



News & Notes

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GOVERNMENT RELATIONS DEPARTMENT

News & Notes is a monthly publication compiled and edited by the AMA's Government Relations Department. Designed to inform motorcyclists of 'rights'-related issues and events around the world, we welcome your news & views. Suggestions and contributions can be sent to Sheila Andrews, Legislative Assistant, American Motorcyclist Association, by e-mail at sandrews@ama-cycle.org.

The AMA offers its most sincere condolences to the family, friends and co-workers of Hugh H. "Harry" Hurt, who died of a heart attack on Nov. 29, 2009 at the age of 81. Professor Hurt was an award-winning author best known in the motorcycling community for conducting a benchmark motorcycle safety research study in 1981 entitled "Volume I: Technical Report, Motorcycle Accident Cause Factors and Identification of Countermeasures, January, 1981 - Final Report."

Commonly referred to as the "Hurt Report," the study was widely viewed to be the most comprehensive motorcycle safety study of the 20th century. In addition to that groundbreaking study, Hurt was the author of dozens of publications in the fields of motorcycle handling, safety, crash analysis, and helmet performance. It was on this basis that [Hurt was inducted into the AMA Motorcycle Hall of Fame](#) in 2007.

Source: <http://www.amadirectlink.com/news/story.asp?id=1577>

The AMA announced the 2009 AMA Motorcyclist of the Year with a twist: This year's recipients are a group, rather than an individual. The winners? Kids who ride motorcycles and all-terrain vehicles (ATVs). America's youngest riders were at the center of the biggest story of the year in 2009, as the Consumer Product Safety Commission (CPSC) enforced a ban on selling youth-model off-highway vehicles (OHVs).

At the center of the controversy is the Consumer Product Safety Improvement Act of 2008 (CPSIA) provision that strictly reduces the levels of allowable lead in children's toys. Because OHVs include lead in parts such as battery terminals, valve stems, engine cases and controls, in early 2009 the law banned the sale of OHVs intended for kids 12 years old and younger.

Thanks to the efforts of AMA members, AMA staff and others, more than 70,000 motorcyclists used online tools provided by the AMA at AmericanMotorcyclist.com to voice opposition to the law. As a direct result, the CPSC issued delayed enforcement of the law until 2011. With congressional leaders reluctant to re-write a law that they had just passed, the delay of enforcement was critical to the efforts to resolve the issue because it secured valuable time for the AMA and its allies to continue to pressure regulators and lawmakers to permanently exempt youth-model OHVs from the CPSIA.

Full story: <http://www.amadirectlink.com/news/story.asp?id=1579>

The Chairman of the Subcommittee on Energy of the U.S. Senate Energy and Natural Resources held a hearing on S. 2843, the Advanced Vehicle Technology Act of 2009, on December 8. The U.S. House companion bill is H.R. 3246. S.

2843 would authorize the Department of Energy to conduct advanced technology vehicle and component part research and development. This will increase the production of new technology in vehicles and trucks in the United States. The AMA is encouraged that language to include motorcycles will be included based on the exchange between Senator Wyden and Under Secretary Johnson of the Department of Energy at the hearing.

On September 16, the U.S. House of Representatives passed H.R. 3246 with a vote of 312 to 114. During consideration of the bill, Representative Patrick Kennedy introduced an amendment to ensure that manufacturers of two- and three-wheeled electric vehicles are included in the list of eligible industry participants. The amendment was adopted unanimously.

The American Motorcyclist Association, in conjunction with the National Motorsports Coalition, is asking all organizers, promoters, track owners and others to contact their members of Congress and ask them to cosponsor the *Motorsports Fairness and Permanency Act of 2009* (H.R. 1974/S. 1400). The Act would make permanent the current seven-year depreciation tax standard for motorsports entertainment complexes.

For more than 20 years, permanent motorsports facilities have operated under this classification, but in 2004 the IRS raised some questions on the issue. Congress eventually reaffirmed that seven years was appropriate, and extended the treatment through the end of 2007. Last year, Congress acted diligently to extend the depreciation method through the end of 2008, however until permanency is obtained, the motorsports industry will continue to have to petition for an extension of the tax method. This consistently affects the more than 900 permanent motorsports facilities operating in the United States that have tremendous economic and job creation impact, both regionally and nationally.

