

Report of the Study Committee on Motorcycle Usage and Safety

Committee Members

Mr. Ralph Bell (Chair)
Senate Appointee

Representative Jeff Johnson
House Appointee

Mr. Dennis Welborn
Senate ABATE Appointee

Mr. Reb Richardson
House ABATE Appointee

Captain G.S. Owens
DPS Designee

Mr. Brett Harrelson
DOT Designee

Mr. Vernon G. Hester
Governor's Appointee

Ms. Terry Taylor
DMV Designee

Report Created by Staff of Senate Transportation

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1. Introduction

The Study Committee on Motorcycle Usage and Safety was created by Proviso 82.10 of the 2015-2016 state appropriations bill.

The Study Committee was tasked with studying applicable laws and regulations relating to motorcycle usage and safety and issue its findings and make recommendations to the General Assembly.

Proviso 82.10:

South Carolina General Assembly

121st Session, 2015-2016

H. 3701

General Appropriations Bill for fiscal year 2015-2016

As Ratified by the General Assembly

PART IB

OPERATION OF STATE GOVERNMENT

SECTION 82 - R40-DEPARTMENT OF MOTOR VEHICLES

82.10. (DMV: Study of Motorcycle Usage and Safety) From the funds appropriated to the Department of Motor Vehicles, a committee shall be established to study motorcycle usage and safety in South Carolina.

The composition of the study committee shall be as follows: one member appointed by the governor; two members appointed by the Chairman of the Senate Transportation Committee, one of whom must be a member of A Brotherhood Against Totalitarian Enactments (ABATE) of South Carolina; two members appointed by the Chairman of the House Education and Public Works Committee, one of whom must be a member of ABATE of South Carolina; the Secretary of Transportation or his designee who shall have expertise in motorcycle safety issues; the Director of the Department of Public Safety or his designee who shall have expertise in motorcycle safety issues; and the Director of the Department of Motor Vehicles or his designee who shall have expertise in motorcycle safety issues.

The committee shall study available data related to motorcycle usage and applicable laws and regulations. Before December 15, 2015, the committee shall issue its findings and recommendations to the Governor and to the members of the General Assembly.

2. Meetings

The Study Committee on Motorcycle Usage and Safety met twice in the Gressette Building at the Capitol complex.

First Meeting, October 29, 2:00p.m.

Present were seven members, absent was Ms. Terry Taylor. The Study Committee elected Mr. Ralph Bell as chair and chose which items the committee would study.

Second Meeting, November 13, 2:00p.m.

Present were all members. The study committee discussed and made motions on the following items.

3. Current Legislation

The Committee studied and made recommendations on four pieces of legislation in the General Assembly as they pertain to motorcycle usage and safety:

S.21

Topic: Driving with Biotopic Vision Lenses

Status: Passed Senate. Referred to House Education & Public Works Committee

Recommendation: Concur with the motorcycle element in bill.

S.21 passed the Senate during the 2015 session and is currently in the House. This bill allows persons with biotopic vision lenses to obtain motor vehicle driver's licenses, provided they meet certain standards and training requirements. The bill stipulates that this does not apply to *motorcycle* licenses.

The study committee concurred with the provision in S.21 to not allow persons with biotopic vision lenses to obtain *motorcycle* licenses.

S.689

Topic: Motorcycle Beginner's Permit

Status: In Senate Transportation Committee

Recommendation: Concur with first provision, discussion on second provision

S.689 currently resides in the Senate Transportation Committee. The bill contains two provisions relating to motorcycle beginner's permits.

1) Current law stipulates that when a person with a motorcycle beginner's permit operates a motorcycle between the hours of 6p.m. and 6a.m. he must have a parent or legal guardian on the motorcycle with him. S.689 changes this to allow any person with a motorcycle license to supervise the permittee, as opposed to only the parent or legal guardian as current law stipulates.

The Study Committee recommended that the General Assembly adopt this first provision, to allow any licensed motorcycle operator (as opposed to only parent) to act as supervisor for a beginner's permit.

2) Current law stipulates that when a person with a motorcycle beginner's permit operates a motorcycle between the hours of 6p.m. and 6a.m. he must have a parent or legal guardian on the motorcycle "supervise" by riding *with him on the motorcycle*. S.689 amends the law to allow the "supervision" to take place from a "safe viewing distance" as opposed to on the motorcycle.

The Study Committee agreed that the supervisor need not ride with the permittee on the same motorcycle, but there was discussion as to whether the meaning of “safe viewing distance” should be defined. Captain G.S. Owens of the Department of Public Safety said a possible definition the legislature could choose is the three or five second rule. Mr. Dennis Welborn of ABATE noted that “safe viewing distance” could be left undefined, allowing common sense to determine its meaning.

The Study Committee recommends that the General Assembly decide whether it wants to define “safe viewing distance.”

H.3040

Topic: Child Seat Restraint on a Motorcycle

Status: Referred to House Education & Public Works Committee

Recommendation: Amend bill

H.3040 prohibits a child passenger under seven from riding a motorcycle unless he is secured in a child seat restraint system.

