

AMENDMENT NO. _____ Calendar No. _____

Purpose: To improve motorcycle safety.

IN THE SENATE OF THE UNITED STATES—108th Cong., 1st Sess.

S. 1072

To authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

Referred to the Committee on _____
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Ms. MURKOWSKI
to the amendment (No. _____) proposed by Mr. INHOFE

Viz:

1 On page 4–4, line 8, after “highway safety matters”,
2 insert the following: “(including motorcycle safety)”.

3 On page 4–5, line 2, after “transportation”, insert
4 the following: “(including motorcycle)”.

5 On page 4–7, line 19, strike “motorists,” and insert
6 “motorists (including motorcycle)”.

1 On page 4–8, line 16, strike “motorists,” and insert
2 “motorists (including motorecyclists).”

3 At the end of subtitle D of title I, add the following:
4 **SEC. 14____. MOTORCYCLIST SAFETY.**

5 (a) **MOTORCYCLIST ADVISORY COUNCIL.**—Section
6 153 of title 23, United States Code, is amended—

7 (1) by redesignating subsections (i), (j), and (k)
8 as subsections (j), (k), and (l), respectively; and

9 (2) by inserting after subsection (h) the fol-
10 lowing:

11 “(i) **MOTORCYCLIST ADVISORY COUNCIL.**—

12 “(1) **IN GENERAL.**—The Secretary, acting
13 through the Administrator of the Federal Highway
14 Administration, shall appoint a Motorecyclist Advi-
15 sory Council (referred to in this subsection as the
16 ‘Council’) to review proposed regulations, coordinate
17 with planners of the Federal Highway Administra-
18 tion, and advise the Administrator on matters of
19 concern to motorecyclists, including—

20 “(A) barrier design;

21 “(B) road maintenance practices; and

22 “(C) the architecture and implementation
23 of intelligent transportation system tech-
24 nologies.

1 “(2) COMPOSITION.—The Council shall consist
2 of not more than 10 members of the motorcycling
3 community with professional expertise in national
4 motorcyclist safety advocacy, including—

5 “(A) at least—

6 “(i) 1 member recommended by the
7 American Motorcyclist Association;

8 “(ii) 1 member recommended by the
9 Motorcycle Riders Foundation;

10 “(iii) 1 representative of the National
11 Association of State Motorcycle Safety Ad-
12 ministrators; and

13 “(iv) 2 members of State motorcy-
14 clists’ organizations, recommended jointly
15 by the Motorcycle Riders Foundation and
16 the American Motorcyclist Association; and

17 “(B) at least 1, and not more than 5, mo-
18 torcyclists who are traffic system design engi-
19 neers or State transportation department offi-
20 cials.”.

21 (b) MOTORCYCLIST SAFETY TRAINING AND MOTOR-
22 IST AWARENESS PROGRAMS.—

23 (1) IN GENERAL.—Chapter 4 of title 23, United
24 States Code (as amended by section ____), is
25 amended by adding at the end the following:

1 “§ _____. **Motorcyclist safety training and motorist**
2 **awareness programs**

3 “(a) DEFINITIONS.—In this section:

4 “(1) MOTORCYCLIST SAFETY TRAINING.—The
5 term ‘motorcyclist safety training’ means any formal
6 program of instruction that—

7 “(A) provides accident avoidance and other
8 safety-oriented operational skills to motorcy-
9 clists, including innovative training opportuni-
10 ties to meet unique regional needs; and

11 “(B) is approved for use in a State by the
12 designated State authority having jurisdiction
13 over motorcyclist safety issues, which may in-
14 clude the State Motorcycle Safety Adminis-
15 trator or a motorcycle advisory council ap-
16 pointed by the Governor of the State.

17 “(2) MOTORIST AWARENESS.—The term ‘mo-
18 torist awareness’ means individual or collective mo-
19 torist awareness of—

20 “(A) the presence of motorcycles on or
21 near roadways; and

22 “(B) safe driving practices that avoid in-
23 jury to motorcyclists, bicyclists, and pedes-
24 trians.

25 “(3) MOTORIST AWARENESS PROGRAM.—The
26 term ‘motorist awareness program’ means any infor-

1 mational or public awareness program designed to
2 enhance motorist awareness that is developed by or
3 in coordination with the designated State authority
4 having jurisdiction over motorcyclist safety issues,
5 which may include the State Motorcycle Safety Ad-
6 ministrator or, in the absence of a State Adminis-
7 trator, a motorcycle advisory council appointed by a
8 Governor of the State.

