

By: Representative Clark

To: Transportation

HOUSE BILL NO. 1470

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 SECTIONS 63-1-6 and 63-1-33, MISSISSIPPI CODE OF 1972, IN
16 CONFORMITY TO THE PROVISIONS OF THIS ACT; AND FOR RELATED
17 PURPOSES.

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

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

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

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

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

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

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



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

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

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

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

46 (4) In addition, the program shall include activities to
47 increase motorcyclists' awareness of alcohol and drug effects,
48 motorcycle driver improvement efforts, program promotion
49 activities, and other efforts to enhance motorcycle safety through
50 education, including increased public awareness of motorcycles.

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

54 (6) Standards for the motorcycle rider training courses,
55 including standards for course content, delivery, curriculum,
56 materials and student evaluation, and standards for the training
57 and approval of instructors shall comply with the requirements of
58 Sections 1 through 7 of this act, and the standards shall meet or
59 exceed established national standards for motorcycle rider
60 training courses prescribed by the Motorcycle Safety Foundation or
61 its equivalent in quality, utility and merit.

62 **SECTION 3.** (1) The program shall offer motorcycle operator
63 training courses designed to develop and instill the knowledge,
64 attitudes, habits and skills necessary for the proper operation of
65 a motorcycle and to assist motorcycle operators in meeting the



66 requirements for licensed operation of a motorcycle in this state.
67 The courses shall be taught only by instructors approved under
68 Section 5 of this act.

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

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

77 (4) An applicant for a motorcycle endorsement or a
78 restricted motorcycle operator's license shall be exempt from the
79 licensing written test on knowledge and skill test, if he presents
80 satisfactory evidence of successful completion of an approved
81 rider training course which includes a similar test of both
82 knowledge and skill.

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

87 **SECTION 4.** (1) The commissioner shall appoint a Statewide
88 Motorcycle Safety Director who shall carry out and enforce the
89 provisions of Sections 1 through 7 of this act, and the applicable
90 rules and regulations of the department. The director must hold a
91 valid regular driver's license with a motorcycle endorsement and
92 be or have been a chief instructor as prescribed by the Motorcycle
93 Safety Foundation or an equivalent nationally recognized
94 motorcycle safety instructor certifying body.

95 (2) In the discretion of the commissioner, the director may
96 have the following additional responsibilities:

97 (a) Promoting motorcycle safety and awareness
98 throughout the state;



99 (b) Providing consultation to the various departments
100 of the state government and local political subdivisions on
101 matters relating to motorcycle safety;

102 (c) Establishing and operating additional motorcycle
103 operator training programs with the approval of the commissioner;

104 (d) Establishing procedures and requirements for
105 reviewing instructor performance and course quality assurance;

106 (e) Performing any other duty deemed necessary by the
107 commissioner to promote motorcycle safety in the state.

108 **SECTION 5.** (1) The department shall approve instructors for
109 the motorcycle operator training courses. No person shall be
110 approved as an instructor unless the person meets the requirements
111 of Sections 1 through 7 of this act and applicable rules and
112 regulations of the department.

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

126 (3) No person shall be approved as an instructor unless the
127 person has successfully completed the instructor training course
128 or an equivalent course, as approved by the director, offered in
129 another state.



130 (4) The department shall establish additional requirements
131 for the approval of instructors including, but not limited to, the
132 following:

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

134 (b) The person must have a high school diploma or its
135 equivalent;

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

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

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

144 (f) The person must not have been convicted of a
145 felony.

146 (5) In the case of a nonresident, the department shall
147 obtain and review the person's driving record from the state where
148 the person is licensed before approval or reapproval of the person
149 as an instructor.

150 (6) The department shall review annually the status of all
151 approved instructors and shall withdraw approval from any
152 instructor who is no longer qualified under the requirements of
153 this section or the applicable rules and requirements of the
154 department. The department immediately shall withdraw approval of
155 an instructor when it receives adequate notice of
156 disqualification.

