
HOUSE BILL 2634

State of Washington 53rd Legislature 1994 Regular Session

By Representative R. Fisher; by request of Department of Licensing

Read first time 01/19/94. Referred to Committee on Transportation.

1 AN ACT Relating to motorcycle safety program subsidies; amending
2 RCW 46.81A.020 and 46.63.020; adding new sections to chapter 46.81A
3 RCW; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 46.81A.020 and 1993 c 115 s 2 are each amended to read
6 as follows:

7 (1) The director shall administer and enforce the law pertaining to
8 the motorcycle skills education program as set forth in this chapter.

9 (2) The director may adopt and enforce reasonable rules that are
10 consistent with this chapter.

11 ~~((3) The director shall revise the Washington motorcycle safety
12 program to:~~

13 ~~(a) Institute a motorcycle skills education course for both novice
14 and advanced motorcycle riders that is a minimum of eight hours and no
15 more than sixteen hours at a cost of no more than fifty dollars;~~

16 ~~(b) Encourage the use of loaned or used motorcycles for use in the
17 motorcycle skills education course if the instructor approves them;~~

18 ~~(c) Require all instructors to conduct at least three classes in a
19 one-year period to maintain their teaching eligibility;~~

1 ~~(d) Encourage the use of radio or intercom equipped helmets when,~~
2 ~~in the opinion of the instructor, radio or intercom equipped helmets~~
3 ~~improve the quality of instruction;~~

4 ~~(e) Require a biennial report to be submitted to the legislative~~
5 ~~transportation committee that includes the following:~~

6 ~~(i) A narrative history of the program;~~

7 ~~(ii) Current biennium program appropriations versus actual program~~
8 ~~expenditures;~~

9 ~~(iii) Historical enrollment statistics and enrollment forecasts;~~

10 ~~(iv) Comparative data evaluating motorcycle traffic statistics of~~
11 ~~program graduates versus nongraduates;~~

12 ~~(v) Data on the age of the enrollees;~~

13 ~~(vi) Statistical information regarding general trends in motorcycle~~
14 ~~ridership in Washington state;~~

15 ~~(vii) The number of courses offered throughout the biennium;~~

16 ~~(viii) Information on course dropout rates.~~

17 ~~(4) The department shall obtain and compile information from~~
18 ~~applicants for a motorcycle endorsement regarding whether they have~~
19 ~~completed a state approved motorcycle skills education course. This~~
20 ~~information shall be used for the report required by subsection (3)(e)~~
21 ~~of this section.))~~

22 ~~NEW SECTION. **Sec. 2.** The director shall revise the Washington~~
23 ~~motorcycle safety program to:~~

24 ~~(1) Institute a motorcycle skills education course for both novice~~
25 ~~and advanced motorcycle riders that is a minimum of eight hours;~~

26 ~~(2) Require a student or trainee under eighteen years of age to pay~~
27 ~~the first fifty dollars of the course fee of a course provided by a~~
28 ~~chosen and licensed motorcycle training provider. The department shall~~
29 ~~pay the remainder of the course fee for a student under the age of~~
30 ~~eighteen. The director shall adopt rules to set maximum course fees.~~
31 ~~The department's total dollar subsidies for the students under the age~~
32 ~~of eighteen may not exceed the amount available in the motorcycle~~
33 ~~safety education account, and the department may not pay a subsidy for~~
34 ~~a student under the age of eighteen unless the student possesses a~~
35 ~~valid Washington state driver's license, motorcycle permit, or~~
36 ~~instruction permit;~~

1 (3) Encourage the use of radio or intercom-equipped helmets when,
2 in the opinion of the instructor, radio or intercom-equipped helmets
3 improve the quality of instruction.

4 NEW SECTION. **Sec. 3.** (1) A person may not engage in the business
5 of providing motorcycle skills education training without a license
6 issued by the director for that purpose. An application for a
7 motorcycle skills education training provider's license must be filed
8 with the director, containing such information as prescribed by the
9 director. If an application is approved by the director, the applicant
10 must be granted a license valid for a period of one year from the date
11 of issuance.

12 (2) A license to engage in the business of providing motorcycle
13 skills education training must be renewed annually on the anniversary
14 date of application. The director shall issue a license certificate to
15 each licensee, which must be conspicuously displayed in the place of
16 business of the licensee. If a renewal application has not been
17 received by the director within sixty days from the date a notice of
18 license expiration was mailed to the licensee, the license is void,
19 requiring a new application as provided for in this chapter.

