



Driving Freedom

NMA Foundation

Vol. 20 • Issue 6

November/December 2009

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



Certified MADD-ness

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Cover
"Certified MADD-ness"



Giving Credit Where Credit is Due

by James J. Baxter, President, NMA

By now you have been made well aware of our annual Foundation fund raiser and sweepstakes. If not, someone is stealing your mail.

The great prizes offered through the NMA Foundation Sweepstakes have been donated by companies and individuals who have had a long-term supporting relationship that transcends simple commercial interests. As a group they appear eclectic and totally unrelated. Still, they have a common bond in their support and sympathy with our objectives and goal.

Charles Burnett III is obviously a person with considerable financial resources, which he generously shares with organizations that he supports. This is the second time he has offered his magnificent English estate as a destination for the grand prize winner of the NMA Foundation Sweepstakes.

The promotional material barely scratches the surface of the opportunities available at and near this incredible property.

So what's our connection with Charles? It's not the fact that he holds the world's speed record for offshore power boats at 137.3 mph set in 1996. Nor is it his most recent accomplishment of breaking a 103-year-old land speed record for steam-powered vehicles by reaching an average speed of 139.8 mph this past August.

Charles supports the NMA and the NMAF because he believes driving should be fun and pleasurable. When it comes down to the most basic of our objectives, I think that is something we all seek and have in common.

The connection with Escort Inc. seems straight forward, but not really.

Yes, we support the right of drivers to use radar and laser detectors, and to communicate the presence of speed traps. Further, our members are prime customers for Escort products.

But economic incentives aside, Escort has stepped up to the plate many times to protect their customers' right to use radar detectors. They have fought bad legislation, attempted to overturn anti-detector laws, and joined with the NMA in these efforts.

Back in the eclectic department is the American Cellars Wine Club, one of the largest such clubs in the US. The connection is not the wine business, rather it's with one of the corporate founders who has long been a staunch supporter of the NMA and the NMAF.

He chafes at the injustices inherent in our traffic laws, and the enforcement of those laws. His contributions to the NMA have been many and varied over the years, and these donated wine club memberships are a continuation of his generosity.

In the 1970s Mike Valentine took the novel gimmick, generically called the "Fuzz Buster," from being a device that was about as effective as a \$3 deer whistle to a level of sophistication that laid the foundation for modern radar detectors.

Valentine Research, Inc. has been a contributor to the NMA since the mid-1980's, and has remained a steadfast supporter ever since.

These companies and individuals, and others like them are, to a large extent, responsible for our continued existence and progress over a 28- year span of time. I just want to say, "Thank you!" ■

Distracted Driving Laws – Point/Counterpoint

Editor's Note: The following exchange, between member Michael Kowalchuk and Jim Baxter, occurred during a similar time period as the Distracted Driving summit hosted by the U.S. Transportation Secretary in Washington D.C. on September 30 and October 1, 2009.

Mr. Kowalchuk was responding to the editorial, "Crisis of the Moment," (Sep/Oct 2009 Driving Freedoms) in which Jim questions the motives of public officials challenging various driver behaviors while highway fatality rates reach record lows year after year.

*The Michael/Jim correspondence wouldn't quite fit into the **Members Write** section, and it is too illuminating (and, frankly, entertaining) to have any of it edited out.*

Michael Kowalchuk:

Jimmy Jimmy Jimmy, you sound like a spoiled kid!

Sure, the NHTSA, and even more so, MADD, are skewing the numbers. Sure, the elderly, the drunks, the ditsy, the uneducated AND the SUV drivers all contribute to a few "road pizza" scenarios on the nation's highways and byways.

But to mock and ridicule attempts to legislate the current craze of "texting" while driving – it's as if you said it's just fine and dandy to read a book while driving!

Sure, government usually messes things up, but to have a law in place to make this illegal will make it easier for the victim of an idiot (a "texter") to sue that cretin into the poorhouse.

Come on, at least admit that while not everyone knows vehicle dynamics, Newton's laws, has taken an "offensive driver" class, or who

knows the advantage of RWD, anyone STUPID enough to "text" while driving deserves both the shame and humiliation of a big fine, and the might of the "American Trial Lawyer System, Inc." to smush them into submission.

