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FLOOR DEBATE

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SENATOR BEUTLER: Senator Cudaback, members of the Legislature, I'm not really speaking to this motion. But I wanted to ask you to seriously think about one thing as we move to Select File. We have now made not wearing a helmet a secondary offense. And that means, of course, that law enforcement cannot enforce the law unless they find fault with the driver for...or, the rider, for another purpose. I'm going to take a look at, and I hope you'll take a look at, everywhere where we do this secondary offense business. Because I think it's probably bad practice wherever we do it. And I know we're doing it in the seat belt law. And now we're proposing to do it with helmets. It seems to me that there is at least one difference between a secondary offense with respect to seat belt law and a secondary offense with regard to helmets. And that is, with regard to seat belts, you don't necessarily know, law enforcement doesn't necessarily know whether a lap belt is attached, or a shoulder strap is attached. So at least in a...in one sense, the police officer doesn't know if there's a violation until the car is stopped. And the fact with respect to helmets is that the police officer knows, the police officer actually knows that the law is being violated, and cannot stop the violator of the law. And I would ask you to think about, as I'm trying to sort through in my own mind, what this means in terms of respect for the law. What is the law? What are we teaching our kids when we see somebody go by without a helmet, and the kid says, he's breaking the law, and maybe he's standing on the corner with the policeman, and the policeman says, yeah, he is, but there's nothing I can do about it? My point is that I'm thinking that this whole area, secondary offenses, is ill-thought-out, and that it breeds disrespect for the law, that perhaps we ought to either make something the law and enforce it, or not make it the law. And especially, especially in a case where the violation is obvious. I don't know how we can really view this whole matter as a society and go forward, where we say we are creating new kinds of law where the violation of the law is obvious but we're not enforcing it. And I'm going to try to deal with that between now and Select File. And I hope that's a matter that is of some concern to you. Because I think it ought to be. It's a condition that's...