

2021 -- H 5380 SUBSTITUTE A

LC000128/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- THREE WHEEL VEHICLES

Introduced By: Representatives Casimiro, and Noret

Date Introduced: February 05, 2021

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

SECTION 1. Sections 31-10.1-1, 31-10.1-1.1, 31-10.1-1.2, 31-10.1-2 and 31-10.1-3 of the General Laws in Chapter 31-10.1 entitled "Special License for Motorcycles, Motor Scooters, and Other Motor Driven Cycles" are hereby amended to read as follows:

31-10.1-1. License required.

(a) No resident of this state, except those expressly exempted in this chapter, shall drive any two (2)-wheeled motorcycle or motor-driven cycle upon a highway in this state, unless the person shall first obtain a special license as an operator under the provisions of this chapter; provided, however, motorized bicycles and motor scooters with a motor rated not more than four and nine-tenths (4.9) horsepower and not greater than fifty (50) cubic centimeters, which is capable of a maximum speed of not more than thirty (30) miles per hour, shall be exempt from the provisions of this section. No person shall be licensed pursuant to this chapter unless he or she shall be at least sixteen (16) years of age or unless the person previously has been issued a full operator's license and a motorcycle learner's permit or is already licensed under a prior act of this state. Any person under the age of eighteen (18) duly licensed under the prior act shall be eligible to have his or her license renewed in the same manner as persons over the age of eighteen (18). All licenses issued pursuant to this chapter shall reflect any requirement of the operator to wear a helmet pursuant to § 31-10.1-4.

(b) No resident of this state, except those expressly exempted in this chapter, shall drive any three (3)-wheeled motorcycle or motor-driven cycle upon a highway in this state, unless the

1 person shall first obtain a special license as an operator under the provisions of this chapter;
2 provided, however, motorized bicycles and motor scooters with a motor rated not more than four
3 and nine-tenths (4.9) horsepower and not greater than fifty (50) cubic centimeters, which is capable
4 of a maximum speed of not more than thirty (30) miles per hour, shall be exempt from the
5 provisions of this section. No person shall be licensed pursuant to this chapter unless he or she shall
6 be at least sixteen (16) years of age or unless the person previously has been issued a full operator's
7 license and a motorcycle learner's permit or is already licensed under a prior act of this state. Any
8 person under the age of eighteen (18) years duly licensed under the prior act shall be eligible to
9 have their license renewed in the same manner as persons over the age of eighteen (18) years. All
10 licenses issued pursuant to this chapter shall reflect any requirement of the operator to wear a helmet
11 pursuant to § 31-10.1-4.

12 (c) Any person currently licensed pursuant to this chapter, prior to March 1, 2022, shall
13 continue to be permitted to operate both two (2)-wheeled and three (3)-wheeled motorcycles and
14 motor-driven cycles without further examination.

15 **31-10.1-1.1. Motorcycle driver education program.**

16 (a) The board of governors for higher education and the office of higher education shall
17 through the Community College of Rhode Island provide:

18 (1) a A minimum of six (6) and up to a maximum of twenty (20) hours of classroom
19 instruction and/or on-the-road driver training, as determined by the board and/or the Community
20 College of Rhode Island, for applicants or prospective applicants for a first motorcycle operator's
21 license to operate two (2)-wheeled motorcycles under this chapter; and

22 (2) A minimum of six (6) and up to a maximum of twenty (20) hours of classroom
23 instruction and/or on-the-road driver training, as determined by the board and/or the Community
24 College of Rhode Island, for applicants or prospective applicants for a first motorcycle operator's
25 license to operate three (3)-wheeled motorcycles under this chapter. Instruction shall be given by a
26 person eligible for a teacher's certificate issued under the authority of the state board of regents
27 and/or certified to teach motorcycle safety classes by completion of a course of instruction
28 recognized by the Community College of Rhode Island.

29 (b) Motorcycle driver education programs shall be available to any eligible resident
30 applicant holding a valid Rhode Island motor vehicle operator's license.

31 (c) The board of governors for higher education shall establish any fees that are deemed
32 necessary to support this program.

33 (d) The board of governors for higher education and the office of higher education are
34 authorized to establish regulations to further implement this chapter.

1 **31-10.1-1.2. Approved motorcycle rider education program.**

2 (a) The board of governors for higher education and/or the Community College of Rhode
3 Island may certify motorcycle dealers engaged in selling motorcycles or an association engaged in
4 motorcycle safety to provide motorcycle driver education courses in the state if the curriculum used
5 during the course of instruction is certified by the Motorcycle Safety Foundation, or other programs
6 approved by the board and/or the Community College of Rhode Island.

