

By: Senator(s) Dearing, Carmichael

To: Highways and
Transportation;
Appropriations

SENATE BILL NO. 2280

1 AN ACT TO ENACT A MOTORCYCLE SAFETY EDUCATION PROGRAM; TO
2 REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO ESTABLISH AND OPERATE A
3 MOTORCYCLE SAFETY AND OPERATOR TRAINING PROGRAM FOR THE PURPOSE OF
4 MOTORCYCLE OPERATOR TRAINING AND TO PROMOTE MOTORCYCLE SAFETY AND
5 MOTORCYCLE AWARENESS; TO ESTABLISH COURSE REQUIREMENTS; TO
6 AUTHORIZE THE COMMISSIONER OF PUBLIC SAFETY TO APPOINT A STATEWIDE
7 MOTORCYCLE SAFETY DIRECTOR TO ADMINISTER THE PROGRAM; TO PRESCRIBE
8 THE QUALIFICATIONS OF THE DIRECTOR AND THE PROGRAM INSTRUCTORS; TO
9 ESTABLISH A MOTORCYCLE SAFETY AND OPERATOR TRAINING FUND; TO AMEND
10 SECTIONS 27-19-5, 63-1-21 AND 63-1-43, MISSISSIPPI CODE OF 1972,
11 TO INCREASE CERTAIN TAXES AND FEES TO FUND THE PROGRAM; AND FOR
12 RELATED PURPOSES.

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

14 **SECTION 1.** The following terms as used in Sections 1 through
15 7 of this act have the meanings ascribed to them in this section
16 unless the context clearly requires otherwise:

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

19 (b) "Director" means the Statewide Motorcycle Safety
20 Director.

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

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

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

28 (f) "Program" means the Motorcycle Safety and Operator
29 Training Program.

30 **SECTION 2.** (1) The department shall develop standards for,
31 establish and administer the Motorcycle Safety and Operator
32 Training Program.

33 (2) The program shall provide for rider training courses for
34 novice and experienced riders in sufficient numbers and at
35 locations throughout the state as necessary to meet the reasonable
36 anticipated needs of state residents.

37 (3) The program shall provide for motorcycle instructor
38 certification and training, instructor approval and the training
39 of law enforcement personnel in the operation of motorcycles.

40 (4) The program shall also include activities to increase
41 motorcyclists' alcohol and drug effects awareness, motorcycle
42 driver improvement efforts, program promotion activities, and
43 other efforts to enhance motorcycle safety through education,
44 including enhancement of public awareness of motorcycles.

45 (5) The commissioner shall appoint a program director to
46 oversee and direct the program as provided for in Section 4 of
47 this act.

48 (6) Standards for the motorcycle rider training courses,
49 including standards for course content, delivery, curriculum,
50 materials and student evaluation, and standards for the training
51 and approval of instructors shall comply with the requirements of
52 this act and shall meet or exceed established national standards
53 for motorcycle rider training courses prescribed by the Motorcycle
54 Safety Foundation or its equivalent in quality, utility and merit.

55 **SECTION 3.** (1) The program shall offer motorcycle operator
56 training courses designed to develop and instill the knowledge,
57 attitudes, habits and skills necessary for the proper operation of
58 a motorcycle and to assist motorcycle operators in meeting the
59 requirements for licensed operation of a motorcycle in this state.
60 The courses shall be taught only by instructors approved under
61 Section 5 of this act.

62 (2) Operator training courses shall be opened to any
63 resident of the state who either holds a current valid driver's
64 license for any classification or who is eligible for a temporary
65 motorcycle operator's permit.

66 (3) The department shall issue certificates of completion to
67 persons who satisfactorily complete the requirements of the
68 motorcycle operator training course offered or authorized by the
69 state program.

70 (4) Other state-funded public or private entities shall
71 provide reasonable cooperation in providing locations to conduct
72 the motorcycle operator training courses in order to minimize the
73 course enrollment fee charged to the students.

74 **SECTION 4.** (1) The commissioner shall appoint a Statewide
75 Motorcycle Safety Director who shall carry out and enforce the
76 provisions of this act, and the rules and regulations of the
77 department. The director must hold a valid regular driver's
78 license with a motorcycle endorsement and be or have been a chief
79 instructor as prescribed by the Motorcycle Safety Foundation or an
80 equivalent nationally recognized motorcycle safety instructor
81 certifying body.