Jim Baxter:

Ah Mike, if there are any laws against reading a book while driving, they have to be few and far between.

Then there's newspapers, maps, service manuals, flyers, calculators, Wheaties boxes, and GPS screens – or we could just have a law against inattentive and distracted driving, like just about all fifty states already have on the books. I'd say someone staring at his lap, and driving down the centerline would qualify for a stop. :)



MK:

OK, but "inattentive and distracted" are (in "legalese") opinions. If you legislate the obvious without identifying the obvious, sure, then it becomes a slippery slope. But as with Hula Hoops and Beanie Babies, in this case, the fad of "texting while driving" far exceeds the dangers of drunk driving or top-heavy SUVs or those hula-hooping while driving. :)

A few hours of legislation and a few sentences in the State or Federal

code book could make the difference between a slap on the wrist and a severe humiliation to the now criminal offender, and a potential life-saving award to the now maimed victim(s).

When the fad is gone, then, like mandated turn signals with your left hand, or honking your horn in crosswalks, the law and the need for it will be long forgotten.

Sometimes playing by the rules really does work, occasionally, sometimes. . .

JB:

When a peremptory law comes with severe penalties, regardless of who was at fault or the harm caused, the guilt is misplaced, as are the consequences.

This is well-evidenced in DUI law. The person with the positive BAC is automatically guilty, even if their only contribution to the accident was their presence at the scene.

So, Tommy Texter is sitting at the light, and is sending a message to mom, and gets creamed from behind. Tommy will be found partially responsible for the accident because he was committing an illegal act. (The guy in the "hitter car" will claim Tommy delayed his acceleration away from the light, and that's why he hit Tommy.)

I have no problem using contributing factors (e.g., he was reading a map) when assessing fault, but making map reading an automatic crime, regardless of circumstances, is overkill, and largely unenforceable.

You'll have to forgive my Cro Magnon Man attitudes – I even carried a pocket knife all through elementary and high school. I didn't yet realize I was a potential terrorist. ■



NMA Washington Report

by Robert Talley, NMA Lobbyist



While the headlines reporting on Congressional activity continue to deal with high-level policy issues such as health care reform, numerous other activities don't make the headlines, but will be of interest.

In the last issue I wrote about the continuing struggle to pay for the nation's highway system. In this issue, it is worthwhile to review some of the changes that will occur in the future as a result of new environmental regulations and proposed laws.

First, the regulations:

The Environmental Protection Agency has published new regulations in the Federal Register to mandate the future carbon footprint of vehicles. For the first time, vehicles will be measured by the amount of greenhouse gases they emit per mile as a metric for compliance with federal regulations.

Under the proposal, automakers would have to meet a combined average greenhouse gas emissions level of 250 grams of carbon per mile by the last year of the rule.

By 2030, this standard would cut presumed climate-warming emissions from new cars, light-duty trucks and medium-duty passenger vehicles 21 percent below what would otherwise occur. Today, these vehicles account for nearly a fifth of U.S. greenhouse gas emissions.

If automakers meet the standard solely by improving their

fleets' fuel economy, this translates into an average fuel economy of 35.5 miles per gallon by 2016, a 40 percent improvement over what is required today. Those levels wouldn't be hit until 2020 under current law.

The rules will cost automakers an average of about \$1,050 per vehicle in 2016. The cost isn't evenly spread, however.

The cost of manufacturing a 2016 model year Toyota car would increase by \$599. Ford and Chrysler, meanwhile, would need to spend \$1,434 and \$1,331 more per car, respectively.

Though these regulations are only proposed for now, every indication is they will become final before March 2010.

Now the legislation:

In addition to new regulations impacting the cost of a new vehicle, we also have proposed legislation that will increase the cost of gasoline.

This comes in the form of the House-passed American Clean Energy and Security Act (ACES), which is designed to reduce the emissions of greenhouse gasses. Many know this proposal simply as the "cap and trade" bill.

This legislation is designed to reduce consumption of fossil fuels by placing an economic cost on the associated emissions of greenhouse gasses.

