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HOBBY THRIVES IN 2005!

SEMA Prevails On Motor Vehicle Lighting Rule

Following a challenge by SEMA, the National Highway Traffic Safety Administration (NHTSA) has withdrawn a controversial interpretation of the federal lighting standard. SEMA disputed NHTSA's authority to prohibit vehicle headlamp replacement systems that are different than the headlamps and components which came with the original vehicle.

In a notice issued Nov. 1, 2005, NHTSA agreed with SEMA that Federal Motor Vehicle Safety Standard (FMVSS) 108 is a performance standard that allows for

different types of replacement headlamp systems, lamps and sources so long as the system meets the photometry and functionality requirements of the standard. It had been NHTSA's con-



tention that replacement headlamps must comply with all applicable photometry requirements using the same light source as the original equipment. This interpretation would have prohibited, for example, replacing a halogenbased system with high-intensity discharge (HID) headlamps that otherwise meet all requirements of FMVSS 108.

NHTSA first issued its controversial interpretation in 2003 as a draft opinion letter subject to public comment. None of the 25 organizations and businesses that commented agreed with NHTSA's proposal that replacement equipment conform to the standard in the same manner as the original equipment. Instead, commenters argued that aftermarket manufacturers should be allowed to certify replacement lighting equipment under FMVSS No. 108 in such manner as complies with the performance standard it sets forth. Despite these recommendations, NHTSA stuck with its position and published a final opinion letter in October 2004. SEMA vigorously opposed this interpretation of a long-standing regulation and SEMA immediately petitioned the agency to reconsider its action.

SEMA welcomes NHTSA's reversal and will continue to work with the agency to ensure fair and accurate implementation of this new interpretation.

EFFORTS BY ENTHUSIASTS PAYOFF BIG ACROSS THE COUNTRY

ooperative efforts of automotive hobbyists who participate in the SEMA Action Network (SAN) continue to result in numerous legislative successes across the country. The SAN's pursuit of proactive, pro-hobby legislation has led to the overhaul of existing statutes and created brand new programs to safeguard and expand the hobby. Determined efforts by the SAN has also led to the defeat of several poorly formulated measures.

"The year 2005 brought a series of significant legislative and regulatory accomplishments for the vehicle enthusiast community on issues ranging from equipment standards to registration classifications to emissions test exemptions to hobbyist rights," said SEMA's Vice President of Government Affairs Steve McDonald. "Our successes this year once again demonstrate the benefits of active involvement and the grassroots potency of hobbyists across the country."

STATE ISSUES

State Legislative Caucus: State legislators from around the country have joined the recently formed State Automotive Enthusiast Leadership Caucus, a bi-partisan group of state lawmakers with a passion for and appreciation of automobiles. The common goal of the Caucus is to support the motor-vehicle hobby by raising its profile in state legislatures and in the eyes of the public. Many of these legislators are working in state capitals to protect the hobby by amending existing motor vehicle laws and creating new pro-enthusiast programs. The Caucus is being supported by SEMA's Government Affairs office.

Arizona Emissions Exemption: Legislation to exempt qualified collectible vehicles from the state's mandatory emissions inspection and maintenance program was signed into law by Governor Janet Napolitano. Under a SAN amendment, vehicles would have to be either

at least 15-years old or of unique design, limited production and an object of curiosity. Owners would have to maintain appropriate collectible or classic automobile insurance and their vehicles would be primarily used for car club activities, exhibitions, parades, etc. and only infrequently for other purposes. The new law must now be adopted by the U.S. EPA as part of Arizona's state plan for air quality.



Arkansas Nitrous: The SAN negotiated a compromise to legislation that originally threatened to prohibit public road use of all passenger cars or motorcycles equipped to supply the engine with nitrous oxide. The SAN modified the bill from its original form to protect manufacturers and hobbyists from a blanket ban. Under the new law, the mere presence of nitrous systems on passenger cars or motorcycles does not constitute a violationnitrous systems must simply be disconnected when a vehicle is being driven on a public road or the nitrous oxide containers must be removed.

