

CHAPTER 188

(HB 125)

AN ACT relating to motorcycles.

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

➔SECTION 1. A NEW SECTION OF KRS 186.400 TO 186.640 IS CREATED TO READ AS FOLLOWS:

The Transportation Cabinet shall establish a restriction on motorcycle operator's licenses which limits the operator to the operation of a three (3) wheeled motorcycle only.

➔Section 2. KRS 186.480 is amended to read as follows:

- (1) The Department of Kentucky State Police shall examine every applicant for an operator's license as identified in KRS 186.635, except as otherwise provided in this section. The examination shall be held in the county where the applicant resides unless:
 - (a) The applicant is granted written permission by the Transportation Cabinet to take the examination in another county, and the Department of Kentucky State Police agree to arrange for the examination in the other county; or
 - (b) The applicant is tested using a bioptic telescopic device.
- (2) The examination shall include a test of the applicant's eyesight to ensure compliance with the visual acuity standards set forth in KRS 186.577. The examination shall also include a test of the applicant's ability to read and understand highway signs regulating, warning, and directing traffic, the applicant's knowledge of traffic laws, and an actual demonstration of the applicant's ability to exercise ordinary and reasonable control in the operation of a motor vehicle. ~~An applicant for a motorcycle operator's license shall be required to show his or her ability to operate a motorcycle, in addition to other requirements of this section.~~ The provisions of this subsection shall not apply to an applicant who:
 - (a) At the time of application, holds a valid operator's license from another state, provided that state affords a reciprocal exemption to a Kentucky resident; or
 - (b) Is a citizen of the Commonwealth who has been serving in the United States military and has allowed his or her operator's license to expire.
- (3) *In addition to the requirements of subsection (2) of this section, an applicant for a motorcycle operator's license shall be required to show his or her ability to operate a motorcycle. An applicant who successfully completes the skills portion of the test under this subsection on a:*
 - (a) *Three (3) wheeled motorcycle shall be issued a motorcycle operator's license restricted to the operation of three (3) wheeled motorcycles under Section 1 of this Act; or*
 - (b) *Two (2) wheeled motorcycle shall be issued a motorcycle operator's license without the restriction identified in Section 1 of this Act, and may operate both two (2) and three (3) wheeled motorcycles.*
- (4) Any person whose intermediate license or operator's license is denied, suspended, or revoked for cause shall apply for reinstatement at the termination of the period for which the license was denied, suspended, or revoked by submitting to the examination. The provisions of this subsection shall not apply to any person whose license was suspended for failure to meet the conditions described in KRS 186.411 when, within one (1) year of suspension, the driving privileges of such individuals are reinstated.
- ~~(5)(4)~~ An applicant shall not use an autocycle for **any** road skills testing administered under the provisions of this section.

➔Section 3. KRS 15A.350 is amended to read as follows:

- (1) The Justice and Public Safety 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 **accessible to Kentucky residents** ~~throughout the state~~. The program may provide for the following:
 - (a) Rider training courses for **novice and** 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 and Public Safety 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 National Highway Traffic Safety Administration.

➔Section 4. KRS 15A.352 is amended 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 KRS 15A.354 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 ~~a~~~~any~~ resident of ~~any~~~~the~~ state who is eligible for a motor vehicle instruction permit *in the person's home state*.
- (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 shall 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. ***Applicants under this subsection who successfully completed their testing on a three (3) wheeled motorcycle shall be subject to the restrictions outlined in subsection (3) of Section 2 of this Act.***
- (6)
 - (a) The Motorcycle Safety Education Commission shall publish a list of approved rider training courses which meet the licensing requirements.
 - (b) The Motorcycle Safety Education Commission shall publish a list of approved instructor training courses which meet the licensing requirements.

➔Section 5. KRS 15A.354 is amended 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 governing body of a program approved under KRS 15A.352(6)(b).
- (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; and
 - (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.
- (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 *at least once every two (2) years* 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.

Signed by Governor April 5, 2021.