

CBA/ABATE of NC, Inc.
A State of the Organization Message

CBA/ABATE of NC is recognized as the premier Motorcycle Rights Organization (SMRO) of NC. Nationally, CBA/ABATE is recognized by, The American Motorcyclist Association (AMA), the Motorcycle Riders Foundation (MRF), and the National Coalition of Motorcyclists (NCOM). We are also recognized at home as the legislative arm of NC's Motorcycle Rights community by, the North Carolina Confederation of Motorcycle Clubs, and NC Bike-PAC.

This recognition has not been bestowed upon us lightly. Since 1971, CBA/ABATE of NC has served the motorcycling community of North Carolina as champion for the preservation of freedoms, and defender against oppressive legislation. CBA/ABATE has earned a reputation as the "go-to-MRO" in North Carolina through our persistent interactions with our legislature, active involvement with governmental agencies, and the effectiveness of our broad-reaching network of grass-roots-activist members. While we may not be admired by all, we have certainly earned the respect of NC motorcyclists, and those who would seek to limit our freedoms.

The original (1970's) definition of the acronym "ABATE" is: A Brotherhood Against Totalitarian Enactments. We define Totalitarian Enactments as, laws established without the consent or consideration of the people. The Boston Tea Party was prompted by a totalitarian act perpetrated upon the colonists by King George. The Rally cry against King George, *Taxation without representation*, still serves as a shining example of the philosophical foundation of our organization. CBA/ABATE of NC continues to pursue that time-honored tradition... "don't make laws about us, without seeking our involvement." To that end, we remain actively involved in our government.

An important part of being involved is having an established message, and organized activities to help share that message with our lawmakers. Individual CBA/ABATE chapters have organized Constituent Teams that conduct lobbying trips to Raleigh. These teams speak with their local elected officials and share our concerns and desires. Much of our success can be attributed to the activities of these teams, and to the efforts of individual members maintaining awareness of the issues and contacting their legislators.

The 2007 Session: A Review of Our Activities

True to tradition, the 2007-2008 legislative session kept our members busy. We lobbied to have two motorcycle bills introduced that favor NC motorcyclists; SB 1359, Motorcycles at Red Lights (Sen Allran, R-Catawba-Iredell) which was passed into law as Session Law 2007-206, and; the introduction of SB 1121, the UNC Center for Motorcycle Safety and Crash Prevention (Sen Pete Brunstetter, R-Forsyth), which (regardless of its eventual fate in the upcoming session) has raised awareness in our legislature regarding important motorcycle safety issues in North Carolina.

Among the oppressive bills we actively opposed this session was, HB563- Traffic and Personal Safety Changes (Rep. R. Sutton, D-Robeson). Section 7 of HB 563 required all motorcyclists to

wear helmets that meet the FMVSS 218 standards established by the US DOT. The language in NC's previous helmet law provided a legal argument, as long as a rider was wearing any sort of safety helmet.

CBA/ABATE is not opposed to helmets, however, we are opposed to mandatory universal helmet laws. It is neither our intention, nor our desire, to prevent anyone from riding with an FMVSS 218 helmet if they so choose. However, we are opposed to legislative mandating of inappropriate, antiquated, and dangerous restrictive standards. In other words, we are opposed to "Totalitarian Enactments" requiring mandatory universal use of any safety equipment. We believe the Rider should have the right to make a reasoned decision or personal choice regarding the personal protective equipment he/she wears while riding.

During Senate Judiciary II Committee hearings on HB 563, after hearing convincing testimony from bikers, Senator Don East (R – Allegheny, Stokes, Surry, & Yadkin), offered an amendment to eliminate the helmet requirement from House Bill 563. The amendment passed and the bill, minus the helmet provision, was scheduled for a floor vote.

Unfortunately, Senator Ed Jones (D-Bertie) chose to circumvent the committee process by offering an amendment on the floor that reinstated the helmet provision, in effect, nullifying the Committee process. During floor debate in the Senate, Senator East, and others argued extensively to convince elected officials to vote against this oppressive legislation. However, Mr. Jones was able to use the power of partisan politics to restore the helmet requirement and push the bill through the Senate.

