

By: Representative Formby (By Request)

To: Transportation;
Appropriations

HOUSE BILL NO. 1403

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

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

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

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

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

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

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

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

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

27 **SECTION 2.** (1) The department shall set up, establish and
28 operate a motorcycle operator safety training program for the
29 purpose of assisting motorcycle operators to meet the requirements
30 for licensed driving of motorcycles in this state.



31 (2) The coordinator, with the approval of the commissioner,
32 may set up, establish and operate additional motorcycle operator
33 safety training programs.

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

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

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

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

53 (2) The coordinator may also:

54 (a) Promote motorcycle safety throughout the state;

55 (b) Provide consultation to the various departments of
56 state government and local political subdivisions relating to
57 motorcycle safety; and

58 (c) Do any other thing deemed necessary by the
59 commissioner to promote motorcycle safety in the state.

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

63 (a) Be of good moral character;



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

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

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

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

