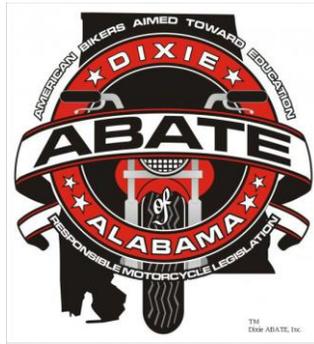


DIXIE ABATE BOARD OF DIRECTORS:

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

Address:  
612 32<sup>nd</sup> Street South, #206  
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)

Ira "Cowboy" Jones, Organizer  
Jeffrey Meck, Assistant Organizer

MEETING NOTES: 2/10/2017: Shoney's, Clanton, AL 2 PM

In attendance:

Kris Cook  
Matthew Schroeder  
Shane Coker  
Garland Medlock  
Jeffrey Meck  
Gene Powell  
Steve Barclay  
Ira "Cowboy" Jones

Kris passed out notes to the last meeting and a treasurer's report. Everyone reviewed the documents and no one had any corrections.

It is time for us to renew our billboard contracts with Lamar. Kris to contact Lamar in the next week to see what is happening with the Huntsville billboard. She isn't receiving a monthly statement from Huntsville like she is from Birmingham and Mobile. She will also check to see if there is room for a new PSA in Montgomery now. Ira made the motion that we renew the billboard contracts. Shane seconded. The motion passed. We will pay for a renewal in Mobile and a new board in Montgomery. We need to raise \$2,000.00 for the Birmingham renewal, which is due on 3/10/17.

\*\*Note: Subsequent to the meeting, Kris found out that Lamar had dropped the ball and taken down the Huntsville board last September. They apologized for the mistake and will fabricate a new vinyl and put it up, and it will run through this time next year, free of additional charge.

Steve suggested advertising on television. His local station has free spots.

Matt reported on the E15 issue. U.S. Rep. [Jim Sensenbrenner](#) (R-Wis.) introduced H.R. 777 on Jan. 31. This bill would require the National Academy of Sciences to provide a comprehensive assessment of research on the implications of the use of mid-level ethanol blends – fuel containing more than 10 percent ethanol by volume – compared to gasoline blends containing 10 percent or zero percent ethanol. The study will evaluate the performance, safety, and environmental impact of mid-level ethanol blended fuels.

Dixie ABATE, as well as the AMA and the MRF, supports H.R. 777, as part of wider effort to reform the Renewable Fuel Standard. No motorcycles or ATVs are approved by the U.S. Environmental Protection Agency to use fuel blends containing more than 10 percent ethanol. This is something you should contact your representative about. Steve noted that newer machines are fine running E10. Shane says it destroys fuel tanks in marine engines, as well as eating fuel lines and primer bulbs.

Matt reported on the profiling issue. The resolution that was introduced last year will probably be introduced again this year. Below is last year's information:

The first step towards a law prohibiting motorcycle profiling at the national level was introduced in the US House of Representatives on July 13, 2016 and referred to the House Committee on the Judiciary the same day. House Resolution 831 promotes public awareness of motorcycle profiling at a national level and urges state law enforcement officials [in all 50 states] to condemn “motorcycle profiling in written policies and training materials.” Although resolutions are non-binding, H. Res. 831 makes motorcycle profiling a national discussion and directs states to condemn the practice. This policy directive to all 50 states will greatly assist the efforts in any state pursuing anti-motorcycle profiling and discrimination legislation.

Res. 831 is a direct result of the collaborative efforts of the Motorcycle Riders Foundation (MRF), the National Council of Clubs (NCOC), the Motorcycle Profiling Project (MPP), and the National Coalition of Motorcyclists (NCOM). The MRF has taken the lead with feet on the ground in DC demonstrating the value of an established lobbying infrastructure in our nation’s capitol. The Motorcycle Profiling Project is primarily responsible for policy research, consultation, and substantive analysis. The NCOC is focused on media and public relations at the grassroots and national level. Finally, NCOM has endorsed the unified effort to pass legislation addressing motorcycle profiling at the national level.

The MRF, NCOM and the ALCOC believe profiling has become a national issue. Though few occurrences have been noted in the state of Alabama, we need to be in solidarity with riders across the nation and be vigilant against this practice.

