



Driving Freedom

NMA Foundation

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The NMA Foundation is a non-profit group dedicated to finding innovative ways to improve and protect the interests of North American motorists.

Taking Our Roads Off The Market

PAGE 8



NMA Foundation

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Driving Freedom

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TO AVOID ANY LAPSE!



Driving Freedoms

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Cover

"Taking Our Roads Off The Market"



Revolution

by James J. Baxter, President, NMA

There are times it gets downright discouraging when I consider the growing onslaught of fines, fees, surcharges, and related financial penalties foisted on motorists under the banner of "improving highway safety." I know full well that speed traps, red-light cameras, sobriety roadblocks, and saturation enforcement binges have nothing to do with safety. They are just a means to extract money from the driving public.

For over 25 years I have heard every excuse and permutation conceivable to justify more and larger fines for traffic law violations. The one thing they all have in common is that there is no evidence that they reduce accidents. In fact, it could be argued that a lot of enforcement activity increases and causes accidents; a good example being red light cameras. Somewhere, somehow, we need to adopt a system of traffic laws and traffic law enforcement that is not perverted by governments' insatiable thirst for more revenue and more power.

Unless there is a revolution in the philosophy, operation, and funding of traffic law enforcement, the situation will only get worse, far worse, given the technological tools available to all levels of government and government agencies. Red light ticket cameras and photo radar will become the symbols of the "good ole" days.

The founders of our country were clearly aware of the corrupting and corrosive potential that derives from allowing the "enforcers" to profit from enforcement. That's why many state constitutions mandate

that fines and financial penalties be diverted to non-enforcement purposes such as education or libraries. They knew better than to allow enforcement agencies, or the governments that employ them, to profit from law enforcement activities. Unfortunately, less gifted legislative bodies, in the intervening years, have created legal fabrications that allow the circumvention of these needed restraints. The result is a sheaf of traffic laws that rival the Los Angeles telephone directory and a fine for every human act short of breathing, while driving.

I propose we strike this beast at its heart; we eliminate fines for traffic law violations. No money means no enforcement for profit. It also means fewer silly and stupid laws that serve no purpose but to give the police yet another reason to pull you over and ladle on another financial penalty. Red-light ticket cameras would become historical novelties and the remaining enforcement activity would be concentrated on truly dangerous drivers. Wouldn't that be novel!

I know, this sounds like a pipe dream, but let me lay the foundation for this proposal.

First, as I noted, there is no serious evidence that traffic fines really have a positive effect on highway safety. That's not the same as saying traffic law enforcement doesn't, or can't, have a positive effect on highway safety.

I'm saying traffic *fines* are ineffectual. After almost thirty

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NMA Washington Report

by Robert Talley, NMA Lobbyist



Transportation issues remain a key area of discussion for Congress. The majority of the focus has been on how to address the environmental impact of vehicular use. Most notably is an effort to increase the Corporate Average Fuel Economy (CAFÉ) standard and to mandate changes in the fuels burned in vehicles.

Senate-passed energy legislation would create a combined standard of 35 miles per gallon for cars and light trucks by 2020. Currently, requirements for passenger cars have been 27.5 miles per gallon since 1985 while the standard for pickups, minivans and other light trucks has been 20.7 since 2004. US automobile manufacturers have worked with legislators to make this proposal more palatable and to ensure vehicles remain safe and marketable.

On the fuels side, both the House and Senate have taken up

legislation to promote the increased use of biofuels as a transportation fuel. As a result of European Union experiences, the controversy regarding whether biofuels are more environmentally friendly than traditional fuel sources has received renewed interest. Nevertheless, the Senate proposal mandates additional minimum production amounts for biofuels for the transportation sector.

Whether these mandates will become law remains unclear. Both mandates are tied to larger, more complex legislative proposals that will ultimately succeed or fail based not on the individual merits of each issue, but rather on a complex political dynamic of the package in combination.

Congressional environmental initiatives are not the only issues of interest to NMA members.

In the wake of the bridge tragedy at Minneapolis and

heightened awareness of the need for infrastructure improvement and maintenance, there is a renewed push to increase the gas tax by as much as five cents. The federal gas tax currently sits at 18.3 cents and has not been increased in more than a decade. The gas tax primarily goes toward the federal highway trust fund, though the proposed increase would be directed to a new fund to operate outside of that program.

