

CHAPTER 122

(SB 77)

AN ACT relating to motorcycle safety education and making an appropriation therefor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 15A IS CREATED TO READ AS FOLLOWS:

- (1) *The Justice Cabinet shall establish a motorcycle safety education program. The program shall provide for instructor training courses, instructor approval, and rider training courses for novice riders that shall be held at locations throughout the state. The program may provide for the following:*
 - (a) *Rider training courses for experienced riders;*
 - (b) *Activities to increase the awareness of a motorcyclist's knowledge of the effects of alcohol and drug use;*
 - (c) *Driver improvement efforts;*
 - (d) *Licensing improvement efforts;*
 - (e) *Program promotion activities;*
 - (f) *Enhancement of the public's awareness of motorcycles; and*
 - (g) *Enhancement of motorcycle safety through education.*
- (2) *The Justice Cabinet shall promulgate administrative regulations, pursuant to KRS Chapter 13A, governing the development of standards for, and the administration of, a motorcycle safety education program. Standards for the motorcycle rider training courses shall include standards for course content, delivery, curriculum, materials, student evaluation, and the training and approval of instructors. Standards shall meet or exceed established national standards for motorcycle rider training courses prescribed by the Motorcycle Safety Foundation.*

SECTION 2. A NEW SECTION OF KRS CHAPTER 15A IS CREATED TO READ AS FOLLOWS:

- (1) *The motorcycle safety education program shall offer motorcycle rider training courses designed to develop and instill the knowledge, attitudes, habits, and skills necessary for the proper operation of a motorcycle. The courses shall be taught by instructors approved under Section 3 of this Act and shall include no fewer than eight (8) hours of hands-on instruction for a novice course.*
- (2) *Rider training courses shall be open to any resident of the state who is eligible for a motor vehicle instruction permit.*
- (3) *Rider training courses shall be provided free of charge to applicants under eighteen (18) years of age.*
- (4) *The cabinet shall issue certificates of completion in a manner and form prescribed by administrative regulations promulgated pursuant to KRS Chapter 13A to persons who satisfactorily complete the requirements of a motorcycle rider training course offered or authorized by the state program.*

- (5) *The Transportation Cabinet may exempt applicants for a motorcycle driver's license or endorsement from the licensing skill test if they present satisfactory evidence of successful completion of an approved rider training course that includes a similar test of skill.*

SECTION 3. A NEW SECTION OF KRS CHAPTER 15A IS CREATED TO READ AS FOLLOWS:

- (1) *The cabinet shall approve instructors for the motorcycle rider training courses. A person shall not be approved as an instructor unless the person meets the requirements of this section and administrative regulations of the cabinet and holds a currently valid instructor certification issued by the Motorcycle Safety Foundation.*
- (2) *The program shall offer instructor training courses to prepare instructors to teach the motorcycle rider 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 for instructing students. A person shall not be approved as an instructor unless the person has successfully completed the instructor training course or an equivalent course offered in another state.*
- (3) *The cabinet shall establish additional requirements for the approval of instructors, including but not limited to the following:*
 - (a) *The person shall have a high school diploma or its equivalent;*
 - (b) *The person shall be at least eighteen (18) years of age and hold a valid motorcycle driver's license or endorsement;*
 - (c) *The person shall have at least two (2) years of recent motorcycle riding experience;*
 - (d) *The person's driver's license shall not have been suspended or revoked at any time during the preceding two (2) years or at any time within the preceding five (5) years for any alcohol or drug related offense; and*
 - (e) *The person shall not have been convicted of a felony.*
- (4) *In the case of a nonresident, the cabinet shall obtain and review the person's driving record from the state where the person is licensed prior to approval or reapproval of the person as an instructor.*
- (5) *The cabinet 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. The cabinet shall immediately withdraw approval of an instructor when it receives adequate notice of any disqualification.*

