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COVER
"Holiday Roadblocks"

No Free Lunch

by James J. Baxter, President, NMA

Last weekend a major daily newspaper in Wisconsin reported that state courts are being swamped with thousands of cases where citizens are being confronted with jail time for driving on suspended driver licenses. These "criminals," most of whom have no criminal record, lost their licenses because they failed to pay traffic fines, parking tickets, municipal fines for city code violations, child support, truancy, or failed to honor some other government edict. The crisis was brought to a head by a little noticed change in Wisconsin law that made driving on a suspended license a criminal offence involving jail time. That also means jury trials and, potentially, public defenders at state expense.

Last summer when I testified against a .08 BAC standard I explained to the legislators that passing this bill to avoid federal sanctions (the primary motivation) was not a "free lunch." By vastly increasing the pool of "drunk drivers" to include responsible social drinkers, the legislature was opening up a whole new can of worms with serious unintended and costly consequences. First, half of the people convicted of DUI never again apply for a driver's license—why? Because they can't afford the fines and surcharges and they are unable to purchase insurance. Of course they continue to drive because their livelihood requires that they drive. If they're caught driving, new penalties are just heaped upon the old penalties. The hole just keeps getting deeper and deeper.

Welcome to the "new age" version of debtors' prison.

The DUI laws are not singularly responsible for this conundrum. They do account for 1.5 million candidates annually. But with every state legislature layering on new traffic laws, increased fines, and allowing the suspension of driver's licenses for any

and all transgressions against governmental authority, we're headed for a day when having a valid driver's license will be the exception and not the rule! OK, perhaps I exaggerate a tad. Still, there are federal government claims that one out of seven drivers does not have a valid license. That's about 25 million people! If we put all those people in prison, we'll have to change the old political motto of "a chicken in every pot" to "a prison in every town."

This shows every sign of getting worse before it gets better. Several states have substantially increased fines, added new penalties and offences, and the courts are in on the program. The states and local governments see traffic enforcement and the taxation of motorists as their salvation during this era of budget deficits. (Does this make you wonder how many votes the "tripling of registration fees in California" cost Ex-governor Davis?)

This won't stop or be reversed until the elected officials who perpetuated this shortsighted mess are sent back to the private sector. This includes everyone from the city council member who promotes four-way stop signs at every intersection, to the US Senator that pushes legislation withholding money from the states if they don't adopt the latest neo-prohibitionist commandment. If your state legislator won't sponsor legislation outlawing speed traps, find one that will and vote accordingly. If your governor won't order the state DOT to set reasonable and realistic speed limits, support a candidate who will. And, if your Congressman won't support the elimination of federal sanctions and the full use of fuel tax money for highway purposes, you need a new Congressman. Look at it this way, you won't be alone. There are at least 15 million other drivers out there who would like to see a change. ☺

Tax Season Is Coming

Tax Season is coming soon. Now is the time when many people look at their tax situation and consider donating funds in order to give themselves a much-needed tax break.

If you find yourself in this situation, please consider donating to the **National Motorists Association Foundation**.

The NMA Foundation gives NMA

members, and others, the opportunity to make tax-deductible gifts and contributions to the maximum extent of the law. That means you'll have the opportunity to reduce your personal tax burden while promoting the causes of personal freedom, driving pleasure, a less intrusive government, more rational laws, and travel and mobility opportunities across all facets of our society. If you donate before

December 31, 2003, you can take advantage of this year's tax rate.

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Turning The Corner?

In a rare turn of events we have an incredibly unique phenomenon to report. A state Supreme Court rediscovered the long lost and ignored Fourth Amendment to the United States Constitution, and the equivalent language in the state constitution.

The Georgia Supreme Court recently ruled that a major section of the state's implied consent law was unconstitutional. Specifically at question was the provision that mandated drug testing of all persons involved in a serious traffic accident. (I assume this was confined to drivers of motor vehicles involved in the accident.) Refusal to take the tests

resulted in a one-year license suspension as well as authorizing the prosecution to mention the refusal at trial. The Georgia justices held that such tests required probable cause before they could be administered.

State enforcement officials lamented that this was a terrible loss of an important enforcement tool. The court was not unduly sympathetic to this concern. They looked beyond pragmatic expediency and affirmed the principle that legal and reasonable search and seizure requires "probable cause." While the court recognized the importance of removing impaired drivers from the roadway it also recognized the "slippery slope"

rationale of the enforcement officials. The court's decision stated: "No matter how important the purpose may be, it does not create a special need to depart from the Fourth Amendment's requirement of probable cause. Otherwise it could be argued that the state's interest in securing evidence in any situation of potentially serious criminal conduct would justify dispensing with any finding of probable cause."