Finally, the NMA is pleased to endorse HR 3802, introduced by Representative Boswell (D-IA), which prohibits the implementation of toll structures on existing federal highways. Congress has recently become more interested in using tolling charges as a way to increase revenue and there is great opportunity for mischief. A companion bill was introduced in the Senate by Senator Hutchison (R-TX). ■

100,000 Michigan Drivers Lose Licenses to “Bad Driver Fees”

By Aarne Frobom, NMA Lifetime Member

According to the Grand Rapids Press, since 2003 the Michigan Secretary of State has levied \$584 million in Driver Responsibility Fees (taxes on driver-license points over six, and surtaxes on conviction for various traffic offenses, frequently driving on a license suspended for failure to pay tickets). That is up from \$387 million as of last December as announced in House committee. That amounts to an increase of \$197 million in nine

months, or a rate of a little under \$250 million/year, or roughly \$650,000/day.

Of the \$584 million billed, the Mich. Dept. of Treasury has collected \$281 million for the General Fund, or 48 percent. That is up from 42 percent last December. Even though the state's collection agency attaches any and all assets to collect these fees, that leaves \$303 million outstanding.

According to the newspaper, the Michigan Dept. of State does not

know how many individuals it has billed. But if the average outstanding account owes \$3,000 (the equivalent of three convictions for driving while suspended), that's 101,000 drivers legally immobilized, or one in 70 Michigan drivers.

Bills to repeal the fee have not been taken up. ■

From The National Motorists Association Blog

<http://www.motorists.org/blog/>

We've recently launched a new blog format for the news section on the NMA website and we encourage you to check it out. The blog will keep you up to date on the latest motorist news in an entertaining, easy-to-read format. We post news to the blog five days a week so you can comment on ongoing stories. You can even subscribe online to get blog updates in your email inbox! Just type www.motorists.org/blog/ into your Internet browser to get started.

Motorists Forced To Let Officers Draw Blood Samples At DUI Stops

There have been an increasing number of police departments allowing their officers to draw blood samples from motorists under suspicion of a DUI/DWI. This takes place on the roadside as opposed to a hospital where there are trained medical professionals. It seems like a recipe for disaster to allow officers to do blood draws when they do not have adequate medical training. This has proven true in Arizona recently where a lawsuit has been filed to stop this practice.

According to *Scripps News*, a man developed a persistent infection at the site of a blood draw administered by a Pima County sheriff's deputy. He has filed what is believed to be the first claim in Arizona against the practice, which could put local taxpayers on the hook for any damages.

Arizona law requires that drunken driving suspects submit to a test or lose their license for a year and it's the officer's choice, not the driver's, whether to use a breath or a blood test.

Having officers draw blood has become more common recently because it makes it more difficult for people to defend themselves against DUI/DWI charges. Breathalyzers have proven to be wildly inaccurate and don't hold up well in court so blood tests have become a more appealing legal option. But when dealing with a medical procedure like a blood draw, the focus should be on the well-being of the individual and not making sure the District Attorney can get a conviction. Officers without adequate medical training should not be playing around with people's health, no matter the legal ramifications. ■

Georgia City Rakes In \$1,136 Per Resident In Traffic Ticket Fines

According to the Athens Banner-Herald, the city of Pendergrass, Georgia took in about \$558,020 in fines in 2006 - enough to pay the police department's \$312,636 budget in 2006 and then some. That's quite a profit for any town, but it's even more amazing when you consider that Pendergrass only has 491 residents. If you do the math that's a bill of \$1,136 per resident! That figure is by far the biggest in the state.

Either people spontaneously become much more dangerous drivers on Pendergrass's one-mile stretch of highway or the city is trying to pad its budget by ticketing as many drivers as possible. The city can claim that it's all about safety, but the numbers just don't add up. Pendergrass takes in nearly five times the revenue per resident collected by the town with the next highest police-revenue-per-resident numbers.

So why don't the residents revolt? The answer is simple. They're not the people getting the tickets. Because they live in the town and know the areas where the police carry out their strict enforcement, they're largely immune to the fines being given out and receive the benefit of an increased town budget at no cost to them.

Unfortunately, out-of-state drivers and people unfamiliar with the area don't have that luxury and find themselves paying for additional Pendergrass police resources. More police resources mean more tickets and more tickets mean more revenue for the city. It's a vicious cycle that can only be stopped through speed trap legislation.

