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NCOM BIKER NEWSBYTES  
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WELCOME to our thousands of new subscribers through the Aid to Injured Motorcyclists program, and THANK YOU for indicating on your AIM membership application that you're interested in receiving motorcycle-related legal & legislative news! The AIM/NCOM e-News now reaches nearly a million concerned motorcyclists every month, bringing current and accurate information directly to your in-box to keep you updated on important issues and current events.

#### LOUD BIKES LOSE RIGHTS

Municipalities from coast to coast are giving motorcycles the silent treatment, and riders rights groups and industry analysts fear that a wave of ordinances aimed at muffling noisy bikes will create a confusing patchwork of laws nationwide and could turn frustrated riders away from the \$12 billion motorcycle marketplace.

Laws restricting motorcycle noise have been around for years and come in many forms; some are against certain types of products such as a New York City ordinance that subjects riders to a minimum \$400 ticket for having an exhaust system that can be heard within 200 feet, while others are aimed more at the intent of the operator such as a Lancaster, Penn., ordinance that makes it illegal for riders to over-rev their engines.

In Denver, which passed a unique muffler law three years ago that requires EPA labelling to be displayed on pipes to prevent bikers from installing louder after-market exhausts, Aid to Injured Motorcyclists (A.I.M.) attorney Wade Eldridge was recently quoted in a local CBS-4 story investigating the controversial attempt to reduce noise emissions.

Eldridge, who specializes in representing motorcycle riders in accident and insurance law cases and who is a rider himself, was quoted in the July 23rd interview as saying: "I think it (the Denver loud noise law) was something the city council passed that they knew was unenforceable," and suggested that to fight back "those who receive tickets should demand trials."

Though rarely enforced since Eldridge won a key case against the Denver noise ordinance, with only 46 tickets handed out to date, police in Golden citing state law have issued 81 noise violations in the last 6 months. The city is using a

Colorado state statute, C.R.S. 42-4-225 that requires that vehicles be equipped with an “adequate” muffler, and outlaws any “excessive or unusual” noise. According to Eldridge, “the law lends itself to arbitrary and discriminatory enforcement -- the police can stop you for whatever reason.”

“The powers that be in the City of Golden have apparently made a political decision that they don’t want us in their city,” observed Eldridge, adding that; “The police department will continue stopping us, and writing these tickets, until enough people PLEAD NOT GUILTY AND INSIST ON A TRIAL... when the court is backlogged with these cases, we will see some official pressure to stop them.”

In the meantime, further information on fighting such tickets can be found on the website of the Colorado Confederation of Clubs ([www.colorado-coc.com](http://www.colorado-coc.com)), of which Eldridge serves as legal counsel.

#### MINNESOTA CLAIMS VICTORY FOR CUSTOM MOTORCYCLE BUILDERS

The state patrol in Minnesota, like many other police agencies, use license plate scanners in their patrol cars that can read up to 1,000 plates per minute, but they are unable to read the vertical plates on some custom motorcycles. “It didn’t take too much to sneak a new law through and after the 2008 session vertical plates were illegal,” said Todd Riba, ABATE of MN Legislative Director, “but not for long.”

ABATE of Minnesota’s lobbying team and State Coordinator started to work on the problem, and State Senators Amy Koch and Ray Vandever stepped forward to carry their bill.

The state patrol didn’t want to give up its ability to read motorcycle plates, but ABATE didn’t want the custom bike folks to lose the right to trick out their rides. It took a lot of creative thinking to come up with a solution, but in the end that’s what happened. The bill passed and the Governor signed it into law, becoming effective August 1st.

Here is how it works: the DVS will offer vertical reading license plates. You will be able to mount these plates in vertical license plate brackets and law enforcement’s scanners will still be able to read them. The plates can be ordered just like vanity plates and riders will have to pay an extra fee, but these new vertical reading plates should keep you out of trouble and if you sell the bike you can keep the plate for your next custom ride.

#### HABITUAL OFFENDER HELD WITHOUT BAIL IN CYCLIST’S DEATH

A Westerly, Rhode Island woman has been ordered held without bail on charges that she struck and killed a motorcyclist with her car. Laura Reale, 27, did not enter a plea at a July 22nd arraignment in Washington County Superior Court on an indictment of driving to endanger, death resulting.

According to an NBC 10 news report, a judge ordered her held without bail after a prosecutor said Reale had been hiding marijuana use by submitting another person's urine samples. She will be held until her lawyer can find her a drug treatment program.

Reale is accused of running a red light in Westerly on May 16 and crashing into a motorcycle driven by 27-year-old Colin B. Foote. Reale has a history of violations, with 27 moving-vehicle violations on record.

Foote's death led to a new state law aimed at preventing habitual traffic offenders from driving.

#### KEYSTONE MOTORCYCLE SAFETY CAMPAIGN

The Pennsylvania Department of Transportation has announced a free online program celebrating the freedom of motorcycling called the "Live Free Ride Alive" program. "The campaign reminds riders to take it easy out there and accept personal responsibility for their actions," said a PennDOT spokesperson. "It addresses issues of drinking and riding, speeding, and being properly trained and licensed to operate a motorcycle."

