

**DMV Response
to
Economic Impact Analysis
Rules and Regulations for Motorcycle Rider Safety Training Center Program
24 VAC 20-50**

The Virginia Department of Motor Vehicle generally concurs with the June 29, 2013 Economic Impact Analysis (EIA) prepared by the Department of Planning and Budget (DPB.) However DMV has concerns relative to DPB's assertions that repealing the curricula requirements in the regulation may potentially result in less public participation in policy formation. DPB addresses the assumption of the lack of public participation in the passages of the DPB EIA quoted below. DMV's response to DPB follows.

DPB EIA, page 1, Result of Analysis:

For the most part, the proposed repeal of these regulations will have no significant impact. The repeal of curricula requirements in regulation is: 1) potentially advantageous in that it will enable the Department to more quickly change such requirements when deemed necessary, and 2) potentially disadvantageous in that it would likely involve less public participation in policy formation and less outside analysis that could perhaps detect unintended consequences.

DPB EIA, page 2, Estimated Economic Impact

The Code specifies that the Department shall approve the curricula used by training centers; and for the most part the Code does not address necessary attributes of the curricula. The current regulations specify approved curricula. For example, for experienced rider training the regulations state that "The curriculum used to train experienced riders shall be the most current version of the Better Biking Program (BBP) developed by the MSF, or DMV-approved equivalent."

Repealing the regulations would remove the specification of approved curricula from the law. The Department keeps the specification of approved curricula in guidance documents that are available to the public. Having curricula requirements in guidance documents rather than regulations is advantageous in one respect, but disadvantageous in another.

If the Department determines that the curricula requirements should be changed, such changes can essentially be implemented immediately when the requirements are in guidance documents but not regulations. If the change in curricula requirements creates a net benefit for the public, the beneficial change can be implemented sooner than if the requirements were in regulation. It takes months to change regulations since the rules of the Administrative Process Act must be followed. On the other hand, following the requirements of the Administrative Process Act does provide value in that it provides for significant public participation and reduces the probability of policy with unintended consequences being implemented due to the increased analysis of the policy change by more interested parties and analysts.

DPB EIA, page 3, Effects on the Use and Value of Private Property

Initially at least, the proposed repeal is unlikely to significantly affect the use and value of private property. In the long run, the reduced public participation and outside analysis in policy development may result in different and perhaps more frequent changes in curricula requirements for private motorcycle rider safety training centers.

DPB EIA, page 3, Small Businesses: Costs and Other Effects

Initially at least, the proposed repeal is unlikely to significantly affect small businesses. In the long run, the reduced public participation of small businesses and outside analysis in policy development may result in different and perhaps more frequent changes in curricula requirements for small private motorcycle rider safety training centers.

DPB EIA, page 3, Small Businesses: Alternative Method that Minimizes Adverse Impact

Retaining the approved curricula in regulation would help assure small businesses' ability to participate in curricula policy development.

DMV Response: Va. Code § 46.2-1190.1 requires motorcycle training schools to use curricula approved by DMV. It is not necessary, however, to maintain regulations to specify such approved curricula. No law requires approval via the regulatory process and DMV already has an official policy/guidance document detailing approved curricula. The approved curricula comply with Code of Virginia requirements.

For motorcycle training, DMV has issued an official policy/guidance document entitled the "Virginia Rider Training Program Policy and Procedures" that may be found on DMV's web page at <http://www.dmv.state.va.us/webdoc/pdf/dmv226.pdf>. This document provides the approved curricula for the basic rider, experienced rider, and sidecar and three-wheeled programs. The current DMV-approved curriculum for basic rider training is the Motorcycle Safety Foundation's Basic Rider Course. The current DMV-approved curriculum for experienced rider training is the Motorcycle Safety Foundation's Experienced Rider Suite. The current DMV-approved curriculum for sidecar and three-wheeled motorcycle rider training is the Evergreen Safety Council's Sidecar/Trike training course (basic and advanced).

DPB has expressed concern that there will be little public participation and small business participation in policy development if curriculum is removed from the regulations. DMV asserts that this concern is unwarranted. The curricula used by the 36 training centers that DMV currently oversees are curricula that reflect the current motor vehicle safety laws. Anytime motor vehicle safety laws change, resulting in a need to incorporate the changes into the curricula, DMV works extensively with stakeholders and law enforcement in determining the need for changes and the impact on the motorcycling community as well as the general public. The motorcycling organizations, the training centers representing small businesses, and all other stakeholders have the opportunity to communicate with DMV as well as participate in the legislative process to express preferences and concerns regarding changes in the motor vehicle safety laws that ultimately are reflected in the motorcycle training curricula. So the public and small business participation DPB alludes to occurs during the robust process available to shape the motor vehicle safety laws that the curricula covers. This is part of DMV's continuous commitment to receiving stakeholder input and feedback.