20 (3) The person to whom a motorcycle skills education training
21 provider's license has been issued shall notify the director in writing
22 within thirty days after a change is made in the officers, directors,
23 or location of the place of business of the training program or
24 training ranges.

25 (4) A motorcycle skills education training provider's license is
26 not transferable. In the event of a transfer of ownership in the
27 business, an application for a new license must be made. The director
28 may permit continuance of the business for a period not to exceed
29 thirty days from the date of transfer pending approval of the new
30 application for license.

31 (5) The director may not issue or renew a motorcycle skills
32 education training provider's license until the licensee has filed with
33 the director evidence of liability insurance coverage, with an
34 insurance company authorized to do business in this state, in the
35 amount of not less than one million dollars to cover the students,
36 training motorcycles, facilities, and instructors. The insurance
37 coverage must be maintained in full force and effect and the director

1 must be notified at least ten days before cancellation or expiration of
2 the policy of insurance.

3 NEW SECTION. **Sec. 4.** (1) A motorcycle skills education training
4 provider shall provide a curriculum as approved by the director.

5 (2) A motorcycle skills education training provider shall maintain
6 records of all students trained, including the number of students
7 successfully completing the course and a minimum of the following
8 information on each student:

9 (a) Full name;

10 (b) Date of birth;

11 (c) Driver's license or permit number;

12 (d) Pass, fail, or drop status;

13 (e) Name and identification number of the instructor or instructors
14 teaching the course;

15 (f) The training site's rider education recognition program number;

16 (g) The specific course provided; and

17 (h) Whether the course was civilian or military.

18 NEW SECTION. **Sec. 5.** (1) A motorcycle skills education training
19 instructor must attend an instructor preparation course of at least
20 seventy hours in duration as specified in the Washington motorcycle
21 safety program's curriculum guidelines, and be certified by the
22 motorcycle safety foundation and the Washington motorcycle safety
23 program.

24 (2) The director may not permit an instructor applicant to attend
25 the instructor preparation course until it is determined that the
26 applicant meets the following requirements:

27 (a) Possesses a current and valid Washington driver's license with
28 motorcycle endorsement and does not have on his or her driving record
29 a violation or penalty set forth in (a)(i), (ii), or (iii) of this
30 subsection. The director may examine the driving record of the
31 applicant from the department and from other jurisdictions and from
32 these records determine if the applicant has had:

33 (i) Not more than three moving traffic violations within the
34 preceding twelve months or more than four moving traffic violations in
35 the preceding twenty-four months;

36 (ii) No alcohol-related traffic violation within the preceding
37 three years; and

1 (iii) No driver's license suspension, cancellation, revocation, or
2 denial within the preceding three years;

3 (b) Is a high school graduate or the equivalent and at least
4 twenty-one years of age; and

5 (c) Has completed an acceptable application on a form prescribed by
6 the director.

7 (3) An instructor shall conduct at least three classes in a one-
8 year period to maintain the instructor's teaching eligibility.

9 (4) An instructor must be recertified annually by July 1st by
10 providing the department an accounting of all courses taught during the
11 previous year. A Washington motorcycle safety program instructor card
12 must be issued to an instructor meeting the criteria outlined in this
13 section.

14 NEW SECTION. **Sec. 6.** A motorcycle education training provider or
15 instructor is required to submit to periodic reviews and inspections of
16 the provider's or instructor's business practices, facilities, records,
17 and insurance by authorized representatives of the department.

18 NEW SECTION. **Sec. 7.** A training provider, instructor, or
19 motorcycle dealership may not use a gift certificate, coupon,
20 redemption for cash, or other form or document that offers a reduced
21 fee for a course offered by a training provider for a trainee who is
22 less than eighteen years old.