157 **SECTION 6.** (1) The department shall:

158 (a) Adopt, promulgate and establish rules and
159 regulations for the operation of the motorcycle safety and
160 operator training program created under Sections 1 through 7 of
161 this act;



162 (b) May provide for the entrance and enrollment of
163 students;

164 (c) May prescribe the requirements and conditions under
165 which students may be eligible for instruction in courses
166 associated with the program; and

167 (d) May prescribe fees for participation in the
168 program's instructional courses, except that commissioned law
169 enforcement officers who meet the conditions for enrollment shall
170 be exempt from fees at least once in each two-year period.

171 (2) The department may enter into contracts with public or
172 private entities for providing the program's instructional courses
173 and any services or materials necessary to implement the program.

174 (3) The department may utilize available program funds to
175 defray expenses in offering motorcycle safety and operator
176 training courses and may reimburse entities which offer approved
177 courses for the expenses incurred in offering the courses.

178 **SECTION 7.** There is created in the State Treasury a special
179 fund to be known as the Motorcycle Safety Operator Training Fund,
180 into which shall be deposited the money specified in Sections
181 27-19-5, 63-1-21(5) (a) and 63-1-43(3) (b), and such other money as
182 the Legislature may provide by appropriation. Money in the fund
183 shall be utilized by the Commissioner of Public Safety, upon
184 appropriation by the Legislature, to operate the program.
185 Unexpended amounts remaining in the fund at the end of a fiscal
186 year shall not lapse into the General Fund, and any interest or
187 investment earnings on amounts in the fund shall be deposited to
188 the credit of the fund.

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

191 27-19-5. (1) There is hereby levied the following annual
192 highway privilege tax on operators of private carriers of
193 passengers as reasonable compensation for the use of the highways
194 of this state:



195 (a) On the owner or operator of each private carrier of
196 passengers.....\$15.00
197 (b) On each motorcycle, per annum..... 8.00

198 (2) From and after July 1, 2010, there is levied an
199 additional annual highway privilege tax on each motorcycle in the
200 amount of Five Dollars (\$5.00). Revenue from the tax levied under
201 this subsection shall be deposited into the Motorcycle Safety
202 Operator Training Fund created in Section 7 of this act.

203 **SECTION 9.** Section 63-1-6, Mississippi Code of 1972, is
204 amended as follows:

205 63-1-6. No person shall drive or operate a motorcycle upon
206 the highways of the State of Mississippi without first securing
207 either a regular operator's license with a motorcycle endorsement
208 upon it, or a restricted motorcycle operator's license, except
209 those persons especially exempted by Section 63-1-7, Mississippi
210 Code of 1972; provided, however, that any person possessing a
211 valid Mississippi operator's license issued prior to July 1, 1985,
212 may operate a motorcycle upon the highways of this state until
213 such time as said license expires. Upon the expiration of a
214 license issued prior to July 1, 1985, and the payment of One
215 Dollar (\$1.00), the applicant for renewal may obtain the necessary
216 motorcycle endorsement without further examination.

217 A motorcycle endorsement may be issued to any person who
218 holds a valid Mississippi driver's license and meets the other
219 requirement for such endorsement contained in this chapter.

220 A restricted motorcycle operator's license may be issued to
221 any applicant who fulfills all the requirements necessary to
222 obtain a Mississippi operator's license that may be applicable to
223 the operation of a motorcycle. Such license shall entitle the
224 holder thereof to operate a motorcycle, and no other motor
225 vehicle, upon the highways of this state.

226 The requirement that an applicant for a motorcycle
227 endorsement or restricted motorcycle operator's license



228 successfully pass a written test and a skill test shall not apply
229 if the applicant is exempt from those tests under Section 3(4) of
230 this act.

231 **SECTION 10.** Section 63-1-21, Mississippi Code of 1972, is
232 amended as follows:

233 63-1-21. (1) Every applicant for a new or original driver's
234 or operator's license, except persons holding an out-of-state
235 license, shall first obtain a temporary driving permit upon the
236 payment of a fee of One Dollar (\$1.00) to the Department of Public
237 Safety and upon the successful completion of the examination
238 provided for in Section 63-1-33 and the payment of the fee for
239 such examination provided for in Section 63-1-43.

