

MINUTES OF THE HOUSE COMMITTEE ON TRANSPORTATION.

The meeting was called to order by Chairperson Rep. Gary Hayzlett at 1:35 p.m. on January 18, 2000 in Room 519-S of the Capitol.

All members were present except:

Representative Vaughn Flora, excused
Representative Don Myers, excused

Committee staff present:

Bruce Kinzie, Revisor
Hank Avila, Legislative Research
Ellie Luthye, Committee Secretary

Conferees appearing before the committee:

Kenneth McNeill, ABATE
Steve Christenberry, SMART

Others attending:

SEE ATTACHED SHEETS

Chairman Hayzlett welcomed the committee and announced Rep. Phill Kline was a new member of the committee this year, replacing Rep. Cindy Hermes.

The Chair opened the floor for bill introductions. Representative Johnston made a motion to introduce a bill which would require vehicles to change to the opposite lane when passing a stopped emergency vehicle and would impose a \$60 fine for failure to do so. This was seconded by Representative Long and the motion carried.

Representative Flower made a motion to introduce a bill which would make a person guilty of a class B misdemeanor, upon conviction, if they intentionally provide false information relating to the mental or physical condition of an applicant when applying for a driver's license. This was seconded by Representative Johnston and the motion carried.

Kenneth McNeill, ABATE, requested consideration of a bill which would remove the motorcycle rider education program from the Department of Education to the Transportation Department. He then called on Steve Christenberry, SMART, to explain their proposal. Mr. Christenberry stated the Legislature established a motorcycle rider training program in the state in 1980 and housed the program in the Department of Education where it has not experienced the direction and leadership necessary to provide comprehensive motorcycle rider education. Current law requires school districts or community colleges to administer the training programs after approval from the State Board of Education. Since the expenses outweigh the benefits there are few incentives to offer the program and the local schools choose to not make this part of their curriculum. He continued that implementing a state wide program would expand the program and would make it accessible to all individuals but would require increased funding, however, this program is funded by motorcyclists and the proposed increase would also be paid for by motorcyclists. He then presented a program that has worked effectively in 45 other states, as well as in the United States Armed Forces. (Attachment 1) Representative Ballou made a motion to introduce this proposal, seconded by Representative Huff and the motion carried.

Bruce Kinzie, Revisor, proposed a clean up bill which would clarify a 1998 law concerning the width of bales of hay on vehicles. Representative Larkin made a motion to introduce this bill, seconded by Representative Ballou and the motion carried.

Chairman Hayzlett adjourned the meeting at 1:50 p.m. The next meeting of the House Transportation Committee will be Wednesday, January 19, 2000 in Room 519-S.

HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: 1-18-2000

NAME	REPRESENTING
Raymond	ABATE OF I38 INC
Steve Christenberry	Smart Motorcyclists Attend Rider Training, Inc ^{S.M.A.R.T., Inc}
NORINE Mann	ABATE of KS Inc
Leslie Kaufman	KFB
Ken Shaw	Intern - Rep. David Huff
Tom WHITAKER	KS MOTOR CARRIERS ASSN
Bill Watts	KDOT
BILL Brady	KS Govt Consulting
Suff Brunner	DOB

MOTORCYCLE RIDER EDUCATION PROPOSAL

Mr. Chairman and members of the committee. I am Steve Christenberry, a Motorcycle Safety Foundation Chief Instructor and the President of the Board of Directors of Smart Motorcyclists Attend Rider Training, Inc., a private non-profit motorcycle rider training program.

I am here today to ask you to make changes to an existing program the legislature has found to be an important component of traffic safety, in order to improve that program and increase it's availability to the citizens of Kansas.

Legislation to establish motorcycle rider training in our state was enacted in 1980, and as a result Kansas became one of the first states to implement a formal training program. Unfortunately, the program in Kansas has not kept abreast of rider training advances, remaining essentially unchanged since it began. The program is currently housed in the Department of Education, where it has not experienced the direction and leadership necessary to provide comprehensive, up to date, motorcycle rider education.

Rider Training is simply not a priority with the State Board of Education, and as a result is not readily available to the majority of motorcyclists or would-be motorcyclists in our state. Current law requires unified school districts or community colleges to administer rider training programs, after seeking approval from the State Board of Education. There are few incentives for local schools to teach rider education, and the expenses by far outweigh the benefits to those schools. Consequently, local schools simply choose not to make rider training a part of their curriculum.