9 “(4) STATE.—The term ‘State’ means—

10 “(A) a State;

11 “(B) the District of Columbia; and

12 “(C) the Commonwealth of Puerto Rico.

13 “(b) ELIGIBILITY.—Not later than 90 days after the
14 date of enactment of this section, on September 1, 2004,
15 and on September 1 of each fiscal year thereafter, and
16 based on a letter of certification provided by the Governor
17 of each State, the Secretary shall develop and publish a
18 list of States that, as of the date of publication of the
19 list, have established motorcyclist safety training pro-
20 grams and motorist awareness programs, including infor-
21 mation that indicates—

22 “(1) the level of base funding provided for each
23 such program for the applicable fiscal year; and

24 “(2) whether the level of base funding provided
25 for each such program for the applicable fiscal year

1 was increased, decreased, or maintained from the
2 level of funding provided for the program for the
3 previous fiscal year.

4 “(c) ALLOCATION.—Not later than 120 days after
5 the date of enactment of this section, on October 1, 2004,
6 and on October 1 of each fiscal year thereafter, the Sec-
7 retary shall allocate to each State for which the base fund-
8 ing allocated for motorcyclist safety training and motorist
9 awareness programs was not less than the amount allo-
10 cated for the previous year, not less than \$100,000, to
11 be used only for motorcyclist safety training and motorist
12 awareness programs, including—

13 “(1) improvements to motorcyclist safety train-
14 ing curricula;

15 “(2) improvements in program delivery to both
16 urban and rural areas, including—

17 “(A) procurement or repair of practice mo-
18 torcycles;

19 “(B) instructional aides;

20 “(C) mobile training units; and

21 “(D) leasing or purchase of facilities for
22 classroom instruction and closed-course skill
23 training;

24 “(3) an increase in the recruitment or retention
25 of motorcyclist safety training instructors certified

1 by a State Motorcycle Safety Administrator or mo-
2 torecycle advisory council appointed by the Governor;
3 and

4 “(4) public awareness, public service announce-
5 ments, and other outreach programs to enhance mo-
6 torist awareness.

7 “(d) CONTRACTS WITH ORGANIZATIONS.—The Sec-
8 retary may enter into an agreement with an organization
9 that is recommended by and represents the interests of
10 State Motorcycle Safety Administrators to review, deter-
11 mine, and disseminate a description of best practices in
12 motorcycle safety training and motorist awareness, and to
13 recommend such practices, to State administrators, gov-
14 ernors, State legislative bodies, and chief licensing officers
15 of States.

16 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
17 is authorized to be appropriated to carry out this section
18 from the Highway Trust Fund (other than the Mass Tran-
19 sit Account) \$5,200,000 for each of fiscal years 2004
20 through 2009.”.

21 (2) CONFORMING AMENDMENT.—The analysis
22 for chapter 4 of title 23, United States Code (as
23 amended by section ____), is amended by adding at
24 the end the following:

“____. Motorcyclist safety training and motorist awareness programs.”.

1 (c) REDUCTION OF CRASHES INVOLVING MOTOR-
2 CYCLES.—Section 402 of title 23, United States Code, is
3 amended by inserting after subsection (g) the following:

4 “(h) REDUCTION OF CRASHES INVOLVING MOTOR-
5 CYCLES.—

6 “(1) IN GENERAL.—As part of the program
7 carried out under this section, the Secretary shall
8 make annual grants to States to pay the Federal
9 share of expanding programs to reduce single- and
10 multiple-vehicle crashes involving motorcycles.

11 “(2) ELIGIBILITY.—To be eligible for a grant
12 under this subsection, a State shall demonstrate to
13 the Secretary that for each of fiscal years 2004 and
14 2005, at least 1, for fiscal years 2006 and 2007, at
15 least 2, and for fiscal years 2008 and 2009, at least
16 3, of the programs or conditions described in the fol-
17 lowing subparagraphs apply to the State:

18 “(A) DRIVERS LICENSE SUSPENSION OR
19 REVOCATION SYSTEM.—The State has imple-
20 mented a statewide drivers license suspension
21 or revocation system that suspends a drivers li-
22 cense for at least 1 year for an individual who
23 operates a motor vehicle in a reckless or neg-
24 ligent manner that causes—

1 “(i) an accident with a motorcycle or
2 other motor vehicle; and

3 “(ii) injury or death to an individual.

