

ABATE of New York
Legislative position paper 2022

Promoting Motorcycle Safety, Awareness, & Education since 1974.

American Bikers Aimed Toward Education is a not for profit corporation formed to promote and protect the interests of New York state motorcyclists. ABATE monitors and interacts with the legislative process, enhancing the image of motorcycling, and provides educational and social opportunities for members and non-members. ABATE will continue to fight for the rights of the people of the motorcycling community.

Bills we support:

ABATE of NY supports ANY law that protects motorcyclists from distracted or irresponsible drivers. We also support educating drivers and riders regarding motorcycle safety.

Creto/Kade's Law:

Bill NO: A05407-currently expired

Needs Sponsors from Senate and Assembly

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

ABATE supports ANY law that increases the penalty for a driver who causes an injury while operating a vehicle. It is only through increased awareness and penalties that the thousands of injuries occurring on NY road can be reduced. In the past, the imposition of more severe penalties had a positive impact on the epidemic of people driving while intoxicated. Injuries and death caused by drunken driving 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.

Bill NO: A01107

Re-introduced January 7, 2021

Referred to Committee on Transportation 1/05/2022-No votes taken

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

We believe that any study that will help determine what is and is not helpful for motorcyclists should involve actual motorcyclists. Therefore, ABATE would like to ensure that any panel that studies this is made up of a diverse group that includes people who have the actual motorcyclists' best interests at heart.

BILL NO: A01747-S3860

Re-introduced to Assembly and Senate on January 11,2021

Assembly version referred to Transportation 1/05/2022

Senate version in Committee 1/05/2022 – No votes taken

Motorcycle Profiling. Requires the municipal police training council to ensure issues related to motorcycle profiling are addressed in basic law enforcement training.

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.

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.

BILL NO: A5099 and S3707

WATCH FOR MOTORCYCLES

Introduced in Assembly and Senate January 30, 2021

Assembly version referred to Transportation 1/05/2022

Senate version sent to Transportation 1/05/2022

To amend the transportation law. To install signs on all state highways maintained by the Department of Transportation in an effort to raise motorcycle awareness. Signs to clearly state "Watch for Motorcycles".

Motorcyclists are being killed at an alarming rate in NY. Reminding drivers to watch for motorcycles, especially early in the year, is necessary.

BILL NO: A03027

NO-FAULT INSURANCE

Introduced January 28, 2019- 2 year expired.

For discussion with ABATE of NEW YORK STATE Inc.

Makes comprehensive motor vehicle insurance (no-fault insurance) applicable to motorcycles.

SPNSR: Ortiz COSPNSR: Lupardo

Currently, every single person in NY who is involved in a motor vehicle crash, including pedestrians and bicyclists, are protected by No Fault laws, which provide automatic coverage for medical expenses, lost wages, and other losses sustained after the crash. EXCEPT MOTORCYCLISTS! Motorcyclists are the ONLY group excluded from even the option of having No Fault coverage, even though we are required to purchase it to cover any other people involved in a crash with us. Motorcyclists should have the same coverage as the rest of the state. ABATE supports this option, provided the coverage cost is the same for motorcycles as it is for automobiles. If that is not feasible, ABATE would then support at least an option for the purchase of No Fault coverage.

Bills we oppose:

Some of the following Bills are One House Bills' because they have no support in the other House. However, we need to watch them in case something changes, and we oppose them regardless.

BILL NO A03004

Helmet Law

Referred to Transportation 1/05/2022

No known Senate version

Requires motorcycle users to wear helmets that meet federal motor vehicle safety standards and which have been impact-tested by the U.S. D.O.T., the Commissioner of Motor Vehicles, or by an independent laboratory approved by the Commissioner of Motor Vehicles.

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. His injury was 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, helmets reduce visibility and increase fatigue, both of which lead to the increased likelihood of a crash. Grown men and women should be allowed to determine for themselves whether the risk of wearing the helmet is worth. And clearly this logic is sound, because the majority of states in the US do not have laws requiring all motorcyclists to wear helmets.

BILL NO: A148-S994
Child Passenger Age Limit
Reintroduced January 6th, 2021 Assembly only
Assembly version sent to Transportation 1/05/2022
Note: Senate version Introduced has a 6 year old age limit

Child Passenger; Prohibits children under the age of twelve from riding on a motorcycle.
Recent Senate version has a 6 year old age limit.

ABATE believes that the size of the child and his or her ability to sit safely on a motorcycle are much more rational factors to determine when a child can safely ride on a motorcycle. Children grow at much different rates. Further, twelve is very old and at that, children are capable of making rational decision themselves. A blanket prohibition from allowing a child under that age children from being a passenger with a licensed motorcycle operator serves no legitimate purpose.

BILL NO A00471 and S784A
Introduced in Assembly and Senate January 6, 2021 w/co-sponsors
Assembly chose to pass the Senate version at end of session June 2021
Returned to Senate, it was never sent to Governor Cuomo for signature or veto

On October 22,2021 it was sent to Governor Hochul
And signed into law on October 29, 2021

Increases the fine for operating a motorcycle with a muffler that produces excessive or unusual noise to \$1,000, or by imprisonment not exceeding 30 days, or fine and imprisonment.

There are already FOUR laws on the books restricting motorcycle mufflers. Adding another is absurd and will not accomplish anything positive. Further, a seven-hundred-dollar fine is unreasonable and out of proportion to the fines for many of the more serious offenses. For example, currently, a driver could turn left in front of a motorcyclist and cause the death of the biker and face a SMALLER fine than the biker whose muffler may have been broken or malfunctioning at the time.

PLEASE SEND LETTERS TO YOUR ELECTED
REPRESENTATIVES ASAP