

**CHAPTER 85****MOTORCYCLE SAFETY EDUCATION PROGRAM****Authority**

N.J.S.A. 27:5F-40 and Reorganization Plan No. 001-2005.

**Source and Effective Date**

R.2006 d.206, effective May 4, 2006.  
See: 37 N.J.R. 4890(a), 38 N.J.R. 2512(a).

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 85, Motorcycle Safety Education Program, expires on October 31, 2013. See: 45 N.J.R. 251(a).

**Chapter Historical Note**

Pursuant to Executive Order No. 66(1978), Chapter 85, Motorcycle Safety Education Program, was adopted as R.1995 d.273, effective June 5, 1995. See: 27 N.J.R. 1145(a), 27 N.J.R. 2244(c).

Subchapter 8, Office of Highway Traffic Safety Course, was adopted as R.1998 d.572, effective December 7, 1998. See: 30 N.J.R. 3425(a), 30 N.J.R. 4248(b).

Pursuant to Executive Order No. 66(1978), Chapter 85, Motorcycle Safety Education Program, was readopted as R.2000 d.240, effective May 12, 2000. See: 32 N.J.R. 1161(a), 32 N.J.R. 2093(a).

In accordance with N.J.S.A. 52:14B-5.1d, the expiration date of Chapter 85, Motorcycle Safety Education Program, was extended by gubernatorial directive from May 12, 2005 to November 8, 2005. See: 37 N.J.R. 1036(a).

Chapter 85, Motorcycle Safety Education Program, was readopted as R.2006 d.206, effective May 4, 2006. As a part of R.2006 d.206, Subchapter 4, Office of Highway Traffic Safety Course, was renamed Motor Vehicle Commission Course, effective June 5, 2006. See: Source and Effective Date. See, also, section annotations.

Subchapter 6, Certified Instructor, was renamed Rider Coach Certification, former Appendices A, B and C were repealed and Appendices A, B and C were adopted as new rules by R.2009 d.251, effective August 17, 2009. See: 40 N.J.R. 5179(a), 41 N.J.R. 3100(a).

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 85, Motorcycle Safety Education Program, was scheduled to expire on May 4, 2013. See: 43 N.J.R. 1203(a).

**CHAPTER TABLE OF CONTENTS****SUBCHAPTER 1. PURPOSE, SCOPE AND DEFINITIONS**

- 13:85-1.1 Purpose and scope
- 13:85-1.2 Definitions
- 13:85-1.3 Establishment of MSE course/levels of instruction
- 13:85-1.4 Annual in-service and rider coach preparation courses

**SUBCHAPTER 2. QUALIFICATIONS TO PARTICIPATE IN MSE COURSES**

- 13:85-2.1 Participants under 18 years of age
- 13:85-2.2 Protective gear for range training and instruction
- 13:85-2.3 Basic Skills Level course
- 13:85-2.4 Experienced Level course
- 13:85-2.5 Additional Practice Riding Course

**SUBCHAPTER 3. SUCCESSFUL COMPLETION OF COURSE**

- 13:85-3.1 Successful completion of the MSE Basic Skills Level course

- 13:85-3.2 Successful completion of the MSE Experienced Level course
- 13:85-3.3 Successful completion of the MSE Additional Practice Riding Course

**SUBCHAPTER 4. MOTOR VEHICLE COMMISSION COURSE**

- 13:85-4.1 Course registration fee
- 13:85-4.2 Schedule and registration
- 13:85-4.3 Supplemental schedule

**SUBCHAPTER 5. MSE COURSES OFFERED BY PROVIDERS**

- 13:85-5.1 MSE course providers
- 13:85-5.2 Provider insurance
- 13:85-5.3 (Reserved)
- 13:85-5.4 Facilities and equipment
- 13:85-5.5 Reporting and records
- 13:85-5.6 Medical emergencies
- 13:85-5.7 Organization of class; class size
- 13:85-5.8 Class meetings
- 13:85-5.9 Ranges—layout and equipment
- 13:85-5.10 Motorcycle inspection prior to range instruction
- 13:85-5.11 Rest periods
- 13:85-5.12 Testing
- 13:85-5.13 Advertising
- 13:85-5.14 Promotion of groups and associations
- 13:85-5.15 Rider Coach Preparation course
- 13:85-5.16 Tuition
- 13:85-5.17 (Reserved)
- 13:85-5.18 Denial of application for approval to offer an MSE course
- 13:85-5.19 Notice of noncompliance; revocation of approval to provide course at a location