Current funding levels have been adequate only because of the limited number of training sites and the relatively few students trained. Implementing a state wide program will require increased funding. This program is funded by motorcyclists, and proposed increases in funding will also be paid for by motorcyclists. This will allow the program to expand so that individuals in all areas of our state may access it.

We would like to improve the motorcycle rider education program and once again establish Kansas as a leader in the field of motorcycle safety. We are presenting you a program that has worked effectively in 45 other states, as well as in the United States Armed Forces.

We have provided you additional information about the problems motorcyclists face, as well as a Model Law we believe will greatly improve rider education in Kansas. We ask that you become part of the solution, by helping create a program that can truly meet the training needs of the citizens of our state.

Thank you for your time.

I will now stand for questions.

House Transportation Committee
January 18, 2000
Attachment 1

Motorcycle Rider Education in Kansas

Suggested Changes in Statutes

General Comments:

Motorcycle rider education was first established in Kansas in 1963 by a teacher at Shawnee Mission High School. Legislation to formalize the program was passed in about 1980, and the State Board of Education, given the responsibility of establishing regulations to govern rider education, followed through by establishing criteria for approval of programs, as well as for curriculum and instructor qualifications.

Unfortunately, recommendations to the State Board of Education from the Department of Education staff responsible for motorcycle training did not parallel what was being done in all other states that established rider education standards. That is, virtually all other states, the United States Armed Forces, and even other countries identified the curriculum developed by the Motorcycle Safety Foundation as the standard for training. Kansas, on the other hand, did not endorse the MSF curriculum and therefore established itself as a state where any school could establish their own curriculum, with or without any foundation in research. Further, state statutes were written in a manner that suggests the thought was that it would be primarily high school students or young adults who sought out rider training. That is, programs can only be administered by unified school districts or community colleges (K.S.A. 8-272(b)). Further, funding for rider education (K.S.A. 267(c)) is only available to USDs and community colleges who administer programs. Despite the fact that the Department of Education is established as the state agency responsible for overseeing motorcycle rider education, the manner in which programs must be established essentially precludes any form of state wide, organized, program. Additionally, the Motorcycle Safety Fund, as currently defined by K.S.A. 267, does not include sufficient funding to operate a state wide program. In fact, only the lack of interest by USDs and community colleges in motorcycle rider education has left adequate funding for the few schools who actually attempted to operate programs. In the years just preceding 1998 the number of rider education programs approved by the Department of Education dropped from a peak of seven to only two operating sites in the state, although one independent program provided instruction at four locations which were not "approved." In 1998, after a year and a half of concentrated effort by a number of motorcycle groups and individual motorcycle enthusiasts, the State Board of Education modified existing regulations that established criteria for rider education programs in order to allow the Motorcycle Safety Foundation curriculum to also meet the criteria in Kansas. That step opened the door for programs using the MSF curriculum to be approved, but still only if they could convince a local school district to administer the program. Since the change in regulations three additional "approved" sites have been established. During this same time period, at least five other USDs and/or community colleges have been approached and either declined or ignored the request. It is clear from these responses that these schools have little incentive to establish rider education programs, and for the most part did not even know they could do so until approached.

Consequently, it appears to be quite evident that the existing statutes do not meet the current need of the citizens of our state. S.M.A.R.T., Inc. has trained over 230 riders this year, at 4 sites (only two of which are "state approved") and with only eight instructors. We ended 1999 with over 50 people on a waiting list and calls for courses coming continually, and all this with only word of mouth advertising. Program expansion is certainly needed, but simply cannot happen unless legislative changes occur that would in turn allow the creation of an active, state-wide program. It is critical to success that the program is administered by qualified staff who are dedicated to rider education. Further, funding changes must also occur. Approximately \$80-90,000 has been available each year for all programs across the state. This level of funding is one of the lowest in the country, and does not allow for proper administration, program development, and purchase of necessary equipment, even when including the student tuition charged by all existing programs.

Suggested Changes in State Legislation:

