

By: Senator(s) Dearing

To: Highways and  
Transportation

## SENATE BILL NO. 2013

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.

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

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

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

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

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

(2) The director may also:

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

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

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

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

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

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

(2) The program shall offer instructor training courses as needed for instruction who teach the motorcycle operator training courses. Successful completion of the instructor training course shall require the participant to demonstrate knowledge of the course material, knowledge of proper motorcycle operation, motorcycle riding proficiency, and the necessary aptitude to instruct and impart motorcycle driving skills 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 a course fee prescribed by the director shall be charged.

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

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

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

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

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

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

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

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

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

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

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

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

(3) The department may utilize available program funds to defray expenses in offering motorcycle safety and operator training courses and may reimburse entities which offer approved 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, 2004, 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 Senate  
190 Bill No. 2013, 2004 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

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

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

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

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

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

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

(b) From and after July 1, 2004, an additional fee in the amount of One Dollar (\$1.00) shall be paid by every applicant for a temporary motorcycle operator's permit. Revenue from the fee levied pursuant to this paragraph shall be deposited into the Motorcycle Safety Operator Training Fund created under Section 7 of Senate Bill No. 2013, 2004 Regular Session.

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

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

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

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

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

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

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



263           (b) From and after July 1, 2004, 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 Senate  
268 Bill No. 2013, 2004 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 (1) year license.

276           **(b) From and after July 1, 2004, 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 Senate Bill No. 2013, 2004 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.

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

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

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

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

(4) A person who presents satisfactory evidence of successful completion of an approved motorcycle operator training course that is established pursuant to Sections 1 through 8 of Senate Bill No. 2013, 2004 Regular Session, shall be exempt from the written test and skill test required pursuant to Section 63-1-33.

**SECTION 12.** This act shall take effect and be in force from and after July 1, 2004.