The decision does not effect the use of implied consent when there is probable cause to believe a vehicle operator is impaired by drugs or alcohol. 📞

"Member Get A Member" Winner

Thanks to everyone who recruited new members in our "**Member Get A Member**" Campaign. As an added bonus, for every person you signed up, your name was put into a drawing for a radar/laser detector that was donated to us by the good folks at **Valentine One**.

We now have a winner! J. David Cowart is the lucky recipient of a

new **Valentine One Detector!**

We hope you'll continue to promote the NMA and encourage others to join. As a standard policy, the NMA awards you **three additional months** of NMA Membership **FREE** every time someone joins and mentions your name. So, please, keep up the good work in recruiting new members! You and the NMA will benefit. 📞

Be thankful we're not getting all the government we're paying for.

—Will Rogers



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California Black Box Law

In September, California became the first state to adopt a law that addressed the issue of event data recorders (or black boxes) in automobiles. When a crash occurs, these black boxes record certain factors seconds before the accident. The actual information recorded varies widely depending on the type of recorder. It could be something as simple as whether the air bag deployed, or as complicated as what speed your vehicle was traveling at, as well as if you were braking at the time of the accident.

One thing this law (which goes into effect July 1, 2004) has accomplished is that it brought attention to this issue. Attention that has been sorely lacking. The majority of drivers don't even know these devices exist, let alone the potential that their car's information could be used against them.

Most car owner's manuals only

have a sentence or two that tells you that your vehicle has a black box. And, even then, it is usually in the section that describes your air bag and implies that the recorder only records

While this new legislation does require the disclosure of these devices, the privacy protections outlined in this law are a joke.

that your air bag deployed. It doesn't go into detail on how many seconds before a crash are recorded or what other information may be included. This new California law will now require carmakers to provide more information concerning these devices.

While this new legislation does require the disclosure of these devices, the privacy protections outlined in this law are a joke.

This law states that no one can access the data without the owner's permission or a court order. If you look closely at this, you can see this really doesn't restrict anything. If you have been in an accident, it would be very easy for the court to order this information to be collected. No protection there.

A driver could also be pressured into giving permission for the information to be taken. (One scenario could be your insurance company threatening you with higher premiums if you don't share your car's information.) No protection there either.

While this brings much needed attention to the issue of black boxes, this isn't even close to being the "privacy act" that the politicians are touting it to be. ☹️

GPS Tracking Requires A Warrant

A recent ruling by the Washington Supreme Court declared that police are not permitted to attach a Global Positioning System (GPS) tracker to a suspect's car, without a warrant.

This stems from the conviction of William Bradley Jackson for the murder of his 9-year-old daughter in 1999. Spokane County deputies had obtained a warrant for the use of a GPS tracker on Jackson's vehicle. Jackson later unknowingly led the deputies to his daughter's grave.

Jackson's Defense Attorney contested that the warrant used for the GPS device was flimsy because it was based on the premise that if Jackson was guilty, he might return to the scene of the crime. Prosecutors argued that not only was the warrant valid, but that

the police didn't even need a warrant to utilize the GPS device because it was the same as tailing someone in an unmarked police vehicle.

The Washington Supreme Court upheld the conviction. However, they unanimously disagreed that the police can use a GPS device without a warrant.

"Use of GPS tracking devices is a particularly intrusive method of surveillance, making it possible to acquire an enormous amount of personal information about the citizen under circumstances where the individual is unaware that every single vehicle trip taken and the duration of every single stop may be recorded by the government," Justice Barbara Madsen wrote in the decision.

Justice Madsen also mentioned the

possibility of people being tracked to "the strip club, the opera, the baseball game, the *wrong* side of town, the family planning clinic, the labor rally."

Chalk up at least one decision against "Big Brother." ☹️

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Holiday Misery

by Eric Skrum, Executive Editor

The holidays are fast approaching, as are all the headaches that can be associated with them.

Soon the stores will be filled with marked-up merchandise, crushing crowds, and screaming children. All of which seems to make what should be a joyous time of the year a little less fun.

I want to help you avoid the hassle of shopping in person by suggesting that you consider ordering from the NMA. Not only does the NMA have interesting items to choose from, you also have the added benefit of ordering from the comfort and convenience of your own home. That means no onerous shopping trips.

What items are offered by the NMA? For a full list, check out the back of this newsletter. In the meantime, here is a partial list of our more popular items.

Every Woman's Car Care

The highways are jam packed full of folks who have next to zero knowledge about the vehicles they are driving. Not all of them are women, that's for sure, but this book is written by and for women. Its 262 pages cover everything from how to read gauges to "jump starting" and trouble shooting. Frankly, it's a great on-board manual for just about anybody to carry in his or her car.

