

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 13-0518.01 Jery Payne x2157

HOUSE BILL 13-1083

HOUSE SPONSORSHIP

Ginal,

SENATE SPONSORSHIP

Tochtrop,

House Committees
Transportation & Energy

Senate Committees
Transportation

A BILL FOR AN ACT

101 **CONCERNING THE MOTORCYCLE OPERATOR SAFETY TRAINING**
102 **PROGRAM.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill directs the office of transportation safety to set standards for the motorcycle operator safety training program (program), both for students and instructors. Meeting the standards qualifies a student to get a motorcycle endorsement on the student's driver's license. The office will also establish a system to record program data, including accidents,

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
Amended 2nd Reading
March 12, 2013

HOUSE
3rd Reading Unamended
February 14, 2013

HOUSE
Amended 2nd Reading
February 13, 2013

injuries, and fatalities.

A person who is eligible for a driver's license with a motorcycle endorsement from another state and is now a Colorado resident will be eligible for the program. The bill repeals a requirement that a program course charge be the same for all students.

The bill prohibits expending program moneys on program vendor operating expenses or motorcycles, helmets, textbooks, and other capital expenses, except for mobile training expenses.

The motorcycle operator safety advisory board (board) is recreated, consisting of 12 members who represent:

- ! The office of transportation safety's director;
- ! The department of revenue's executive director;
- ! The chief of the Colorado state patrol;
- ! For-profit program vendors;
- ! Nonprofit program vendors;
- ! Retail motorcycle dealers;
- ! Third-party testers;
- ! Program instructor training specialists;
- ! The motorcycle riding community;
- ! Motorcycle training providers not affiliated with the program;
- ! Law enforcement agencies; and
- ! Motorcycle insurance providers.

The board's duties are to recommend training methods to increase safety and program effectiveness, recommend improvements to the program and training, and make recommendations on expenditures of motorcycle operator safety training fund moneys. The board meets quarterly.

By September 1 of each year, the department of transportation makes an annual report to the legislative audit committee, house transportation committee, and senate transportation committee. The report must comment on the effectiveness of the program, annual motorcycle deaths, availability of training throughout the state, historic and current training costs, and other performance measures.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 43-5-501, **amend** (1);
3 **add** (1.5), (3.5), (3.6), and (6); and **repeal** (5) as follows:

4 **43-5-501. Definitions.** As used in this part 5, unless the context
5 otherwise requires:

1 (1) ~~"Director" means the director of the office~~ "BOARD" MEANS
2 THE MOTORCYCLE OPERATOR SAFETY ADVISORY BOARD CREATED IN
3 SECTION 43-5-505.

4 (1.5) "DIRECTOR" MEANS THE DIRECTOR OF THE OFFICE.

5 (3.5) "MOST" OR "PROGRAM" MEANS THE MOTORCYCLE
6 OPERATOR SAFETY TRAINING PROGRAM CREATED BY THIS PART 5.

7 (3.6) "MOST VENDOR" MEANS A PERSON THAT OFFERS A
8 MOTORCYCLE OPERATOR SAFETY TRAINING PROGRAM THAT MEETS
9 STANDARDS PROMULGATED BY THE DEPARTMENT OF TRANSPORTATION.

10 (5) ~~"Program" means the motorcycle operator safety training~~
11 ~~program established pursuant to section 43-5-502.~~

12 (6) "PROGRAM COORDINATOR" MEANS A PERSON DESIGNATED BY
13 THE DIRECTOR TO ENSURE COMPLIANCE WITH PROGRAM RULES, PROGRAM
14 OPERATION, AND MOTORCYCLE SAFETY COORDINATION.

15 **SECTION 2.** In Colorado Revised Statutes, **amend** 43-5-502 as
16 follows:

17 **43-5-502. Motorcycle operator safety training program - rules.**

18 (1) (a) (I) The office shall establish a motorcycle operator safety training
19 program ~~which shall include~~ THAT PROMOTES MOTORCYCLE SAFETY
20 AWARENESS AND SUPPORTS courses to ~~develop the knowledge, attitudes,~~
21 ~~habits, and skills necessary for the safe operation of a motorcycle.~~ Such
22 TEACH STUDENTS TO SAFELY OPERATE A MOTORCYCLE AND TRAIN
23 INSTRUCTORS. TO BE ELIGIBLE UNDER THE program, ~~shall~~ A COURSE MUST
24 include instruction ~~relating to~~ ON the effects of alcohol and drugs on the
25 operation of motorcycles. ~~and it shall include a course to train instructors.~~
26 The office shall set standards for the certification of courses in the
27 program, ENSURE THAT PROGRAM TRAINING FOLLOWS THESE STANDARDS,

1 AND ENSURE THAT COURSES ARE OFFERED SAFELY, CONSISTENT WITH BEST
2 PRACTICES. The office shall contract with MOST vendors for the purpose
3 of providing the program.

