



Driving Freedoms
NMA Foundation

TABLE OF CONTENTS
Volume 17 • Issue 5

NMA Now Has A Blog2
More EDR News.....3
A Public Road?.....4
Too Much To Ask?.....4
CA Supreme Court Extends
Car Searches To Passengers6
Fall In Italy.....6
Candid Camera.....6
Erica's Ferrari.....7
Again With The 55?.....7
Smile For The Camera: Photo
Enforcement News.....8
2006 NMA Business Members.....10
First Time For Everything11
News From Around The Country12
Members Write13
The Experts' Corner.....14
Motorist Marketplace.....15
NMA SCCs and Activists List16

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COVER

"Smile For The Red-Light Camera"

The NMA's New Blog
by James J. Baxter, President, NMA

The National Motorists Association is now blogging. Every Friday, I will post an editorial recapping the previous week's motorist news. Additionally, members of the NMA staff will be posting entries.

The NMA blog can be found at www.motorists.org/blog. The following is the inaugural entry for our blog and provides an example of the material you will find on our site weekly.

Earlier this week the papers carried an article regarding the Toyota Camry's failure to obtain a number one rating on the Insurance Institute for Highway Safety's (IIHS) crash test. The reasoning behind the IIHS's decision is that the Camry's seat backs are not stout enough to withstand the impact of rear-end collisions.

The IIHS spokesperson then went on (and on) about the untold numbers of injuries, deaths, and the billions of dollars in medical expenses attributable to rear-end collisions. I took special note of this because the IIHS has been barnstorming the country for years promoting the installation of red-light cameras. The irony here is that it is well documented that red-light camera installations significantly increase rear-end collisions!

If cornered, ticket-camera proponents, including IIHS, will admit that red-light cameras increase rear-end collisions, but they claim the cameras will reduce more serious T-bone collisions. This assertion is largely in the eye of the beholder. Studies done or supported by ticket-camera proponents support the premise that the cameras reduce side-impact accidents. Studies done by universities and others that don't have a vested interest in ticket cameras or the revenue they

generate, find little change or even an increase in side-impact collisions. All the studies show an increase in rear-end collisions.

Another subtle distortion of the ticket camera accident data is the use of percentages to obscure the real effect on accident rates. For example, the ticket-camera promoters will admit that there might be a "fifty percent increase in rear-end collisions," but will then counter with "this is offset by a fifty percent reduction in the far more dangerous T-bone crashes." However, when looking at the actual numbers it turns out T-bone crashes declined from six to three and rear-end collisions increased from 200 to 300. Yes, both represent a 50 percent change, but three fewer side impact crashes hardly justify causing 100 additional rear-end collisions.

What we have is an insurance industry trade association, on the one hand, demanding that automobiles be able to sustain all manner of collisions and then, on the other hand, promoting a technology that significantly increases traffic accidents. Adding to this mystery is the near silence from this same industry regarding proven techniques that actually reduce intersection accidents of all kinds, without counter-productive side effects.

Simply increasing yellow-light times a second or two has been shown to dramatically reduce violations AND accidents. Better coordination of traffic lights, removal of visual obstacles, larger and brighter lenses, dedicated turn lanes, and other engineering solutions can significantly reduce controlled intersection accidents. So why isn't the industry that could greatly benefit from these improvements stumping the land to promote

continued on page three



NMA Washington Report by Robert Talley, NMA Lobbyist

More EDR News

Over two years ago, the National Highway Traffic Safety Administration (NHTSA) issued a proposed rule regarding Event Data Recording (EDRs) devices. In August, NHTSA finally released the new regulations. Their press release trumpets the idea that consumers will be protected by the requirement that manufacturers must notify vehicle owners of EDRs and their capabilities in the owners manual (a requirement that the NMA has endorsed through its legislative initiatives). However, NHTSA does not require notification by manufacturers until 2010, four long years from now.

More importantly, NHTSA completely and nonsensically chose to ignore concerns regarding privacy rights and ownership of EDR data by not acting on these issues in the rulemaking. While the rule does discuss the concerns raised by petitioners such as the NMA, NHTSA claims that it has no role in protecting the rights of vehicle owners from third party abuse. Indeed, NHTSA appears to conclude that privacy rights issues associated with the EDRs will likely have to be resolved through legislation or in the courts.

NHTSA's decision to not address privacy rights or the abuse of EDR data only furthers the NMA's argument for legislation like H.R.

