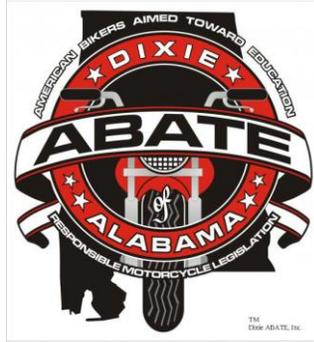


DIXIE ABATE BOARD OF DIRECTORS:

Matthew Schroeder: State Director  
Shane Coker: Assistant State Director  
Larry Lindsey: Legislative & Education Director  
Kris Cook: Secretary/Treasurer

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Birmingham, AL 35233  
For information: 205-617-9944



[www.dixieabate.org](http://www.dixieabate.org)

NORTHEAST REGION, NOCCALULA FALLS CHAPTER BOARD OF DIRECTORS:

James "Ghost" Johnson, Director  
Shane Coker, Secretary/Treasurer  
Garland Medlock, Assistant Chapter Director

EAST CENTRAL REGION, TRI-COUNTY CHAPTER (Montgomery area)

Steve Barclay, Director  
Ashley Tolson, Assistant Director  
Myrtle Livingston, Treasurer  
Larry Holton, Sergeant-at-Arms

MEETING NOTES: 6/25/16: Nocalula Falls Park, Gadsden, AL

In attendance:

Kris Cook  
Steve Barclay  
Ira "Cowboy" Jones  
Myrtle Livingston  
Gene Powell  
Shane Coker  
Dawn Burch  
Jimmy Burch  
Randall Green  
Danny Fazekas  
Nathan Gilley  
Garland Medlock  
Crescent Bazzano  
Stephen Bazzano  
Hunter Franklin  
Whitney Hardeman  
Rodney "Reddit" Davis  
Elizabeth Peterson  
Matthew Schroeder  
Carolyn Shroeder  
Vicki Todd (guest)

Thank you to Carolyn Shroeder and Vicki Todd, for the food!

Matt called the meeting to order at 2 PM, with 14 members present. Kris read the notes of the 4/2 meeting; there were no corrections, and the notes were approved as read.

Kris gave the treasurer's report with notes added, which were also approved without correction.

Gene said there wasn't much going on legislatively, since the legislature is not in session now, but he wants us to all get on the same page this year to decide what we want by October. The entire membership needs to have a say in prioritizing what we spend our energy on for the next session.

We discussed whether we want to keep working on the things we've already started, or take on a new cause. We have lost some of our own members to right-of-way violations in recent months, and it makes us really want to work on stiffer penalties for drivers who violate a rider's right-of-way and cause an accident with injury, property damage, or death. We need to learn exactly what our law is now, to figure out what steps to

take to drastically increase these penalties. We know that we can't get any motorcycle-specific legislation. Any changes would have to be for any type of vehicle.

Could we expect there to be a charge, any time an accident involves an injury? Most collisions fall under civil law now.

Danny suggested we partner with other motorcycle organizations, since we don't have a lot of members. Danny said he didn't know how much luck we will have, trying to change the law, since we don't need to burden LEO's more than they already are. Gene said that whoever works on the bill will go to ALEA first anyway, so they will have plenty of input. Matt said the change would primarily be to hold people more accountable for their actions on the road. It will be a blanket policy, for everyone. If the driver causes physical injury, death, or over \$500.00 worth of property damage, there should be a mandatory charge. Some riders think the driver should be charged with murder if someone is killed.

Shane made a motion we pursue this line of action. Jimmy seconded. Motion carried.

Gene emphasized the need to meet our own legislators in their home district long before next spring. Then, when the legislature goes into session next year, when we call for a day at the capitol, everyone needs to show up. But if we just show up, without our representatives and senators already knowing who we are, our voice will just be lost in the crowd of people who all want something. We might even organize to have a "home town meet" day, and report on how our meeting with our own legislators went.

Cowboy noted that some cities are divided into different districts. Gene said if your town is split, meet both of the city's legislators!

Cowboy suggested we have a ringing of the bell for fallen riders at the next ride to the capitol. He also suggested we hold a rally. These suggestions were tabled.

Steve said ABATE does not have a good name because the common perception is that we believe all riders should take a riding class. Long-time riders resent this. No suggestions for action were offered on this subject. Dawn emphasized how training is absolutely needed for a 16 year old who can buy a sport bike and go right out and carry a passenger after getting his M endorsement by only taking a written test.

Shane said he'd overheard a legislator from Birmingham say, "Motorcycles are taking over the road and we don't need to give them any more power."

We discussed getting "In Memory of" patches, and getting rockers with the names and birth/death dates of deceased members, or maybe gremlin bells. Matt has several sources for patches, so he will look into it. Shane made a motion we get the patches. Steve seconded. Motion carried. We talked about splitting any profit with the family of the deceased. We need to look at our bylaws to see if this is permissible. They may restrict our donations to only registered 501c3 charities.

Jimmy and Dawn Burch introduced their kids and asked if they could start a Junior ABATE chapter. The idea is that what people won't do for themselves, they will do for their kids. She likened it to churchgoing. Alone, some parents might not go to church, but they will go when they need to take their kids to church. We talked about giving the junior chapter one vote in matters where we take a vote of the full membership. This will be done at the chapter level. They will build a Facebook page, to start with. Dawn will be in charge of helping them get set up.

Our next state meeting is at 2 PM on Saturday, August 6, at The Hickory Chip, 4966 AL-145, Clanton, AL 35046. Their phone number is 205-755-4533. We will have a big table in their back room, starting at noon.

