



rights. riding. racing.

American**Motorcyclist**Association

March 16, 2006

The Honorable «first\_name» «last\_name»

«street»

«street\_line2»

«city», «state» «zip»

Dear Representative «last\_name»:

The American Motorcyclist Association (AMA) is a 270,000 member organization dedicated to pursuing, protecting, and promoting the interests of motorcycling enthusiasts nationwide. On behalf of our 3,330 Idaho members, we urge your support of Senate Bill 1367, legislation to allow motorcycle operators to proceed through malfunctioning traffic-actuated signals under certain conditions.

For many years, motorcyclists have reported vehicle detection devices at signalized intersections do not recognize their motorcycles. This condition exposes motorcycle operators and their passengers to unnecessary safety hazards and interrupts the normal flow of traffic. When traffic control devices do not function as designed, motorcyclists are faced with difficult choices to solve their dilemma.

Senate Bill 1367 would permit a motorcycle operator, after waiting a prescribed period, to proceed through a traffic-actuated signal if he or she determines that the signal is controlled by a vehicle detector that failed to recognize his or her motorcycle. In fact, the motorcycle operator would be permitted to treat the traffic-actuated signal as a malfunctioning traffic control device, which it clear is in the case of not detecting the motorcycle.

Two states currently provide a remedy for motorcycle operators faced with malfunctioning traffic-actuated signals.

Minnesota Statutes (Section 169.06 Signs, signals, markings.) reads

**Subdivision 9: Affirmative defense relating to unchanging traffic-control signal.**

(a) A person operating a motorcycle who violates subdivision 4 by entering or crossing an intersection controlled by a traffic-control signal against a red light has an affirmative defense to that charge if the person establishes all of the following conditions:

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Minnesota Statutes (Section 169.06 Signs, signals, markings.) (continued)

- (1) the motorcycle has been brought to a complete stop;
  - (2) the traffic-control signal continues to show a red light for an unreasonable time;
  - (3) the traffic-control signal is apparently malfunctioning or, if programmed or engineered to change to a green light only after detecting the approach of a motor vehicle, the signal has apparently failed to detect the arrival of the motorcycle; and
  - (4) no motor vehicle or person is approaching on the street or highway to be crossed or entered or is so far away from the intersection that it does not constitute an immediate hazard.
- (b) The affirmative defense in this subdivision applies only to a violation for entering or crossing an intersection controlled by a traffic-control signal against a red light and does not provide a defense to any other civil or criminal action.

Tennessee Code (55-8-110. Traffic-control signals - Inoperative signals with vehicle detection devices for motorcycles - Right of way at signals inoperative due to mechanical failure or accident.) reads:

(b) Notwithstanding any provision of law to the contrary, the driver of a motorcycle approaching an intersection that is controlled by a traffic-control signal utilizing a vehicle detection device that is inoperative due to the size of the motorcycle shall come to a full and complete stop at the intersection and, after exercising due care as provided by law, may proceed with due caution when it is safe to do so. It is not a defense to a violation of § 55-8-109 that the driver of a motorcycle proceeded under the belief that a traffic-control signal utilized a vehicle detection device or was inoperative due to the size of the motorcycle when such signal did not utilize a vehicle detection device or that any such device was not in fact inoperative due to the size of the motorcycle.

Four other states have or are considering legislation to address this issue; they include Georgia (HB-141), South Carolina (SB-1027), Washington (HB-1466), and Wisconsin (AB-964/SB-528).

Unless and until state, county, and municipal departments of transportation in Idaho adjust malfunctioning traffic-actuated signals to detect the presence of all motorcycles, we endorse the remedy proposed in SB-1367 as a workable solution to a known safety problem.

In the interest of motorcycle safety in Idaho, we respectfully request your support of SB-1367 and your "YES" vote in the House of Representatives.

Sincerely,

Mr. Imre F. Szauter  
Legislative Affairs Specialist  
AMA Government Relations