Recent economic analysis has provided an estimate of what the cost to drivers will be from the cap



and trade proposal.

According to analysis done by the Congressional Research Service, the average results of the major studies show that the legislation will increase the cost of a gallon of gasoline by over 20 cents by 2020 and by almost 18 cents over the following ten years.

Importantly, these estimates are based on the best case scenarios for implementation of the program—essentially, they assume that everything contained in the 1400+ page bill related to gasoline costs works perfectly.

"Cap and trade" legislation is a major priority for the President. He has encouraged the Senate to quickly enact similar legislation so the two versions can be reconciled and signed into law before the end of the year.

These are two proposals; there are more, but those must wait for another article. ■

2009 NMA Business Members

Each year, we proudly publish a list of NMA business members. We want to thank each and every one of them. These businesses have supported us and we hope you will support them. Business members receive a fifteen percent discount toward the purchase of any advertising package and company officers are eligible for all of our regular NMA benefits. If you are interested in supporting the NMA in this manner, please call the national office at 608-849-6000 for more information.

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This Sounds Like Good News, But . . .

Billings, Montana is considering the decriminalization of most traffic violations, beginning in 2010. Currently, for example, a violation for running a red light results in a criminal ticket, and the requirement to appear in Municipal Court or pay the fine in person.



If such an offense becomes a civil matter, the motorist could pay the fine by mail or contest the infraction in what Billings Police Chief Rich St. John envisions as a “People’s Court” type atmosphere, with a judge and no attorneys. “I’m giving my story, whoever else is giving theirs, and they make a decision accordingly,” he said.

Fines would likely remain unchanged for traffic violations that are reclassified from criminal to civil. Any violation carrying the possibility of jail time would remain a criminal offense.

This is being promoted as a driver-friendly change, and a means to streamline the adjudication of traffic tickets. In reality, the procedural change would streamline the

extraction of money from the driving public by removing the incentive to pursue due process rights.

Dangling the promise of “no points”, even if it can’t be delivered, is a common tactic to remove the defendant’s motivation to go to court. Most people will grudgingly pay a fine without contesting the charges if points against their driving record, and the inevitable insurance surcharges, can be avoided.

The Billings deputy city attorney isn’t even sure decriminalization would keep driver licenses and insurance records clean at the state level. The city would still report traffic violations to the state, and Montana officials aren’t saying whether they would also disregard driver license points. That, most likely, would require a change in state law.

What is really at stake here is the loss of due process rights associated with a criminal trial, in exchange for a no-hassle program where the city makes it easy for traffic defendants to hand over their money. ■

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Canadian Street Racing Law in Question After Judge’s Ruling



Judge G.J. Griffin of the Ontario Court of Justice in Napanee, Ontario ruled that a section of the street racing law, which has been called one of Canada’s harshest, is unconstitutional because jail time can be imposed without allowing defendants to properly defend themselves.

The case that caused the controversial opinion involves Jane Raham, who was clocked going more than 50 km/h (31 mph) over the posted speed limit. Raham testified that she was rushing to see her daughter, who had just given birth to twins, and had sped up to pass a tractor-trailer in an 80 km/h (50 mph) zone.

Griffin’s ruling included, “If one were to describe a ‘stunt driver,’ the appellant would not immediately spring to mind.” He added that the justice of the peace who originally convicted Raham did not factor in why she was driving at the speed she was charged with. Rather, that justice proceeded on the basis that hers was an absolute liability offense.

Street racers can still be charged under stunt racing laws, but Griffin’s ruling makes it unconstitutional to convict a motorist based solely on excessive speed.

Attorney General Chris Bentley of the Ontario province said that the decision will be appealed. ■

Certified MADD-ness

Even teetotalers should be concerned about the shift of the courts and law enforcement away from personal rights in the name of stopping those suspected of driving under the influence of alcohol (DUI).

Police in many communities are being trained to draw roadside blood samples from drivers. One state supreme court has even criminalized the act of refusing warrantless DUI testing.

Some of the following information was gathered from accounts by TheNewspaper.com.

INDIANA

Jamie Lockard of Lawrenceburg, Indiana was arrested earlier this year on “suspicion” of drunken driving. A Breathalyzer test was administered, and it showed that he was within the legal limit.

