

American Legion Riders Association

South Dakota Chapter 6*, Post 24



Chapter By-laws

Purpose

To provide a social atmosphere for members of the American Legion Family who share a common interest in responsible motorcycle riding and enjoyment. This shall include, but not be limited to, participate in parades and other ceremonies that are in keeping with the Aims and Purposes of The American Legion, the promotion of motorcycle safety programs, and the promotion and support of the programs and goals of The American Legion.

By-laws

I. Charter - The Chapter is chartered by The American Legion Riders, Department of South Dakota and is sponsored by Sidney L Smith post #24, The American Legion Department of South Dakota.

- A. Where in conflict, the Constitution and By-laws of The American Legion Riders, Department of South Dakota shall be deemed to supercede any rules or by-laws drafted by the Chapter.
- B. The sponsoring post retains full control over the Chapter, including the approval of by-laws, the right to request reports of Chapter activities and finances, and the revocation of sponsorship.

II. Membership

A. Eligibility

1. Must be a member of The American Legion, American Legion Auxiliary, or The Sons of The American Legion (collectively known as “The Legion Family”), or the legal spouse of an American Legion Riders member in good standing.
 - a. Said membership must be within the Department of South Dakota, regardless of member’s physical address.
 - b. Membership can be in any Post, Chapter, or Squadron and is not limited to the sponsoring post, as long as all of the requirements in Section II(a) are met.
2. Must be a registered owner, or the spouse of same, of a motorcycle with at least 250cc engine displacement, which is licensed and insured in accordance with South Dakota law, and must be a legally licensed operator of same.
3. Can not have been previously expelled, or currently suspended, from The American Legion Riders, Department of South Dakota, nor from any Chapter within same.
 - a) If the Department adopts provisions for repealing an expulsion or suspension, either by a chapter or the Department itself, then

such a repeal will be deemed to have removed the original action and the person in question shall have a clean record to be allowed membership in the Chapter.

B. Classes of Membership - There shall be no rank among members, and no special privileges nor restrictions, except as specifically enumerated in these by-laws.

1. Chapter Member. The standard membership in the Chapter

2. Charter Member. The first 12 members to join the Chapter shall be designated as Charter Members. Charter members shall be authorized to wear a “Charter Member” patch as described in Section VII(c)(2), but are otherwise identical in all respects to the Chapter Member.

3. Life Member. Upon reaching a minimum age of 55, and having been a member of the Chapter for ten consecutive years, a member is automatically granted a Life Membership upon certification of eligibility at a regular meeting. Life members are granted the same rights, and are subject to the same rules and restrictions, as

standard Chapter Members, with the following exceptions:

- a) Life Members may continue to be part of the Chapter without meeting the requirements in Section II(a)(2), though all other requirements must be met.
- b) Local Chapter Dues will be waived.

4. Special Class Member. Members may continue to be a part of the Chapter, with full membership privileges, as a Special Class Member, even though they fail to meet the membership requirements of Section II(a)(2) pursuant to the following and subject to the approval of the general membership:

- a) Death of the spouse who was the owner of the motorcycle, or disability which prevents the member from physically being able to operate a motorcycle, and ownership of the motorcycle was relinquished, due to this disability.
- b). Had been a member for at least one full year prior to seeking special class status.
- c). Agreement by member that they will not participate in any Chapter activity that would require them to operate a motorcycle.

5. Honorary Membership. This classification does not constitute actual membership in the Chapter. Honorary members do not pay dues, may not vote at Chapter meetings nor hold an office in the Chapter, and are, for purposes of insurance and liability, considered guests when participating in Chapter events.

- a) Honorary membership should be considered for those persons who have demonstrated themselves to be assets to the organization and excelled in promoting the aims and purposes of the "American Legion Riders"
- b) Honorary membership must be approved by majority vote of members present at a regular meeting
- c) The individual must meet all requirements of Section II(a)(1)

C. Term of Membership. Membership, other than Life and Honorary, shall run for one calendar year (Jan - Dec), and must be renewed each year.

