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NCOM BIKER NEWSBYTES

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COURT ALLOWS RAID ON RIDER ED FUNDS

The Illinois Supreme Court may have opened the door for states to reallocate hundreds of millions of dollars from dedicated funding to balance their budgets.

In a recent 6-to-1 decision, the state's high court upheld a prior circuit court ruling that backed the governor and Legislature's ability to take money from hundreds of special state funds to offset budgetary deficits, a practice commonly referred to as "sweeping".

Motorcycle riders sued former Gov. Rod Blagojevich after he swept \$1.2 million from the Cycle Riders Safety Training Fund (CRSTF) to pay general state bills after a 2004 law passed by lawmakers allowed him to do so. A portion of the fee for an Illinois motorcycle license goes into the CRSTF, which ABATE of Illinois argued was only to be spent on motorcycle safety education.

"Clearly, the fee charged by the state for motorcycle registration and licensing is state revenue, and therefore the portion of this state revenue which the General Assembly has allocated to the CRSTF is also public money," wrote Justice Anne Burke in the majority opinion. Burke rejected the ABATE lawyers' argument that the special fund was tantamount to a special trust fund.

The state Supreme Court concluded that the legislature cannot create an irrevocable trust with public money because this would place an unconstitutional restraint upon the legislature's plenary power.

Sweeping special funds was a controversial way to deal with budget deficits during the Blagojevich administration, and although the court's ruling opens the door to more such sweeps, current Illinois Governor Pat Quinn opposes fund sweeps and has worked to end the practice.

MICHIGAN REQUESTS YOUR SUPPORT FOR HELMET FREEDOM

Michigan may be on the verge of repealing their mandatory helmet law as Senate Bill 291 appears destined for the governor's desk, and ABATE of Michigan has issued a "Call to Action" requesting the help of all motorcyclists in their freedom of choice efforts.

SB291 passed the Michigan Senate 24-14 in late June, and is now back for a "concurrence vote" after passing the House 69-39 on Nov 2nd, so a favorable vote will put ABATE's hopes in the hands of Governor Rick Snyder who has not indicated whether he will sign or veto the measure. Two previous repeal bills were vetoed by then-Gov. Jennifer Granholm.

"Governor Snyder prides himself on being all about business and helping business," said Vince Consiglio, President of ABATE of MI, adding; "A letter from a 'FREE' State may help him realize Michigan loses motorcycle money every day of the summer with a mandatory helmet law."

Under the bill, motorcyclists 21 and older would have the option of riding helmet-free if they have two years of experience or have taken a safety course, and if they buy at least \$20,000 in medical insurance.

"Please urge Governor Snyder to support adult choice," requests Consiglio on behalf of ABATE, by contacting Governor Rick Snyder, State Capital, P.O. Box 30013, Lansing, MI 48909 or call (517) 373-3400 or e-mail Rick.Snyder@michigan.gov.

BIKERS RALLY TO RESCIND UN-FAIR POLICY

"The State Fair of Louisiana, for a minute, mind you, adopted a discriminatory position toward bikers by posting signs that would not allow them to attend the fair in their traditional biker gear, some of which is protective gear," said Mary Baker in an article in the Examiner newspaper, adding that "...bikers everywhere contribute to charity in a way that not many other segments of the population do... And, they definitely make an impact on the local community, spending hundreds of thousands of dollars at local establishments including restaurants, theaters, bars, parks, and small businesses. That is why it is disheartening to hear of discrimination based solely on appearance."

Upon being alerted of the fair's new anti-biker policy, Facebook exploded with messages like this: "ALERT/INFO: The State Fair of La. has adopted the policy: NO COLORS... Signs are now being posted at all gates. NO BIKER COLORS of ANY KIND. Please pass this on to ALL BIKER friends and family. MC's are being discriminated against. To Complain:::: Call State Fair of La. Let Your VOICES be heard.... Repost!!! Don't support the fair..."

You can imagine that bikers, their friends and family were livid. They began to complain about the discrimination with phone calls to the Director of the State Fair, and his offices. The result: Before the end of the day, this message by the representative for Independent Riders, Northwest Louisiana, was posted on Facebook:

"UPDATE...UPDATE...UPDATE... WE HAVE WON!!!! Just received a call... And the State Fair of Louisiana has now changed their policy. THE SIGNS HAVE BEEN REMOVED AND ALL BIKERS ARE WELCOME AT THE FAIR!!!! Never, never, NEVER underestimate the power of a close knit FAMILY!!! Thanks to all who made calls and helped!!!"

Louisiana State COIR (Coalition Of Independent Riders) Commander Lionel "Nite Train" Bailey reported that the US Defenders and COIR conducted a phone campaign and not only have the Louisiana State Fair officials rescinded their No Colors policy, but even offered to organize a Bike Night to a Blue Oyster Cult concert.

LAWMAKERS OVERRIDE GOVERNOR'S VETO OF RED LIGHT BILL

The Illinois House voted 94-21 and the Senate voted 45-6 to override Gov. Pat Quinn's veto of the "Dead Red" bill supported by ABATE of Illinois that would allow motorcyclists to proceed through malfunctioning red lights.

As written, House Bill 2860 sponsored by Senator Gary Forby (D-Benton) and Representative Daniel Beiser (D-Alton), specifies that a motorcyclist would be permitted to legally run a red light "after a reasonable period of time," but Quinn vetoed the legislation with the request that a two minute wait time be amended to it.

