

# RIDERS FOR JUSTICE

VOLUME 20

ISSUE 5

<http://www.ridersforjustice.com/>

JANUARY 2006



## RIDERS FOR JUSTICE MEETINGS

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### EASTERN SLOPE

SUNDAY, JANUARY 8, 2005

SUNDAY, FEBRUARY 12, 2006

12:00 NOON

AMERICAN LEGION

WINDSOR, COLORADO

\*\*\*\*\*

### WESTERN SLOPE

WEDNESDAY, JANUARY 11, 2005

WEDNESDAY, FEBRUARY 8, 2006

7:00 P.M.

EAGLES LODGE, ORCHARD MESA,  
GRAND JUNCTION COLORADO

\*\*\*\*\*

### DENVER METRO

SUNDAY, JANUARY 8, 2005

SUNDAY, FEBRUARY 12, 2006

7:00 P.M.

165 LEONA DRIVE,  
DENVER, CO 80221

(303)430-4053

**This picture was taken at the Parade of Lights in Delta, Colorado. The Float was named the Harley Angel and is ridden by Ann Carlson of the 11 O'clock Hour Riders, Delta Elks Lodge. The Harley Angel won first place in the motorized division for the second time in a row. Ms. Carlson was riding Rudolph and the float was followed by 5 more Harleys pulling Santa's sleigh.**

**This picture was submitted by our Western Slope Vice President, Carl Dodson.**



RFJ maintains the services of a lobbyist, Kathy Oatis, who monitors the actions of our legislators not only for your officers, but for all of you as members as well. On Kathy's website, [www.cololegislativeinfo.com](http://www.cololegislativeinfo.com), under RFJ, you can find the latest action taken on a number of bills that were passed or postponed indefinitely last year.

When the 2006 Legislature convenes (in January, 2006) Kathy will again keep track of action taken. Until that time, we can expect to see what the projections will be. Hang onto your hat, this year is going to be a wild ride! See inside.

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## Riders For Justice Bylaws

1. The organizations's purpose is to defend the rights of bikers, as well as, to associate for social reasons.
2. Persons speaking on behalf of RFJ must be the elected officers of a representative designated by the membership or officers.
3. All officers must be a registered voter and have a valid motorcycle license.
4. The membership can by a 3/4 majority, effect an election of officers at any regular meeting.
5. The membership can by a 3/4 majority vote, deny new membership, if any member questions the new membership.
6. In order for anyone to vote at the meetings, they must be a paid member.
7. Renewal of membership dues are from October to October.
8. Should this organization be dissolved, all funds shall be donated to a similar organization.

## Purpose of Riders For Justice

1. We intend to support our current Constitution and keep as much of it intact as we can.
2. We also advise our membership of the best candidates for which to vote. When they are sometimes equally good or bad, we do not make a recommendation.
3. We DO NOT and WILL NOT receive money from any government entity.
4. Our officers are available through email and/or direct telephone.
5. None of our officers are paid for their work or reimbursed for food, travel or lodging.
6. We hire a lobbying firm to represent us at the state capitol.
7. The officers also lobby at the capitol and at town meetings with state and federal congressmen.
8. We ARE NOT and DO NOT intend to be politically correct.
9. We print in our newsletter, articles of political and social interest for members, as well as, keeping them abreast of current and potential bills.
10. If a very adverse bill appears, we make every attempt to contact our members by phone and with an immediate news bulletin.

## RIDERS FOR JUSTICE

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P.O. Box 1192  
Clifton, CO 81520-1192  
970-434-4644

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## Scrambled Thoughts From the Pres

By Jay

It is now a new year. I hope that the holidays were good to everybody and also I hope the last year was profitable and you were with good health. I am looking forward to the swap meet so I can meet and talk to our brothers and sisters that live on the East side of the mountains.

There are a few matters I need to discuss.

1. The participation from our members is shrinking. When only 3 people show up to a meeting, it makes it hard to conduct any business, since some of our issues are voted on at the meeting. I would like to hear from everyone that has any ideas on how to get more people involved.

