

# News For Thought

News Supplied by Bill Bish  
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## California Helmet Lawsuit Dismissed

A Superior Court judge has ruled on a lawsuit challenging the constitutionality of California's mandatory helmet law, and the case has been dismissed. The lawsuit, filed November 9, 2006 (Case No. CV 155682), was heard on May 19-20, 2008 in the Santa Cruz Superior Court, and after hearing evidence presented by Wendy Lascher (representing the plaintiff parties) and the Attorney General's Office (representing the California Highway Patrol), Judge Robert Attack made the following comments:

"It is clear to this court that the policy of the CHP is consistent with the statutory scheme. Although the Statutes under sections 27802 of the vehicle code and 27803 certainly could be clearer as it relates to these provisions, there does not seem to be any showing which would establish that the statutes themselves are unconstitutional for vagueness as applied under the circumstances and under the evidence that has been received during the course of this trial...I do not believe that the statutes found in the Vehicle Code should be declared unconstitutional for vagueness. They would be perhaps cleaned up as some of the other case law has indicated, but they are not vague in this Court's opinion, and that the injunction directing the CHP prohibiting them from citing anyone for a violation of 27803(b) in particular seems to be unwarranted in this case. And that is the Court's finding."

According to ABATE of California, Inc. Executive Director Tim Tennimon, Sr., "The case was dismissed. There is no further avenue of appeal on this lawsuit. It is finished."

explained Tennimon, concluding that "ABATE of California remains committed to working on a broad spectrum of issues of concern to all motorcyclists, including those relating to helmet laws, as well as safety issues of concern to all motorcyclists."

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## U S Trade Officials Consider Huge Tariffs on European Motorcycles

The price of European motorcycles would double in America if federal trade authorities move forward with a 100% tariff in retaliation for the European Union's refusal to lift an ongoing ban on imported American beef. Since EU officials won't lift the 20-year old ban on U.S. beef from cattle

treated with growth hormones, despite a World Trade Organization order to end it, the Office of the U.S. Trade Representative recommended to the President that a 100% import duty be imposed on over 100 European goods, including bikes and scooters under 500cc; affecting such popular brands as Aprilia, Beta, BMW, Fantic, Gas Gas, Husaberg, Husqvarna, KTM, Montesa, Piaggio, Scorpa, Sherco, TM and Vespa.

Piaggio Group Americas, Inc. President and CEO Paolo Timoni whose, whose company will be especially hard-hit as it imports and distributes Vespa and Piaggio scooters, as well as Aprilia and Moto-Guzzi motorcycles under the 500cc displacement cutoff, made the following statement about the proposed changes to the EU-Beef Hormone dispute sanctions: "We urge USTR not to punish the U.S. employees of a healthy and growing personal transportation company, along with the 400+ U.S. dealers and employees that retail our scooters and small displacement motorcycles, when the only focus of this trade dispute is an agricultural product. We also urge USTR not to punish the American consumer who in rapidly increasing numbers is choosing to add these clean-running, fuel-efficient machines to their transportation fleets in order to reduce U.S. fuel consumption, foreign oil dependence and today's massive congestion and environmental issues. Finally, we urge USTR not to impose measures that would quickly force Piaggio Group Americas and a significant number of its dealers out of business."

The Bush Administration wants to impose \$116.8 million in import duties to equal the amount of money it claims the U.S. beef industry loses each year because of the ban.

## Weird News: Riding Motorcycles Could Cause Impotence

Say it ain't so! As if motorcyclists didn't already have enough to worry about on the road, new medical studies claim that men who ride motorcycles are at increased risk of impotence and urinary problems, possibly because the vibration of the engine causes nerve damage.

Doctors in Japan, who published studies on the dangers in the International Journal Of Impotence Research, said seats on most motorcycles put undue pressure on the perineal region and restricted blood flow to the penis. It found that out of 234 motorcyclists who rode about three hours every weekend, 69% reported mild to severe erectile dysfunction. Of 178 motorcyclists with hard-padded seats, 70% had erectile dysfunction. Of 32 motorcyclists with soft-padded saddle, 63% had erectile dysfunction.

Approximately 76% of riders aged 40 to 49, and 93% of those aged 50 to 59, reported severe erectile dysfunction, compared with 37% and 42% respectively among those who did not ride motorcycles.

Doctors have also pointed out impotence affects most males during their lives and can be caused by emotional issues, high cholesterol, heart disease, diabetes, high blood pressure, smoking or alcohol. The researchers also said more studies are needed to determine the cause of erectile dysfunction in motorcyclists.

Quotable Quote: "Motorcyclist are all bound together by a brotherhood tie through their love of the 20sport, and what difference does it make what make of machine he rides as long as he belongs to the clan."

Walter Davidson, December 1920 edition of Harley-Davidson's Enthusiast Magazine

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In 2006 ABATE of California established a Judicial fund for the purposes of raising funds to defray the legal expenses of Richard Quigley, et al, in this action, and donations in excess of \$60K were received from individuals and other organizations throughout the country.

"ABATE of California wishes to thank all those individuals and organizations who so generously contributed to the Judicial Fund," said Tennimon, adding that the attorney for the plaintiffs has been paid in full from the fund and ABATE of California is no longer accepting donations for this lawsuit.


"ABATE of California further wishes to state that it is in no way connected or associated with any other organization that may be collecting funds for a 'Judicial Fund' related to past or future helmet law litigation,"

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