

IN THE SENATE

SENATE BILL NO. 1038

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO THE MOTORCYCLE TRAINING PROGRAM; AMENDING SECTION
 2 33-4901, IDAHO CODE, TO REPLACE THE DEPARTMENT OF EDUCATION
 3 WITH IDAHO STATE UNIVERSITY; AMENDING SECTION 33-4902, IDAHO
 4 CODE, TO REPLACE THE DEPARTMENT OF EDUCATION WITH IDAHO
 5 STATE UNIVERSITY AND TO REPLACE THE SUPERINTENDENT OF PUBLIC
 6 INSTRUCTION WITH THE PRESIDENT OF IDAHO STATE UNIVERSITY;
 7 AMENDING SECTION 33-4903, IDAHO CODE, TO REPLACE THE DEPARTMENT
 8 OF EDUCATION WITH IDAHO STATE UNIVERSITY; AMENDING SECTION
 9 33-4904, IDAHO CODE, TO REPLACE THE DEPARTMENT OF EDUCATION WITH
 10 IDAHO STATE UNIVERSITY; AMENDING SECTION 33-4905, IDAHO CODE,
 11 TO REPLACE THE SUPERINTENDENT OF PUBLIC INSTRUCTION WITH THE
 12 PRESIDENT OF IDAHO STATE UNIVERSITY; AMENDING SECTION 33-4906,
 13 IDAHO CODE, TO REPLACE THE DEPARTMENT OF EDUCATION WITH IDAHO
 14 STATE UNIVERSITY; AMENDING SECTION 49-304, IDAHO CODE, TO REPLACE
 15 THE DEPARTMENT OF EDUCATION WITH IDAHO STATE UNIVERSITY;
 16 AMENDING SECTION 49-313, IDAHO CODE, TO REPLACE THE DEPARTMENT
 17 OF EDUCATION WITH IDAHO STATE UNIVERSITY; AND AMENDING SECTION
 18 49-314, IDAHO CODE, TO REPLACE THE DEPARTMENT OF EDUCATION WITH
 19 IDAHO STATE UNIVERSITY AND TO MAKE A TECHNICAL CORRECTION.
 20

21 Be It Enacted by the Legislature of the State of Idaho:

22 SECTION 1. That Section 33-4901, Idaho Code, be, and the same is hereby amended to
 23 read as follows:

24 33-4901. COOPERATION ~~BETWEEN DEPARTMENTS~~. In conjunction with its
 25 supervision of traffic on public highways, the Idaho transportation department is directed to
 26 cooperate with ~~the department of education~~ Idaho state university in its establishment of a
 27 motorcycle rider safety program for the state of Idaho.

28 SECTION 2. That Section 33-4902, Idaho Code, be, and the same is hereby amended to
 29 read as follows:

30 33-4902. MOTORCYCLE SAFETY PROGRAM. (1) ~~The department of education~~
 31 Idaho state university shall develop standards for, establish and administer the Idaho motorcycle
 32 safety program.

33 (2) ~~The department of education~~ Idaho state university shall establish standards for
 34 the motorcycle rider training course, including standards for course curriculum and student
 35 evaluation and testing, and shall meet or exceed established national standards for motorcycle
 36 rider training courses in effect as of September 1, 1994.

1 (3) The program shall include activities to increase motorcyclists' alcohol and drug
2 effects awareness, motorcycle rider improvement efforts, program promotion activities, and
3 other efforts to enhance motorcycle safety through education, including enhancement of public
4 awareness of motorcycles.

5 (4) ~~The superintendent of public instruction~~ president of Idaho state university shall
6 appoint a program coordinator to oversee and direct the program.

7 (5) ~~The department of education~~ Idaho state university shall establish standards for the
8 training and approval of motorcycle rider training instructors and skills examiners which shall
9 meet or exceed established national standards for such instructors and skills examiners in effect
10 as of September 1, 1994.

11 SECTION 3. That Section 33-4903, Idaho Code, be, and the same is hereby amended to
12 read as follows:

13 33-4903. IMPLEMENTING AUTHORITY. (1) ~~The department of education~~ Idaho state
14 university shall adopt rules which are necessary to carry out the motorcycle safety program.

15 (2) ~~The department of education~~ Idaho state university may enter into contracts with
16 public or private entities for course delivery and for the provision of services or materials
17 necessary for administration and implementation of the program.

18 (3) ~~The department of education~~ Idaho state university may offer motorcycle rider
19 training courses directly and may approve courses offered by public or private entities as
20 authorized program courses if they are administered and taught in full compliance with
21 standards established for the state program.

22 (4) ~~The department of education~~ Idaho state university may establish reasonable
23 enrollment fees to be charged for persons who participate in a motorcycle rider training course.

24 (5) ~~The department of education~~ Idaho state university may utilize available program
25 funds to defray expenses in offering motorcycle rider training courses and may reimburse
26 entities which offer approved courses for the expenses incurred in offering the courses in order
27 to minimize any course enrollment fee charged to the students.