The Study Committee recommends against this due to the impractical nature of securing a child seat restraint system on a motorcycle. Jeff Allen from the Children’s Trust testified in favor of an alternative. Mr. Allen suggested that the General Assembly pass legislation to prohibit a passenger from riding a motorcycle unless his feet touch the footrest pegs of the motorcycle. The study committee adopted a motion recommending Mr. Allen’s proposal.

The Study Committee recommends that the General Assembly create legislation to prohibit a passenger from riding a motorcycle unless his feet touch the footrest pegs.

H.3788

Topic: Motorcycle warranties

Status: Passed House, Referred to Senate Transportation Committee

Recommendation: Recommends Adoption.

H.3788 adds motorcycle to the definition of “motor vehicle” for the purpose of vehicle express warranties.

The Study Committee recommends that the General Assembly adopt this legislation.

4. Warning Signs for Steel Plates

The first study committee meeting approved Mr. Reb Richardson's motion to ascertain the feasibility of erecting warning signs in the road ahead of a maintenance steel plate. Mr. Richardson stated it is dangerous for a motorcycle operator to drive over a steel plate in the road if he is not warned of the approaching plate, especially during wet conditions.

At the second study committee meeting, the Department of Transportation's designee, Mr. Brett Harrelson, reported on the feasibility of erecting such warning signs in the roadways:

SCDOT Highway Safety Office researched the safety data to determine the number of motorcycle crashes that may be attributable to a slippery steel plate. According to the state's master crash data file, there were 2097 motorcycle crashes reported in 2014, of which 137, or 6.5%, occurred during wet conditions. For comparison, 16% of all crashes in the state for 2014 occurred during wet conditions. Furthermore, in reviewing the 137 wet weather motorcycle crashes, it was determined that none of the crash reports identified a steel plate as contributing factor to the crash.

SCDOT currently does not utilize many steel plates on the roadway. Most of the steel plates that are on DOT's roadways are the result of work being done on a utility such as a water line, gas line, etc. that is located under the road surface. These plates are typically put in place by the owner of the utility line such as a municipality or a contractor working for that owner. Therefore the impact of this change to SCDOT would be insignificant. However, the impacts to the municipality or utility owner would likely be significant.

A possible alternative to providing signage to warn motorcyclists of a steel plate ahead may be to apply an anti-slip paint to the surface of the steel plates. This would possibly be a much cheaper option but it is recommended that this option be further investigated for discussion with the municipality and/or utility owners to further determine the feasibility and impacts to their agency.

The study committee adopted the motion to report this information to the General Assembly.

5. Motorcycle Beginner's Permit

A person with a motorcycle beginner's permit may operate a motorcycle alone from 6a.m. to 6p.m. The beginner's permit expires one year after being issued but may be renewed if the permittee makes a bona fide attempt to pass the DMV's Motorcycle Rider Skill Test.

Prior to 2013, it was not DMV policy to require that a person with beginner's permit make an attempt to pass the Rider Skill Test when he renewed his permit. As a result, many individuals renewed their beginner's permit each year without attempting to pass the Rider Skill Test. In 2013, the DMV enacted this policy with the goal of decreasing the number of persons with beginner's permits and increasing the number of persons with full motorcycle licenses.

The DMV reported that since this policy went into effect it has seen a decrease of persons with beginner's permits. From 2013 to 2014, the number of persons with beginner's permits decreased 3246 from 17,811 to 14,565.

The Study Committee agreed with the DMV's policy.

The Study Committee adopted a motion to recommend that the General Assembly draft and adopt legislation to require that if a beginner's permittee fails the Motorcycle License Skill Test three times, that he be required to take a motorcycle training course.

**Successful completion of a motorcycle training course licensed by the DMV allows a person to obtain a motorcycle rider's license.*

6. Autocycles:

The Study Committee discussed whether a new legal classification should be created for an “autocycle.” An autocycle is a three wheeled vehicle that is a hybrid between a motorcycle and a motor vehicle. Unlike a three wheeled motorcycle with handle bars, an autocycle has a steering wheel and operates similar to a car in some instances.

The Department of Motor Vehicles testified that its current practice regarding autocycles is twofold:

1. *Registration*: for registration purposes, the DMV treats autocycles as motorcycles.
2. *Licensing*: for licensing purposes, the DMV requires an individual to have a class D motor vehicle license to operate an autocycle.

The DMV recommended that its current system not be changed and saw no need for the new classification of autocycle.