2. I wonder just how many people actually read the newsletter when they receive it. I have talked to numerous people who say that they have not received the newsletter. After checking our records, we find out that they have not paid their dues for years. We have stated in the past few newsletters that if you do not send in your dues, the newsletter will not be sent. Again, the dues are due from October –October.

3. January is the time when we all need to really start paying attention to what is going on. If you don't care if you wear a helmet, than I can understand you not getting involved. I know however, that there are hundreds of you out there that do not want to wear one. The only way to stay this way is to get involved and help. I wrote in a prior letter about California and their demise. Colorado will end up the same way if you let it. It is not time to sit in the wings and see which way the wind blows. By doing that, it would be to late to take action if it is needed. That is why we stay alert, pay attention, and act now.

As of now, I am trying to get a copy of the Careless Driving Bill that Bikepac is going to try and get introduced. I have found out that our past president, Tiger, the president of COC, Bikepac is going to try and get introduced. I have found out that our past president, Tiger, the president of COC, Diablo, Terry Howard & Dave Christy of Abate, and the Executive Director

Membership was due in October for the coming year. Please check and see if you need to renew your membership. There is a form on page \_\_ that can be used to mail in your check. Please fill it out clearly so we can send newspapers and ballots, etc. to the right place. If you have an e-mail address, be sure to fill it in as we are planning on setting up a list to notify members in case we need to alert anyone to what the legislature is doing.





## **EPA RULES EFFECTIVE 2006**

In December of 2000, the Motorcycle Riders Foundation (MRF) learned that the United States Environmental Protection Agency (EPA) was proposing California-style emissions standards for the rest of the country for all motorcycles, street and off-road models, in a single rulemaking process. The MRF, working with our Supporting State Motorcyclists' Rights Organizations (SMROs) was instrumental in having street motorcycles removed from that process in September 2001 and placed into a separate EPA "proposed rule."

The MRF and SMROs continued to work diligently to impact the final rule through the comment period and into the rule approval process. For a complete chronological review of the many steps taken by the MRF, visit our website.

The EPA issued their final emissions regulations for highway motorcycles for 49 states on December 23, 2003. These new regulations will become effective in stages, starting in 2006 and harmonizing with California's standards in 2010. You can view the entire 49 page EPA rule by visiting their website at <http://www.epa.gov/gedrgstr/EPA-AIR/2004/January/Day-15/a006.pdf>. While this new rule dramatically reduces tail pipe emissions, there are some exemptions written into it for kit bikes, custom motorcycles, and small volume makers.

The MRF does not believe that the exemptions are broad enough or that the rules, as written, fulfill the needs of highway motorcyclists, the small volume makers and the aftermarket. We fully intend to continue to work for revision of some parts of the rules.

Here we present some of the most frequently asked questions from street riders and an explanation of what the rules will mean to you. This explanation does not apply to California.

### **WHAT WILL THIS NEW EPA RULE MEAN TO ME?**

If you are going to buy a new motorcycle at your local dealer, the only things you may notice are that by the 2006 model year, most motorcycles will come with fuel injection and will require special diagnostic tools for service. Some may have catalytic converters in the exhaust pipes. Both are in use in some models already. There had been no change to the "anti-tampering" provision of the Clean Air Act.

### **HOW WILL THIS RULE AFFECT THE MOTORCYCLES I ALREADY OWN.**

These new EPA regulations only apply to motorcycles built for 2006 and later. You will not be required to retrofit your current motorcycles to make them comply with the new rules.

### **CAN I MODIFY THE ENGINE OR EXHAUST ON MY 2006 OR LATER MOTORCYCLE?**

The new EPA rule contains the same LANGUAGE THAT THE OLD RULE CONTAINED ABOUT THIS SUBJECT - Modifying your motorcycle's engine or exhaust is considered "tampering." The Clean Air Act, Section 203(a) states that it is illegal, "for any person to remove or render inoperative any device or element of design installed on or in a motor vehicle in compliance with regulations under this title prior to its sale and delivery to the ultimate purchaser or after such sale and delivery to the ultimate purchaser."

