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**COVER**

A Day In Texas by Greg Mauz

**Premium Membership**  
by James J. Baxter, President, NMA

In our unending quest to add new membership benefits, further our organizational goals, and make money in the process, we have struggled mightily to come up with the perfect mix of offers to appeal to our members' selfish interests and noble aspirations. And, here, in one package is the result of our efforts; the **NMA Premium Membership!**

Let's start on the high ground and work our way down to the more "earthy" elements. First, we know that government has a propensity to view motorists as a dumb collection of sheep, subjects to be fleeced in the name of safety, energy conservation, environmental purity, and let us not forget—"the children." We also know that motorists can thwart this thinly disguised extortion if they will fight back. This can take the form of political activism, or simply fighting a traffic ticket. The **NMA Premium Membership** is aimed at the latter of these two courses of action.

For many years, the NMA has offered the **Traffic Justice Program** to its renewing members (and it will continue to do so). The **Traffic Justice Program** covers the cost of one speeding ticket per membership year, if the member pleads "not guilty" and takes the ticket to trial, and loses. This has proven to be a successful and gratifying program. Not only do our members often win their cases, but even those who don't, feel that they have learned a great deal and they have the satisfaction of knowing the government didn't make any money from their prosecution.

The **NMA Premium Membership** takes this concept much further. If a subscriber to the **NMA Premium Membership** receives a traffic ticket for a moving violation, involving points toward license suspension, the member will receive a grant for \$300 or the cost of the ticket, whichever is less. The subscribing member may

apply the grant toward developing his or her own defense, hiring an attorney, or paying the fine. The key distinction here is that the subscriber does not have to lose at trial or pay the fine to receive the **Premium Membership** grant. Getting the ticket is what triggers the grant.

Premium Members will also be given one month free rental of the **Legal Defense Kit™**.

We've tested various aspects of this program for two years and we have determined that we can keep the program in the black by charging \$10 per month (above your regular membership amount) through automatic charge card withdrawals (costs are significantly reduced by eliminating billings). That's \$10 for grants up to \$300 for every moving violation ticket that the subscriber receives, no matter how it is ultimately resolved! That's money put right in your hands to hire an attorney or an expert witness, cover court expenses, or, as a last resort, pay the fine.

We have minimized verification requirements and red tape. You must be a member of the NMA, have a valid drivers license and have subscribed to the **Premium Membership** plan prior to receiving the traffic ticket being submitted for payment. If you receive multiple tickets, even from a single traffic stop, you are entitled to a full grant for each individual ticket.

If this sounds like the program you've been looking for, check out page 13 for sign up information. If you would like more information you can call the NMA at 800-882-2785 or email us at [NMA@Motorists.org](mailto:NMA@Motorists.org).

# \$50,000 Grant Opportunity Expires June 30th

**W**e have long dreamed of having the resources to use the courts to protect our members' rights and to address issues legislators are unwilling or afraid to touch. For example, we know many states, counties, and cities violate their own laws when it comes to setting, enforcing, and adjudicating speed limits. We also know that there are locations where police departments silently condone the bullying and intimidation of motorists. Then there are the unreasonable fines, arbitrary regulations, and pointless government programs that have one

thing in common, the abuse of motorists.

We have a chance to build a war chest to fund pro-motorist court challenges. One single generous member (who wishes to remain anonymous) has offered to match every single donation to the **NMA Foundation**, up to \$50,000. Our ability to take advantage of this offer rests entirely in your hands. The appeal in our last **NMAF NEWS** raised \$5000, which we very much appreciate. But, this leaves \$45,000 lying on the table! Help us take this money off the table and put it to work for you and others who realize that we don't have to accept the status quo.

The "status quo" is:

- Speed limits routinely posted 10,15, and 20 miles per hour below reasonable and prevailing traffic speeds
- Cops handing out millions of

- tickets to everybody but other cops
- Vehicle inspection programs that cost motorists billions of dollars and deliver zero benefits to the society
- Increasingly harsh penalties for victimless crimes
- Fuel and registration fees being used for purposes other than building and maintaining roads, bridges and highways
- Traffic and transportation decisions being the product of political whim, special interest demands, or the preferences of groups who hate cars!

We don't have to accept the status quo. But we do have to fight the good fight. Change will not come via osmosis. So dig deep and help us take advantage of this great opportunity. Fill out the following form and send in your donation today.

Thank you. 🙏

### A message from our \$50,000 Challenge Grant Donor

Dear Fellow Members:

I used to see abusive traffic control and heavy-handed enforcement as an unstoppable force of nature. Now, I know we can make a difference. The **NMA Foundation** can be a dynamic force that benefits motorists across the entire country. But, to be effective, it needs us to do more than just complain. It needs our active support. It needs our financial support. Unfortunately, fighting for justice is expensive.

Driving is a major and important part of my life, and it seemed fitting that I offer a substantial part of my assets in support of this cause. I hope my offer will encourage you, and others, to also contribute toward the fight to preserve our rights and freedoms as motorists.