If you're a Georgia resident, contact your legislators and let them know that it's not right to value revenue over safety. ■

NMA Foundation Is Offered \$25,000 Matching Grant

It's up to NMA supporters to make sure that the foundation gets every penny. As part of this year's NMA Foundation fundraiser, the NMA Staff has decided to join together to make the following challenge: We'll match every dollar donated up to \$25,000! That's right, we're putting our money where our mouths are.

We're on our way toward meeting this goal, but we still have a long way to go. All that's being asked is that 5,000 NMA members are willing to join together to contribute the same amount as our five staff members! You can help us reach this goal by returning the form below along with your tax-deductible donation.

The money raised will fund the foundation's ongoing legal challenges on behalf of motorists around the country. Pending cases deal with important issues like the use of ticket cameras, the manner in which speed limits are set, speed enforcement methods on freeways, and the illegality of stop signs put up just to slow down traffic.

Your donations today will pay for our role in these cases, and it will also enable the foundation to continue and expand its Legal Aid Grant Program. Even though it is only a few years old, this program has a growing reputation for success when it comes to precedent-setting cases that affect the way you drive. The benefits of the

foundation's courtroom battles include reaffirming traffic defendants' right to a jury trial in Wisconsin, helping motorists challenge unfair speed limits in Tennessee, and derailing a heavy-handed car seizure program in New Mexico.

The new year will bring new cases too. This fundraiser is your chance to be part of a movement to bring change to the way governments deal with the driving public. Hopefully, you'll seize this opportunity, and help us reach our \$25,000 goal. Your tax-deductible donation of \$50, \$100, or more will bring us that much closer. ■

Yes! I want to make sure that the NMA Foundation gets the full \$25,000 grant. To build on our strength, I would like to make the following donation:

\$5000 \$2500 \$1000 \$500

Remember, your donation to the NMAF is 100% tax-deductible.

\$250 \$100 \$50 Other _____

Your Information

I prefer to write a check (Payable to NMAF)

Member Number

Name

Address

City

State

Zip

Credit Card Information

Card Type: Visa Mastercard

Card Number

Exp. Date

Name On Card

Signature of Card Holder

Mail donations to: 402 West 2nd St., Waunakee, WI 53597 or donate on the web at <https://www.motorists.org/nmafdonation/>.

Revolution

(Continued from page 2)

years of listening to ticket recipients, I can attest to the constancy of one refrain: "I don't mind paying the fine, but I don't want the points on my driving record." Many times followed by, "I don't want my insurance rates jacked up for the next three years." Clearly, it's the points and the implied potential for loss of license and increased insurance rates that are the real deterrents.

The government types aren't so slow as to miss this point, nor to fail to capitalize on the leverage it offers. Any prosecutor with more than a week's experience knows that an offer of "no points" converts a determined "not guilty" to a compliant "no contest." The ticket camera merchants learned this same lesson well and they calm troubled waters by telling their unwitting victims that camera tickets carry no points.

I propose that the current corrupt fine system be replaced by a non-negotiable point system where points would be assessed much like they are today, based on the seriousness of the violation. The violations could be contested in court, just like they are today. If the number of points exceeds a set number over a set time span, the operator's license

would be suspended for a specified period of time. Escalating non-financial penalties, including jail time, could be applied to those driving on a suspended license.

I can already hear the road warriors out there bemoaning the loss of the "easy out," just pay the fine, forget the points, and be on your way. However, that's the system that has gotten us where we are today; wholesale government extortion of motorists.

This change will not take place in a vacuum, and the ramifications will reach far beyond the obvious. Life will not go on as it has in the past. For example; Small villages with populations of 200 people will not be fielding 20 man police departments to patrol the half-mile of Interstate that passes through the village boundaries. County Sheriffs' departments and city police departments will redirect the man hours spent operating speed traps to dealing with real crimes and providing emergency services. High profile enforcement binges will become rare events. And, the allure of ticket cameras will also fade into oblivion.

Other likely outcomes include far fewer people driving on suspended licenses which will result in more insured drivers (no license, no insurance coverage), and signifi-

cantly reduced case loads in traffic courts, perhaps resulting in the return of due process for persons charged with traffic violations.

Why all these positive changes? Taking the money out of the system will vastly reduce the number of tickets issued and change the priorities for law enforcement agencies. Instead of fielding ATMs with badges and guns, their personnel will be allowed to concentrate on dangerous, reckless, and inconsiderate driving behavior. There will be no financial incentive to ensnare normal citizens with arbitrary traffic law enforcement.