### **CAN I STILL BUILD MY OWN CUSTOM MOTORCYCLE?**

Starting in 2006, it will be legal for you to build your own custom motorcycle. In the new EPA rules this is called a "kit bike" and it will not have to be tested to verify that it conforms to the new emissions standards. There are, however, some very specific rules that will apply to your kit bike.

- You are only allowed one emissions-exempt kit bike in your lifetime.
- You may not sell your once-in-a-lifetime emissions-exempt kit bike for five years after its final assembly.
- You may have someone else assemble your kit bike for you as long as you have purchased the components prior to the start of the assembly.
- You cannot build your kit bike by modifying a factory-built motorcycle that was certified to meet EPA emissions standards. You must start with a new engine and frame.
- Under the existing rule, all kit bikes are supposed to be tested and certified to meet the 1979 EPA rules.
- An EPA-exempt kit bike can be used on the road without any travel restrictions.

### **'WHAT IS MEANT BY "ONE EXEMPT KIT BIKE FOR A LIFETIME?'**

This refers to the wording of the new EPA rule that allows for the construction of your kit bike and it refers to your lifetime. You are allowed one EPA-exempt kit motorcycle that has no restrictions on how and where it may be used under this rule. The exemption is for the motorcycle owner's lifetime. When and if a new rule comes out that addresses engine certification, the lifetime exemption may be rewritten.

### **DO I HAVE TO ASSEMBLE MY EPA-EXEMPT KIT BIKE MYSELF?**

No, you do not have to assemble your kit bike yourself. You can pay someone else to assemble your kit bike after you purchase the "kit" or components that will be assembled into the final motorcycle.

### **CAN I BUILD EPA-EXEMPT KIT BIKES AND SELL THEM?**

Under this rule, building EPA-exempt kit bikes and selling them to other people would not be allowed. The ultimate owner must own the components before the assembly process begins. You can build as many kit bikes as there are people who are willing to pay you to assemble their components. People or businesses that purchase kit bikes to assemble and then sell them are not covered under this exemption, but may be able to use the "custom motorcycle" exemption explained later in this document.

### **WHAT HAPPENS IF MY EPA-EXEMPT KIT BIKE IS WRECKED OR STOLEN?**

The way this new EPA rule is written now, you would not be able to replace your stolen or destroyed EPA-exempt motorcycle. You are only allowed one EPA-exempt kit bike in your lifetime under the new EPA rule.

### **WHAT IF A COURT ORDERS ME TO SELL MY EPA-EXEMPT MOTORCYCLE?**

Under this federal law, you are not allowed to sell your EPA-exempt kit bike for five years after the date of final assembly, even in case of death, bankruptcy, or divorce. After five years, your EPA-exempt motorcycle can be sold. If you do sell your EPA-exempt kit bike, you will not be allowed to own another exempt kit motorcycle.

### **WILL I BE ABLE TO BUILD MY ONE EPA-EXEMPT MOTORCYCLE WHENEVER I CHOOSE?**

That is going to depend on how the EPA looks at the data California brings to the process in 2006. The California Air Resources Board (CARB) has similar rules that take effect in 2004 and will be up for review in 2006. The EPA is planning to review this data and other exemptions when CARB reviews the effectiveness of their regulations. When that review is completed, the EPA may choose to regulate all motorcycle engine manufacturers at that time so that all engines, including those built by the aftermarket industry, will be required to meet the EPA's emissions standards when they leave the factory. If they decide on that course of action, they feel the exemption for kit bikes will no longer be needed because there will only be EPA-compliant engines available for builders. The California process will not have anything to do with the exemption. When

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**MRF E-MAIL NEWS**  
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**FOR IMMEDIATE RELEASE**  
**Contact: JD DePaolantonio, MRF Director**  
**of Communications and Information**  
[jd@mrf.org](mailto:jd@mrf.org) (e-mail)  
 December 12, 2005

#05NR33 - ABATE of Colorado News

Release

The Motorcycle Riders Foundation (MRF) is issuing the following release at the request of ABATE of Colorado.

