



ABATE of New York, Inc. Legislative Position Paper

Approved on 3/15/15, by State Board Motion #B10-15
Progress as of Friday, 4/22/2016

Bills we currently support:

A03147/S03764 – Lupardo/Sanders

Requires the municipal police training council to ensure that issues relating to motorcycle profiling are addressed in basic law enforcement training.

Legislative History: A9974: 2011-12; A3594: 2013-14

(Actions - A: 01/06/16 referred to governmental operations; S: 01/06/16 referred to finance)

The key portion of the bill requires law enforcement (LE) agencies to add a statement during training that condemns the illegal use of the fact that a person rides a motorcycle or wears motorcycle-related paraphernalia as a factor in deciding to stop and question, take enforcement action, arrest, or search a person or vehicle with or without a legal basis under the United States Constitution or New York State Constitution.

ABATE would of course prefer legislation that simply makes profiling as outlined above illegal, like most other states in the country. However, statements during training would be a great step forward in changing the climate in NY of LE bias against motorcycles. Currently, the number of cyclists who refuse to ride to, or even through, NY because of the profiling issues (and motorcycle-only roadblocks) is having a devastating effect on tourism.

A03232/S04316 – Lupardo/Panepinto

Relates to motorcycle insurance policies and requires owners' policies of liability to inform the insured that motor vehicle no-fault insurance does not apply to motorcycles and that state uninsured motorist coverage is available in the alternative.

Legislative History: A5381a: 2011-12; A3600: 2013-14

(Actions - A: 01/06/16 referred to insurance; S: 01/06/16 referred to insurance)

No Fault insurance reduces litigation, but more importantly is the financial safety net that protects virtually ALL of NY citizens and visitors from having disastrous financial losses following a motor vehicle accident. Except, amazingly, for motorcyclists. Motorcyclists are PRECLUDED from obtaining No Fault insurance in NY. This means that every accident resulting in medical expenses or lost wages will result in either a lawsuit against the party at fault, or, in the case of a 1 vehicle bike accident with a deer or loose gravel (for example) potential financial ruin for the biker. This exclusion is known by virtually no one outside the insurance industry, and the sellers of insurance have not done well advising bikers about the gap in coverage. This law would make sure that the insurance deficit is explained and allow motorcyclists to try and make up the gap utilizing other forms of insurance that they don't need in cars (or as a pedestrian, or as a bicyclist) and that they would normally not know to ask for.



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A03241/S02381 – Lupardo/Nozzolio

Provides that motorcyclists over the age of twenty-one shall be exempt from the requirement to wear a helmet when operating or riding a motorcycle.

Legislative History: A3699: 2007-08; A4541: 2009-10; A5364: 2011-12; A6316: 2013-14
(Actions - A: 01/06/16 referred to transportation; S: 01/06/16 referred to transportation)

Contrary to popular belief, helmets are NOT always safer. The perfect example is Dale Earnhardt, who was killed by a basal skull fracture according to his autopsy. This injury is caused by an extreme form of whiplash, and the helmet he was wearing was a significant contributing factor. So much so, that NASCAR now requires a HANS device which is a head/helmet restraint to keep a similar injury from happening to other drivers. Motorcyclists of course can't use this device, and so face the very real possibility of being killed by the very helmet they are forced to wear. In addition, the helmet reduces visibility and increases fatigue, both of which lead to the increased likelihood of an accident. Grown men and women should be allowed to determine for themselves whether the risk of wearing the helmet is worth any benefits and not have that decision forced upon them. And clearly this logic is sound, because only 18 other states have laws requiring all motorcyclists to wear helmets.

A06845/S04892 – Crespo/Ritchie

Establishes a motorcycle safety awareness component as a requirement for licensing.

Legislative History: A9083 of 2013 died in Assembly Transportation, passed Senate.
(Actions - A: 01/06/16 referred to transportation; S: 03/28/16 advanced to third reading)

A prime cause of injury and death for motorcyclists is the inexperience of new car drivers. They are trained to deal with other cars, but need more instruction when it comes to dealing with the approximately 350,000 registered motorcycles in NY.

A08506/S02757 – Gantt/Parker

Requires five hour pre-licensing course to include a motorcycle awareness and safety component, and the driver's license examination to include two questions concerning motorcycle awareness and safety.

Legislative History: New Bill in Assembly
(Actions - A: 01/06/16 referred to transportation; S: 01/06/16 referred to transportation)

A prime cause of injury and death for motorcyclists is the inexperience of new car drivers. They are trained to deal with other cars, but need more instruction when it comes to dealing with the approximately 350,000 registered motorcycles in NY. Of course, ABATE would prefer more than 2 questions on the exam.

A09291/S06748 – Thiele/Funke

Provides a minimum penalty of \$300 for a moving violation which results in the serious bodily injury or death of another person.

(Actions - A: 04/13/16 print number 9291a; S: 04/13/16 print number 6748A)

ABATE supports ANY law that increases the penalty for a driver who causes injury on the roadway. It is only through increased awareness and penalty that the thousands of injuries occurring on NY road can be reduced.



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Bills we currently oppose:

A00580 – Gantt (No Assembly Cosponsors or Senate “SAME AS” bill, as of 4/22/16)
Requires motorcycle users to wear helmets that meet the federal motor vehicle safety standards and which have been impact-tested by...

First, there are already significant and very complicated helmet laws on the books. Any additional regulations will make it more difficult for sellers, distributors, manufacturers and rider to comply with whatever the Federal government is doing that week.

Second, contrary to popular belief, helmets are NOT always safer. The perfect example is Dale Earnhardt, who was killed by a basal skull fracture according to his autopsy. This injury is caused by an extreme form of whiplash, and the helmet he was wearing was a significant contributing factor. So much so, that NASCAR now requires a HANS device which is a head/helmet restraint to keep a similar injury from happening to other drivers. Motorcyclists of course can't use this device, and so face the very real possibility of being killed by the very helmet they are forced to wear. In addition, the helmet reduces visibility and increases fatigue, both of which lead to the increased likelihood of an accident. Grown men and women should be allowed to determine for themselves whether the risk of wearing the helmet is worth any benefits and not have that decision forced upon them. And clearly this logic is sound, because only 18 other states have laws requiring all motorcyclists to wear helmets.

A00597 – Gantt (No Assembly Cosponsors or Senate “SAME AS” bill, as of 4/22/16)
Increases the fine for operating a motorcycle with a muffler that produces excessive or unusual noise from one hundred dollars to seven hundred dollars.

There are no less than FOUR laws on the books relating to motorcycle mufflers. There is no reason to change any one of them. Further, a seven hundred dollar fine is unreasonable and out of proportion to many of the more serious offenses. For example, currently, a driver could turn left in front of a motorcyclist and cause complete paralysis of the biker and face a SMALLER fine than the biker whose muffler may have been broken or malfunctioning at the time.

S03437 – Young (No Senate Cosponsors or Assembly “SAME AS” bill, as of 4/22/16)
Prohibits the operation of a motorcycle with any child under the age of 6 thereon, unless the child is seated in a sidecar.

ABATE believes that the size of the child and his or her ability to sit safely on a motorcycle are much more rational and safe factors to determine when a child can ride. Children grow at much different rates. This law could falsely lead a parent of a child, over the age of 6 but who is too small, to believe it is safe to take the child on the bike.