Please join with me and together we can make the impossible possible.

John

• Make checks payable to: NMAF •
• CANADA: Visa or MasterCard ONLY •

**NMA MEMBER #** \_\_\_\_\_

**NAME** \_\_\_\_\_

**ADDRESS** \_\_\_\_\_

**ADDRESS** \_\_\_\_\_

**CITY** \_\_\_\_\_ **STATE** \_\_\_\_\_ **ZIP** \_\_\_\_\_

**DAYTIME PHONE** (\_\_\_\_) \_\_\_\_\_ **E-MAIL** \_\_\_\_\_

**DONATION AMOUNT \$** \_\_\_\_\_

My check is inclosed.      I prefer to use my:    VISA    MasterCard

Credit Card Account Number: \_\_\_\_\_

Expiration Date \_\_\_\_\_      Signature \_\_\_\_\_

## Cell Phone Bans

It's been interesting to watch the trend of banning the use of cell phones while driving. Within the last couple of years, many towns have considered such a ban while some areas have actually passed such an ordinance. This trend has continued to the point where counties, such as Suffolk County in New York, have begun to enact such bans.

While this has been occurring, there really hasn't been much of an outburst from the groups that you would expect to hear from. Namely, the cell phone industry itself. You will see a few quotes from these companies, but no real opposition. In fact, one of the leading providers of cell phones has come out in support of such bans, and plans to push "hand free" technology as an alternative. Most likely this is because of economics. Why settle for selling you a cell phone when they can force you to buy all the accessories that you need in order to comply with such a ban?

But the trend of banning cell phones has hit a few speed bumps.

Some of the areas that have enacted the bans against the use of cell phones while driving are having those bans struck down by the courts. In Pennsylvania, a Bucks County judge ruled against a Hilltown Township ordinance on cell phones. Judge David W. Heckler ruled that the ordinance is "pre-empted by the Pennsylvania Motor Vehicle Code" and declared it "null and void."

Brookline, Massachusetts was believed to be the first town in that state to ban cell phone use when it passed a new law in November of 2000. Recently the Attorney General's Office had to step in. Attorney General Thomas Reilly said the local law contradicts a state law that expressly permits cell phone use while driving. "A person may operate a motor vehicle while using a citizens band radio or mobile telephone as long as one hand remains on the steering wheel at all

times," the state law says, according to Reilly's office.

The most recent blow against these bans comes from the AAA. AAA's Traffic Safety Foundation recently conducted a survey based on 26,000 North Carolina police reports compiled from 1995 to 1998. The conclusion of this survey was that a driver chatting on his/her cell phone is less of a danger than the driver who is eating or adjusting the radio. Cell phone usage showed up in 1.5% of the accidents surveyed while such things as eating and drinking was seen in 18.8%.

"Cell phones seem to play less of a role in traffic accidents than people believe," said AAA spokesman Atle Erlingsson. "It raises some interesting issues, considering the controversy over cell phone usage in cars."

As the bans are struck down, we should see this issue become more prevalent in state legislatures. 📧

## Ticket Writing Double Standard

In Washington DC, Officer Curtis Reed was suspended without pay for 75 days because he issued a ticket to another officer. He had pulled over Sergeant Demetrius Givens, also of the District's police force, for running a red light.

It gets a bit convoluted after this. It seems that the two officers had a history with each other. From all accounts, they despised one another. Sergeant Givens accused Officer Reed of issuing the ticket out of spite. Evidently, the sergeant was going to write up Officer Reed for an incident before the ticket violation. Givens offered to waive the write-up if Reed dropped the ticket.

Reed chose to still issue the ticket. Because of this, he was suspended by his own department, lost more than

two months' pay, and has had this go on his employee record. A traffic court judge later upheld the ticket, as it appears that Demetrius did run the red light.

The really disturbing part about this whole mess is that other than a couple of articles on this story, there has been no real action taken. Demetrius wasn't punished for attempting to get out of breaking the law. The police officials haven't spoken out against the actions of Demetrius and others like him. There have been no protests from the public. No calls for action. No public outrage. No letters to the editor. It's just "business as usual."

Even the few articles that were printed didn't say that this behavior was *wrong*. The newspapers that are so quick to condemn other actions

failed to point out the injustices and abuses of this system. The reporters pointed out what had happened with the attitude of, "That's just the way it is."

Which makes what NMA members do more important than ever. We are the few that will point out injustices and abuses of this system. It is this apathy, this acceptance of "it's just the way it is" that the NMA is here to combat. The next time you see this type of double standard, do something about it. Write to the local newspaper. Write to the police. Write to your representative. If enough people complain "it's just the way it is" can become "that's the way it was." 📧

# Persistence and Determination

By D. Gail Morrison



*Editor's note: Gail was the NMA's chief member lobbyist in the repeal of the 55 National Maximum Speed Limit.*

The very word lobbyist conjures up ideas of "under-the-table" dealers and high dollar rollers. The catch phrase denotes a profession, yet nothing could be further from the truth. The word simply means to attempt to influence legislators. We are all lobbyists. True, some are paid big bucks for their work, but they don't usually accomplish as much as you would think. If they did, they would be out of work.