28 SECTION 4. That Section 33-4904, Idaho Code, be, and the same is hereby amended to
29 read as follows:

30 33-4904. MOTORCYCLE SAFETY PROGRAM FUND. (1) The motorcycle safety
31 program fund is established in the state treasury and appropriated on a continual basis to ~~the~~
32 ~~department of education~~ Idaho state university which shall administer the moneys. Money in
33 the fund shall only be used for administration and implementation of the program, including
34 reimbursement of entities which offer approved motorcycle rider training courses.

35 (2) At the end of each fiscal year, moneys remaining in the motorcycle safety program
36 fund shall be retained in said fund and shall not revert to any other general fund. The interest
37 and income earned on money in the fund, after deducting any applicable charges, shall be
38 credited to and remain in the motorcycle safety program fund.

39 (3) Revenue credited to the fund shall include one dollar (\$1.00) of each fee for a class
40 A, B, C or D driver's license as provided in section 49-306, Idaho Code.

41 (4) Revenue credited to the fund shall include amounts collected for each motorcycle
42 safety program fee imposed pursuant to section 49-453, Idaho Code.

1 SECTION 5. That Section 33-4905, Idaho Code, be, and the same is hereby amended to
2 read as follows:

3 33-4905. ADVISORY COMMITTEE. The ~~superintendent of public instruction~~
4 president of Idaho state university shall establish a program advisory committee consisting of
5 five (5) persons representing various interests in motorcycle safety including, but not limited
6 to, motorcycle riding enthusiasts, dealers and law enforcement personnel. Committee members
7 shall advise the program coordinator in developing, establishing and maintaining the program.
8 The committee shall monitor program implementation and report to the ~~superintendent~~
9 president as necessary with recommendations. Members of the committee shall serve without
10 compensation but may be reimbursed for their reasonable expenses while engaged in committee
11 business.

12 SECTION 6. That Section 33-4906, Idaho Code, be, and the same is hereby amended to
13 read as follows:

14 33-4906. ANNUAL REPORT ON THE PROGRAM. ~~The department of education~~
15 Idaho state university shall prepare a public report annually. The report shall be completed
16 with the assistance of the program coordinator and the program advisory committee. The
17 report shall include the number and location of various courses offered, the number of
18 instructors approved, the number of students trained in various courses, other information about
19 program implementation as deemed appropriate, and an assessment of the overall impact of the
20 program on motorcycle safety in the state. The report shall also provide a complete accounting
21 of revenue receipts of the motorcycle safety program fund and of all moneys expended under
22 the program.

23 SECTION 7. That Section 49-304, Idaho Code, be, and the same is hereby amended to
24 read as follows:

25 49-304. MOTORCYCLE ENDORSEMENT. The department shall issue a motorcycle
26 "M" endorsement on a driver's license to applicants who complete the requirements to operate
27 a motorcycle.

28 (1) No person may operate a motorcycle upon a highway without a motorcycle "M"
29 endorsement on a valid driver's license.

30 (2) Any person who applies for a driver's license or renewal of a license may also
31 apply for a motorcycle "M" endorsement. The requirements for obtaining a motorcycle "M"
32 endorsement are:

33 (a) The applicant shall be tested by written examination for his knowledge of safe
34 motorcycle operating practices and traffic laws specific to the operation of motorcycles
35 upon payment of the fee specified in section 49-306, Idaho Code.

36 (b) Upon successful completion of the knowledge test and upon payment of the
37 fee required for an "M" endorsement, the applicant shall obtain a motorcycle "M"
38 endorsement on his driver's license.

39 (3) No person under the age of twenty-one (21) years may apply for or obtain a
40 motorcycle "M" endorsement on his driver's license unless he has successfully completed a
41 motorcycle rider training course approved under the provisions of chapter 49, title 33, Idaho
42 Code, in addition to satisfying the requirements specified in subsection (2) of this section. The

1 provisions of this subsection shall not be effective unless and until the motorcycle rider training
2 course is fully implemented by ~~the department of education~~ Idaho state university.

3 (4) Any person who applies for a motorcycle endorsement on a driver's license, in
4 addition to the requirements specified in subsection (2) of this section, may also be required
5 to pass the motorcycle "M" skills test before he can obtain the motorcycle "M" endorsement.

6 (5) The operation of a motorcycle upon a highway by any person who has failed to
7 obtain a motorcycle "M" endorsement as provided in this section shall constitute an infraction.