Speeding Excuses That Work

This book is a combination of personal war stories, humor, and ticket avoidance tactics. The book maintains a stream of wit and is an easy read. There's good advice scattered throughout the book; advice that goes beyond talking your way out of a ticket. These topics include avoiding tickets in the first place, safety tips for women involved in

traffic stops, and debunking popular myths about traffic tickets.

The American Autobahn

If you are interested in the German Autobahn, then this is the book for you. The author offers a good overview of the Autobahn as well as America's Interstate System. You cannot find as good of an in-depth analysis of the two as you can in this hard-cover book.

NMA Gift Membership

As an NMA member, you can give someone a one-year membership in the NMA at a discounted rate of \$25. Not only will the recipient of your gift benefit, but so will you, and so will the NMA. Your goals for the NMA will be furthered by a stronger NMA. And, the NMA's ability to change public policy and protect its members' interests will be advanced through a larger membership. And don't forget, for each new member you bring to the NMA, you will receive an additional three months of free membership.

NMA Racing Patch

These are a new item for the NMA. The patches are three inches in diameter and can easily be sewn to just about anything (hats, jackets, shirts, etc.). The patches have a white background, a color NMA logo inside, and are surrounded by a black border. You have the choice of round or square patches.

To order these or any of the other items the NMA has for sale, you can use the form on page 15 of this newsletter, call the NMA Order Department at 800/882-2785, or order them online at www.motorists.org

Have a safe and happy holiday season. 🍷

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Red Light Timers

From Nutz & Boltz Magazine

Imagine you're driving down the road and you see a red light ahead in the middle of a large intersection. The pole on the right-hand side of the intersection has a small illuminated display, about the size of the "Walk/Don't Walk" signs used at pedestrian crosswalks.

The display sign has numeric characters which are counting down from 30 to one, starting with 30 as the light turns red, and to "one" when it goes to green. Because of the countdown, you know how to judge your approach speed so that you can minimize the use of your brakes. The counting sign allows you to coast along, and avoid coming to a complete stop as you approach the intersection.

Over to your right is another driver who is about to cross the intersection from your right. While you are traveling northbound, he is going westward. Even though he sees the green light up ahead, he's slowing down. Why? Because he's also looking at a countdown sign, one that is facing in his direction.

He's been watching the countdown for the end of the green light period, and he knows that he doesn't have enough time to get across the intersection before the light turns red. The numbers on his display are rapidly dropping to zero, and he knows he'll never make it. He slows down ahead

of time, coasting the last 100-or so feet up to the red light.

It Works

Sound like a Sci-Fi story? Actually, this is a description of a red light system that is already in operation. Red light countdown timers are a reality in the Far East, and they work very well.

The traffic flows evenly through the intersections without drivers speeding up to make it through or slamming on their brakes where the red catches the driver with too little time to stop. The traffic flow at these traffic light timed intersections in the Far East is rhythmic, with traffic coming in from all four directions and proceeding

Red light timers (RLT) give motorists advance notice of when the light will change, allowing time to stop and avoid running the light.

smoothly through. There is less tension overall since there's so much less concern about the traffic light timing.

Just knowing the red light change interval gives the driver a new sense of ability and control. The driver is given the ability to see the time interval left, and to make any needed corrective actions in the approach speed in order to more intelligently control the situation. The driver's decision making process is enhanced by the knowledge of the time remaining in the red or green interval.

In contrast, Western traffic light intersections are a crap shoot. You drive toward the green with your heart in your throat, with your foot on the gas but ready to hit the brakes at any moment. You think to yourself, "Is this going to be my lucky day and the light will stay green?"

You don't know. Traffic engineers don't want you to know. You are purposely kept ignorant. And if you

don't see the yellow signal in time, you're likely to have to make a quick decision whether to proceed—or suddenly slam on the brakes.

At the red light camera intersections, the government hopes you won't stop in time so you can be fined. With Western traffic light control, there's a financial motivation in order to penalize the driver. This is wrong. There should be a safety motivation, not financial. We penalize instead of improve. Red light cameras aren't the answer.

The Value

Red light timers offer some very important benefits. The timer would save fuel, eliminate the need for expensive red light cameras, and reduce wear and tear on vehicles. But best of all, red light running and crashes at intersections would be significantly reduced, just as they have in Viet Nam.

We desperately need an overhaul of our traffic control system. And punishing drivers with red light cameras doesn't make the problem go away. It only hurts those who are entrapped, turning a traffic control problem into a profit center.

This is totally the wrong way to go. There is available technology to easily and inexpensively add countdown displays at intersections. It is already employed at pedestrian crosswalks. It would be a good idea for local governments to compare the relative effectiveness of traffic light timers.