The law will now go into effect on January 1, 2012, and according to Sen. Forby; "A measure I sponsored (HB 2860) will now become law after I was successful in overriding the governor's amendatory veto. The

bill allows motorcyclists to go through a red light if it fails to change to green because the switch hasn't been tripped, or didn't recognize the motorcycle. To alleviate a few of the concerns some of my colleagues raised, I introduced a "trailer bill" that requires motorcyclists to wait 120 seconds before proceeding through the red light. For those of us who have been stuck at a light without it ever changing to green, we know how reasonable this legislation is. This situation happens more than many people think and is a growing concern for bikers at outdated intersections. In fact, 360 rear end collisions occurred with motorcycles that were slowed or stopped in traffic in 2010. If bikers are trapped at a light, this bill gives them an opportunity to safely proceed through that signal, because otherwise they don't really have much of a choice. 11 other states already have laws like this in place, none of which have tried to rescind it."

INTERNATIONAL MOTORCYCLE SAFETY REPORTS RELEASED

Headlight configurations that make motorcycles more noticeable, why drivers fail to give way to motorcycles at T-intersections, and how mirror use influences car-motorcycle conflicts are among the topics researched and reported on in the new January issue of *Accident Analysis & Prevention (AA&P)*, a journal primarily focused on causes and impacts of transportation accidents.

The themed AA&P edition is titled "Safety and Mobility of Vulnerable Road Users: Pedestrians, Bicyclists, and Motorcyclists" and consists of a selection of papers presented at an international conference organized by Israel's National Road Safety Authority.

In a report entitled "Recognisability of different configurations of front lights on motorcycles," the researchers say that "Results of a laboratory experiment have shown that motorcycles with a T-shaped light configuration are more quickly identified, particularly when the motorcycles are in visual competition with other motorized road users."

In "Why do car drivers fail to give way to motorcycles at T-junctions?" researchers studied differences between novice drivers, experienced drivers, and "dual drivers," i.e., drivers who also ride motorcycles. They found that dual drivers were better at recognizing motorcycles than either of the other two groups. While the results are inconclusive, the researchers state that "We argue that this is potential evidence for a coulometer basis for Look but Fail to See errors."

The report "Attention and search conspicuity of motorcycles as a function of their visual context" says that multi-colored, reflective, and white rider outfits consistently made the riders more noticeable than a black outfit.

Cars changing lanes without recognizing that a motorcycle is in that lane is a common experience for motorcyclists, and that topic is addressed in "Attending overtaking cars and motorcycles through the mirrors before changing lanes." Not surprisingly, the researchers found that "Risky maneuvers were less likely to occur in those cases where more time was spent gazing at the mirrors."

Other reports in this issue address other motorcycle-related issues, and can be accessed on a for-pay basis, but abstracts of the reports are available on the journal's website at www.journals.elsevier.com.

MOTORCYCLISTS BEWARE: STATES WITH THE WORST DRIVERS

You might believe that your state has the worst drivers in the country, but a newly released report from Carinsurancecomparison.com ranked states according to their safety record to determine where the bad drivers live.

Five factors were considered when determining the rankings; fatalities per million miles traveled, drunken driving, the number of tickets issued, failure to obey traffic signals and carelessness, utilizing data compiled from the National Highway and Transportation Safety Administration (driving fatalities), the National Motorist's Association (traffic tickets), and MADD (drunk drivers).

Here is their list of the 10 states with the worst drivers:

- #10) South Carolina - Ranked 48th for fatalities and 45th for obeying road signs.
- #9) Alabama - 46th for tickets. 42nd for fatalities. 41st for obeying road signs.
- #8) Montana - Highest ticket rate in the country. Also ranked 40th for carelessness.
- #7) Kentucky - 42nd for carelessness and 48th for drunk driving.
- #6) Arizona - Arizona ranked poorly across the board.
- #5) Oklahoma - Lots of DUIs, fatal accidents, and traffic tickets.
- #4) Florida – Not as many drunk drivers... But Florida has more tickets than any other state.
- #3) Texas - Texas ranked pretty poor in all categories.
- #2) Missouri - Ranked in the bottom 10 for carelessness and DUIs.
- #1) Louisiana - In the bottom 10 in all categories except failure to obey signs.

The safest driving state was Rhode Island, followed by Connecticut, Massachusetts, Virginia, and New Hampshire.

WEIRD NEWS: SPAIN FINES OVER HELMETLESS TOM HANKS POSTER

The Spanish distributor for the movie "Larry Crowne" was fined for a poster showing stars Tom Hanks and Julia Roberts riding a motorcycle without a helmet.

Tripictures was given a traffic fine of 30,000 euros (\$41,500) for using the film's U.S. poster to promote the movie's overseas premiere because the government claimed it promoted reckless driving.

The distributor initially thought the ticket was a joke, but in 1985 Spain instituted a law that banned advertisements from promoting reckless driving. Fines are also given to celebrities if they promote the image of poor driving. One example came last year, when singer Shakira drove through Barcelona on a motorcycle without a helmet in one of her music videos.

QUOTABLE QUOTE: "In a time of universal deceit, telling the truth is a revolutionary act."

~ George Orwell (1903-1950) author of "1984"