The bill was then sent back to the House for concurrence, and passed with a huge majority (along party lines). Despite the efforts of our champions, in the House and Senate, the bill was signed by the Governor on 17 August 2007 and officially became State Law 2007-360.

With the passage of SL 2007-360 motorcyclists no longer have the freedom to select from among the many light-weight safety helmets (that had been interpreted by NC courts to be) acceptable under the previous law. Our fight against oppressive laws will not stop, but we must change venues and focus on seeking relief from the NC judicial system until such time as we can identify a sponsor for a bill to repeal the helmet law.

In response to the passage of the new helmet law, CBA/ABATE formed the North Carolina Helmet Citation Defense Project. The knowledgeable individuals of the project team are willing to work with cited bikers to prepare them for a not guilty plea and defense in court. We won one, and lost one, but know that we can be proud that we fought the good fight, and we learned that we have allies in Raleigh who will continue to do all they can to safeguard American freedoms and liberties for the citizens of North Carolina. We will continue to work with them on a variety of other initiatives.

The Year Ahead: What's in Store for CBA/ABATE

Motorcycle licensing issues have been found to contribute to the frequency of motorcycle crashes, and NC's safety professionals are attempting to impose stricter licensing conditions for

motorcyclists. CBA/ABATE is continuing to work with our elected officials to massage certain elements of SB 375 Amend the Motorcycle Learners permit (Senator Rand, D-Bladen, Cumberland). This bill was initially introduced during the 2005-2006 session, and because it drew so much controversy, was not recommended for consideration on the House floor.

This year, CBA has worked with Senator Rand and his staff to reduce the severity of some of the more distasteful elements in SB 375. However, we are still working to secure a more reasonable permit expiration period, protect our rider education program, and establish a provision to allow riders who do not choose to apply for an auto driver's license, an avenue for obtaining a motorcycle license. As of this date, SB 375 is in the House Transportation committee, and we can expect to hear from this bill in the opening days of the legislature. We are prepared to continue negotiating the language of the bill, or to present our current positions in committee discussions.

We are also actively involved in collaborative lobbying against HB 274, the Street Gang Prevention act, and seeking sponsors to (1) increase penalties for violating the right of way of motorcycles, and (2) prevent discrimination against motorcyclists in privately owned public accessible facilities (i.e., hotels/restaurants/bars).

CBA/ABATE is active on the national political scene as well. CBA/ABATE representatives sit on the Board of Directors of the Motorcycle Riders Foundation and the National Coalition of Motorcyclists. These national organizations work collaboratively with the American Motorcycle Association to monitor, evaluate, and respond to federal legislation related to motorcycling. CBA/ABATE traditionally sends a constituent team to Washington, DC annually. In 2007 CBA sponsored a second trip in response to the unfavorable motorcycle safety recommendations issued by the NTSB.

What Else is CBA/ABATE Doing?

As we have grown, we have found the concerns of the motorcycling community often go beyond legislation. In many cases, well intentioned bureaucrats and/or safety professionals have implemented (or lobbied elected officials for) regulations that are unfriendly toward our lifestyle. In many cases they use the issue of our personal safety as their tool of persuasion. This has forced us to broaden our activities and expand our arenas of involvement. CBA/ABATE believes that the best way to avoid motorcyclist fatalities is to avoid motorcycle crashes.

In 2007, CBA/ABATE of NC's Motorcycle Safety and Awareness program (Motorcycle Awareness Classes to High School Driver Education classrooms) was awarded a small SAFETEA-LU (PL 109-59) grant from the NC Governor's Highway Safety Program. This grant allowed CBA/ABATE to increase the number of high school classes taught each year, provide funding for student and instructor materials, and support the development of alternative venues of instruction. The technological instructional innovations will deliver Motorcycle Awareness information to a larger more diverse population of motorists, through computer-assisted and web-based instructional models. We have submitted a continuation proposal to the GHSP for 2008.