Attached below: a conversation, subsequent to the meeting:

From Gene Powell, Dixie ABATE's Legislative Director, on 6/25/16:

I enjoyed seeing many of you at today's meeting, including some new members! Matt and his family did a great job of hosting and grilling out for us.

I came home and did some research to address issues that were brought up in the meeting. I thought I had info in my head at the meeting, but didn't want to bring them up until I had the facts.

1. Members wanted us to address that police officers in Alabama could not write a violation ticket at an accident scene unless they witnessed the violation. This was addressed in the 2016 session, HB1. It passed as ACT 2016-292 and was signed by the governor. It amends Alabama Code Section 32-5-171 and reads:

**Section 32-5-171**

**Arrest without warrant.**

A uniformed police officer, state trooper, county sheriff, or his or her deputy or member of a municipal police force may arrest, at the scene of a traffic accident, any driver of a vehicle involved in the accident if upon personal investigation, including information from eyewitnesses, the officer has reasonable grounds to believe that the person by violating Section 32-5A-191 contributed to the accident. He or she may arrest such a person without a warrant although he or she did not personally see the violation.

***(Acts 1971, No. 1942, p. 3137; Acts 1983, 2nd Ex. Sess., No. 83-201, p. 379.)***

Please note that in Alabama a traffic ticket is a misdemeanor arrest warrant.

2. A police officer can issue a ticket to a texting driver as a primary or sole violation. Alabama code 32-5A-350

3. Leaving the scene of an accident involving only property damage is a Class A misdemeanor. If injury or death is involved it is a Class C felony. 32-10-6

I hope this informs you and satisfies what some of you want to be focus areas for the 2017 session.

I still need input from all of our members on what legislative issues they would like to be addressed to make our riding experiences more safe and enjoyable. Your input is important, please e-mail me!

Gene Powell  
Legislative Director

Dixie ABATE of Alabama  
DixieABATE.org

From Kris Cook to a friend who is a policeman:  
I'm fact-checking.

At the ABATE meeting today, we talked about the first step to tougher punishment for drivers that violate a rider's ROW, resulting in an injury/death accident. We agreed that the first step is for the officer to be able to issue a citation for the infraction. I know I've been told before that you guys can't write tickets for something you didn't witness. A lawyer at the meeting said, "how many LEO's ever witness a murder or a burglary? They do an investigation."

I know that's not quite the same, but I got his point.

Anyway, is what Gene said above, correct? And do you now write citations for things you weren't able to, before?

Thanks!  
Kris

Reply from a policeman:

Yes, an investigation is conducted. Traffic homicide investigations is something that I am certified in.

The investigation is in two parts. The first is conducted as a uniform collision report. This is done on most collisions. It is done to greater detail when there is a fatality, or serious physical injury.

Some citations can be issued on the scene. An insurance citation for example. Others would need to go through a magistrate.

In the case of death, or serious physical injury, the second part of an investigation is opened. In most cases this is to determine if section thirteen has been violated (13 is criminal code. 32 is traffic code).

If it is determined that title thirteen has been violated, a criminal case is opened. This will be presented to the district attorney's office, and the magistrate. The procedure would be the same as any other felonious case.

For example, if a D.U.I. driver runs a stop sign. This causes the death of another motorist. An investigation would be opened. If the investigating officer believes that 13A-6-4 was violated, the case would move forward. The case would be presented to the previous mentioned offices. Then the standard legal proceedings would be followed.

In cases that do not involve impaired driving (such as right of way), the probable cause needs to be a higher standard in the eyes of most courts. Most courts want to see a gross negligence on the part of the at fault driver. Such as several traffic infractions.

The laws are on the books now, and several cases have been prosecuted. A great many are not. This is due to the attitudes of the courts. A jury (or judge) will have great sympathy for a person making a mistake that any person is capable of.

Most collisions fall under civil law. A minor traffic violation can cause serious devastation to all parties involved, but often not to the point of being criminal.

Remember that to be convicted of any crime requires conviction beyond a reasonable doubt. This includes traffic violations. Civil court has different standards. A strengthened law will not change this.

In most cases the at fault drivers are more civilly liable than criminally. The system is in place for that already.

If a driver is criminally liable, the system is also in place. In our courts the severity of the punishment often determines the level of burden. More pomp and circumstance will go toward a murder than a speeding ticket.

The simple answer to your original question is yes. We can write citations. I just wanted you to know the real world answer is much more involved.

Disclaimer: If this email is forwarded past the intended recipient, it should be known that the writer is not a lawyer. The writer offers no legal advice. The opinions are of the writer, and not of any other entity.

Kris' further comments:

My reasoning is this: Driving drunk wasn't really a huge deal back in the 70's and before. I mean, you got a ticket and all, but it wasn't the end of the world. But gradually, they tightened up on it until the penalties were so bad that it really does stop people from doing it.

I sort of envision a similar progression. Less and less leniency on people who smash into motorcycle riders, or anyone, really, even just because of just making a mistake. Even with no criminal intent, and no impairment or texting or whatever proven, the penalties for that mistake are really really high, similar to a DUI. Closer and closer to zero tolerance. That is the only thing that is going to sharpen people up. I KNOW that good people make mistakes that kill other people - it happens all the time. It could happen to me. But if I make a horrible mistake like that, I expect the big boot of the law squarely up my ass.

A limp-wristed slap on the wrist, by whichever LEO/court/magistrate/judge, for whatever reason, will just let this problem get worse and worse, since there are more and more people using the roads. Someone's got to hammer down on drivers to make them (us) take their share-the-road responsibility seriously.

But it sure does help to have some idea how the system works. Thanks for the detailed and thoughtful reply. I needed all those details.

But we'll still probably raise hell for stiffer enforcement/penalties. One mosquito in the bedroom can get your attention, after all.

Thanks again,  
Kris