In order to pass legislation providing for security of the depreciation schedule, owners, operators and everyone involved needs to contact their Senators and Representatives to ask them to cosponsor their respective bills. H.R. 1974 and S. 1400 are needed to ensure the viability of permanent tracks and the sport of motorcycle racing. For more information on how to reach out to your members of Congress log-on to www.AmericanMotorcyclist.com > Rights > Issues & Legislation.

Congress will hold a hearing on a bill that will negatively impact Montana's off-highway vehicle (OHV) recreational opportunities. The Chairman of the U.S. Senate Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources has scheduled a hearing on December 17 to consider S. 1470, the *Forest Jobs and Recreation Act of 2009*, introduced by Senator Jon Tester (D-Mont.). As it is currently written, the OHV community will

lose access to many miles of popular riding trails.

The American Motorcyclist Association (AMA) appreciates Senator Tester for reaching out to the OHV community in attempting to make this bill better for every user of our public lands. However, the AMA continues to oppose this bill as it is currently written, and urges the Subcommittee and Senator Tester to work with our Association and other groups to more fully address rider concerns so that families can continue to enjoy OHV trails in a responsible manner.

San Francisco, Calif: Bridge Toll Hike Proposed for Earthquake Safety. The Bay Area Toll Authority (BATA) is seeking public comment on a toll increase on the seven state-owned Bay Area toll bridges: the Antioch, Benicia-Martinez, Carquinez, Dumbarton, Richmond-San Rafael, San Francisco-Oakland Bay and San Mateo-Hayward bridges.

Ideas being considered include raising the \$4 toll for cars to \$5; charging carpools and motorcycle riders a discounted toll instead of allowing them to cross for free; increasing truck tolls; and charging commuters extra for crossing the San Francisco-Oakland Bay Bridge during peak traffic hours. Written comments, which will be accepted until 4 p.m., December 21, 2009. *Source:* http://www.mtc.ca.gov/news/info/toll_increase.htm

Albuquerque, N.M.: The New Mexico Off Highway Vehicle Alliance (NMOHVA) plans to use more than \$322,000 in federal funds and \$126,000 in matching contributions for trail work in the Cibola National Forest. NMOHVA will use the funds to construct new trail segments, rehabilitate existing trails and install signs on over 60 miles of trail. Some of the money will also go toward trailhead improvements and trail entry control. The group's partners include the Sandia Ranger District, New Mexico 4 Wheelers, the Black Feather Trail Preservation Alliance and R&S Powersports.

Work is expected to start in the spring of 2010. Recreation planning experts from Pan Pacific Services will help manage the project.

Source: <http://www.nmohva.org/main/index.php>

Hollister, Calif.: Bureau of Land Management (BLM) seeks comments on Clear Creek draft plan. The BLM Hollister Field Office is inviting the public to comment on the draft resource management plan and environmental impact statement on the Clear Creek Management Area, covering public lands in southern San Benito and western Fresno counties. The draft RMP/EIS was developed through a public planning process and analyzes seven alternatives. The primary issues addressed are public health risks from asbestos exposure, recreation, protection of sensitive resources, energy and mineral development, land tenure adjustments, and other resource issues.

Source: http://www.blm.gov/ca/st/en/info/newsroom/2009/december/CC1009_CCMA_drmp.html

Missouri: Pre-filed for the upcoming 2010 Missouri General Assembly session, House Bill 1217, sponsored by Rep. Gary Dusenberg (R-Blue Springs), would permit adults 21 years of age or older to make their own decisions regarding motorcycle helmet use.

Also pre-filed is House Bill 1332, sponsored by Rep. Jeff Roorda (D-Barnhart), which proposes strict penalties for motorcycle stunt riding on public roadways. A "dangerous stunt" is defined as any dangerous activity by the operator or passenger, including standing or performing handstands on the seat, frame or handlebars, operating on one tire, or removing both hands from the handlebars. Offenses would be classified as misdemeanors; a second offense involving a motorcycle without license plates, or third or subsequent offense on any motorcycle, would be classified as a felony.

Pennsylvania: House Bill 2104, sponsored by Rep. Michael K. Hanna (D-Lock Haven), would permit a person to file a complaint against the owner/operator of a motor vehicle that violates provisions in Section 4523 (Exhaust systems, mufflers and noise control) of Title 75 of the Pennsylvania Consolidated Statutes. A magisterial district judge could issue a search warrant, authorizing the Pennsylvania State Police to inspect the motor vehicle and take appropriate action.