Red light timers (RLT) give motorists advance notice of when the light will change, allowing time to stop and avoid running the light. Adding an RLT to an intersection will virtually eliminate crashes.

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A Strategy To Encourage Ticket Fighting And Win

by Ken McGrew, NMA Member

This is a summary of ticket fighting strategies. The full article is available on the NMA web site at www.motorists.org/issues/tickets/visualestimation.html

The biggest threat to the motorist is not the newest radar technology, but officers who violate procedures and then lie to justify the tickets they've issued. We all know about officers hiding just over a hill or around a corner (which prevents them from conducting a proper tracking history).

In those prosecutions the court often ignores the time over distance problems, or the officer testifies that he was parked at a different location. Even when a defendant can show that the enforcement technology used wasn't properly tested or wasn't in proper working order, some courts have been willing to accept the visual estimate of speed as sufficient to uphold a conviction.

Nothing I've written here will surprise NMA members. We know that the economic benefit to judges, prosecutors, and officers influences the legal process where traffic enforcement is concerned. That's why the NMA advocates motorists fighting their tickets. We know that if a relatively small percentage of motorists went to trial that the profit in traffic enforcement would evaporate.

So far this hasn't happened and one reason for this is that most motoring taxpayers won't contest tickets, even for the greater good, if they believe they can't win. They pay the ticket, or take a plea agreement. For large numbers of motorists to fight their tickets, they need to believe that they can win. If we could identify situations where prosecutions are particularly vulnerable and then sponsor test cases, complete with extensive expert testimony, we could establish case law that Pro Se defendants (persons who represent themselves in court, without an attorney) could use to

win in court. Then large numbers of motorists would fight their tickets.

There are situations where we can potentially establish this case law. Because the situations I will describe involve scientific principles or binding national law, these court decisions could be cited in any State.

Visual Estimates Of Speed

Testimony regarding the ability to conduct a visual estimation in dark conditions is vulnerable. To estimate the speed of vehicles there must be stationary objects to compare them to. In the dark the human eye can't see the reference points. Experts can establish this in court. There is case law that supports this position, though I found no cases directly on point. By winning test cases, we could remove or limit the ability of traffic officers to issue radar, laser, or vascar tickets in dark conditions.

A similar situation arises when officers testify to visually estimating speeds in rear view mirrors. Not only is the human eye incapable of this, but the rear facing radar unit might be picking up vehicles that the officer can't see in the narrowed range of vision of the small mirror.

The Legality Of Posted Speed Limits

The federal government requires all States to comply with the *Manual on Uniform Traffic Control Devices* (MUTCD). The NMA has an extensive list of cases, both state and federal, that acknowledges the binding authority of the MUTCD. While many of the MUTCD's requirements are optional or strongly encouraged, some requirements are absolutely mandatory.

One such mandatory requirement is that an engineering study be conducted **before** a speed limit can be **posted**. Citations based on traffic control devices that don't comply with mandatory requirements should not be

enforceable. My search turned up only one case where this was argued. This is an "unpublished decision" (which means it holds no precedent) by the Appeals Court in Wisconsin in 2001 (*State v. Dawson*). The court held that a speeding citation was not enforceable because the speed limit sign did not comply with mandatory height and appearance requirements in the MUTCD.

Perhaps as many as half of all roads in the United States have never had an engineering study conducted, and those that were conducted may not have been done in compliance with the MUTCD. By establishing precedent in this area we could take away half their revenue in the short run.

Untested Equipment

The last category of tickets that I want to mention is pacing citations issued without a calibrated and certified police speedometer. Like radar and other cases where enforcement technology is used, if a speedometer wasn't calibrated and certified before a stop, and checked after a stop, it should not be accepted as being reliable. The NMA has reviewed a list of cases that discuss the requirement to have tested speedometers to sustain pacing convictions. As the appeals court in Connecticut stated in 1968, "Cases involving untested speedometers should not arise."

Prosecutors have been saved the expense of proving in each case that radar works by establishing precedent based on expert testimony. Along the same lines, I am hoping to save the average Pro Se defendant the expense of mounting an expensive scientific defense by winning test cases that are vulnerable on visual estimation testimony. The last two categories of cases are legal arguments that could stop prosecutions before they begin. I believe that this strategy could open the floodgates of Pro Se litigation. ☞

Montana Puts Profit Into Drunk Driving Convictions

by Eric Skrum, Executive Editor

Montana has a new DUI law that will generate a lot of money for the state, but won't make the roads any safer.

The new law states that if a person receives a second DUI, the court has the option of installing breathalyzer ignition interlock devices at the expense of the driver or it can seize every vehicle owned by the defendant and auction all of them off.