The police still had doubts, so they took Lockard to a local hospital and forced him to provide blood and urine samples for testing.

A lawsuit filed against the arresting officer, the police department, the doctor involved in drawing the samples, and the hospital, claims that Lockard was shackled to a gurney and had a catheter inserted against his will.

The police counter that they had obtained a warrant to take the samples, but Lockard’s attorney disputes the notion that the warrant was executed reasonably.

The net result? The police have acknowledged that the blood test at the hospital indicated Lockard’s blood alcohol content was **not** over Indiana’s legal limit.

TEXAS

Police Chief Art Acevedo of

Austin, Texas is among those who are training police officers to draw blood from motorists who are suspected of driving impaired, but who have refused to take a breathalyzer test.



For over a year now, Acevedo has instituted “no-refusal weekends” during which his officers are directed, without exception, to seek a warrant and withdraw blood from motorists.

A nonpartisan individual rights group, Texans for Accountable Government (TAG), has submitted a resolution to the Austin City Council which points out that the practice of “no-refusal weekends” is at odds with current Texas law.

The TAG resolution includes the following statements:

“ . . . the phlebotomist-training program (of police officers) . . . might exacerbate a

person’s medical condition by negative consequences of a blood draw, to the injury of the individual and financial liability of the City.”

and

“ . . . an individual’s right of refusal to submit to testing on a “mandatory blood draw weekend” is not in and of itself justification for an officer to obtain a search warrant to draw blood . . . where a state statute prohibits the taking of blood . . . ”

The TAG resolution has not been adopted as of yet, but it has gained the endorsement of several organizations which fight for individual liberties. The NMA alerted its Texas members of TAG’s resolution, and how to get involved with that group’s ongoing efforts to stop Austin and other Texas communities from instituting roadside warrant and blood-draw programs.

OHIO

The Ohio Supreme Court ruled at the end of September that criminal sanctions be imposed on motorists who refuse to submit to warrantless testing after being accused of DUI. Previous sanctions for such cases were administrative in nature.

A 4-3 majority ruled that imposing criminal sanctions did not violate self-incrimination or double jeopardy protections afforded by the Fifth Amendment, or protection against warrantless searches per the Fourth Amendment. The ruling stated in part that, “Asking a driver to comply with conduct he has no right to refuse and thereafter

(Continued top of next page)

enhancing a later sentence upon conviction does not violate the constitution.”

The three Ohio justices in the minority noted that their colleagues were criminalizing people who were exercising their constitutional rights of not submitting to a warrantless search.

WASHINGTON

The state’s highest court ruled that police have the right to remove blood by force, if necessary, even if the motorist stopped for suspicion of DUI has made an informed decision against having the test. The case that triggered this decision involved a Seattle man involved in a motorcycle crash. The police officer at the scene noted that the cyclist’s speech was slurred, and arrested him for DUI at a local hospital.

The cyclist refused to submit to a blood alcohol test, but with the consent of an on-call judge, his blood was taken forcibly. The officer testified at trial that he did not warn the cyclist that blood was going to be taken regardless of the latter’s decision.

A municipal court found the process against the cyclist to be unfair and illegal. That decision was reversed by a superior court, and the reversal was upheld when the Washington Supreme Court found the police actions to be fair and legal.

CALIFORNIA

In a good news, bad news story, the California Supreme Court ruled earlier this year that drivers accused of DUI can question the reliability of the breathalyzer systems used to convict them. But those drivers

can still be convicted even if the breathalyzer has been proven to be unreliable.

The supreme court decision recognizes that a breath test does not directly measure bloodstream alcohol content. However, a previous ruling by the court that motorists could be convicted of per se DUI, regardless of any scientific evidence gathered, still stands.

California DUI attorney Lawrence Taylor called the rulings by the court, “a typical retreat from logic.”

He added, “So you can use scientific facts that the BAC reading is faulty to defend yourself against the BAC-based presumption of being under the influence – but not against the charge that your BAC was 0.08 percent or higher.” ■

Remote Monitoring of Driving Habits by Auto Insurance Company

Progressive Insurance offers its clientele an option to adjust their individual rates every six months based on monitored driving habits.