California Modified Vehicles: California state officials announced the first in a series of \$5 million state grants targeting illegal street racing. The grants would pay for training to enable police officers to recognize automobiles that have been illegally modified for street

Hobby

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racing; provide funds for officer overtime in connection with joint enforcement operations; and to establish illegal street racing education presentations to high school and college students. Most vehicle modifications are legal under California law. SEMA has been meeting with state and local officials to caution against profiling drivers and targeting accessorized vehicles. The SEMA-sponsored *Racers Against Street Racing* program is designed to take illegal drag racing off the streets, without unfairly targeting legally modified vehicles or harassing vehicle owners.

California Scrappage: The South Coast Air Quality Management District plans to use remote sensors and video cameras to measure air pollution from 1 million vehicles as they enter freeways and navigate roads in the counties of Los Angeles, Orange, San Bernardino and Riverside. Owners of the dirtiest cars and trucks would receive letters informing them that the government would pay to fix or scrap their vehicles. Eligible motorists whose vehicles are detected can now voluntarily scrap these vehicles and receive \$1,000 based on funding increases. The South Coast district estimates that 10,000 to 20,000 of the dirtiest vehicles would be detected.



Smog regulators lack the authority to order drivers to dump dirty cars, but they can offer incentives. Smog regulators are expected to give formal approval to the program next month, and enough sensors to scan a million cars. SEMA is working with regulators to mitigate the potential adverse effects to collector cars and parts.

California Exhaust Noise: August 2005 marked the two-year anniversary of California's exhaust noise testing program. The California Bureau of Automotive Repair continues to report that about 90 percent of vehicles which have undergone the state's exhaust noise test have been certified to be in compliance with California law. The program is the result of a SAN-sponsored law, which allows California hobbyists to prove their vehicles comply with state noise standards.

Georgia Blue Dots: The SAN amended legislation in Georgia to permit the use of blue-dot taillights on antique, hobby and special interest vehicles. Under the new law, these specified vehicles can display a blue light or lights of up to one inch in diameter as part of a vehicle's rear stop lamps, rear turning indicator lamps, rear hazard lamps and rear reflectors.

Hawaii Exhaust Noise: The SAN defeated legislation in Hawaii that sought to provide a schedule of increased fines for those who violate the state's ban on the sale, installation and use of certain motor vehicle mufflers without providing an objective standard to enforce. Current Hawaii law essentially prohibits the operation of a motor vehicle unless it is equipped with an exhaust system of a type installed as standard factory equipment. The bill may be considered again next year.

Illinois Exhaust Noise: The SAN stalled final action on Illinois legislation to ban vehicles equipped with a "muffler or exhaust system that clearly has been modified to amplify or increase the noise of the vehicle." The bill was quickly passed by the House in the final days of the legislative session, before being stopped in the Senate. Under the measure, vehicles determined to have been modified by virtue of a "visual observation" would have failed emissions inspection. How emissions inspectors would have determined that an exhaust system increases noise by virtue of a "visual inspection" was not explained in the bill.

Illinois Inoperable Vehicles: The SAN again beat back Illinois legislation that threatened to further restrict the ability of Illinois hobbyists from maintaining inoperable vehicles on private property. The bill removes historic vehicles over 25-years of age from a list of vehicles exempt from county inoperable vehicle ordinances if they are not kept within a building. Under current law, a county board may declare all inoperable vehicles a nuisance and order their disposal. This bill, if it had been passed and signed into law, would have subjected ungaraged historic hobby cars to disposal and possible fines. The measure will be carried over to the 2006 legislative session.

Illinois Blue Dots: A SAN-supported bill that would allow antique vehicles to display a blue light of up to one-inch diameter as part of the vehicle's rear stop lamps was signed into law by Illinois Governor Rod Blagojevich. The measure recognizes that blue dot taillights have no detrimental impact on safety and enables enthusiasts to modify their vehicles to recall the glory days of the hot rod era in America.