7 (b)(1) The course [of instruction for operation of two \(2\)-wheeled motorcycles](#) shall provide
8 students with a minimum of sixteen and a half (16 1/2) hours of combined classroom instruction,
9 and on the range motorcycle training for a beginner rider course, and a minimum of five (5) hours
10 for a licensed rider course.

11 [\(2\) The course of instruction for operation of three \(3\)-wheeled motorcycles shall provide](#)
12 [students with a minimum of sixteen and a half \(16 1/2\) hours of combined classroom instruction,](#)
13 [and on the range motorcycle training for a beginner rider course, and a minimum of five \(5\) hours](#)
14 [for a licensed rider course.](#)

15 (c) In order for an instructor to teach in a motorcycle rider education program in the state,
16 the person shall meet all of the following requirements:

17 (1) Must be twenty-one (21) years of age or older, and must possess a valid drivers license
18 recognized by the state of Rhode Island for at least three (3) consecutive years;

19 (2) Possess a high school diploma or GED;

20 (3) Must be certified by the Motorcycle Safety Foundation as an instructor;

21 (4) Must be licensed to teach motorcycle training in the state of Rhode Island;

22 (5) An instructor has not had more than one moving traffic violation within one year prior
23 to obtaining certification; not more than two (2) moving violations within a three (3) year period
24 prior to licensure as a motorcycle rider education instructor; and not more than three (3) moving
25 violations within a five (5) year period prior to licensure as a motorcycle rider education instructor;

26 (6) An instructor has not had their driving privileges suspended or revoked in the five (5)
27 preceding years prior to obtaining certification by the state of Rhode Island;

28 (7) An instructor has no driving under the influence of alcohol or drug convictions within
29 ten (10) years prior to obtaining certification by the state of Rhode Island as a motorcycle rider
30 education instructor;

31 (8) Must successfully pass a criminal background check by the department;

32 (9) For out of state instructors, the person must provide the department with a certified
33 copy of their driving record from the previous five (5) years.

34 (d) Class sizes shall not exceed twenty-four (24) students in the classroom, and twelve (12)

1 on the range during instruction.

2 (e) A student, unless specified under § 31-10.1-2, who successfully completes a department
3 approved two (2)-wheeled motorcycle rider education program's skills and written test
4 requirements, shall be deemed compliant with § 31-10.1-1.1(a)(1) and exempted from the road test
5 under § 31-10.1-3(a) provided the student passes a written, vision and road sign examination at a
6 department licensing facility. A student, unless specified under § 31-10.1-2, who successfully
7 completes a department approved three (3)-wheeled motorcycle rider education program's skills
8 and written test requirements, shall be deemed compliant with § 31-10.1-1.1(a)(2) and exempted
9 from the road test under § 31-10.1-3(b), provided the student passes a written, vision and road sign
10 examination at a department facility. In order to take the written, vision and road sign examination
11 under § 31-10.1-3(a) or (b) the student shall bring their Motorcycle Safety Foundation completion
12 card and a road test waiver form provided by the rider education program where the course was
13 successfully completed. The road test waiver form shall include the following:

- 14 (1) Student's full name, as written on their valid drivers license;
15 (2) Motorcycle Safety Foundations' Basic Rider Course Completion Card number;
16 (3) Course completion date;
17 (4) Dealership or association name;
18 (5) Dealership or association contact name;
19 (6) MSF Rider Education Recognition Program number, or equivalent;
20 (7) Instructor's name, signature and Motorcycle Safety Foundation number or an identifier
21 from any other program approved by the board and/or the Community College of Rhode Island
22 instructor number.

23 (f) The department or the Community College of Rhode Island has the right to inspect
24 ranges to ensure they fulfill the Motorcycle Safety Foundation's range standards for motorcycle
25 training. The department shall have the right to inspect the courses authorized under this section at
26 any time. The entity providing the motorcycle rider education program shall maintain records for a
27 minimum of two (2) years, including those who participated in the class, those who successfully
28 completed the class, and those individuals who failed any portion of the class.

29 (g) No state subsidies shall be provided to a dealer or association for operating a motorcycle
30 driver education program under this section.

31 (h) The state of Rhode Island shall not be liable for any acts or omissions on the part of
32 motorcycle dealers and/or associations in the implementation of the motorcycle rider education
33 program pursuant to this section.