"Won't happen, can't happen," or "this has never been done anywhere else." Perhaps, but the existing situation is untenable and getting worse. That the government doesn't like the idea should not be our guiding principle. Replacing traffic fines with a nonmonetary penalty system could dramatically improve the driving experience in the US. No more revenue and profit-driven enforcement. Police officers free to actually "serve and protect." And, yet there would be meaningful deterrents to dangerous and unsafe drivers that would equally affect the poor, the wealthy, and everybody in between.

Let me know what you think about this "revolution!" ■

Does the Blinder M20 Laser Jammer work?

Two Michigan NMA members, Jim Walker and Parker Thomas, recently put the Blinder M20 Laser Jammer to the test. They compared the Kustom PRO LASER III and the Blinder M20 X-treme. Their results are below:

- The Blinder M20 is an effective counter measure against the Kustom Pro Laser III.
- Different installations on different cars yielded significantly different results.

- An improper installation on the VW and/or the chrome on the VW grill significantly reduced the effectiveness of the M20.
- The blacked out CTS is virtually invisible to the Pro Laser III.

You can find more on this test, including extensive results, notes, and tips for drivers here:

<http://www.rearwheeldrive.org/rwd/lasertest/LaserTest.htm> ■

Taking Our Roads Off The Market



For some time now, the NMA has been drawing attention to plans by state governments in Texas and Pennsylvania to privatize federal highways by selling them to companies that would convert our existing freeways into tollways. Federal lawmakers from these two states have filed a bill to block these proposals.

Speaking of the House bill, Pennsylvania Representative John Peterson expressed his view that “Tolling existing freeways – the lifeblood of moving goods and services – is bad public policy, and states like Pennsylvania and Texas would incur irrevocable economic damage.” The bill in the House is a companion to legislation filed by Texas Senator Kay Bailey Hutchison, who has vowed to stop efforts by Austin politicians who are seeking to levy tolls on federal highways.

A bipartisan group of legislators

from both states have signed on as cosponsors of the House bill. In part, they have been inspired to champion this cause because of the bravado shown by state officials (like Texas Transportation Commission Ric Williamson), who are feverishly seeking to relax current laws that prohibit tolls on U.S. highways. Williamson and Texas Governor Rick Perry have been adamant that the decision to toll an existing highway should rest with the state, not federal, officials.

Chris Lippincott, a Texas Department of Transportation spokesman, has argued that decisions on how to use existing highways “would be better made in San Antonio and San Angelo than in Washington.” Apparently, Lippincott considers revenue generation as a “use.” The highways Lippincott, Williamson, and Perry seem to think Texas should toll were bought and paid

for by motorists from all fifty states. The major proponents of new tolls in Texas are all Republicans, but they are not alone; in Pennsylvania, that state’s Democratic governor, Ed Rendell, is the one who’s eyeing plans to toll Interstate 80 – a national roadway if there ever was one.

Those with an interest in keeping tolls off our federal highways – basically everyone who drives on them – should contact their Senators and members of Congress to urge them to support the efforts of these legislators from Texas and Pennsylvania. Placing tolls on these critical national assets will not increase our highway resources one iota. All they will do is increase motorists’ taxes, restrain highway use, and expand the relentless monitoring and surveillance of highway users through the use of toll collection devices. ■

Priced and Private Roads: The Fast Driver's Friend?

By Aarne Frobom, NMA Lifetime Member

I keep a Chevrolet advertisement on my office wall. It consists only of a blurred photo of a red Corvette, and the car's top speed: "186 mph." It's a reminder of what American private enterprise is capable of. It's also a reminder of how far behind the times the American road system is. Almost every car manufacturer offers vehicles that can run in the 125–150 mph range. But these products can't be used to their potential on any public road in America.

The key word here is public.

Public roads are provided by funneling \$400–600 per driver per year in user fees through the hands of politicians. This yields the current network of potholed streets, clogged freeways, and a long catalogue of pork-barrel boondoggles and non-road spending. The bankruptcy of this system is leading road agencies to supplement fuel and license-plate taxes with tolls for new roads.

NMA opposes road tolling on the assumption that politicians will slap toll booths across existing freeways, divert the take to non-road spending, and keep the gas tax to boot. And that could happen if no one's watching.

But tolls can have a higher purpose than raking in money.