When Jim Baxter asked me to lobby for the NMA, I, like many of you, didn't think I could do it. What did I remember about Political Science? About the only thing I remembered was the color of the cover of my textbook—it was a lovely shade of aqua. I mused to myself, "What kind of qualification is that to accept such a huge undertaking?" Well, my minor was in drama... maybe I could just act like a lobbyist?

Jim gave me this motto; it reads thus:

*Press On.*

*Nothing in the world can take the place of persistence.*

*Talent will not;*

*Nothing is more common than unsuccessful men with talent.*

*Genus will not;*

*Unrewarded genius is almost a proverb.*

*Education alone will not;*

*The world is full of educated derelicts.*

*PERSISTENCE and*

*DETERMINATION*

*Alone are omnipotent.*

Grassroots organizations, like the National Motorists Association, accomplish more than you can imagine. We are the organization that lobbied successfully for the repeal of the NMSL. How did we do this? First,

we had the truth on our side. We had people in our organization who believed in this truth and developed the persistence to exercise our First Amendment right to petition the government for a redress of grievances.

With the words "Press On" echoing in my mind, I set out for Washington DC. After months of sheer persistence and determination, I was able to convince legislators of the injustice and foolishness of a 55 National Maximum Speed Limit. The rest is history. This is just one example of how someone with no political or lobbying background or experience can make a difference.

You can make a difference as well. We don't we need large numbers to persuade others. We just need a few individuals who are willing to be persistent, determined, and most importantly, *be there!* And, you don't have to do it on your own. We have State Chapter Coordinators and Activists in some of the states. Contact them, use the resources that they have at their disposal, and then contact your elected representatives. Make friends with your legislators. Many legislators dislike and fear paid lobbyists, but love citizen lobbyists.

I urge you to look at the last page of this newsletter, find out who your State Chapter Coordinator and/or Activists are, and call them. Pick an issue that means something to you and talk to them about it. Find out how you can make your issue happen! And, if you don't have a State Chapter Coordinator or Activist, maybe it's time to think about becoming one. Pick another State Chapter Coordinator or Activist from a different state and find out how they became involved. Or, talk to the NMA National Office. You might just discover that making a difference isn't as hard as you think.

Here's a couple of helpful points.

1. The NMA has many pamphlets and studies to help you convey the facts. These are a *free* resource to you.

2. Look for ways to find and address your legislator outside his/her office. Remember they are ordinary people who go to church, live in neighborhoods or go to the golf course. Just be a friend—the opportunity will arise to express your concern over motorist issues.

3. Look for ways to help your legislator support the issues that matter to you.

4. Stay rational. Zealotry is the enemy of credibility. If you are attempting to raise the speed limits in your state, most legislators won't have much sympathy for someone bragging about driving 120 mph and sporting many unpaid tickets.

5. Believe in yourself. 🙌

## Stops and Searches Nationwide

A 1999 national survey on interaction of the police with the public on roadways found the following:

- 19.3 million "contacts" (stopped drivers)
- 6.6 percent of contacts (or 1.3 million) resulted in searches
- Of 1.3 million searches, 86.7 percent found no drugs, alcohol, illegal weapons or other evidence of criminal wrongdoing

Percent of searches finding criminal evidence:

White drivers	17%
Black drivers	8%
Hispanic drivers	10%

Source: US Department of Justice

# NMA Leadership Profile

Greg Amy, Activist

## *When and why did you become an Activist?*

It was April 1993, during NMA's Civil Obedience Day (COD). A close friend of mine invited me to attend the Connecticut COD drive. He knew how I felt about our illogical traffic laws and thought I would get a kick out of attending.

It turned out that I met my future wife that day, during the get-together after the drive. I figured that any organization that could run such a great event and would have her as a member must be pretty cool. I joined right on the spot.

## *What are your proudest accomplishments as an Activist?*

Working with other NMA members to promote the abolition of the 55 mile-per-hour speed limit standard in Connecticut. I had a small part in it compared to others, but it allowed me to realize just how effective individuals can be if we put our minds to it. You *CAN* fight "City Hall."

## *What projects are you currently working on?*

Trying to keep from getting a speeding ticket in Connecticut (grin). Seriously, we in Connecticut face a lot of challenges, such as the potential change of the Blood Alcohol Content (BAC) level to .08 percent, consistent attacks on speed limits, misuse of stop signs for speed control, roadway saturation, and a horrible emissions testing program. There are a lot of beachheads to conquer and plenty of things in which members can participate.

## *What are some of your short-term and long-term goals?*

Personally, to fight changes to the BAC level in the short term, and to eliminate the state-run emissions testing program in the long term.