III. Chapter Officers

A. List of offices.

1. Elected officers, see Section III(b)(1)
 - a. Director
 - b. Assistant Director

- c. Sgt at Arms / Run coordinator
- 2. Appointed offices, see Section III(b)(2)
 - a. Secretary
 - b. Treasurer
 - c. Historian *
 - d. Chaplain *

* These offices are optional

B. Selection of Officers

1. Election of chapter officers listed in Section III(a)(1) will be held annually at the February general meeting.
 - a) Candidates for office must be nominated from the floor, and the nomination must be seconded.
 - b) A call for nominations of each office must be given three times before nominations can be closed.
 - c) Elections shall be held in the order the offices are listed in Section III(a)(1)
 - d) The candidate with the highest vote total shall win the office. In case of a race where all candidates receive an equal vote, the current Director shall cast the decisive ballot. In case of a tie where one or more candidates are not part of the tie, the non-tying candidate(s) shall be dropped and a

new vote taken.

2. Appointed officers listed in Section III(a)(2) shall be designated by the Director Elect at the conclusion of elections, and all appointees shall be subject to approval by majority vote of the members present. If an appointment is not approved, the Director shall name another appointee and the process shall repeat.
3. Newly elected and appointed officers will be sworn in as the last item of business at the February meeting, at which time they shall assume all responsibilities of their office.
4. One member may hold up to, but no more than, two offices within the chapter in the same year, provided;
 - a. Only one of the offices is an elected post listed in Section III(a)(1)
 - b. Appointed offices are still confirmed as described in Section III(b)(2)

C. Duties of Association Officers

1. Director: serves as Chief Administrative Officer of the chapter and will preside over all meetings. Shall have general supervision over the affairs

of the chapter in accordance with the by-laws and direction of the general membership, and shall perform such duties as directed by the general membership. The director may also be referred to as the president of the chapter, but the official title will be “Director”.

2. Assistant Director: will assume the duties of the Director in case of absence. Will Assist the Director in the performance of duties when called on to do so by the Director.
3. Sgt. At Arms/ Run Coordinator: Will be the logistics person in charge of organized runs of the chapter, to include determining dates, times, routes, and meeting places for those taking part in a run activity. May, at their discretion, appoint assistant road captains or take any other measures they may feel necessary to help insure the safety of the group during the run. Will also help to maintain order during chapter meetings.
4. Secretary: will keep a full and correct record of all proceedings at the meetings, and will read the minutes from the prior month at each general meeting. Will also keep all membership records as may be required by the general membership.

5. Treasurer: will have charge of all finances of the chapter, and will be responsible for disbursing funds as directed by the general membership in accordance with Section V of these by-laws. Will give a detailed financial report at each regular meeting, and will furnish a written and/or verbal report to the sponsoring Post if requested by them.
6. Historian: Will keep a running history of the Chapter. Keep photos of events etc. etc...
7. Chaplain: Will open and close meetings with prayer. The Chaplain will take care of all correspondence concerning members of the Chapter in hospitals, laid up at home, or when there is a death of a member.

D. Vacancies in the officer ranks

1. If an elected office, as listed in Section IV(a), becomes vacant for any reason, the position shall be filled as follows, with subsequent vacancies caused by this procedure also filled:
 - a) Director - the office of Director shall be filled by the current Assistant Director.
 - b). Assistant Director - the office of Assistant Director shall be filled by the current

Sargent at Arms.

- c). Sgt @ Arms - the office of Sgt at Arms shall be filled by special election at the next general meeting.
- d). Multiple offices - if more then one elected office is vacated, the above procedure shall be executed to the extent possible, and all remaining offices will be filled by special election at the next general meeting.
 - i) In cases where no elected officers remain, the highest appointed officer, according to the order the offices are listed in section III(a)(2) shall be in charge of the next meeting until a new slate of officers is elected, but shall have no other authority granted beyond this charge.
 - ii) If no officers, elected or appointed, remain, the floor will choose a temporary chair from among their members as the first order of business at the next general meeting. This chair shall take charge of the meeting until a new slate of officers is elected at that meeting.

2. If a vacancy is created in an appointed office, as

listed in Section III(a)(2), that position will be filled by appointment of the current director immediately as an “acting officer” of the position(s), becoming the active officer(s) once approved by the next general meeting.

IV. Meetings

A. General Meetings, also referred to as “Regular Meetings”, will be held on a fixed, monthly schedule as decided upon by the members.

1. The initial meeting schedule, including day, time, and location, will be determined by the chartering members of the Chapter.
2. The schedule may be changed by a majority of members at any regular meeting.
 - a) said changes will not begin until the second meeting after the change is voted on.
 - b) the secretary will send out a written notice to all members within 14 days to inform them of the change.

