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#### NCOM BIKER NEWSBYTES

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#### FEDERAL HELMET LEGISLATION NARROWLY AVERTED

Due to the quick actions of concerned motorcyclists across the country, a major federal transportation measure narrowly avoided becoming a bill to encourage states to enact helmet laws nationwide.

On Monday, December 12 Senator Frank Lautenberg (D-NJ) filed an amendment to S.1449 the "Motor Vehicle and Highway Safety Improvement Act of 2011" that would call for mandatory helmet laws nationwide and could jeopardize funding for Motorcycle Safety programs across America.

By Tuesday the motorcycle community was alerted to Lautenberg's efforts by national and state motorcyclists' rights organizations, including the National Coalition of Motorcyclists (NCOM), the AMA and MRF, and riders were urgently urged to contact their U.S. Senators to oppose the amendment -- and time was of the essence because a Senate committee was to vote on the bill the following day!

Wednesday, Dec 14, during the hearing held by the U.S. Senate Commerce, Science & Transportation Committee to "mark-up" the bill, Senator Lautenberg decided not to introduce his amendment.

Not only did motorcyclists' prompt response help avoid another federal helmet law battle and preserve federal funding for motorcycle safety programs, but the committee also voted to accept two amendments by Senator Jim DeMint (R-SC) that removed language in the bill that would have lifted the current ban on the National Highway Traffic Safety Administration (NHTSA) from lobbying states to enact universal helmet laws for all riders.

S.1449 passed the committee by voice vote and now goes to the Senate floor for further action, while riders remain ever vigilant.

#### JUDGE UPHOLDS N.Y. MOTORCYCLE-ONLY CHECKPOINTS

A federal judge rejected motorcyclists' claims that their Constitutional rights were violated by New York State Police motorcycle-only "safety checkpoints" that detained thousands of riders en route to large N.Y. rallies and ticketed many of them for mostly non-safety violations.

Aid to Injured Motorcyclists (A.I.M.) Attorney Mitch Proner of NYC sued troopers on behalf of four motorcyclists who claimed that safety was a mere pretext in looking for criminals and that the practice was intrusive and unfair to motorcycle riders as a group.

But Judge Gary Sharpe concluded that safety was indeed the main focus of the initiative, which distinguishes the checkpoints from "a general interest in crime control" that could have amounted to unconstitutional seizures when there's no "individualized suspicion of wrongdoing."

"The court concludes the checkpoints were enacted to promote motorcycle safety, a manifest public interest; they were effective in addressing this interest; and that any interference with individual liberties was not only minimal, but also grossly outweighed by the interest advanced," Sharpe wrote in his ruling.

"The intrusion on civil liberties is something that shouldn't be countenanced," Proner told the Associated Press, adding that the discriminatory roadblocks have been ongoing since 2008 even

though motorcycles, like other vehicles in New York, are already subject to annual safety inspections, and no other vehicles are stopped for roadside safety checks.

"It's obvious just from their own internal documents they're looking for criminal activity," said Attorney Proner, citing a checkpoint near Buffalo's Peace Bridge that included border patrol agents, and one in central New York near a rally sponsored by a motorcycle club included gang task force officers.

"The fact they didn't find crime doesn't mean that wasn't what they're fishing for," he said.

"That just shows you've got law abiding citizens on motorcycles primarily being inconvenienced."

Proner told the AP news agency that motorcyclists across the country are interested in this case, the only such federal lawsuit nationally though some other states have similar checkpoint programs, and that he will appeal.

#### SAFETY BOARD SEEKS BAN ON CELL PHONE USE WHILE DRIVING

States should ban all driver use of cell phones and other portable electronic devices (PEDs), except in emergencies, urges the National Transportation Board. The NTSB recommendation, unanimously agreed to by the five-member board, applies to both hands-free and hand-held phones and significantly exceeds any existing state laws restricting texting and cellphone use by drivers.

The board made the safety recommendation in connection with their investigation of a deadly highway pileup in Missouri last year that was caused by the inattention of a 19 year-old-pickup driver who sent or received 11 texts in the 11 minutes immediately before the tragic crash that involved a semi and two school busses.

The accident is a "big red flag for all drivers," NTSB chairman Deborah Hersman said at a meeting to determine the cause of the accident and make safety recommendations. "No call, no text, no update is worth a human life."

The board has previously recommended bans on texting and cell phone use by commercial truck and bus drivers and beginning drivers, but it has stopped short of calling for a ban on the use of the devices by adults behind the wheel of passenger cars. While the NTSB doesn't have the power to impose restrictions, its recommendations carry significant weight with federal regulators and congressional and state lawmakers.

In November, Pennsylvania became the 35th state to forbid texting while driving, but despite such laws the problem is continuing to get worse according to the National Highway Traffic Safety Administration (NHTSA) that reports nearly 20% of drivers admit to texting or e-mailing, and at any given moment last year almost 1 in every 100 car drivers was texting, emailing, surfing the Web or otherwise using a handheld electronic device, up 50% over the previous year. Joining in the campaign to curb distracted driving, Aid to Injured Motorcyclists (A.I.M.) has produced a color vinyl bumper sticker that reads; "HANG UP AND DRIVE!" that is available free by calling A.I.M. at 1-(800) ON-A-BIKE.