1. Eliminate the requirement that programs must be administered by local school districts or community colleges (KSA 267). Schools essentially have no interest in conducting courses, and as a result there are only four programs currently operating in the state. One option would be to establish a state-wide rider education program by competitive bid, much as SRS has done with privatized contracts for foster care, adoption, and family preservation. If a privatized contract arrangement is established, the contractor would be responsible for the program but would have to report to a designated state agency.
2. Create a program coordinator position within the state agency deemed responsible for overseeing motorcycle rider education
3. Modify the funding statutes (KSA 8-267): Current law provides only 20% of motorcycle endorsement fees to the Motorcycle Safety Fund. Another 20 % goes to automobile driver education and the remainder to the state general fund. Since in order to obtain a motorcycle endorsement one already has to have an automobile driver's license, and therefore should have already contributed funding to driver education, it is unreasonable that motorcyclists should have to contribute to this again. Therefore, the percentage of funds credited to the Motorcycle Safety fund should be increased. Many states also use part of motorcycle registration fees to fund rider education. It would make sense that Kansas consider similar funding mechanisms in order to adequately fund a state wide program, even if this means Without adequate funding to coordinate the program, train and pay instructors, purchase equipment, and establish training sites, even a revised program structure will not be completely successful. Although no one likes to see an increase in user fees, it is likely that motorcyclists in Kansas would be supportive of this if those increased fees were used to fund motorcycle safety programs.

4. Continue to allow successful course graduates to receive a waiver that exempts them from taking the written and/or riding test at the Motor Vehicle testing stations, but modify the current procedure that requires use of the "DE-99" form that can only be submitted by an administering school. This could be done in a manner similar to that used with Commercial Driver's License examiners, who are authorized to issue a completion certificate to successful students.
5. Specify the use of the Motorcycle Safety Foundation's curriculum, Motorcycle RiderCourse: Riding and Street Skills as the approved curriculum for beginning riders, and the Experienced RiderCourse for experienced riders. These are the only curricula available that is research based. Current laws and regulations do not include training for experienced riders, so creating a program that promotes ongoing training would be very useful.
6. Specify the use of the Motorcycle Safety Foundation's guidelines for instructors and Chief Instructors in order to assure that instructors receive proper training on a standardized curriculum and can then provide consistent instruction across the state.
7. Establish an advisory board that includes representatives from the Governor, Senate, House, the responsible agency, and from the motorcycling community (dealers, motorcycle safety organizations, motorcycle rights organizations, rider groups, etc.). The role of the advisory board would be to review the program and make recommendations to the program and/or administering agency regarding program operation. If a privatized contract is let, the contractor would be required to have an advisory board just as a state agency would if they were to retain the operational role for the program.

While the above noted items may not be all inclusive, they form a foundation for a program that could be run uniformly throughout the state without dependence upon schools for operation. Quality control could be maintained with a single set of rules, curriculum, instructor training requirements, and a qualified administrator who could knowledgeably oversee the program. Students would therefore be assured of uniform, quality training, regardless of where in the state they took the course. Course locations could be increased by simply contracting with appropriate facilities instead of having to depend upon the interest of local school officials. Motorcycle rider education in Kansas could then be administered by dedicated, interested staff who would further the program rather than by individuals for whom this simply is not a priority. Motorcyclists and would-be motorcyclists would benefit from the increase availability of training across the state, and Kansas would benefit as more riders receive training and become licensed. Lastly, this is a program that can be funded through user fees, if those fees are directed to the program. With the increasing number of motorcyclists on our streets and highways over the past few years, establishing a state-wide motorcycle rider education program is a win-win situation for everyone.

MOTORCYCLE SAFETY EDUCATION PROGRAM
MODEL LAW

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Section 1. Definitions.

- (a) "Department" means the Department of Revenue, Highway Patrol Division.
- (b) "Director" means the Director of the Department of Revenue

Section 2. Motorcycle Safety Education Program.

- (a) The Department shall develop standards for, establish, and administer the Kansas motorcycle safety education program.
- (b) The program shall provide for rider training courses for novice riders in sufficient numbers and at locations throughout the state as necessary to meet the reasonably anticipated needs of state residents who desire to complete the course. The program shall also include instructor training courses and instructor approval.
- (c) The program may include rider training courses for experienced riders, activities to increase motorcyclists' alcohol and drug effects awareness, motorcycle rider improvement efforts, motorcycle licensing improvement efforts, program promotion activities, and other efforts to enhance motorcycle safety through education, including enhancement of public awareness of motorcycles.
- (d) The Director shall appoint a program coordinator to oversee the program.
- (e) The Director may contract with a private or public entity to administer and operate the motorcycle safety education program.

1 (f) Standards for the motorcycle rider training courses, including standards for
2 course content, delivery, curriculum, materials, and student evaluations, and standards for
3 the training and approval of instructors shall comply with the requirements of this act and
4 shall meet or exceed established national standards for motorcycle rider training courses
5 prescribed by the Motorcycle Safety Foundation.

6 **Section 3. Rider Training Courses.**

7 (a) The program shall offer motorcycle rider training courses designed to
8 develop and instill the knowledge, attitudes, habits, and skills necessary for the proper
9 operation of a motorcycle. The courses shall be taught only by instructors approved
10 under section 4 of this act.

