MISSISSIPPI LEGISLATURE

By: Representative Formby (By Request)

To: Transportation; Appropriations

HOUSE BILL NO. 1403

AN ACT TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO ESTABLISH AND OPERATE A MOTORCYCLE OPERATOR SAFETY PROGRAM FOR THE PURPOSE OF ASSISTING MOTORCYCLE OPERATORS TO MEET THE REQUIREMENTS FOR LICENSED DRIVING OF MOTORCYCLES IN THE STATE; TO AUTHORIZE THE COMMISSIONER OF PUBLIC SAFETY TO ADOPT RULES AND REGULATIONS, PRESCRIBE FEES, ESTABLISH COURSE REQUIREMENTS AND APPOINT A MOTORCYCLE SAFETY COORDINATOR FOR THE PROGRAM; TO PRESCRIBE THE QUALIFICATIONS OF THE COORDINATOR AND PROGRAM INSTRUCTORS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The following terms as used in this act have the meanings ascribed to them in this section unless the context clearly requires otherwise:

(a) "Commissioner" means the Commissioner of Public Safety.

(b) "Coordinator" means the Statewide Motorcycle Safety Coordinator provided for in Section 4 of this act.

(c) "Department" means the Department of Public Safety.

(d) "Motorcycle" means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding tractors and mopeds.

(e) "Operator" means any person who drives, operates or is in actual physical control of a motorcycle.

(f) "Program" means a motorcycle operator safety training program provided for in Section 2 of this act.

SECTION 2. (1) The department shall set up, establish and operate a motorcycle operator safety training program for the purpose of assisting motorcycle operators to meet the requirements for licensed driving of motorcycles in this state.
(2) The coordinator, with the approval of the commissioner, may set up, establish and operate additional motorcycle operator safety training programs.

(3) Any programs established under this section shall provide courses on motorcycle operator safety. The programs shall be based on the Motorcycle Safety Foundation Motorcycle Rider Course or its equivalent in quality, utility and merit.

(4) The department shall issue a certificate of completion to each person who satisfactorily completes the motorcycle operator safety training program.

SECTION 3. The commissioner may adopt, promulgate and establish rules and regulations for the operation of any motorcycle operator safety training program created under this act; may provide for the entrance and enrollment of students; may prescribe fees for the course; and may prescribe the ages, requirements and conditions under which students may be received for instruction in any such program.

SECTION 4. (1) The commissioner shall appoint a Statewide Motorcycle Safety Coordinator who shall carry out and enforce the provisions of this act and the rules and regulations of the department. The coordinator must hold a valid regular driver's license with a motorcycle endorsement.

(2) The coordinator may also:

(a) Promote motorcycle safety throughout the state;
(b) Provide consultation to the various departments of state government and local political subdivisions relating to motorcycle safety; and
(c) Do any other thing deemed necessary by the commissioner to promote motorcycle safety in the state.

SECTION 5. Every person who desires to qualify as an instructor in a motorcycle operator safety training program must meet the following requirements:

(a) Be of good moral character;
(b) Give satisfactory performance on a written, oral, performance or combination examination administered by the coordinator testing both knowledge of the field of motorcycle operator education and skills necessary to instruct and impart motorcycle driving skills and safety to students. The instructor training program shall provide for a course of instruction based on the Motorcycle Safety Foundation's Instructor Course or its equivalent in quality, utility and merit. This course of instruction shall be held periodically based on the applications received and the need for instructors, and an examination fee prescribed by the coordinator must be charged;

(c) Be physically able to operate safely a motorcycle and to instruct others in the operation of motorcycles; and

(d) Hold a valid regular driver's license with a motorcycle endorsement.

SECTION 6. This act shall take effect and be in force from and after July 1, 2003.