



EXECUTIVE CHAMBERS
HONOLULU

DEPT OF TRANSPORTATION

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HIGHWAYS DIVISION

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LINDA LINGLE
GOVERNOR

January 16, 2007

The Honorable Calvin K. Y. Say, Speaker
and Members of the House of Representatives
Twenty-Fourth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear Mr. Speaker and Members of the House:

For your information and consideration, I am transmitting herewith two (2) copies of the enclosed Report from the Department of Transportation on Senate Concurrent Resolution No. 48, Session Laws of Hawaii 2006. The Report relates to motorcycle education. Pursuant to Section 93-16, Hawaii Revised Statutes, I am also informing you that the Report may be viewed electronically at www.hawaii.gov/dot/administration/legislature.

Sincerely,

LINDA LINGLE

Enclosures

bc: Director/Deputy Director (1)
PPB (1)
✓ HWY (1)
Legislative Coordinator (1)
CSS (1)



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LINDA LINGLE
GOVERNOR

January 16, 2007

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fourth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

For your information and consideration, I am transmitting herewith two (2) copies of the enclosed Report from the Department of Transportation on Senate Concurrent Resolution No. 48, Session Laws of Hawaii 2006. The Report relates to motorcycle education. Pursuant to Section 93-16, Hawaii Revised Statutes, I am also informing you that the Report may be viewed electronically at www.hawaii.gov/dot/administration/legislature.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Lingle".

LINDA LINGLE

Enclosures

bc: Director/Deputy Director (1)
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REPORT TO THE TWENTY-FOURTH LEGISLATURE
STATE OF HAWAII
2007

PURSUANT TO SENATE CONCURRENT RESOLUTION 48 S.D.1, SLH 2006,
THE DEPARTMENT OF TRANSPORTATION IS REQUESTED TO
CONVENE A TASK FORCE ON MOTORCYCLE EDUCATION.

PREPARED BY:

DEPARTMENT OF TRANSPORTATION
STATE OF HAWAII
NOVEMBER 15, 2006

INTRODUCTION

Pursuant to Senate Concurrent Resolution 48 S.D.1, Session Laws of Hawaii 2006:

The Department of Transportation (DOT) is requested to convene a task force on motorcycle education to study and recommend:

- (1) Whether the Department of Transportation should adopt the Basic Rider Course of the Motorcycle Safety Foundation as a comprehensive educational program for the entire motorcycle community including residents, United States military personnel stationed in Hawaii, and civilians working on United States military bases in Hawaii; and
- (2) Whether current holders of motorcycle drivers licenses should be required to be re-tested and re-licensed under the new Basic Rider Course; and

The task force shall consist of one representative of each of the following entities, to be selected by the entity:

- (1) Department of Transportation;
- (2) United States Army;
- (3) United States Navy
- (4) United States Air Force;
- (5) United States Marine Corps;
- (6) United States Coast Guard;
- (7) Examiner of Drivers of the City and County of Honolulu;
- (8) Honolulu Police Department;
- (9) Hawaii Insurers Council;
- (10) Motorcycle Safety Foundation (rider coach trainer);
- (11) Street Bikers United; and
- (12) Motorcycle Dealers Association.

This report is submitted by the DOT pursuant to Senate Concurrent Resolution 48 S.D. 1.

REPORT TO THE LEGISLATURE

Rather than convening a special task force specifically for this resolution, the Department of Transportation (DOT) convened the task force that was established in §19-123-250 and §19-123-300, Hawaii Administrative Rules (HAR).

The legislative authority for establishing this task force is Chapter 431:10G-104, Hawaii Revised Statutes (HRS). This statute limits:

- The purpose of determining which motorcycle safety education curricula are recommended for approval by the Director; and
- The title and purpose of §19-123, HAR.

The DOT and the proposers who requested the resolution were of the opinion that this task force could be used for the purpose of SCR 48, SD 1. A significant difference that was identified was that the composition of the task force as required by §19-123, HAR differed from that of SCR 48, SD 1. The former does not have a representative of the Street Bikers United, the Motorcycle Safety Foundation RiderCoach Trainer or the Hawaii Insurance Council. Although acknowledging these differences, the majority of the participants involved (a Hawaii Insurance Council representative was not present) were of the opinion that the task force composition of §19-123, HAR would be adequate for the objectives of the resolution.