ABATE of Colorado  
 News Release

### Colorado Blocked on Rider Ed Curriculum Choice!


ABATE of Colorado is this state's largest Motorcyclists Rights Organization including its premier Rider Education and Training Division, which trains the largest percentage of new riders in

Colorado. In keeping with our mission and tradition of providing excellence and quality delivery of rider education and training for the motorcyclist, ABATE of Colorado remains keenly aware of the evolving trends in training & educational curricula. We believe the ultimate value of a curriculum is in the merit of its comprehensive content that ultimately benefits the rider, and should be evaluated as such.

Historically, there has been a sole, non-option curriculum provider to the state administered program, and while the curriculum has served well, ABATE of Colorado is aware of other developed and field-tested curriculum that is at least the equal of the traditional offering. CO ABATE has an interest in the Team Oregon Program (TOMS) curriculum as an additional training resource to offer the beginning rider, based upon positive feedback, national recognition, and our own independent "see it for ourselves" evaluation that included the range training in action. We have over a period of many months sought to have the TOMS training evaluated and approved for use in Colorado. We have encountered much resistance.

The historical and singularly recognized entity that currently maintains a curriculum monopoly in this state, and so many others, must think it has a prerogative to do so. Let us also not forget that this entity is funded by corporate motorcycle manufacturer-managers. This entity is the Motorcycle Safety Foundation (MSF.) What is evident now in Colorado is the influence from this entity to short-circuit the approval process of TOMS while keeping its own curriculum here as sole.

ABATE of Colorado's request for evaluation and approval of the TOMS curriculum was denied via a letter delivered to us on November 30, 2005. Administrators in the Colorado Department of Transportation (CDOT) advised us of this, based upon a legal opinion proffered by counsel in the Colorado Attorney Generals' office. Prior to this, in a meeting on 23 November with ABATE of Colorado, CDOT officials offered that they were aware of a possible legal action pending between Team Oregon/Oregon State University and the MSF based on allegations of plagiarism, and other assertions of "misappropriation of MSF curricular products." We responded that we were also aware of this, and we stated that any issues "will be resolved", and



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that should not delay the process of the TOMS curriculum evaluation and approval here "based upon the merit of its content." (our words.) After this, CDOT officials "looked into whether Team Oregon/OSU are involved in a legal dispute with the MSF." A Washington, D.C.-based legal counsel for MSF provided "insights" of a coercive nature to CDOT. According to the letter we received, MSF's counsel "...confirmed in writing, that MSF will pursue the same legal claims against states, entities, or persons that use 'misappropriated BRT curriculum outside of Oregon.'" Obviously, this was enough to have the decision-making people in Colorado become squeamish, and back off. "...CDOT's counsel at the Office of the Attorney General...have advised us to discontinue review and consideration of the Team Oregon curriculum until all legal matters are resolved. Based on this advice from counsel and on communications with (MSF counsel), CDOT will not consider or adopt the Team Oregon/OSU curriculum until Team Oregon receives a clean bill of health." It's likely that MSF is gleefully enjoying this opinion.

There's another problem evident, though. According to our friendly sources in Oregon, there is no legal action in place there, none filed, nor enough substantive grounds for one, and it's been that way for over three years. Therefore the issue, and tactic, becomes one of MSF obtaining a reaction to a threat, the perception of legal issues carrying-over to the rider education stakeholders in other states, and stalling the adoption of a viable, alternative and additional curriculum.

ABATE of Colorado believes that this activity, and those who facilitate it, are enabling a monopoly to continue to flourish; that it stifles by design the choices

(Continued on Page 8)



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## Helmetless" Riders are Less Likely to Die in Motorcycle Crashes on Florida Roads

The 2004 Crash Statistics for Florida wipe away NHTSA's prediction of a blood bath.