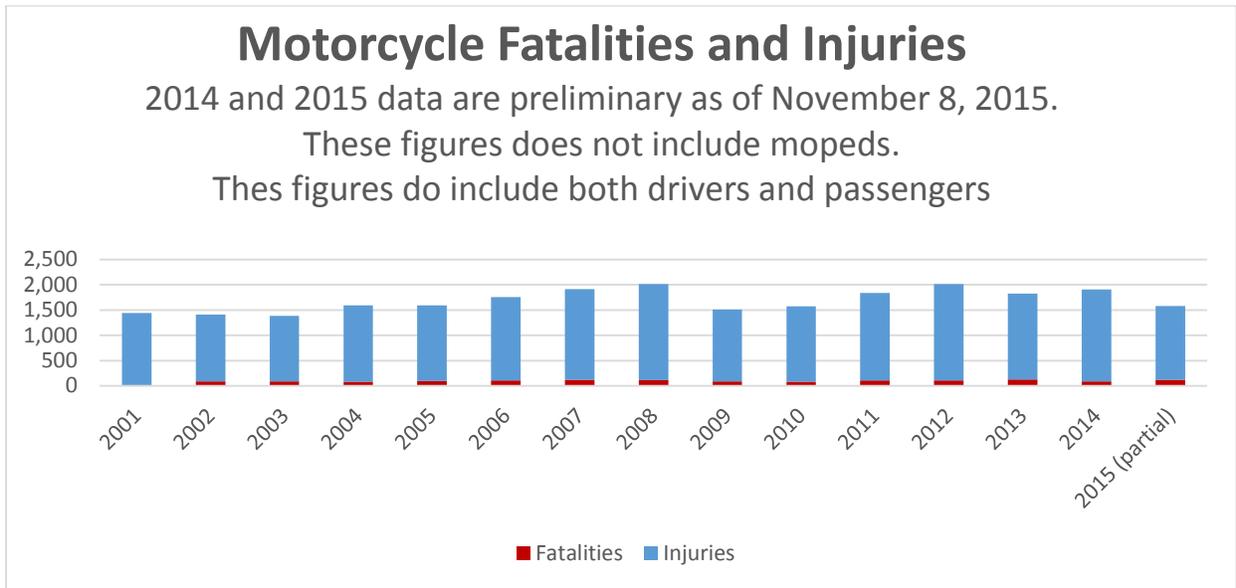
The Study Committee made no recommendation to create a new classification for autocycles.

7. Fatality/Injury Statistics & Motorcycle Rider’s Education Program

The Motorcycle Study Committee briefly looked at the motorcycle fatalities and injuries statistics for the last three years. The committee noted the increase in fatalities and the decrease in injuries from 2014 to 2015.

The Committee also noticed the correlating decline in motorcycle training in the state technical college system.

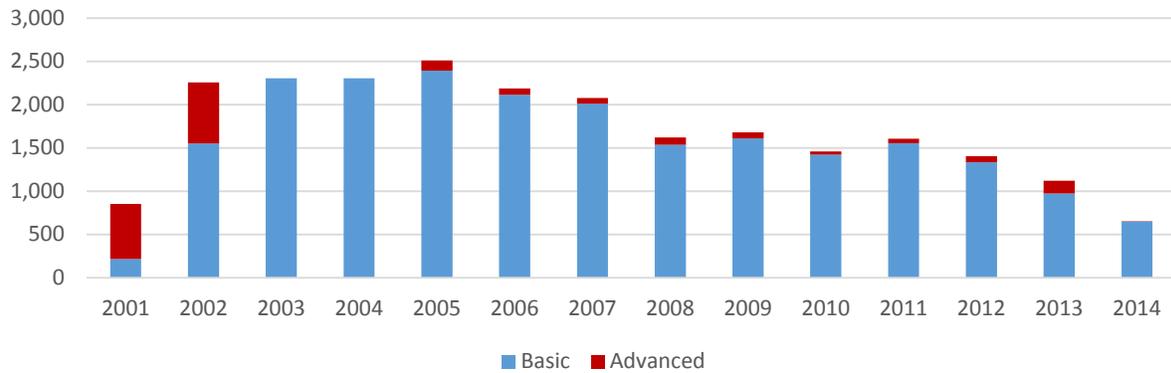
Due to limitations in time, the Committee was unable to make a judgement as to the causation of these figures. Members indicated that they would like to investigate the issue further, however, the Committee was required to report its findings by December 15, 2015.



	Injuries	Fatalities	Total
2001	1,442	70	1,512
2002	1,325	86	1,411
2003	1,296	87	1,383
2004	1,506	84	1,590
2005	1,495	94	1,589
2006	1,651	106	1,757
2007	1,790	122	1,912
2008	1,901	111	2,012
2009	1,423	90	1,513
2010	1,490	81	1,571
2011	1,732	105	1,837
2012	1,901	110	2,011
2013	1,697	126	1,823
2014	1,816	88	1,904
2015 (partial)	1,462	119	1,581
Totals	23,927	1,479	25,406

Motorcycle Rider Education

Number of riders Trained by year



	Basic	Advanced	Total
2001	217	635	852
2002	1,551	703	2,254
2003	2,303	0	2,303
2004	2,303	0	2,303
2005	2,392	117	2,509
2006	2,114	72	2,186
2007	2,011	63	2,074
2008	1,534	85	1,619
2009	1,610	68	1,678
2010	1,422	35	1,457
2011	1,553	51	1,604
2012	1,332	72	1,404
2013	973	146	1,119
2014	648	2	650
Totals	21,963	2,049	24,012

**Data from SCDPS*

END