5609, which would secure vehicle owners' rights regarding EDRs. However, the legislative year has devolved into a political morass as Congress nears the elections in November. With an anticipated departure at the end of September, congressional interest in issues that do not make front-page headlines has waned significantly.

We face a real possibility that our initiative to protect the privacy rights of motorists from unnecessary recording of event data will fall into this abyss and we are working with our congressional supporters to try to prevent this. To assist us, we need your help in supporting this initiative. Please contact your legislator and ask for his or her support of HR 5609. The NMA web site includes a sample letter for your use as well as talking points to facilitate your communication. It can be found at www.motorists.org/issues/edrs/bill/index.html. ■

Blog

continued from page two

their adoption and installation, instead of championing accident causing ticket cameras? The reason is that red-light cameras are being used to grease the skids for camera based speed enforcement, the real cash cow—just think of the insurance surcharges resulting from those tickets.

Attempts to unleash photo radar and related automated speed enforcement in the United States have met with resistance and public distrust. Sure, there are isolated localities where photo radar is being used to exploit and extort money from motorists, but its use has not exactly swept across the country. The driving public seems to recognize this technology for the revenue raising scam it is and

elected official have been slow to impose it on voting constituents.

Conversely, there is near universal agreement among the citizenry that traffic lights should not be violated. That most red-light running, in particular the instances that result in serious accidents, are the result of poor, sloppy, and irresponsible government practices, is not commonly known. It's easy to blame careless and reckless drivers and then promote ticket cameras as the way to "get" and punish these dangerous miscreants. Once the laws allowing ticket cameras are in place, and the public becomes acclimated to camera based enforcement, it's assumed to be easy to introduce automated speed enforcement. Unfortunately, this is a fair assumption.

The singular fly in this ointment is that red-light camera installations

are killing and maiming people, and in the process, they are deterring needed intersection and traffic light improvements that could be saving lives and reducing injuries. Why? Is it because government officials worship revenue over the health and welfare of their constituents? You decide. ■

NMA Action Alerts are emails that notify you about motorist issues in your area.

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A Public Road?

A recent flurry of court decisions in Maryland and Virginia highlighted an odd legal loophole. Federal judges have been throwing out routine traffic violations that were issued at military installations. At the center of the resulting conundrum is the evolving definition of what exactly is a public highway?

People have been receiving traffic tickets on military bases for years, so you might wonder what suddenly changed. For an answer, we must look at the case involving Terrence Smith. Smith had been out drinking with friends in northern Virginia, when he got lost. Looking for directions, he pulled up to a call box on an access road and asked for directions. The person answering told him to pull forward, which he did.

Smith then found himself facing two armed men at the CIA Headquarters' main gate. The officers asked Smith to step out of the vehicle and by the time the ordeal was over, he had been arrested and charged with DUI, possession of cocaine, driving with a

suspended license, and making a false statement. The DUI charge was later dropped, but he was convicted of the other charges. Smith appealed the decision and claimed that the search had been unreasonable.

The appellate court ruled that the search was fair and therefore upheld his conviction on drug charges, but it also reversed his conviction for driving with a suspended license charge. The judges reasoned that the CIA access road did not meet the statutory definition of a public road.

In turn, this decision began a wave of challenges relating to traffic tickets issued on federal installations. The Smith ruling affected hundreds of thousands of people who drive on military bases in Maryland and Virginia, which are both covered by the 4th U.S. Circuit Court of Appeals and have similar definitions of public roads in their state statutes.

Virginia's legislators changed that state's law shortly after the Smith ruling to close the newly created loophole, but Maryland officials did not take action.

It was during this legally ambiguous time that NMA member Tom Esch's wife, Valerie Levanos, received a ticket for speeding while on the grounds of Ft. Detrick.

Her case was combined with another defendant's. This allowed her to take advantage of his public defender. It seemed likely that Levanos would be able to avoid prosecution because of the Smith case, especially because the magistrate that was to hear her case had ruled in favor of defendants who had used this defense.

However, in the meantime, there were other cases in the 4th Circuit that muddied the waters. In these cases, defendants were found guilty because the court ruled the roads in question were relatively public. Even if a driver had to provide identification prior to traveling on them, these roads could still be viewed as "public."

The magistrate in the Levanos case cited one of those decisions, *United States v. Scott*, and found her and her codefendant guilty. He avoided the issue of public access as much as possible in his decision because he assumed it would probably result in an appeal. He also offered Levanos probation before judgement with no points, which she accepted. This put an end to any possibility of her appealing. However, the other party in the case, who is facing license suspension does plan to continue his fight.

