NC Governor McCrory Defends Signing Motorcycle-Abortion Safety Law

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Michael Matthew Bloomer, July 30, 2013, reporting from Charlotte, North Carolina which I mistakenly believed was the state's capitol.

> "I would have vetoed [the original House-passed bill,] HB 695 because it was clearly designed to restrict access. I am pleased that this new legislation is focused on the health and safety of women in North Carolina. These higher standards will result in safer conditions for North Carolina women. This law does not further limit access and those who contend it does are more interested in politics than the health and safety of our citizens." - Governor Pat McCrory on the occasion of signing Senate Bill 353, July 29, 2013

The lawn outside the Governor's office building was rife with protesters as he signed the bill into law on July 29, 2013. The new law that incites strong opposition mandates strengthened motorcycle safety measures. (Note: The bill also includes motorcycle abortion-related provisions, noncontroversial in nature. See here.) Below is the offending provision:

> **§ 20-154. Signals on starting, stopping or turning.** A person who violates . . . this section and causes a motorcycle operator to change travel lanes or leave that portion of any public street or highway designated as travel lanes shall be responsible for an

> infraction and shall be assessed a fine of not less than two hundred dollars ($200.00). A person who violates . . . this section that results in a crash causing property damage or personal injury to a motorcycle operator or passenger shall be responsible for an infraction and shall be assessed a fine of not less than five hundred dollars ($500.00).($500.00) . . .

Large crowds of protesters were today still assembled on capitol grounds and at the Governor's residence. In response, the Governor issued the following written statement:

> As I've often said, motorcycle safety ranks among my more heartfelt concerns, particularly for women whose more petite and lightly muscled bodies suffer far more than men when a motor vehicle driver causes her to change travel lanes or drives her off the road completely. This often

> causes extensive property damage, not to mention injury or death to the unfortunate feminine motorcyclist. Moreover, she is far more likely to sustain injury than a man, especially, as we all know, women operate tiny motor scooters more appropriate to their lithe bodies. Prior to my signing SB353 today, this state has nit seen fit to provide protection for female scooter operators. During my campaign I promised to address this unfairness, and today I delivered on that promise.
>
> Some have said that this bill violates an individual's right to change lanes. They maintain that the Founders neither included this right within the State Constitution, nor within in the federal Constitution. I must remind these critics that in the era when the federal and State Constitutions were created, 1789 and 1848, a horse-drawn carriage changed lanes on a public highway at a near funereal pace such that any horse rider had more than ample time to move his or her mount away from a dangerous collision. The Founders could not have anticipated a "motorcycle" or a" car," and it follows, neither could they envision a high-speed confrontation between a "car" and a "motorcycle" (or ladies diminutive

"scooter") that would cause the motorcyclist(s) harm. A right to one's lane may not therefore be derived from the penumbra of rights within the State or the federal Constitutions.

A constitution is a living document. Thomas Jefferson wrote, "No society can make a perpetual constitution, or even a perpetual law. The earth belongs always to the living"; horses gave way to ladies scooters; slow horse-drawn carriages to speedy eighteen wheelers. Thus, despite opponents' threats to test the Motorcycle Safety Act' constitutionality in the courts, I remain confident that the words of U.S. Supreme Court Justice Oliver Wendell shall prevail:

> "With regard to that we may add that when we are dealing with words that also are a constituent act, like the Constitution of the United States, we must realize that they have called into life a being the development of which could not have been foreseen completely by the most gifted of its begetters." [*Missouri v. Holland*, 252 U.S. 416, 433 (1920)]

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Protest leaders were uniformly miffed. A filing in state court against the motorcycle safety provisions of the law is but a few days away.

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1. Pro Lane Change protest leaders assert that they will not challenge the law's abortion-related provisions, as they are not controversial and unrelated to motorcycle safety and the right to change lanes. (See here.)