Iowa, New York, Virginia Spinners: The SAN defeated legislation in Iowa, New York and Virginia that would have prohibited motor vehicles equipped with spinner hubcaps or wheels. The bills ignored the fact that these products have no proven detrimental effect on motor vehicle safety and are not prohibited by Federal law.

Kentucky Inoperable Vehicles: Kentucky Governor Ernie Fletcher signed into law SEMA model legislation to place limits on local ordinances that prevent automobile collectors from pursuing their hobby. Under the new law, junked, wrecked or inoperable vehicles, including parts cars, stored on private property would only be required to be maintained out of ordinary public view. It would apply to owners or occupants of land in a city, county, or unincorporated area. The new law applies to automobile collectors, defined as those who collect and restore motor vehicles whether as a hobby or a profession. To comply, collectors would maintain hobby cars out of ordinary public view, a sight line within normal visual range by a person on a public street or sidewalk adjacent to the private property. This provision would be achieved by means of suitable fencing, trees, shrubbery, etc.

Maine Inoperable Vehicles: Working with officials from the Maine Department of Environmental Protection, the Maine Municipal Association and the state's vehicle enthusiast community, the SAN amended a bill that threatened to repeal the current hobbyist exemption from the state's graveyard laws. The original bill would have required hobbyists to get business licenses and be regulated as automobile graveyards. Under the SAN amendment, hobbyists will retain the exemption but will be required to screen project cars from public view and properly handle vehicle fluids to prevent environmental contamination. The bill, with the SEMA amendment, was passed by the Maine Legislature and signed into law by Governor John Baldacci.

Maine Optional Lighting: SAN-supported legislation to permit accent lighting on motor vehicles has been signed by Maine Governor John Baldacci. The new law permits the use of optional accent lighting that meets certain conditions, including color and intensity restrictions. The new law also provides for under carriage neon lighting, although not for use on public roadways, and allows blue interior and dash lighting under some circumstances.

Maine Custom Vehicles: Maine Governor John Baldacci signed into law a version of SEMA model legislation to create a registration class for custom

vehicles. Under the new law, custom vehicles are defined as at least 30-years old and of a model year after 1948 or manufactured to resemble a vehicle from that era. The bill also allows customs to have a body constructed from non-original materials and assigns these vehicles the same model-year designation as the production vehicle they most closely resemble, allowing qualifying replicas and kit cars to be accommodated under this registration class. The measure requires the Chief of the State Police to gather a committee comprised of representatives from the custom vehicle industry to provide advice and technical assistance regarding potential inspection standards and procedures.

Maine Nitrous: SAN-supported legislation to expand the permissible use of cars equipped with nitrous oxide systems was signed into law by Maine Governor John Baldacci. In 2003, working with the Maine Custom Auto Association, SAN amended a Maine bill that originally threatened to prohibit the operation of vehicles equipped with nitrous oxide or other "power booster systems" (e.g. superchargers) on public roads. Under the amendment, the bill permitted vehicles equipped with nitrous oxide systems if all canisters of nitrous have been removed or if the vehicle is en route to or from a racetrack. The new law also allows the public highway use of vehicles equipped with nitrous or a car show, off-highway competition or fill station.

Massachusetts Street Rods/Custom Vehicles: The Joint Transportation Committee held a hearing on two separate but identical bills which would create vehicle registration classification for street rods and custom vehicles. Introduced by separate sponsors, and based on SEMA model legislation, both measures define a street rod as an altered vehicle manufactured before 1949 and a custom as an altered vehicle at least 25 years old and manufac-



tured after 1948. Both bills also allow kit cars and replica vehicles to be assigned a certificate of title bearing the same model year designation as the production vehicle it most closely resembles. Visit www.semasan.com for updates on the pending bills.