34 (i) Each dealership and/or association seeking to provide a motorcycle driver education

1 course under this chapter shall pay an application fee of seven hundred and fifty dollars (\$750) and
2 a yearly renewal fee of one hundred dollars (\$100) to the office of higher education for the purpose
3 of program oversight.

4 **31-10.1-2. Learner's permit.**

5 (a)(1) Upon applying for a first license to drive a [two \(2\)-wheeled](#) motorcycle and after
6 successfully completing a motorcycle driver education program pursuant to § 31-10.1-1.1(a)(1) and
7 after satisfying the requirements of § 31-10.1-3(a), the administrator of the division of motor
8 vehicles may issue a motorcycle learner's permit to take instruction in the operation of a [two \(2\)-](#)
9 [wheeled](#) motorcycle which entitles the holder to operate or drive a [two \(2\)-wheeled](#) motorcycle on
10 the public highway, other than limited access highway, as a learner, under the general supervision,
11 and whether or not under the immediate control, of a licensed motorcycle operator, at least eighteen
12 (18) years of age.

13 [\(2\) Upon applying for a first license to drive a three \(3\)-wheeled motorcycle and after](#)
14 [successfully completing a motorcycle driver education program pursuant to § 31-10.1-1.1\(a\)\(2\) and](#)
15 [after satisfying the requirements of § 31-10.1-3\(b\), the administrator of the division of motor](#)
16 [vehicles may issue a motorcycle learner's permit to take instruction in the operation of a three \(3\)-](#)
17 [wheeled motorcycle which entitles the holder to operate or drive a three \(3\)-wheeled motorcycle](#)
18 [on the public highway, other than limited access highway, as a learner, under the general](#)
19 [supervision, and whether or not under the immediate control, of a licensed motorcycle operator, at](#)
20 [least eighteen \(18\) years of age.](#)

21 (3) A person who has been issued a learner's permit may not carry passengers other than
22 the supervising driver on the motorcycle until the person has been licensed to operate a motorcycle.

23 (b) The following persons are eligible for a motorcycle learner's permit:

24 (1) A person who is at least sixteen (16) years old but less than eighteen (18) years old and
25 has a limited provisional license or a full operator's license issued by the division of motor vehicles.

26 (2) A person who is at least eighteen (18) years old and has a license issued by the division
27 of motor vehicles.

28 (c) The holder of a motorcycle learner's permit who has a limited provisional license may
29 drive the motorcycle only at times when the license holder could drive a motor vehicle without
30 supervision pursuant to § 31-10-14.

31 (d) A motorcycle learner's permit expires eighteen (18) months after it is issued.

32 **31-10.1-3. Examination.**

33 (a) All applicants for a [two \(2\)-wheeled](#) motorcycle, motor scooter, or motor-driven cycle
34 license, except those exempted in this chapter, shall pass a written, vision, road sign, and road test

1 as prescribed by the administrator of the division of motor vehicles in a vehicle supplied by the
2 applicant.

3 (b) All applicants for a three (3)-wheeled motorcycle, motor scooter, or motor-driven cycle
4 license, except those exempted under this chapter, shall pass a written, vision, road sign, and road
5 test, as prescribed by the administrator of the division of motor vehicles in a vehicle supplied by
6 the applicant.

7 ~~(b)~~(c) An applicant who within six (6) months of having been certified by the department
8 of elementary and secondary education as having passed a written examination, road sign, and road
9 test administered by that department, shall, upon completion of an eyesight test by the division of
10 motor vehicles, be considered in compliance with this section.

11 SECTION 2. Chapter 31-10.1 of the General Laws entitled "Special License for
12 Motorcycles, Motor Scooters, and Other Motor Driven Cycles" is hereby amended by adding
13 thereto the following section:

14 **31-10.1-9. Recreational vehicles - Non-applicability.**

15 The provisions of this chapter shall not apply to the operation of recreational vehicles, as
16 defined in § 31-3.2-1(8), including all classes of all-terrain vehicles; nor shall they authorize their
17 registration by the division of motor vehicles.

18 SECTION 3. This act shall take effect on March 1, 2022.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO MOTOR AND OTHER VEHICLES -- THREE WHEEL VEHICLES

- 1 This act would provide that three (3)-wheeled motorcycles be included under the licensing
2 requirements of the department of motor vehicles.
3 This act would take effect on March 1, 2022.

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