As the courts address this issue further, expect it to become a less viable defense. Of course, if the courts don't kill it, the legislators will. Even base commanders could decide to issue their own traffic rules as a substitute to state law, which would allow convictions to be made more easily.

The short-lived days of easy-to-beat tickets on military bases in Virginia are over and they're numbered in Maryland. In the end, the only loopholes that survive are those that favor the government. ■

Too Much To Ask?

Larry Olson wants the police to know the law before they cite him for violating it. It doesn't seem like too much to ask, but apparently it is. Olson, an NMA member from Idaho, has already fought several unjustified tickets. This includes recent ones for not wearing his seat belt and not having "required" mud flaps for his truck. Olson received these tickets even though a careful reading of the law showed neither to be valid.

First of all, Idaho's seat belt law (§ 49-673) clearly states that the requirement to wear a seat belt only applies to people riding in vehicles that weigh 8,000 pounds or less. Olson's Ford F350 and other large pickups are far heavier. Explaining this point of law to the officer

writing the ticket didn't help, but Olson did get the charge quickly dismissed.

While Olson's large truck allows him to avoid seat belt tickets, it also makes him more likely to be cited for failure to have mud flaps. Here too, Olson has done his homework. He found that the state statute (§ 49-949) does not require vehicles with factory built bumpers, which are fastened according to factory standards, to have mud flaps. This includes his truck and most other large pickups.

Olson plans to continue holding overzealous, ticket-hungry police officers accountable. If you're an officer in Idaho and you pull him over, you better know the law better than he does. ■

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CA Supreme Court Extends Car Searches To Passengers by Richard Diamond, NMA Member

In a pair of rulings, the California Supreme Court extended the authority of police to search both the driver and passengers of vehicles in traffic stops, even when the basis of the search is nothing more than a missing front license plate.

"We find that the passenger, whose progress is momentarily stopped as a practical matter, is not seized as a constitutional matter in the absence of additional circumstances that would indicate to a reasonable person that he or she was the subject of the peace officer's investigation or show of authority," the court concluded in a 4-3 decision in the first case, *People v. Brendlin*.

This case began in November 2001 after a Sutter County sheriff acting on a hunch stopped a 1983 Buick Regal that had expired registration tags but a

legitimate temporary permit displayed in the window. During the stop, the officer asked for the license of the driver and asked the passenger, Bruce Brendlin, to identify himself. The officer recognized Brendlin as a man wanted for parole violations. The officer then arrested the driver and Brendlin and found drugs in a search of the vehicle.

The court found that even though the traffic stop was illegal, the passenger was not "seized" by the traffic stop and could have ignored the police and left the vehicle at any time. As a result of the analysis, passengers in California won't enjoy the same Fourth Amendment protection against unreasonable search and seizure as the driver.

In a strongly worded dissent, three justices rejected the majority's reasoning.

"Passengers in a vehicle pulled over for a traffic stop are not free to leave, in either a practical or a constitutional sense," Justice Carol A. Corrigan wrote. "Certainly no one can safely leave the vehicle before it stops. Once it has pulled over, the officer has the authority, as a matter of law, to order that the passengers remain inside or get out of the vehicle. This authority is soundly based on the need to protect the officer's safety."

Eight of the twelve federal circuit courts of appeal and twenty-one state courts have ruled that passengers are seized when a vehicle is pulled over.

In the second case, *People v. Saunders*, California's high court ruled that not displaying a front license plate was sufficient justification to pull over a vehicle and question the passenger. ■

Fall In Italy

NMA member Herrmann Glocker will be heading for Italy this October. Glocker is the winner of the NMA's third annual European Driving Tour Sweepstakes. He, along with other donors to the NMA's Legislative Fund, were automatically entered to win their choice of three distinctive European driving tours.

This year, the tours, which are generously donated by the folks at www.driveeurope.com, included a trip to France, Germany, and Italy. Following their week in Italy, which will include time in Rome and throughout Tuscany, Herrmann and his wife Hiltrud plan to travel to Germany.

A complete report on the Glockers' great vacation will appear in the next issue of *Driving Freedoms* ■

Candid Camera

Cottageville, South Carolina has always had the reputation for being a speed trap. Now, there is actual proof available. Mayor Bert Reeves was unknowingly caught on videotape scolding Officer Jeremy Shomber for not writing enough speeding tickets.

"If you're not writing tickets, you're not paying for yourself, and if you're not paying for yourself, you need to hit the road," Reeves said. "The main priority of your job—and I don't like it—is to generate revenue. That's in order to pay for your position."

