



ABATE of New York, Inc. Legislative Position Paper

May 24th 2018

Bills we currently support:

A 6562 / S 1670 – Thiele/Funke *We are asking legislators to sign on to this bill.*

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)

A9291,s6748;2015-16

Referred to as Creto & Kade's Law.

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. This has an impact in the area of DWI, and injuries and death because of DWI have been greatly reduced through a combination of increased penalties and education. We believe that if drivers know there are serious consequences to ignoring vehicle and traffic regulations (which of course are intended to keep people driving safely) they will drive more carefully and lives will be saved.

A 218 / S 6055 – Lupardo/ Robach *We are asking legislators to sign on to this bill*

Provides that motorcyclists over the age of twenty-one be allowed to choose whether or not to wear a helmet when operating or riding a motorcycle.

Legislative History: A3699: 2007-08; A4541: 2009-10; A5364: 2011-12; A6316: 2013-14

A3241;2015-16

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

ABATE supports this bill. The efficacy of motorcycle helmets will be under study as a result of A43/S7549 and in committee now. In order to operate a motor vehicle in NY State is it required to demonstrate competency and skill set to obtain a license. In order to operate a Motorcycle the rider must also have the capability to assess the conditions and situations. It is our opinion that these skill sets and awareness make the rider uniquely qualified to determine if and when to where a motorcycle helmet. This should be a choice and not dictated to all riders.

A 481/S 4506 – Lupardo/Sanders *We are asking legislators to sign on to this bill.*

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; A3147:2015-16

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

ABATE supports this bill. The key portion of the bill requires law enforcement (LE) agencies to add a statement during training that condemns profiling motorcyclists. Specifically, it would train officers to make traffic stops, searches or even arrests based on the legitimate suspicion of criminal activities, and NOT simply because a person rides a motorcycle or dresses like a motorcyclist.



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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.

A 216 / S 6455 – Lupardo/ DeFransisco *We are asking legislators to sign on to this bill*

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 but that supplemental underinsured motorist coverage is available and is the best alternative.

Legislative History: A5381a: 2011-12; A3600: 2013-14; A3232:2015-16
(Actions - A: 01/06/16 referred to insurance; S: 01/06/16 referred to insurance)

ABATE supports this bill. 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 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.

A 43 / S7549 – Cahill/Robach

Authorizing the commissioner of transportation to conduct a comprehensive study of the efficacy of motorcycle helmets.

Legislative History: 2015-2016:A10453 – Referred to Transportation Committee.
01/03/2018 – Referred to Transportation Committee.

ABATE supports this bill. We support this effort to confirm that efficacy of motorcycle helmets to provide protection to riders. It is our hope that this effort is performed with appropriate oversight to ensure results are accurate and not skewed in any way to support alternative agenda. We would like to see empirical evidence to support the results of the study.