

# SENATE BILL REPORT

## SB 5303

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As Reported by Senate Committee On:  
Transportation, February 20, 2019

**Title:** An act relating to motorcycle safety.

**Brief Description:** Addressing motorcycle safety.

**Sponsors:** Senators Lias and Saldaña; by request of Department of Licensing and Washington Traffic Safety Commission.

**Brief History:**

**Committee Activity:** Transportation: 1/28/19, 2/20/19 [DPS, w/oRec].

### Brief Summary of First Substitute Bill

- Requires DOL to 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.
- Modifies the motorcycle instruction permit by requiring a skills demonstration test prior to receiving the permit.
- Removes the cap on the number of hours a motorcycle skills education class may be, and removes the cap on the cost of a motorcycle skills education class.
- Increases the penalty for the traffic infraction of operating a motorcycle without the proper endorsement by adding an additional penalty of \$250, and depositing that penalty into the Motorcycle Safety Education Account.

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### SENATE COMMITTEE ON TRANSPORTATION

**Majority Report:** That Substitute Senate Bill No. 5303 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Sheldon, Assistant Ranking Member; Cleveland, Das, Fortunato, Lovelett, Nguyen, Randall, Takko, Wilson, C. and Zeiger.

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*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.*

**Minority Report:** That it be referred without recommendation.

Signed by Senators O'Ban and Padden.

**Staff:** Kim Johnson (786-7472)

**Background:** Motorcycle Endorsement and Training Classes. Generally, a person may not operate a motorcycle without first obtaining from the Department of Licensing (DOL) the proper motorcycle endorsement on their driver's license. This is applicable to either two-wheeled or three-wheeled motorcycles.

There are two ways to obtain a motorcycle endorsement: (1) successfully complete a motorcycle skills education class at a motorcycle training school, which includes the knowledge and skills examination; or (2) successfully pass the motorcycle knowledge and skills examinations—typically administered at a motorcycle training school.

DOL may contract with either public or private entities to offer the motorcycle skills education classes. Motorcycle skills education courses must be a minimum of 8 hours and no more than 16 hours. The cost of a skills course is subsidized for Washington residents and may not exceed \$50 dollars for riders less than age eighteen, and \$125 dollars for riders over age eighteen or military personnel of any age stationed in Washington. However, motorcycle training schools may offer courses that are not subsidized to those who are willing to forgo the subsidy.

To practice on-road riding prior to taking the skills examination for the motorcycle endorsement, a person may apply for a motorcycle instruction permit. To obtain the permit the applicant must be at least sixteen years old, have a valid driver's license and pass the knowledge test. The permit is valid for 90 days and can be renewed up to two times.

Operating a motorcycle without the proper permit or endorsement is a traffic infraction subject to a total fine of \$136.

**Summary of Bill (First Substitute):** The cap on the number of hours a motorcycle skills education course of 16 is removed. The cap on the cost of a subsidized motorcycle education class is removed.

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.

The motorcycle instruction permit is modified to require that an applicant pass both a knowledge and skills examination to receive the permit. The examination for a two-wheeled and three-wheeled motorcycle instruction permit must be separate examinations.

A motorcyclist who fails the endorsement test, but demonstrates a level of riding skill consistent with the skills necessary to pass the motorcycle permit skills test, may receive a motorcycle permit without having to take the skills test for the permit.

The length of time a motorcycle instruction permit is valid is increased to 180 days, however a person may only renew the permit once.

An additional penalty for driving without a valid motorcycle endorsement of \$250 is created. The additional penalty is deposited into the into the Motorcycle Safety Education Account. The penalty for operating a motorcycle without the proper permit or endorsement is increased to a total fine of \$386.

**EFFECT OF CHANGES MADE BY TRANSPORTATION COMMITTEE (First Substitute):**

- Requires DOL to 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.
- Authorizes DOL to allow a motorcyclist who fails the endorsement test, but demonstrates a level of riding skill consistent with the skills necessary to pass the motorcycle permit skills test, to receive a motorcycle permit without having to take the skills test for the permit.
- Removes the proposed changes to the Motorcycle Safety Education Advisory Board.
- Replaces the increase to the base penalty for driving without a valid motorcycle endorsement to a separate monetary penalty of \$250 in addition to the base traffic infraction of \$136, for a total fine of \$386. The monetary penalty is not subject to the traffic assessments and fees and must be deposited into the Motorcycle Safety Education Account.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

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

**Staff Summary of Public Testimony on Original Bill:** *The committee recommended a different version of the bill than what was heard.* PRO: Our state has had serious challenges meeting target zero. Motorcycle fatalities are increasing. DOL and Washington Traffic Safety Commission looked at how to improve the quality of motorcycle training. When you sign up for a permit, you can not have someone with you like you do with your learner's permit for a car. But we currently allow a person to operate a motorcycle on the road without any demonstration of skill. This bill is a result from a review of our program with National Highway Safety Administration. No other state is using the subsidy model anymore.

The removal of the price cap and changing the way that we are reimbursed is a key first step in our ability to improve the quality of the instruction motorcycle classes. The motorcycle safety education schools cannot keep up with the cost of providing training under the current structure and limitations. The changes made to the testing over the past couple of years has only made it easier to pass the test, which does not improve safety. Skills testing must be improved if we are going to reach the goals of target zero.

CON: I do not believe that this bill is necessary to make things better. Subsidy language is necessary.

This bill was supposed to reduce the number of unendorsed riders in the state. I do not think that is what it really does. We need to be able to have people have time to get better, so the changes made to the permit don't make sense. If all you do is make the knowledge and skills tests more difficult, the effect of the bill will likely be to lead to more unendorsed riders.

OTHER: Adding an additional test is not alone what will make things better. The maximum permit time period may be excessive. I also have concerns about the changes being made to the make-up of the Motorcycle Safety Education Advisory Board.

**Persons Testifying:** PRO: Senator Marko Liias, Prime Sponsor; Kenton Brine, Northwest Insurance Council; Bret Tkacs, Puget Sound Safety; Beau Perschbacher, DOL; Tom Van Noten, Tom Van Noten; Christopher Johnson, Owner Washington Motorcycle Safety Training; David Wendell, PNW Motorcycle Safety, Inc.

CON: Brian Lange, ABATE of Washington; Larry Walker, Washington Road Riders Association.

OTHER: Jeffrey Vaughan, Evergreen Safety Council.

**Persons Signed In To Testify But Not Testifying:** No one.