Massachusetts Exhaust Noise: After being stalled by the SAN in 2003 and 2004, a bill to ban the sale or installation of "an exhaust system which has been modified in a manner which will amplify or increase the noise emitted by the exhaust" is again pending in Massachusetts—this time with a twist. It has been revised from last year's version to exclude limited-use "antique motor cars." This amendment represents a clear attempt by the bill's sponsor to divide the automobile hobby in an effort to gain clearer sailing for this restrictive and damaging piece of legislation. Like previous efforts, the bill does not supply law enforcement with a clear standard to enforce and would make it difficult for hobbyists to replace factory exhaust systems with more durable, better performing options.

Montana Street Rods/Custom Vehicles: Montana Governor Brian Schweitzer signed into law SEMA model legislation to create vehicle titling and registration classifications for street rods and custom vehicles. The bill defines a street rod as an altered vehicle manufactured before 1949 and a custom as an altered vehicle at least 25 years old and manufactured after 1948. Under the bill, kit cars and replica vehicles will be assigned a certificate of title bearing the same model year designation as the production vehicle it most closely resembles.

Montana Fenders: The SAN persuaded lawmakers in Montana to reject legislation that would have required the use of fenders, splash aprons or

mud flaps on motor vehicles. The bill included vehicles for which these items were not even required when the vehicle was manufactured. While current law in Montana exempts street rods, the measure would have prohibited some specialty vehicles, including replicas and kit cars, from maintaining the same look as the original production vehicle without having to add unnecessary fenders or other devices to comply with the law.

New Hampshire Racetracks: SANopposed legislation that sought to establish a commission to study noise and hours of operation of motor vehicle racetracks was set aside by a New Hampshire legislative committee. Generally, these



bills represent an attempt by a small group of residents to silence racing without regard to the many racing enthusiasts in the state. These measures impose a statewide, one-size-fits-all approach to racetrack control ignoring the significant economic and recreational benefits these facilities provide and create serious difficulties in completing race events.

New Jersey Exhaust Noise: The SAN continues to work with the New Jersey Legislature to amend a bill that would require the New Jersey Department of Environmental Protection to prescribe a decibel limit to which all aftermarket mufflers sold in the state would be certified to operate. The bill gives no instruction as to what the decibel limit should be. In some states, noise limits for modified exhaust systems are established by a SEMA model bill and applicable to an easy to administer test standard. The SEMA model provides for the testing of vehicle exhaust noise to a standard adopted by the Society of Automotive Engineers (SAE) with an established noise limit of 95-decibels (SAE J1169). To date, the model has been enacted in California, Washington State and Maine. SAN is in the process of convincing New Jersey legislators to adopt the SEMA model as well.

Pennsylvania Exhaust Systems: The SAN is again opposing Pennsylvania legislation that would prohibit the use of exhaust systems other than a "factory-installed muffler" or a "muffler meeting factory specifications." SAN beat back identical legislation in the 2004 legislative session. The Pennsylvania House Transportation Committee Chairman has indicated to SAN that the bill will not get committee consideration.

Virginia Raised Vehicles: The SAN defeated legislation that would have included height-altered pickup or panel trucks under the scope of vehicles required to maintain a bumper height within the range of 14 to 22 inches. SAN argued that the measure would have banned useful alterations that provide adequate clearance for on/off road capability and accommodate heavy loads, larger tires, improved suspension and water-fording capability. In addition, the bill did not account for new vehicles coming off the assembly line with bumper heights significantly higher than 22 inches.

FEDERAL ISSUES

Federal Scrappage Program: In August 2005, the SAN celebrated the fact that it had once again convinced lawmakers to prohibit the use of federal monies to fund motor vehicle scrappage programs. The latest victory came as Congress completed work on legislation to fund highway construction through fiscal 2009. President Bush signed the \$286.5 billion bill into law. The U.S. Department of Transportation had proposed funding state and





Hey, That's My Car!

My Summer Home

Owner: Lenny Schaeffer Burlington, MA

Schaeffer moves into his home away from home and resides there, off and on, for the next four months. No, it's not a cabin by the lake or a beach house or even an RV. His summer home is his pride and joy: a clean, custom 1956 Chevy BelAir.

