



PRESS RELEASE, Bikers Of Lesser Tolerance (B.O.L.T.), Jan MacKay, Wake County, 919-342-0403

NEW YEARS DAY FREEDOM RIDES IN 3 COUNTIES AND CIRCLE THE GOVERNORS MANSION.

North Carolina motorcyclists invite all motorcycle riders, and all citizens who love individual liberty, to participate in Freedom Rides to county courthouses in three counties on New Years Day, while in Wake County, motorcyclists will circle the Governors Mansion in Raleigh from 2 – 4pm, while liberty-minded citizens are encouraged to picket on the sidewalks. This is in protest of the mandatory helmet laws which do not allow motorcycles on public roads unless people wear helmets. The other freedom rides will take place in the counties of Catawba, Gaston, and Guilford. For details, see http://bikersmag.com/html/freedom_rides.html or the Cruisin Calendar at www.fullthrottle.com

Some people wrongly think “it is just helmet laws” only effecting the liberties of motorcyclists, while most bikers, many of whom are military veterans, say “No, these are UNJUST laws” and the ramifications of allowing the government to dictate what people wear is enormous, as is the use of enforcement which uses subjective approval methods. Law enforcement officers do not have the training or equipment to conduct FMVSS 218 compliance testing on the side of the road.

North Carolina has had mandatory helmet laws for 40 years, yet the safety record is no better than many states who have no helmets laws. On New Years Day, the state will begin enforcing a changed helmet law which forces operators to ensure their helmet complies with Federal Motor Vehicle Standard (FMVSS) 218.

Motorcyclists, like everyone else, are consumers. This embedding of FMVSS into traffic laws is a bad precedent which could ripple into the lives of other consumers. When motorists purchase a car or truck, they are not forced to check to see if the vehicle and equipment complies with any of the hundreds of confusing federal standards. Motorists do not get ticketed if vehicle equipment suddenly appears in the recalls database, but somehow motorcyclists are going to be responsible if their helmet is not FMVSS 218 compliant. The NHTSA, who control FMVSS, has no statutory authority over motorists or consumers. FMVSS 218 is a self-certifying standard to be followed by helmet manufacturers. Helmets are not tested by the US DOT prior to appearing on store shelves. The DOT does not approve helmets, and there is no such thing as a “DOT Approved” helmet, in fact or in law.

If a statute does not tell the average citizen how to comply with certainty, the law is vague, therefore unconstitutional.

So far, bikers have contacted the Governor, the AG, the DMV, and the NC Highway Patrol. None have been able to tell motorcyclists how they can comply with NC General Statute 20-140.4 with certainty. Even the NC legislator who introduced the bill in 2007, Rep Ron Sutton (D) Robeson County, is unable to answer how to comply with certainty. He has steered some people to pass/fail test results of some random sampling done each year by the Office of Vehicle Safety Compliance (OVSC). The test results say to continue to use the helmets unless notified by the helmet maker to stop.

There are many ways for helmet tickets to be defeated on the basis of vagueness, in court. In November, Terry Malpass from Kinston was able to win his court case in a trial in Lenoir County. BOLT of NC, operates the Biker Court web site at bikercourt.com which helps bikers get information about fighting helmet tickets. According to BOLT, the embedding of FMVSS 218 only makes the law more confusing and vague. Each time a helmet ticket goes to trial, it costs the state \$872. In addition to contributing to the court backlogs, if 2000 tickets go to trial, it will cost the state \$1.7 MILLION, which has not been budgeted for. If every motorcyclist fights the helmet tickets in court, the costs should render the helmet statute unenforceable.

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