23 NEW SECTION. **Sec. 8.** The director may suspend, revoke, deny, or
24 refuse to renew an instructor's or a motorcycle skills education
25 training provider's license for any of the following causes:

26 (1) Upon determination that the licensee has made a false statement
27 or concealed a material fact in connection with the application or
28 license renewal;

29 (2) Upon conviction of the applicant, licensee, or a person
30 directly or indirectly interested in the motorcycle skills education
31 training course of a felony or a crime involving violence, dishonesty,
32 deceit, indecency, degeneracy, or moral turpitude;

33 (3) Upon determination that the applicant, licensee, or a person
34 directly or indirectly interested in the motorcycle skills education
35 training provider's business previously held a motorcycle skills

1 education training provider's license that was revoked, suspended, or
2 refused renewal by the director;

3 (4) Upon determination that the applicant or licensee does not have
4 a motorcycle training range or a motorcycle training range of
5 appropriate size as required by rule adopted by the department;

6 (5) Upon determination that the applicant or licensee has been
7 found guilty of fraud or fraudulent practices in relation to the
8 business conducted under the license, or guilty of inducing another to
9 resort to fraud in relation to securing for himself, herself, or
10 another an endorsement to ride a motorcycle; or

11 (6) Upon determination that the applicant or licensee fails to
12 satisfy the other conditions stated in this chapter.

13 NEW SECTION. **Sec. 9.** Upon notification of suspension, revocation,
14 denial, or refusal to renew a license under this chapter, a motorcycle
15 skills education provider or instructor may appeal the action being
16 taken. An appeal may be made to the director, who shall cause a
17 hearing to be held by the motorcycle safety education advisory board in
18 accordance with chapter 34.05 RCW. Filing an appeal stays the action
19 pending the hearing and the director's decision. Upon conclusion of
20 the hearing, the advisory board shall notify the director of its
21 findings of fact and recommended action. Within ten days of receipt of
22 the advisory board's findings and recommendation, the director shall
23 issue a decision on the appeal.

24 (1) A license may, however, be temporarily suspended by the
25 director without notice pending a prosecution, investigation, or
26 hearing where the emergency action is warranted. A licensee or
27 applicant entitled to a hearing must be given due notice thereof.

28 (2) The sending of a notice of a hearing by first class mail to the
29 last known address of a licensee or applicant in accordance with
30 chapter 34.05 RCW is deemed due notice.

31 (3) The director or the director's authorized representative shall
32 preside over the advisory board during the hearing and shall have the
33 power to subpoena witnesses, administer oaths to witnesses, take
34 testimony of any person, and cause depositions to be taken. A subpoena
35 issued under the authority of this section must be served in the same
36 manner as a subpoena issued by a court of record. A witness subpoenaed
37 under this section and a person other than an officer or employee of

1 the department is entitled to the same fees and mileage as are allowed
2 in civil actions in courts of law.

3 NEW SECTION. **Sec. 10.** An aggrieved party may appeal an action or
4 decision of the director after a hearing is held as provided in this
5 chapter, to the superior court of the county in which the place of
6 business is located or where the aggrieved person resides.

7 NEW SECTION. **Sec. 11.** A violation of this chapter is a
8 misdemeanor.

9 **Sec. 12.** RCW 46.63.020 and 1993 c 501 s 8 are each amended to read
10 as follows:

11 Failure to perform any act required or the performance of any act
12 prohibited by this title or an equivalent administrative regulation or
13 local law, ordinance, regulation, or resolution relating to traffic
14 including parking, standing, stopping, and pedestrian offenses, is
15 designated as a traffic infraction and may not be classified as a
16 criminal offense, except for an offense contained in the following
17 provisions of this title or a violation of an equivalent administrative
18 regulation or local law, ordinance, regulation, or resolution:

19 (1) RCW 46.09.120(2) relating to the operation of a nonhighway
20 vehicle while under the influence of intoxicating liquor or a
21 controlled substance;

22 (2) RCW 46.09.130 relating to operation of nonhighway vehicles;

23 (3) RCW 46.10.090(2) relating to the operation of a snowmobile
24 while under the influence of intoxicating liquor or narcotics or habit-
25 forming drugs or in a manner endangering the person of another;

26 (4) RCW 46.10.130 relating to the operation of snowmobiles;

27 (5) Chapter 46.12 RCW relating to certificates of ownership and
28 registration;

29 (6) RCW 46.16.010 relating to initial registration of motor
30 vehicles;

31 (7) RCW 46.16.011 relating to permitting unauthorized persons to
32 drive;

33 (8) RCW 46.16.160 relating to vehicle trip permits;

