

Legislative Update for Chatham County CBA – December 2011

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NC State Issues:

H 105 MAY AS MOTORCYCLE AWARENESS MONTH – Designates the month of May as Motorcycle Awareness Month. This bill was introduced at the request of and is actively supported by CBA/ABATE of NC. Introduced by Keever, Fisher. Filed: 2/15/11' 5-4-11: Passed 1st reading, referred to Rules **No change this month – no action possible until the 2012 session.**

H 166 PURPLE HEART MOTORCYCLE SPECIAL PLATES – Authorizes DMV to develop a special motorcycle license plate for Purple Heart recipients. Introduced by McGee, Folwell, Killian, Spear. Filed: 2/22/11. 5-4-11: Passed 1st reading, passed Transportation, now in House Finance committee **No change this month – no action possible until the 2012 session.**

H 392 MODIFY MOTORCYCLE HELMET REQUIREMENTS – Repeals the requirement that a person who is eighteen years old or older wear a helmet while operating a motorcycle on a public street or highway or public vehicular area. Introduced by Hastings, T. Moore, McCormick. Filed: 3/16/11 Passed 1st reading, 5-4-11: referred to House Transportation **No change this month – no action possible until the 2012 session.**

S 187 - Outlaw Red Light Camera Systems - Sponsor East (R - Stokes/Surry/Yadkin) 5-4-11: Passed Senate, in House Rules committee. **No change this month – no action possible until the 2012 session.**

S 355 - MASONIC SPECIAL PLATE/MOTORCYCLES – Authorizes DMV to produce a motorcycle plate for civic clubs such as the Jaycees, Masons, Kiwanis, Optimist, Rotary, Ruritan, and Shrine. Introduced by East. Filed: 3/16/11 Passed 1st reading, referred to Finance: 3/17/11 **No change this month – no action possible until the 2012 session.**

S 480 – Bill title: “Let Those Who Ride Decide” Provides helmet choice for people 18 and over. 5-4-11: Sent to the Senate Rules commit. **No change this month – no action possible until the 2012 session.**

IMPORTANT DATES:

Candidate Filing Period: 13-29 February

2012 Primary Election: 8 May 2012

Second Primary Election (if necessary): 26 June 2012

General Election: 6 November 2012

WOMBLE INJURED IN CAR CRASH: Rep. Larry Womble (D-Forsyth) was critically injured in a head-on car crash Friday night, but doctors are optimistic that he will recover. Womble underwent two separate surgeries on Sunday. The driver of the other vehicle involved in the crash, David Allen Carmichael, of Winston-Salem, died at the scene. Police have determined that Womble's car crossed the center line before colliding head on with the other vehicle.

FOLWELL NOT RUNNING FOR REELECTION: House Speaker Pro Tempore Dale Folwell (R-Forsyth) announced in a press conference on Thursday that he will not seek a fifth term representing House District 74, but that doesn't mean Folwell is done with politics or public service. A recent GOP straw poll showed Folwell would have strong support in a run for Treasurer, Auditor, or Lieutenant Governor, and according to a report by Capital Broadcasting, Folwell said at the news conference that he will announce his plans later this month. Folwell, an avid motorcyclist and longtime friend of CBA/ABATE of NC, is credited with 28 bills that have been signed into law since he came into office in 2005, including blood and organ donor changes, school bus safety, worker's compensation reform, and a raft of motor vehicle and public safety laws. Nearly all of Folwell's bills passed with strong bipartisan support, even when he was in the minority, quite an accomplishment in the increasingly hyper-partisan General Assembly.

11-30-11: NEW LAWS THAT TOOK EFFECT ON DECEMBER 1st: including:

- **H 113. MOTORCYCLE SAFETY ACT [SL2011-361]** – Provides that a failure to provide right of way that causes a motorcyclist to change travel lanes or leave its travel lane is an infraction resulting in a fine of not less than \$200.00 and a fine of not less than \$500.00 if the violation results in property damage or personal injury to the motorcycle operator or passenger. This bill was introduced at the request of CBA/ABATE of NC.
- **H 381. CHECKING STATION PATTERN SELECTION [SL2011-216] - Prevents law enforcement agencies from establishing Motorcycle only checkpoints.** Prevents patterns for vehicle stops at checking stations based on a particular type of vehicle, but allows law enforcement agencies to designate any type of commercial motor vehicle and provides that the provisions of the bill do not restrict any other type of checkpoint or roadblock which is otherwise lawful. Actively supported by CBA/ABATE of NC.
- **S 16. OBTAIN BLOOD SAMPLE/IMPLIED-CONSENT LAWS [SL2011-119]** – Requires a law enforcement officer to request a blood sample under the state implied-consent laws from any person criminally charged in any

case involving death by vehicle and certain other offenses and to seek a warrant if the driver refuses and there is probable cause to believe the offense involved impaired driving or is alcohol related.