Matt discussed HR 350, the RPM Act, printed below:

115th CONGRESS

1st Session

H. R. 350

To exclude vehicles used solely for competition from certain provisions of the Clean Air Act, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

January 6, 2017

Mr. McHenry (for himself, Mr. Abraham, Mr. Bost, Mr. Bucshon, Mr. Burgess, Mr. Carter of Georgia, Mr. Cramer, Ms. Foxx, Mr. Gosar, Mr. Griffith, Mr. Grothman, Mr. Hudson, Mr. Huizenga, Mr. Jones, Mr. LaMalfa, Mr. Loudermilk, Mr. Moolenaar, Mr. Mullin, Mr. Pittenger, Mr. Posey, Mr. Roe of Tennessee, Mr. Rogers of Alabama, Mr. Rokita, Mr. Ryan of Ohio, Mr. Walberg, Mrs. Walorski, Mrs. Mimi Walters of California, Mr. Westerman, Mr. McClintock, Mr. Zeldin, Mr. Nolan, Mr. Holding, Mr. Brooks of Alabama, Mr. Cook, Mr. Emmer, Mr. Renacci, Mr. Cooper, Mr. Cuellar, Mr. Long, Mr. Sensenbrenner, Mr. Brat, Mrs. Wagner, Mr. Tiberi, Ms. Jenkins of Kansas, and Mr. Smith of Texas) introduced the following bill; which was referred to the Committee on Energy and Commerce

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**A BILL**

To exclude vehicles used solely for competition from certain provisions of the Clean Air Act, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. Short title.

This Act may be cited as the “Recognizing the Protection of Motorsports Act of 2017” or the “RPM Act of 2017”.

SEC. 2. Findings.

The Congress finds that—

(1) at the time the Clean Air Act was written, and each time the Clean Air Act has been amended, the intent of Congress has been, and continues to be, that vehicles manufactured for, modified for, or utilized in organized motorized racing events would not be encompassed by the Clean Air Act’s definition of “motor vehicle”;

(2) when Congress sought to regulate nonroad vehicles in 1990, it explicitly excluded from the definition of “nonroad vehicle” any vehicle used solely for competition;

(3) despite the clear intent of Congress, the Environmental Protection Agency has cited the Clean Air Act as authority for regulating vehicles used solely for competition; and

(4) the Environmental Protection Agency has exceeded its statutory authority in its recent actions to regulate vehicles used solely for competition.

SEC. 3. Exclusion of vehicles used solely for competition from the anti-tampering provisions of the Clean Air Act.

Section 203 of the Clean Air Act ([42 U.S.C. 7522](#)) is amended by adding at the end of subsection (a) the following: “No action with respect to any device or element of design referred to in paragraph (3) shall be treated as a prohibited act under that paragraph if the action is for the purpose of modifying a motor vehicle into a vehicle to be used solely for competition.”.

SEC. 4. Exclusion of vehicles used solely for competition from the definition of motor vehicle in the Clean Air Act.

Section 216 of the Clean Air Act ([42 U.S.C. 7550](#)) is amended by striking “.” at the end of paragraph (2) and inserting “and that is not a vehicle used solely for competition, including any vehicle so used that was converted from a motor vehicle.”.

SEC. 5. Implementation.

Not later than 12 months after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall finalize any regulations necessary to implement the amendments made by this Act.

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Here is what the AMA has to say about it:

The Recognizing the Protection of Motorsports Act (RPM Act, [S. 203](#)) was reintroduced in the House by Sen. [Richard Burr](#) (R-N.C.). The bi-partisan RPM Act would ensure that converting motor vehicles into competition-only vehicles remains legal. Street motorcycles are considered motor vehicles under the Clean Air Act.

The act states that it was the clear intent of Congress when passing and amending the Clean Air Act that motor vehicles, including motorcycles, used solely for competition would be exempt from the Clean Air Act's prohibitions against modifying emission control devices.

The American Motorcyclist Association supports the bill and its protections for amateur and professional racing enthusiasts.

Tell your senators you support S. 203. Send a prewritten email by using the convenient AMA Action Center.

### [Take Action](#)

The RPM Act has 14 cosponsors in the Senate. If your senators are already sponsors, you can express your thanks, as well.

The AMA is coordinating efforts with the RPM Coalition to support this legislation.