## *What are the most important issues affecting members in your state?*

Connecticut's highways are well past their designed saturation point. We are a main thoroughfare in the northeast between major cities with geographical and political boundaries effectively eliminating any possibility of infrastructure upgrades. The amount of through-traffic that our interstates have to absorb is at a point to where knee-jerk lawmaking will result in significant increases in costs and reductions in freedoms of travel. This traffic density also results in aggressive driving habits and frayed drivers' patience. These will be the forces behind future highway legislation. Unfortunately, short of building more highways (of which the state government is on the record as being against), it may be a "grin and bear it" problem.

When it comes to our highways and freedom of travel, the citizens of Connecticut seem to have widespread attitudes of apathy and fatalism: the old, "Why should I care?" or, "There's nothing I can do about it anyway." If more of us were to get involved and realize that the individual can make a significant difference just by no longer rolling over and taking it on the chin, then we would have a lot easier job as NMA members and as citizens. We as members need to work on these attitudes person-by-person to spread the gospel and let folks see the path along which they're being led. Our rights are being slowly eroded away, piece by piece; a little here, and a little there. In and of themselves, each of these erosions are nothing, but taken as a whole they're devastating.

The most important issue that we face is to challenge the apathy, fatalism, and demagoguery and defeat them all.

## *Summarize your ticket-fighting experience.*

Fortunately, I've developed a driving behavior that while allowing me to travel at safe and efficient speeds has also allowed me to remain "under the radar" (pun intended). That behavior includes maintaining a low speed variance, not being "the fast guy on the block" and sticking out, and staying in the middle of packs of cars remaining incognito. After almost 10 years of being in Connecticut, I've gotten only two speeding tickets, both of which have been dismissed upon pleading "Not Guilty," evidence that fighting the tickets is well worth it.

I've helped other NMA members fight traffic tickets with similar results. The most successful folks are those who understand "being forewarned is forearmed." Being forearmed with the knowledge of the way to handle the situations as they happen is the best defense. This knowledge includes how to drive (defensive behavior), what to do if stopped (and what *NOT* to do), and how to proceed immediately after the encounter. This is exactly why I suggest that all members rent the NMA *Legal Defense Kit*<sup>™</sup> well in advance of getting any tickets and reviewing everything (and taking notes!)

Contacting your Activists, State Chapter Coordinators, and the NMA National Office for help a few days in advance of your court date is several months too late. Whenever I get those, I always respond with, "Good Luck, and let me know how it goes!" 🙌

*No Activists  
or  
State Chapter Coordinator  
in your state?  
Interested in becoming one?  
Contact us for more information.*

# News From Around The Country

## Arizona

Paradise Valley plans on using cameras to catch speeders. "It's the first time in the country that red-light traffic cameras at intersections are being modified to become electronic speed traps," Paradise Valley Police Chief John Wintersteen said.

## California

The ticket cameras in Santa Rosa have been removed. The cameras were simply costing too much to operate and not catching enough violators, police said. About \$400,000 later, police decided the program wasn't worth the cost. There had been only two cameras.

## Georgia

Georgia has become the 21st state to pass a 0.08 percent blood alcohol level law. The Governor's Highway Safety Package (which includes 0.08 percent as well as provisions on open containers, increased penalties for repeat offenders, and implied consent) passed and will now go to the Governor for signature. The new law takes effect July 1, 2001.

## Illinois

A bill (H.B. 3399) has been introduced in the Illinois Legislature that would allow county boards to declare operable vehicles on private property a nuisance and order them to be removed, unless they are registered as "Historic." Under current law, only inoperable vehicles can be targeted for removal. Once a county board has declared an operable vehicle a nuisance, the owner has only seven days to remove it before facing fines.

## Indiana

House Bill 1007, if passed, will double the fines for speeding in construction zones when workers are present. The Senate Transportation Committee with a 5-2 vote, took a provision out of this bill. This

provision would have given the Indiana Department of Transportation the authority to raise speed limits five mph on state highways and rural sections of interstate highways.

## Minnesota

The State Government, Economic Development and Judiciary Budget Division of the State Senate rejected a proposal to cut the blood-alcohol limit from 0.10 percent to 0.08 percent. A week later, The House Transportation Finance Committee voted 10-4 against the same bill.

Minnesota has also killed a bill that was being called "The Photo-Cop Bill" in the House Transportation Policy Committee. This bill would have allowed the use of photo enforcement in the state.

## New Mexico

New Mexico is launching the first phase of a statewide plan (to be implemented over the next 90 days in partnership with VisionRx, an Internet company) which will enable drivers to complete both their vision and written motor vehicle exams over the Internet, either from home or at a nearby public library.

## North Carolina

Charlotte spent three weeks in April cracking down on speeders through the use of disguises and hiding. Some officers were on foot, dressed like deliverymen or utility workers, but carried small radar guns. They clocked speeders, then radioed other officers in patrol cars who made the stops. Signs were posted to warn drivers they were entering an area of stepped up enforcement. Officers wrote tickets for speeding, following too close and changing lanes without signaling.