The videotape was recorded when the officer left the wireless microphone that clips onto his shirt and feeds information to his patrol car camera turned on during a meeting with the mayor and Police Chief Ray Taylor.

The tape also shows how the town relied on officers to write nearly \$1 million in tickets a year, about a third of which the town got to keep. The rest went to the state.

For his part, Police Chief Taylor agreed that writing tickets was necessary "in order to keep the police department the size we are" because Cottageville doesn't have the tax base that other towns do.

Ironically, Mayor Reeves is also a known speeder. He made national headlines in the spring after he was ticketed for going 103 mph in a 55-mph zone and was recently given a warning for traveling 71 mph in a 55-mph zone.

If you would like to listen to the tape, it is available online at www.newspaper.com/news/12/1216.asp. ■

Erica's Ferrari

by Ivan Sever, Massachusetts State Chapter Coordinator

Erica and my daughter became best friends at the beginning of middle school. Through the girls' common after-school activities, I got to know Erica's parents quite well. They lived in town and drove a leased Volvo station wagon.

The booming real estate market has been very good to Erica's father. In fact the business was so good that by the time the girls got to high school, Joe was able to get himself a Ferrari and move his family into a \$1.2 million home on South Street.

South Street is one of those meandering roads with tight bends and brief straights as it follows the river bank. Old estates spread out on both sides separated by acres of woods and fields. It's also a fun road to drive.

That's why one sunny Sunday afternoon I decided to take South Street on my way home from Home Depot. Just as I passed Joe's driveway, a police officer stepped out of the shadows.

"License and registration," he said. "I have to give you a ticket for speeding."

"Come on, officer. Can't you write me a warning?"

"I can't. We have to write citations, because a local resident filed a complaint," and he pointed to Joe's house.

Later that week Joe came to my house to drive the girls to a field hockey game.

"You have to help me," he said. "Last Sunday, I took the Ferrari out and somebody called the cops. They said residents were complaining about speeders. But I wasn't speeding. Honest!"

"Last Sunday I got a ticket as well," I said. "Seems that residents on South Street were complaining too."

Joe's face got as red as his Ferrari and he drove off without saying another word. I haven't spoken to him since.

At my hearing a few months later I had the cop acknowledge he didn't track me long enough to establish speeding as prescribed by law. The judge was unimpressed.

"I feel you were exceeding the speed limit," he said.

"But your Honor, the officer failed to establish that," I replied.

"The court finds you responsible. Next!"

And what happened to Joe's ticket? Erica told me her father got the cops to drop the charges against him.

The moral of the story isn't about the rich versus poor, about money, politics or corruption. The moral of the story is that every time you complain about "them," the authorities will be more than happy to punish YOU.

Every time you complain that "they" speed on your street, the authorities will be happy to find some speeders. Every time you say "they" run red lights, "they" don't wear seat belts, "they" are endangering us, the authorities will gladly step in to punish us all.

"They" are not the "enemy." In reality, we are our own enemy. ■

Again With The 55?

by Eric Skrum, Managing Editor

Every time I think the NMA has seen the last of arguments to lower speed limits to 55 mph, I am proven wrong. This time the proposal reared its ugly head in Connecticut. Senator Tom Gaffey of Meriden believes that this is an idea whose time has come, and he is making sure that everyone knows it.

Senator Gaffey is citing the usual misinformation regarding how lowering the speed limit will save gas and lives. When the 55-mph National Maximum Speed Limit was instituted, the majority of traffic did not obey the new speed limit. There is no reason to believe this would be any different if the limit

was lowered again.

Nor does the public seem to support reducing the speed limit. When New Jersey Governor Corzine tentatively suggested this course of action, the public outcry against his proposal was huge. It was so loud and adamant that the governor withdrew the suggestion within a few days, rather than weeks.

Additionally, statistics have shown that the fatality rate has decreased every year since the repeal of the national 55-mph speed limit. Reducing the speed limit would only reverse this positive trend.

Senator Gaffey is making a concentrated effort to deliver his message to the public with multiple press releases and appearances. However, NMA Connecticut Activist Sheldon Wishnick has taken these lemons and made lemonade. Sheldon has been contacting the same media with information from the NMA that shows exactly how wrong Senator Gaffey really is on this issue. And, the media has been running with Sheldon's efforts.

Sheldon deserves our appreciation for all his hard work and the positive NMA coverage it garnered. ■



Smile For The Camera:

Redflex Under The Lens

by Eric Skrum, Managing Editor

Redflex Traffic Systems, an Australian-based traffic camera manufacturer, has been getting plenty of media coverage lately and none of it has been good.

