

By: Representative Fleming

To: Transportation

HOUSE BILL NO. 1047

1 AN ACT TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO
2 ESTABLISH AND OPERATE A MOTORCYCLE SAFETY AND OPERATOR TRAINING
3 PROGRAM FOR THE PURPOSE OF MOTORCYCLE OPERATOR TRAINING AND TO
4 PROMOTE MOTORCYCLE SAFETY AND MOTORCYCLE AWARENESS; TO ESTABLISH
5 COURSE REQUIREMENTS; TO AUTHORIZE THE COMMISSIONER OF PUBLIC
6 SAFETY TO APPOINT A STATEWIDE MOTORCYCLE SAFETY DIRECTOR TO
7 ADMINISTER THE PROGRAM; TO PRESCRIBE THE QUALIFICATIONS OF THE
8 DIRECTOR AND THE PROGRAM INSTRUCTORS; TO PROVIDE THAT APPLICANTS
9 FOR MOTORCYCLE OPERATORS' LICENSES OR MOTORCYCLE ENDORSEMENTS WHO
10 HAVE SUCCESSFULLY COMPLETED A COURSE UNDER THE PROGRAM SHALL BE
11 EXEMPT FROM THE MOTORCYCLE LICENSING KNOWLEDGE TEST AND SKILL
12 TEST; TO ESTABLISH A MOTORCYCLE SAFETY AND OPERATOR TRAINING FUND;
13 TO AMEND SECTIONS 27-19-5, 63-1-21 AND 63-1-43, MISSISSIPPI CODE
14 OF 1972, TO INCREASE CERTAIN TAXES AND FEES TO FUND THE PROGRAM;
15 TO AMEND SECTION 63-1-6, MISSISSIPPI CODE OF 1972, IN CONFORMITY
16 THERETO; AND FOR RELATED PURPOSES.

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

18 **SECTION 1.** The following terms as used in Sections 1 through
19 7 of this act have the meanings ascribed to them in this section
20 unless the context clearly requires otherwise:

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

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

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

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

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

32 (f) "Program" means the Motorcycle Safety and Operator
33 Training Program provided for in Section 2 of this act.

34 **SECTION 2.** (1) The department shall develop standards for,
35 establish and administer the Motorcycle Safety and Operator
36 Training Program.

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

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

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

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

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

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

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

70 (3) The department shall issue certificates of completion to
71 persons who satisfactorily complete the requirements of the
72 motorcycle operator training course offered or authorized by the
73 state program.

74 (4) Applicants for a motorcycle endorsement or a restricted
75 motorcycle operator's license shall be exempt from the licensing
76 knowledge test and skill test if they present satisfactory
77 evidence of successful completion of an approved rider training
78 course which includes a similar test of both knowledge and skill.

79 (5) Other state-funded public or private entities shall
80 provide reasonable cooperation in providing locations to conduct
81 the motorcycle operator training courses in order to minimize the
82 course enrollment fee charged to the students.

83 **SECTION 4.** (1) The commissioner shall appoint a Statewide
84 Motorcycle Safety Director who shall carry out and enforce the
85 provisions of this act, and the rules and regulations of the
86 department. The director must hold a valid regular driver's
87 license with a motorcycle endorsement and be or have been a chief
88 instructor as prescribed by the Motorcycle Safety Foundation or an
89 equivalent nationally recognized motorcycle safety instructor
90 certifying body.

91 (2) The director may also:

92 (a) Promote motorcycle safety and awareness throughout
93 the state;

94 (b) Provide consultation to the various departments of
95 the state government and local political subdivisions relating to
96 motorcycle safety;

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

99 (d) Establish procedures and requirements for reviewing
100 instructor performance and course quality assurance;

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

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

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

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

123 (4) The department shall establish additional requirements
124 for the approval of instructors, including, but not limited to,
125 the following:

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

127 (b) The person must have a high school diploma or its
128 equivalent;

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

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

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

137 (f) The person must not have been convicted of a
138 felony.

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

143 (6) The department shall annually review the status of all
144 approved instructors and shall withdraw approval from any
145 instructor who is no longer qualified under the requirements of
146 this section or the requirements of the department. The
147 department shall immediately withdraw approval of an instructor
148 when it receives adequate notice of disqualification.

149 **SECTION 6.** (1) The department shall adopt, promulgate and
150 establish rules and regulations for the operation of any
151 motorcycle safety and operator training program created under this
152 act; may provide for the entrance and enrollment of students; may
153 prescribe the requirements and conditions under which students may
154 be received for instruction in any such program; and may prescribe
155 fees for such courses. Commissioned law enforcement officers who
156 meet the conditions for enrollment shall be exempt from such fees
157 once in a two-year period.

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

161 (3) The department may utilize available program funds to
162 defray expenses in offering motorcycle safety and operator
163 training courses and may reimburse entities which offer approved
164 courses for the expenses incurred in offering such courses.

