

News For Thought



AIM Attorney Sues NY Police for Illegal Checkpoints

Proner & Proner, Attorneys at law, has filed a Federal class action lawsuit in the Federal Court for the Northern District of New York against the New York State Police as well as New York State and county authorities to stop them from conducting motorcycle-only roadblocks near popular motorcycle events.

Last year the New York State Police and county sheriffs stopped every motorcycle en route to twelve different events for "safety checks." With the riding season starting, the New York State Police expect to conduct up to fifteen motorcycle-only roadblocks throughout the state this year.

One of the events targeted was Americade, the largest motorcycle event in the Northeast. Police set up two checkpoints during the Lake George-based rally in June that netted 84 tickets for unapproved helmets, 19 for modified exhausts and 32 other vehicle and traffic violations.

New York A.I.M. (Aid to Injured Motorcyclists) Attorney Mitchell Proner, an active motorcyclist and personal injury attorney, is initiating the lawsuit on behalf of all motorcyclists. ABATE of New York supports the legal action.

Proner said that the New York State Police "uses the pretense of safety inspections to delay and harass motorcyclists without any reasonable belief that any laws are being broken." Although courts have upheld DWI checkpoints as generally permissible, "These motorcycle roadblock stops are lengthy and do not address any legitimate safety concerns," according to Proner. www.ON-A-BIKE.com.

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Smog, Or Smoke & Mirrors

In spite of already having the lowest motorcycle emissions standards in the country, and despite verbal promises from the legislative sponsor in response to key Senate opposition, a bill to enact Smog Checks for motorcycles has passed the California State Senate and may be heard in the Assembly as early as June 29th.

ABATE of California is seeking nationwide assistance to quash this bill once and for all. "Our out of state brothers and sisters may be our most effective resource in fighting the motorcycle smog bill," wrote ABATE Executive Director Tim Tennimon in a request to NCOM to help rally opposition to Senate Bill 435. "SB 435 has been passed to the Assembly as a SMOG CHECK BILL on the verbal promise to amend but has not yet been fulfilled. It would appear that it may go so far as to include all 3 (smog check, noise, and catalytic converter with random pull over inspection thrown in for good measure)," explains Tennimon.

Sponsor of the measure, Santa Monica Senator Fran Pavley, agreed to remove the controversial biennial emissions testing when the bill passed the Senate, but no such action has yet been taken.

ABATE Lobbyist Jim Lombardo reports that "I personally spoke with the committee staff and they have not been officially notified that SB 435 is to be amended or turned into a 2-year bill, and even if it had, Pavley could ask for it to be reset for a hearing...the stakes are too high to be caught with our pants down: LET'S KILL SB 435 -- IT IS STILL A SMOG CHECK BILL!!!"

Therefore, ABATE of CA is asking all out of state motorcyclists to contact the Chairman of the Assembly Transportation Committee, Mike Eng at phone (916) 319-2049, fax 916-319-2149, or e-mail Assemblymember.Eng@asm.ca.gov, and also Governor Arnold Schwarzenegger at phone (916) 445-2841, fax 916-558-3160, or e-mail at gov.ca.gov, and let them know that if you are going to be at risk of being singled out and pulled over for exhaust system inspections when you visit California then

you will choose another location to spend your vacation dollars, and urge their NO vote on SB 435.

"Unfortunately many laws of this type start in California and spread to other states," warns Tennimon, so "the place to stop it is here and now, then hopefully you won't have to deal with anything like this in your state." www.ON-A-BIKE.com.

Omaha police To Enforce Helmet Compliance

If you've ever wondered where some of your state and federal motorcycle safety funds are being spent, the Nebraska Office of Highway Safety has awarded a grant to fund extra police officers on the streets to ensure motorcyclists are compliant with Nebraska state laws regarding motorcycle helmets.

The Omaha Police Department received \$25,000 in grant funding to begin operations to enforce motorcycle helmet compliance throughout the entire city from May 27 through September 30, 2009.

Nebraska state law specifies that protective helmets that meet the United States Department of Transportation's Federal Motor Vehicle Safety Standard #218 are required for all operators and passengers of a motorcycle or moped.

Citing safety concerns, officers will be citing operators who are in violation of this law and confiscating their non-compliant helmets.

In the meantime, Vermont State Police are advising motorcyclists that a new state law goes into effect on July 1st requiring that all helmets be DOT approved, similar to a measure enacted recently in North Carolina. www.ON-A-BIKE.com.

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Bikernet.com Creates Working Group for motorcycle rights

Longtime bikers rights activist Keith R. Ball and the staff of Bikernet.com are working with the motorcycle aftermarket to provide a direct link between legislative efforts, motorcycle rights groups, and the custom motorcycle aftermarket industry.

"It's been a goal of mine for 15 years to get the business side to help our freedom fighters," said Ball. If successful, Keith hopes to encourage SEMA (the Specialty Equipment Market Association), the largest hot rod aftermarket organization in the United States, to work with us to deliver additional resources to the motorcycle rights community, since we all face similar battles.

"The Motorcycle Aftermarket Working Group is made up of many leaders and business owners, but we want to reach out directly to state motorcycle rights groups for their input," said Ball, adding that they are already working closely with the National Coalition of Motorcyclists (NCOM) and the Motorcycle Riders Foundation (MRF). "What can we do to help keep motorcycling free?" The group is currently working on an agenda, so contact Keith Ball directly with any comments or suggestions at Bandit@Bikernet.com or (310) 830-0630. www.ON-A-BIKE.com.

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Feds Question Bikers

The Federal Highway Administration's Motorcyclist Advisory Council is asking riders across the country to help state and federal highway administrators and State Motorcycle Safety Administrators (SMSA) to "better understand and plan for the needs of motorcycle riders."

Motorcycle riders are requested to complete a Motorcycle Road Issues Survey by logging onto <http://tinyurl.com/ovzduo> before August 1st and answering online survey questions that are separated into 3 distinct settings typically experienced by the majority of riders: Urban Areas (city/suburban/frequent intersections/pedestrians); Rural Areas (fewer intersections/higher speed); and Limited Access Areas (freeway/highway/toll road/minimal intersections). www.ON-A-BIKE.com.

Quotable Quotes

"It is not the function of the government to keep the citizen from falling into error; it is the function of the citizen to keep the government from falling into error."
U.S. Supreme Court Justice Robert H. Parker, Chief Prosecutor for the United States of America at the Nuremberg Trials

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