

Legislative Update for Chatham County CBA – Mar 2009

Vinny Neuman – Legislative Coordinator – NCRider@att.net (919) 522-4922 www.NCRider.com

State Issues:

- **CBA State Lobby Day** – Mohan to summarize Feb 11th CBA State Lobby Day
- **During the first two weeks of the legislative session, a total of 336 bills were introduced. By the end of the session, we should see about 3000 bills introduced. Fortunately, only about 10-15% of those will be enacted.**
- **New Helmet Law Repeal Bill** – The CBA is looking for a sponsor of our mandatory helmet law repeal bill for adults.
- **House Bill 67** – Introduced by Rep. Nelson Cole (D) - **This bill mandates that license tags be displayed horizontally.** Some choppers have them vertically. This will result in a class 2 misdemeanor offense if passed (NC G.S. 14-3.1 = \$100 fine). They want to make sure that traffic cameras get a good pic of the offender's plate. Any covering or alteration of a license plate will fall under this new bill.
- **Senate Bill 64 - Motorcycle learners' permit changes** (similar as last session's bill) – Change the duration from 18 months to 6 months lessening the time someone has to learn to ride. It also limits it to one renewal. It also requires someone have a car drivers permit or license to get a motorcycle permit. This bill discriminates against motorcycle riders therefore, the CBA will oppose this bill.
- **House Bill 166 – A bill to increase the allowable speed of a scooter or moped of less than 50 cc from 30 MPH to 50 MPH.** Introduced by Rep. Cary Allred (Rep) of Alamance County who just happens to own a moped and scooter retail store. The CBA will support this bill as enabling mopeds to travel closer to the speed of traffic should reduce traffic congestion and reduce the chance that a rider will get hit by a passing car.
- **House Bill 238 – Licensing moped riders** – Rep. Melanie Goodwin (D-Richmond 66) who has introduced a bill calling for moped operators to be licensed. The bill says, "It shall be unlawful for any person who is 16 years of age or older to operate a moped ... upon any public street or highway of this State without being licensed as a driver pursuant to G.S. 20-1.1." If passed, it would become effective Dec. 1.
- **House Bill 310 – Registration and insurance of moped** - Introduced by Rep. Nelson Cole (D) moped operators will have to have insurance like car drivers and they will not be able to travel on roads with a higher speed limit than the recommended maximum speed declared by the manufacturer.
- **Senate Bill 12 / House Bill 68 - BAN MOBILE PHONE USE WHILE DRIVING.** Filed 1/28/09 by Sen Dannelly (D). TO MAKE USING A MOBILE PHONE OR ACCESSING ADDITIONAL TECHNOLOGY UNLAWFUL WHILE OPERATING A MOTOR VEHICLE ON A PUBLIC STREET OR HIGHWAY OR PUBLIC VEHICULAR AREA. Amends GS 20-137.4 as title indicates. Adds a definition for wireless telephone service. Amends subsection (b) to apply the existing offense to all motor vehicles (was, school bus). Narrows the exception for communicating in an emergency situation to communication with (1) an emergency response operator, (2) a hospital, physician's office, or health clinic, (3) a public or privately owned ambulance company or service, (4) a fire department, or (5) a law enforcement agency. Also creates exceptions for (1) communication by any of the following while in the performance of their official duties: (a) a law enforcement officer, (b) a member of a fire department, or (c) the operator of a public or private ambulance and (2) use of a hands-free mobile telephone to make a call and not for the purpose of accessing additional technology. Makes drivers, other than bus drivers, over 18 years old who are not subject to 20-137.3 (unlawful use of a mobile phone by persons under 18 years of age) that violate this statute subject to a \$100 fine, in addition to court costs. Makes conforming changes throughout. Effective December 1, 2009, and applies to offenses committed on or after that date.
- **Senate Bill 96/Similar to S-22 / House Bill 9 - BAN TEXTING WHILE DRIVING.** Filed 2/2/09 Sen. Forrester / Rep. Nelson Cole (D). TO MAKE IT unlawful to use additional technology associated with a mobile phone while operating a vehicle on a public street or highway or public vehicular area. Substantively identical to H 9, filed 1/29/09.
- **Senate Bill 45 - OFF-ROAD VEHICLE TRUST FUND.** Filed 2/3/09 by Rep. Weiss (D). TO REQUIRE ALL-TERRAIN vehicles and motorcycles that are used as off-road vehicles to be registered with the division of motor vehicles, to create a nonreverting revenue fund in the department of environment and natural resources designated as the off-road vehicle trust fund to be used to provide all-terrain vehicle safety training, acquire new lands, manage lands, and develop off-road vehicle parks, trails, and facilities, and to create a new off-road recreation program.