The insurance company recently added Texas to the fourteen other states where it offers this program, coined MyRate.

When a driver signs up for MyRate, a small wireless device is installed on his vehicle. The cigarette-pack sized transmitter relays information back to Progressive about what time of day the vehicle is driven, the distance it travels, and the severity of braking and accelerating by the driver.

New participants in the MyRate program receive an initial discount of up to ten percent, but there is also a \$5 per month “technology expense” fee.

A products manager for

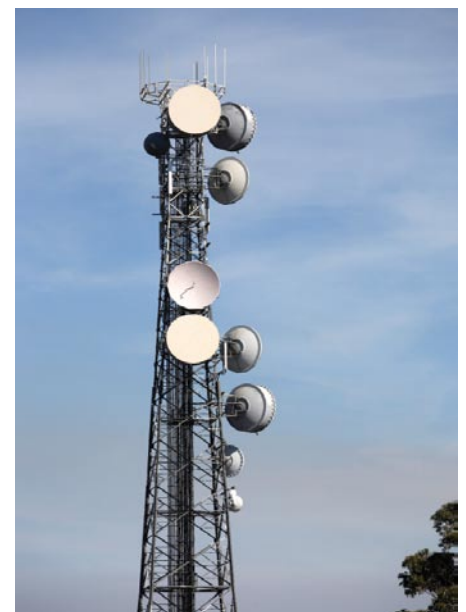
Progressive, Steven McKay, insists that the company is not particularly interested in vehicle speed. “We find that it’s not so much absolute speed you’re going, but the speed relative to other traffic. Once we’ve counted how often you’re slamming on the brake, knowing your speed is just not that important,” he said.

According to McKay, the vehicle specific information gathered by the program cannot be used as part of an accident investigation without the driver’s permission.

Deeia Beck, public counsel for the Texas Office of Public Insurance Counsel, a consumer advocacy agency, is doubtful.

She said, “They may not use it against their own insured, but let’s say you’re a Progressive customer, you’re the at-fault driver, and these

records are available. I’m sorry, but the opposing attorney is going to subpoena records, and it’s not necessarily a done deal whether that’s going to be admissable.” ■



Red-Light Cameras and the Tale of Three California Communities

SAN MATEO COUNTY

Several California cities have tried to bypass state law which forbids incentive payments to ticket camera companies based on camera activity – measured either by citations issued or by a percentage of fines levied to motorists.

The scheme these cities came up with has been termed “cost neutrality.” Under this provision in the contract between the local jurisdiction and the camera contractor (Redflex Traffic Systems in the case of San Mateo County), the contractor is paid per citation, up to the cost of camera system operation, on a monthly basis.

Revenue exceeding the cost neutrality cap is kept by the city, ensuring that, as long as enough photo tickets are issued monthly, the cost of the program is cost neutral to the city. And, of course, this would guarantee that the city will profit from ticket cameras.

Earlier this year, San Mateo and Redflex picked the wrong motorist to cite for a “right turn on red” violation. To fight the \$387 fine, the motorist hired a former deputy attorney general, who argued that the cost neutrality provision in the contract was illegal per California law.

In September 2009, Judge Mark R. Forcum of the California Superior Court for the County of San Mateo, Appellate Department dismissed the “right turn on red” ticket with a one-word decision, “Reversed.”

This was the second appellate ruling to find the San Mateo red-light camera program illegal. Judge Forcum, unfortunately, has declined to publish his decision, meaning that it cannot be cited as a precedent in future cases.



CITY OF CORONA

The Corona City Council apparently is no longer comfortable sharing ticket camera revenue with the state and Riverside County.

During the summer months of 2009, the photo enforcement program cited over 6500 drivers, with each ticket costing \$446. The \$2.9 million revenue was split between Corona and the camera contractor Redflex, as well as the state and county.

The city of Corona is proposing to set up its own ticketing plan, lowering the initial fines below the current \$446, but allowing the city to gain much more from citations to repeat violators while leaving California and Riverside County out of the financial gains. Expect the latter two to react quickly.

