



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:	17 March 2002

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. The number of individuals registering for this program throughout the Commonwealth has dramatically increased. Outdated language and the need for changes to enhance the administration of this safety training course necessitates this regulatory change. This action will enhance transportation safety by ensuring that motorcycle instruction meets industry standards and by giving DMV the ability to inspect training center facilities, equipment, and records through individual contracts. DMV can monitor and evaluate the performance of the training centers, and the effectiveness of the motorcycle rider safety training course, in training motorcyclists and in reducing motorcycle death, injury, and property damage.

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 the regulation.

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 this regulation 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. By developing and using guidelines to assist in detailing the statutory requirements of the course training, DMV can more easily disseminate the purpose and applicability of the statutes governing these courses. Likewise, year-to-year contracts provide a more flexible and timely vehicle for overseeing the courses and course providers. Using contracts to specify course and course provider requirements provides an easier, more effective tool to maintain high quality training. In the event a change is needed to the contract to enhance these efforts, such a change can be put into place in a relatively short period of time. On the contrary, regulatory changes typically take up to 18 months to complete and implement. 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 them and good for the other drivers on the highways with them.

No specific issues are expected to need to be addressed since the repeal of this regulation and the use of guidelines and year-to-year contracts are endorsed by the vast majority 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 this regulation is being repealed is because guidelines and year-to-year contracts offer a sounder and more viable alternative to the regulations themselves. Improved monitoring of the courses and the course providers, their techniques and effectiveness are one of the primary reasons for the change. In addition, using contracts to specify course and course provider requirements provides an easier, more effective tool to maintain high quality training. In the event a change is needed to the contract to enhance these efforts, such a change can be put into place in a relatively short period of time. On the contrary, regulatory changes typically take up to 18 months to complete and implement. Given the nature of the oversight, repeal of the regulation and use of guidelines and year-to-year contracts in its place are a more 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 safe, high quality training course. Students should have the same level of comfort as well. The repeal of the regulation 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 accidents, which, in turn, should decrease the overall costs to families and society as a whole that are associated with these accidents and the injuries associated with them. Lower overall costs associated with motorcycle accidents and injuries should be expected to decrease overall insurance and health care costs and at least minimally increase disposable family incomes throughout the Commonwealth.