82 (2) The director may also:

83 (a) Promote motorcycle safety and awareness throughout
84 the state;

85 (b) Provide consultation to the various departments of
86 the state government and local political subdivisions relating to
87 motorcycle safety;

88 (c) Establish and operate additional motorcycle
89 operator training programs with the approval of the commissioner;

90 (d) Establish procedures and requirements for reviewing
91 instructor performance and course quality assurance;

92 (e) Do any other thing deemed necessary by the
93 commissioner to promote motorcycle safety in the state.

94 **SECTION 5.** (1) The department shall approve instructors for
95 the motorcycle operator training courses. No person shall be
96 approved as an instructor unless the person meets the requirements
97 of this act and regulations of the department.

98 (2) The program shall offer instructor training courses as
99 needed for instruction who teach the motorcycle operator training
100 courses. Successful completion of the instructor training course
101 shall require the participant to demonstrate knowledge of the
102 course material, knowledge of proper motorcycle operation,
103 motorcycle riding proficiency, and the necessary aptitude to
104 instruct and impart motorcycle driving skills to students. The
105 instructor training program shall provide for a course of
106 instruction based on the Motorcycle Safety Foundation's Instructor
107 Course or its equivalent in quality, utility and merit. This
108 course of instruction shall be held periodically based on the
109 applications received and the need for instructors, and a course
110 fee prescribed by the director shall be charged.

111 (3) No person shall be approved as an instructor unless the
112 person has successfully completed the instructor training course
113 or an equivalent approved course offered in another state.

114 (4) The department shall establish additional requirements
115 for the approval of instructors, including, but not limited to,
116 the following:

117 (a) The person must be of good moral character;

118 (b) The person must have a high school diploma or its
119 equivalent;

120 (c) The person must be at least eighteen (18) years of
121 age and have a valid restricted motorcycle operator's license or
122 motorcycle endorsement;

123 (d) The person must have at least two (2) years of
124 recent motorcycling experience;

125 (e) The person's operator's or driver's license must
126 not have been suspended or revoked at any time during the
127 preceding two (2) years for any offense; and

128 (f) The person must not have been convicted of a
129 felony.

130 (5) In the case of a nonresident, the department shall
131 obtain and review the person's driving record from the state where
132 the person is licensed prior to approval or reapproval of the
133 person as an instructor.

134 (6) The department shall annually review the status of all
135 approved instructors and shall withdraw approval from any
136 instructor who is no longer qualified under the requirements of
137 this section or the requirements of the department. The
138 department shall immediately withdraw approval of an instructor
139 when it receives adequate notice of disqualification.

140 **SECTION 6.** (1) The department shall adopt, promulgate and
141 establish rules and regulations for the operation of any
142 motorcycle safety and operator training program created under this
143 act; may provide for the entrance and enrollment of students; may
144 prescribe the requirements and conditions under which students may
145 be received for instruction in any such program; and may prescribe
146 fees for such courses. Commissioned law enforcement officers who
147 meet the conditions for enrollment shall be exempt from such fees
148 once in a two-year period.

149 (2) The department may enter into contracts with public or
150 private entities for course delivery and for the provision of
151 services or materials necessary for implementation of the program.

152 (3) The department may utilize available program funds to
153 defray expenses in offering motorcycle safety and operator
154 training courses and may reimburse entities which offer approved
155 courses for the expenses incurred in offering such courses.

156 **SECTION 7.** There is created in the State Treasury a special
157 fund to be known as the Motorcycle Safety Operator Training Fund,
158 into which shall be deposited the money specified in Sections
159 27-19-5, 63-1-21 and 63-1-43, and such other money as the
160 Legislature may provide by appropriation. Money in the fund shall
161 be utilized by the Commissioner, upon appropriation by the
162 Legislature, to operate the program. Unexpended amounts remaining

163 in the fund at the end of a fiscal year shall not lapse into the
164 General Fund, and any interest or investment earnings on amounts
165 in the fund shall be deposited to the credit of the fund.

