

Legislative Update for Chatham County CBA – Oct 2008

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

State Issues:

The NC General Assembly is closed until January.

- The most important legislative issues I see in the coming months are:

NC Elections – November is election time. Please research your candidates' position on the issues that are important to you and then if you want to consider their position on bikers' rights, please consider the table in the August legislative update which shows your incumbents and how they voted on the DOT helmet bill. You can also contact me for info. (919) 522-4922

Federal Issues:

- HIPAA Update - The US House Committee on Energy and Commerce passed legislation that would make it illegal for insurance providers to exploit what is known as the "source of injury exclusion" loophole, the MRF reports. Under current law, insurance providers can refuse to pay for treatment of an injury based solely on the source of the injury, with no prior notice of denial of benefits for that source of injury simply by pointing to the "source of injury" law that exists today. Some sources of injury that can be used as a reason by insurance providers to refuse payment of medical bills are motorcycling, snow skiing, ATVs and horse back riding. Where HR 1076 makes it illegal to deny benefits for any injury that occurs during legal transportation or recreation, this bill does allow for limitations of payment if the provider follows some rules. According to HR 6809, if an insurance provider wants to be able to put limitations on payment for an injury from a specific source, they must meet the following requirements.

- + "Make such limitations and restrictions explicit and clear;"
- + "If part of a group plan, must be disclosed to plan sponsor in advance of the point of sale of plan;"
- + "The plan sponsor and issuer of health insurance coverage provide a description that is easily understandable to the participant prior to enrollment."

There are still two other House committees that have some jurisdiction over this bill and they need to vote the bill or waive jurisdiction. Then, onto the House Rules Committee and the House floor. The bill must then navigate the Senate committee and floor process and ultimately the President will sign into law. That's a lot of ground to cover before Congress adjourns in the next few weeks.

U.S. Transportation Secretary Mary Peters Proposes new safety rules for motorcycle helmets - This week, U.S. Transportation Secretary Mary Peters proposed rules to strengthen the tests that helmets must pass to get Department of Transportation (DOT) approval. The proposal would amend the agency's current motorcycle helmet safety rules to require manufacturers to place a larger, tamper-proof DOT label on the back of certified helmets.

News Items:

UK Police will read 50 million license plates a day and track everyone's movement and store it for five years. - The UK is in the final stages of expanding vehicle surveillance that will allow police to record and store details of 50 million license plates a day, enabling officers to reconstruct the journeys of motorists. Not only that, the data will be stored for up to five years and will be used during investigations ranging from counter-terrorism to low-level crime.

Photo Ticket Cameras to Track Drivers Nationwide - Vendors plan to add spy technology to existing red light camera and speed camera installations. Private companies in the US are hoping to use red light cameras and speed cameras as the basis for a nationwide surveillance network similar to one that will be active next year in the UK. Redflex and American Traffic Solutions (ATS), the top two photo enforcement providers in the US, are quietly shopping new motorist tracking options to prospective state and local government clients. Such programs would be fully consistent with existing law on searches and seizures. No warrant would be needed or restrictions applied to license plate tracking systems which do not require any physical contact. Instead, individual police officers could monitor the movements of suspected criminals or even their wives and neighbors at any time.

New Myrtle Beach Ordinances: posted 9-24-08

<http://www.cityofmyrtlebeach.com/newordinances.html>

The Myrtle Beach City Council approved the following ordinances at its regular meeting on Tuesday, September 23, 2008. Some amend existing ordinances, while others are entirely new. Five are effective immediately, including the Noise Ordinance amendment, [2008-68](#). The remaining 10 ordinances take effect Sunday, December 21, 2008, which is 90 days from adoption. Use the links below to view individual ordinances as PDF documents.