## Ohio

On April 24th, the Senate committee responsible for speed limit issues scheduled a hearing on SB 51, a

bill to eliminate split speed limits for cars and trucks on Ohio highways. At the time of this printing, there is no information on the outcome of that hearing.

## Pennsylvania

In the 4-3 ruling on a case from Northampton County, the Pennsylvania Supreme Court majority said that DWI roadblocks did not violate the Fourth Amendment protection against unreasonable search and seizure so long as they comply with guidelines established through previous court cases. In one of two written dissents, Chief Justice John P. Flaherty said that roadblocks in any form constituted a seizure that violated the Pennsylvania Constitution. Interesting to note that Justice Ralph J. Cappy (who concurred with the majority's decision) wrote in his opinion that only *three* of the 300 motorists stopped at the Northampton roadblock during a three-hour period were arrested for driving under the influence. He questioned the effectiveness of roadblocks in getting drunken drivers off the road.

## Tennessee

The Public Transportation and Safety Subcommittee has approved a bill to set the speed limit at 70 mph on controlled-access, non-interstate roads if they have four or more lanes and are part of the state system of highways. Presently, the law sets the limit on those highways at 65 mph.

## Texas

There is a measure, which has passed the Senate, which would boost fines for speeding at 95 mph or more to a minimum of \$200 and as much as \$500. ☞

# My Day With The CT Judiciary Committee

By Sheldon Wishnick, Connecticut State Chapter Coordinator

I had prepared for this day for some time. Many states had been considering the implementation of automated traffic enforcement and I knew a proposed bill was underway in Connecticut. While waiting for the bill to be drafted and the public hearing to be scheduled, I began my research.

Using the many resources of the NMA, I had documentation of the debates, or lack thereof, that occurred in other states. I learned that bills had been passed where the only testimony was from camera manufacturers, police, and people suffering injuries in red light accidents. Only in rare instances, where NMA members became involved, was testimony offered that showed the ineffectiveness of these devices, the unintended consequences, and the financial abuses that resulted.

By the time I learned the date of the public hearing on this bill, my testimony had been drafted (a copy can be found opposite this article). I assumed that there would be little public interest and arrived at the State Capital only fifteen minutes before sign-ups were scheduled to begin. Imagine my surprise when the line of

people stretched throughout the rotunda. I quickly learned that the automated enforcement bill was not the only bill being considered by the judiciary committee this day. In addition to this bill, the committee was also scheduled to hear public testimony on bills that would:

- Define rights of all concerned parties with assisted reproduction methods
- Permit law school students to waive repayment of educational loans by working for non-profit institutions
- Set a two year moratorium on the death penalty while the capital punishment issue is studied.

I was number 52 on the public agenda. This does not count the many legislators who testify without having to sign up. While waiting, I heard testimony from two priests, one minister, two nuns and the family of a homicide victim opposing the death penalty. I heard testimony from the family of another homicide victim and the family of a man on death row supporting the death penalty. I listened to doctors talking about transplanting eggs and surrogate mothers talking

about their roles and responsibilities. I heard from law school deans and law students talking about the big disparity between the incomes available in corporate and public work and the average debt burdens carried by law students.

My turn finally came just after nine pm, eight hours after testimony began. I was the first to comment on the automated enforcement bill. The committee members remaining were polite, but exhausted. After spending the day listening to the pros and cons of birth and death, I don't think they were terribly interested in what I had to say.

Was it worth it? I can't say. At this writing, the bill has not come up for a vote. I did provide each member with a copy of my testimony and supporting documentation. I also got the package to the transportation reporter from the Hartford Courant, although nothing has yet appeared in the newspaper. If logic can defeat legislation and legislators read the information supplied, we will win. This approach has worked for me in the past and I have high hopes for its continued effectiveness. I will be sure to let the membership know the results. 📧

## Email Renewal Notices

The NMA is testing a new way to let you know when it's time to renew your Membership. We are experimenting with email notification.

Normally, you receive two mailed notices before the expiration of your membership. This process begins approximately three months in advance of your expiration date. In case one of the notices is lost in the mail, this ensures that you will still receive at least one notification. This also means that you have plenty of

time to protect your continuous membership and keep your eligibility for benefits like the *NMA Traffic Justice Program*.

However, we believe we can improve on this process. Hence, the email notification. Before your regular USPS mailed notice goes out, we'll email you of your upcoming renewal date. This will give you an easier and faster way to renew your membership.

The text of these emailed notices will inform you of your expiration date, the several ways that you can

renew, and even give you links directly to the online renewal forms. This gives you a quick, hassle-free way to renew.

We also use your email address to send you special alerts on legislation in your area. If you would like to make sure that we have your correct email address in our database for the purpose of sending you renewals and special alerts, please email Kelly at [mbrdept@motorists.org](mailto:mbrdept@motorists.org) or call her at 800/882-2785. 📧

# Testimony of Sheldon Wishnick



*estimony of Sheldon Wishnick on Bill No. 6030 which would authorize automated traffic enforcement devices.*

I am here to oppose this bill in my capacity as State Chapter Coordinator of National Motorists Association, an organization dedicated to motorists rights and implementation of sound highway engineering practices in traffic control.

