

HOUSE BILL REPORT

SHB 1116

As Passed House:
March 6, 2019

Title: An act relating to motorcycle safety.

Brief Description: Addressing motorcycle safety.

Sponsors: House Committee on Transportation (originally sponsored by Representatives Lovick and Ryu; by request of Department of Licensing and Washington Traffic Safety Commission).

Brief History:

Committee Activity:

Transportation: 2/4/19, 2/14/19 [DPS].

Floor Activity:

Passed House: 3/6/19, 72-25.

Brief Summary of Substitute Bill

- Eliminates the 16-hour limit on the length of motorcycle skills education courses.
- Eliminates the limit on the cost of motorcycle skills education courses for Department of Licensing (DOL)-subsidized courses for state residents under the age of 18 (\$50) and for state residents 18 years of age and older and military personnel (\$125).
- Requires the DOL to adopt rules to establish a motorcycle operator subsidy program.
- Increases the total monetary penalty for driving without a driver's license without a valid motorcycle endorsement from \$136 to \$386.
- Permits entities that enter into contracts with the DOL to administer motorcycle instruction permit exams.
- Eliminates the requirement that motorcycle operator training education programs pay the cost of an audit by the DOL.
- Extends the duration of a motorcycle instruction permit to 180 days (from 90 days).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 25 members: Representatives Fey, Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Barkis, Ranking Minority Member; Chambers, Chapman, Dent, Doglio, Dufault, Entenman, Eslick, Goehner, Gregerson, Irwin, Kloba, Lovick, Mead, Orcutt, Ortiz-Self, Paul, Pellicciotti, Ramos, Riccelli and Shewmake.

Minority Report: Do not pass. Signed by 5 members: Representatives Walsh, Assistant Ranking Minority Member; Boehnke, McCaslin, Shea and Van Werven.

Staff: Jennifer Harris (786-7143).

Background:

Motorcycle Skills Education Courses.

To legally operate a two- or three-wheeled motorcycle or motor scooter on public highways, a person must have a valid motorcycle endorsement on his or her driver's license. To obtain such an endorsement, a person must either take an examination or complete a motorcycle training and education program that consists of separate novice and advanced motorcycle skills education courses that are each a minimum of eight hours and no more than 16 hours. These programs may be administered by public or private entities operating under contracts with the Department of Licensing (DOL).

The DOL may enter into agreements to review and certify that a private motorcycle skills education course meets educational standards of the motorcycle skills education program. Any agreement the DOL enters into must allow for the DOL to conduct periodic audits to ensure that the course continues to meet these educational standards. The costs of review, certification, and any audit must be paid by the entity providing the education course.

The cost of DOL-subsidized motorcycle skills education programs may not exceed \$50 for Washington residents who are under the age of 18 years and \$125 for other Washington residents and members of the military stationed in Washington.

The DOL must enter into an agreement with private entities that meet standards equivalent to those met by the DOL's motorcycle skills education program. The DOL must review and certify that the training program curriculum meets these standards. The DOL must allow private motorcycle skills education DOL-unsubsidized program providers to charge students the full cost of the education program.

The DOL may conduct periodic audits of certified private programs to ensure that the program continues to meet these educational standards. The costs of review, certification, and any audit must be paid by the private programs.

Motorcycle Instruction Permits and Examinations.

A person who holds a valid driver's license may apply for a motorcycle instruction permit, which the DOL may issue after the applicant has successfully passed all parts of the motorcycle examination other than the skills (driving) test. A driver with a motorcyclist's instruction permit may not carry passengers and may not operate a motorcycle when it is dark outside.

A motorcycle permit is valid for 90 days. During a five-year period, the DOL may issue two 90-day permits to an applicant, and may issue a third if presented with documented evidence that the applicant is enrolled in a DOL or DOL-authorized motorcycle skills education program with an expiration prior to the start date of the third permit.

Driving without a Motorcycle Endorsement.

No person may drive a two-wheeled or a three-wheeled motorcycle or motor scooter unless he or she has a valid driver's license with a motorcycle endorsement. The monetary base penalty for driving a motorcycle or motor scooter without a motorcycle endorsement is currently \$48, as set by Washington State Supreme Court rule, and the total amount due is \$136 when additional fees and assessments are included.