240 (2) A temporary driving permit entitles the holder, provided
241 the permit is in his immediate possession, to drive a motor
242 vehicle other than a motorcycle on the highways of the State of
243 Mississippi only when accompanied by a licensed operator who is at
244 least twenty-one (21) years of age and who is actually occupying
245 the seat beside the driver. A temporary driving permit may be
246 issued to any applicant who is at least fifteen (15) years of age.
247 A temporary driving permit shall be valid for a period of one (1)
248 year from the date of issue.

249 (3) An intermediate license allows unsupervised driving from
250 6:00 a.m. to 10:00 p.m. At all other times the intermediate
251 licensee must be supervised by a parent, guardian or other person
252 age twenty-one (21) years or older who holds a valid driver's
253 license under this article and who is actually occupying the seat
254 beside the driver.

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

257 (5) (a) Except as otherwise provided by Section 63-1-6,
258 every applicant for a restricted motorcycle operator's license or
259 a motorcycle endorsement shall first obtain a temporary motorcycle
260 driving permit upon the payment of a fee of One Dollar (\$1.00) to



261 the Department of Public Safety, and upon the successful
262 completion of the examination provided for in Section 63-1-33, and
263 payment of the fee for said examination provided for in Section
264 63-1-43. All applicants for such temporary permit shall (i) be at
265 least fifteen (15) years of age; (ii) operate a motorcycle only
266 under the direct supervision of a person at least twenty-one (21)
267 years of age who possesses either a valid driver's or operator's
268 license with a motorcycle endorsement or a valid restricted
269 motorcycle operator's license; (iii) be prohibited from
270 transporting a passenger on a motorcycle; (iv) be prohibited from
271 operating a motorcycle upon any controlled access highway; and (v)
272 be prohibited from operating a motorcycle during the hours of 6:00
273 p.m. through 6:00 a.m. Temporary motorcycle driving permits shall
274 be valid for the same period of time and may be renewed upon the
275 same conditions as temporary driving permits issued for vehicles
276 other than motorcycles.

277 (b) From and after July 1, 2010, an additional fee in
278 the amount of One Dollar (\$1.00) shall be paid by every applicant
279 for a temporary motorcycle operator's permit. Revenue from the
280 fee imposed under this paragraph shall be deposited into the
281 Motorcycle Safety Operator Training Fund created in Section 7 of
282 this act.

283 **SECTION 11.** Section 63-1-33, Mississippi Code of 1972, is
284 amended as follows:

285 63-1-33. It shall be the duty of the license examiner, when
286 application is made for an operator's license or temporary driving
287 permit, to test the applicant's ability to read and understand
288 road signs and to give the required signals as adopted by the
289 National Advisory Committee on Uniform Traffic Control Devices and
290 the American Association of Motor Vehicle Administrators.

291 The commissioner shall have prepared and administer a test
292 composed of at least ten (10) questions relating to the safe



293 operation of a motor vehicle and testing the applicant's knowledge
294 of the proper operation of a motor vehicle.

295 Prior to the administration of the test the license examiner
296 shall inspect the horn, lights, brakes, inspection certificate and
297 vehicle registration of the motor vehicle which the applicant
298 expects to operate while being tested, and if he finds that any of
299 the aforementioned items are deficient, no license or endorsement
300 shall be issued to the applicant until same have been repaired.

301 An applicant for a Mississippi driver's license who, at the
302 time of application, holds a valid motor vehicle driver's license
303 issued by another state shall not be required to take a written
304 test.

305 Except as otherwise provided in this section or by Section
306 63-1-6, when application is made for an original motorcycle
307 endorsement or a restricted motorcycle operator's license, the
308 applicant shall be required to pass a written test which consists
309 of questions relating to the safe operation of a motorcycle and a
310 skill test similar to the "Motorcycle Operator Skill Test," which
311 is endorsed by the American Association of Motor Vehicle
312 Administrators. The commissioner may exempt any applicant from
313 the written test or the skill test if the applicant presents a
314 certificate showing successful completion of an approved rider
315 training course under Section 3(4) of this act or a course
316 approved by the commissioner, which includes a similar examination
317 of knowledge and skills needed in the safe operation of a
318 motorcycle.

