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# NEWS & NOTES

American Motorcyclist Association

June 2007

**US Senator** Susan Collins (R-ME) and U.S. Senator Russ Feingold (D-WI) recently introduced S. 616, "The HIPAA Recreational Injury Technical Correction Act." Identical legislation passed the full Senate in the 109th Congress and obtained 177 bipartisan cosponsors in the House.

S. 616 aims at ending health care discrimination for individuals participating in legal transportation and recreational activities-activities like motorcycling, snowmobiling, skiing, horseback riding, and all-terrain vehicle riding.

This legislation addresses a loophole caused by a Department of Health and Human Services' rule making it possible for health care benefits to be denied to those who are injured while participating in these activities.

On August 21, 1996 an important opportunity arose when President Clinton signed the Health Insurance Portability and Accountability Act (HIPAA), prohibiting employers from denying health care coverage based on a worker's pre-existing medical conditions or participation in legal activities, such as motorcycling.

In 2001, the Department of Health and Human Services released the final rules that would govern the HIPAA law. The rules recognize that employers cannot refuse health care coverage to an employee on the basis of their participation in a recognized legal activity. However, the benefits can be denied for injuries sustained in connection with those activities. Therefore, you were guaranteed the right to health care coverage but not guaranteed any benefits in return for your monthly payments.

The AMA is urging all motorcyclists to notify their Senators and tell them to co-sponsor and support S. 616, "The HIPAA Recreational Injury Technical Correction Act."

**Tennessee** Senate Bill 1511 has passed the Tennessee Senate. SB 1511 would further modify the states helmet laws for adults. Senator Tim Burchett has once again championed "Freedom of Choice" for Tennessee motorcyclists. The bill now goes to a House Transportation subcommittee for a hearing.

**A Pennsylvania** lawmaker has introduced a bill to make helmets mandatory for motorcycle riders again. Since 2003, helmet use has been optional for those who are at least 21 and have been licensed to ride for two years or who have finished a state-approved safety course.

State Rep. Dan Frankel of Allegheny County said there are too many deaths and injuries because of the no helmet option and said the associated medial costs are driving up costs to the public.

**The first United Nations** World Youth Assembly for Road Safety was held in Geneva, Switzerland, in April 2007, with the aim of engaging young people in the issue of road safety. The Motorcycle Industry Council (MIC) was asked to provide information on the benefits of helmet use, and, in consultation with the Motorcycle Safety Foundation, produced a video for the Assembly.

The Assembly was a key event in the First United Nations Global Road Safety Week (April 23-29), which was jointly organized by the World Health Organization and the United Nations Regional Commissions. Young people from more than 100 countries attended the Assembly; 400 signed a Youth Declaration for Road Safety, in which they committed to taking practical measures to improve road safety and calling on other young people to do the same.

The MIC video, called "Helmets: Get Your Head Into It," was presented during the conference. It highlighted a number of benefits of helmet use, focusing primarily on rider protection and comfort; showed how to properly fit a motorcycle helmet; discussed key safety and comfort features; and encouraged riders to wear full protective gear. In addition to wearing all the gear, all the time, including a quality helmet, the video recommends that riders get trained and licensed, ride unimpaired, ride within their own skill limits and become lifelong learners by taking refresher courses. The video is available for download at [www.mic.org](http://www.mic.org) and has also been posted on YouTube and Break.com.

MIC is located in Irvine, California, is a not-for-profit, national trade association representing manufacturers and

distributors of motorcycles, scooters, motorcycle/ATV parts and accessories and members of allied trades.

**Montana** motorcycles and ATVs must now be equipped with spark arresters and mufflers that don't exceed 96db(A), as measured by SAE J1287 to be operated on public lands. The new requirements were introduced by Rep. Bill Thomas (D-Great Falls) and were signed into law by Gov. Brian Schweitzer (D) in April.

**Pennsylvania** Senate bill 497, introduced by Sen. Robert D. Robbins (R-Greenville), seeks to expand liability protection for land owners who open their land to recreation. The bill would clarify that existing protections do extend to "motorized recreational vehicle riding" and would allow land owners to recoup legal fees resulting from certain types of legal action. The text of the bill is available on the "Rapid Response" page of [www.AMADirectLink.com](http://www.AMADirectLink.com).

**Oklahoma** ATV legislation requiring limited helmet mandates awaits the signature of Governor Brad Henry.

Authored by Rep. Bill Nations, D-Norman, the bill (HB 1686) would require that children under the age of 18 wear a helmet while riding an all-terrain vehicle on public lands. The bill would not affect ATV use on private land or for agricultural purposes.

The measure was originally approved by votes of 82-16 in the House and 38-9 in the Senate. It received a final 80-19 vote of approval in the House and was sent to the governor to be signed into law or vetoed.

**The Ohio General Assembly** has introduced new legislation to hold all motor vehicle operators more accountable for their actions.

Senate Bill 158, introduced by Senator Joy Padgett (R-Coshocton) and House Bill 207, introduced by Representative Jon Peterson (R-Delaware), propose enhanced penalties for those convicted of or pleading guilty to a right-of-way, an assured clear distance ahead (rear-end collision), or a marked lane (sideswipe) violation that results in serious injury or death to another roadway user. A portion of the fines collected would be designated for use by the Ohio Department of Public Safety (ODPS) for highway awareness programs.

Visit the AMA Rapid Response Center at [www.AMADirectlink.com](http://www.AMADirectlink.com) to learn how you can get involved in supporting SB-158 and HB-207.