11 (b) Rider training courses shall be open to any resident of the state who either
12 holds a current valid driver's license for any classification or who is eligible for a
13 motorcycle learner's permit.

14 (c) The Department shall issue certificates of completion in a manner and form
15 prescribed by the Director to persons who satisfactorily complete the requirements of a
16 motorcycle rider training course offered by the state program or authorized contractor.

17 (d) The Department may exempt applicants for a motorcycle operator's
18 endorsement from the licensing skills test and written examination if they present
19 satisfactory evidence of successful completion of an approved rider training course which
20 includes similar tests of skill and knowledge.

1 **Section 4. Instructor Training and Approval.**

2 (a) The Department shall approve instructors for the motorcycle rider training
3 courses. No person shall be approved as an instructor unless the person meets the
4 requirements of this act and regulations of the Department and unless the person holds a
5 currently valid instructor certification issued by the Motorcycle Safety Foundation, a
6 nationally recognized motorcycle safety instructor certifying body.

7 (b) The program shall offer instructor training courses as needed to prepare
8 instructors to teach the motorcycle rider training courses. Successful completion of the
9 instructor training course shall require the participant to demonstrate knowledge of the
10 course material, knowledge of proper motorcycle operation, motorcycle riding
11 proficiency, and the necessary aptitude for instructing students. No person shall be
12 approved as an instructor unless the person has successfully completed the instructor
13 training course or an equivalent course offered in another state.

14 (c) The Department shall establish additional requirements for the approval of
15 instructors, including but not limited to the following:

16 (1) The person must be at least 21 years of age and hold a valid
17 motorcycle driver's endorsement;

18 (2) The person must have at least two years of recent riding experience;

19 (3) The person's driver's license must not have been suspended or
20 revoked at any time during the preceding two years for any offense.

1 (d) In the case of a nonresident, the Department shall obtain and review the
2 person's driving record from the state where the person is licensed prior to approval
3 of the person as an instructor.

4 (e) The Department shall annually review the status of all approved instructors
5 and shall withdraw approval from any instructor who is no longer qualified under the
6 requirements of this section. The Department shall immediately withdraw approval of an
7 instructor when it receives adequate notice of any disqualifying acts or behaviors.

8 **Section 5. Implementing Authority.**

9 (a) The Department shall adopt rules and regulations which are necessary to
10 carry out the motorcycle safety education program.

11 (b) The Department may enter into contracts with private or public entities for
12 course delivery and for the provision of services or materials necessary for
13 implementation of the program.

14 (c) The Department may offer motorcycle rider training courses through
15 independent private or public entities as authorized program courses if they are
16 administered and taught in full compliance with standards established for the state
17 program.

18 (d) The Department may establish reasonable enrollment fees to be charged for
19 persons who participate in motorcycle rider training courses offered by the Department
20 and for persons who participate in approved courses offered by independent private or
21 public entities.

1 (e) The Department shall utilize available program funds to defray its own
2 expenses in offering motorcycle rider training courses and shall reimburse entities which
3 offer approved courses for the expenses incurred in offering the courses in order to
4 minimize any course enrollment fee charged to the students.

5 **Section 6. Motorcycle Safety Education Program Fund.**

6 (a) The motorcycle safety fund is established in the Department of Revenue and
7 appropriated on a continual basis to that Department. Money in the fund shall only be
8 used for administration and implementation of the program, including reimbursement of
9 entities which offer approved motorcycle rider education courses.

10 (b) At the end of each fiscal year, monies remaining in the fund shall be
11 retained in the fund and shall not revert to the general fund. The interest and income
12 earned on money in the fund, after deducting any applicable charges, must be credited to
13 the fund.

14 (c) The following revenue shall be credited to the fund:

15 (1) One dollar (\$1.00) of the annual registration fee for each registered
16 motorcycle as provided in this act.

17 (2) Fifty cents (\$.50) of the application fee for a motorcycle instruction
18 permit as provided in this act.

19 (3) One dollar and fifty cents (\$1.50) of the fee for each original or
20 renewal motorcycle driver's endorsement for motorcyclists ages 21 through 64, as
21 provided in this act: and

1 (4) One dollar (\$1.00) of the fee for each original or renewal motorcycle
2 driver's endorsement for motorcyclists under the age of 21 or 65 and older as provide in
3 this act.