Coos County, Ore.: A coalition of environmental groups have filed a lawsuit challenging the U.S. Forest Service's decision to allow Coos County to build a one-mile connector trail for off-highway vehicle use through part of the [Oregon Dunes National Recreation Area](#).

The proposed road, called the [Riley Ranch Access Project](#), would connect a county park to other county lands within the popular dunes area on the Southern Oregon Coast. The Forest Service believes it has sufficiently addressed any unresolved environmental and resource issues after conducting a lengthy three-year public planning process and environmental review.

Source: <http://www.theworldlink.com/articles/2009/05/30/outdoors/doc4a20d4eb0a1ca928257049.txt>

Craig, Colo.: The Craig City Council recently approved final passage of an ordinance allowing all-terrain vehicle (ATV) and off-highway vehicle (OHV) use on city streets. All residents who wish to drive an ATV or OHV on city streets must first register their vehicle with the Craig Police Department. Additionally applicants must be at least 18 years old and must provide proof of insurance for non-recreational use.

The ordinance only covers vehicles with four wheels. Three-wheelers and snowmobiles therefore are excluded.

Source: <http://www.craigdailypress.com/news/2009/dec/08/council-approves-atvs-ohvs-city-travel>

British Columbia, Canada: New all-terrain vehicle (ATV) regulations have recently been adopted. These regulations aim to improve safety and address environmental concerns. These new rules include registration and licensing fees at the time of purchase as well as a mandatory helmet law for riders. A compliance and enforcement strategy will be developed and will include an education component to help ensure voluntary compliance.

Additional rules include new sound standards for mufflers, requiring spark arrestors as well as giving local government the ability to designate crossings on public roads to assure ATV rider's access to local communities. *Source:* http://www.bclocalnews.com/bc_north/terracestandard/

NCOM NEWS BYTES

THE AIM/NCOM E-NEWS SERVICE is brought to you by Aid to Injured Motorcyclists and the National Coalition of Motorcyclists, and is sponsored by the Law Offices of Richard M. Lester. For more information, call us at (800) ON-A-BIKE. Visit us on our Website at <http://www.aimncom.com>

Compiled and Edited by BILL BISH,
National Coalition of Motorcyclists (NCOM)

UNITED NATIONS LAUNCHES GLOBAL ROAD SAFETY INITIATIVE With traffic accidents causing the deaths of more than one million people worldwide every year, more than malaria or diabetes, United Nations Secretary-General Ban Ki-moon told participants at the First Global Ministerial Conference on Road Safety in Moscow that more must be done to tackle the global "crisis" of road traffic fatalities. In addition, some 50 million people are severely injured, costing governments 1 to 3% of their gross national products.

Opening the conference, the President of Russia Dmitry Medvedev called for action on a worldwide crisis running at 1.27 million road deaths every year, with about half of those deaths occurring among vulnerable road users such as cyclists, motorcyclists, and pedestrians.

The conference culminated with ministers of more than 70 countries around the world approving the Moscow Declaration, which calls for a "Decade of Action for Road Safety" and to begin to set out plans for global coordination of the unprecedented effort to reduce road traffic injuries 50% by 2020.

The Safe Systems strategy advocated in the Moscow Directive requires the entire road-traffic management system to be designed around compensating for the errors of road users, so that people can survive the consequences of their mistakes. "Simple measures such as introducing and enforcing compulsory helmet and seat belt laws can make a large difference in the trauma that comes with motorization," write risk management researchers from Australia.

Only 40% of countries currently have motorcycle laws that stipulate helmet use for the rider and passenger, according to the World Health Organization (WHO), and fewer than 60% of countries have laws in place that require all car occupants to wear seat-belts.

The four page Decade of Action declaration includes specific action on vulnerable road users. It reads: "Make particular efforts to develop and implement policies and infrastructure solutions to protect all road users in particular those who are most vulnerable such as pedestrians, cyclists, motorcyclists and users of unsafe public transport, as well as children, the elderly and people living with disabilities."

On signing the declaration, governments, United Nations agencies, civil society organizations and private companies will agree to set "ambitious yet feasible" targets for reducing traffic casualties in each country.