Here is what the MRF has to say about it:

## **The RPM Act Surfaces Again in the 115<sup>th</sup> Congress**

**WASHINGTON, DC** – For the amateur racing industry, the year started out on a strong note. One of the first bills to be introduced in the newly indoctrinated 115<sup>th</sup> session of Congress was the Recognizing the Protection of Motorsports Act of 2017 (RPM Act). U.S. Representative Patrick McHenry (R-NC) reintroduced H.R. 350 which protects Americans' right to modify street cars and motorcycles into dedicated race vehicles and industry's right to sell the parts that enable racers to compete.

The same measure was introduced during the last legislative session and though it ultimately didn't see floor time, it had broad bipartisan support with over 100 supporters in the House of Representatives and dozens in the U.S. Senate. This year, H.R.350 started out with 61 cosponsors with those numbers already increasing as additional supporters begin to sign on.

Rep. McHenry released a statement with the introduction of the bill, "Last year, I was proud to lead the fight against the misguided EPA regulation targeting racing, but our work is not done," said the Congressman. "In the coming months, I look forward to working with my colleagues in Congress and the new Administration to ensure the RPM Act becomes law."

The RPM Act came to fruition after the EPA proposed a rule to establish Phase 2 regulations for greenhouse gas (GHG) emissions in 2015. **Within the 625-page rulemaking was one sentence that would have the effect of banning any conversion of street automobiles or motorcycles into racing vehicles. The language pertaining to race-modified street vehicles and motorcycles was included seemingly at random within a huge proposal having to do with cutting emissions from heavy- and medium-duty trucks. However, it would effectively outlaw part of the amateur car and motorcycle racing industry.**

In April of 2016, the EPA announced that, under pressure from Congress, it would drop the language from its proposed regulations. However, despite the EPA's announcement, spokespersons from the Agency are still stating that the clarification does not affect EPA's enforcement authority. **This shows the clear intent of the EPA to attempt to overstep its bounds, as outlined by the Clean Air Act, in an effort to strip motorcyclists of the rights to modify their motorcycles as they see fit.**

Supporters of the RPM Act will provide clarity to industry and enthusiasts that the Clean Air Act allows motor vehicles, including motorcycles, to be converted into dedicated race vehicles.

Matt discussed the issue of whether the vehicle owner is the sole owner of the data held in the vehicle's computer system, including driving and location records.

## **Introduced in House (01/24/2017)**

### **Security and Privacy in Your Car Study Act of 2017 or the SPY Car Study Act of 2017**

This bill requires the National Highway Traffic Safety Administration to conduct a study to determine and recommend standards for the regulation of the cybersecurity of motor vehicles manufactured or imported for sale in the United States. The study shall identify:

- isolation measures that are necessary to separate critical software systems that can affect the driver's control of the movement of the vehicle from other software systems;
- measures that are necessary to detect and prevent or minimize anomalous codes, in vehicle software systems, associated with malicious behavior;
- techniques that are necessary to detect and prevent, discourage, or mitigate intrusions into vehicle software systems and other cybersecurity risks in motor vehicles; and
- best practices to secure driving data about a vehicle's status or about the owner, lessee, driver, or passenger of a vehicle that is collected by the electronic systems of motor vehicles; and
- a timeline for implementing systems and software that reflect such measures, techniques, and best practices.

Here is another take on it:

On Tuesday, January 24, 2017, U.S. Representatives Ted Lieu (D-CA) and Joe Wilson (R-SC) introduced the Security and Privacy in Your Car Study Act of 2017. The [bill](#), H.R. 701, directs the National Highway Traffic Safety Administration (“NHTSA”) to undertake a study on cybersecurity standards for motor vehicles.

If enacted, the measure would require NHTSA to study and determine the “appropriate standards for the regulation of the cybersecurity of motor vehicles” and to make recommendations to be adopted by NHTSA or any other relevant federal agency. The legislation focuses on both the physical security of automobiles and the protection of users’ personal data. Specifically, the bill asks NHTSA to identify (1) isolation measures to separate critical and non-critical automobile software systems, (2) procedures for preventing software bugs, (3) techniques to detect or prevent malicious hacking, (4) best practices to secure driving data, and (5) the proper timeline to implement such protections and practices.

Under the proposal, NHTSA is asked to conduct the study in coordination with a number of public and private groups—including the Federal Trade Commission, the National Institute of Standards and Technology, the Department of Defense, the Automotive Information Sharing and Analysis Center, and SAE International, as well as automobile manufacturers, original equipment manufacturers, and relevant academic institutions. <<No MRF or AMA, or any motorcycle panel is listed here. It is a conspicuous absence. -Kris>> The bill demands a preliminary report to Congress one year after enactment, and a final report six months after that.