Pennsylvania riders can enhance their operating skills and safety awareness by taking free training offered through Pennsylvania's Motorcycle Safety Program. The live courses are free to Pennsylvania residents and are held from March through October at approximately 70 sites across the state. Motorcycle permit holders who successfully complete the course will be issued a motorcycle license.

#### NEW JERSEY LAWMAKERS INTRODUCE FEDERAL GANG LEGISLATION

According to information recently circulated by ABATE of the Garden State, New Jersey congressional representatives are pushing new federal legislation to deter gang activity.

In early August, U.S. Sen. Robert Menendez (D-N.J.) introduced one bill in the U.S. Senate while Rep. Frank Pallone (D-6th Dist.) introduced a version in the House of Representatives.

The legislation claims to address "criminal street gang problems" from several angles.

It would fund billions of dollars in programs for at-risk youth, including \$5.5 billion in grants for state and federal programs. Menendez and Pallone also want \$3.5 billion in grants over five years for police departments to fight gangs.

The legislation would also create or increase federal penalties for gang activities. For example, engaging in a "pattern of criminal gang activity" - meaning

committing two or more crimes related to gang membership - could send someone to prison for up to 30 years.

#### AGING ROAD WARRIORS AT HIGHER RISK

Continuing to ride a motorcycle may keep some senior citizens young at heart, but as the riding population grows older they are more likely to be injured or die as a result of a mishap when compared to their younger counterparts due to factors associated with aging.

Researchers at Rochester University Medical Centre in New York released findings earlier this spring indicating that half of all motorcyclists needing emergency treatment in 2005 were over 40, double the number in 1993, and accidents involving riders in that age group were twice as likely to be fatal as those involving younger bikers.

Of all injured riders included in the study, those aged 50 to 59 were the fastest-growing group, while those between 20 and 29 were the most rapidly declining group.

Age-related changes, such as decreases in bone strength and brain size, may make older riders more susceptible to injury. Other factors associated with aging, such as impaired vision, delayed reaction time, and altered balance contribute to motorcycle crashes in this population.

In the study, which was published in the March issue of the American Surgeon, researchers using the National Trauma Databank reviewed the records of 61,689 motorcyclists aged 17 to 89 years involved in a motorcycle crash between 1996 and 2005.

The average age of motorcyclists involved in crashes steadily increased over the study period, which is consistent with published statistics from the Motorcycle Industry Council which report that the average age of motorcycle ownership rose from 33 years in 1998 to 40 years in 2003.

#### WEIRD NEWS: PYRAMID POWER USED TO STOP TRAFFIC ACCIDENTS

Since the days of ancient Egypt, pyramids have been credited with supernatural or paranormal properties, and now their putative powers are being harnessed by Indian police to reduce road accidents.

After meeting with an expert in Vastu, an ancient Hindu system of construction similar to Chinese Feng Shui, traffic officers in Nagpur are strategically installing small pyramids at accident-prone sites in the city in hopes their claimed positive energy can stop deadly crashes.

Vastu expert Sushil Fatehpuria, who offered his services free of charge, said that each 30 centimetre tall pyramid will have a copper bottom and five smaller

pyramids inside. "I think the accidents are caused by negative energies. So we need to minimize or convert the negative energy into positive ones," he said. "I will energize the pyramids. I will transfer my positive thoughts into the pyramids."

A combination of an increase in drivers, many of them untrained, poor road planning and lax law enforcement have made India's roads the most dangerous in the world, with more than 114,000 fatalities each year. Good Luck!

### EDUCATION CYCLES

The United States has donated 115 motorcycles worth \$524,398 to an African educational center that coordinates tutors in the Uganda cities of Lango, Acholi and Teso.

The motorcycles were handed over by the U.S. Agency for International Development to Uganda team leader, Elise Ayers, at Asuret Core Primary Teachers College in Soroti in May. Ayers said the motorcycles would enable the tutors make a minimum of three visits to each school in a term to mentor and provide professional support to teachers.

### INDONESIAN CAPITAL LIMITS MOTORCYCLE TRAFFIC

City officials in Jakarta are mulling over schemes to limit the number of motorcycles allowed in certain areas during peak hours to help unsnarl the city's acute traffic jams. The Indonesian Motorcycle Industry Association estimates there are about 35 million motorcycles in usable condition in the country, and in the capital city of 8.5 million people there is nearly one motorcycle for every person and growing by nearly a thousand new bikes every day.

This extraordinarily high number of motorcycles has exacerbated the city's already awful traffic, especially during rush hour, and plans are in place to begin banning bikes from a number of main thoroughfares in this mostly Muslim nation after the holy holiday of Ramadan, requiring riders to continue their journeys by public transportation.

Motorcycle numbers have been increasing for six years throughout the country, driven by affluence and affordable credit schemes. Today, a new motorcycle can be purchased with an initial down payment of Rp 500,000 (US\$50).

QUOTABLE QUOTE: "Necessity is the plea for every abridgment of human freedom. It is the argument of tyrants, the creed of slaves."

William Pitt (1759-1806), Prime Minister of England

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