

For Immediate Release:



A Union of Motorcyclists

June 30, 2010

Dear ABATE Brothers & Sisters,

As Executive Director of ABATE of California, I am pleased to announce that hundreds of thousands of California motorcyclists can sleep easier secure in the knowledge that the impending threat of SB-435 as a motorcycle smog check bill has been neutralized at this point. After two years of staunch opposition from ABATE of California, Senator Pavely realized that she did not have the necessary support to implement another unwarranted and costly bureaucracy in a state 24 billion dollars in debt for such a minimal gain. Senator Pavley's own comments to the committee were that "ABATE and their lobbyist killed my smog bill on the Senate floor!" After all of the months of wrangling and backdoor attempts to sidestep and circumvent the legislative process by seeking resolutions from individual cities which were met and defeated by dedicated ABATE members, Senator Pavley changed her tactics and sought to implement a 27 year old EPA regulation requiring matching noise label tags in yet another bid to restrict our rights to ride in California. Since she could not pass SB-435 out of committee as a smog bill, Senator Pavley changed SB-435 to an EPA noise label match-up bill which presented a different dynamic with regard to the amount of support she could garner from committee members.

I am also pleased to announce that with barely three weeks notice, ABATE of California was able to mobilize and meet this new threat in an extremely efficient and pre-emptive manner. While the voting dynamic among committee members was radically changed by Senator Pavley's new amendment, ABATE of California was nevertheless able to effectively gut SB-435 by forcing Pavley and co-author Assemblywoman Bonnie Lowenthal to remove the most motorcycle unfriendly and potentially harmful language from the bill. It should be noted that Assemblywoman Lowenthal is Chairperson of the Assembly Transportation Committee and for ABATE to force the concessions we received from the Transportation Committee is an unqualified success and nothing short of

miraculous given the growing public outcry for noise enforcement and the targeting of motorcyclists on this issue.

While there are many out there who challenge ABATE of California's action in this matter and have gone so far as to say or imply that ABATE of California rolled over or caved in to the opposition, I have only one thing to say. That is a crock of crap and nothing could be further from the truth. Even though the bill was put on call Monday to allow absent committee members time to get back to the hearing room and vote, this was not even a close vote and we lost by a 2 to 1 margin. For those of you who are disgruntled over the negotiated settlement, examine the vote and tell me you wanted ABATE of California to play Russian Roulette with SB-435 just because you wanted to take a stand on principle and ignore the political realities we faced in committee. I would remind you that twice before in ABATE's history, we have had a chance to rid ourselves of the helmet law with conditional exclusions such as "over 21" but the hard-line element insisted ABATE take a stand on principle and here we are 18 years later with lids still on our heads.

Going into the final three weeks of this fight, ABATE leadership was made aware of this overwhelming shift due to the bill's new form. Realizing the very real possibility that we could not kill SB-435 outright, we nevertheless forced concessions through hard negotiations that will benefit every rider in this state, especially those who have aftermarket exhaust systems installed. As it stands now, all riders and motorcycle owners in the State of California are in extremely good shape since we will NOT have to contend with smog checks, roadside sound tests, cannot be stopped for label inspections as a primary reason, will receive correctible fix-it tickets, and will now have legal defense should some be unfortunate enough to be cited. I would like to note here that the official positions of the Motorcycle Industry Council and the AMA to the Transportation Committee on SB-435 were to adopt SAE J2825, which would have made roadside sound checks a reality, and we have escaped that. Most importantly, all motorcycles currently on the road will be grand-fathered in. Folks, I can't tell you what a huge win that is for our side.

I for one am personally proud of the way the membership of ABATE rallied to gather signatures, write letters of opposition, send faxes, and make calls to Transportation Committee members and to organize others in opposition. Kudos are in order for Brad Davis and Yve Mulholland of RideRag who together are responsible for gathering several thousand signatures in opposition to SB-435. I would also like to thank Jeff Rabe of the MMA, Nick Haris of the AMA, and

especially John Paliwoda of the CMDA, whose testimony absolutely rocked the house and forced committee members to concede yet another year before implementation of label match-ups is enacted by this bill. Several other organizations I would also like to thank for their support are the Defenders Program, the UBNC, the MMA, the COC, the Mendocino HOG Chapter, Vacaville Harley-Davidson, and ALL of the riders who made the long trek to Sacramento to oppose SB-435 in the hearing room. You folks rock!

And lastly, let me remind all of you that this fight is far from over and we have much unfinished work to do here. SB-435 is far from a done deal, it has simply passed out of committee and in a greatly watered down form thanks to ABATE. It still has to pass Appropriations where it will be heard in August and then go back to the Senate. For those of you who say you are quitting ABATE or walking away from us, just remember: Winners never quit and quitters never win! The battle lines have been re-drawn and we are not retreating one inch, we simply must attack in a different direction. To that end, we must make sure that Senator Pavley and Assemblywoman Lowenthal pay a heavy price for their attacks on our way of life. We need to make sure that they DO NOT get re-elected and send them to the showers. And lastly, we also need to make sure the American Lung Association and Noiseoff pay a heavy price for their involvement in this issue. Quit if you feel you must but speaking for myself, and those other ABATE members who are ready to fight on, LET'S ROLL!

If you haven't already signed up for Action Alerts on our website and want to help continue this fight, go to www.ABATE.org. We can only do so much without your help.

Sincerely,

Anthony Jaime
Executive Director
ABATE of California