The voting members of the §19-123, HAR task force are:

Alex Kaonohi (DOT)
James Causey (HPD)
Morgan Keene (UH)
Chuck Rose (Motorcycle Industry)
Rodd Johnson (Class 2 driver's license)
Earl Mineshima (Navy)
Allen Miyamura (Honolulu Driver's Licensing)
Dan Martyniuk (Chief Instructor)

TASK FORCE MEETINGS

Five (5) "Task Force" meetings were held between April 20, 2006 and November 1, 2006. The following is a synopsis of the meetings held:

First Meeting:

April 20, 2006 - The ground rules for the meetings were first established, which would be held in conformance to Hawaii's Sunshine Law (Chapter 92, HRS). The vision of the task force was discussed. There was a desire to be proactive and make recommendations to the director regarding design standards, and locations on roads where improvements are needed. Meetings were to be held at least quarterly.

Second Meeting:

May 1, 2006 - The task force began by discussing a proposal for a mission statement. Some members wanted to address all aspects of motorcycling rather than focusing only on curricula review. There was a recommendation to use the Governor's Highway Safety Council (GHSC) for the expanded agenda items and keep this task force that was developed for two very specific purposes as it is. As a group, it was decided that it would be more productive and effective on its own. The task force voted to adopt the following mission statement:

“Provide assistance and recommendations to the director of the department of transportation on motorcycle education, training, rules, certification, legislation, licensing, funding and related issues to support a comprehensive motorcycle program for the motorcyclists of Hawaii.”

With this expanded scope of the task force, additional members were desired. However, before additional members could vote, the administrative rules would need to be changed.

During this meeting a decision was made to recommend that the director approve the MSF BRC student curriculum. The task force agreed to recommend curriculum approval provided MSF made the changes necessary to meet the minimum requirements. Subsequent to the task force making the recommendation to the director that the curriculum be approved, it was noted that modifications to the curriculum were not completed so the proposed course did not have the required number of hours of instruction.

MSF submitted a draft of the instructor training curriculum but not a final copy. It was not reviewed or voted on at this task force meeting.

Third Meeting:

June 16, 2006 - During the first two meetings questions concerning the legality of some old Leeward Community College motorcycle safety education documents arose. The document of greatest interest was entitled, “Waiver of Alternate Motorcycle Operator Skill Test Procedure Document”, which was written as a guideline before §19-123, HAR was effective. After a legal review of several documents, DOT’s position regarding the above procedure document was that it is valid except where it disagrees with §19-123, HAR. In these cases, §19-123, HAR supersedes the procedure document.

The task force began a review of §19-123, HAR with a view toward making proposed modifications. To expedite the review, the Ramseyer format was agreed upon. Whenever a proposal for change was made, justification for the proposal was to be made. This would help readers better understand the nature and motive of the proposals.

Fourth Meeting:

August 14, 2006 - The task force undertook the task of reviewing all the proposed changes that were made by the members. Although the review was not completed, as the meeting neared its conclusion, the task force took votes on the items that were discussed up to the adjournment of the meeting

Fifth Meeting:

October 6, 2006 - The purpose of this meeting was to review the RiderCoach Training Guide, Hawaii Edition, curriculum and make a decision as to whether or not to recommend that the Director approve it for the purposes of Chapter 431:10G-104, HRS. Concerns were raised and discussion occurred on possible deficiencies in meeting the minimum requirements as set forth in the rules. The Navy representative offered to submit their version of the RiderCoach Training Guide to demonstrate compliance with §19-123, HAR so that the concerns identified during the discussion are addressed.

STATUS OF THE RESOLUTION'S REQUEST:

- The task force has not discussed whether current holders of motorcycle drivers' licenses should be required to be re-tested and re-licensed under the new Basic Rider Course.
- As of the date of this report, the task force does not have a representative of the insurance industry.
- The task force has not discussed whether the DOT should adopt the Basic Rider Course of the Motorcycle Safety Foundation as a comprehensive educational program for the entire motorcycle community including residents, United States military personnel stationed in Hawaii, and civilians working on United States military bases in Hawaii.
- The task force has agreed that providing opportunities for multiple motorcycle safety education programs is in the best interest of the motorcycle community.