First, a little background on Redflex. Although it manufactures red-light and photo-radar cameras in Australia, it actually makes the lion's share of its profits in the United States. Ninety percent of its estimated profit of \$6.9 million will come from its 660 U.S. cameras, which are located in municipalities throughout 16 states. Redflex is also reporting that they believe the company is "ideally situated" to have their product increasingly used in California, Texas, Illinois, Ohio and Georgia.

Here is where it gets interesting. Despite all this profit, their stock continues its downward spiral from a high of \$3.80 last November to \$1.90 in August of this year. Why would the stock go down when it appears the company is doing so well?

It is because investors are losing faith in the company. The cameras are not delivering the estimated revenue

they should due to legislative problems in the U.S. The National Motorists Association was specifically mentioned by *The Australian* as one of the major sources of Redflex's stumbling blocks.

These efforts have led to the suspension of Redflex's cameras in some jurisdictions. In turn, this has meant that the company has had to increase its spending on legal and lobbying advice. All of which keeps chipping away at their bottom line.

Not only have investors lost faith in this company, Redflex seems to have lost faith in itself. In an August edition of *U.S.A. Today*, it was revealed that the location of the U.S. offices of Redflex is practically a secret. The company purposefully does not put its name on the building nor is it on the office entrance. All outsiders are screened by a receptionist before being buzzed in.

"That's for the safety of my employees," says Karen Finley, who was named CEO six months ago.

I believe that it says a lot about a company when it has to protect its employees from the general public. If a

company has to work from a "secret hideout," it shows a serious skepticism about the alleged good that the company is accomplishing.

Finley says she's baffled about her industry's image problems. Yet, I really don't find it all that puzzling. Most people see ticket cameras for the scam they really are. It doesn't help their case when cities like Cleveland are adding cameras specifically to balance their budgets. Additionally, independent studies have shown that these cameras have no safety value and often increase accidents.

The American public isn't embracing unjustified ticket fines and an increase in intersection accidents? What's so baffling about that?

Even though the U.S. Redflex office doesn't allow its name on the building it is in, we still have managed to get the address. You may want to write to Ms. Finley and explain why her company has such image problems.

Redflex
15020 N. 74th Street
Scottsdale, AZ 85260 ■

Ohio Judge Shuts Down RLC Cameras

Girard, Ohio has shut down its controversial speed-camera program following its loss in a class action suit. Trumbull County Common Pleas Judge John M. Stuard ruled that Girard illegally changed traffic violations from the criminal code over to a civil infraction in order to avoid restrictions in state law. He therefore ordered the city to discontinue camera use unless it is used in accordance with state law.

Girard Councilman Daniel

Moadus, who filed the lawsuit last August, was pleased with the court's decision, although he wasn't surprised. In March, another judge had struck down Steubenville, Ohio's camera program for similar reasons.

TraffiPax, the German Company that owns the city's traffic camera has urged the city council to back an appeal, but that seems unlikely. In fact, it appears doubtful that any of the city's seven council member

would side with the company.

Councilman Tom Seidler said, "We are going to move on. We have more things to do and bigger issues to deal with." Seidler cited the negative impact the camera had on business as a major reason for TrafficPax's lack of support. "They felt it was hurting their business. Many were told by people that they would no longer patronize their business because of the camera," he said. ■

Photo Enforcement News



Camera News Briefs

Arizona

Scottsdale has stopped giving vehicles owned by the Maricopa County Sheriff's Department and the Arizona Department of Public Safety a free pass when it comes to its automated speed enforcement program on the city's Loop 101. Increased pressure from the *East Valley Tribune* for the release of documents relating to speeding by Sheriff's deputies and Highway Patrol Officers was responsible for the change.

California

Data from the Bakersfield red-light camera program shows the cameras are counterproductive. Since cameras were installed at eight of the busiest intersections in the city, both accidents and injuries at those intersections have increased.

Iowa

The ACLU of Iowa is representing Thomas Seymour, a Davenport man who received a camera ticket earlier this year. The ACLU is asking the court to dismiss the ticket because it argues that the city lacks authority to depart from state speeding laws where the identity of the driver must be shown and constitutional rights of the accused apply.

Massachusetts

Springfield continues to ignore prohibitions against mailed citations as it seeks to install ticket cameras. The city recently received proposals from seven camera companies vying for the lucrative contract. The Springfield Finance Control Board will evaluate all seven proposals and submit recommendations to the control board's executive director, Philip Puccia. Puccia said he is "pleased" with the interest shown by the bidding companies.

