not only with Team Oregon and the MSF, but BikePAC Oregon, the National Association of State Motorcycle Safety Administrators (SMSA), several state program coordinators and numerous motorcycle safety instructors as well. Most of the motorcycling community, especially those close to rider education, recognize that this situation carries potentially severe ramifications. At the least, it is a distraction that draws resources and focus from the primary function of rider education professionals, which is to provide life-saving training. At the worst, it is a divisive issue that may compromise the credibility, consistency, integrity and ultimately the future of rider education. Ron Shepard, Coordinator of the Idaho STAR program, suspects the MSF's intent is not necessarily to win the lawsuit, but rather to seek an injunction that would halt all current activity. In doing so, states that are required to offer training may be forced to use an MSF product if their current program is suspended. Ken Kiphart, SMSA Chairman, surmises that this may be more of a case for the courts and feels it is likely that the SMSA will not be actively involved at this time. In as much as the SMSA's purpose is to support state programs, it remains possible that this position may change. Steve Garets stands by the TOMS curriculum and encourages other programs to continue to evaluate the effectiveness of their rider training efforts at treating skills and strategies necessary for safe street riding. A number of different opinions have been shared with the MRF from instructors, state program coordinators and others. It appears that the MRF has friends, and constituents, on both sides of the argument. The MRF exists to support the state motorcyclists' rights organizations (SMRO). As with any issue of interest to motorcyclists,

the MRF will continue to monitor and evaluate this situation and will attempt to provide all resources appropriate when, and if, specifically requested by an SMRO in need of assistance.

**AIM/NCOM**

[http://www.aimncom.com/mc\\_news/](http://www.aimncom.com/mc_news/)

From James D. "Doc" Reichenbach II Chairman, NCOM Board of Directors

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December 7, 2006

On November 30, 2006 I met in Washington, D.C. with Vice-Chairman Robert Sumwalt of the National Transportation Safety Board. We discussed the NTSB seminar held in September of this year and the problems we had with the panel that presented facts that we claim are flawed. I also discussed with him that no motorcyclists were represented on the questioning side of the panel. No one from any of the National organizations including the National Coalition of Motorcyclists were given an opportunity to ask questions directly of the panels. We were only allowed to write questions on 3 x 5 cards and then the NTSB would decide which questions to ask. False statements were made and the motorcyclists had no recourse until I took proof of some of the errors to the NTSB. My suggestion was that another seminar is held and the motorcyclists have their voices heard in a fair and just format. He said he would take the idea up with the board. The vice-chairman and I went over all the material I took with me including samples have ABATE of Florida's billboards and safety items. One of the many things that were discussed were the difference between states data and NHTSA and the Federal Highway Administration's data. In 2004 NHTSA had Florida helmets death rate at 56% however the Florida Department of Highway Safety and Motor Vehicles had the helmetless death rate at 46% for 2004. He agreed that there are many inconsistencies between the Federal level and the State level and it needed to be looked into. He also mentioned the Motorcycle Crash Causation Study that is being done. The following is a statement to me from the Vice-Chairman. "Motorcycle registration and vehicle miles traveled provided by FHWA has been criticized as being inaccurate. For example, in spite of many indications that motorcycle use has increased (increased sales, registrations, etc.) the Vehicle Miles Traveled data reported by FHWA has remained approximately the same for the past decade. I personally feel that having accurate activity data for motorcycles is instrumental in terms of tracking accident and fatality rates. The National Agenda for Motorcycle Safety (NAMS) study was completed in 2000. This was done by Motorcycle Safety Foundation, NHTSA, and other groups. There were 82 recommendations in NAMS but many have not been enacted. Staff will review the report and consider whether it is appropriate for the Safety Board to comment further." There has been no decision if there will be a letter going out, but as of right now he has heard of no national helmet law being recommended and he does not support one. The last item we discussed was that all motorcycle groups including National groups need to band together to become an even more powerful force for our cause. I believe that some of us having been saying that for years, maybe soon everyone will realize a house divided must fall. When Mr. Sumwalt had his conformation hearing in front of the senate committee, he was asked if he wore a helmet when he rode and his answer was that yes he did however it should be a personal choice to do so. A senator stated he didn't like the answer Mr. Sumwalt gave, Mr. Sumwalt stated that was his answer, and he was confirmed. I found the Vice-Chairman to be very dedicated and an honorable man who will do everything in his power to help us get to the true facts and help us save lives.

