

**SFA**

BILL ANALYSIS

Senate Fiscal Agency

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**House Bill 4475 (Substitute H-5 as reported with amendments)****Sponsor: Representative Curtis Hertel****House Committee: Transportation****Senate Committee: State Affairs, Tourism, and Transportation****Date Completed: 6-10-87****RATIONALE**

People under 18 years of age who seek a motorcycle endorsement must pass a motorcycle safety course before they can take the required written exam and road test administered by the Secretary of State's office. The course also must be taken by people over that age who have twice failed the Secretary of State's examination. Some people have complained that this imposes a hardship because motorcycle safety courses are not always readily available (particularly in winter months, which have been described as prime sales periods for motorcycle dealers). Reportedly, this leads to a reduction in sales for dealers and an increase in the number of teenagers who refuse to wait for courses to become available and bike illegally. Safety courses are now only offered by public sector agencies (school districts, colleges, sheriff's departments, etc.) and, under Department of Education policies, usually require several days. It is argued that if the private sector could offer safety courses, and if abbreviated courses could be offered to people with some bike riding experience, the availability problem would be ameliorated.

Further, since applicants for a driver's license who have passed a public school driver education course need not take the road test to get the license, some maintain that the law would be consistent if applicants for motorcycle endorsements who had completed motorcycle safety courses could be excused from the State motorcycle road test.

**CONTENT**

The bill would amend the Michigan Vehicle Code to require waiver of a motorcycle driving test for an applicant for motorcycle endorsement on an operator's permit if the applicant were 18 years of age or older and had completed a motorcycle safety course, provided that the motorcycle safety course skills test met or exceeded the motorcycle skills test from the Department of State. The bill also would:

- Allow motorcycle safety courses to be offered by a private business enterprise, in addition to a school, college, or governmental agency.
- Require the State Board of Education to provide standards for the establishment and regulation of private motorcycle safety courses.
- Require the Office of the Auditor General to conduct an annual audit of the Motorcycle Safety Fund to determine compliance with the requirements of the Act, and to transmit a copy of the audit to the Legislature.
- Delete a requirement that motorcycle safety courses be paid for by funds provided for under the Act.

- Provide that an eight-hour motorcycle safety course that met the Department of Education's standards could be offered to an applicant who had passed a motorcycle operator skill test that had been approved by the State Board of Education.
- Require the Superintendent of Public Instruction to designate a person who has successfully completed a motorcycle safety chief instruction course to perform annual inspections of motorcycle course sites.

MCL 257.312b and 257.811a

**SENATE COMMITTEE ACTION**

The Senate committee adopted amendments to the bill that would require motorcycle safety course skills tests to meet or exceed the Department of State test; require the designation of a person to perform annual inspections of motorcycle course sites; and retain the \$25 fee for publicly offered courses, which the House-passed version of the bill would have raised to \$35.

In addition, amendments were adopted to require that an annual audit of the Motorcycle Safety Fund be conducted by the Office of the Auditor General to determine compliance with the requirement that funds be withdrawn only to reimburse additional reasonable costs related to the Act and not costs that were already a function or duty of the Education Act, and in regard to the collection and expenditure of fees authorized under the Act.

**FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

**ARGUMENTS****Supporting Argument**

The bill proposes to increase the availability and convenience of motorcycle safety courses in two ways: by providing abbreviated safety courses to people who can pass a skills test equivalent to a Secretary of State road test; and by allowing the private sector to offer safety courses in addition to the schools and law enforcement agencies that are allowed to offer them now. In both cases, the activities would have to follow Department of Education guidelines. Courses would have to use qualified instructors and appropriate facilities, and graduates would have to demonstrate a specific set of competencies. Since private entities can provide driver education classes, it seems only fair to allow them to provide motorcycle education classes as well.

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OVER

**Response:** While not opposing the bill, motorcycle safety officials defend the availability record of safety courses. It is true that safety courses are available only from April to September, but that is because the winter months are not practical for riding a motorcycle or conducting outdoor classes. Facilities for indoor classes are not available or are too expensive. Classes are conducted at 65 sites around the State by school districts, community colleges, four-year colleges, sheriffs' departments, and others. Mobile programs travel to sites where there is demand for special offerings.

### ***Supporting Argument***

People who have successfully completed motorcycle safety courses have already passed tests equivalent to the road test the Secretary of State requires for a motorcycle endorsement on a driver's license. It is unnecessary to require the additional test. Eliminating the redundant State road test would save the Department of State money. Graduates of public school driver education programs do not need to take the automobile road test to get a license, so it seems reasonable to grant a similar waiver to motorcycle safety course graduates. Further, the waiver might encourage people to take motorcycle safety courses.

### ***Opposing Argument***

There seems no good reason to deny the road test waiver to safety course graduates under 18 years of age. By completing the course they demonstrate the ability to ride safely on the road. Needless to say, this group constitutes a large percentage of those enrolled in motorcycle safety courses (since they must take the course to ride a motorcycle legally).

**Response:** Some people believe the Secretary of State's road test is a useful check on the motorcycle skills of this age group. It provides an additional safeguard. People of this age have little experience on the road with any kind of vehicle. Given the risks involved in riding a motorcycle, it cannot hurt to make young people pass an official road test.

### ***Opposing Argument***

While in principle it seems fair to allow private businesses (such as motorcycle dealers themselves) to offer motorcycle safety courses meeting the standards of the Department of Education, it must be recognized that the State could have difficulties monitoring private programs as it has had monitoring private driver education programs. Monitoring these programs would be all the more important since completing them successfully would mean a waiver of a State road test. Motorcycle safety training is important: motorcyclists account for five times as many fatalities as other vehicles, given their percentage of total traffic. Over 20% of those who begin safety courses now do not complete them. It is important that standards be maintained.

**Response:** The private courses would have to meet State standards as to the quality of instructors and facilities, just as the publicly funded courses do, and they would undoubtedly face closer scrutiny. Safe motorcycle practices, and a reduction in accidents and fatalities, are important to the motorcycle industry.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.