Tolls may be the only way to finance new freeways without running higher fuel taxes through the Highway Trust Fund, where the money becomes a target for opportunistic politicians. Tolls allow road users to finance roads ourselves, building a bypass around the pork barrel.

Tolls that vary with congestion can deliver what a free road never can: guaranteed high travel speeds. Since high-speed road travel remains a central focus of NMA, we may want to reconsider our blanket opposition to toll schemes,

especially where congestion pricing is involved.

Congestion-pricing schemes are seldom money-makers. Typically, they charge no more than is needed to keep the express lanes from clogging up. Tolls may drop to \$0.00 when demand is low. (Although they can rise very steeply during high demand.) But on a dynamically-priced express lane, the toll is never more than people are willing to pay.

This is what distinguishes dynamic pricing from old-fashioned toll roads: users set the tolls themselves. How much would you pay for a road that never clogs up? Anyone finding the price too steep may use the congested free lanes, which would be the only lanes if the toll express lane weren't there.

Lease of roads to private operators also should not be feared. A private toll-road operator will have an enormous incentive to keep the road performing well, lest traffic be turned away or lost to competing routes. That means keeping speeds up—maybe way up. Think about this: a private road need not be subject to public-law speed limits. Who's more likely to build the American autobahn: a bunch of bankers who want to make money, or the politicians who brought us the 55 mph speed limit?

Many NMA members willingly pay a premium for high-performance automobiles, sometimes very high performance. But the political system will never provide a road system that matches these cars. We may find that only pricing and privatization can guarantee the faster travel that NMA restored through abolition of the 55 mph speed limit.

Aarne Frobom is a NMA lifetime member who works with road finance for a state highway agency. ■

Minneapolis Refunds Camera Tickets

Thousands of people could reclaim up to \$2.8 million in fines they paid after their vehicles were videotaped going through red lights in Minneapolis.

In a suit filed by 167 camera-ticket recipients, Hennepin County District Judge Mark Wernick ruled that each of the plaintiffs should have their red-light cases reopened and should be refunded the any and all fines,

and surcharges, and fees they had to pay because of the ticket.

This suit follows on the heels of a decision by the Minnesota Supreme Court, which found that the city's use of such cameras illegally violated the rights of vehicle owners.

This decision was largely based on the fact that the cameras offered no proof of who was actually driving the car and simply held the vehicle owner

responsible for the fine.

Soon after the Supreme Court ruled on this matter, 5,000 pending camera-ticket cases were dismissed, but thousands of other vehicle owners had already paid their fines.

Now, the question is whether the 15,000 people in this group will get their money back as well. If those

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Texas Puts The Brakes On Speed Cameras

The Texas Department of Transportation (TxDOT) has shelved plans to implement a “pilot program” testing the use of speed cameras. The department had originally intended to spend \$2.5 million on cameras that would have initially sent warnings to the owners of vehicles photographed going over the speed limit.

When the news came out earlier this summer about the department’s plan to use speed cameras, Representative Vicki Truitt sent a letter of protest to TxDOT signed by 26 other legislators. Truitt questioned the idea of the state using speed cameras just months after the Texas Legislature had outlawed the use of the exact same devices by local governments. “How hypocritical is it that the state would force the municipalities to cease and desist use of these devices, and then turn around and employ the technology for the same purposes itself,” Truitt pointed out.

In a response to Truitt, Transportation Commission Chairman Ric Williamson said he would abandon the project because of increasing opposition to the ticket cameras. “I watched carefully the hearings on red-light cameras and speed cameras conducted by the legislature this past session,” Mr. Williamson wrote in his letter. Williamson said he was canceling the “pilot program” until at least June 2009, but he noted that he remains convinced that the use of speed cameras is a good idea.

Interestingly, Williamson’s letter also made it clear that the ultimate goal of the “pilot program” is for it to become a permanent program that results in tickets and millions of dollars in revenue for the state. Williamson is rightfully upset that lawmakers have diverted hundreds of millions of highway dollars to fund the Department of Public Safety, Texas’s state police force. Unfortunately, that’s the

only part of Williamson’s reasoning that is really focused on the needs of motorists.

“It was my thought that if we could demonstrate a more cost-effective method of reducing accidents on our highway system, perhaps future legislators would be less inclined to transfer ever-increasing amounts of our gas tax to law enforcement,” Williamson continued. Here, Williamson shows his true colors, he’s hoping to install cameras to fleece motorists, so the profits can fund more police patrols to fleece more motorists!