4 **Section 7. Advisory Committee.**

5 The Director shall establish a program advisory committee consisting of persons
6 representing various interests in motorcycle safety to advise and assist the program
7 coordinator in developing, establishing, and maintaining the program. The committee
8 shall monitor program implementation and report to the Director as necessary with
9 recommendations. Members of the committee shall serve without compensation, but
10 may be reimbursed for their reasonable expenses while engaged in committee business.
11 The Committee shall consist of: One appointee by the Governor; one appointee by the
12 Senate; one appointee by the House of Representatives; one appointee by the Director;
13 the program coordinator; one representative from the motorcycle dealers of Kansas; one
14 representative from a motorcycle safety organization; one representative from a
15 motorcycle rights organization; and one representative from the motorcycling
16 community.

1 **Section 8. Program Accountability.**

2 The Director shall prepare annually a report on the program to be submitted to
3 the Governor and the Legislature and to be made available to the public. The report shall
4 be completed by the program coordinator and the program advisory committee. It shall
5 include the number and location of courses offered, the number of instructors approved,
6 the number of students trained, and such other information about program
7 implementation as the Legislature shall deem appropriate. The report shall also provide a
8 complete accounting of revenue receipts of the motorcycle safety fund and of all monies
9 expended under the program. An assessment of the overall impact of the program on
10 motorcycle safety in the state shall be presented no earlier than July 1, 2003 and no later
11 than July 1, 2004, and annually thereafter.

12 **Section 9. Program Exemption.**

13 Any person, agency, or entity offering a motorcycle rider training course under
14 proper authority of this act and any approved instructor providing instruction as part of
15 any such course shall be exempt with respect to that activity from the requirements of the
16 Driver's training school license act of K.S.A. 8-273, K.S.A. 8-274, K.S.A. 8-275 and
17 K.S.A. 8-276.

1 **Section 10. Revenue Sources.**

2 1. AMEND THE STATUTORY SECTION WHICH SPECIFIES THE FEE
3 FOR ANNUAL REGISTRATION OF A MOTORCYCLE TO INCREASE THE
4 FEE BY ONE DOLLAR (\$1.00) AND TO CREDIT THAT AMOUNT TO THE
5 MOTORCYCLE SAFETY FUND CREATED IN SECTION 6 OF THIS ACT.

6 2. AMEND THE STATUTORY SECTION WHICH SPECIFIES THE
7 APPLICATION FEE FOR A MOTORCYCLE INSTRUCTION PERMIT TO
8 INCREASE THE FEE BY FIFTY CENTS (\$.50) AND TO CREDIT THAT
9 AMOUNT TO THE MOTORCYCLE SAFETY FUND CREATED IN SECTION
10 6 OF THIS ACT.

11 3. AMEND THE STATUTORY SECTION WHICH SPECIFIES THE FEE
12 FOR A MOTORCYCLE DRIVER'S ENDORSEMENT (BOTH ORIGINAL
13 AND RENEWAL) FOR DRIVERS AGE 21 TO 64 TO INCREASE THAT FEE
14 BY ONE DOLLAR AND FIFTY CENTS (\$1.50) AND TO CREDIT THAT
15 AMOUNT TO THE MOTORCYCLE SAFETY FUND CREATED IN SECTION
16 6 OF THIS ACT.

17 4. AMEND THE STATUTORY SECION WHICH SPECIFIES THE FEE
18 FOR A MOTORCYCLE DRIVER'S ENDORSEMENT (BOTH ORIGINAL
19 AND RENEWAL) FOR DRIVERS UNDER AGE 21 AND 65 AND OLDER TO
20 INCREASE THAT FEE BY ONE DOLLAR (\$1.00) AND TO CREDIT THAT
21 AMOUNT TO THE MOTORCYCLE SAFETY FUND CREATED IN SECTION
22 6 OF THIS ACT.

1 5. AMEND THE STATUTORY SECTIONS WHICH SPECIFY THE
2 CURRENT FEES FOR A MOTORCYCLE DRIVER'S ENDORSEMENT
3 (BOTH ORIGINAL AND RENEWAL) TO INCREASE TO FORTY
4 PERCENT THE AMOUNT TO BE CREDITED TO THE MOTORCYCLE
5 SAFETY FUND.

6 **Section 11. Effective Date.**

7 This act shall take effect on July 1, 2000. The Department may phase in delivery
8 of the motorcycle safety education program over a reasonable period of time, but the
9 program must be fully implemented to the extent of available funding prior to the date of
10 the first annual program report required under section 8 of this act. That report shall be
11 completed not later than one year following the effective date of this act.