In spite of our extensive efforts in the educational and awareness arena, motorcycle crashes continue to happen. To increase the survival rates of crash victims, an injured rider must survive until qualified medical personnel arrive at the crash scene. On scene "first-aid" medical assistance is an important contributor to crash victim survival. This year CBA/ABATE has provided training opportunities for riders by sponsoring workshops, and supported the certification of "On Scene Accident Management" trainers who will provide on-going personal development workshops to prepare more riders to manage the medical needs of crash victims until qualified medical personnel can arrive.

Encouraging an Alternative Approach to Motorcycle Safety:

For more than 35 years, the dominant approach to motorcycle safety has been; "survive the crash" through the use of "passive protective measures". These safety measures were founded on research studies conducted under conditions that no longer exist. Our roadways, motorcycle design, traffic patterns, the geometry of other vehicles, and many other important variables have evolved over the past 35 years. National leaders in the safety community agree, it is time to move safety beyond crash mitigation and focus on crash prevention.

CBA/ABATE of NC believes strongly that there needs to be a shift in the motorcycle safety paradigm to one which focuses resources on crash prevention. To this end we support the efforts of Senator Pete Brunstetter, who has introduced these important concepts in SB 1121, a bill to create the UNC Center for the Study of Motorcycle Safety and Crash Prevention. This Research Center will focus on education, awareness, and the study of crash conditions and crash avoidance. These studies and programs will serve a two-fold purpose:

1. Fewer motorcyclist fatalities.
2. Fewer government restrictions on our freedoms.

CBA/ABATE of NC believes the UNC Center for the Study of Motorcycle Safety and Crash Prevention will serve as the focal point for NC's shift toward crash prevention. Rigorous scientific research studies into crash conditions, and systematically evaluated education and awareness programs, will reduce fatalities and; effectively move motorcycle safety interventions beyond the antiquated and obsolete, "passive-protection" measures of the "survive-the-crash" mentality. The UNC Center will lead North Carolina into an era of pro-active "crash-prevention" strategies that are scientifically demonstrated to be sound and effective. Through successful passage to an alternative approach, NC will leave behind the antiquated and dangerous safety paradigm that is symbolized by dangerous mandatory universal helmet laws.

Working Together for the Benefit of All Motorcyclists

No one person can take credit for all of the work being done on behalf of motorcyclists of North Carolina. As with all things CBA; it takes the whole team, working together, to get the job done. This position paper has been prepared to help provide the public with information, alleviate misunderstandings, and seek your involvement in the process.

CBA/ABATE's decision making process operates in an open environment with full disclosure. Information flows (in both directions) between chapters and the state organization, is considered

and discussed in open committee meetings, and voted on by individual chapter members who are represented at the state level by their chapter leadership. Every member has a voice.

Strategic plans are developed by each committee, voted on by the membership, and presented annually to the public through our CBA newsletter, FRONTLINE. The strategies and methods used in our legislative goals, and activities have been developed, discussed and determined through a systematic democratic process. Every member has an opportunity to contribute their ideas, and discuss their concerns before ideas become policy. There are no hidden agendas.

Once an idea or strategy becomes policy, member-volunteers fulfill the obligations inherent in implementation and follow through. The results of all activities are shared with the membership. There are no concealed actions.

Looking into the future, we have prepared ourselves to meet the new challenges with a renewed vigor. We are prepared to meet all challenges with the help and support of the motorcycling community of North Carolina, and our friends and champions in the North Carolina Legislature.

We know everyone may not always agree with all of our democratically derived policies, and/or every piece of legislation we support or oppose. But this is where the process has led us. If you are not pleased with any aspect of our policy or activities, we challenge you, the NC motorcyclist, to become a part of something bigger than yourself. Get involved and work cohesively for the benefit of all motorcyclists of NC.

We may never all agree on everything, but we will always agree that we all like riding.

Remember, UNITED WE STAND.....DIVIDED WE FALL, let's put our differences aside and work towards common goals that will benefit the motorcycling community. .

Randy Norris
President
Concerned Bikers Association/ABATE of North Carolina