**SUBCHAPTER 6. RIDER COACH CERTIFICATION**

- 13:85-6.1 Certification of rider coaches
- 13:85-6.2 Annual registration and review of validity of certification
- 13:85-6.3 Denial of application for rider coach certification; recertification; Notice of Invalid Certification

**APPENDIX A****APPENDIX B****APPENDIX C****SUBCHAPTER 1. PURPOSE, SCOPE AND DEFINITIONS****13:85-1.1 Purpose and scope**

The rules contained in this chapter implement the provisions of N.J.S.A. 27:5F-36 et seq. The rules establish the Motor Vehicle Commission Motorcycle Safety Education Course and the requirements for participation in and successful completion of the course, and govern public and private educational institutions, including United States military installations located in New Jersey, as well as New Jersey licensed new motorcycle dealers, which are approved by the Chief Administrator to provide the course and their rider coaches.

Amended by R.2000 d.240, effective June 5, 2000.  
See: 32 N.J.R. 1161(a), 32 N.J.R. 2093(a).

Deleted second half of first sentence; added second sentence.

Amended by R.2006 d.206, effective June 5, 2006.

See: 37 N.J.R. 4890(a), 38 N.J.R. 2512(a).

Substituted "N.J.S.A. 27:5F-36 et seq." for "N.J.S.A. 27:5F-40", "Motor Vehicle Commission Motorcycle Safety Education Course" for "Office of Highway Traffic Safety motorcycle safety education course" and "their" for "its".

Amended by R.2009 d.251, effective August 17, 2009.

See: 40 N.J.R. 5179(a), 41 N.J.R. 3100(a).

Inserted ", including United States military installations located in New Jersey, as well as New Jersey licensed new motorcycle dealers, which are" and "by the Chief Administrator" and substituted "rider coaches" for "instructors".

### 13:85-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Additional Practice Riding Course" means the Additional Practice Riding Course, which is a motorcycle rider education course developed by the Motorcycle Safety Foundation to provide additional riding exercises to riders who have completed the BRC.

"BRC" means the Basic Rider Course, which is a motorcycle rider education course developed by the Motorcycle Safety Foundation to train riders who have little or no riding experience.

"Chief Administrator" means the Chief Administrator of the New Jersey Motor Vehicle Commission.

"Class" means a group of people enrolled for training as participants in a particular scheduled course.

"Course curriculum" means, for each skill level of MSE instruction and training offered, the complete, scheduled, and sequential set of classroom and range instruction and training units approved by the Chief Administrator for presentation to a class in order to provide each participant with the specified activities necessary for satisfactory completion of the MSE course in question.

"ERC Suite" means the Experienced Rider Course, which is a motorcycle rider education course developed by the Motorcycle Safety Foundation intended for experienced motorcycle riders. The "ERC Suite" consists of three Rider Courses:

1. The ERC Skills Practice Rider Course, which provides riding exercises only;
2. The ERC Skills Plus Rider Course, which provides classroom instruction and riding exercises; and
3. The ERC License Waiver Rider Course, which provides classroom instruction, riding exercises, and skills evaluation.

"Examining rider coach" means the person assigned by a provider to administer the motorcycle skill test required for successful completion of the MSE Basic Skills course, the ERC Suite License Waiver Rider Course, or the Additional Practice Riding Course.

"Location" means each separate place approved by the Chief Administrator where classroom and/or range instruction and training in the MSE course is offered to participants.

"Location coordinator" means a person designated by a provider to be responsible for the materials, supplies and equipment needed in connection with the offering of the MSE course at a location.

"Motor Vehicle Commission" or "Commission" means the New Jersey Motor Vehicle Commission established by section 4 of P.L. 2003, c. 13 (N.J.S.A. 39:2A-4).

"Motorcycle safety education course," "MSE course," or "course" means the course of motorcycle safety education classroom instruction and range training established by the Chief Administrator and any of the skill levels at which it may be offered.

"MSF" means the Motorcycle Safety Foundation. The Motorcycle Safety Foundation may be contacted at 2 Jenner Street, Suite 150, Irvine, California 92618-3806.

"Participant" means a person enrolled in an MSE course established by the Chief Administrator.