City data show that the majority of the tickets from the red-light camera program are issued to city residents. Most of those citations are for “right turns on red” after slowing, but not coming to a complete stop.

Protestors see the camera program as another tax increase by the city. As reported by *TheNewspaper.com*, city resident Mark Hainan said, “We’re talking about California stops – ninety percent of the people in this room do California stops. I think the whole

abomination should be abolished, not just reduce the fines.”

Corona Mayor Steve Nolan commented, “I voted for the program, but I made a mistake. I didn’t ask the cost . . . We are killing people with the fines.” Nolan’s plan of action is to schedule a public city council session to study the proposed program change.

CITY OF COSTA MESA

The police department wants to return to the days when traffic enforcement was actually done by live officers rather than faulty cameras.

The city installed red-light cameras in October 2003, and almost immediately ran into difficulties.

Less than five months after that, they discovered that the camera at Newport Blvd. and 17th Street was set for a yellow light duration of 3.6 seconds, when state law required a minimum of 4.3 seconds for the posted 45 mph speed limit.

Citations had been issued to 579 motorists, who each subsequently had the citations dismissed or had their paid fines refunded.

Costa Mesa PD does not oversee the ticketing process, a situation exacerbated by the fact that the camera contractor, Nestor Traffic Systems, was unresponsive or would state that certain cameras were working properly, when upon closer examination, they were found to be malfunctioning.

(Nestor has since fallen into bankruptcy, and was recently acquired by American Traffic Systems, as ATS and Redflex battle for California red-light camera market share.)

The Costa Mesa city council and ATS won’t be giving up on the ticket cameras very easily despite the problems. In 2008, Nestor issued almost \$2.5 million worth of photo tickets. ■



News From Around The Country

Arizona

Several members of the community were in attendance to speak out against the addition of photo radar in Globe, Arizona. Unfortunately, the citizens' voices fell on deaf ears, as the council went on to approve the contract with Redflex photo enforcement after a 3-2 vote.

California

A California appellate court declined to publish a decision overturning a ticket issued by an unlawful red light camera operation. California Superior Court, San Mateo County Appellate Judge Mark R. Forcum turned down attorney Frank Iwama's request that he explain his reasoning more fully in a published decision. Unpublished cases cannot be cited as precedent in California, and motorists interested in challenging citations will have to repeat from scratch all arguments about the program's illegality. For more details, see **San Mateo County**, page 9.

A single red light camera in Riverside, California issued \$1 million worth of right turn on red tickets in just one month. The automated ticketing machine installed in March at Tyler Street at the entrance to the 91 Freeway helped boost the grand total of citations mailed since January 2007 to 82,448 tickets worth \$32,532,203.

Connecticut

Attorney General Richard Blumenthal has asked the governor for an accounting of funds from specialty state license plates, saying at least \$500,000 has been illegally diverted to Connecticut's General Fund to help balance the state's troubled budget.

Florida

A member of the Florida House of Representatives wants to make driving with a loud stereo a crime on the same level as driving with an open container of alcohol. State Representative D. Alan Hays recently introduced House Bill 137 which modifies an existing loud stereo statute to double the cost of fines and make the offense a moving violation.

Maryland

Chevy Chase Village is looking to spend \$30,000 raised by speed cameras to buy 12 Tasers for its police force. A recent report showed that much of the money that Montgomery County spends with its camera revenue does not have a direct link to improving traffic safety.

Michigan

A Portage attorney is challenging a speeding ticket he received on Stadium Drive in Kalamazoo. Alan Koenig argues that the ticket he received for going 5 mph over Stadium's 40 mph limit isn't legal because speed studies for the roadway support a higher speed limit. A pair of Ann Arbor cases last year that successfully challenged speed limits (including a case funded by the NMA Foundation) may provide a precedent for Koenig's case.

A Michigan state Senate committee voted unanimously to advance legislation that would legalize the hanging of fuzzy dice and air fresheners from rear-view mirrors. State Senator Ron Jelinek introduced Senate Bill 276 to repeal the statute that allows police to pull over motorists using objects dangling from a mirror as a pretext.