The owner of this '56 since 1981, he decided to restore it again several years ago. The restoration, which took about 3 years, was all done by Lenny himself. A custom auto restorer for the better part of 20 years, Lenny opened his own shop, Chop-Shop Customs located in



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local scrappage programs through one of the highway programs but the SAN was able to convince leaders in the U.S. Senate and House of Representatives that these programs are not cost effective. Meanwhile, the unnecessary removal of vehicle parts from the marketplace poses a threat to car enthusiasts and the restoration industry.

Endangered Species Act: A bi-partisan Congressional coalition led by House Resources Committee Chairman Richard Pombo (R-CA) introduced legislation to reform the Endangered Species Act (ESA). The bill would overhaul the existing process for designating endangered species. A key piece of the proposal would replace existing "critical habitat" requirements, one of the more contentious area of the existing law and a frequent source of lawsuits, with "recovery habitats." These recovery habitats would have fewer legal restrictions and be linked into the species recovery planning process. The bill also calls for the use of the best available scientific data in determining species status. Other features of the bill include: increasing the role of state and local governments in the decision making process; providing incentives to and protecting the rights of private property owners; and increasing the openness and accountability of the agencies involved in the designation process. The bill was passed by the House and sent to the Senate, which is considering its own legislative proposals. Woburn, MA, in 2004. The restoration transformed the car into an awardwinning showcase, but make no mistake, this BelAir is no trailer queen. Since the restoration he has put about 50,000



miles on the car, putting about 5,000 more miles on it every show season.

"The restoration was definitely my favorite part, taking something from nothing, and turning out something that people seem to like," Lenny says. Judging by the awards he's won, he'll probably be spending many more show seasons in his summer home.

Specs:	1956 Chevrolet BelAir
D rivetrain:	454 ZZ4 Big Block
	Turbo 400 Transmission
	Ford 9-inch rear end
Wheels:	American Racing
Exterior:	Custom blended twilight pearl base and "burple"
	flame paint
	Detailed undercarriage and frame
Interior:	VDO gauges

Thanks to all who have sent in or e-mailed us photos. Please continue to send us photos of your trail rides, restorations in progress, rod runs, car shows, charity events and drag races. Kindly submit pictures to: The Driving Force, SEMA, 1575 South Valley Vista Dr., Diamond Bar, CA 91765. You also may send high-resolution digital pictures (minimum resolution of 300 pixels per inch; minimum 5 inches wide) by e-mail to carrw@sema.org.

Forest Service Policy on OHVs: Following recommendations made by the SAN, the U.S. Forest Service (USFS) announced new regulations for off-highway vehicle (OHV) use in national forests and grasslands. Under the new policy, local agency officials are required to seek public comments from state and local officials and other stakeholders in determining routes open to OHV use. The new rule will provide for increased involvement from the OHV community in the designation process. As recommended by SEMA,



USFS will also consider "user-created" routes in the review process. Many of these routes came into existence during "open" management and serve a legitimate need and purpose, and do not pose an environmental threat. USFS anticipates that it will take up to four years to complete the route designation process.

Roadless Rule: The Bush Administration issued a final rule allowing states to petition the Forest Service to open areas previously closed under the **Continued on page 6**





DECEMBER 2005 SUPPLEMENT

ARIZONA

December 17, Tucson

Toys for Tots Show at Little Anthony's Sponsor: Southern Arizona Mustang Club Information: www.samctucson.org

CALIFORNIA

December 3, Orangevale Les Schwab Tires Toy Run Information: 916/988-6376

December 4, Stockton 2nd Annual Winter Auto Swap Meet, Car and Truck Show Information: 209/948-5307

December 4, Sacramento Florin Fat Fenders Christmas Toy Run Information: 916/386-2658

December 4, Pomona George Cross and Sons' Pomona Swap Meet and Car Show Information: www.pomonaswapmeet.com or 714/538-7091

December 11, Long Beach Hi-Performance Swap Meet and Car Show Information: www.toppingevents.com or 800/762-9785