4 (I.5) TO QUALIFY UNDER THE PROGRAM, A BASIC TRAINING COURSE
5 PROVIDED BY A MOST VENDOR MUST TEACH THE REQUIREMENTS FOR
6 ISSUING A DRIVER'S LICENSE MOTORCYCLE ENDORSEMENT.

7 (II) The following individuals may enroll in a certified motorcycle
8 operator safety training course:

9 (A) ~~Any~~ A resident of the state who holds a ~~current~~ valid
10 Colorado driver's license, a minor driver's license, or ~~an~~ instruction permit
11 authorized by section 42-2-106, C.R.S.; ~~or~~

12 (B) ~~Any individual who is~~ A member of the armed forces who has
13 moved to Colorado on a permanent change-of-station basis and who holds
14 a valid driver's license issued by another state; AND

15 (C) AN ADULT WHO HOLDS A VALID DRIVER'S LICENSE FROM
16 ANOTHER STATE AND WHO IS ELIGIBLE FOR A MOTORCYCLE LICENSE IN THE
17 SAME STATE.

18 (III) ~~The charge for enrollment in the certified motorcycle~~
19 ~~operator training course shall be the same regardless of whether an~~
20 ~~individual qualifies for the course pursuant to sub-subparagraph (A) or~~
21 ~~(B) of subparagraph (II) of this paragraph (a).~~

22 (b) ~~The director may certify any person meeting the applicable~~
23 ~~standards as an instructor training specialist to assist in establishing~~
24 ~~motorcycle operator safety training courses throughout the state, in~~
25 ~~implementing the program, and in training and monitoring instructors~~

26 THE OFFICE SHALL PROMULGATE RULES ESTABLISHING STANDARDS FOR
27 MOST VENDORS TO PROVIDE TRAINING SERVICES. THE OFFICE SHALL

1 PROMULGATE RULES ESTABLISHING A SYSTEM TO RECORD PROGRAM
2 PERFORMANCE DATA, INCLUDING INFORMATION ON MOTORCYCLE
3 ACCIDENTS, INJURIES, AND FATALITIES AMONG PERSONS WHO HAVE
4 COMPLETED THE PROGRAM.

5 (c) The director shall designate a program coordinator to
6 implement and administer the program. ~~In no event shall the office~~
7 ~~expend more than fifteen percent of the total cost of the program for~~
8 ~~administrative costs~~ THE PROGRAM COORDINATOR MAY CERTIFY
9 INSTRUCTOR TRAINING SPECIALISTS WHO MEET THE APPLICABLE
10 STANDARDS. THE DEPARTMENT OF TRANSPORTATION SHALL ESTABLISH
11 STANDARDS FOR RECERTIFICATION TRAINING AND MONITORING OF MOST
12 INSTRUCTORS.

13 (d) The office shall adopt such rules ~~and regulations~~ as are
14 necessary to carry out ~~the provisions of~~ the program pursuant to article 4
15 of title 24, C.R.S.

16 (e) THE OFFICE SHALL NOT EXPEND MORE THAN FIFTEEN PERCENT
17 OF THE TOTAL COST OF THE PROGRAM FOR ADMINISTRATIVE COSTS.

18 (2) ~~The office shall begin implementation of this part 5 on~~
19 ~~November 1, 1990, or when the moneys in the fund are sufficient to pay~~
20 ~~for the costs of implementing the program, whichever is later. However,~~
21 ~~operation of courses in the program shall commence no later than July 1,~~
22 ~~1991.~~

23 **SECTION 3.** In Colorado Revised Statutes, **amend** 43-5-503 as
24 follows:

25 **43-5-503. MOST instructor requirements and training.**

26 (1) The office shall establish standards for an approved MOST instructor
27 training course. ~~Successful completion of~~ TO SUCCESSFULLY COMPLETE

1 the course, ~~shall require the participant to~~ A STUDENT MUST demonstrate
2 knowledge of course material, knowledge of safe motorcycle operating
3 practices, and the necessary aptitude for instructing students.