Michigan

Despite confusion over whether ticket cameras would be legal in Michigan, the Detroit suburb of Southgate is moving to install red-light cameras. After a lengthy research period, Southgate officials found no law that specifically said they couldn't use the cameras, so they decided to put their findings to the test. Initially, the city will mail warnings to violators, followed by civil infractions.

Minnesota

In late June, lawyers from the ACLU argued at the Minnesota Court of Appeals that Minneapolis's defunct Photo Cop program was illegal. In March, Hennepin County District Judge Mark Wernick suspended the program after he ruled that the ordinance supporting it violated the Minnesota constitution. The city appealed this decision. The appellate judges are expected to rule on the matter by late September.

New Jersey

A bill designed to strictly penalizing drivers who ignore crossing guard stop signals also contained a provision that would have opened the door for ticket cameras in New Jersey, which is one of three states to entirely ban those devices. The bill did pass. However, the Senate Transportation Committee deleted its most heavy-handed penalties and the provision that would have made ticket cameras a possibility.

Ohio

After one year of using red-light cameras, Middletown's analysis of crash statistics shows that the number of accidents has increased at some of the intersections where cameras are located. City Manager Bill Becker

maintains that the camera program's primary goal is to make streets safer from dangerous driver. He should know, since he is one of the many "dangerous drivers" that has been ticketed by the cameras.

Saskatchewan

A recently released report dealing with the city of Regina's red-light camera program reveals a 12 percent increase in accidents, an eight percent increase in injuries, and a 14 percent increase in property damage accidents at intersections monitored by cameras. The report considered eight years of data—four years before the devices were installed and four years after.

Texas

The communities of Hickory Creek (a Dallas suburb) and Balcones Heights (a San Antonio suburb) are both planning on installing ticket cameras. They would join several other Texas cities that already have cameras. The spread of these devices in the Lone Star State is expected to continue given a recent decision by the Texas Department of Transportation, which also allows ticket cameras to be placed on state highways.

Wisconsin

The La Crosse Livable Neighborhoods Group plans to lobby the city council to install red-light cameras at various intersections in the city. According to the group's president Charley Weeth, the organization is "reviewing ordinances in other communities in other states to see what language they use to see what we can work into ordinances in La Crosse." Fortunately, Weeth seems unaware that ticket cameras are illegal in Wisconsin. ■

2006 NMA Business Members!

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of our regular NMA benefits.

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First Time For Everything

by John Holevoet, Director of Development

Paula Martin hadn't had a traffic ticket in her life, and she isn't an 18-year-old either. During more than five decades of driving, she had never been pulled over, and that's no small feat.

Her perfect driving record took a not-so-perfect turn on January 23, 2005. Paula was pulled over in her hometown of Paso Robles, California and wrongly cited for "unsafe starting." You may be asking why I am reporting on this now, more than a year and half later? Well, that's because this ticket was just the beginning of a long struggle for justice.

A day after she received her ticket, it was improperly altered and the charges against her were changed to "unsafe turning movement." At the arraignment, it was not even clear to her that the charges had been changed because the presiding commissioner asked all those present to waive their right to have the charges read aloud, and Paula didn't object. That was a mistake, but Paula learned quickly.

She had requested discovery prior to the arraignment, but she received no response. Once the deadline for discovery passed, she filed a motion to preclude testimony despite resistance from court employees. When she finally did get a hearing on her motion, the commissioner just gave the police more time to comply with the request. In the end, Paula received only some of the items for which she had asked.

During the discovery boondoggle, Paula realized the ticket had been altered without the proper paperwork and that she had been charged with a different violation. She filed a motion to dismiss, but it was promptly denied. She then hired an attorney and the case went to trial.

When the citing officer took the stand, he read directly from his notes. The same notes that had been requested in discovery, but had never been provided. Paula urged her attorney to object, but he told her to be quiet. It quickly became apparent that she had made another error in hiring this particular lawyer.

The trial ended without a verdict. Instead, the commissioner said he planned to take the case under advisement and requested to keep the videotape of the traffic stop. In it, Paula can be seen moving to the right, without leaving her lane, to go around someone who was turning.

This, it turned out, was all the commissioner needed. He found her guilty because she moved her car slightly to the right without signaling. Apparently in his view, you should signal even if you are not turning or changing lanes, even though this would cause more confusion and accidents!