## ***Will automated enforcement lead to safer roads?***

A few years ago everyone was convinced that increasing the speed limit from 55 would bring carnage through the state. Now with higher speed limits implemented, accidents and fatalities continue to decline as they have for the past 30 years.

We now hear that red light running is the biggest danger facing us. However, statistics for the US and for Connecticut show that passing a red light is the cause of only 3% of all accidents and fatalities. The Insurance Institute for Highway Safety (IIHS) completed a study in 1999 called "Automated Enforcement of Traffic Laws" showing only 800 signal fatalities out of a total of 42,000. Clearly this kind of violation is not a major cause of crashes.

## ***Although having relatively small impact, wouldn't cameras reduce this death toll?***

Probably not. Do cameras in package stores and banks prevent robberies? The vast majority of signal classified crashes do not occur from someone attempting to beat a yellow light or ignore a red. Most involve inattentive or impaired drivers whose behavior would be unaffected by automated enforcement. The camera enforcement might only be helpful against the intentional red light runner. Even here, if this person would be willing to risk his life by driving through a red signal, the effectiveness

of a camera on his behavior is questionable.

## ***Why not give cameras a try? What is the downside?***

Unlike law enforcement officers, cameras have no discretion. There are times when a vehicle may be in the intersection on a red signal for a valid reason, such as:

- Personal emergency
- Malfunctioning traffic light
- To avoid an approaching emergency vehicle
- Unable to stop without skidding on ice or in inclement weather.

In each of these situations, the camera would issue a ticket leaving it to the motorist to prove his/her innocence.

Yes, I said *prove* innocence. The enabling legislation violates part of the 5th, 6th and 14th amendments to the constitution. The motorist would be denied due process, the right to confront one's accusers and the right to be presumed innocent until proven guilty.

Because of these problems, camera enforcement has already been prohibited in Wisconsin, New Jersey and Alaska.

There is another little discussed aspect of the placement of cameras at intersections. The IIHS study previously quoted, documents the likely increase in rear end collisions where automated enforcement is used. It is easy to visualize a motorist slamming on the brakes when a yellow appears to avoid an automated ticket while the motorist behind did not anticipate such a reaction and is unable to stop.

## ***With all these concerns, why are these cameras being discussed at all?***

Follow the money. The camera manufacturers have a great sales pitch to cash-strapped municipalities. They explain that with some enabling

legislation, they will be able to install these cameras all over town and maintain them for no charge. They only want a fair share of ticket revenue. Enhanced safety is not a major part of the sales process and has, in fact, never been documented. With the camera company gaining revenue and the town avoiding tax increases, everyone gains but the motorist paying the fines.

## ***If red light running were a safety concern, is there a better way to address it?***

Yes. *The Manual on Uniform Traffic Control Devices* (MUTCD) provides parameters for the operation of all traffic signals. An engineering study should be done at each problem intersection to be sure the signals meet MUTCD standards for design, location, visibility, timing and traffic speed.

The duration of the yellow signal should meet all specifications for the type of road and vehicle speed.

Accident and fatality rates should be measured before and after changes are implemented. Only if the procedures are unsuccessful should cameras be considered.

I urge all members of this committee to review the materials I have provided. If any benefit at all is perceived from automated enforcement procedures, these should be balanced against all the potential abuses discussed and the loss of our constitutional guarantees. I leave you with this thought about how our founding fathers in another context responded to relinquishing our hard-earned rights for the mere illusion of safety. Benjamin Franklin said, "Those who can give up liberty to purchase a little temporary safety, deserve neither liberty nor safety."

*Editor's note: The day before this issue went to print, we learned that Bill No. 6030 died in committee.* ☹️

## Saturn Boycott

It's been three years since the NMA petitioned the National Highway Traffic Safety Administration, NHTSA, to pass new regulations concerning Daytime Running Lights. The NMA petition was accepted and the following year preliminary regulations were issued.

Comments on the DRL regulations were requested and NHTSA took the results, supposedly to craft a final set of regulations. Two years later and still no regulations.

A focal point of NMA's petition were DRL systems that used high beam, bright, headlight components. Most notable of this practice were the GM Saturn products. We asked that these existing vehicles in use be recalled and that the DRL systems be

modified or disconnected to reduce the glare suffered by other motorists. We also asked that manufacturers be prohibited from offering *high beam* DRL systems on future models.

Given NHTSA's lethargic to non-existent movement toward developing new DRL rules, the NMA decided to insert a little urgency into the process. This past March, the NMA announced a boycott of Saturn products. The boycott was not intended to pick a fight with Saturn owners, but rather to prod GM and NHTSA into taking action to correct the problems associated with using over-powered, poorly designed DRLs.