165 **SECTION 7.** There is created in the State Treasury a special
166 fund to be known as the Motorcycle Safety Operator Training Fund,
167 into which shall be deposited the money specified in Sections
168 27-19-5, 63-1-21(5)(a) and 63-1-43(3)(b), and such other money as
169 the Legislature may provide by appropriation. Money in the fund
170 shall be utilized by the Commissioner of Public Safety, upon
171 appropriation by the Legislature, to operate the program.
172 Unexpended amounts remaining in the fund at the end of a fiscal
173 year shall not lapse into the General Fund, and any interest or
174 investment earnings on amounts in the fund shall be deposited to
175 the credit of the fund.

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

178 27-19-5. (1) There is hereby levied the following annual
179 highway privilege tax on operators of private carriers of
180 passengers as reasonable compensation for the use of the highways
181 of this state:

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

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

185 (2) From and after July 1, 2007, there is hereby levied an
186 additional annual highway privilege tax on each motorcycle in the
187 amount of Five Dollars (\$5.00). Revenue from the tax levied
188 pursuant to this subsection shall be deposited into the Motorcycle
189 Safety Operator Training Fund created under Section 7 of House
190 Bill No. _____, 2006 Regular Session.

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

193 63-1-21. (1) Every applicant for a new or original driver's
194 or operator's license, except persons holding an out-of-state
195 license, shall first obtain a temporary driving permit upon the
196 payment of a fee of One Dollar (\$1.00) to the Department of Public
197 Safety and upon the successful completion of the examination

198 provided for in Section 63-1-33 and the payment of the fee for
199 such examination provided for in Section 63-1-43.

200 (2) A temporary driving permit entitles the holder, provided
201 the permit is in his immediate possession, to drive a motor
202 vehicle other than a motorcycle on the highways of the State of
203 Mississippi only when accompanied by a licensed operator who is at
204 least twenty-one (21) years of age and who is actually occupying
205 the seat beside the driver. A temporary driving permit may be
206 issued to any applicant who is at least fifteen (15) years of age.
207 A temporary driving permit shall be valid for a period of one (1)
208 year from the date of issue.

209 (3) An intermediate license allows unsupervised driving from
210 6:00 a.m. to 10:00 p.m. At all other times the intermediate
211 licensee must be supervised by a parent, guardian or other person
212 age twenty-one (21) years or older who holds a valid driver's
213 license under this article and who is actually occupying the seat
214 beside the driver.

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

217 (5) (a) Except as otherwise provided by Section 63-1-6,
218 every applicant for a restricted motorcycle operator's license or
219 a motorcycle endorsement shall first obtain a temporary motorcycle
220 driving permit upon the payment of a fee of One Dollar (\$1.00) to
221 the Department of Public Safety, and upon the successful
222 completion of the examination provided for in Section 63-1-33, and
223 payment of the fee for said examination provided for in Section
224 63-1-43. All applicants for such temporary permit shall (i) be at
225 least fifteen (15) years of age; (ii) operate a motorcycle only
226 under the direct supervision of a person at least twenty-one (21)
227 years of age who possesses either a valid driver's or operator's
228 license with a motorcycle endorsement or a valid restricted
229 motorcycle operator's license; (iii) be prohibited from
230 transporting a passenger on a motorcycle; (iv) be prohibited from

231 operating a motorcycle upon any controlled access highway; and (v)
232 be prohibited from operating a motorcycle during the hours of 6:00
233 p.m. through 6:00 a.m. Temporary motorcycle driving permits shall
234 be valid for the same period of time and may be renewed upon the
235 same conditions as temporary driving permits issued for vehicles
236 other than motorcycles.

237 (b) From and after July 1, 2007, an additional fee in
238 the amount of One Dollar (\$1.00) shall be paid by every applicant
239 for a temporary motorcycle operator's permit. Revenue from the
240 fee levied pursuant to this paragraph shall be deposited into the
241 Motorcycle Safety Operator Training Fund created under Section 7
242 of House Bill No. _____, 2006 Regular Session.

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

245 63-1-43. (1) The fee for receiving the application and
246 issuing the regular driver's or operator's license and the fee for
247 renewing the license shall be:

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

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

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

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

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

263 (b) From and after July 1, 2007, an additional fee in
264 the amount of One Dollar (\$1.00) shall be assessed for issuing and
265 renewing a motorcycle endorsement. Revenue from the fee levied
266 pursuant to this paragraph shall be deposited into the Motorcycle
267 Safety Operator Training Fund created under Section 7 of House
268 Bill No. _____, 2006 Regular Session.

269 (3) (a) The fee for receiving the application and issuing a
270 restricted motorcycle operator's license and the fee for renewing
271 such license shall be:

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

274 (ii) Eight Dollars (\$8.00) plus the applicable
275 photograph fee for a one-year license.