SECTION 4. A NEW SECTION OF KRS CHAPTER 15A IS CREATED TO READ AS FOLLOWS:

- (1) *The cabinet 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.*
- (2) *The cabinet may offer motorcycle rider training courses directly and may approve courses offered by independent public or private entities as authorized program courses if they are administered and taught in full compliance with standards established for the state program.*

- (3) *The cabinet may establish by administrative regulation reasonable enrollment fees to be charged for persons who participate in motorcycle rider training courses offered by the cabinet and for persons who participate in approved courses offered by independent public or private entities.*
- (4) *The cabinet may utilize available program funds to defray its own expenses in offering motorcycle rider training courses and may reimburse entities that offer approved courses for the expenses incurred in offering the courses to minimize course enrollment fees charged to the students.*
- (5) *The cabinet shall provide meeting facilities and administrative assistance and support to the Motorcycle Safety Education Commission and the expenses shall be paid from the budget of the cabinet. The cabinet shall prepare and maintain all minutes of the commission's proceedings and shall be the custodian of all files and records of the commission.*

SECTION 5. A NEW SECTION OF KRS CHAPTER 15A IS CREATED TO READ AS FOLLOWS:

- (1) *The motorcycle safety education program fund is established as a restricted fund in the state treasury. Moneys in the fund are hereby appropriated for the purposes set forth in Sections 1 to 9 of this Act. Moneys in the fund shall be utilized to provide motorcycle training courses as established in Section 2 of this Act and for implementation of the program, including reimbursement of entities that offer approved motorcycle rider education courses. The Justice Cabinet shall not deduct administrative costs from the motorcycle safety education program fund.*
- (2) *If at the end of each fiscal year money remains in the fund, it shall be retained in the fund. The interest and income earned on money in the fund, after deducting any applicable charges, shall be credited to the motorcycle safety education fund.*
- (3) *The following revenue shall be credited to the fund:*
 - (a) *Four dollars (\$4) of the annual registration fee for each registered motorcycle as provided in KRS 186.050;*
 - (b) *Four dollars (\$4) of the application fee for a motorcycle instruction permit as provided in KRS 186.531;*
 - (c) *Four dollars (\$4) of the fee for each original or renewal motorcycle driver's license or endorsement as provided in KRS 186.531; and*
 - (d) *Any federal or state motorcycle safety funds granted to the program.*

SECTION 6. A NEW SECTION OF KRS CHAPTER 15A IS CREATED TO READ AS FOLLOWS:

The Justice Cabinet shall report monthly to the Interim Joint Committee on Appropriations and Revenue on the revenues deposited into the motorcycle safety education program fund, the expenditures incurred, and the available balance in the fund. In addition, the Justice Cabinet shall identify the safety programs provided, the cost of the programs, location, and number of attendees. To facilitate the timely reporting of data under this subsection, the cabinet shall enter into agreements with entities that provide the training to require monthly billing and attendance records.

SECTION 7. A NEW SECTION OF KRS CHAPTER 15A IS CREATED TO READ AS FOLLOWS:

- (1) *The Motorcycle Safety Education Commission is established as an independent body to help foster the growth and development of the motorcycle safety education program established under Section 1 of this Act.*
- (2) *The Motorcycle Safety Education Commission shall be comprised of seven (7) members, appointed as follows:*
 - (a) *One (1) representative of the Kentucky State Police, appointed by the Governor;*
 - (b) *One (1) representative of the Transportation Cabinet's Division of Driver Licensing, appointed by the Governor;*
 - (c) *One (1) instructor in the motorcycle safety education program, appointed by the Governor;*
 - (d) *Two (2) members of the Kentucky Motorcycle Association, to be appointed by the Governor from a list of five (5) nominees selected by the association;*
 - (e) *One (1) member appointed by the Governor from a list of three (3) nominees selected by the President of the Senate; and*
 - (f) *One (1) member appointed by the Governor from a list of three (3) nominees selected by the Speaker of the House of Representatives.*
- (3) *Members of the Motorcycle Safety Education Commission shall serve a term of four (4) years. Sitting members shall be eligible to succeed themselves.*
- (4) *Commission members shall receive no compensation for their services, and shall not be compensated for expenses incurred from travel or in connection with the performance of their duties as commission members.*
- (5) *The commission shall elect its chair and vice chair from its membership.*
- (6) *The commission shall meet quarterly or upon the call of the chair or the request of the secretary of the Justice Cabinet.*
- (7) *The commission may take action only at meetings where a quorum is present.*
- (8) *The commission shall keep a record of its meetings and recommendations.*