For her part, Representative Truitt said she welcomed the decision not to install speed cameras. Motorists owe her a debt of gratitude for standing up for their interests in Texas. However, now that we’ve had a clear look at Williamson’s motivations, it’s almost inevitable that he’ll push this “pilot program” again in the future. ■

Ticket Refunds

(Continued from page 9)

cases are also thrown out, the city will need to refund over two-and-a-half million dollars.

As the city considers its options, including a possible appeal, officials are also planning for the very real possibility of having to coordinate thousands of refunds.

The process is complicated because the city kept only 30 percent of the money, while the majority of it was turned over to the county. Another problem is that of the \$142 people paid for these tickets, only \$54 was actually a fine. The rest of that amount was surcharges and fees,

most of which have already been forwarded on to other state agencies.

If Wernick’s ruling is followed more broadly, Minneapolis could be forced to refund all of the money, even though the city didn’t keep it all. The court’s order pertaining to the 167 plaintiffs in the case in question instructs that since the city collected the fine, it will be up to the city to pay it back.

Marshall Tanick, one of the attorneys representing clients in a separate federal suit, was very pleased with Judge Wernick’s ruling. “It helps advance the constitutional rights of all of the people who received Photo-Cop tickets,” he said. “As far as its effect on the

federal class action, we think that it will be very helpful in assuring that all people who paid the fine get a refund.”

Now that the cameras have been ruled illegal, Tanick believes that all of the charges stemming from them should be rescinded and the money refunded to anyone affected. “They collected it wrongfully,” Tanick said. “Now they should go back and figure out how to get it back.”

The federal lawsuit is set for a hearing in mid-November, and it could spell more trouble for Minneapolis. City officials are no doubt regretting their decision to install ticket cameras. ■



News From Around The Country

California

A San Jose law firm has filed a \$1 million claim against the city over a photo-radar traffic program the city scuttled in March amid concerns it was illegal. Attorney James McManis is seeking refunds for motorists who paid speeding fines under the city's Neighborhood Automated Speed Compliance Program, or NASCOP. McManis said the claim lays the groundwork for a possible class-action lawsuit on behalf of thousands of drivers who paid fines that ranged from \$99 to \$350.

Colorado

The Colorado General Assembly is considering giving the state authority to issue speed camera tickets on freeways. The state House Transportation Legislation Review Committee approved draft ticketing legislation recently, with committee Chairman Buffie McFadyen (D-Pueblo West) agreeing to become the bill's prime sponsor. The bill would allow state police to contract with private companies to issue tickets in highway work zones up to four hours before any workers arrive. The speed limit in these areas would be lowered and the fines doubled.

Georgia

A local television station has uncovered evidence that a notorious Georgia speed trap has been using traffic ticket quotas. WGCL-TV reports that DeKalb County Police officers are told during roll call that they must issue 65 citations a month and make 25 arrests. Those on traffic duty must issue a minimum of 150 citations a month and make 11 arrests.

Maryland

Officials in both Maryland and Virginia are planning to introduce legislation allowing cameras in so-called highway work zones that would issue automated tickets worth \$500 in Virginia and \$2000 in Maryland. Lawmakers are following the lead of Illinois which last year introduced \$1000 freeway speed camera tickets that have generated significant revenue.

New Jersey

A city in New Jersey is testing the waters for the automated issuance of traffic tickets, despite a statewide legislative ban on the use of speed cameras. The Hoboken City Council gave preliminary approval to a measure authorizing itself to use both red light cameras and stop sign cameras.

New Mexico

Albuquerque, New Mexico's photo enforcement program has generated more than \$10.6 million in revenue over the past two years. The city's Office of Internal Audit and Investigations examined accounting records last month to determine exactly how much money went into the pockets of the city and how much went to the Australian contractor Redflex which controls the program.

Ohio

Ohio courts can admit the results of blood alcohol tests taken after the two-hour legal time limit in certain circumstances. In a 4-3 opinion, the Ohio Supreme Court overturned lower court rulings and said delayed test results are admissible in vehicular homicide cases under specified conditions.

Texas

Houston police commanders say the city's red-light camera enforcement program should increase safety at intersections by prompting "behavior modifications" in motorists. Not all of their own employees are getting the message, however. More than 100 Houston police vehicles moving through intersections without emergency lights were cited in the first year of the cameras' operation, according to ticket data.