"Program" means the course of instruction and training in motorcycle safety education established by the Chief Administrator pursuant to N.J.S.A. 27:5F-36 open to a person who is the holder of a motorcycle operator examination permit or a motorcycle license or endorsement issued by the Motor Vehicle Commission.

"Provider" means a public or private educational institution, including a United States military installation located in this State, or a New Jersey licensed new motorcycle dealer, which is approved by the Chief Administrator to offer the motorcycle safety education course.

"Range" means an area set aside for the operation of motorcycles as part of a course curriculum specified by the Motorcycle Safety Foundation and approved by the Chief Administrator.

"Rider coach" means a person holding a valid certification issued by the MSF to act as a rider coach and to offer instruction in the operation of a motorcycle in an MSF course.

"Rider coach candidate" means a person enrolled in a rider coach preparation course.

"Rider Coach Preparation course" or "RCP" means the Motorcycle Safety Foundation Rider Coach Preparation course, which is a course of instruction designed to prepare qualified persons to teach the Basic Rider Course.

"Rider coach trainer" means a person who teaches classes for rider coach candidates.

“State Program Coordinator” means a person who has been designated by the Chief Administrator to oversee the MSE courses offered by providers, review the qualifications of rider coaches, coordinate schedules and classes for students, and perform such other duties as the Chief Administrator may delegate.

“Student tuition” means the tuition paid by an enrolled participant directly to an approved entity.

“Training year” means that period of each calendar year during which the MSE course may be offered.

“Unit” means a grouping of related subject matter in a curriculum for presentation in a classroom or on a range and related range exercises.

Amended by R.2000 d.240, effective June 5, 2000.  
See: 32 N.J.R. 1161(a), 32 N.J.R. 2093(a).

Rewrote the section.

Amended by R.2006 d.206, effective June 5, 2006.  
See: 37 N.J.R. 4890(a), 38 N.J.R. 2512(a).

Substituted “Chief Administrator” for “Director” throughout; substituted a period for a colon at the end of the introductory paragraph; inserted definitions “Chief Administrator” and “Motor Vehicle Commission”; deleted definitions “Director”, “NJDMV” and “OHTS”; substituted “person” for “instructor” in definition “Examining instructor”; substituted “at a location approved by the Chief Administrator” for “by a provider” in definition “Instructor”; deleted “by a provider” from the end of definition “Location”; added the last sentence to definition “MSF”; substituted “an” for “the” preceding “MSE” in definition “Participant”; in definition “Program”, substituted “examination” for “learner’s” and “Motor Vehicle Commission” for “NJDMV”; and substituted “who has been” for “in the Office of Highway Traffic Safety” in definition “State Coordinator”.

Amended by R.2009 d.251, effective August 17, 2009.  
See: 40 N.J.R. 5179(a), 41 N.J.R. 3100(a).

Added definitions “Additional Practice Riding Course”, “BRC”, “ERC Suite”, “Motorcycle safety education course”, “Rider coach”, “Rider coach candidate”, “Rider Coach Preparation course”, “Rider coach trainer” and “Unit”; deleted definitions “Course”, “Instructor”, “Module”, “MRC:ERC”, “MRC:IRC”, “MRC:RSS”, “MSF IP”; in definition “Course curriculum”, substituted “units” for “modules”; in definition “MSF”, substituted “92618-3806” for “92718-3812”; rewrote definition “Provider”; substituted definition “Examining rider coach” for definition “Examining instructor”; rewrote definition “Examining rider coach”; substituted definition “State Program Coordinator” for definition “State Coordinator”; and rewrote definition “State Program Coordinator”.

### 13:85-1.3 Establishment of MSE course/levels of instruction

(a) Pursuant to the authority granted under N.J.S.A. 27:5F-36, the Chief Administrator establishes the Motor Vehicle Commission Motorcycle Safety Education Course. The course shall consist of classroom and range instruction and training at the following skill levels:

1. A Basic Skills Level course intended for a newly licensed motorcyclist with limited riding experience or a permit holder. The Basic Skills Level course shall serve as a motorcycle safety education course for purposes of N.J.S.A. 39:3-10.31, under the terms of which the Chief Administrator of the Motor Vehicle Commission may waive the road test portion of the examination required for

a motorcycle license or endorsement for the holder of an examination permit who has successfully completed a motorcycle safety education course established under the provisions of N.J.S.A. 27:5F-36;