SECTION 8. A NEW SECTION OF KRS CHAPTER 15A IS CREATED TO READ AS FOLLOWS:

The Motorcycle Safety Education Commission shall have the following responsibilities:

- (1) *Approve any administrative regulation relating to the motorcycle safety education program promulgated by the cabinet prior to the administrative regulation being filed with the Legislative Research Commission pursuant to KRS Chapter 13A;*
- (2) *Approve any proposal by the cabinet to contract for services pursuant to KRS Chapter 45A or any interagency agreement for services relating to the motorcycle education program prior to the issuance of the contract or the agreement;*
- (3) *Approve all expenditures of money relating to the motorcycle safety education program which has not been specifically authorized in the biennial budget;*

- (4) *Establish for the Justice Cabinet the short-range and long-range goals to promote the continued growth and expansion of the motorcycle safety education program;*
- (5) *Make recommendations regarding the administration of the motorcycle safety education program;*
- (6) *Ensure that the Justice Cabinet and the motorcycle safety education program is informed on the views and philosophies of interested parties; and*
- (7) *Act as a communication channel between the relevant state agencies and motorcyclists and the general public.*

SECTION 9. A NEW SECTION OF KRS CHAPTER 15A IS CREATED TO READ AS FOLLOWS:

The cabinet shall prepare an annual report on the program to be submitted to the Governor and the Legislative Research Commission and made available to the public for review during the cabinet's normal business hours. The report shall include the number and location of courses offered; the number of instructors approved; the number of students trained in various courses; the number of permits, licenses, and registrations issued; the amount of money collected by category for permits, licenses, and registrations; other information about program implementation as the cabinet shall deem appropriate; and an assessment of the overall impact of the program on motorcycle safety in the state. The report shall also provide a complete accounting of revenue receipts of the motorcycle safety education program fund and of all moneys expended under the program.

Section 10. KRS 186.531 is amended to read as follows:

- (1) The cost of operators' licenses and permits shall be as follows:
 - (a) The fee for a four (4) year original or renewal motor vehicle license shall be eight dollars (\$8);
 - (b) The fee for a four (4) year original or renewal motorcycle operator's license shall be twelve dollars (\$12) and a combination motor vehicle-motorcycle operator's license shall be eighteen dollars (\$18);
 - (c) The fee for an instruction permit for a motor vehicle shall be two dollars (\$2) plus four dollars (\$4) for preparing and acknowledging the application;
 - (d) The fee for an instruction permit for a motorcycle shall be five dollars (\$5) plus one dollar (\$1) for preparing and acknowledging the application;
 - (e) The fee for a duplicate license shall be six dollars (\$6);
 - (f) The fee for an identification card shall be four dollars (\$4). The fee for a duplicate identification card shall be two dollars (\$2); and
 - (g) Any applicant under the age of twenty-one (21) who meets the requirements for the issuance of a valid driver's license shall be issued a license valid until the date the applicant attains the age of twenty-one (21). The fee for the license shall be two dollars (\$2) per year for the requisite number of years as set forth herein. The applicant shall have thirty (30) days after his twenty-first birthday in which to renew his driver's license.
- (2) Except as provided in subsection (3) of this section, the circuit clerk shall deposit in the State Treasury to the credit of the general fund except as provided in paragraph (a),

paragraph (f), and paragraph (g) of this subsection fees pertaining to applications and license fees in the following manner:

- (a) Twenty-two per cent (22%) of the cost for the issuance of any original and renewal license shall be deposited in a trust and agency account to the credit of the Administrative Office of the Courts and shall be used to assist circuit clerks in hiring additional employees and providing salary adjustments for employees;
 - (b) One dollar (\$1) for issuance of any instruction permit;
 - (c) One dollar (\$1) for preparing and acknowledging an application for an instruction permit;
 - (d) One dollar and twenty-five cents (\$1.25) for preparing and acknowledging an application for a duplicate;
 - (e) One dollar and twenty-five cents (\$1.25) for each identification card;
 - (f) For each original or renewal license one dollar (\$1) shall be credited to a special account within the state road fund and shall be used by the Transportation Cabinet exclusively for the purpose of issuing a photo license. For each original or renewal motorcycle operator's license and each motorcycle instruction permit, four dollars (\$4) shall be credited to a ~~restricted~~ special account within the state road fund and shall be used exclusively for the purpose of the motorcycle safety education program fund pursuant to *Section 5 of this Act* ~~[KRS 186.890]~~;
 - (g) An applicant for an original or renewal motor vehicle operator's license, commercial driver's license, motorcycle operator's license, or nondriver's identification card shall be requested by the clerk to make a donation of one dollar (\$1) to promote an organ donor program. The one dollar (\$1) donation shall be added to the regular fee for an original or renewal motor vehicle operator's license, commercial driver's license, motorcycle operator's license, or nondriver's identification card. One (1) donation may be made per issuance or renewal of a license or any combination thereof. The fee shall be paid to the circuit clerk and shall be retained by the clerk to be used exclusively for the purpose of promoting an organ donor program. Organ donation shall be voluntary and may be refused by the applicant at the time of issuance or renewal of a license; and
 - (h) Three dollars (\$3) for a combination motor vehicle-motorcycle operator's license.
- (3) The following fees shall be deposited in a trust and agency account to the credit of the Administrative Office of the Courts and shall be used to assist circuit clerks in hiring additional employees, providing salary adjustments for employees, providing training for employees, and purchasing additional equipment used in administering the issuance of driver's licenses:
- (a) One dollar (\$1) for issuing of an instruction permit;
 - (b) Three dollars (\$3) for preparing and acknowledging an application for an instruction permit;
 - (c) Four dollars (\$4) for preparing and acknowledging an application for a duplicate license;
 - (d) Ten dollars (\$10) for preparing and acknowledging an application for a reinstatement fee; and

- (e) These fees shall be in addition to other funds provided to the circuit clerk through the regular appropriation made by the General Assembly to the Administrative Office of the Courts.
- (4) The remainder of all fees, and other moneys collected by the circuit clerk shall be forwarded to the state.

Section 11. The following KRS sections are repealed:

- 186.870 Motorcycle safety education program -- Standards -- Administrative regulations.
- 186.875 Motorcycle rider training courses -- Exemption from motorcycle driver's license skill test.
- 186.880 Instructors -- Requirements for approval.
- 186.885 Powers of cabinet.
- 186.890 Motorcycle safety education program fund.
- 186.891 Revenues relating to motorcycle safety education program fund -- Report.
- 186.892 Motorcycle Safety Education Advisory Commission -- Purpose.
- 186.893 Membership -- Officers -- Meetings.
- 186.894 Responsibilities of commission.
- 186.895 Annual report to Governor and General Assembly.

Section 12. Any funds remaining in the motorcycle safety education program fund established by KRS 186.890 as of the effective date of this Act shall be transferred to the motorcycle safety education program fund established in Section 5 of this Act to be administered in accordance with the provisions of this Act.

Section 13. This Act takes effect July 1, 2005.

Approved March 18, 2005.