#### US TRAFFIC DEATHS HIT LOWEST LEVEL SINCE 1949

Annual traffic deaths in the U.S. have fallen to their lowest level in six decades, reports the U.S. Department of Transportation. Despite the fact that Americans drove almost 46 billion more miles during the year, highway deaths fell by nearly a thousand to 32,885 in 2010, representing a 2.9% drop from 2009 (33,883) and the lowest number of fatalities since 1949.

"While we have more work to do to continue to protect American motorists, these numbers show we're making historic progress when it comes to improving safety on our nation's roadways," said DOT Secretary Ray LaHood.

According to DOT statistics, deaths in crashes involving drunk drivers dropped 4.9% in 2010, resulting in 10,228 fatalities compared to 10,759 in 2009. Fatalities declined in most categories in 2010, including for occupants of passenger cars and light trucks, but fatalities rose among motorcycle riders (4,469 in 2009 to 4,502 in 2010, an increase of 33, or less than 1%), pedestrians (up 4% from 4,109 to 4,280), occupants in medium and heavy trucks (499 to 529, +6%) and buses (26 to 44, +41%).

The latest figures also include a new measure of fatalities caused by distracted driving, essentially a refinement of existing data that focuses more directly on situations where dialing a phone, sending a text or the activities of another person or event are likely to lead to a crash. The DOT reports that 3,092 fatalities were the result of such "distraction-affected crashes."

#### FEDS PROPOSE ADDITIONAL MOTORCYCLE SAFETY STUDY

The National Highway Traffic Safety Administration (NHTSA) is proposing to launch a study program equipping 160 motorcycle riders with cameras, GPS, and other data recording devices in order to track riding behavior and how riders avoid -- or fail to avoid -- crashes.

"Knowledge of both how riders successfully avoid crashes and of behaviors that correlate with and contribute to crash risk is crucial to developing effective countermeasures to reduce motorcycle crashes and fatalities," says the NHTSA study proposal.

The federal agency is currently seeking comments on their proposed motorcycle safety study, which is very similar to a "naturalistic study" being conducted by the Motorcycle Safety Foundation (MSF) tracking 100 specially-equipped motorcycles for one year to compile data on rider behavior.

#### NOISE CAMERA TO MUFFLE LOUD VEHICLES

First came red-light cameras, followed closely by speed-cameras, and now Calgary will soon become the first municipality to introduce noise cameras to the motoring public.

"Motorcycle riders and hotrod enthusiasts beware: the Noise Snare is one step closer to squelching your high-decibel expressions of mechanical masculinity," reported the Calgary Herald about the pilot project that pairs a noise-reader with a camera to catch law breakers. The \$112,500 device was offered to Calgary for free as the first city to test the gadget, and if all goes well the city expects to be handing out \$200 tickets by summer.

"This is something that will allow municipalities across North America to start enforcing (noise) bylaws. The fact that now it's been proven to be an accurate test is very, very important," said Bill Bruce, the city's director of bylaw services.

Electrical engineer Mark Nездoly invented the "Noise Snare" after a loud motorcycle awoke his sleeping daughter one night.

#### SHOOTINGS PROMPT HONDURAN CONGRESS TO BAN MOTORCYCLE PASSENGERS

Following two recent high-profile killings, legislators in Honduras approved a decree banning motorcyclists from carrying passengers. It took the deaths of a radio journalist and a former government advisor to convince the National Congress of the need to restrict the number of riders on a motorcycle to one -- the driver. Suspects in both cases were passengers on motorcycles, who got away.

The legislation is being hailed as a common sense approach to fighting crime that will help discourage drive-by shootings, which have been one of the most common murder tactics in this Central American country because it makes it nearly impossible to identify and catch the helmeted killers who quickly flee the crime scene. Now, any motorcycle with two people will be suspect and can be pulled over by the police.

#### NIGERIA RESTRICTS MOTORCYCLES TO CURB BOMBINGS

Restrictions have been imposed on the operations of commercial motorcycles in Nigeria to check bombing incidences. The restrictions on the motorcycles, popularly called okada, were announced by the Special Task Force (STF) after a deadly triple bomb blast rocked three television viewing centers was attributed to the Islamic sect Boko Haram.

"The general public should be informed that no motorcycle will be allowed to operate beyond 7pm within the Jos-Bukuru metropolis. Riding of motorcycles is only permitted from 6am - 7pm, the enforcement of this ban will be strictly enforced," said Ikemefuna Okafor, an officer of STF.

#### WEIRD NEWS: MOTORCYCLISTS TAKE BITE OUT OF SNAKE VENOM DEATHS

In rural Nepal, volunteer motorcyclists are getting snakebite victims to help soon enough to cut deaths by 95%, reports Scientific American.

Snake bites are still a big concern for much of the world's population, and the World Health Organization (WHO) estimates that about 100,000 people die from poisonous snakebites each year. Many more people become paralyzed or permanently disabled.

Most victims live too far from clinics that could provide them with anti-venom. In Nepal, where more than 10% of bite victims die, an experimental program uses volunteer motorcyclists to save residents. Since the program launched 2003, only about 5% of victims who got a ride died. These findings were presented at the annual meeting of the American Society of Tropical Medicine and Hygiene.

QUOTABLE QUOTE: "To sin by silence, when they should protest, makes cowards of men."

~ Ella Wheeler Wilcox (1850–1919), American author & poet