8 SECTION 8. That Section 49-313, Idaho Code, be, and the same is hereby amended to
9 read as follows:

10 49-313. EXAMINATION OF APPLICANTS. (1) The sheriff, his deputy or authorized
11 agents of the department shall examine every applicant for an instruction permit, restricted
12 school attendance driving permit, seasonal driver's license, or a driver's license or a motorcycle
13 endorsement, except as otherwise provided by law. The examination shall include a test of the
14 applicant's eyesight, his ability to read and understand highway signs regulating, warning, and
15 directing traffic. A skills test shall be required for an applicant who has not been previously
16 licensed for the class of license requested, or who holds a license issued by another country
17 unless a reciprocal agreement is in force. However, a skills test may be required for any and
18 all other applicants at the discretion of the examiner or department for a class A, B, C or D
19 driver's license or a motorcycle endorsement. In addition, the applicant's knowledge of traffic
20 laws of this state and when a motorcycle endorsement is applied for, the applicant's knowledge
21 of safe motorcycle operating practices and traffic laws specifically relating to motorcycle
22 operation shall be tested by a written examination, except as provided in section 49-319, Idaho
23 Code. At the discretion of the examiner, the prescribed written examination may be conducted
24 orally.

25 (2) The knowledge and skills examinations for applicants for driver's licenses in class A,
26 B or C shall be conducted in compliance with 49 CFR part 383.

27 (3) The skills test for a class A, B, C or D driver's license or for any endorsement shall
28 be given by the department or its authorized agents. The skills examiner for a motorcycle
29 endorsement shall be certified by ~~the department of education~~ Idaho state university.

30 (4) The department shall not issue the following endorsements except as provided:

31 (a) A tank, double/triple trailer, or hazardous material endorsement unless the applicant,
32 in addition to all other applicable qualifications, has passed an appropriate knowledge test.

33 (b) A passenger endorsement unless the applicant, in addition to all other applicable
34 qualifications, has passed an appropriate knowledge and skills test.

35 (c) A school bus endorsement unless the applicant, in addition to all other applicable
36 qualifications, has passed appropriate knowledge and skills tests. Until September 30,
37 2005, the department may waive the school bus endorsement skills test requirement if the
38 applicant meets the conditions set forth in accordance with 49 CFR part 383.123.

39 (5) Any person failing to pass a knowledge or skills test for a class A, B, C or D driver's
40 license, or a knowledge test for a seasonal driver's license, or any endorsement may not retake
41 the test within three (3) business days of the failure.

42 (6) Any person retaking a knowledge or skills test for a driver's license shall pay the
43 appropriate testing fee as specified in section 49-306, Idaho Code.

44 (7) The motorcycle skills test for a motorcycle endorsement shall be waived by the
45 department:

1 (a) On and after September 1, 1998, if the applicant presents satisfactory evidence of
 2 successful completion of a recognized motorcycle rider training course approved by ~~the~~
 3 ~~department of education~~ Idaho state university;

4 (b) On and after September 1, 1998, if the applicant presents evidence of a motorcycle
 5 endorsement on his current license by a state or province which requires a motorcycle
 6 skills test equivalent to that required by Idaho law as determined by ~~the department of~~
 7 ~~education~~ Idaho state university;

8 (c) Until September 1, 1998.

9 (8) At the discretion of the department, an alternate skills test for the motorcycle
 10 endorsement may be administered when the endorsement is for operation of a three-wheeled
 11 motorcycle only.

12 (9) The department or its authorized agents may refuse to give an applicant a skills test if
 13 there are reasonable grounds to believe that the safety of the applicant, public, or the examiner
 14 would be jeopardized by doing so. Reasonable grounds would include, but not be limited to,
 15 the applicant's inability to pass the eye test, written tests, or a statement by a licensed physician
 16 stating the applicant is not physically able to drive a motor vehicle.

17 (10) The department or its authorized agents may deny issuance or renewal of a driver's
 18 license or endorsement to any applicant who does not meet the licensing requirements for the
 19 class of driver's license or endorsement being renewed or issued.

20 (11) Skills examinations for seasonal driver's licenses shall be waived.

21 SECTION 9. That Section 49-314, Idaho Code, be, and the same is hereby amended to
 22 read as follows:

23 49-314. LOCAL EXAMINERS APPOINTED BY DEPARTMENT. (1) The department
 24 shall appoint the sheriff in each county and may appoint any deputy sheriff, chief of police, or
 25 other officials or private citizens whom the department deems qualified as examiners, who shall
 26 be agents of the department and shall perform duties prescribed in this title.

27 (2) The department shall appoint at least one (1) employee in the department who shall
 28 be skilled and highly qualified in the method of giving driver's license examinations, who shall
 29 have authority, and it shall be this person's duty to instruct the examiners appointed by the
 30 department in the method of giving driver's license examinations and acquaint them with the
 31 use of equipment and forms needed in examining applicants for licensure.

32 (3) Agents of the department appointed to administer skill tests for class A, B or C
 33 driver's licenses must be certified according to 49 CFR part 383.

34 (4) Agents of the department appointed to administer the skills test for a motorcycle
 35 endorsement shall be certified by ~~the department of education~~ Idaho state university.

36 (5) Agents of the department to administer skills tests for class D driver's license shall be
 37 certified by the department.