CONGRESSIONAL ACTION SOUGHT TO PROTECT YOUTH CYCLE SALES Because the Consumer Product Safety Commission has refused to lift a ban against the sale of kids' dirt bikes and ATVs due to lead content of some parts, although the CPSC agreed to stay the ban until May 1, 2011, the U.S. House of Representatives passed an appropriations bill on July 16th that would prohibit funding for the ban.

An amendment by Representative Denny Rehberg (R-MT) to the House fiscal year 2010 Financial Services Appropriations bill prohibits the use of funds by the CPSC to implement or enforce section 101(b) of the Consumer Product Safety Improvement Act of 2008 regarding banning the sale of off-highway motorcycles and all-terrain vehicles intended for use by children 12 and under.

The CPSIA was intended to limit the lead content of children's toys made in China, but as an unintended consequence resulted in motorcycle manufacturers ordering dealers nationwide to stop selling youth-oriented vehicles and parts.

Similar legislation introduced in the Senate does not contain the

Rehberg Amendment language, and has not reached the Senate floor for a vote.

Help protect access to youth-model off-road vehicles and parts by contacting your federal legislators and ask them to support language in the final appropriations bill that excludes children's motorcycles and ATVs from the CPSIA.

PENNSYLVANIA NOISE LEGISLATION COULD TURN NOISEY NEIGHBORS INTO NARCS House Bill 2104 on noise control was introduced in the Pennsylvania legislature on November 18 and referred to the House Committee on Transportation to consider allowing citizens to report loud vehicles and noisy mufflers to authorities for further action.

As introduced, HB 2104 reads:
Exhaust systems, mufflers and noise control.

(f) Enforcement for violations -

(1) A person who reasonably believes that a motor vehicle is in violation of this section may file a complaint, containing the registration plate number, with a magisterial district judge.

(2) Based on the information in the complaint, the magisterial district justice may issue a search warrant for the vehicle and shall forward the search warrant and information contained in the complaint to the Pennsylvania State Police for investigation.

(3) Upon receipt of the search warrant, the Pennsylvania State Police shall investigate whether the vehicle is in violation of this section and shall take appropriate action to enforce the provisions of this section.

(4) A person who files more than one complaint under this section which, after investigation by the Pennsylvania State Police, are determined not to support a violation of this section shall be prohibited from filing any additional complaint under this section for a period of 12 months.

ALWAYS-ON HEADLIGHT LAW PROPOSED IN ILLINOIS A state lawmaker has introduced legislation requiring Illinois motorists to turn on their headlights even during daylight hours to make it easier for motorists to see each other, thus reducing accidents. "It would enhance safety," Rep. Dan Brady said.

It also would put Illinois alone in the U.S. Although day-time running lights are required in some European countries, the only other state where it is even being considered is Alaska. In Juneau, state lawmakers say long twilight periods and low sun angles there produce shadows and make it difficult to see vehicles.

Most motorcycles are already required to have a headlamp on at all times for increased conspicuity, and many riders feel they would lose their visibility and be lost in a sea of headlight beams if all vehicles were to run with their lights on.

If House Bill 4701 is approved, someone caught for not turning on their lights could face a fine of \$75. Brady said he wants to study the issue more before he asks his colleagues to vote on the matter.

S.C. SUPREME COURT COULD RULE ON MYRTLE BEACH HELMET LAWSUITS Two lawsuits against Myrtle Beach over the city's helmet law could be heard by the state's high court in the new year. The S.C. Supreme Court clerk sent a letter to Myrtle Beach and the plaintiffs saying the lawsuits filed by business owners and a group of motorcyclists might be heard in the February session. The plaintiffs are suing the city to stop it from enforcing the motorcycle helmet law it imposed last year as part of a package of 15 new ordinances designed to deflect the May motorcycle rallies from the city.

Attorneys for the city, BOOST (Business Owners Organized to Support Tourism) and the 49 riders who protested the city's helmet ordinance on the day it became effective and were ticketed have filed their briefs with the high court, allowing judges to read the issues that will be argued orally if the hearing is slated.