4 (2) TO BE ELIGIBLE, each applicant for an instructor certificate
5 ~~shall~~ MUST be at least twenty-one years of age and hold a valid Colorado
6 driver's license THAT IS endorsed for motorcycles ~~which license~~ AND THAT
7 has not been revoked or suspended within the three years ~~preceding~~
8 BEFORE the date ~~on which the application for certification is made~~ IS
9 FILED.

10 (3) No applicant shall be certified as ~~an~~ A MOST instructor if,
11 within the three years ~~preceding~~ BEFORE the date ~~on which the application~~
12 ~~for certification is made~~ IS FILED:

13 (a) The applicant was convicted for an offense ~~which~~ THAT is
14 assigned eight or more points in the ~~point system~~ schedule, as specified
15 in section 42-2-127 (5), C.R.S., or its equivalent in another state; or

16 (b) The applicant's driver's license from any other state was
17 revoked or suspended.

18 (4) The office shall prescribe the form for an approved MOST
19 instructor certificate and shall provide for verification that a certified
20 MOST instructor is currently active in the program. ~~No instructor shall~~
21 ~~participate in the program without a current certificate~~ TO BE ELIGIBLE
22 FOR THE PROGRAM, A MOST INSTRUCTOR MUST HAVE A CURRENT
23 CERTIFICATE.

24 **SECTION 4.** In Colorado Revised Statutes, **amend** 43-5-504 as
25 follows:

26 **43-5-504. Motorcycle operator safety training fund.** (1) ~~There~~
27 THE MOTORCYCLE OPERATOR SAFETY TRAINING FUND is hereby created in

1 the state treasury. ~~a motorcycle operator safety training fund which shall~~
2 ~~consist~~ THE FUND CONSISTS of moneys collected pursuant to UNDER
3 sections 42-2-114 (2) (b) and (4) (b), 42-2-118 (1) (b) (II), and 42-3-304
4 (4), C.R.S. The moneys in the fund ~~shall be~~ ARE available immediately,
5 without further appropriation, for allocation by the transportation
6 commission to the office of ~~transportation safety~~ to be used for the
7 implementation and administration of the program. Moneys credited to
8 the fund ~~shall~~ remain therein at the end of each fiscal year and ~~shall~~ ARE
9 not be transferred to any other fund.

10 (2) THE DIRECTOR, THE PROGRAM COORDINATOR, OR A MOST
11 VENDOR SHALL NOT EXPEND OR CREDIT MONEYS FOR MOST VENDOR
12 OPERATING EXPENSES OR REIMBURSE MOTORCYCLES, HELMETS,
13 TEXTBOOKS, AND OTHER CAPITAL EXPENSES INCURRED BY MOST
14 VENDORS, EXCLUDING THE TRAVEL COSTS OF MOBILE TRAINING.

15 **SECTION 5.** In Colorado Revised Statutes, **recreate and**
16 **reenact, with amendments,** 43-5-505 as follows:

17 **43-5-505. Advisory board.** (1) THE MOTORCYCLE OPERATOR
18 SAFETY ADVISORY BOARD IS HEREBY CREATED. THE BOARD CONSISTS OF:

- 19 (a) THE DIRECTOR OR THE DIRECTOR'S DESIGNEE;
- 20 (b) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE
21 OR THE EXECUTIVE DIRECTOR'S DESIGNEE;
- 22 (c) THE CHIEF OF THE COLORADO STATE PATROL OR THE CHIEF'S
23 DESIGNEE; AND
- 24 (d) NINE MEMBERS APPOINTED BY THE EXECUTIVE DIRECTOR THE
25 DEPARTMENT OF TRANSPORTATION:
 - 26 (I) TWO MEMBERS WHO REPRESENT MOST VENDORS;
 - 27 (II) ONE MEMBER WHO REPRESENTS RETAIL MOTORCYCLE

- 1 DEALERS;
- 2 (III) ONE MEMBER WHO REPRESENTS THIRD-PARTY TESTERS;
- 3 (IV) ONE MEMBER WHO REPRESENTS INSTRUCTOR TRAINING
- 4 SPECIALISTS;
- 5 (V) ONE MEMBER WHO REPRESENTS THE MOTORCYCLE RIDING
- 6 COMMUNITY;
- 7 (VI) ONE MEMBER WHO REPRESENTS MOTORCYCLE TRAINING
- 8 PROVIDERS NOT AFFILIATED WITH THE PROGRAM;
- 9 (VII) ONE MEMBER WHO REPRESENTS LAW ENFORCEMENT
- 10 AGENCIES; AND
- 11 (VIII) ONE MEMBER WHO REPRESENTS MOTORCYCLE INSURANCE
- 12 PROVIDERS.