Ordinances [2008-57](#), [2008-58](#), [2008-59](#), [2008-60](#), [2008-68](#), [2008-69](#) and [2008-70](#) are laws of general application and should be read in context of the Chapter, Article and Division that they amend or supplement. The [City Code](#) is available for comparison, but note that the new ordinances have not yet been incorporated into the existing on-line code. Ordinance [2008-71](#) establishes an administrative process to handle infractions, as specified in Ordinances [2008-61](#), [2008-62](#), [2008-63](#), [2008-64](#), [2008-65](#), [2008-66](#) and [2008-67](#).

- [2008-57](#) Amend existing Nuisance law found in Chapter 10, Article II, Nuisances of the Code. The effects of an unpermitted special event, or rally are a public nuisance against public health, public decency, peace and order, public welfare and safety and the public economy and responsible parties to be held financially responsible for public cost that result from their promotion. **(effective immediately)**
- [2008-58](#) Amend existing Special Event law in Sections 19-127, 19-128 and 19-156 of Chapter 19, Article VI, Special Events of the Code. Those events in or adjacent to City limits, permitted or unpermitted, that impose an excessive public resource deployment are unlawful, and responsible parties are to be held financially responsible for public cost that result. **(effective immediately)**
- [2008-59](#) New law amending Chapter 14, Article 1, Section 14-1. No alcohol served between 2:00 a.m. and 6:00 a.m. Business can exempt from 2:00 a. m. to 6:00 a. m. sale prohibition upon showing of policy or practice that addresses among other things underage drinking, over-serving, internal and premises security. (effective December 21, 2008)
- [2008-60](#) New Law. Chapter 14, Article 1, Section 14-7. Defrauding a restaurant is a misdemeanor. (effective immediately)
- [2008-61](#) New law. Chapter 14, Article X, Sections 14-220. Infraction. Administrative process. Short term rental, payers of accommodation tax, innkeeper or hotel check-in procedures; photo id for check-in; identification of all guests per room, identification of all vehicles; issue parking card. (effective December 21, 2008)
- [2008-62](#) New law. Infraction. Chapter 14, Article X, Sections 14-221. Administrative process. No alcohol consumption or open possession in parking areas, lots and garages. Business shall not permit. (effective December 21, 2008)
- [2008-63](#) New law. Infraction. Chapter 14, Article X, Sections 14-222. Administrative process. Use of parking lot for non-parking activities a nuisance. No destruction of landscaped areas by chairs, etc. Businesses shall not permit. (effective December 21, 2008)
- [2008-64](#) New law. Infraction. Chapter 14, Article X, Sections 14-223 through 14-227. Administrative process. Helmet and protective eyewear required for cycles and mopeds. (effective December 21, 2008)
- [2008-65](#) New law. Infraction. Chapter 14, Article X, Sections 14-228 through 14-231. Administrative process. No trailers parked on public streets, or unlicensed private lots. (effective December 21, 2008)
- [2008-66](#) New law. Infraction. Chapter 14, Article X, Sections 14-232 through 14-235. Administrative infraction. Convenience store and premises security. (effective December 21, 2008)
- [2008-67](#) New law. Infraction. Chapter 14, Article X, Sections 14-236 through 14-239. Administrative process. Minor or Juvenile Curfew: 1:00 a.m. to 6:00 a.m. (effective December 21, 2008)
- [2008-68](#) Amend existing Noise law found in Chapter 14, Article X, Sections 14-240. **No loud mufflers; EPA labeling required, or maximum 87 decibels allowed at idle measurement. (effective immediately)**
- [2008-69](#) Amend existing law in Chapter 14, Article V, Section 14-85, adding section (b) (10). **No loitering on commercial lots after hours, or when posted. (effective immediately)**
- [2008-70](#) Amend existing law in Chapter 12, Article III, Division 1, by adding Section 12- 102: only 2 motorcycles per public parking space; Chapter 12, Article III, Division 2, Repeal deactivation of meters for bike parking. (effective December 21, 2008)

Awareness is our best defense. Please stay involved legislatively.

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<http://docskivnv.bravejournal.com/>

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