2. An Experienced Level course intended for a motorcyclist who has successfully completed the BRC or has sufficient riding skills and experience to operate a motorcycle with basic proficiency. The ERC Suite License Waiver Rider Course shall serve as a motorcycle safety education course for purposes of N.J.S.A. 39:3-10.31, under the terms of which the Chief Administrator of the Motor Vehicle Commission may waive the road test portion of the examination required for a motorcycle license or endorsement for the holder of an examination permit who has successfully completed a motorcycle safety education course established under the provisions of N.J.S.A. 27:5F-36; and

3. An Additional Practice Riding Course intended for a motorcyclist who has completed a Basic Skills Level course, whether such motorcyclist has or has not passed skill testing upon his or her completion of a Basic Skills Level course. The Additional Practice Riding Course shall serve as a motorcycle safety education course for purposes of N.J.S.A. 39:3-10.31, under the terms of which the Chief Administrator of the Motor Vehicle Commission may waive the road test portion of the examination required for a motorcycle license or endorsement for the holder of an examination permit who has successfully completed a motorcycle safety education course established under the provisions of N.J.S.A. 27:5F-36.

(b) The Chief Administrator hereby adopts and incorporates by reference as the curriculum for each level of instruction and training the following:

1. For the Basic Skills Level course, the sequence of units identified in Appendix A to this chapter, developed by the MSF as set forth in the April 2005 MSF BRC Rider Coach Guide, as amended and supplemented.

2. For the Experienced Level course, the sequence of units identified in Appendix B to this chapter, developed by the MSF as set forth in the May 2003 MSF ERC Suite Rider Coach Range and Classroom Cards, as amended and supplemented.

3. For the Additional Practice Riding Course, the sequence of units identified in Appendix C to this chapter, developed by the MSF as set forth in the April 2005 MSF BRC Rider Coach Guide, as amended and supplemented.

4. For all courses, such additional materials designed for classroom presentation concerning motorcycle safety education as the Chief Administrator may determine are necessary in addition to and after the completion of and any testing for the MSF units to provide the participant with information related to the safe operation of a motorcycle. The Motor Vehicle Commission shall provide such

materials to providers for distribution to their rider coaches prior to the start of a new training year.

(c) The Chief Administrator shall determine the content of any unit in the curriculum where the participant is to receive instruction in the laws of this State pertaining to the ownership and operation of a motorcycle and shall provide the content to providers for distribution to their rider coaches prior to the start of the training year or as necessary during the training year because of amendments to the laws of this State pertaining to the ownership and operation of a motorcycle.

(d) Except where these rules indicate otherwise, classroom and range instruction in the MSE course and the facilities and equipment used to provide the course shall be provided in accordance with the standards and requirements established by the MSF for the presentation of the MSF BRC, ERC Suite, and Additional Practice Riding Course units as set forth in the April 2005 MSF BRC Rider Coach Guide, as amended and supplemented, and in the May 2003 MSF ERC Suite Rider Coach Range and Classroom Cards, as amended and supplemented.

(e) Any reference to "MSF standards and requirements" in this chapter shall be deemed to be a reference to the MSF Rider Coach Guide and Rider Coach Range and Classroom Cards incorporated herein by reference.

(f) The MSE course may be provided by the Motor Vehicle Commission to participants meeting the qualifications set forth in this chapter and may also be provided to such participants by a public or private educational institution, including a United States military installation located in this State, or a New Jersey licensed new motorcycle dealer, which is approved by the Chief Administrator pursuant to N.J.A.C. 13:85-5.1.

(g) Copies of these rules, course level curricula and other information may be obtained from the State Program Coordinator, New Jersey Motorcycle Safety Education Program, Motor Vehicle Commission, 225 East State Street, PO Box 131, Trenton, NJ 08666-0131.

Amended by R.1998 d.572, effective December 7, 1998.  
See: 30 N.J.R. 3425(a), 30 N.J.R. 4248(b).

Rewrote the section.

Amended by R.2000 d.240, effective June 5, 2000.  
See: 32 N.J.R. 1161(a), 32 N.J.R. 2093(a).

Rewrote the section.

Amended by R.2006 d.206, effective June 5, 2006.  
See: 37 N.J.R. 4890(a), 38 N.J.R. 2512(a).