**Tennessee** House Bill 1335, sponsored by Representative Rob Briley (D-Nashville), and Senate Bill 794, sponsored by Senator Tim Burchett (R-Knoxville), would provide for increased fines and suspension of license/permit/driving privileges for anyone convicted of a right-of-way violation involving serious injury or death. SB-794 has been scheduled for a floor vote in the Senate.

Volunteer State riders are encouraged to call, write, or visit your representative and senator to let them know how you feel about increasing penalties for those offenses who injure or kill other roadway users in Tennessee. Or use the "TAKE ACTION" feature on [www.AMADirectlink.com](http://www.AMADirectlink.com) to compose and send an electronic message or hardcopy printout of your support for HB-1335 and SB-794.

**New Jersey** Assembly Bill 3701, introduced by Assemblywoman Alison Littell McHose (R-Sparta), would establish a Lane Splitting Task Force to focus on the policy of allowing motorcycles to ride between lanes of motor vehicle traffic during times of congestion, and to examine the advantages and drawbacks of instituting such an initiative in the Garden State. The task force would consist of five members, including representatives from the Motorcycle Safety Foundation, Rider Education of New Jersey, Commissioner of Transportation, Motor Vehicle Commission, and State Police.

In conducting its inquiry, the task force would be charged with studying lane splitting initiatives which have been adopted or considered in other states and countries and determining their effect on road congestion and traffic safety. The task force would compare these various initiatives and establish an opinion on which components would provide the most benefit with the safest implementation, if lane splitting were adopted.

The bill requires the task force to report its progress to the Governor and Legislature annually, and to issue a final proposal within three years.

**Washington's** SB 5544, which if adopted as written would have all but eliminated motorcycle and ATV use on most

public and private properties throughout the state has failed to pass the senate due to a lack of support. The latest version included some reasonable modifications, including a proposed limitation on pipe dB's of 96 using the SAE J-1287 test procedure, something supported by the AMA, but kept the "clearly audible" standard in place, along with a cost recovery provision for lawsuits, something that cannot allowed to stand. The legislature has heard from the voters and refused to adopt this bill.

**Michigan** House bill 4323, sponsored by Rep. Joel Sheltroun (D-West Branch), would allow County Boards of the northern counties (defined as those north of the south line of township 12 north) to adopt ordinances authorizing the operation of off-road vehicles (ORV) on the right-of-way of public streets and roads within the county. The bill was co-sponsored by all 14 northern Michigan representatives. Three dozen other legislators from southern Michigan also signed on to the bill as co-sponsors.

HB 4323 is before the Senate Committee on Natural Resources and Environmental Affairs. The Michigan Motorized Recreation Council (MMRC) has indicated its support for HB 4323. A summary of the bill, provided by the MMRC, is available on the "Rapid Response" section of [www.AMADirectLink.com](http://www.AMADirectLink.com).

**TreadLightly!** has created a new print public service announcement (PSA) campaign to appeal to a broader scope of motorized vehicle riders. Through several surveys, they determined that one of the main reasons people ride off of trails is because they believe their ride will be "more challenging/more fun". The objective of the new campaign, titled "Ride Hard, Tread Lightly", is to help change the misperception that a responsible ride is a boring ride.

The messages focus on staying on designated trails, using maps, and avoiding the spread of invasive species. The PSA's can be printed into posters for trailheads, included in brochures and maps, etc....

To request a free disk of high-resolution files, simply send an e-mail to [monica@treadlightly.org](mailto:monica@treadlightly.org). They can also be viewed and downloaded at [www.treadlightly.org](http://www.treadlightly.org).

**Europe's** Motor Cycle Industry Association (MCI) has called for the Transport Select Committee's (TSC) Report into the Government's Motorcycling Strategy to be treated with caution.

The MCI welcomes the fact that the Committee has recognized the broad opportunities that exist for motorcycling as a transport mode and that the TSC supports the targets in the Government's Motorcycle Strategy, which was published in February 2005. The MCI also welcomes the recommendation that Government should continue to work closely with the industry as the Strategy is implemented. The Committee also commented favorably in other areas. The TSC regards rider training as more robust than car driver training but is concerned that DSA must provide adequate testing and training opportunities beyond 2008.

The TSC also supported a more permissive attitude to allowing motorcycles in bus lanes and has called for government to include motorcycling in schools education – two policy areas strongly supported by MCI. On the matter of an off-road registration scheme the committee on one hand recognized that most agencies, including the police, do not believe it would work and does not support implementation if cost and administrative burden would be prohibitive. The TSC came down on the side of off road registration given the arguments presented in the Report.

The Committee ignored evidence that shows that the absolute speed and power of motorcycles is not usually a direct factor in motorcycle accidents. Over 60% of accidents are caused by other road users and motorcycle-only accidents are often due to rider skills and experience deficiencies, rather than excesses of speed and power. The chance of being killed on a motorcycle are also very low – approximately one death to every 10 million kilometers ridden.

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AMA Government Relations *News & Notes* is a monthly service compiled and edited by the AMA Government Relations Staff to keep motorcyclists informed of happenings around the world. We welcome your news & views. Please submit all material to Terry Lee Cook, Grassroots Manager, 13515 Yarmouth Drive, Pickerington, OH 43147; fax 614-856-1920 or e-mail to [tcook@ama-cycle.org](mailto:tcook@ama-cycle.org).