A small group of NMA members and NMA Foundation contributors funded a major news release to

announce the Saturn boycott and to spell out concerns related to NHTSA's foot dragging on the development of new DRL standards. The release went out prior to the scheduled March meeting where NHTSA was supposed to announce the new rules. The meeting was cancelled and rescheduled for this April. The DRL regulations are mentioned as part of the April agenda, but only in the form of a question, "when will NHTSA release the new rule on DRLs?"

Meanwhile, in the three years since NMA first filed its petition for new DRL rules, millions of vehicles with poorly designed obnoxious DRLs have been channeled into the market place and put into service on US highways and roads. 

## Highway Fatality Rate Reverses

For the first time in 25 years, the national highway fatality rate has risen. The official numbers released for 2000 are 1.6 deaths per 100 million vehicle miles traveled. This contrasts with 1.5 deaths in 1999. Overall, 41,800 people died in traffic accidents in 2000, up from 41,611 traffic deaths in 1999. This means there was a total of 189 extra fatalities in 2000, over 1999. That is less than a .5 percent (one half of one percent) increase in fatalities.

All the likely causes are being paraded for public consumption. Some "experts" are pointing at an increase in the number of motorcycle-related deaths. Others are saying it's because more drivers are choosing sport-utility vehicles, which are more prone to rollover accidents. Another group is citing seat belt usage as a concern. And still others bring up the old favorite of higher speed limits and aggressive driving.

None of these experts or media

representatives actually address what is happening. This is simply a normal fluctuation. If you look at the actual numbers rather than rounding (as they have), the 1999 rate was 1.546. This increased to 1.555 in 2000. When talking about such a small increase (or for that matter a decrease), it is basically a normal fluctuation that can be due to any number of causes rather than a catastrophe. For example, the extremely mild winter and early spring of 2000 could easily account for this increase in motorcycle fatalities.

Why isn't any of this being brought up by the "experts?" Because this becomes an opportunity for government agencies, insurance companies, police officials, and anti-mobility proponents to push their own agendas. More punitive laws. More restrictive regulation. More intrusive enforcement. And, more obstacles to smooth efficient travel. All in the name of "safety."

The highway fatality rate in the US

can resume its historic pattern of decline, for years to come, if proven traffic engineering principles are employed, roadways are improved, new drivers are better trained, and vehicle buyers can choose the safety features that best suit their needs.

As was proven by the partial elimination of the 55-mph National Maximum Speed Limit in 1987 and its complete repeal in 1995, the solution to highway safety problems is not always more restrictive regulation. Punitive laws, arbitrary regulations, and enforcement for profit are not the answers that governments should be promoting. 

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## The Experts' Corner

**D**o you have a question that only an expert can answer? If so, look no further. We have many NMA members with special fields of expertise. This feature was created to assist members with answers to both practical and technical questions.

This sharing of knowledge is another benefit of belonging to the NMA. Please indicate that you are an NMA member when calling a listed "expert."

Can you help? Please contact us with your field of expertise and provide us with a contact address.

A telephone number would be very helpful, but is not required. Feel free to list preferred contact times if you do provide a telephone number.

***PLEASE NOTE: This is not intended for listing of commercial business services.***

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**As an NMA member, the Experts' Corner is available to you online at**

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## MEMBERS WRITE

*Your letters are welcomed and appreciated. This is a forum for diverse opinions, different perspectives, and personal experiences. Letters may be edited for length or clarity. Letters should not exceed 300 words in length. Full-length articles will also be considered for publication in the NMAF NEWS. Articles should not exceed 600 words in length. Positions and opinions expressed in letters and member-authored articles are those of the author and do not necessarily reflect NMA policies or objectives. To submit, you can email us at [nma@motorists.org](mailto:nma@motorists.org) or mail to our NMAF Office.*

Just got my latest **NMAF NEWS**. It was right on target about photo enforcement. The Oklahoma legislature is actively debating this very subject now. I've sent several letters already and intend to periodically send more. The information in the **NMAF NEWS** gives me ammunition to include in my letters. Unfortunately, I'm probably one of the few in this state who are actively fighting this thing. I'm happy to see that the NMA is finally having a chance at some "big" money to work with. I'm planning on sending some money to get matching funds. My only complaint is that you did not include a separate form to fill out for this purpose. Now I've either got to cut up the **NMAF NEWS** or make a copy of that page. I don't like to cut up the **NMAF NEWS** because I keep it for future reference. I have issues that go back into the '80's. I know it's not a big thing but you might think about that the next time.

**C. Frenzel  
Bixby, OK**

*Editor's note: Not including a separate form and envelope was strictly a cost factor for the NMA Foundation.*

There is no possible way to get through all of this information in a month.

I suggest advocating reading the

**Legal Defense Kit™** before you get a ticket!

**CA Young  
Fairfax, VA**

*Editor's note: Actually, from time to time in our literature, we have recommended that members secure the **Legal Defense Kit™** before they receive tickets, but human nature prevails and virtually no one rents it until after they have a ticket in hand. The same is true for other available materials or materials posted on our web site or materials that we sell through the **NMAF NEWS**. Hopefully, more members will take your suggestion.*

Thank you for the use of the **Legal Defense Kit™**. I picked up some very valuable information that was helpful. I would suggest to anyone with a speeding or other traffic problem to take advantage of the service offered.

