



## A Union of Motorcyclists

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### The Facts About AB 1595

Written, Carried, Amended, and Sponsored by Paul Cook

(by Nick Benson Sr)

- History of AB 1595
  - February 06, 2012 – Introduced by Paul Cook as a Sales, Use, and Asset Tax reduction bill that would allow retailers to pay less for storage and usage tax. Also unemployment costs depending upon the unemployment rate at the time would vary.
  - March 29, 2012 – Major Amendments by Paul Cook morphed this bill from a tax law to a “safety” bill that included all the below restrictions recommended by Chairwoman Bonnie Lowenthal D- Long Beach .
  - April 23, 2012 – Assembly Trans Consent Calendar – 13 – 0.
  - May 09, 2012 – Assembly Appropriations Consent Calendar – 17 - 0.
  - May 10, 2012 – 2<sup>nd</sup> Reading and majorly Amended again by Paul Cook.
  - May 21, 2012 – 3<sup>rd</sup> Reading and Amended again by Paul Cook.
  - May 25, 2012 – Assembly Floor Consent Calendar – Passed 71 – 0.
  - June 19, 2012 – Senate Trans & Housing – Passed 9 – 0.
  - July 06, 2012 – Senate Floor Consent Calendar – Passed 36 – 0.
  - July 11, 2012 – Presented to Governor Brown.
  - July 24, 2012 – Signed into law by Governor Brown.
- What AB 1595 does to ROHVs
  - Requires all drivers and passengers regardless of age to wear helmets.
  - Requires factory installed passenger seats and roll cage. Aftermarket passenger seats and roll cages will be illegal whether or not they were professionally installed.
  - Requires drivers to be 16 years old unless accompanied by an adult.
  - Requires factory installed seat belts and shoulder straps. No aftermarket belts or straps.

- **Arguments Against This Bill**

- A person in an on-street convertible does not have to wear a helmet even though a convertible does not have a full roll cage. (This argument could be a double edged sword as the government could mandates helmets for convertibles or outlaw convertibles completely).
- Drivers / Passengers of dune buggies, sand rails, jeeps, trucks, sport utility vehicles, and other “roll caged” or enclosed off-road vehicles do not require helmets. (This too could be a double edged sword as the government could mandate helmets for these off-road vehicles also).
- Most aftermarket roll cages, passenger seats, et al are custom built and superior in safety and strength to factory installed products.
- Numerous aftermarket fabrication shops will be forced out of business thereby creating lost jobs and lost sales tax.
- Owners of ROHVs older than 2013 affected by this law will take their ROHVs outside the state to drive them causing more lost revenue to California via gasoline taxes, motel costs, etc.
- Sales of ROHVs will decline due to people either not wanting to comply with unnecessary restrictions and / or uncertainty of future restrictions being implemented.
- There are no studies done to corroborate the theory that any of the restrictions put in place by this law will reduce injuries or deaths. It is a speculative law at best.
- Once again a law has been created that limits parental rights to determine what is best for, and how to raise their own children.

- **What ABATE of California Is Doing**

- ABATE of California is working with Assemblyman Tim Donnelly to amend AB 1595. Assemblyman Tim Donnelly has agreed to amend his bill – AB 64 – which would have repealed in its entirety AB 1595, however, after checking with various committees and legislators, it was determined that AB 64 as written would fail to get passed. Therefore, Assemblyman Donnelly will amend AB 64 with the following language:
  - § All modifications to current Side X Sides and those built before January 1, 2014 will not be included in the enforcement of AB 1595. This means that current models of Side X Sides will be grandfathered into the new AB 1595 standards. This will give us another year to come up with standards (and another bill) and make the manufacturers work around our needs.

- § Children that are properly strapped into seats designed for children will be exempt from wearing helmets. This was important because there are no helmets currently manufactured for very small children. A very young child wearing an oversized helmet has been shown to cause serious neck and back damage.
- ABATE of California has retained Lombardo and Associates lobbying firm to represent us and watch for future State legislation that could negatively affect off roading.

- **What You Should Do**

- Join ABATE of California now and help us help you to keep your riding freedoms.
- Because lobbyists are not free, we need as many members as possible to support our lobbyist. Your membership dues go solely to these expenses and that of keeping an office with only one paid employee. ALL other ABATE members and positions are strictly volunteer. This ensures that our ONLY concern is that of motorcyclists / off roaders rights, not of making a profit.
- Contact Nick Benson Sr at [nick@abate.org](mailto:nick@abate.org) or Dave Hastings at [dave@abate.org](mailto:dave@abate.org).