H.B. 4284

(As amended October 30, 1997)

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A bill to amend 1949 PA 300, entitled

"Michigan vehicle code,"

by amending section[s 312b and] 658 (MCL [257.312b and] 257.658), [section 312b as amended by 1996 PA 345 and section 658] as amended by 1984

PA 328.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

[Sec. 312b. (1) Before a A person who is less than 18 years of age is SHALL NOT BE issued an original motorcycle endorsement on an operator's or chauffeur's license ... UNLESS the person shall pass PASSES an examination as required by this section and a motorcycle safety course as provided in section 811a or 811b.

- (2) Before a A person who is 18 years of age or older is—SHALL NOT BE issued an original motorcycle endorsement on an operator's or chauffeur's license UNLESS the person shall pass PASSES an examination as required by this section. A person who fails this examination 2 or more times is required to SHALL successfully complete a motorcycle safety course as provided in section 811a or 811b. Each written examination given an applicant for a motorcycle endorsement on an operator's or chauffeur's license as provided in section 309 shall also include subjects designed to cover a motorcycle. A person shall pass an examination that shall include INCLUDES a driving test designed to test the competency of the applicant for the first motorcycle endorsement on an operator's or chauffeur's license to operate a motorcycle upon the roads and highways of this state with safety to himself or herself and other persons and property. All examinations shall be administered as provided in this act. The requirement of a motorcycle driving test shall be waived for an applicant who has successfully completed a motorcycle safety course conducted by a school or business enterprise as provided in section 811a or 811b. The motorcycle safety course skills test shall meet or exceed the motorcycle skills test from the secretary of state. The requirement of a motorcycle driving test may be waived if the applicant has a valid license or endorsement to operate a motorcycle from another state.
- (3) A motorcycle endorsement issued to a person who operates a 3-wheeled motorcycle or an autocycle shall be restricted to operation of that type of motorcycle and does not permit operation of a 2-wheeled motorcycle. The secretary of state shall develop a driving test specifically pertaining to an autocycle or a 3-wheeled motorcycle.

  (4) The secretary of state is responsible for establishing and conducting the motorcycle operator driving test and shall promulgate

rules under the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.328 of the Michigan Compiled Laws 1969 PA 306, MCL 24.201 TO 24.328, for purposes of this subsection. An audit of the motorcycle safety fund

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shall be conducted in conjunction with the audit of school management services by the office of the auditor general to determine compliance with the requirement that funds are being withdrawn only in relation to this act and not costs that are already a function or duty of the education act. A copy of this audit shall be transmitted to the legislature upon completion.

(5) The secretary of state shall charge a \$15.00 fee for each motorcycle operator driving test. The \$15.00 fee shall be placed in a motorcycle safety fund in the state treasury and shall be used to pay the costs the secretary of state incurs in conducting motorcycle operator driving tests as provided for under this section and section

811a.