Because the law is so new, some judges, prosecutors, and defense attorneys aren't even aware of the interlock option. Meanwhile, a good number of judges and prosecutors that are aware of this, unsurprisingly, opt instead for vehicle seizure.

What makes this law so heavy-

handed is that when the ticketed person owns more than one vehicle, all the vehicles can be seized. Anyone who tries to avoid this by selling or transferring vehicles before sentencing can be jailed for two years and fined \$20,000.

And, if you believe that this isn't going to be a problem for the average motorist, think again. With Montana's current Blood Alcohol Content (BAC) presumption level of .08, it has become extremely easy for a driver to receive a DUI.

Combine that with the idea that many police agencies will be cracking down on "drunk" drivers (in the name of safety, but in reality for the money to be gained from fines and car seizures) and your chances of receiving that second DUI and losing all your vehicles increases.

The danger isn't too great yet because the law is new and many judges are waiting to see the new law in writing before enforcing it.

However, there are others gearing up for the enforcement of this law. For example, Great Falls police seized nine vehicles in two weeks, which will be turned over to the lien holder or sold at the city's annual auction. Great Falls Police Chief Bob Jones is expecting so many vehicles to be seized that he has begun searching for more storage space.

While the Montana Drivers Control Division predicts roughly 500 drivers will have their vehicles seized and sold annually, there most likely will be more, as cash-strapped Montana agencies refine this new revenue-generator. 🐾

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Delaware Digital Speed Limits

Delaware is switching to "variable" speed limits by Thanksgiving of this year. The Department of Transportation (DOT) is installing solar-powered digital speed limit signs that will allow the DOT to change the speed limits at any time.

The signs' purpose is to slow motorists down in case of bad weather or major accidents which isn't necessarily a bad idea because they may help alert drivers to unseen dangers ahead. But the signs will also be used to lower the speed limit on "code red ozone alert days." The theory is that this will reduce daily

ozone emissions and bring the state into compliance with the 2005 federal pollution targets in order for the state to qualify for road and transit money.

The first 23 signs will be on the 11-mile stretch of I-495. In later phases of this project, 87 more signs will be installed on a portion of Delaware 1 and the 23-mile stretch of I-95 from Pennsylvania to Maryland.

The electronic signs cost \$8,000 each compared to the normal \$310 metal signs. Each sign (paid for by a state bond bill) is charged solely by solar power and will use wireless communication to change speed limits. 🐾



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Right Move, Wrong Reason

The Glendale, California City Council introduced an ordinance to raise the speed limit by five to ten mph on portions of 32 local streets.

And, the police are supporting this speed increase. No, this isn't the Twilight Zone. The police are actually supporting higher speed limits.

The reason behind this move is that California law does not allow police to use radar or laser to enforce speed limits unless those speed limits are set at or just below the 85th percentile (i.e. what 85 percent of the traffic is flowing at).

While studies have repeatedly shown that the 85th percentile is the safest speed at which to set traffic flow, this proposed speed increase is

not being done for safety. It has been introduced so that the police may use the speed measuring devices of their choice. If this ordinance isn't passed, the police will have to resort to "pacing" (i.e. following vehicles for a set distance and issuing tickets according to the speed shown on the cruiser's speedometer). The police are reluctant to use pacing as it "introduces a public hazard." "Please give us the tools to do our job," Sgt. Lewie Guay appealed to the council.

Because the emphasis on the speed limit change is strictly on legalizing the use of radar and laser, the public is not being informed of the advantages that higher limits will bring. With limits set at the 85th percentile, there is less tailgating, less weaving in-and-out

of traffic, and smoother flow of traffic.

Instead, the public is already speaking out against the possible increase because they believe it will make the streets more dangerous. "The signal the city should be sending to the public is we should slow down, not speed up," said Glendale resident Bob Goetz.

If the City Council does approve the increases, it would increase the limit from 25 mph to 30 mph on certain streets while on others it would increase from 25 mph to 35 mph. This is actually just below the 85th percentile, but it does bring the city into compliance. Due to the pressure from the police, this ordinance will most likely pass. 🗨️

Mexico Sets A New Standard

Transportation officials often look overseas for inspiration on the latest and greatest safety trends to use on our roads. In fact, Europe was using photo enforcement a long time before the United States decided to follow their lead.

Maybe transportation officials should be looking to our southern neighbors for some ideas rather than across the sea. Newly elected Mayor Eruviel Avila Villegas of Ecatepec, Mexico has decided to take a novel approach to traffic tickets.

He got rid of them.

Avila decided to abolish parking and ticket fines in an effort to solve an infamous Mexican problem; police demanding bribes. The idea being if

the police can't issue you a ticket, they can't hit you up for money.

"We are renewing and revolutionizing our city," Avila said. "People will always speed. They will always park illegally. But this way they won't have to pay bribes."