B. Special Meetings, may be called by the Director if he/she feels there is a need.

1. Written notice of the meeting’s date, time, location, and intent must be sent out to all Chapter members at least 5 days prior the meeting.

2. Actions taken at a special meeting must be reviewed, and may be changed or overturned, at the next general meeting.

V. Finances

A. Revenue

1. The primary, recurring, source of revenue for the Chapter will be from Association membership dues.
 - a) the amount of said dues shall be determined annually at the November General Meeting.
 - b) the dues rate shall become effective for the next calendar year after they are set.
2. Other revenue shall come from fund-raisers, and other sources, as approved by the membership.

B. Control

- 1) All monies will be maintained in bank accounts requiring two (2) signatures to access. No more than four (4) signatures will be on file at a given time with access to the accounts.
 - a) Funds of up to \$5000 may be placed in a Checking Account.
 - b) If, at any time, the end-of-day balance in the checking account shall exceed \$5000, funds sufficient to reduce the balance to \$4000 shall be transferred to a Money Market or

savings account.

- c) Funds may be removed from the Money Market/Savings account(s) only by prior approval of the membership in a general meeting, and only in such amounts needed to cover expected disbursements, so that the balance in the checking does not conflict with provision (a) of this section.

C. Property

1. The Chapter shall own no Real Property, and only such equipment and supplies as are deemed necessary to support the Chapter's goals and operations

D. Debt

1. The Chapter shall be bound from carrying any debt.
 - a) No loans, secured or unsecured, may be taken out in the Chapter's name.
 - b) The Chapter and its officers are prohibited from engaging in any business that involves financial commitments in excess of current funds.
 - c) Any accrued debt/commitment made on behalf of the chapter shall be recorded as money spent and unavailable, as soon as the

commitment is made and approved by the membership, regardless of when the actual payment of such shall be made.

E. Disbursement and expenditure of Funds

- 1) Funds may only be used/disbursed with prior authorization by majority vote at any regular meeting of the Chapter.
 - a) The Chapter will be a non-profit organization and may only disburse funds in a manner that is in keeping with all local, state, and national laws regarding non-profit organizations.
 - b) Any single expenditure of funds in excess of \$1500, including the entering of a binding contract with a total cost that could potentially exceed this amount, can only be authorized by a vote of members at a regular meeting, where prior written notice was sent out to all members at least fourteen (14) days in advance of the meeting.

F. Cessation of Chapter existence

1. If the Chapter disbands for any reason -- from mutual consent of members, to revocation of Charter or Sponsorship, or for any other cause --

any funds or property owned by the Chapter after payment of outstanding bills, shall be turned over to the sponsoring post.

VI. Committees

A. The Director of the Chapter can appoint any standing or special committees as deemed necessary for the operation of the Chapter, however no committee shall have any authority to enter into binding agreements on behalf of the Chapter. Committees can only make recommendations at the general meetings, and allow the membership to approve or disprove them.

VII. Chapter Uniform and Patch Requirements

A. Vests.

Vests shall be made of black leather, with patches and pins affixed only as proscribed in Section VII(c).

B. Headgear.

1. The official headgear shall be either the Legion Riders beret, or the uniform cap of The American Legion, Auxiliary, or Sons of the American Legion.
2. Other headgear can be worn at meetings, events, and activities of the Chapter, but will not be considered a service cover when saluting the

American Flag.

C. Patches and Pins on Vest.

1. Back of Vest.

- a) Only the American Legion Riders patch will be worn on the back of the vest.
- b) The American Legion Riders patch shall be centered on the back of the vest, both vertically and horizontally.
- c) The American Legion Riders patch referred to in this section shall be the official patch of the national organization, as carried by Flag and Emblem Sales of The American Legion.
- d) The department ("South Dakota") may be ordered as part of the patch, and if it is, the Chapter designator ("Chapter 6*") may also be ordered. (Note, the chapter can not be part of the patch if the department is left off, but members can wear the department without the chapter.)

2. Front of vest.

- a) The top left portion of the vest, just below the collar bone, shall be reserved for the American flag. Whether the flag patch is displayed or not, no other patch or pin may

be worn on or above the this location (No exceptions).

- b) Charter Members of the Chapter may wear a patch on the front of the vest designating their membership status.
- c) Any other patches or pins worn must be directly associated with The American Legion Family, the Legion Riders, or U.S. Military service by the member (including branch of service, and unit/ship designators).
- d) Any and all patches and/or pins will be tasteful and not be considered obscene or offensive by reasonable standards. The Chapter membership, and the sponsoring post, have the right to object to any patch or pin, and may vote at a regular meeting to allow or refuse it's inclusion on the vest.
- e). No patches or pins shall be allowed that proclaim membership or association in any m/c (motorcycle club) or other riding association, nor shall "Property" patches be approved or worn.