34 (9) RCW 46.16.381 (6) or (~~(+8)~~) (9) relating to unauthorized use
35 or acquisition of a special placard or license plate for disabled
36 persons' parking;

1 (10) RCW 46.20.021 relating to driving without a valid driver's
2 license;

3 (11) RCW 46.20.336 relating to the unlawful possession and use of
4 a driver's license;

5 (12) RCW 46.20.342 relating to driving with a suspended or revoked
6 license or status;

7 (13) RCW 46.20.410 relating to the violation of restrictions of an
8 occupational driver's license;

9 (14) RCW 46.20.420 relating to the operation of a motor vehicle
10 with a suspended or revoked license;

11 (15) RCW 46.20.750 relating to assisting another person to start a
12 vehicle equipped with an ignition interlock device;

13 (16) RCW 46.25.170 relating to commercial driver's licenses;

14 (17) Chapter 46.29 RCW relating to financial responsibility;

15 (18) RCW 46.30.040 relating to providing false evidence of
16 financial responsibility;

17 (19) RCW 46.37.435 relating to wrongful installation of
18 sunscreening material;

19 (20) RCW 46.44.180 relating to operation of mobile home pilot
20 vehicles;

21 (21) RCW 46.48.175 relating to the transportation of dangerous
22 articles;

23 (22) RCW 46.52.010 relating to duty on striking an unattended car
24 or other property;

25 (23) RCW 46.52.020 relating to duty in case of injury to or death
26 of a person or damage to an attended vehicle;

27 (24) RCW 46.52.090 relating to reports by repairmen, storagemen,
28 and appraisers;

29 (25) RCW 46.52.100 relating to driving under the influence of
30 liquor or drugs;

31 (26) RCW 46.52.130 relating to confidentiality of the driving
32 record to be furnished to an insurance company, an employer, and an
33 alcohol/drug assessment or treatment agency;

34 (27) RCW 46.55.020 relating to engaging in the activities of a
35 registered tow truck operator without a registration certificate;

36 (28) RCW 46.55.035 relating to prohibited practices by tow truck
37 operators;

38 (29) RCW 46.61.015 relating to obedience to police officers,
39 flagmen, or fire fighters;

1 (30) RCW 46.61.020 relating to refusal to give information to or
2 cooperate with an officer;
3 (31) RCW 46.61.022 relating to failure to stop and give
4 identification to an officer;
5 (32) RCW 46.61.024 relating to attempting to elude pursuing police
6 vehicles;
7 (33) RCW 46.61.500 relating to reckless driving;
8 (34) RCW 46.61.502 and 46.61.504 relating to persons under the
9 influence of intoxicating liquor or drugs;
10 (35) RCW 46.61.520 relating to vehicular homicide by motor vehicle;
11 (36) RCW 46.61.522 relating to vehicular assault;
12 (37) RCW 46.61.525 relating to negligent driving;
13 (38) RCW 46.61.530 relating to racing of vehicles on highways;
14 (39) RCW 46.61.685 relating to leaving children in an unattended
15 vehicle with the motor running;
16 (40) RCW 46.64.010 relating to unlawful cancellation of or attempt
17 to cancel a traffic citation;
18 (41) RCW 46.64.048 relating to attempting, aiding, abetting,
19 coercing, and committing crimes;
20 (42) Chapter 46.65 RCW relating to habitual traffic offenders;
21 (43) Chapter 46.70 RCW relating to unfair motor vehicle business
22 practices, except where that chapter provides for the assessment of
23 monetary penalties of a civil nature;
24 (44) Chapter 46.72 RCW relating to the transportation of passengers
25 in for hire vehicles;
26 (45) Chapter 46.80 RCW relating to motor vehicle wreckers;
27 (46) Chapter 46.81A RCW relating to motorcycle skills education
28 programs;
29 (47) Chapter 46.82 RCW relating to driver's training schools;
30 ~~((47))~~ (48) RCW 46.87.260 relating to alteration or forgery of a
31 cab card, letter of authority, or other temporary authority issued
32 under chapter 46.87 RCW;
33 ~~((48))~~ (49) RCW 46.87.290 relating to operation of an
34 unregistered or unlicensed vehicle under chapter 46.87 RCW.

35 NEW SECTION. Sec. 13. Sections 2 through 11 of this act are each
36 added to chapter 46.81A RCW.

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