4 “(B) REDUCTION OF CRASH RATE INVOLV-
5 ING MOTORCYCLES.—The State demonstrates
6 to the Secretary that, for the year following re-
7 ceipt of a grant under this section, there has
8 been a reduction in the crash rate of motor ve-
9 hicles involving motorcycles in the State (ex-
10 pressed as a function of crashes per 10,000 mo-
11 torcycle registrations as compared to the pre-
12 vious year).

13 “(C) MOTORCYCLE RIDER TRAINING
14 COURSES.—The State demonstrates to the Sec-
15 retary that, between the fiscal year for which a
16 grant is received under this section and the pre-
17 ceding fiscal year, there has been no reduction
18 in the number of individuals enrolled in motor-
19 cycle rider training based on a course of in-
20 struction approved for the State by the State
21 Motorcycle Safety Administrator or, in the ab-
22 sence of a State Administrator, by a motorcycle
23 advisory council appointed by the Governor of
24 the State.

1 “(D) MOTORIST AWARENESS.—The
2 State—

3 “(i) has implemented a statewide pro-
4 gram to enhance motorist awareness of
5 motorcyclists; and

6 “(ii) demonstrates to the Secretary
7 that, between each fiscal year for which a
8 grant is received under this section and the
9 preceding fiscal year, there has been a re-
10 duction in the rate of multiple-vehicle colli-
11 sions in the State involving motorcycles
12 (expressed as a function of crashes per
13 10,000 motorcycle registrations).

14 “(E) IMPAIRED MOTORCYCLE OPER-
15 ATION.—The State—

16 “(i) has implemented a statewide pro-
17 gram to reduce impaired motorcycle oper-
18 ation; and

19 “(ii) demonstrates to the Secretary
20 that, between each fiscal year for which a
21 grant is received under this section and the
22 preceding fiscal year, there has been a re-
23 duction in the rate of reported accidents
24 involving alcohol- or drug-impaired motor-

1 cycle operators (expressed as a function of
2 10,000 motorcycle registrations).

3 “(F) MOTORCYCLIST TRAINING.—The
4 State—

5 “(i) has implemented a statewide pro-
6 gram to expedite delivery of motorcyclist
7 training to urban and rural areas; and

8 “(ii) demonstrates to the Secretary
9 that, between each fiscal year for which a
10 grant is received under this section and the
11 preceding fiscal year, there has been a re-
12 duction in the rate of reported accidents
13 involving motorcyclists with improper li-
14 censes or lacking a motorcycle endorse-
15 ment (expressed as a function of 10,000
16 motorcycle registrations).

17 “(3) FEDERAL SHARE.—The Federal share of
18 the cost of implementing and enforcing a program
19 described in paragraph (2) for a fiscal year shall not
20 exceed (as determined by the Secretary)—

21 “(A) for the first 3 years for which a State
22 receives a grant under this subsection, 50 per-
23 cent; and

1 “(B) for each additional year for which a
2 State receives a grant under this subsection, 25
3 percent.

4 “(4) MAINTENANCE OF EFFORT.—No grant
5 may be made to a State under this subsection for
6 any fiscal year unless the State enters into such
7 agreement with the Secretary as the Secretary may
8 require to ensure that the State will maintain the
9 aggregate expenditures of the State from all other
10 sources for motorcycle safety programs at a level
11 that is at or above the average level of such expendi-
12 tures for each of the 2 fiscal years preceding the
13 date of enactment of this section, as determined by
14 the Secretary.

15 “(5) FUNDING.—

16 “(A) IN GENERAL.—Subject to subpara-
17 graph (B), the Secretary shall use funds au-
18 thorized to be appropriated to carry out this
19 section for a fiscal year to carry out this sub-
20 section for the fiscal year.

21 “(B) LIMITATION.—The amount of a
22 grant made to a State under this subsection for
23 a fiscal year shall not exceed 10 percent of the
24 amount apportioned to the State under this sec-
25 tion for fiscal year 2002.”.