

Michigan Riders Win Helmet Freedom

Proving that persistence pays off, motorcyclists in Michigan shook off the sting of two previous gubernatorial vetoes of their helmet law repeal bills over the past few years and bounced back to win freedom of choice with the stroke of their new governor's pen.

"Michigan gained freedom today when Governor Rick Snyder signed the bill (SB 291) into law (Public Act #98) that repeals the 37-year old mandatory helmet law," announced Angel Richardson, Legislative Director for the Michigan Confederation of Clubs and a member of the National Coalition Of Motorcyclists (NCOM) Board of Directors. "The repeal is effective immediately!," she continued. "Thanks to everyone who made a phone call, sent a letter or a postcard, or sent an e-mail....your efforts made a difference."

The Michigan legislature overwhelmingly approved the measure with broad bipartisan support, and with Gov. Snyder's signature on April 12th Michigan now joins 30 other states in amending their mandatory helmet law in favor of adult choice. "The new law modernizes Michigan's outdated mandatory helmet law, which was a holdover from bygone days leaving Michigan in the minority as one of only 20 states left enforcing an empty federal mandate," said Vince Consiglio, President of ABATE of Michigan.

The proposal to update Michigan's mandatory helmet law was introduced in the Senate by Senator Phil Pavlov (R) St. Clair. "Every year, millions of dollars leave our state because of Michigan's outdated mandatory helmet law," Pavlov said. "This bipartisan plan will keep our dollars here, attract even more tourists to Michigan and help our state in these tough economic times."

Allowing motorcyclists to ride helmet-free could also generate more than \$1 billion in direct and indirect revenue, according to a recent Michigan Consultants study.

The new law gives Michigan the strictest requirements for riding helmet-free of any state that has modified mandatory helmet laws for adult choice. To ride helmet-free in Michigan, motorcyclists must:

- * Be at least 21 years old.
- * Have at least two years of riding experience or undergo special safety training.
- * Carry at least \$20,000 in additional medical insurance.

Bikers Roll With "Colors" Lawsuit

Police claim that a group of bikers was pulled over for wearing improper helmets, but an attorney for the bikers claims they were stopped by state troopers because of their colors.

In a recently issued court opinion, U.S. District Judge Jerome Simandle in Camden, N.J. said two members of the Pagans Motorcycle Club and one Tribe M.C. member can proceed with their lawsuit stemming from a July 30, 2009, traffic stop in Burlington County, including malicious prosecution. During the stop, New Jersey state troopers ordered riders of six motorcycles to remove their "colors," the members' patched jackets, but the bikers refused - leading to a federal lawsuit alleging actions by the troopers violated their constitutional rights.

"The court has basically said, 'Yes you have a right to wear a patch, these logos,' " said Norristown attorney Boyd Spencer, who represents the Eastern Pa. Confederation of Clubs.

The bikers were ticketed for not having approved helmets, and were told to remove their colors if they wanted to leave. The whole traffic stop, which lasted more than an hour, was captured by mounted cameras in the police cruisers.

"Now you're all going to take your jackets off, because on this highway, these are the only colors," one of the state troopers told the group after nearly 50 minutes had passed, referring to State Police blue and gold uniforms.

None of the bikers removed his colors, and at a later municipal court hearing, the helmets were found to be legal and a prosecutor dismissed the charges.

"We're looking ... for the court to rule the obvious: These people have a right to wear their colors," said Spencer, who is the Aid to Injured Motorcyclists (A.I.M.) attorney for Pennsylvania and New Jersey, and serves as legal counsel for the local Confederations of Clubs. "This is a widespread practice of police officers harassing people with (club) patches on," asserted Spencer, who contends his clients were stopped and detained by the troopers because of their colors. "It's not an isolated incident."

The state filed a motion to dismiss the lawsuit but Simandle, in his ruling, said the plaintiffs "sufficiently alleged deprivations of a clearly established constitutional right." www.ON-A-BIKE.com.

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FROM THE DESK OF JOE WEIGEL:

Spread the real meaning of Memorial Day. Support Wisconsin's "Run to the Wall" to Washington, D.C.

This Memorial Day weekend marks the 20th anniversary that our law firm has sponsored and bankrolled the Wisconsin Run to the Wall to join up with Rolling Thunder of over one-half million bikers in Washington, D.C. on Memorial Day.

The purpose is to honor our veterans, especially those who did not come back, at the Viet Nam vets memorial wall.

We've been sponsoring the Wisconsin contingent for 20 years.

Many years ago, the Wisconsin group built a special motorcycle and Weigel, Carlson, Blau & Clemens transported it to Washington, D.C. This year that bike will be transferred from the museum; and on display at The Wall.

We expect roughly 300 motorcyclists to gather at our office Thursday morning before Memorial Day, May 24th. We meet at 8:00 am; coffee and donuts until 8:30 am; patriotic songs and proceedings at 8:30; leave our office promptly at 9:00 am (rain or shine or sleet or snow) for Washington, D.C.

Please join us at the parking lot behind our office at 37th and

Wisconsin Avenue in Milwaukee to show your support for this event. Even if you are not going all the way to Washington, D.C.; you can still participate; and ride at least part way, if even a few miles.

We leave our office promptly at 9:00; head south across the 35th Street viaduct to National Avenue; east on National Avenue to 10th Street; south for a block and east onto the freeway. Just before the freeway we will be cheered on by 1,000 grade and middle school students plus their teachers; parents; and neighbors. As we turn the corner to rumble past the school children; not a dry eye in the house!

Come help us honor and remember our armed forces and veterans Thursday morning May 24th. If you wish to ride all the way to Washington, D.C.; contact Polack of our office at (414) 342-1000.

Milwaukee County Sheriff's department and Sheriff Dave Clark will provide police escort to the county line. We are so proud to sponsor this event for the 20th consecutive year.

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