- (6) Beginning not later than June 1, 1997, the secretary of state may enter into an agreement with another public or private person or agency to conduct a driving test required under this section. For administering and overseeing a third party motorcycle testing program, the secretary of state shall be reimbursed from the motorcycle safety fund a total amount which does not exceed 50% of the department's 1995-1996 fiscal year appropriation for motorcycle testing under this section.
- (7) A PERSON WHO APPLIES FOR A MOTORCYCLE ENDORSEMENT SHALL BE GIVEN AN OPPORTUNITY AT THE SECRETARY OF STATE BRANCH OFFICE WHERE HE OR SHE APPLIES FOR THE ENDORSEMENT TO VIEW A VIDEO CONCERNING CLOSED HEAD INJURIES. THE SECRETARY OF STATE MAY CHARGE THE APPLICANT A SEPARATE FEE THAT REFLECTS THE COST OF MAINTAINING AND SHOWING THE VIDEO. AN APPLICANT WHO IS OTHERWISE ELIGIBLE TO BE ISSUED A MOTORCYCLE ENDORSEMENT SHALL BE ISSUED AN ENDORSEMENT THAT INDICATES THAT HE OR SHE IS NOT REQUIRED TO WEAR A CRASH HELMET WHILE OPERATING A MOTORCYCLE IF HE OR SHE FIRST VIEWS THE VIDEO AND PAYS ANY VIDEO FEE. HOWEVER, AN APPLICANT WHO IS OTHERWISE ELIGIBLE TO BE ISSUED A MOTORCYCLE ENDORSEMENT WHO REFUSES TO VIEW THE VIDEO OR WHO REFUSES TO PAY ANY VIDEO FEE SHALL BE ISSUED A MOTORCYCLE ENDORSEMENT THAT INDICATES THAT HE OR SHE IS REQUIRED TO WEAR A HELMET WHILE OPERATING A MOTORCYCLE.]
  - 1 Sec. 658. (1) A person propelling a bicycle or operating a
  - 2 motorcycle or moped shall not ride other than upon and astride a
  - 3 permanent and regular seat attached to that vehicle.
  - 4 (2) A bicycle or motorcycle shall not be used to carry more
  - 5 persons at 1 time than the number for which it is designed and
  - 6 equipped.
  - 7 (3) A moped shall not be used to carry more than 1 person at 8 a time.
  - 9 (4) [A EXCEPT AS PROVIDED IN SUBSECTION (5), A] person [
    ] operating or riding
- 10 on a motorcycle, and any person less than  $\frac{-19}{-}$  21 years of age 00014'97

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- 1 operating a moped on a public thoroughfare shall wear a crash
- 2 helmet on his or her head. Crash helmets shall be approved by
- 3 the department of state police. The department of state police
- 4 shall promulgate rules for the implementation of this section
- **5** pursuant to the administrative procedures act of 1969, Act
- 6 No. 306 of the Public Acts of 1969, being sections 24.201 to
- 7 24.315 of the Michigan Compiled Laws 1969 PA 306, MCL 24.201 TO
- 8 24.328. Rules in effect on June 1, 1970, shall apply to helmets
- 9 required by this act. This subsection does not apply to a person
- 10 operating or riding in an autocycle if the vehicle is equipped
- 11 with a roof which THAT meets or exceeds standards for a crash
- 12 helmet.
- [(5) A PERSON WHO OPERATES OR RIDES ON A MOTORCYCLE SHALL WEAR A CRASH HELMET ON HIS OR HER HEAD UNLESS HE OR SHE DISPLAYS UPON DEMAND A MOTORCYCLE ENDORSEMENT INDICATING THAT HE OR SHE IS NOT REQUIRED TO WEAR A HELMET.]
- 13  $[\frac{(5)}{(6)}]$  A person operating or riding in an autocycle shall wear
- 14 seat belts when on a public highway in this state.
  - [(7) ONE YEAR AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ELIMINATED THE REQUIREMENT OF WEARING A CRASH HELMET WHILE OPERATING OR RIDING A MOTORCYCLE FOR A PERSON WHO IS 21 YEARS OF AGE OR OLDER AND ANNUALLY THEREAFTER, THE DEPARTMENT SHALL SUBMIT A REPORT ON THE IMPACT THE ELIMINATION OF THE CRASH HELMET REQUIREMENT HAS HAD ON MOTORCYCLE ACCIDENTS, INJURIES, AND FATALITIES TO THE HOUSE AND SENATE STANDING COMMITTEES ON TRANSPORTATION.

Enacting section 1. The amendatory act that added the age 21 requirement to section 658 shall not have effect after December 31, 2002.

Enacting section 2. This amendatory act shall not take effect unless the insurance code of 1956, 1956 PA 218, MCL 500.100 to 500.8302 is amended to require motorcyclists to be insured and to provide that insurance companies may charge premiums based upon whether a motorcyclist uses a crash helmet approved by the department of state police and carries personal injury insurance.]