Representatives Lieu and Wilson introduced similar legislation, H.R. 3994, in the last Congress, but that bill was never passed out of committee. To date, no equivalent Senate bill has been introduced.

In other words, it isn't beyond the realm of possibility for law enforcement to be able to hack into your vehicle and shut it down, or at the very least obtain the record of your driving from the computer, after you have been involved in an accident. We need to watch this legislation with an eye for how it applies to motorcycles, at least newer ones with computer systems onboard.

Gene discussed new Alabama Legislation:

HB88

176132-1

By Representative Pringle

RFD: Judiciary

First Read: 07-FEB-17

PFD: 02/06/2017

176132-1:n:03/22/2016:KBH/tj LRS2016-1263

**SYNOPSIS:** This bill would establish the Marshall James Walton Highway Safety Act and would create the crime of homicide by vehicle or vessel.

This bill would provide that a person is guilty of homicide by vehicle or vessel if the person causes the death of another person while knowingly engaged in the violation of any state law or municipal ordinance applying to the operation or use of a vehicle, a vessel, or to the regulation of traffic or boating, if the violation is the proximate cause of the death.

This bill would provide criminal penalties.

Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

The purpose or effect of this bill would be to require a new or increased expenditure of local funds within the meaning of the amendment. However, the bill does not require approval of a local governmental entity or enactment by a 2/3 vote to become effective because it comes within one of the specified exceptions contained in the amendment.

**A BILL TO BE ENTITLED AN ACT**

Relating to homicide; to establish the Marshall James Walton Highway Safety Act; to create the crime of homicide by vehicle or vessel under certain conditions; to provide criminal penalties; and in connection therewith to have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. This act may be cited as the Marshall James Walton Highway Safety Act.

Section 2. (a) A person who causes the death of another person while knowingly engaged in the violation of any state law or municipal ordinance applying to the operation or use of a vehicle, as defined in Section 32-1-1.1 of the Code of Alabama 1975, or a vessel, as defined in Section 33-5-3 of the Code of Alabama 1975, or to the regulation of traffic or boating, shall be guilty of homicide by vehicle or vessel when the violation is the proximate cause of the death.

(b) A person convicted of homicide by vehicle or vessel under subsection (a) is guilty of a Class C felony.

Section 3. Although this bill would have as its purpose or effect the requirement of a new or increased expenditure of local funds, the bill is excluded from further requirements and application under Amendment 621, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, because the bill defines a new crime or amends the definition of an existing crime.

Section 4. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Marshall James Walton was a 25-year-old construction worker who was hit and killed in February 2015 as he worked on a trailer.

Per Gene, there is no matching bill out of the Senate yet. It may not make it out of the judicial committee.

Matt noted that effective this year, LEO's can give citations even if they didn't see the accident. This replaces Code of Alabama [Section 32-5A-192](#):

*Homicide by vehicle or vessel.*

Repealed by Act 2014-427, §2, effective July 1, 2014.

*(Acts 1980, No. 80-434, p. 604, §9-107; Acts 1983, No. 83-620, p. 959, §1; Acts 1994, No. 94-652, p. 1243, §3.)*

We wondered what ever happened with Dave "Bluesman" Fail's killer. Dave, a Dixie ABATE member, was struck and killed by a hit and run driver as he left the parking deck of a hospital where he had been visiting another rider who'd been struck by a vehicle, last year. He lost his life. Kris will check with his widow, Charlotte Fail.

We made plans for our first 2017 Legislative Day on March 8. We need a rough agenda and a flyer to hand out to our representatives. Kris will work on a flyer.

Gene mentioned Pennsylvania's Dead Red legislation, signed into law in July last year:

The bill, called "Ride on Red," has been signed into law by Gov. Tom Wolf. It allows drivers to exercise "due care" and make a decision to legally go through a red light.

The bill was proposed because motorcycles typically do not trigger traffic light sensors that make lights turn from red to green.

Now, when a traffic signal is unresponsive to a driver, the driver can legally drive through the red light, rather than waiting at the intersection.

The bill was initially only for motorcycle riders, but was expanded to include other vehicles.

It was signed into law on July 20th and takes effect in 60 days.

**More from State Rep. Stephen Bloom of Cumberland County who proposed the bill:**

"Gov. Tom Wolf Wednesday signed into law legislation including provisions, authored by Rep. Stephen Bloom (R-Cumberland), to give motorcyclists and other drivers the option to proceed with caution through an intersection when trapped at an unresponsive traffic light.

