

# Legislative Update for Chatham County CBA – January 2012

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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 1<sup>st</sup> 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 1<sup>st</sup> 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 1<sup>st</sup> 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 NC DATES:**

Candidate Filing Period: 13-29 February,  
Second Primary Election (if necessary): 26 June 2012

2012 Primary Election: 8 May 2012  
General Election: 6 November 2012

## Federal and international issues:

**12-20-11: FEDERAL JUDGE UPHOLDS N.Y. MOTORCYCLE-ONLY CHECKPOINTS** – A federal judge rejected motorcyclists' claims that their Constitutional rights were violated by New York State Police motorcycle-only “safety checkpoints” that detained thousands of riders en route to large N.Y. rallies and ticketed many of them for mostly non-safety violations. Aid to Injured Motorcyclists (A.I.M.) Attorney Mitch Proner of NYC sued troopers on behalf of four motorcyclists who claimed that safety was a mere pretext in looking for criminals and that the practice was intrusive and unfair to motorcycle riders as a group. But Judge Gary Sharpe concluded that safety was indeed the main focus of the initiative, which distinguishes the checkpoints from “a general interest in crime control” that could have amounted to unconstitutional seizures when there’s no “individualized suspicion of wrongdoing.” “The court concludes the checkpoints were enacted to promote motorcycle safety, a manifest public interest; they were effective in addressing this interest; and that any interference with individual liberties was not only minimal, but also grossly outweighed by the interest advanced,” Sharpe wrote in his ruling. “The intrusion on civil liberties is something that shouldn’t be countenanced,” Proner told the Associated Press, adding that the discriminatory roadblocks have been ongoing since 2008 even though motorcycles, like other vehicles in New York, are already subject to annual safety inspections, and no other vehicles are stopped for roadside safety checks. “It’s obvious just from their own internal documents they’re looking for criminal activity,” said Attorney Proner, citing a checkpoint near Buffalo’s Peace Bridge that included border patrol agents, and one in central New York near a rally sponsored by a motorcycle club included gang task force officers. “The fact they didn’t find crime doesn’t mean that wasn’t what they’re fishing for,” he said. “That just shows you’ve got law abiding citizens on motorcycles primarily being inconvenienced.” Proner told the AP news agency that motorcyclists across the country are interested in this case, the only such federal lawsuit nationally though some other states have similar checkpoint programs, and that he will appeal.

**12-20-11: Canada “NOISE CAMERA” TO MUFFLE LOUD VEHICLES** - First came red-light cameras, followed closely by speed-cameras, and now Calgary will soon become the first municipality to introduce noise cameras to the motoring public. “Motorcycle riders and hotrod enthusiasts beware: the Noise Snare is one step closer to squelching your high-decibel expressions of mechanical masculinity,” reported the Calgary Herald about the pilot project that pairs a noise-reader with a camera to catch law breakers. The \$112,500 device was offered to Calgary for free as the first city to test the gadget, and if all goes well the city expects to be handing out \$200 tickets by summer. “This is something that will allow municipalities across North America to start enforcing (noise) bylaws. The fact that now it’s been proven to be an

accurate test is very, very important," said Bill Bruce, the city's director of bylaw services. Electrical engineer Mark Nesdoly invented the "Noise Snare" after a loud motorcycle awoke his sleeping daughter one night. (562 tax payoff)

**12-20-11: National Transportation Safety Board (NTSB) SEEKS BAN ON CELL PHONE USE WHILE DRIVING -** States should ban all driver use of cell phones and other portable electronic devices (PEDs), except in emergencies, urges the National Transportation Board. The NTSB recommendation, unanimously agreed to by the five-member board, applies to both hands-free and hand-held phones and significantly exceeds any existing state laws restricting texting and cell phone use by drivers. The board made the safety recommendation in connection with their investigation of a deadly highway pileup in Missouri last year that was caused by the inattention of a 19 year-old-pickup driver who sent or received 11 texts in the 11 minutes immediately before the tragic crash that involved a semi and two school busses. The accident is a "big red flag for all drivers," NTSB chairman Deborah Hersman said at a meeting to determine the cause of the accident and make safety recommendations. "No call, no text, no update is worth a human life." The board has previously recommended bans on texting and cell phone use by commercial truck and bus drivers and beginning drivers, but it has stopped short of calling for a ban on the use of the devices by adults behind the wheel of passenger cars. While the NTSB doesn't have the power to impose restrictions, its recommendations carry significant weight with federal regulators and congressional and state lawmakers. In November, Pennsylvania became the 35th state to forbid texting while driving, but despite such laws the problem is continuing to get worse according to the National Highway Traffic Safety Administration (NHTSA) that reports nearly 20% of drivers admit to texting or e-mailing, and at any given moment last year almost 1 in every 100 car drivers was texting, emailing, surfing the Web or otherwise using a handheld electronic device, up 50% over the previous year. Joining in the campaign to curb distracted driving, Aid to Injured Motorcyclists (A.I.M.) has produced a color vinyl bumper sticker that reads; "HANG UP AND DRIVE!" that is available free by calling A.I.M. at 1-(800) ON-A-BIKE.

**12-20-11: US TRAFFIC DEATHS HIT LOWEST LEVEL SINCE 1949 -** Annual traffic deaths in the U.S. have fallen to their lowest level in six decades, reports the U.S. Department of Transportation. Despite the fact that Americans drove almost 46 billion more miles during the year, highway deaths fell by nearly a thousand to 32,885 in 2010, representing a 2.9% drop from 2009 (33,883) and the lowest number of fatalities since 1949. "While we have more work to do to continue to protect American motorists, these numbers show we're making historic progress when it comes to improving safety on our nation's roadways," said DOT Secretary Ray LaHood. According to DOT statistics, deaths in crashes involving drunk drivers dropped 4.9% in 2010, resulting in 10,228 fatalities compared to 10,759 in 2009. Fatalities declined in most categories in 2010, including for occupants of passenger cars and light trucks, but fatalities rose slightly (<1%) among motorcycle riders (4,469 in 2009 to 4,502 in 2010, an increase of 33, or less than 1%). pedestrians (up 4% from 4,109 to 4,280), occupants in medium and heavy trucks (499 to 529, +6%) and buses (26 to 44, +41%). The latest figures also include a new measure of fatalities caused by distracted driving, essentially a refinement of existing data that focuses more directly on situations where dialing a phone, sending a text or the activities of another person or event are likely to lead to a crash. The DOT reports that 3,092 fatalities were the result of such "distraction-affected crashes."

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