- **House Bill 82 - INCREASE AUTO INSURANCE LIABILITY LIMITS.** Filed 2/5/09 by Rep. Faison (D). TO INCREASE MANDATORY liability insurance requirements for motor vehicles and to make conforming changes to the general statutes. Amends relevant sections of GS chapters 20, 58, and 62 to increase mandatory liability insurance requirements from \$30,000 to \$75,000 for bodily injury to or death of one person in any one accident; from \$60,000 to \$150,000 for bodily injury to or death of two or more persons in any one accident; and from \$25,000 to \$50,000 for injury to or destruction of property of others in any one accident. Makes conforming and technical changes. Effective for policies issued or renewed on or after January 1, 2010.

- **House Bill 118 - SPECIAL PLATE FOR BLUE KNIGHTS.** Filed 2/10/09 by Rep. McComas (R) TO AUTHORIZE THE division of motor vehicles to develop specialized license plates for motorcycles and to authorize the division to produce a blue knights motorcycle special plate. Enacts new GS 20-79.4 (a1) allowing a person to obtain a special motorcycle plate from the Division of Motor Vehicles (DMV) upon application and payment. Requires a holder of a special plate who becomes ineligible for the plate to return the plate within 30 days. Requires the registration fees and restrictions on the issuance of a specialized plate to a motorcycle be the same as on an eligible vehicle. Also prohibits reduced fees for motorcycles. Amends GS 20-79.4 to establish a plate issuable to a member of the Blue Knights International Law Enforcement Officers Motorcycle Club, Inc., that bears the club's emblem. Requires that the DMV receive 300 or more plate applications before the plate may be developed. Makes technical changes. Effective July 1, 2009.

- **Senate Bill 368 - Various Changes in Motor Vehicle Laws - Require directional signals on motorcycles if originally equipped by manufacturer.**

Federal Issues (Reported by the MRF www.MRF.org)

- **Tax deduction in the new stimulus package** - There is a provision that should appeal to motorcyclists, a tax break for purchase of a new –not used- motorcycle. Here is the breakdown: (1) From now until the end of 2009 any one will be able to deduct all state and local taxes from the purchase of a new motorcycle so long as the purchaser makes less than \$125,000 a year as a single tax filer or \$250,000 for those filing jointly. (2) The deduction applies to new motorcycles, light trucks, passenger cars, and recreation vehicles with a purchase price of up to \$49,500 and a gross vehicle curb weight of less than 8,500 lbs. (3) This is what is known as an "above the line deduction" which means all taxpayers are eligible whether the purchaser itemizes other deductions or not.

- **Get the Lead out** - Retailers across the country are yanking shoes, toys and any goods marketed to children from shelves to comply with a strict lead law enacted nearly unanimously by Congress. The Consumer Product Safety Improvement Act, which went into effect February 10, 2009 is meant to protect children from lead-laden products, but unintended consequences of the new legislation are decimating the industry as thousands of motorcycle and recreation vehicle retailers across the country scramble to obey the federal law: all of them had to cease selling small off-road motorcycles and ATVs designed for kids, because according to a provision of the Act the machines are dangerous...not because a child might have an accident on the diminutive machines, but because if a child develops an appetite for the vehicle's brakes or battery terminals and decides to nibble on the ATV or motorbike, lead poisoning may result. The ban encompasses some 19 models from just Yamaha, Honda, Kawasaki and Suzuki. The economic impact of the CPSC's ruling will be substantial for both dealers and manufacturers in an already weakened economy. The regulation takes an estimated \$100 million worth of inventory off the sales floors of some 13,000 dealers immediately. It also impinges on manufacturers, makers of aftermarket equipment and everything from racetracks to distributors. Honda has already informed dealers that their inventories of new and used youth motorcycles and ATVs will become worthless and legally unsalable effective Feb. 10. "In fact, under the terms of the Act you cannot even display these models on your showroom floor, distribute brochures, or advertise them on your website," Honda told their dealer network. According to motorcycle and ATV industry sources, most motorcycle and ATV components are compliant with the CPSIA's lead limits, but some components unavoidably contain small quantities of lead in excess of the CPSIA's limits. However, the nature and location of these components suggests a very minimal exposure risk. Industry reps say the lead used in motorcycles and ATVs is embedded in alloys but is not easily transferred to humans through typical use, the way lead in paint or infant toys would be. Motorcycle riders, activists and enthusiasts are requested to contact their Congressional representatives and the Consumer Product Safety Commission (CPSC) and ask them to exclude youth model off-highway vehicles from the final rule governing the law.

- **Awareness is our best defense. Please stay involved legislatively.**

Please read DocSki's latest blog entry at least once a week:
<http://docskivnv.bravejournal.com/>

You can also subscribe to the email alerts and receive an email every time Doc posts a message.
and federal issues that threaten your lifestyle.