Wyoming

The state of Wyoming is hoping to introduce a first-of-its-kind speed limit system on its interstates. It's called a "variable speed limit," with the speed limit changing in response to weather and road conditions. In heavy rain or snow, digital speed limit signs will slow all traffic down, and speed it back up when conditions permit. There will be a pilot program this winter on a six-mile stretch of Interstate 80 between Rawlins and Laramie.

West Virginia

The West Virginia Supreme Court of Appeals moved to boost revenue from traffic tickets by warning lower courts that they must collect the maximum possible amount in court costs from each defendant. The admonition came during a meeting of the Magistrate Education Committee. As a result of the clarification, any motorist charged with, for example, both speeding and failure to signal must pay the \$160.50 assessment for court costs twice – for a total of \$321 – even though the motorist appeared only once in court. ■

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



Members Write

The backlash from the first global warming article was humorous, if somewhat predictable. Global warming may be real but it is a phenomenon of nature; man's contribution is almost negligible. This is a great fraud being perpetrated by environmental extremism, modern mass stupidity, and PC thinking.

That same extremism and PC propaganda has targeted cars and indeed, the whole human population itself as the "enemy." I was glad to see *Driving Freedoms* include some information a couple of issues ago about all the rail ("trains") nonsense and how to find more enlightened input on transportation issues from the American Dream Coalition (www.AmericanDreamCoalition.org). If that stuff isn't stopped, the whole NMA won't matter; there will be so few "driving freedoms" that we won't have to worry about them anymore. We'll all be restricted to government-controlled public transportation.

*Paul Sharp
Salt Lake City, UT*

I read the article on the Virginia fees with great interest which, as you might imagine, is the frequent topic of talk radio, the news media and already at least a dozen court challenges. What brought these fines on was that Virginia Legislators are fearful of raising taxes for road work and other transportation needs. Thus, they demonize certain action beyond all need simply to make themselves look good in front of citizens outraged by rapidly increasing taxes by "taxing" only bad guys. But those outrageous fines aren't the only money issues in

transportation in Virginia.

I'm so fed up with all this that I'm looking into moving to (hopefully) a place where things are well managed and that each user pays his own way and politicians are at least somewhat honest. I am unlikely to find my Eden but will keep trying.

*James R. Campbell
Arlington, VA*

I wonder if you've ever been in a traffic court. Thanks for separating me from my \$17.00. Who's worse the ticket-giving cops and court system you go on about or YOU!! I have advised my friends. Please stop sending me your junk mail.

*Deb Greear
Santa Rosa, CA*

I've been a member of the NMA for seven years and think it has done an excellent job. Whether it's campaigns against red-light cameras, black-box use, ridiculously low speed limits, ticket happy municipalities, or just educating members about the next way they are about to get fleeced, the NMA gives members a fighting chance and a voice on several fronts. Locally against over-zealous enforcement as well as motivating a collective national response as members contact their elected officials about more over-arching issues raised in each issue of *Driving Freedoms*.

However, I think that over the last

year there has been an increase in the amount of largely irrelevant articles in the newsletter. Not only are they not useful to readers, but they also detract from the good work done by the NMA by diving into partisan politics.

In expressing a list of apologist rants and pet peeves each month I think contributors to *Driving Freedoms* miss the point that if all of us acted proactively a lot of these issues could be handled without over-bearing government intrusions. Just as many of us have gone to court to fight things such as unfair red-light cameras or crooked municipalities we can all make an effort to get a car or truck that does a little better on gas mileage when we buy, try not to travel as much each day or at peak times, start carpooling, buy items not shipped in from China or other far-flung locales, and so on. If we all take these and other small steps we could help make government interference unnecessary by significantly reducing use.

The auto industry does not need the NMA to do its fighting for them.

Let's stay out of their battles. They have plenty of lobbyists and cash to continue digging in against the wheels of progress as more adaptive companies take their market share. Oil prices will continue to go up, fuel standards will rise, alternative fuels will come on line – all of these things are inevitable. We can go the easy way, i.e. on our own or continue to dig in our heels... thereby further inciting big brother to take action for us.

*T. Morawski
New York*

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.

Motorist Marketplace

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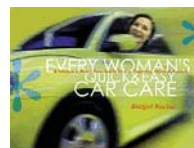
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