According to the recently released, Florida Department of Highway Safety and Motor Vehicles annual Traffic Crash Statistics Report for 2004, motorcycle riders wearing helmets were more likely to sustain an injury or suffer a fatality than their non-helmeted counterparts. The huge increase in death and injury to non-helmeted motorcycle riders, predicted by NHTSA (National Highway Traffic and Safety Administration)

in a report released this summer, has not been substantiated. The numbers are going to disappoint the proponents of helmet laws while simultaneously confirming the facts presented to the public by ABATE of Florida, Inc. (American Bikers Aimed Toward Education). ABATE is a non-profit motorcycle rights organization in Florida and has spent years focusing on motorcycle related issues, including crash prevention and stiffer penalties for negligent vehicle operators who kill and injure motorcycle riders.

Of the 388 motorcycle riders killed in crashes on Florida roads during 2004, over 51% were wearing safety helmets. The crash facts also demonstrate that riders wearing safety helmets were more likely to sustain injuries than on-helmeted riders. In each of the statistical focus topics presented in the study, the percentage numbers were very close between helmeted and non-helmeted riders, except for non-injury crashes. The study stated that non-helmeted riders were

(Continued on Page 9)



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The "EPA for the Layman" paper on the MRF website has been updated to reflect the EPA's changes and can be found at <http://www.mrf.org/pdf/EPA-for-the-layman-rev2.pdf>

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## Helmetless" Riders are Less Likely to Die in Motorcycle Crashes on Florida Roads

20% more likely to walk away from a crash without injuries than riders who were wearing helmets. This disparity could be due to the visual and physical limitations imposed by a helmet. Wearing a motorcycle helmet cannot keep a crash from occurring, however, riding without a helmet could allow a rider to respond more quickly or to visually recognize potential hazards, decreasing the severity of the injury sustained or avoiding injury all together. There are no statistics available for crashes which riders were able to completely avoid due to training or equipment use.

According to the crash statistics, the top three contributing causes of all motor vehicle crashes include careless driving, failure to yield the right-of-way and driving under the influence of alcohol. None of the three include equipment failure, environmental or weather related issues. Each of the top three causes for crashes are directly linked to driver error or negligent action by the motor vehicle operator. increase in death and injury to non-helmeted motorcycle riders, predicted by NHTSA (National Highway Traffic and Safety Administration) in a report released this summer, has not been substantiated. The numbers are going to disappoint the proponents of helmet laws while simultaneously confirming the facts presented to the public by ABATE of Florida, Inc. (American Bikers Aimed Toward Education). ABATE is a non-profit motorcycle rights organization in Florida and has spent years focusing on motorcycle related issues, including crash prevention and stiffer penalties for negligent vehicle operators who kill and injure motorcycle riders.

Of the 388 motorcycle riders killed in crashes on Florida roads during 2004, over 51% were wearing safety helmets. The crash facts also demonstrate that riders wearing safety helmets were more likely to sustain injuries than non-helmeted riders. In each of the statistical focus topics presented in the study, the percentage numbers were very close between helmeted and non-helmeted riders, except for non-injury crashes. The study stated that non-helmeted riders were 20% more likely to walk away from a crash without injuries than riders who were wearing helmets. This disparity could be due to the visual and physical limitations imposed by a helmet. Wearing a motorcycle helmet cannot