Does the idea that tickets are issued to generate money for the police sound familiar to you?

When asked if he was worried about the lost revenue from traffic tickets, Avila replied, "For every peso that went into the city's coffers, five went into the pockets of police. The social benefit of doing this is greater than what we lose in revenue."

It sounds as if Avila has an idea or two worth taking a look at. 🗨️

Visit the NMA Web Site at www.motorists.org
for more motorist information!

Nines

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Holiday Roadblocks

This article first appeared in the *NMAF NEWS* Volume 12 Issue 6.

The holiday roadblock season is almost here. This means not only will you have to endure endless commercials that count down the number of shopping days left, you will also have to tolerate the third world scourge of roadblocks.

The increase of travel and holiday celebrations (and federal grants) during this season is what stimulates the use of roadblocks. MADD pushes for DWI roadblocks while certain police agencies find that seatbelt or insurance paper roadblocks are their checkpoint of choice.

The NMA believes that the only justification for stopping citizens under a roadblock scenario is to warn them of an unseen peril that could cause injury

or death to an unsuspecting motorist. Roadblocks (as used in the US) are designed and intended to use fear, intimidation, and inconvenience to expedite a government edict or a political agenda. They have a net zero influence on public safety.

Keeping this in mind, here are a few thoughts on how to deal with roadblocks.

When you are first approached at a roadblock, open your window slightly and wait for the officer to make his statement or ask his questions. If he simply offers the canned explanation for the stop and asks to see your license, have it ready to hand to him. If he asks any further questions, you should politely decline to enter into a discussion. Something like, "Officer, I really don't approve of roadblocks and I don't care to discuss my affairs."

The positive effect of this is that you aren't giving incriminating answers to seemingly innocuous questions. If at the very beginning of the stop you set the precedent that you are not going to answer questions, there is no legal reason for detaining you. By law, you are not obligated to answer these kinds of questions and you cannot be detained because you refuse to chit-chat with the officers at a roadblock.

This also takes away the police's ability to report on how the public favors their actions. The police love to report how grateful the citizens are and how motorists appreciate the presence of roadblocks, and how they compliment the officers on "being out there and protecting us from the menace of (fill in the blank)." If enough people complain, you can help to eliminate this propaganda opportunity.

There may be a negative reaction to your expression of disfavor. Legally, there is nothing wrong with not answering questions at a roadblock. That doesn't stop the police from

"jerking your chain" either. They may keep you longer or try to intimidate you with a show of "authority." Before you enter a roadblock, you need to decide if you are going to stand up for principle or be compliant and cooperative. Most people will choose the latter. However, if just a few motorists refuse to be victimized by the use of roadblocks, the police will become reluctant to continue or expand this practice.

You also need to know that the police do not have the authority to search you or your vehicle, not without probable cause, or at least reasonable suspicion, that you have, or are committing a crime. They may ask your permission for a search—which means they do not have legal grounds to force a search. You should not permit a voluntary search of yourself or your vehicle.

A special note on DWI roadblocks. You shouldn't allow any object to penetrate the interior of your vehicle. Chances are that flashlight shining in your face also has an alcohol sensor on the end of it. You can be required to show the usual documentation, such as your driver's license, but you do not have to open your window any further than the space to hand it out.

If, for any reason, you are ordered out of your car, lock the door behind you. This will avoid anyone entering your vehicle without your permission. Locking the door is a clear expression of your intention to refuse a search.

These are just a few suggestions on what you can do at a roadblock. It takes courage to stand up for yourself and your rights especially when you're stopped at night with all the bright lights, orchestrated show of force, and flashlights thrust in drivers' faces. For more information on roadblocks, visit the NMA web site (www.motorists.org) or the Roadblock Registry (www.roadblock.org). 



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News From Around The Country

At the time of printing, the legislative information is correct. To track the progress of these bills or for contact information for your legislators, you can visit the *Speak Out!* section of the NMA web site at www.motorists.org/speakout/state.html

You can also find NMA positions on any of these topics (as well as talking points) that you can use when contacting your legislators on these issues at www.motorists.org/issues/index.html.

Colorado

Colorado Springs is reducing many of the speed limits to 25 mph. Fines for speeding above this new limit will be \$10 for every mile per hour over the speed limit.

Delaware

Wilmington currently has ten red light cameras. They are currently negotiating for another ten to be installed by the end of the year.

Florida

Escambia County Judge William White has begun a unique new punishment for those convicted of drunk driving. Those convicted must put a bumper sticker on their car that says, "How's my driving?" This is followed by a toll-free telephone number and the statement, "The judge wants to know!!!"

