

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

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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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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 autocyce 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 [(5) (6)] A person operating or riding in an autocyce 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.]