319 **SECTION 12.** Section 63-1-43, Mississippi Code of 1972, is
320 amended as follows:

321 63-1-43. (1) The fee for receiving the application and
322 issuing the regular driver's or operator's license and the fee for
323 renewing the license shall be:

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



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

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

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

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

339 (b) From and after July 1, 2010, an additional fee in
340 the amount of One Dollar (\$1.00) shall be assessed for issuing and
341 renewing a motorcycle endorsement. Revenue from the fee imposed
342 under this paragraph shall be deposited into the Motorcycle Safety
343 Operator Training Fund created in Section 7 of this act.

344 (3) (a) The fee for receiving the application and issuing a
345 restricted motorcycle operator's license and the fee for renewing
346 such license shall be:

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

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

351 (b) From and after July 1, 2010, an additional fee in
352 the amount of One Dollar (\$1.00) shall be assessed for issuing and
353 renewing a restricted motorcycle operator's license. Revenue from
354 the fee imposed under this paragraph shall be deposited into the
355 Motorcycle Safety Operator Training Fund created in Section 7 of
356 this act.

357 All originals and renewals of restricted motorcycle licenses
358 shall be valid for the same period of time that an original



359 regular driver's license may be issued to such person in
360 compliance with Section 63-1-47.

361 (4) From and after January 1, 1990, every person who makes
362 application for an original license or a renewal license to
363 operate a vehicle as a common carrier by motor vehicle, taxicab,
364 passenger coach, dray, contract carrier or private commercial
365 carrier as such terms are defined in Section 27-19-3, except for
366 those vehicles for which a Class A, B or C license is required
367 under Article 2 of this chapter, shall, in lieu of the regular
368 driver's license above provided for, apply for and obtain a Class
369 D commercial driver's license. Except as otherwise provided in
370 subsection (5) of this section, the fee for the issuance of a
371 Class D commercial driver's license shall be Twenty-three Dollars
372 (\$23.00) plus the applicable photograph fee for a period of four
373 (4) years; however, except as required under Article 2 of this
374 chapter, no driver of a pickup truck shall be required to have a
375 commercial license regardless of the purpose for which the pickup
376 truck is used.

377 Except as otherwise provided in subsection (5) of this
378 section, all originals and renewals of commercial licenses issued
379 under this section shall be valid for a period of four (4) years,
380 in compliance with Section 63-1-47. Only persons who operate the
381 above-mentioned vehicles in the course of the regular and
382 customary business of the owner shall be required to obtain a
383 Class D commercial operator's license, and persons operating such
384 vehicles for private purposes or in emergencies shall not be
385 required to obtain such license.

386 (5) The original and each renewal of a commercial driver's
387 license issued under this section to a person who is not a United
388 States citizen and who does not possess a social security number
389 issued by the United States government shall be issued for a
390 period of one (1) year for a fee of Eight Dollars (\$8.00) plus the
391 applicable photograph fee and shall expire one (1) year from the



392 date of issuance. Such person may renew a commercial license
393 issued under this section within thirty (30) days of expiration of
394 the license.

395 (6) The Commissioner of Public Safety, by rule or
396 regulation, shall establish a driver's license photograph fee
397 which shall be the actual cost of the photograph rounded off to
398 the next highest dollar. Monies collected for the photograph fee
399 shall be deposited into a special photograph fee account which the
400 Department of Public Safety shall use to pay the actual cost of
401 producing the photographs. Any monies collected in excess of the
402 actual costs of the photography shall be deposited to the General
403 Fund of the State of Mississippi.

404 **SECTION 13.** On or before January 1, 2010, the Commissioner
405 of Public Safety shall file a report with the Clerk of the House
406 of Representatives and the Secretary of the Senate. The report
407 shall include the commissioner's recommendations with regard to
408 the implementation of the provisions of this act, and an estimate
409 of the costs that the Department of Public Safety anticipates in
410 implementing its provisions.

411 **SECTION 14.** This act shall take effect and be in force from
412 and after July 1, 2009.