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According to the crash statistics, the top three contributing causes of all motor vehicle crashes include careless driving, failure to yield the right-of-way and driving under the influence of alcohol. None of the three include equipment failure, environmental or weather related issues. Each of the top three causes for crashes are directly linked to driver error or negligent action by the motor vehicle operator. Therefore, it stands to reason that a significant number of crashes could be avoided if motor vehicle drivers took personal responsibility for operating a deadly weapon prior to engaging their engines. People can only control two things in their lives; what they think and what they do. Personal responsibility cannot be legislated. Political and governmental entities cannot mandate ethical and honorable actions. It is society, which dictates acceptable public behavior. Rehabilitation programs rely on education and a series of problem identification and behavior modification systems to alter behaviors that are harmful to a group or individual. Reeducating the public on safe operation of their motor vehicles or rehabilitating vehicle operators that habitually drive impaired or recklessly is an enormous job, however, ABATE of Florida, Inc. is taking on one piece of that task. The group is getting information out to the public on motorcycle safety and awareness through high school drivers education programs, posters, flyers, the presentation of a free Motorcycle Safety and Awareness Program, along with a series of annual safety seminars for the motorcycle riding and non-riding public.

In conjunction with the Florida legislature, ABATE is putting Billboards throughout the state to encourage drivers to be aware of motorcycles and to drive alertly. In other words, to take personal responsibility for their driving actions and to think about the way they operate their vehicles. James "Doc" Reichenbach, president of ABATE of Florida, Inc. who's group lobbied strongly for motorcycle helmet reform in 2000, said, "The numbers from the crash report for 2004 may favor our point of view, but even one death is too many. We... (motorcycle riders)... have to ride defensively and we have to educate everyone we meet." To help educate the driving public, four billboards with motorcycle safety messages have already been installed on major Florida highways. Within the next few months, Mr. Reichenbach expects approximately ten more

billboards to be in place in areas where high motorcycle injury rates have been reported.

Motorcycle shop owner, Dan Fish of Doc's Southern Cycles in Pace, Florida, said, "I've had five times as many people in the shop in the past week looking for bikes under 600cc's." He said people are worried about getting around and are looking for economical transportation. The motorcycle population has more than doubled in the past five years with over 700,000 endorsed riders. With the marked increase in gasoline prices and concern over fuel availability, the number of motorcycle riders on Florida highways could easily reach 1.5 million in the next five years. Motor vehicle operators will be encountering an ever-increasing number of two wheeled travelers in the future. Motorcycles are smaller and can easily be lost in blind spots of larger vehicles. Drivers need to be aware of the presence of all vehicles in their vicinity and give motorcycles their full lane of travel. Perception of the speed that a motorcycle is traveling is often misjudged and failure to yield the right-of-way is sighted as the cause in a significant number of motorcycle versus automobile crashes.

Statistical reports, no matter how reliable the source, will not stop the motorcycle helmet usage debate, however, the real issue is crash prevention. To get involved in motorcycle crash prevention or to find out more about the Motorcycle Safety and Awareness Programs being offered, contact ABATE of Florida, Inc. at P.O. Box 2520, DeLand, Florida, 32721 or visit [www.abateflorida.com](http://www.abateflorida.com).\*\*\*

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**"Helmetless" Riders are Less Likely to Die in Motorcycle Crashes on Florida Roads**  
(Continued from Page 9)

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**NCOM NEW BYTES**

Compiled & Edited by **Bill Bish,**

**National Coalition of Motorcyclists**

**THE AIM/NCOM MOTORCYCLE E-NEWS SERVICE is brought to you by Aid to Injured Motorcyclists (A.I.M.) and the National Coalition of Motorcyclists (NCOM), and is sponsored by the Law Offices of Richard M. Lester. For more information, call us at 1-(800) ON-A-BIKE or visit us on our website at <<http://www.ON-A-BIKE.com>>**

**CONGRESS CONSIDERS CONSUMERS' "RIGHT TO REPAIR"** Congress recently held hearings regarding the right of American consumers to have access to information regarding the repair and maintenance of their cars, trucks and motorcycles from the manufacturer. Currently, motor vehicle manufacturers are only required by the EPA to provide information about emissions on board diagnostics systems, but nothing pertaining to other repairs or services. This effectively prohibits owners from taking their vehicles to non-dealer repair facilities or from performing repairs or maintenance themselves.

I would like to join **RIDERS FOR JUSTICE**, a Colorado based organization working for **BIKER'S RIGHTS** nationwide.  
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