

Title 7—DEPARTMENT OF TRANSPORTATION
Division 60—Highway Safety Division
Chapter 1—Motorcycle Safety Education Program

PROPOSED AMENDMENT

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ADMINISTRATIVE RULES

7 CSR 60-1.020 Program Sponsor. The Missouri Highways and Transportation Commission is amending sections (1), (2), (4), (5), and (8).

PURPOSE: This proposed amendment outlines the standards for an approved motorcycle rider training program sponsor.

(1) No individual, association, partnership, corporation, or educational or governmental agency may sponsor or offer training in motorcycle operation to the public for tuition, consideration, or fee without authorization from the division. To qualify for authorization, a sponsor must be approved by the division through a current contract for a permanent site sponsor or letter of agreement for a mobile site sponsor. Approval will be denied unless a sponsor applicant meets the following requirements. The applicant must demonstrate the capacity to register students, collect and account for tuition as appropriate, arrange public notice of courses, provide required insurance coverage and make all necessary insurance premium payments, submit and maintain all required records, and contract with, schedule, and compensate authorized instructors as appropriate.

(A) All applicants must have access to a riding area for on-cycle training that is—

1. A paved surface, including asphalt, concrete, or other all-weather surface of suitable traction; and

2. *[Large]* A large enough area to safely accommodate any motorcycle training range approved by the department, per guidelines that are equivalent to the Uniform Procedures for State Highway Safety Grant Program 23 CFR Part 1300.25 (e) Motorcycle Rider Training Course *[or Motorcycle Safety Foundation (MSF)]* guidelines as flat as possible, secure from vehicular and pedestrian traffic, and free of surface hazards and obstacles. On and after December 4, 2015, the FAST Act requires NHSTA to award grants pursuant to rulemaking that meets or exceeds standards established by the United States Department of Transportation, National Highway Traffic Safety Administration, identified as “Uniform Procedures for State Highway Safety Grant Programs: Final Rule” Vol. 81 FR 32554-32605 as published in the Federal Register on May 23, 2016 by the National Highway Traffic Safety Administration, 1200 New Jersey SE, Washington, DC. 20590 and that shall become effective beginning on May 23, 2016, which is hereby incorporated by reference and made a part of this rule. This paragraph does not incorporate any subsequent amendments or additions to this publication;

(B) Applicants for permanent sites must also have access to—

1. A secure storage area to physically and environmentally protect training motorcycles and other course equipment;

2. A classroom, not located in a private residence, that is large enough to seat all students and instructors comfortably and that contains at least one (1) adequate desk or equivalent seating and writing surface for each student, and at least one (1) instructor’s desk, table, or podium;

3. Audiovisual presentation equipment for the classroom, including a *[chalkboard]*

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whiteboard or equivalent; and

4. A first-aid kit and at least one (1) five pound (5 lb.) Class ABC Occupational Safety and Health Administration (OSHA)-approved fire extinguisher, or equivalent, for the riding area.

(2) Approval as a sponsor may be suspended if the sponsor, an instructor under contract with the sponsor, or a member of the sponsoring organization with supervisory or executive duties involving the training program—

(A) Fails to *[continue to]* meet the requirements *[of MSF]* set forth by guidelines that are equivalent to Uniform Procedures for State Highway Safety Grant Program 23 CFR Part 1300.25 (e) Motorcycle Rider Training Course and/or the Missouri Department of Transportation / Traffic and Highway Safety Division. On and after December 4, 2015, the FAST Act requires NHSTA to award grants pursuant to rulemaking that meets or exceeds standards established by the United States Department of Transportation, National Highway Traffic Safety Administration, identified as “Uniform Procedures for State Highway Safety Grant Programs: Final Rule” Vol. 81 FR 32554-32605 as published in the Federal Register on May 23, 2016 by the National Highway Traffic Safety Administration, 1200 New Jersey SE, Washington, DC. 20590 and that shall become effective beginning on May 23, 2016, which is hereby incorporated by reference and made a part of this rule. This paragraph does not incorporate any subsequent amendments or additions to this publication;

(B) Has been convicted or placed on probation for—

1. Any felony;
2. Any offense involving moral turpitude within the previous ten (10) years from the date of the sponsor’s approval or renewal except as provided hereinafter; or
3. Any offense involving tampering with a government record, or any of the following offenses involving the operation of a motor vehicle within the previous five (5) years from the date of the sponsor’s approval or renewal except as provided hereinafter:

- A. Criminally negligent homicide;
- B. Driving while intoxicated; or
- C. Driving under the influence of drugs;

(C) Cannot provide sufficient information and documentation to enable the department to evaluate or reevaluate the applicant’s request for approval;

(D) Knowingly presents or allows to be presented to the department any false or misleading information relating to a request for approval;

(E) Permits or engages in any fraud or fraudulent practice concerning an application or, in any action between the applicant or licensee and the public, induces or countenances any fraud or fraudulent practice on the part of an applicant for a driver’s license or permit;

(F) Knowingly or recklessly disregards or fails to comply with any departmental rule, written policy, or written procedure regarding the motorcycle *[operator]* rider training program; or

(G) Knowingly allows an instructor to give, or a student to receive, classroom or riding instruction if either exhibits any evidence of or effects from an alcoholic beverage, controlled substance, or drug as defined in section 195.010(*[7]*5), RSMo.

(4) Approval of the sponsor to operate the program may be canceled by MHTC if—

(A) It was based on false or incorrect information or mistake, such as clerical or other non-substantive errors by either *[party]* the sponsor or MHTC; or

(B) If the *[discrepancy]***issue** causing the suspension under these administrative rules has not been corrected within the time limit prescribed by a suspension.

(5) Each sponsor must designate a chief school official to be responsible for signing *[contracts]* **letters of agreement on behalf of the sponsor** with the department, instructors, or students and for signing any forms required of the sponsor. The chief school official must also be designated by the sponsor to be the custodian of all records, which shall be kept for a period of at least three (3) years from the date of the final performance report under the *[contract]***letter of agreement**.

(8) When control of the sponsor has changed, as outlined in section (7) of this rule, the *[contract]***letters of agreement** will be canceled and **may be** renegotiated *[through the appropriate rules and regulations]*.

AUTHORITY: section 302.134, RSMo Supp. 1995. This rule originally filed as 11 CSR 60-1.020. Original rule filed March 20, 1996, effective Sept. 30, 1996. Moved to 7 CSR 60-1.020, effective Aug. 28, 2003. Amended: Filed October 17, 2016.*

**Original authority: 302.134, RSMo 1995.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Pam Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*