D. Ownership of Legion Riders Patch

1. While each member is responsible for ordering their own vest and patches, the Chapter retains

ownership interest in them as part of the official colors of the Chapter and will demand the return of the patch to the Chapter if a member is expelled as explained in Section VIII.

VIII. Disciplinary Action

- A. The chapter may suspend or expel a member upon charges of disloyalty, neglect of duty, dishonesty, or other conduct unbecoming a member of The American Legion Riders Association of South Dakota, or The American Legion Family.
1. All charges must be made in writing, and shall be served personally, or by certified mail addressed to the accused's last known address at least five (5) days prior to a hearing and service shall be complete upon mailing.
 2. Notice of the day and time of the hearing shall be served with the charges.
 3. The hearing shall be held at a regular or special meeting of the Chapter of which the accused is a member.
 4. The decision of the Chapter, as made by majority vote of the members present at the hearing, will be final, unless the Department adopts rules for a review policy.
 5. Disciplinary action may be temporary suspension of Chapter membership, or expulsion from the

Chapter, but such actions will only affect the members status in the American Legion Riders, not their status in The American Legion, Auxiliary, or Sons of the American Legion.

6. A record of the proceedings shall be kept on file with the Secretary, and shall become part of the Chapter's official minutes.

B. Revocation of patch and other Chapter property.

1. The American Legion Riders patch will be recalled, either temporarily or permanently, from any member who is suspended or expelled from the Chapter in accordance with the procedures outlined in Section VIII(a).
2. Any other equipment or property belonging to the Chapter that is in possession of a member under disciplinary sanction shall be immediately returned to the Chapter.

IX. Rules and Order

- A. The Chapter may create standing rules to govern it's policies, meetings, and committees, but said rules must be attached to these by-laws and approved as amendments to be recognized.
- B. Written Notice, when required for any action of the Chapter, can be delivered by hand, US Postal Service

first class mail, or email unless specifically required otherwise by these by-laws.

1. Notice must be delivered to the last know address of member, and it is the member's responsibility to insure that the Chapter secretary is informed of address changes.
2. Both the Chapter and Secretary will be deemed to have fulfilled any requirement of written notice as long as the notice was sent on or before the required time, regardless of when (or if) the member actually receives it.

C. A quorum shall be construed as all members present at a meeting of the Chapter or committee, as long as said meeting was called within the parameters defined by these by-laws or the Chapter's properly amended standing rules.

D. All meetings shall be conducted under "Robert's Rules of Order", except where a provision or rule is specifically enumerated in the by-laws or properly amended standing rules.

X. Amendments to, and review of, these by-laws

A. The by-laws of the Chapter can be reviewed, and recommendations for changes made, by an ad-hoc committee appointed by the Director of the Chapter.

The call for formation of such a committee can be at the Directors discretion, or by a majority vote at any regular meeting of the Chapter.

- B. Any proposed changes or amendments to the by-laws must be provided to all members in writing at least 30 days prior to consideration by the Chapter.
- C. Changes and amendments to the by-laws can only be made at a regular meeting of the Chapter, held after notification, as provided in Section X (b), has been made.
- D. Changes and amendments to the by-laws require approval by not less than 2/3 of the members present at the meeting, and must also be affirmed by a majority vote at the next regular meeting of the Chapter.

XI Repeal and Saving Clause

- A. These by-laws, adopted at The American Legion Riders of South Dakota, Chapter Six (6*) meeting held in Aberdeen, South Dakota on the 19th day of July, 2010.
- B. Submitted for approval of the sponsoring post on the 19th Day of July, 2010.
- C. Submitted for approval of the American Legion

Riders, Department of South Dakota at their meeting during the Mid-winter Conferences, Feb of 2011.

By-laws last reviewed: 19Jul10

By-laws last changed: 19Jul10

* Publication Note - "Chapter 6" is used throughout this document to denote the newly formed Chapter sponsored by Sidney L Smith post #24 in Aberdeen, SD. The actual Chapter number issued by the Department Executive Committee for the American Legion Riders may vary, and will be substituted throughout this document once an official Chapter number is assigned.