- 13
- 14 (2) THE BOARD SHALL MEET TO:
- 15 (a) RECOMMEND TRAINING METHODS TO INCREASE SAFETY AND
- 16 REDUCE MOTORCYCLE CRASHES AND INJURIES;
- 17 (b) RECOMMEND TRAINING METHODS TO INCREASE PROGRAM
- 18 EFFECTIVENESS;
- 19 (c) RECOMMEND IMPROVEMENTS TO THE PROGRAM AND TRAINING;
- 20 AND
- 21 (d) MAKE RECOMMENDATIONS ON EXPENDITURES OF FUND
- 22 MONEYS.

23 (3) EACH BOARD MEMBER APPOINTED UNDER PARAGRAPH (d) OF
24 SUBSECTION (1) OF THIS SECTION SERVES A TWO-YEAR TERM; EXCEPT
25 THAT, OF THE BOARD MEMBERS APPOINTED INITIALLY, ONE-HALF SERVE
26 FOR A ONE-YEAR TERM AND THE REMAINING MEMBERS SERVE A TWO-YEAR
27 TERM.

1 (4) THE BOARD SHALL ELECT FROM AMONG THE BOARD MEMBERS
2 LISTED IN PARAGRAPHS (a) TO (c) OF SUBSECTION (1) OF THIS SECTION A
3 CHAIR AND VICE-CHAIR, BOTH OF WHOM SERVE TWO-YEAR TERMS. THE
4 CHAIR PRESIDES OVER ALL BOARD MEETINGS. THE VICE-CHAIR PRESIDES
5 IN THE ABSENCE OF THE CHAIR.

6 (5) THE BOARD SHALL DEVELOP A VISION AND MISSION
7 CONSISTENT WITH THE PROGRAM.

8 (6) THE BOARD SHALL MEET AT LEAST QUARTERLY.

9 **SECTION 6.** In Colorado Revised Statutes, **add** 43-5-506 and
10 43-5-507 as follows:

11 **43-5-506. Report.** NO LATER THAN SEPTEMBER 1 OF EACH YEAR,
12 THE DEPARTMENT OF TRANSPORTATION SHALL REPORT TO THE
13 LEGISLATIVE AUDIT COMMITTEE AND THE HOUSE AND SENATE
14 TRANSPORTATION COMMITTEES, OR THEIR SUCCESSOR COMMITTEES. THE
15 REPORT MUST COMMENT ON THE EFFECTIVENESS OF THE PROGRAM,
16 ANNUAL MOTORCYCLE ACCIDENTS OR FATALITIES, AVAILABILITY OF
17 TRAINING THROUGHOUT THE STATE, HISTORIC AND CURRENT TRAINING
18 COSTS, AND OTHER PERFORMANCE MEASURES.

19 **43-5-507. Repeal.** THIS PART 5 IS REPEALED, EFFECTIVE
20 SEPTEMBER 1, 2017.

21 **SECTION 7.** In Colorado Revised Statutes, 24-34-104, add
22 (48.5) (d) as follows:

23 **24-34-104. General assembly review of regulatory agencies**
24 **and functions for termination, continuation, or reestablishment.**

25 (48.5) The following agencies, functions, or both, terminate on
26 September 1, 2017:

27 (d) THE MOST PROGRAM CREATED BY PART 5 OF ARTICLE 5 OF

1 TITLE 43, C.R.S.

2 **SECTION 8. Act subject to petition - effective date.** This act
3 takes effect at 12:01 a.m. on the day following the expiration of the
4 ninety-day period after final adjournment of the general assembly (August
5 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a
6 referendum petition is filed pursuant to section 1 (3) of article V of the
7 state constitution against this act or an item, section, or part of this act
8 within such period, then the act, item, section, or part will not take effect
9 unless approved by the people at the general election to be held in
10 November 2014 and, in such case, will take effect on the date of the
11 official declaration of the vote thereon by the governor.