Missouri

Drivers cited by red-light cameras in Kansas City are starting to bombard the courts with challenges to their tickets. Challenges have occurred so often that the city had to install a bank of computers in City Hall so accused red-light camera violators who don't have access to a computer could go online there and see their alleged offenses.

New York

There have been over two million vehicle registration stickers and another 2.5 million inspection stickers issued this year in New York. Unfortunately, the stickers are refusing to securely affix themselves to car windshields. This is a problem because citations for a missing sticker can cost up to \$100.

Ohio

One of Cleveland's red-light cameras went on the blink recently at one of the city's busiest intersections. Even when the traffic light was green, the cameras still flashed every 10 to 15 seconds. The camera that malfunctioned was located at East 30th Street and Carnegie Avenue, and left drivers wondering if they will get a \$100 ticket for doing nothing wrong.

Texas

Dickinson city council members have put the brakes on a proposal to install red light cameras. After a public hearing where opposition to the traffic cameras was overwhelming, not one member of the council voiced support for the measure. Mayor Julie Masters called the proposal "dead for at least a few years." ■

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



Members Write

As a long-time member from the RADAR days, my thanks for the fine, responsible job you have so consistently performed for us all over many years.

I am responding to Lonnie Pfeifer's letter in the Sep/Oct 09 issue. While we agree regarding excessive regulation, I have an example of the need for the seat belt use mandate.

Many years ago, my wife was T-boned on a four-lane divided highway with a 65 mph speed limit. She was wearing a lap-only seat belt in a 1968 Ford wagon, with a bench front seat. She was held in her driving position, and was able to stop the car without veering into oncoming traffic.

Absent the seat belt, it is almost certain she would have been dislodged, losing control. Being hit on the right side of the vehicle at that speed would have sent her into oncoming traffic.

Driver and front passengers have a need to stay in position upon collision impact. Retaining vehicle control is essential to minimizing second impact probability. I think Lonnie is taking too simplistic of a view of this issue. In contrast, however, any effort to mandate rear seat belt use falls into the category of government meddling mischief.

*Mike Denholm
Longview, TX*

My wife received a seat belt citation in June, with a fine of \$135. I took care of the fine, but in September, we received a letter from a collection agency, contracted by the California DMV, for failure to appear.

Along with the possibility of arrest and garnishment of wages, the letter stated for her to remedy the situation, with the total amount due, including

penalties, . . . I can't even say it . . . \$805!

I have not found the receipt of my payment of the \$135, and since it involves my wife, I paid the \$805.

I want to emphasize the tactics here. First, if the government doesn't get payment, they hand it off to a collection agency. I did go to the court trying to track down the summons, but they said nothing except that it is with the collection agency.

The government abuse and arrogance here is pretty wild.

*Gary Tobin
Encino, CA*

Here are three situations that illustrate the need to expect government errors, and to save proof of payment.

First: In the summer of 1994, I was 18 years old, and had managed two years of citation-free driving when I was cited for failure to make a complete stop while visiting family in Colorado. The judge reduced it to a failure to yield.

Two years later, my uncle, very disappointed in me, forwarded a notice sent to his address telling me that I owed several hundred dollars for the original "failure to stop" fine plus penalties. Three states away, it took me two days on the phone to iron out their mistake.

Second: Six years later, I was cited for speeding in Seattle. I checked the box next to "contest" on the reverse side of the citation, entered my new address, and sent it in. When I never received

anything, I called repeatedly. I was told there were no pending cases, even though I insisted otherwise. Six months later, I was handcuffed and cited for driving with a suspended license.

The reason? I "never showed up" to the hearing. The notification had gone to my old address. Too busy with work to fight it and wanting the problem to go away, I just paid them the hundreds of dollars they wanted.

Third: Last year, I parked my car downtown, and began searching my briefcase for some documents I needed for a meeting. A parking officer approached, asking, "where's your (electronic meter) sticker?"

Baffled, I responded, "I'm still in the car." He responded, "Doesn't matter. You still need a sticker." The officer cited me. I took the ticket to court, had it reduced to \$19 during a pre-trial conference, and paid it rather than attend another hearing.