Indiana

Marion County has raised its traffic ticket fines by \$40. The increase will take place December 1, 2003 and is expected to bring in an additional \$640,000. Some of this money will go to purchase jail space and the rest will go to increase salaries for deputy prosecutors.

Michigan

Michigan is among the states with laws requiring drivers to move at least

one lane away from a stopped emergency vehicle. So, the State Police set up a mock emergency on the shoulder of Interstate 496. They nabbed 73 drivers who failed to comply with the new law. They raised \$36,500.

Minnesota

The Minneapolis area is experiencing more traffic enforcement as the city doubled its traffic unit from 11 to 22 officers. Edina, a suburb of the city, is considering adding another officer to their traffic enforcement as well.

Governor Pawlenty has unleashed a plan that would suspend the driver's license of any student who are absent from school 20 percent of the time.

New Jersey

New Jersey has a new law, which allows prosecutors to charge motorists with vehicular homicide, punishable by up to ten years in prison and a \$100,000 fine, if the accident was caused by sleepiness.

New York

Governor Pataki signed Senate bill 1690 which allows the New York DOT and New York Thruway to raise the speed limit to 60 or 65 on roads under their control. This includes two lane roads. The bill also makes the 65 mph speed limit permanent.

There are currently several bills that would prohibit teenagers from using any cell phones while driving (even hands-free cell phones). One bill would limit anyone 20 years old and younger from the phones.

Ohio

SB125 would enact a Primary Seatbelt law. This would allow police to pull over motorists for failure to wear a seatbelt.

Oregon

Governor Kulongoski has signed House Bill 2661 into law. This allows

the DOT to raise speed limits on certain sections of the interstate system to 70 mph.

Tennessee

The Air Pollution Control Board is recommending that some speed limits be lowered from 70 mph to 55 mph. The theory is that this may help bring the state into compliance with EPA air standards.

Texas

Fort Worth school buses are being outfitted with radar transmitters that will send radar transmissions up to one mile away from the bus in order to fool radar detectors into thinking that a police officer with a radar gun is near.

Beginning September 1, 2003, anyone convicted of a DWI must pay the Department of Public Safety a surcharge for three years. They must pay \$1,000 a year while those with a second conviction will pay \$1,500. If their alcohol level is .16 or above, the surcharge is \$2,000.

Washington DC

DC Council member Phil Mendelson has proposed legislation that would divert photo radar camera revenue from the general fund to the Highway Trust Fund. And, also requires the mayor to evaluate the legitimacy of speed limits where the cameras are placed.

Wisconsin

AB575 is aimed at older drivers. Anyone between the ages of 75 and 95 would be required to retest every two years for a driver's license. Anyone older than 95 would have to retest annually. ☺

Have a **friend** join the NMA and you'll get an extra three months of membership **FREE!**



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 or mail to our NMAF Office.

To Ivan the Massachusetts State Chapter Coordinator:

I had my ticket appeal today in front of a judge and I was found "Not Responsible." You probably hear this a lot, but my thanks to you and the good folks at the NMA. Although I won by default (the officer didn't show up), this is the first time I'd gone into traffic court and felt that I had a really good chance at winning. I believe that the officer probably didn't show up because I exercised my rights in investigating the facts of the citation. All of this information would not have been brought together so well if it weren't for the people at the NMA.

I definitely appreciated your patience with all of my questions and the useful information you provided me. I also appreciated the information available on the web site and in the *Legal Defense Kit*TM. I definitely support the NMA's position on traffic tickets and will advise anyone to join NMA for that cause alone.

**Brian Man
Brighton, MA**

I've been negligent in not writing sooner. I have been very grateful not only to you and the NMA staff for creating/running this organization but to the NMA State Chapter Coordinators and Activists, as well.

Specifically, I'm a member, the Experts' Corner is available to you online at <http://www.motorists.org/join/membersonly/experts.html>

Steve Bacs, who has not only given me sound advice and suggestions on several occasions but has also offered moral support. Additionally, Gregory Mauz in Florida and Jim Thomas in California have been there for me when they were needed. Thank you also to an attorney suggested by Jim Thomas, whose name I've forgotten, who was very kind. **Keep up the Good and Vitally Necessary Work!**

On a different subject, I often travel long distances by car for business. On a 12-state trip from Arizona to Florida and back, not too long ago, I had plenty of time to notice the unbelievably Orwellian level abuse of motorists—the same items written up in each issue of the *NMAF NEWS*. Especially hilarious, in a very not-funny way, were the places that had "fines doubled in work area" signs.