The commissioner mailed his decision, but required Paula to come back to court to be sentenced. He ordered her to pay a \$57 fine and attend traffic school, and she complied. Then, she fired her attorney and filed an appeal.

She and her new attorney prepared their brief. They argued that the lower court lacked jurisdiction to handle her case because of the improperly altered ticket. She also argued that there was insufficient evidence to support her conviction. After all, she did not turn nor did she change lanes, but she was



convicted because she failed to signal.

However, it was the appellate court that claimed it lacked jurisdiction. They said that since Paula had attended traffic school, the conviction was set aside and the case was dismissed, so there was no decision for her to appeal. Paula received that disappointing news last June.

Through it all, I've been helping Paula with her case. Her enthusiasm for the fight never diminished. She is still going strong.

She already contacted her legislators about changing state law to prevent many of the abuses inherent in the traffic court system. Her wish list consists of proposals that would redirect ticket revenue, provide clear sanctions for improperly altering tickets, make discovery requirements stricter, reinstate the right to a jury trial for traffic ticket defendants, and require sentencing for traffic infractions to take no more than five days.

She'd ready to accomplish it all. With this many ambitious goals, maybe it would have been better if she had received the ticket when she was eighteen. ■

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News From Around The Country

California

State Senator Joe Simitian has introduced legislation to prohibit drivers from chatting on cell phones unless they're doing so hands-free through the use of an earpiece or speakerphone. The bill already cleared the Senate and will be heard in the Assembly, where many current members voted in favor of a nearly identical measure three years ago. If approved by the house and signed by the governor, the law would go into effect July 1, 2008.

Connecticut

In July, Connecticut began to add \$10 to every traffic ticket issued in the state. This surcharge will reward the local jurisdiction where the ticket was issued. This is the first time that local governments will receive a portion of millions in dollars that Connecticut receives from traffic-ticket fines. The new system requires the judicial branch in Hartford to forward the surcharges to municipalities four times a year.

Iowa

A Des Moines law firm is offering a free "Iowa driver's rights card," which informs motorists of their rights during a traffic stop and has a detachable portion that can be handed to an officer in lieu of questioning. Law student Chase Andersen recently used the card when he was pulled over. Andersen was later charged with OWI, but was found innocent. He still had his license suspended for refusing a breath test.

Massachusetts

Attorney General Tom Reilly has proposed a massive traffic safety crackdown in Massachusetts that includes more surveillance cameras at traffic lights, mandatory sobriety checkpoints, night curfews for teen drivers, and a primary seat belt law.

Reilly, who is a candidate for governor, claims his plan would save lives, cut down on car accidents, and reduce insurance rates.

Michigan

HB 6256 would require drivers to move over and slow down for garbage, utility, and road-maintenance trucks, if the vehicles are stationary and display flashing lights. The House Transportation Committee is currently reviewing the measure. If the bill becomes law, violators would be charged with a Class C misdemeanor, which can carry punishments of 90 days in jail or up to a \$500 fine.

New Jersey

Drivers frustrated by congestion on Route 10 are in for some relief later this summer when the Department of Transportation throws the switch on a project that will coordinate 34 traffic signals from Roxbury to West Orange. The \$60,000 upgrade calls for the signals to be recalibrated, which will reduce rush hour travel times along the 28-mile corridor by ten percent.

Tennessee

Coopertown's controversial mayor, Danny Crosby, who has made headlines by spewing racial slurs, attempting to set up foes for arrest, and trying to boost town revenue by artificially lowering speed limits, has been temporarily removed from power pending the results of a lawsuit to remove him from office for good. Since Crosby's suspension, Coopertown's police chief, E.J. Bernard, has also resigned.

Utah

The commander of the Utah Highway Patrol's DUI unit, Fred Swain, was arrested for allegedly driving under the influence after

crashing his unmarked police cruiser into a concrete barrier. His blood-alcohol level was well above Utah's 0.08 limit. Swain, who also helped draft a failed proposal to make Utah's DUI laws stricter, has been placed on paid administrative leave while the UHP conducts an internal investigation.

Virginia

It seems likely that Virginia will have to get used to more tollbooths and more expensive tolls. The Toll Road Investors Partnership II has asked the State Corporation Commission to approve toll increases on the popular 14.5-mile Dulles Greenway, which would result in a \$4 toll for two-axle cars by 2012. Legislators are also considering proposals to turn existing interstates into tollways, especially Interstates 95 and 81.