- **H 49. LAURA'S LAW [SL2011-191] – Increases the punishment for habitual DWI offenders** with three or more grossly aggravating factors – (1) prior DWI conviction within last seven years, (2) driving with a revoked license, (3) causing serious injury to another person, (4) transporting a person under the age of 16 at the time of the violation – to a fine of up to \$10,000 and imprisonment of at least 12 months and up to three years; requires continuous alcohol monitoring of certain offenders; and increases the court costs for DWI offenders. The legislation also requires alcohol monitoring after an offender is released from prison. It also provides that the defendant is not eligible for parole, but may be released for the last four months of the sentence but is subject to mandatory continuous alcohol monitoring. It also provides that the prison sentence may be suspended only if the convicted person serves at least 120 days in jail and is subject to continuous alcohol monitoring. The legislation provides for a “permanent” revocation of their driver's license, but allows an offender to apply for a conditional license restoration after three years. Any offender having his or her license restored would be required to have an alcohol-detection ignition interlock system on their vehicle for seven years. The legislation increases the court costs for all DWI offenders by \$100. Offenders may get credit toward their sentence for in-patient treatment they receive for alcohol abuse. Introduced in Gaston County after Laura Fortenberry (17 yrs old), was killed by a habitual drunk driver in 2010. It used to be that Level One punishment was given for 2 to 4 aggravating factors. Now, 3-4 aggravating factors gets Aggravated Level One Punishment.
- **H 427. RUN AND YOU'RE DONE [SL2011-271] – Provides for the seizure, forfeiture, and sale of vehicles used by defendants in felony cases involving speeding to allude arrest. High-speed chase = lose your vehicle.**

Federal and international issues:

11-22-11: MOTORCYCLISTS BEWARE: STATES WITH THE WORST DRIVERS - You might believe that your state has the worst drivers in the country, but a newly released report from Carinsurancecomparison.com ranked states according to their safety record to determine where the bad drivers live. Five factors were considered when determining the rankings; (1) fatalities per million miles traveled, (2) drunken driving, (3) the number of tickets issued, (4) failure to obey traffic signals and (5) carelessness, utilizing data compiled from the National Highway and Transportation Safety Administration (driving fatalities), the National Motorist's Association (traffic tickets), and MADD (drunk drivers).

Here is their list of the 10 states with the worst drivers:

- #10) South Carolina - Ranked 48th for fatalities and 45th for obeying road signs.
- #9) Alabama - 46th for tickets. 42nd for fatalities. 41st for obeying road signs.
- #8) Montana - Highest ticket rate in the country. Also ranked 40th for carelessness.
- #7) Kentucky - 42nd for carelessness and 48th for drunk driving.
- #6) Arizona - Arizona ranked poorly across the board.
- #5) Oklahoma - Lots of DUIs, fatal accidents, and traffic tickets.
- #4) Florida – Not as many drunk drivers... But Florida has more tickets than any other state.
- #3) Texas - Texas ranked pretty poor in all categories.
- #2) Missouri - Ranked in the bottom 10 for carelessness and DUIs.
- #1) Louisiana - In the bottom 10 in all categories except failure to obey signs.

The safest driving state was Rhode Island, followed by Connecticut, Massachusetts, Virginia, and New Hampshire.

11-22-11: WEIRD NEWS: SPAIN FINES MOVIE DISTRIBUTOR OVER HELMETLESS TOM HANKS POSTER

The Spanish distributor for the movie “Larry Crowne” was fined for a poster showing stars Tom Hanks and Julia Roberts riding a motorcycle without a helmet. TriPictures was given a traffic fine of 30,000 euros (\$41,500) for using the film's U.S. poster to promote the movie's overseas premiere because the government claimed it promoted reckless driving. The distributor initially thought the ticket was a joke, but in 1985 Spain instituted a law that banned advertisements from promoting reckless driving. Fines are also given to celebrities if they promote the image of poor driving. One example came last year, when singer Shakira drove through Barcelona on a motorcycle without a helmet in one of her music videos.

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