



Virginia
Regulatory
Town Hall

Notice of Intended Regulatory Action Agency Background Document

Agency Name:	Department of Motor Vehicles
VAC Chapter Number:	20
Regulation Title:	Rules and Regulations for Motorcycle Rider Safety Training Center Program
Action Title:	Pre-NOIRA Review
Date:	09 June 04

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA).

Purpose

Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.

The motorcycle rider safety training course is a program of instruction in the operation of motorcycles and the rules of the road. Recent statutory changes enhanced the overall program by (i) establishing new course licensing requirements, (ii) improving enforcement capabilities, (iii) expanding the number and type of course providers by allowing for subsidized and nonsubsidized course training; and (iv) incorporating the current regulatory requirements into Va. Code. All these enhancements to the program have made the current regulations redundant, eliminating the need for these regulations and thereby necessitating their repeal. DMV plans to finalize these regulations by January 1, 2005, to coincide with the effective date of the statutory changes.

Basis

Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.

The statutory authority for promulgating the amendments to these regulations is Va. Code §§ 46.2-203 (web site address: <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+46.2-203>) and 46.2-1189 (web site address: <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+46.2-1189>). The scope of the regulatory authority is general in § 46.2-203 and specific in § 46.2-1189. Va. Code § 46.2-203 allows for the Department of Motor Vehicles to “adopt reasonable administrative regulations necessary to carry out the laws” it administers and may designate other agencies of the Commonwealth to enforce them. Va. Code § 46.2-1189 allows the Department of Motor Vehicles to “do all things necessary to carry out the purposes of this article, including the promulgation of regulations not inconsistent with law.” In both cases, the rulemaking authority is discretionary. The Office of the Attorney General has certified that the agency has the statutory authority to repeal these regulations.

Substance

Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.

Repealing these regulations allows the Department of Motor Vehicles (DMV) to better protect the health, safety and welfare of the citizens of the Commonwealth, in general, and motorcyclists in particular. Through the use of new statutory requirements for licensing and providing course training, DMV can more easily administer the purpose and applicability of the statutes governing these courses. Likewise, the new licensing requirements provide a more appropriate vehicle for overseeing the courses and course providers. The flexibility and effectiveness of this approach means better course oversight and training. Better course oversight and training translates into safer motorcyclists on the highways of the Commonwealth, which is good for motorcyclists and good for drivers of other types of vehicles.

No specific issues should need to be addressed since the repeal of these regulations and the use of the new statutory enhancements to the program are endorsed by most, if not all, of course providers.

Alternatives

Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.

The reason these regulations are being repealed is because they have been incorporated into the recently revised statutes governing the program, as explained above. This makes the regulations both redundant and unnecessary. Improved monitoring of the courses and the course providers,

their techniques and effectiveness through the application of new statutory requirements are one of the primary reasons for the change. Given the nature of the new statutory oversight, repeal of the regulations provides for a more consistent, efficient and effective method of ensuring Virginia's motorcyclists are safe and well trained.

Family Impact Statement

Please provide a preliminary analysis of the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

This proposed regulatory activity is expected to enhance the institution of the family and generally improve family stability. In general, parents will be able to have a high comfort level about sending their children to a safe, high quality training course. Students should have the same level of comfort as well. The repeal of these regulations will strengthen the authority and rights of parents by enhancing their means and opportunities to educate their children about safe motorcycle driving techniques. This safe driver education will indirectly help encourage economic self-sufficiency and allow for participants in these training courses to assume greater responsibility for themselves, their families and their communities.

Overall, impacts on marital commitment are expected to be minimal. However, under certain circumstances, a strengthening of those commitments could result from the positive impacts of these courses on their participants and their parents. Maintaining a well-trained, safe motorcycle driving population should decrease motorcycle crashes, which, in turn, should decrease the overall costs to families and society as a whole that are associated with these crashes and the injuries associated with them. Lower overall costs associated with motorcycle crashes and injuries should be expected to decrease overall insurance and health care costs and at least minimally increase disposable family incomes throughout the Commonwealth.