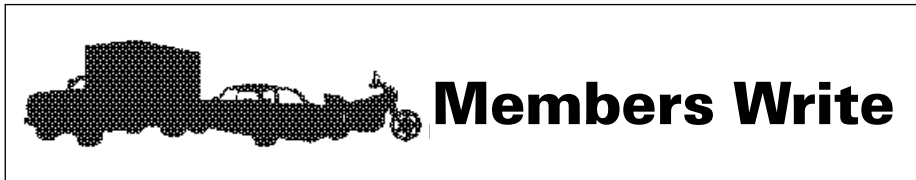
Washington

An anti-tailgating strategy backfired in the form of traffic jams on Interstate 5. The new pilot program consisted of painted dots 80 feet apart and posted signs telling drivers to stay at least two dots, 160 feet, from the vehicle ahead of them. Long backups developed when drivers slowed down because of heavy traffic and continued to maintain the two-dot separation, although that much distance was not at all needed at slower speeds.

Wisconsin

Governor Jim Doyle ordered state regulators to not enforce the state's minimum markup law for ethanol blends of gasoline. Earlier this year, the Legislature debated but failed to pass a measure that would have repealed the minimum markup law for all fuels, which Doyle says he would have signed. The law was originally intended to protect family-owned businesses against predatory practices by larger retailers. ■

As of this printing, this information is current. For more information on this and other motorist news, visit www.motorists.org.



I'd like to congratulate Diana Brown for pursuing her case to what I consider a victory for fair driving laws. Keep it up, I'm behind you all the way.

*Randy Pobst
Gainesville, GA*

Thank you for a superb editorial about the present and future situation on oil supplies in your issue of *Driving Freedoms*. As a long-time member of NMA, I feel that this was one of your best editorials, in that it is a rational view of the inevitable changes we face in terms of the forms of energy that power our vehicles.

The change is needed not only because of the ever-increasing costs of a petroleum-based transportation system, but also because of the havoc carbon dioxide emissions wreak on our fragile planet. I do believe that automotive enthusiasm and ecological sanity can ultimately coexist given the emerging national desire for alternative energy sources.

*Michael Zampiceni
Sunnyvale, CA*

I was disappointed by the simple-minded position on the harm caused by drivers who choose not to buckle up in Bob Berg's article in the July/August 2006 issue. In this article, Mr. Berg states "it's not anybody's business what I do as long as I'm not causing danger to other drivers." I strongly disagree with this position on two counts: First, as a longtime competition driver and performance driving instructor I know that seatbelts don't just keep you safe, they keep you upright and behind the steering wheel. It is very difficult to maintain control of a car in an emergency

situation when you are not properly seated behind the steering wheel. I cannot state statistics on how many accidents occur as the result of non-belted drivers, but if I'm the one who gets hit, that is one too many.

Second, we live in a highly interrelated society where individual decisions do have an impact on others. Drivers who fail to buckle up cost the rest of us money on our insurance when they crash and spend days, weeks, or months in the hospital recovering. If different rates were in effect for belted vs. unbelted drivers this would not be a problem but this is not the case. So the choice to "click it" is not strictly an individual decision. If we really want to fight for individual freedoms (and don't get me wrong, I do) lets also fight for individual responsibility. Drivers who buckle up should get lower insurance rates and those who don't should pay the price financially. Until such

programs are in place (and I won't hold my breath waiting) I believe the click it or ticket programs are a fair price to pay.

*Greg Vincent
Export, PA*

While it was great to see NMA covering the fact that Texas raised some speed limits to 80 mph, it was also disappointing that NMA didn't point out that it wasn't enough. Texas still has split speed limits, one for cars and another for commercial trucks. This is dangerous and needs to be addressed. Raising the limit to 80 mph only exacerbated this situation. Yes, we can pat the engineers on the back for raising the limit to 80, but we have to call them out on the fact that there is more they need to do.

*Greg Miller
Wapanucka, OK*

Your letters are welcomed and should not exceed 300 words. They may be edited for length or clarity. Full-length articles will also be considered for publication and should not exceed 600 words. Submissions may be emailed to nma@motorists.org or mailed to us.

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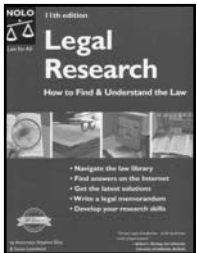
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State and local governments are increasingly relying on traffic ticket revenue for daily operations. This book gives responsible motorists the means to protect their rights by addressing many types of tickets: speeding, reckless driving, defective equipment and more. Author David Brown practices law in Monterey, California. This is the latest in a series of books where he is looking out for the driver.

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