276 (b) From and after July 1, 2007, an additional fee in
277 the amount of One Dollar (\$1.00) shall be assessed for issuing and
278 renewing a restricted motorcycle operator's license. Revenue from
279 the fee levied pursuant to this paragraph shall be deposited into
280 the Motorcycle Safety Operator Training Fund created under Section
281 7 of House Bill No. _____, 2006 Regular Session.

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

286 (4) From and after January 1, 1990, every person who makes
287 application for an original license or a renewal license to
288 operate a vehicle as a common carrier by motor vehicle, taxicab,
289 passenger coach, dray, contract carrier or private commercial
290 carrier as such terms are defined in Section 27-19-3, except for
291 those vehicles for which a Class A, B or C license is required
292 under Article 2 of this chapter, shall, in lieu of the regular
293 driver's license above provided for, apply for and obtain a Class
294 D commercial driver's license. Except as otherwise provided in
295 subsection (5) of this section, the fee for the issuance of a

296 Class D commercial driver's license shall be Twenty-three Dollars
297 (\$23.00) plus the applicable photograph fee for a period of four
298 (4) years; however, except as required under Article 2 of this
299 chapter, no driver of a pickup truck shall be required to have a
300 commercial license regardless of the purpose for which the pickup
301 truck is used.

302 Except as otherwise provided in subsection (5) of this
303 section, all originals and renewals of commercial licenses issued
304 under this section shall be valid for a period of four (4) years,
305 in compliance with Section 63-1-47. Only persons who operate the
306 above-mentioned vehicles in the course of the regular and
307 customary business of the owner shall be required to obtain a
308 Class D commercial operator's license, and persons operating such
309 vehicles for private purposes or in emergencies shall not be
310 required to obtain such license.

311 (5) The original and each renewal of a commercial driver's
312 license issued under this section to a person who is not a United
313 States citizen and who does not possess a social security number
314 issued by the United States government shall be issued for a
315 period of one (1) year for a fee of Eight Dollars (\$8.00) plus the
316 applicable photograph fee and shall expire one (1) year from the
317 date of issuance. Such person may renew a commercial license
318 issued under this section within thirty (30) days of expiration of
319 the license.

320 (6) The Commissioner of Public Safety, by rule or
321 regulation, shall establish a driver's license photograph fee
322 which shall be the actual cost of the photograph rounded off to
323 the next highest dollar. Monies collected for the photograph fee
324 shall be deposited into a special photograph fee account which the
325 Department of Public Safety shall use to pay the actual cost of
326 producing the photographs. Any monies collected in excess of the
327 actual costs of the photography shall be deposited to the General
328 Fund of the State of Mississippi.

329 **SECTION 11.** Section 63-1-6, Mississippi Code of 1972, is
330 amended as follows:

331 63-1-6. (1) No person shall drive or operate a motorcycle
332 upon the highways of the State of Mississippi without first
333 securing either a regular operator's license with a motorcycle
334 endorsement upon it, or a restricted motorcycle operator's
335 license, except those persons especially exempted by Section
336 63-1-7, Mississippi Code of 1972; provided, however, that any
337 person possessing a valid Mississippi operator's license issued
338 prior to July 1, 1985, may operate a motorcycle upon the highways
339 of this state until such time as said license expires. Upon the
340 expiration of a license issued prior to July 1, 1985, and the
341 payment of One Dollar (\$1.00), the applicant for renewal may
342 obtain the necessary motorcycle endorsement without further
343 examination.

344 (2) A motorcycle endorsement may be issued any person who
345 holds a valid Mississippi driver's license and meets the other
346 requirement for such endorsement contained in this chapter.

347 (3) A restricted motorcycle operator's license may be issued
348 to any applicant who fulfills all the requirements necessary to
349 obtain a Mississippi operator's license that may be applicable to
350 the operation of a motorcycle. Such license shall entitle the
351 holder thereof to operate a motorcycle, and no other motor
352 vehicle, upon the highways of this state.

353 (4) A person who presents satisfactory evidence of
354 successful completion of an approved motorcycle operator training
355 course that is established pursuant to Sections 1 through 8 of
356 House Bill No. _____, 2006 Regular Session, shall be exempt from
357 the written test and skill test required pursuant to Section
358 63-1-33.

359 **SECTION 12.** On or before January 1, 2007, the Commissioner
360 of Public Safety shall file a report with the Clerk of the House
361 of Representatives and the Secretary of the Senate. The report

362 shall include the commissioner's recommendations with regard to
363 the implementation of House Bill No. _____, 2006 Regular Session,
364 and an estimate of the costs that the Department of Public Safety
365 is expected to incur in implementing the provisions of House Bill
366 No. _____, 2006 Regular Session.

367 **SECTION 13.** This act shall take effect and be in force from
368 and after July 1, 2006.