Summary of Substitute Bill:

Motorcycle Skills Education Courses.

Motorcycle skills education courses delivered as part of the DOL motorcycle operator training education programs may exceed 16 hours in length. The limitations on the charge for state residents and military personnel for subsidized courses are removed. Motorcycle operator training education programs are no longer required to pay the costs of a program audit by the DOL.

The DOL must adopt rules to establish a motorcycle operator subsidy program, which may address testing costs, offer financial need-based subsidies for motorcycle training, and employ other strategies to improve access to motorcycle ridership.

Motorcycle Instruction Permits and Examinations.

A motorcycle instruction permit is valid for 180 days. A total of two permits may be issued to an applicant in a five-year period. The DOL may require that both knowledge (written) and skills (driving) examinations be completed by a motorcycle instruction permit applicant in order for the applicant to obtain a permit.

There must be separate knowledge and skills examinations administered for two-wheeled and for three-wheeled motorcycle instruction permits. The DOL may authorize entities that have entered into a contract with the DOL to provide courses under the DOL's motorcycle operating training education program to administer motorcycle instruction permit examinations.

The DOL may waive the requirement that a skills test be completed to obtain a motorcycle permit for a motorcyclist who fails the motorcycle endorsement skills test if the motorcyclist

demonstrates a level of riding skill consistent with that required to obtain a motorcycle permit during the endorsement skills test.

The DOL may adopt and enforce rules consistent with laws related to motorcycle permit issuance and knowledge and skill examination administration.

Driving without a Motorcycle Endorsement.

An additional penalty of \$250 for driving without a driver's license with a valid motorcycle endorsement is instituted. The total amount due with fees and assessments included is \$386.

Intent Section.

An intent section states that the aim of this legislation is to move the state closer to its Target Zero goal by improving public safety through the modifications made in the bill.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on January 1, 2020.

Staff Summary of Public Testimony:

(In support) Even though motorcycle collisions only comprise a very small share of all vehicle collisions, they account for a much larger proportion of fatalities and serious injuries. Motorcycle fatalities in the state have more than doubled since the 1990s, while overall traffic fatalities have declined. In three-fourths of cases, when a motorcycle is involved in a collision with a fatality, the motorcyclist was found at fault. This bill incorporates National Highway Traffic Safety Administration recommendations to Washington to increase motorcycle safety.

The bill provides more flexibility around training. Currently, motorcycle training programs cannot use the entire new curriculum because the courses are not permitted to be long enough. As long as subsidies do not increase, cost caps for courses are limiting improvements being made to instructor training and motorcycle maintenance. The bill also requires a riding test be passed to obtain a motorcycle instruction permit. A high proportion of motorcyclists killed in collisions never passed a DOL on-road test. Increasing the penalty for driving with a motorcycle endorsement will make it comparable to the penalty for driving without a driver's license. The bill revises the Motorcycle Safety Education Advisory Board's composition to increase participation.

The insurance industry has a long history of being supportive of safety measures, and wants people to be safe and well-educated riders. More accidents leads to higher insurance costs for people driving on highways.

(Opposed) Compromise language is being worked on. Removing the training cap would be a good thing. The newer training available addresses behavioral aspects of training.

Subsidized training can be very helpful to individuals with minimum wage jobs, and language is being developed to address this. The motorcycle testing program can be improved. The proposed changes to the Motorcycle Safety Education Advisory Board would disenfranchise the motorcyclist community. The penalty amount in the bill for driving without a motorcycle endorsement is excessive.

Persons Testifying: (In support) Representative Lovick, prime sponsor; Beau Perschbacher, Department of Licensing; Kenton Brine, Northwest Insurance Council; and David Wendell, Pacific Northwest Motorcycle Safety, Inc.

(Opposed) Larry Walker, Washington Road Riders Association; Jeffrey Vaughan, Evergreen Safety Council; and Brian Lange, A Brotherhood Against Totalitarian Enactments of Washington.

Persons Signed In To Testify But Not Testifying: None.