Bloom's House bill language allows drivers of all vehicles the option to proceed with caution through an intersection when a traffic signal is unresponsive, only after exercising due care as provided by law.

"If the vehicle detection system fails to recognize the vehicle and the driver has come to a complete stop, the driver must then make sure it is safe to continue, and only then would they be able to lawfully proceed with caution through the intersection," Bloom explained.

Originally intended only for motorcycles, which often fail to trigger traffic lights due to their smaller size, the bill was expanded to apply to all vehicles.

Deemed "Ride on Red," Bloom added that the goal of the legislation is to solve practical problems while ensuring safety.

"This law does not give drivers a free pass, but ensures a safe and legal option to avoid the danger and inconvenience of being trapped in perpetuity at a locked red light," Bloom said. "This issue is more common than many people realize, especially on rural roads or during late hours when long periods often elapse before a heavier vehicle comes along to finally trip the unresponsive light."

Signed into law as part of Act 101, the new law takes effect in 60 days." --- from wgal.com

Gene noted that there is nothing in the Alabama code that addresses traffic lights at all. He says we could amend the following section by adding a paragraph that deals with an unresponsive signal:

**Section 32-5A-34**

**Flashing signals.**

(a) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

(1) Flashing red (stop signal). When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(2) Flashing yellow (caution signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(b) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in Section 32-5A-150.

*(Acts 1980, No. 80-434, p. 604, §2-104.)*

Matt made a motion we pursue "dead red" legislation. Ira seconded, and the motion passed. Matt said that 19 states now have similar legislation. Gene to get hold of Randy Wood to start the ball rolling.

This will be the second time Dixie ABATE has attempted to work on a bill like this. The MRF probably has the wording of every state's statute, that we can use to craft our own.

Steve Barclay folded the Tri-County chapter, handing over the checkbook and all records over to Matt and Kris. He has closed the local P.O. Box. Cowboy expressed interest in taking it over. Kris to give Cowboy a list of members in his area. Kris will also get renewal letters out to expired members in this area.

Matt and Garland are going to set up at the Bama Swap-n-Drag, at the Sand Mountain Dragway, on April 15.

Matt has sent email to several representatives regarding our March 8<sup>th</sup> visit, including Mack Butler (R Dist. 30, Etowah, St. Clair), Mary Moore (D, Dist. 59, Jefferson), Connie Rowe (R Dist. 13, Blount, Walker), Craig Ford (Democratic Minority Leader, Dist. 28, Etowah), and Becky Nordgren (R Dist. 29, Calhoun, Dekalb, Etowah.)

This upcoming Legislative Day, March 8, will be a meet and greet, more than anything. We won't be asking for anything, but if we get a chance, we will touch on a few issues pertaining to the motorcycle community. We mostly just want them to be aware of us.

Please contact your own representative. Get his or her room number, see what committees they are on, and pull the calendar to see what time she may be free. See your own reps first, then others. Divide and conquer.

Welcome new member Jeffrey Meck! Jeffrey is a member of the CMA, out of the Prattville area.

The Noccoalula Falls chapter is planning a Block Party on May 27, at a hangar at the Gadsden airport. It will feature free food and live music, and will be easy to find and open to all. They won't be having an Easter egg hunt this year, as the property where they had it last year is no longer available. This was an event they held for special needs children and was very popular last year. Gene suggested inviting Craig Ford, and Cowboy suggested inviting the local police chief and county sheriff.

Matt nominated Carolyn Schroeder to provide all the food, Shane 2<sup>nd</sup>. Motion carried. This was a lesson to all to make sure to be at the meetings, to avoid being volunteered for something.

Matt to reach out to some of the visitors we had at our June meeting at Noccoalula Falls park.

Matt reminded us that the NCOM convention in 2018 will be in Mobile. We will probably organize rides for attendees, if there is time.

Ingalls Shipbuilding wants to sponsor a billboard. Kris has reached out to Mississippi ABATE to make sure this will be all right with them, as it may be in Mississippi. There has been no response. Matt will try to make contact.

Kris gave Matt the number of a member of Tennessee ABATE, who had called about a multi-state event they would like to hold. Matt to follow up.

Our next meeting is at 2 PM on April 1, at the Shoney's in Clanton. The address is 946 Lake Mitchell Road. The phone number there is 205-258-5347.