Respectfully,

James D. "Doc" Reichenbach II Chairman of the Board

**AMA**

ABATE of Montana has asked motorcyclists, nationwide, to write letters expressing doubts about vacationing in Montana if a mandatory helmet law is passed. I have included their sample letter as another example of writing to legislators about impending legislation on mandatory helmet laws.

Representative Betsy Hands  
Montana House of Representatives  
P. O. Box 200400 Helena, MT 59620-0400  
Re: LC 1683

Honorable Representative Hands:

I see that you have requested that a mandatory motorcycle helmet law be drafted. I'd sure hope that you not introduce or support such a bill. I am the national Chairman of the American Motorcyclist Association and Chairman of the Montana Motorcycle Safety Advisory Committee. Both entities support the voluntary use of motorcycle helmets by adults. Neither is for mandatory equipment or lifestyle related restrictive law. Montana has 40,000 or more motorcyclists counting both on and off-road riders. Family members, occasional riders and ATV riders may make that a larger number. Many of those riders wear helmets but most are very opposed to mandatory restrictions on lifestyle choices for adults. Many of us believe that safety training for auto drivers and motorcycle riders is much better than making restrictive legislation. Montana has a fine program run by MSUN, the Montana Motorcycle Rider Safety Program. It has now trained a number of riders equal to about one-third or more of the riders in the state. That program is eligible to receive federal highway safety money from the Office of Highway Safety at MDOT. Motorcycle safety is one of the top five priorities set by the federal government. MDOT refuses to grant any of those dollars to the Montana Motorcycle Safety Program even though non-priority programs are funded. A very positive, pro motorcycle rider, legislative effort would be to require that MDOT utilize federal 402 A funds to assist the Montana Motorcycle Rider Safety Program unless that program affirms that it does not have an unmet need. Such legislation was proposed some years ago but the, then, director of MDOT promised to make these funds available (he did not keep that promise). Motorcyclists really do not want restrictive lifestyle legislation. Many are Democrats and it would be a shame if one of the things that Democrats accomplished with the new majority is to limit the personal freedom of Montana motorcyclists. Motorcyclists have been legislatively very active in the past when faced with restrictive legislation and I know they are becoming concerned about this bill as they learn about it. It is my belief that adults should be able to make their own choices. If others don't approve of those choices for safety or other reasons it ought to be up to the adult to choose how they want to live. Some motorcyclists don't want to wear helmets just as some horsemen don't want to wear helmets, it ought to be their choice. The choice to not wear a helmet does not cause injury to any other person. The failure to wear a helmet does not cause an accident. Activities like cell phone use by auto drivers actually causes accidents, often it causes injury to pedestrians, bicyclists and motorcyclists. Added attention to limiting those sorts of activity could save the most lives. Auto driver's inattentiveness causes most motorcycle accidents. Often drivers causing these accidents receive very little penalty. Many states are enacting legislation creating greater penalties for these right-of-way infractions. That type of legislation would gain the support of Montana's motorcyclists and would likely save more lives. In closing, please do not introduce a bill that limits

Montana's liberty. Such a bill will cause so much dissent and bad will. We would love to work with you on positive bills that can really help Montana's motorcycle riders and gain our support.

Sincerely,

Dal Smilie, Chairman

American Motorcyclist Association

410 Hayes Ave Helena,

MT 59601

My legislative reports are also posted on the chapter website, John Banta