

# Texas Motorcycle Rights Association Legislative Update

By Paul Landers, State Chairman



## Legislative Update for the 82<sup>nd</sup> Session, 2011

Basically TMRA2 met all of our goals last session after 19 years with the help of all the Texas Motorcycle Rights Groups. More than likely we will be in defensive mode and killing bills instead of introducing them. We were told at the Capitol the changes from the election are not good. Not only did it take out a lot of experienced representatives that know the system, it took out their experienced Aids, Chief of Staff, etc.. It will be like starting all over again. They house is expected to grid lock this session over redistricting again, budget problems, and Voter ID, just to mention a few. So many bills are expected to be delayed and killed due to time restraints. **TMRA2 will be opposing: Road Blocks/Alcohol check points (illegal and bills introduced), discriminatory Gang Laws, Motorcycle Insurance law changes (The Department of Insurance is up for Sunset Review), any helmet bill, and anti gun laws.**

**Law SB1967:** Needs to stay intact without having it re-opened for amendments. SB1967 is working. For 2009 according to TXDOT, the motorcycle injuries were reduced for the first time by 15%, and deaths were reduced by 20%. So we don't want this bill touched for any reason. Most of the money allotted for PSA's and radio ads won't kick in until the spring of 2011. When it does, we expect the numbers to drop significantly. We are currently tracking the rest of the DPS rider training fund and the TXDOT PSA money allotted for SB1967 to be sure it is spent as agreed.

**Budget:** We went to a press conference with Senator Kirk Watson Last Monday. Below is what the senator's plans are to clean up the budget. This directly effect's our motorcycle safety bill because we already experienced problems now and in the past with dedicated funds being allocated, then taken for other uses without the biker community knowing.

**Texas Budget by Kirk Watson:** The agenda will include a series of "accountability" reforms to rebuild trust with Texans by opening the state's appropriations and finances to the public and requiring real transparency for those in control of the budget. I'll also offer a "stability" package of reforms that will modernize government and restore it so legislators, and voters, can have faith in major policy and budget decisions that will set the course of the state and its future.

And I'll fight to make sure that those in charge set out a path for cleaning up this fiscal mess and building a responsible, truthful, truly moral state budget by taking the time (more than just the five months of a session) and getting the expertise (including some folks from outside the Capitol) to rebuild the budget from the ground up, implementing the values that Texans hold dear.

**Houston Noise Ordinance:** Below is the plan of action to deal with the Houston Noise Ordinance problem. Topic: **NOISE ORDINANCE VIOLATIONS**, Houston, TX Current Situation: Officer Holtsclaw unfairly profiles motorcyclists by pulling over and issuing an inordinate amount of tickets to riders. The majority of tickets are for so-called 'noise violations', city code 30-3 and 1400, and primarily on Hwy 6 in between I-10 and Westheimer. Main Objectives/Issues:

### A. Rewrite City of Houston Noise Ordinance Code

1. City is liable for lawsuits since city code pre-empts state law.
2. Code is too vague, needs clarification and a means for application to all Vehicles.

B. Have Officer Holtsclaw relieved of his duties in a patrol car.

1. Establish and document his harassment and profiling of Motorcyclist's.
2. Establish and document that he is no longer able to carry out the duties of his Position as a patrol car officer in a rational, fair, and unbiased manner.

Suggested Protocol to Achieve Objectives:

1. File formal complaints (incident reports) with Houston Police Department. Contact Officer Holtsclaws supervisor.

*NOTE:* If you get pulled over, immediately request that a superior officer be called on the scene and present before proceeding. Also, do not pay the fine. Request a trial by jury.

2. Contact HPD Citizens Review Committee 713-308-8933 [note - will have to confirm that this is the correct entity to contact, i.e., that they monitor police behavior]. Find out who is in charge and file a formal letter/complaint with that person.

3. Contact the City Attorney, David Feldman

City of Houston Legal Department

900 Bagby, 3rd Floor

Houston, TX 77002

PHONE: 832.393.6491

E-Mail the City Attorney: [david.feldman@houstontx.gov](mailto:david.feldman@houstontx.gov)

4. Contact Mayor of Houston, Annise Parker

Mayor Annise D. Parker

City of Houston

P.O. Box 1562 Houston, TX 77251

Phone: 3-1-1, or 713.837.0311

Email: [mayor@houstontx.gov](mailto:mayor@houstontx.gov) or [scheduling@houstontx.gov](mailto:scheduling@houstontx.gov)

5. Contact ACLU

6. Get letters written from business owners whose businesses are suffering financially because of Officer Holtsclaw's actions, in particular, The Dam Ice House.

7. Generate a record/list of tickets issued that includes names, dates, incidents, violations.

8. Try to capture on video the officer in the act of issuing tickets to bikers only.

9. Contact the State Representative for that area and inform him of the situation. **Texas U.S. Representative** Congressional District 7--Congressman John Culberson

10. Create contact list of main people involved. After these steps have been taken and documented we can then submit to Paul a request for a US Defenders CTA (Call to Action)

For more info about TMRA2 go to our web site [tmra2.org](http://tmra2.org), or contact us at the state office, Terri Williams,

512-971-1377 or Paul Landers 512-276-0681.