DECEMBER 2005 SAN CLUB EVENTS

FLORIDA

December 3, Ft. Lauderdale Holiday on the Avenue Sponsor: Hosted by AACA, Ft. Lauderdale region Information: merklur@msn.com or 954/779-1420

December 3, Delray Beach

Annual S.F.J.C. Concours Sponsor: South Florida Jaguar Club Information: 561/865-8415

December 4, Middleburg 6th Annual Car Show Sponsor: Jacksonville Rods and Customs Information: 904/291-8315

December 12, Fanning Springs Festival of Lights Classic Car Show Information: 352/463-9089

December 17, Estero Hoops, Hot Rods and Hogs Information: arish@nba.com or 239/561-8130

December 17, Inverness SMTS Car, Truck & Motorcycle Show Information: monkey4x4@mfi.net or 352/489-2662

GEORGIA

December 10, Rome Christmas Car Show Sponsor: Empty Pockets Car Club Information: 706/292-0209

HAWAII

December 17, Honolulu Hot Import Nights Information: showinfo@visionevent.com or 949/789-7439

MARYLAND

December 4-5, Timonium East Coast Indoor Nationals Information: www.eastcoastindoornats.com or 410/628-6262

MICHIGAN

December 2-4, Birch Run Birch Run World of Wheels Information: www.birchrunexpos.com or 989/624-4665 x226

TEXAS

December 11, Belton 22nd Annual Texas Swap Meet Winter Nationals Information: texasexports@webtv.net or 254/939-8548

VIRGINIA

December 4, Virginia Beach Joy Fund Car Show at Auto Zone Sponsor: Mustang Club of Tidewater Information: 757/340-0627

Check out this early January 2006 events

ILLINOIS

January 8, Countryside

35th Annual Super Swap Meet Sponsor: Calumet Model A Club Information: Goofygirlblaha@aol.com or 708/331-0643

TENNESSEE

January 6-8, Chattanooga

Chattanooga World of Wheels Information: www.customautoshows.com or 423/894-9326 **Attention Car Clubs, Event Organizers and Enthusiasts!**

Put SAN on Your Mailing List!

We'd like to know what's going on with SEMA Action Network clubs and enthusiasts across the country; what charity events you're involved in; when and where the rod runs, car shows, trail rides, rallies and tech meetings are held; and what legislative and regulatory issues concern club members and individual enthusiasts.

One of the best ways to keep us abreast of what's going on and what's important to the vehicle hobbies nationwide is for us to receive your club newsletters and updates. Please consider placing SEMA on your mailing list. Send correspondence to: Jason Tolleson, SEMA, 1317 F Street, N.W., Suite 500, Washington, D.C. 20004-1105. Or by e-mail at jasont@sema.org.



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For more legislative and regulatory information, check out the SEMA Action Network website: www.semasan.com

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Clinton Administration's so-called "roadless rule." The new rule establishes a process for considering state recommendations on which roadless areas should remain closed and which should be opened to logging, mining or other com-

mercial ventures. The revision is consistent with the SAN's position that state government and local communities should participate in forest management decisions. The rule covers nearly 58.5 million acres of national forests and grasslands, mostly in western states.



DECEMBER 2009

Wilderness Areas in Washington & California: "Wilderness" designations have a far-reaching impact on the OHV industry and enthusiasts because motorized vehicles are denied access to these lands since wilderness is by definition "roadless." The U.S. Congress makes the final determination on wilderness designations. For the third time in three years, the Senate voted to create the 106,000-acre Wild Sky Wilderness in Washington's Mount Baker-Snoqualmie National Forest and set aside 300,000 acres of federal lands across Northern California. The SAN opposes the legislation since it

would close existing, legal OHV roads and trails. Alternatively, the SAN supports a "backcountry designation" that would generally protect the lands as wilderness but also designate areas for motorized recreation where appropriate. It is unclear when or if the House will take up the two Senate bills since the legislation does not have broad local support unless the backcountry exemption is included.

A comprehensive list of active issues and matters which are still pending can be found online at www.semasan.com.

