

## Must Read From Senator Dave Zien

**TO: All Legislators**

**RE: LRB 3040/1 Roadway User's Responsibility Act**

We have been working with ABATE to address common problems and concerns that many motorcyclists have had with regard to traffic laws, drivers education and highway planning. Under the introduced proposal motorcyclists will be allowed to proceed through intersections facing a red traffic signal as long as they are the only vehicle present and with caution while still observing existing traffic laws. ABATE made the request because many motorcyclists have complained that newer intersections with vehicle sensors to activate green lights don't recognize motorcyclists at the intersections because most motorcycles are not large enough to trip the sensors. States that have passed similar legislation on red light right-of-way legislation include Tennessee, Minnesota, and Arkansas.

Also included in this proposal are penalty enhancements for right-of-way violations, curriculum changes to driver's education to include information on motorcycle, pedestrian and bicycle awareness, changes to the issuance of motorcycle licenses, and the consideration of motorcyclists in highway planning.

The analysis by the LRB can be found below. If you would like to co-sponsor LRB 3040/1 please contact Sen. Zien's office at 6-7511 by Friday January 20, 2006. Any cosponsors signed onto the Senate version of this bill will be automatically added to the Assembly version when introduced unless otherwise directed.

Analysis by the Legislative Reference Bureau Under current law, a vehicle facing a green traffic control signal may proceed through the intersection, a vehicle facing a yellow signal must stop before entering the intersection unless the vehicle is so close to it that a stop may not be made in safety, and a vehicle facing a red signal must stop before entering the intersection and must generally remain stopped until the signal turns green. However, if a traffic control signal is flashing red, vehicles may proceed through the intersection after stopping, as if the signal were a stop sign.

Under this bill, a motorcycle facing a red traffic control signal at an intersection may, after stopping for not less than 30 seconds, proceed cautiously through the intersection before the signal turns green if no other vehicles are present at the intersection to actuate the signal and the operator of the motorcycle reasonably believes the signal is vehicle actuated. The operator of a motorcycle proceeding through a red signal must yield the right -of -way to any vehicle, bicyclist, or pedestrian proceeding through a green signal at the intersection or lawfully within a crosswalk or using the intersection.

Under current law, the operator of a vehicle must yield the right -of -way to another vehicle under certain circumstances, including: when turning left across traffic; at an intersection posted with a yield sign; when entering a through highway or a highway from an alley or driveway or from a parked or standing position; or when entering a highway from another highway that ends at a "T" intersection. A person who fails to yield the right -of -way as required is subject to a forfeiture of not less than \$20 nor more than \$50 for a first offense and not less than \$50 nor more than \$100 for any subsequent offense within a year, except that the forfeiture is doubled if the person fails to yield at a yield sign in a highway maintenance or construction area or in a utility work area.

Under this bill, if a person's failure to yield the right -of -way results in bodily harm to another, the person will be guilty of a Class C misdemeanor, and his or her operating privilege will be suspended for 30 days. A Class C misdemeanor is punishable by a fine not to exceed \$500, imprisonment not to exceed 30 days, or both. If the violation results in great bodily harm to another, the person will be guilty of a Class B misdemeanor, and his or her operating privilege will be suspended for 90 days. A Class B misdemeanor is punishable by a fine not to exceed \$1,000, imprisonment not to exceed 90 days, or both. If the violation results in the death of another, the person will be guilty of a Class A misdemeanor, and his or her operating privilege will be suspended for nine months. A Class A misdemeanor is punishable by a fine not to exceed \$10,000, imprisonment not to exceed nine months, or both. Also, in addition to any penalty provided under current law for a failure -to -yield violation, the court must order a person who commits a failure -to -yield violation to attend a traffic safety school, which must acquaint the person with vehicle right -of -way and provide instruction on motorcycle, pedestrian, and bicycle awareness.

Current law requires all driver education courses offered by school districts, county children with disabilities education boards, technical college districts, and driver schools to acquaint each student with the hazards posed by farm machinery and animals on highways and by railroad grade crossings and to provide instruction in safely dealing with such hazards. Driver education courses must also include at least 30 minutes of instruction relating to organ and tissue donation and organ and tissue donation procedures.

This bill requires driver education courses to also include information on motorcycle, pedestrian, and bicycle awareness that is approved by a recognized motorcycle, pedestrian, or bicycle safety and awareness organization.

Under current law, an applicant for an operator's license, other than an instruction permit, authorizing operation of a motorcycle must take and pass both a knowledge test and a driving skills test, except that the Department of Transportation (DOT) must waive the driving skills test if the applicant holds an instruction permit and has successfully completed a basic rider course approved by DOT (basic rider course).

Also, DOT generally may not issue a license to any person under the age of 18 authorizing the operation of a motorcycle unless the person has successfully completed a basic rider course. DOT may also issue an instruction permit for the operation of a motorcycle to a person who meets certain qualifications for issuance of an operator's license.

Under this bill, DOT may issue an operator's license authorizing operation of a motorcycle to

a person without requiring the person to take a driving skills test if the person has successfully completed a basic rider course, regardless of whether the person holds an instruction permit. In addition, DOT may not require a person applying for authorization to operate a motorcycle who has successfully completed a basic rider course to hold an instruction permit prior to DOT's issuance of a license. DOT also may not require a person applying for authorization to operate a motorcycle who holds an instruction permit to hold it for a minimum period of time before administering a driving skills test.

Under current law, DOT may plan and undertake preliminary engineering work for any highway improvement within its jurisdiction, including highway construction, reconstruction, rehabilitation, and other projects.

This bill requires DOT, in planning any highway improvement, to consider the safety of motorcycles operated on the highway. Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted

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## A Little X-tra news

### Bike stamps:

On Aug. 7, during the Sturgis Motorcycle Rally, the role of motorcycles in American culture will be recognized on four "American Motorcycles" stamps, with digital illustrations of a 1918 Cleveland, a 1940 Indian Four, a 1965 Harley-Davidson Electra-Glide, and a circa 1970 chopper. The Cleveland, Indian and Harley-Davidson stamps are based on motorcycles in existence today. After next August 7th, you'll see this Gunny at the local post office. I think I'll buy those suckers up, and put 'em on my mail! [www.aimncom.com/mc\\_news/gunny](http://www.aimncom.com/mc_news/gunny)

### Ducati: Whoeee!

The DUKE has done it again. They have a new machine that's gorgeous! It's called the "Hypermotard." I'm told this critter is the cats whiskers on mountain roads. It took "Best of Show" at the recent 63rd International Motorcycle Exhibition. At 385 lbs it'll hit 135 mph, and it's air cooled. Right now, it's a concept bike, but it won't be for long. [www.aimncom.com/mc\\_news/gunny](http://www.aimncom.com/mc_news/gunny)