Lawyers representing BOOST have filed more than 30 pages of briefs containing multiple sections, contending among other issues:
 The city is overstepping its bounds by making such a law;
 The General Assembly intended people older than 21 to have freedom of choice on wearing helmets;
 The helmet ordinance violates the state's Uniform Traffic Act;
 The ordinance should be voided because it is vague and ambiguous;
 The ordinance is arbitrary, capricious and unreasonable; And ending a motorcycle rally isn't a legitimate government purpose.

But Tom McGrath, Aid to Injured Motorcyclists (AIM) attorney for Virginia who is representing the protesters filed a much shorter brief, saying among other things that most of the arguments don't matter because the city's ordinance is at odds with state law, and for that reason alone it should be tossed out.

"The gist of the city's arguments is that it has the right to do whatever it wants to do as long as it declares something to be a public nuisance and decides to abate it," McGrath's brief begins. "...If the ordinances conflict with state law, the ordinances are void. If the ordinances are void, their underlying merits are irrelevant."

ARIZONA BIKERS PROTEST DISCRIMINATION AND POLICE HARASSMENT As a state highway patrol helicopter circled low over head and the state gang task force took photos from across the street, several hundred bikers from 40 motorcycle clubs throughout Arizona assembled after their regularly scheduled Arizona Confederation of Motorcycle Clubs meeting on November 7th for a protest ride past four Kingman bars that recently adopted a "NO COLORS" policy.

ACMC advocates for biker rights and meets twice a month, discussing issues like helmet or emission laws or pushing for biker-friendly legislation. Dan Balentine, president of the Desert Road Riders Motorcycle Club and secretary for the ACMC told the Daily News that the confederation of clubs is in the process of hiring a third lobbyist to work on the no colors policy initiated by some bars and restaurants in Kingman. Balentine said ACMC's mission statement is to educate the public of the positive aspects of motorcycle clubs and lawfully oppose intrusion to biker rights.

One of the ACMC lobbyists, Skypilot, is based at the state capital in Phoenix and works with the legislators while a second lobbyist works on federal issues in Washington, D.C. Skypilot reported that he is talking with state legislators on motorcycle issues such as right of ways, emissions, discrimination by law enforcement, correctly fastening license plates and extended yellow lights.

ACMC's president Ray "Still Ray" Fitzgerald, said the object of the protest ride was to draw attention to the way the gang task force illegally forces bars to adopt the no colors policy or face having their liquor licenses pulled.

Riders wearing their club colors on the protest ride arrived armed with discrimination forms to document people who were turned away for a possible class-action lawsuit.

"Why would they turn us away?" said Steve Musgrave, a member of the Desert Thunder MC and a registered motorcycle rights lobbyist for eight years. "Our money should be as good as everyone else's." Musgrave, who also serves on the National Coalition of Motorcyclists (NCOM) board of directors, said it is unfair for police to label motorcycle clubs as gangs. "We are a club, not a gang. We have regular meetings and pay dues," he said. "Almost everybody here is a law-abiding citizen who has a job and pays their taxes, just like everyone else."

AUSTRALIAN BIKERS THREATEN TO SUE PUBS OVER COLOR DISCRIMINATION Members of at least 21 of the state's "bikie gangs" are preparing to sue the 53 pubs, clubs, hotels and cocktail bars from Wollongong to The Entrance where they are banned if they turn up for a drink wearing club colors or their trademark bikie jewelry.

They claim the bars are breaching the Anti-discrimination Act, the

Human Rights Commission Act and probably the International Covenant on Civil and Political Rights which has been adopted by Australia.

After gauging reaction from the bars, the United Motorcycle Council NSW plans to take action on behalf of all the clubs. The council was formed earlier this year as a reaction to government efforts to ban motorcycle clubs through the strictest anti-gang laws in the world.

JAPANESE MOTORCYCLE EXPORTS DOWN BY HALF


Motorcycle exports from Japan have slumped by over 50%, according to shocking new figures released by the industry watchdog.

In October 2009 global exports of motorcycle from Japan were recorded at 41,143 units, compared with the 90,702 units total recorded for the same month of the previous year. The 54.6% export decrease is the twenty-fifth consecutive month that export figures have dropped, according to a recent JAMA report.

The total value of motorcycles exported for October was 334.12 million U.S. dollars including 229.94 million U.S. dollars for vehicles and 14.18 million U.S. dollars for parts. This is a decrease of 263.09 million U.S. dollars or 44.1 percent, as compared with 597.21 million U.S. dollars recorded for the same month of the previous year, the report stated.