I made out very well today, much better than I anticipated. Again, thank you.

**John Lynch  
Willow Grove, PA**

With the passage of state mandatory seat belt harness laws throughout the US beginning in 1985, most states passed such laws with secondary enforcement, that is, a police officer cannot stop a motorist merely for not using a seat belt. Under secondary enforcement,

an officer must first see another kind of traffic violation before stopping a motorist for not using a seat belt.

Over the last decade, the US Department of Transportation has pressured states with a secondary enforcement to change the law to primary enforcement. That means, under primary enforcement, an officer can legally go on a "fishing expedition" looking for an excuse to issue a citation under the pretense of not using a seat belt.

Primary enforcement can lead to further abuse of power by the police, such as profiling based on age or ethnic groups. Well-documented abuse of power by the police has been in the news for years and primary enforcement of a state's seat belt law only opens that door wider.

People in states with primary enforcement laws, or in states considering passing such laws, should contact their governors and state legislators and bitterly oppose such a law. They should make it clear that they will not support on election day any candidate who supports this policy.

The courts have decided that instead of protecting the people from the government, they should protect the government from the people.

**William Holdorf  
Chicago, IL**

I could respond to each issue with a whole article, but for now:

*continued on next page*

## Members Write

*continued from previous page*

You once had a reader tip with a workaround for DRLs. It's messy, but I use it. I love Blazers, but this one is going to be my last because GM stonewalled my complaints. Now NMA tells me about RPO T62. Justice at last!

And, I often tussle with people who grind the axe against SUVs but adore their vans. I'd like to see a true, unbiased mileage and pollution comparison between vans and standard-size SUVs like my Blazer.

Finally, I'd prefer responsible vehicle safety and emissions inspections. To forego them would endorse highway anarchy. Do you really want to share the road with owners who determine their own vehicles' condition. I don't. But the key is reasonable standards and enforcement. Fat chance, eh?

**David Carroll**  
**Lexington, MA**

*Editor's note: David, you've been living in Massachusetts too long! Most states dropped safety inspections decades ago, primarily because they couldn't prove any safety benefit, but they had plenty of evidence of graft, consumer rip-offs, and administrative quagmire. Most of the emissions inspection programs have the same characteristics, but EPA threats and federal financial sanctions keep them in place. Along with the reasonable standards and enforcement that you mention, there are better ways to target the problem vehicles than by forcing 100 percent of the vehicle population through an expensive inspection program to find the ten percent that need attention. 🐾*

## How To Become an NMA Premium Member

The **Premium Membership** option is designed to provide NMA members with valuable benefits while promoting the NMA's goal of encouraging members to challenge traffic citations they believe to be unfair or illegal. Here's how the **Premium Membership** option will work.

1. You must be a member in good standing of the NMA.
2. As a subscriber to the **Premium Membership** option you will be eligible for a grant up to \$300 or the stated cost (often referred to as "bail") whichever is less, for each traffic ticket involving a moving violation and the issuance of points against your driver's license. The subscriber must have a valid driver's license at the time the ticket is received. The receipt of the ticket and submission to the NMA will trigger payment to the subscriber. The subscriber may use the funds to develop his or her own defense, apply the payment toward an attorney, or pay the fine. (Please note this important distinction; **Premium Membership** subscribers are *NOT* required to pay the fine to obtain their grant payment.)
3. **Premium Membership** subscribers will not lose their regular **NMA Traffic Justice Program** benefit. The **Premium Membership** subscriber will first receive a grant for the amount of the speeding ticket. If the subscriber pleads "not guilty" takes the ticket to trial, and loses, he/she will **also** be reimbursed for

the cost of the ticket assessed at the trial. Yes, you read that right.

4. **Premium Membership** subscribers will receive a *free* one month rental of the **Legal Defense Kit™** to aid in the development of their defense. (Security deposit and shipping and handling charges are still required.)

5. The **Premium Membership** option will cost \$10 per month (above the regular membership price). Members may sign up using automatic charge card withdrawal or automatic bank account withdrawal options. Payment will be charged on a monthly basis and subscribers may discontinue their **Premium Membership** at any time. Annual payment by check or credit card will be accepted. However, annual subscribers will not be sent a special notice each year.

So there it is, a simple, straight forward program that rewards and assists you in the challenge of unfair or illegal traffic tickets. Win, lose, or draw you receive your grant *up front* and without strings attached. We're serious about making it possible for our members to stand up for their rights. Rights are like most other things in life, if they aren't exercised they atrophy and disappear. Consider that \$10 payment as your membership in the health club for motorists' rights.

Call 800-882-2785 or email us at [nma@motorists.org](mailto:nma@motorists.org) for more information or to sign up for this new membership program.

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