

ABATE of the Garden State Top Ten List

2016-2017 Legislative Agenda

We are often asked, “what is ABATE working on”? This is a list of our top ten priorities for the current New Jersey legislative session.

1. Sponsor/Support Legislation Addressing Motorcycle Profiling

Motorcycle profiling means 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 State law or U.S. Constitution. Under the 4th Amendment law, pretextual traffic stops are permitted. However, the majority of all profiling stops involve the use of a minor traffic infraction as a pretext to a discriminatory stop which means these stops are currently going unchecked. Motorcycle profiling impacts an individual’s chosen form of expression, associations and the right of a class of people to be free from discriminatory law enforcement practices and therefore profiling should not be permitted.

2. Veteran Motorcycle License Plate

ABATE supports and will work toward passage of legislation to have the Chief Administrator of the New Jersey Motor Vehicle Commission create a motorcycle license plate for honorably discharged veterans from any of the five branches of the U.S. military (Army, Marines, Navy, Air Force, Coast Guard). ABATE of the Garden State supports the passage of legislation to accomplish this goal.

3. Option to proceed at unresponsive red lights.

There are now at least 12 states that have enacted legislation that allows motorcycles to proceed through inoperative or unresponsive traffic signals when safe to do so. There are a number of traffic-actuated signals in the State of New Jersey that for a variety of reasons are not able to sense when a motorcycle is stopped at them and the red light never changes to green. Legislation is needed that would allow motorcycles to proceed when it is safe to do so. Solving the issue in this manner costs the state, counties and municipalities nothing, but having to modify or upgrade faulty traffic signals could be quite costly.

4. Continue the fight against E-15 and higher blends of Ethanol fuel.

ABATE is very much opposed to the sale of E-15 (15% Ethanol) and higher blends of Ethanol fuel being sold in New Jersey. We side with the MRF (Motorcycle Riders Foundation) and the AMA (American Motorcyclist Association) on this issue. At present there are no motorcycles on the EPA’s approved list of vehicles that can safely use this fuel. Motorcycle manufacturers have warned against the use of any Ethanol blend over 10% (E-10) and will void motorcycle warranties if the damage came from using E-15 fuel. Until more comprehensive testing is done by an independent testing lab to confirm the safety of the long-term use of E-15 fuel in motorcycles, ABATE of the Garden State will continue to lobby against its sale in New Jersey and will support the efforts of national-level motorcycle rights organizations to stop its use at the federal level.

5. Increased penalties for right of way violations causing injury or death.

Motorcycle accidents in which a motorist violates the right-of-way of a motorcyclist is the number one cause of death and injuries for motorcycle riders. At present, the way New Jersey law is written, the maximum penalty a motorist may receive for causing the death of a motorcyclist in a right-of-way accident is a \$200 fine. ABATE will advocate for new laws with higher fines, forfeiture of driving privileges and mandatory attendance in a driver improvement program for such violations where there has been serious bodily injury or death to another person. Prison terms for repeat offenders should also be

available as a sentencing option to Prosecutors and Judges. ABATE further believes that the definition of the term “right-of-way” should be expanded to include more than just intersections. Any access point onto a public roadway should also be included in the definition.

6. Fight for increased penalties for and enforcement of distracted driving violations.

With the huge proliferation of handheld portable electronic devices, it is becoming more and more dangerous for anyone to be on the roadways of our state. Distracted drivers are a significant danger not only to themselves and their passengers, but also to every other person traveling New Jersey’s highways. Motorcyclists are even more vulnerable and susceptible to distracted drivers. If a car hits a motorcycle, the motorcycle loses every time. ABATE will advocate for increased enforcement of current laws regarding handheld electronic devices and will work for passage of new laws to increase fines and penalties for distracted driving violations and provide even harsher penalties where serious bodily injury or death results from such violations and for repeat offenders.

7. Maximum utilization of motorcycle safety funding program.

In 1990 a dedicated fund was created by the New Jersey Legislature for the purpose of increasing motorcycle training and safety. The “Motorcycle Education and Safety Fund” (MSEF) is funded by the motorcyclists of New Jersey. A \$5 fee was added to the cost of a new or renewing motorcycle license or endorsement and is held in a “dedicated fund” for the intended purpose of insuring that motorcycle training would be available at a reasonable cost to those who wanted it. Two state-run motorcycle training sites were established at Sea Girt and Egg Harbor and motorcyclists could take a rider training course at no cost to them. This program was in place until 2008 when the state decided to do away with the state-run training sites and stop providing the courses at no charge to the rider. Now, if a rider wishes to take an approved training course it is an out-of-pocket expense. The problem is that the state is still collecting \$5 from every new license or endorsement and from all renewals. That money is supposed to be for the benefit of the motorcycle riders in NJ, but it has instead become a “slush fund” for the State Treasury. In 2009 Governor Corzine took \$1.2M out of the MSEF by Executive Order to help balance the state budget. ABATE believes that this so-called “dedicated fund” should either be abolished by an act of the legislature or a “Motorcycle Advisory Committee” should be created and given oversight of the fund’s use to insure that it is being used for its intended purpose.

8. Promotion of driver and rider education courses and motorcycle awareness.

ABATE believes passionately that the best way to reduce the number and severity of motorcycle accidents is through the training and education of both motorcyclists and motorists alike. The best way to reduce motorcycle injuries and deaths is to prevent accidents from happening in the first place. This can be accomplished through the increased quality and quantity of both motorcycle rider training and motorcycle awareness training for motorists. Safety cannot be legislated but it can be taught and instilled in riders and drivers. When safety and constant self-assessment and improvement becomes a way of life, there will be drastic reductions in motorcycle and automobile accidents with a resulting drop in serious injury and death.

9. Legalize multiple motorcycles per parking spot.

In most NJ towns it is not legal for more than one motorcycle to park in a metered parking spot. It would greatly reduce parking congestion and make more parking spots available for automobiles if more than one motorcycle would be allowed to share a parking spot.

10. Educated freedom of choice concerning helmet use for adults.

ABATE believes that an adult rider should be free to decide for himself or herself whether or not to wear a motorcycle helmet while riding in New Jersey. ABATE takes the same position on this issue as does the American Motorcyclist Association (AMA). We hope that the choice would be for all riders to wear a

helmet, but we do not believe it should be mandated by law. At the present time, there are only 20 states that have universal mandatory helmet laws. The other 30 states either have no helmet law at all or have placed age and/or insurance restrictions on riding without a helmet.

And, as always, ABATE of the Garden State will continue to work alongside our federal level partner organizations, the Motorcycle Riders Foundation (MRF) and the American Motorcyclist Association (AMA) to preserve and protect the freedom of the open road for all motorcycle riders.

Questions or comments – Please contact:

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