

An American's View of European Motorcyclists' Rights

By Vince Piacenti

As we move towards a global economy, there are a multitude of advantages that present themselves in the areas of technology transfer, medicine, culture, etc. We must however be fully aware that there are also a host of dangers accompanying these advantages.

One such danger lies within the area of the motorcycle legislation that other countries employ. Many countries which we regard as highly-developed are in fact decades behind the U.S. in terms of motorcyclists' rights. Worse yet, these people have been oppressed so long that in many cases they have lost the will to fight back.

After having spent eight years in West Germany, I have experienced such oppression. Let me remind the reader that this was West Germany, not East Germany.

I can assure you that the best thing that we can learn from Europe is what will happen to us if we don't persevere in our fight for our freedoms. Some of the rules currently in effect for motorcycles in West Germany:

- Only one headlight allowed (dual headlights are reserved for cars, three headlights are only allowed on trains).
- No sissy-bars over 16 cm (about 6 1/2 inches)
- Exhaust can't be any louder than as specified by the factory (this spec is written in each vehicle registration).
- Permission-to-operate (i.e., vehicle registration) rescinded if any of the following are changed without previous written permission from the Registry of Motor Vehicles:
 - handlebar type/height
 - installation of sidecar
 - installation of any engine with different power rating
 - installation of any tires other than specified in vehicle registration
 - change of final drive ratio
 - any changes to engine to increase power
- Each and every motorcycle rider is permit-

ted to ride only motorcycles up to 34 HP for the first two years. After having ridden 4000 Km within two years, you may apply for a regular license. This law is due however to be revoked on April 1, 1995.

- Bikes with trailers are only permitted to go 60 KPH (38 MPH), even on the Autobahn. There is also a maximum recommended speed for each type of saddlebag and luggage.
- If you are injured on a bike and are not wearing your helmet, your insurance benefits are drastically reduced or even cancelled, even if you were not at fault (sound familiar?)

Some of these laws are similar to ours (e.g., handlebar height), but some make no sense at all. For instance, a stock Softail Custom, straight from the factory, is illegal due to the "excessive" sissy-bar height (a whopping 23 cm/9 inches)! So before it can be delivered to the customer, the sissy-bar has to be removed or exchanged for a shorter one.

Now a 10-inch sissy-bar is really not excessive at all. I asked around to try to find the reason for this law, and nobody could tell me. One person guessed that it may in fact have something to do with safety (the sissy-bar may impede the passenger's quick exit), but even he couldn't justify the legislation. And nobody at all argued the fact that having a sissy-bar is much safer for the passenger than not having one, as he/she is supported during acceleration and cornering.

Perhaps the worst thing about the sissy-bar law is that most people don't care anymore; they just shrug and say, "It's the law, it can't be changed, no matter how stupid it may be." When I suggested that they get together and fight the law, or even write to their congressman, they looked at me like I was from another planet.

Now the scariest law is the exhaust legislation. Since the allowable noise level is entered in your registration, the police have a spec for your bike. And since police vehicles carry noise-meas-

suring equipment with them, they can spot check anybody's bike at any time. Shades of Big Brother?

Are these laws merely on the books, or are they really enforced? "Enforced" is an understatement; let me cite a recent example: on July 16, 1994, a bike rider from Hamburg was stopped as he was riding to a rally. After the police checked his license, registration, etc., they decided to check his exhaust. The bike was within specs, so the police made the rider increase the engine speed; the rider revved the engine to 3000 RPM (a normal cruising-speed RPM for a long-stroke V-twin), but the bike was still within spec. The policeman then grabbed the throttle himself and brought the engine up to over 5000 RPM, at which point the bike was indeed out-of-spec, but at the same time parts began to fly. The rider not only got a ticket, and had to replace the exhaust, but also had to pull the motor to fix the conn-rod bearings. All this occurred in front of seven eye-witnesses.

The rider did later receive a 6-page report from the police, in which they admitted that they only needed to go as high as 3700 RPM for a proper test, but they still concluded that the test was performed according to the law. In addition, the rider had to have the bike inspected after the installation of the new exhaust to prove conformance to legislation; he even had to pay the inspection fees. If he did not have the bike inspected, the registration would be cancelled and the bike impounded!

What about the laws in other countries? Let's take England:

1. Helmet law (except for Sikhs, whose turbans don't fit into the helmets).
2. No learner riders allowed on the motorway.
3. No pillion allowed with learner-rider.
4. Learner-rider must pass part 1 of the test (off-road) before being allowed on the road, unless an automobile driving test was passed before a certain date. Part 2 of the test must be passed within two years of part 1, otherwise one can't ride for a period of one or two years.

Some of these laws are similar to laws in some of our states, and for the most part make sense. But nobody seems to understand the rationale behind the forced one or two year hiatus (if part

2 is not passed within two years of part 1), and it certainly seems contrary to common sense, as one would think that riding skills would deteriorate, not improve, after such a long time without practice.

I don't want to debate the Sikh issue within this paper. Suffice it to say that such a law would make for some very interesting debates here in the U.S.

How will the European Union (EU) affect motorcyclist's rights?

Well, if you thought Big Brother was already active in Europe, you ain't seen nothin' yet! Currently under discussion is a European-wide law that riding suits must be worn. This started as a proposal within Germany in 1988; it was beaten back in 1989 by a German MRO. Then in 1990 it surfaced again, this time for the entire European Union. This law would be combined with an EU-wide standard that all riding suits must meet.

Also under consideration is an EU-wide law requiring catalytic-converters on motorcycles. A law limiting motorcycles to 100 HP was just defeated.

Luckily there are MROs in Europe; one that I am familiar with is the Biker Union in Germany. They currently have about 10,000 members, and their activities are similar to ours (writing senators and congressmen/congresswomen, collecting signatures, etc.).

How could the individual countries' legislation, and later the EU legislation, affect ours? Very drastically if we don't keep watch. There are enough do-gooders who will catch wind of what is going on in Europe and want to introduce the same laws here, simply because some of our legislators "know what is best for us." This will happen regardless of the fact that such laws make no sense at all in their home countries and make even less sense in an entirely different country.

We in MRF thus need to remain vigilant: we must keep abreast of the situation in Europe, maintain a data base on the various legislative activities, and come up with counter-arguments, well ahead of our "guardian angels." In this manner we can stay ahead of any such legislative proposals here, and beat them down before they get too far.

To this end, I have joined one of the MROs in Germany, so that I can keep an eye on the situation in Germany and in the EU. I for one don't want to lose any of our freedoms that we have fought so hard to preserve.

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German Driver's License Manual

VINCE PIACENTI

I have been riding since 1980, but I am relatively new to MROs, having recently spent 8 years in West Germany. I am in the DuKane chapter of ABATE of Illinois, where I am assistant to the newsletter editor (my wife). I am a member of MRF and AMA, as well as HOG. I was a volunteer at the 10th Annual Meeting of the Minds. I am a fuel injection design engineer, speak fluent German and broken French.