166 **SECTION 8.** Section 27-19-5, Mississippi Code of 1972, is
167 amended as follows:

168 27-19-5. (1) There is hereby levied the following annual
169 highway privilege tax on operators of private carriers of
170 passengers as reasonable compensation for the use of the highways
171 of this state:

172 (a) On the owner or operator of each private carrier of
173 passengers..... \$15.00

174 (b) On each motorcycle, per annum..... 8.00

175 (2) From and after July 1, 2005, there is hereby levied an
176 additional annual highway privilege tax on each motorcycle in the
177 amount of Five Dollars (\$5.00). Revenue from the tax levied
178 pursuant to this subsection shall be deposited into the Motorcycle
179 Safety Operator Training Fund created under Section 7 of Senate
180 Bill No. _____, 2005 Regular Session.

181 **SECTION 9.** Section 63-1-21, Mississippi Code of 1972, is
182 amended as follows:

183 63-1-21. (1) Every applicant for a new or original driver's
184 or operator's license, except persons holding an out-of-state
185 license, shall first obtain a temporary driving permit upon the
186 payment of a fee of One Dollar (\$1.00) to the Department of Public
187 Safety and upon the successful completion of the examination
188 provided for in Section 63-1-33 and the payment of the fee for
189 such examination provided for in Section 63-1-43.

190 (2) A temporary driving permit entitles the holder, provided
191 the permit is in his immediate possession, to drive a motor
192 vehicle other than a motorcycle on the highways of the State of
193 Mississippi only when accompanied by a licensed operator who is at
194 least twenty-one (21) years of age and who is actually occupying
195 the seat beside the driver. A temporary driving permit may be

196 issued to any applicant who is at least fifteen (15) years of age.
197 A temporary driving permit shall be valid for a period of one (1)
198 year from the date of issue.

199 (3) An intermediate license allows unsupervised driving from
200 6:00 a.m. to 10:00 p.m. At all other times the intermediate
201 licensee must be supervised by a parent, guardian or other person
202 age twenty-one (21) years or older who holds a valid driver's
203 license under this article and who is actually occupying the seat
204 beside the driver.

205 (4) The fee for issuance of an intermediate license shall be
206 Five Dollars (\$5.00).

207 (5) (a) Except as otherwise provided by Section 63-1-6,
208 every applicant for a restricted motorcycle operator's license or
209 a motorcycle endorsement shall first obtain a temporary motorcycle
210 driving permit upon the payment of a fee of One Dollar (\$1.00) to
211 the Department of Public Safety, and upon the successful
212 completion of the examination provided for in Section 63-1-33, and
213 payment of the fee for said examination provided for in Section
214 63-1-43. All applicants for such temporary permit shall (i) be at
215 least fifteen (15) years of age; (ii) operate a motorcycle only
216 under the direct supervision of a person at least twenty-one (21)
217 years of age who possesses either a valid driver's or operator's
218 license with a motorcycle endorsement or a valid restricted
219 motorcycle operator's license; (iii) be prohibited from
220 transporting a passenger on a motorcycle; (iv) be prohibited from
221 operating a motorcycle upon any controlled access highway; and (v)
222 be prohibited from operating a motorcycle during the hours of 6:00
223 p.m. through 6:00 a.m. Temporary motorcycle driving permits shall
224 be valid for the same period of time and may be renewed upon the
225 same conditions as temporary driving permits issued for vehicles
226 other than motorcycles.

227 (b) From and after July 1, 2005, an additional fee in
228 the amount of One Dollar (\$1.00) shall be paid by every applicant

229 for a temporary motorcycle operator's permit. Revenue from the
230 fee levied pursuant to this paragraph shall be deposited into the
231 Motorcycle Safety Operator Training Fund created under Section 7
232 of Senate Bill No. _____, 2005 Regular Session.

233 **SECTION 10.** Section 63-1-43, Mississippi Code of 1972, is
234 amended as follows:

235 63-1-43. (1) The fee for receiving the application and
236 issuing the regular driver's or operator's license and the fee for
237 renewing the license shall be:

238 (a) Eighteen Dollars (\$18.00) plus the applicable
239 photograph fee for each applicant for a four-year license;

240 (b) Three Dollars (\$3.00) plus the applicable
241 photograph fee for each applicant for a one-year license, except
242 as provided in paragraph (c) of this subsection; and

243 (c) Eight Dollars (\$8.00) plus the applicable
244 photograph fee for a one-year license for each applicant who is
245 not a United States citizen and who does not possess a social
246 security number issued by the United States government.