Apparently this has become an extremely popular new fund-raising activity, maybe on the same level as Burger King inventing some new hamburger that they're pushing this season. In most of the cities and states I passed through, there was little or no work going on; what little work was going on was mostly not the kind where highway workers would be in proximity to moving vehicles that would pose a danger. Where highway workers are in any danger, I definitely support slowing down. However, in a *great majority of the cases* this was just

The two worst offenders by far

were the states of Texas and Florida where there were multiple and numerous five and ten mile long "fines doubled" areas. Not only was *no* work going on but it also looked as if either there hadn't been any work for a long time or there wouldn't be any work for a long time. Such places, for example, had only one or two small pieces of machinery, or none, neatly parked far from the road bed, and clearly had been sitting there for a while. No sign of workers' cars/trucks, port-a-potties, discarded cans & coffee cups, dug up earth, etc., etc., but the "fines" signs were there and, I'm sure, so were the Gendarmes in the bushes!

Thanks again and keep letting us know what we can do to support the cause.

**Andras Nevai
Sedona, Arizona**

I was shocked and very disappointed to see you proposing mandatory driving tests for people who have received a certain number of moving violations (and a small number at that). As you said in the latest issue of your own newsletter, speeding tickets are not about safety. They're about revenue generation. That's the case for all kinds of ticket traps.

Furthermore, even if it was about safety, which it isn't, there's

Members Write

continued from page twelve

no one speed limit that would be appropriate for everyone. People have different levels of driving skill, and therefore different people are capable of driving at different speeds. Speeding tickets, as you've indicated many times, are absolutely no indication of a driver's likelihood of having an accident.

What you proposed is an awful idea that I'd expect you to vehemently oppose after it was proposed by some headline seeking politician or some money seeking "non-profit" organization that's looking to scare everyone.

Furthermore, to suggest that someone's license be suspended while they appeal the decision is outrageous. Driving is an absolute necessity for many people. No license should ever be suspended until the appeal process is complete. I hope you're not opposed to constitutional due process.

I can't believe I'm having to send a letter like this to you. It should be you who's sending a letter like this to some power-grabbing government bureaucrat.

Steve Weitzman
Fairfield, CT

I was extremely disappointed with Eric Skrum's article on Elderly Driving Concerns, particularly the proposed "way to address the issue." Come on, Eric, another government bureaucracy? Just turn from page 3 to page 8 of the same issue to the article "Crisis On Our Roads?" to see the author's conclusion on how government agencies perform and why, a conclusion I agree with, both as a former government employee as well as my research in studying for a graduate degree in Public Administration.

What makes you think this bureaucracy would perform differently? In addition, your

suggestion that looking for patterns, such as moving violations is absurd, especially coming from an organization that purports to understand just why, in many cases these moving violation citations are issued.

Ted Rodgers
Mercer Island, WA

Editor's Note: I can sympathize with your opposition to the creation of a new bureaucracy. However, the problem of age-related impaired driving, regardless of the cause, is going to be addressed, with or without our involvement.

As I hinted in the article, there are many people who are proposing alternatives that are clearly draconian (such as no one over the age of 75 should have a license, period). If other, more reasonable solutions are not advanced, there is every reason to expect heavy handed and arbitrary alternatives to prevail.

I am responding to the letter in the July/August issue from David Holzman. I do not understand why this letter was published, and I sincerely hope that nothing like it ever is again.

His attempt to tie motorists rights to a diatribe in favor of immigration restrictions, and far worse, his pro-abortion statements have no place in NMA literature. And worse, he says the NMA should maintain its focus! To use the NMA to promote population control through hideous and murderous practices like abortion is simply unacceptable. I have been a member of the NMA since the CCRTL days of the late 80's. I sincerely believe in the purpose and the approach of our organization. But please, stay focused.

Population growth is a serious issue globally, not just in the U.S., but this type of elitist letter that deviates so far from the NMA's

purpose should never have been printed.

Dave Schweikert,
Noblesville, IN

Editor's Note: The reason that letter had been printed can best be explained by quoting the Members Write description on page 12. "This is a forum for diverse opinions, different perspectives, and personal experiences."

One of the most irksome behaviors of American drivers is lack of lane discipline. The NMA could have a significant role in leading a public education campaign to rectify this problem. Here in Maine, the Turnpike is being widened from two to three lanes. On the new sections that have opened, guess where the slow drivers are. Lined up in the middle lane. I can understand this on urban expressways, where people try to avoid the numerous on and off ramps by keeping out of the right lane. I do not understand why people do not move right when they are on a highway with exits every 15 or 20 miles. I suspect they do not know better. Hence the need for developing public awareness of this problem.

In the interest of smoother traffic flow, safety and courtesy, Keep Right Except to Pass needs more attention than an occasional sign along the road.

John Bianchi
Durham, ME

Visit one of the NMA web sites for more motorist information.

www.motorists.org

www.speedtrap.org

www.roadblock.org

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