Last week, I received a bill for the original fine, plus penalties, totaling \$112. Though the city of Seattle gladly accepted my \$19 previously, they never bothered to credit it against the fine.

I was able to pry myself out of another corrupt/incompetent mess because I SAVED THE JUDGMENT AND RECEIPT.

One must always take the extra moment to request, and then retain indefinitely, proof of judgement and payment. That's about the only lesson I would add to the excellent NMA Foundation CD - **GUERRILLA TICKET FIGHTER**.

*M. Buhl
Seattle, WA*

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 **402 W 2nd St., Waunakee, WI 53597**

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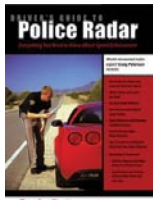
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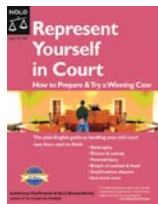
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Ever wondered just how close that police officer has to be to get you on his radar? Have you heard that lasers can't be aimed through car glass? Are you getting your money's worth from your detector? These are just some of the questions answered in *Driver's Guide To Police Radar*.

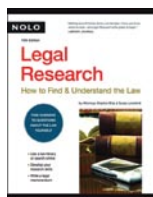
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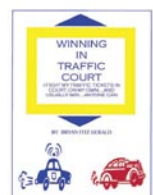
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Many laws and statutes that you need to prepare your case are state specific, which means that you will have to do the research. This book gives you the basic understanding of how to conduct legal research. The book explains everything in easy-to-understand terms.

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Winning In Traffic Court

This book is a helpful, enjoyable read on how to fight a traffic ticket. The author not only explains how to fight a traffic ticket, but also offers amusing anecdotes along with his justification for fighting every ticket you receive.

Non-Member Price: \$19.95 **Member Price: \$9.95**

NMA Foundation Legal Defense Kit

Represent yourself in traffic court and win! In addition to covering court procedures and strategy, this ten-pound kit includes technical information on speed enforcement devices, and state-specific information on Discovery and Public Records Laws (this is how you get information from the police on your case!). Remember, this resource is being constantly updated and improved.

Call 800-882-2785 to order the Kit and tailor it specifically to your ticket!

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Mike Valentine:
Radar fanatic



"V1 is born of my personal passion for Situation Awareness. I want to know all the threats, as far away as possible."

"This is the *only* unit that can track radar and laser in 360 degrees..." — Popular Science

What others say about V1

"The Valentine One radar detector provides the best, most comprehensive, most useful, and least annoying alerts."

PC Magazine

"Best detection range in our tests."

Wired

"This is the only unit that can track radar and laser in 360 degrees, and it can detect multiple threats, helping drivers to better identify false signals."

Popular Science

"The controls and interface are a marvel of logical design."

Wired

"It's the iPod of the Radar Detectors."

us.gizmodo.com

"The only radar detector that works at all is the Valentine One. It shows if the signal is forward, rear, or side, as well as the number of signals."

Best Life, quoting Alex Roy, four-time trophy winner of the Gumball Rally

When Valentine One finds radar or laser, a **red arrow** points toward the source. Ahead? Behind? Off to the side? V1 tells you instantly. Other detectors? They all go "beep" and leave you guessing, just like in the Seventies. Situation Ignorance, in other words.



"In fighter combat, this feature is the difference between life and death." — us.gizmodo.com

Radar Locator tracks one or more radars at the same time; points to each.



Radar ahead

Radar beside

Radar behind

Arrows and the Bogey Counter

V1's advanced computer analysis tracks each signal separately. A digital display called the Bogey Counter tells "how many." V1 won't let you get blind sided. Example: you see one radar, but there's another ahead. V1 tells you about both of them. The beepers just go "beep."

arrows.valentine1.com



Situation Awareness Eliminates the Shrug Factor

When a beeper gives two beeps and then goes quiet, most drivers shrug: "It's probably nothing," they say. Wrong! Two beeps is exactly the warning when instant-on ambushes somebody ahead. You could be next. Every beep may not be radar, but it's a threat until you know otherwise.

V1 always tells you "where" and "how many." It gives you what fighter pilots call Situation Awareness. Fighter pilots never shrug. With V1, neither will you.

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