247 All originals and renewals of regular operators' licenses
248 shall be in compliance with Section 63-1-47.

249 (2) (a) The fee for receiving the application and issuing a
250 motorcycle endorsement shall be Five Dollars (\$5.00). Motorcycle
251 endorsements shall be valid for the same period of time as the
252 applicant's operator's license.

253 (b) From and after July 1, 2005, an additional fee in
254 the amount of One Dollar (\$1.00) shall be assessed for issuing and
255 renewing a motorcycle endorsement. Revenue from the fee levied
256 pursuant to this paragraph shall be deposited into the Motorcycle
257 Safety Operator Training Fund created under Section 7 of Senate
258 Bill No. _____, 2005 Regular Session.

259 (3) (a) The fee for receiving the application and issuing a
260 restricted motorcycle operator's license and the fee for renewing
261 such license shall be:

262 (i) Eleven Dollars (\$11.00) plus the applicable
263 photograph fee for a four-year license; and

264 (ii) Eight Dollars (\$8.00) plus the applicable
265 photograph fee for a one (1) year license.

266 (b) From and after July 1, 2005, an additional fee in
267 the amount of One Dollar (\$1.00) shall be assessed for issuing and
268 renewing a restricted motorcycle operator's license. Revenue from
269 the fee levied pursuant to this paragraph shall be deposited into
270 the Motorcycle Safety Operator Training Fund created under Section
271 7 of Senate Bill No. , 2005 Regular Session.

272 All originals and renewals of restricted motorcycle licenses
273 shall be valid for the same period of time that an original
274 regular driver's license may be issued to such person in
275 compliance with Section 63-1-47.

276 (4) From and after January 1, 1990, every person who makes
277 application for an original license or a renewal license to
278 operate a vehicle as a common carrier by motor vehicle, taxicab,
279 passenger coach, dray, contract carrier or private commercial
280 carrier as such terms are defined in Section 27-19-3, except for
281 those vehicles for which a Class A, B or C license is required
282 under Article 2 of this chapter, shall, in lieu of the regular
283 driver's license above provided for, apply for and obtain a Class
284 D commercial driver's license. Except as otherwise provided in
285 subsection (5) of this section, the fee for the issuance of a
286 Class D commercial driver's license shall be Twenty-three Dollars
287 (\$23.00) plus the applicable photograph fee for a period of four
288 (4) years; however, except as required under Article 2 of this
289 chapter, no driver of a pickup truck shall be required to have a
290 commercial license regardless of the purpose for which the pickup
291 truck is used.

292 Except as otherwise provided in subsection (5) of this
293 section, all originals and renewals of commercial licenses issued
294 under this section shall be valid for a period of four (4) years,

295 in compliance with Section 63-1-47. Only persons who operate the
296 above-mentioned vehicles in the course of the regular and
297 customary business of the owner shall be required to obtain a
298 Class D commercial operator's license, and persons operating such
299 vehicles for private purposes or in emergencies shall not be
300 required to obtain such license.

301 (5) The original and each renewal of a commercial driver's
302 license issued under this section to a person who is not a United
303 States citizen and who does not possess a social security number
304 issued by the United States government shall be issued for a
305 period of one (1) year for a fee of Eight Dollars (\$8.00) plus the
306 applicable photograph fee and shall expire one (1) year from the
307 date of issuance. Such person may renew a commercial license
308 issued under this section within thirty (30) days of expiration of
309 the license.

310 (6) The Commissioner of Public Safety, by rule or
311 regulation, shall establish a driver's license photograph fee
312 which shall be the actual cost of the photograph rounded off to
313 the next highest dollar. Monies collected for the photograph fee
314 shall be deposited into a special photograph fee account which the
315 Department of Public Safety shall use to pay the actual cost of
316 producing the photographs. Any monies collected in excess of the
317 actual costs of the photography shall be deposited to the General
318 Fund of the State of Mississippi.

319 **SECTION 11.** This act shall take effect and be in force from
320 and after July 1, 2005.