QUOTABLE QUOTE: "Too bad that all the people who really know how to run the country are busy driving taxi cabs and cutting hair."
 George Burns, comedian (1896 – 1996)






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If you are interested in becoming an ABATE of South Dakota Supporter write:

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ABATE of South Dakota has over 1200 members across the country. Each member is sent a newsletter the first part of each month. In addition, many members pass their newsletter on to family and friends - each newsletter averages a three person read.

Our advertising rates are set to allow maximum coverage for the advertising dollar. We sell spaces for monthly, quarterly, biannually and annual plans. Our rates are as follows:

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Application for Membership

I wish to join ABATE of South Dakota, Inc, and one of the following chapters. Enclosed are my \$25 yearly dues, \$5 of which is a voluntary contribution (to those eligible) to IMPAC. Canadian dues are \$44 - other countries dues are \$50 due to the high cost of postage. Dues are subject to change at any time.

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- East Central.....1121 Bay Rd, Madison, SD 57042
- Lake.....PO Box 168, Madison, SD 57042
- Lewis & Clark.....PO Box 255, Yankton, SD 57078
- North East.....1707 2nd Ave. NE, Watertown, SD, 57201
- North Star.....33695 SD Hwy 44, Gregory, SD 57533
- Oahe.....PO Box 331, Pierre, SD 57501
- Rushmore.....PO Box 1223, Rapid City, SD 57709
- Shadow Riders.....PO Box 338, Huron, SD 57350
- Sioux Falls.....PO Box 2431, Sioux Falls, SD 57101
- Sioux River.....PO Box 191, Brookings, SD 57006
- Sturgis.....2605 W Kingston Dr, Sioux Falls, SD 57107
- Those Guys.....2605 W Kingston Dr, Sioux Falls, SD 57107
- Turtle Creek Riders.....P.O. Box 414, Redfield, SD 57469
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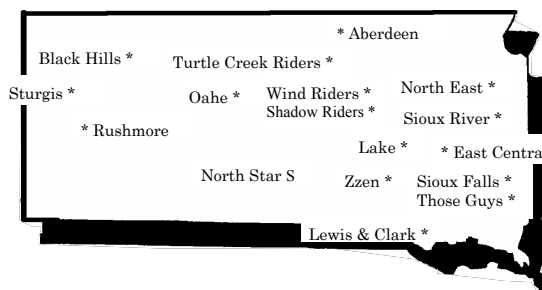
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I agree to comply with all ABATE of SD's rules for sanctioned ABATE of SD events. I understand all benefits become effective upon receipt of my membership card.

SIGNATURE

(Info on this form is intended for use by ABATE of SD and is not sold or distributed outside of this organization)



ABATE of South Dakota, Inc

Freedom Flyer

Al Luze, Editor

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Upcoming Chapter Meetings:

(All meetings and times subject to change, please contact Chapter Rep.)

Chapter	Location	Date/Time
Aberdeen	(Contact Chapter Rep listed on page 2)	
Black Hills	Sidehack Saloon, Sturgis	Jan. 31, Noon
East Central	Renegade, Hayti	Jan. 9, 2:00 PM
Lake	American Legion, Madison	Jan. 9, 7:00 PM
Lewis & Clark	Kozy's, Yankton	Jan. 2, ?
North East	2nd Street Station, Watertown	Jan. 5, 7:00 PM
North Star	Northstar Saloon, Dixon	Jan. 2, 8:00 PM
Oahe	Chateau, Ft. Pierre	Jan. 9, 1:00 PM
Rushmore	American Legion, Piedmont	Jan. 3, Noon
Shadow Riders	634 Minnesota South, Huron	Jan. 10, 2:00 PM
Sioux Falls	ABATE Office, Sioux Falls	Jan. 2, 6:00 PM
Sioux River	Jim's Tap, Brookings	Jan. 2, 3:00 PM
Sturgis	Whitewood City Park, Whitewood	Aug. 12, 2010, Noon
Those Guys	See Chapter News	
Turtle Creek Riders	Sports Den, Doland	Jan. 21, 7:30 PM
Windriders	Hangar Restaurant, Huron	Jan. 4, 6:00 PM
Zzen	(Contact Chapter Rep listed on page 2)	