Substituted "Chief Administrator" for "Director" throughout; substituted "Motor Vehicle Commission Motorcycle Safety Education Course" for "Office of Highway Traffic Safety motorcycle safety education course" in the introductory paragraph of (a), in (a)1, deleted "the" preceding "purposes" and substituted "Motor Vehicle Commission" for "Division of Motor Vehicles" and "for" for "to" following "endorsement"; inserted "of" in the introductory paragraph of (b), substituted "MRC:ERC" for "MCR:ERC" in (b)2, in (b)4, substituted "The Motor Vehicle Commission" for "OHTS" and "their" for "its"; substituted "their" for "its" in (c); in (e), deleted "contained" preceding "in this chapter" and substituted "to be" for "as"; substituted "Motor Vehicle Commission" for "Office of Highway Traffic Safety" in (f); in (g)

substituted "Motor Vehicle Commission, 225 East Street" for "Office of Highway Traffic Safety", "PO Box 124" for "PO Box 048" and "08666-0124" for "08625-0048" and deleted the last sentence.  
Amended by R.2009 d.251, effective August 17, 2009.  
See: 40 N.J.R. 5179(a), 41 N.J.R. 3100(a).

Rewrote the section.

### 13:85-1.4 Annual in-service and rider coach preparation courses

(a) The Chief Administrator may schedule as often as he or she deems necessary during each calendar year an in-service class for persons holding a certification issued pursuant to N.J.A.C. 13:85-6.1 and serving as course rider coaches in classes offered by a provider. The Chief Administrator shall notify providers and rider coaches of the time, date and location of the in-service class at least 30 days prior to the scheduled date of the class. The class shall include, but not be limited to, an overview and update of rider coach-related and course-related matters the Chief Administrator determines should be addressed. The Chief Administrator shall notify rider coaches if attendance is mandatory because of the material to be presented.

(b) The Chief Administrator may also make available as he or she deems necessary a rider coach preparation course. The course shall include the Motorcycle Safety Foundation Rider Coach Preparation course. The course shall be open to an employee of the Commission or a prospective employee of a provider who has applied to the Chief Administrator for certification as a rider coach who meets all the requirements of N.J.A.C. 13:85-6.1 other than being the holder of a current certification as a motorcycle rider coach issued by the Motorcycle Safety Foundation. Applicants for rider coach certification shall request enrollment in the rider coach preparation course at the time of application. The Chief Administrator shall notify each applicant who has requested enrollment of the availability of the course in writing and provide a registration form. Enrollment is subject to space availability and the experience of each applicant.

New Rule, R.1998 d.572, effective December 7, 1998.

See: 30 N.J.R. 3425(a), 30 N.J.R. 4248(b).

Amended by R.2000 d.240, effective June 5, 2000.

See: 32 N.J.R. 1161(a), 32 N.J.R. 2093(a).

In (b), added reference to prospective employee; amended N.J.A.C. references throughout.

Amended by R.2006 d.206, effective June 5, 2006.

See: 37 N.J.R. 4890(a), 38 N.J.R. 2512(a).

Substituted "Chief Administrator" for "Director" throughout; substituted "of instructor-related and" for "on instructor-and" in (a); and in (b), inserted "of the Commission" in the third sentence, substituted "course" for "class" in the fourth sentence and added the final sentence.

Amended by R.2009 d.251, effective August 17, 2009.

See: 40 N.J.R. 5179(a), 41 N.J.R. 3100(a).

Section was "Annual in-service and instructor preparation courses". Substituted "rider coach" for "instructor" throughout; in (a) and (b), substituted "a" for "the" preceding "provider"; in (a), substituted "rider coaches" for "instructors" throughout and "time, date and location" for "times, dates and locations"; and in (b), substituted "a rider coach" for "based on the number of classes scheduled by providers and the number of available certified instructors, an instructor's", "Rider Coach" for "Instructor's" and "a rider coach" for "an instructor" following "certification as" and inserted "and the experience of each applicant".

## SUBCHAPTER 2. QUALIFICATIONS TO PARTICIPATE IN MSE COURSES

### 13:85-2.1 Participants under 18 years of age

A person under 18 years of age shall submit at the time of registration or at the initial class meeting the written, notarized permission of a parent or legal guardian to participate in the MSE course.

Repeal and New Rule, R.2000 d.240, effective June 5, 2000.

See: 32 N.J.R. 1161(a), 32 N.J.R. 2093(a).

Section was "Participants".

Amended by R.2006 d.206, effective June 5, 2006.

See: 37 N.J.R. 4890(a), 38 N.J.R. 2512(a).

Substituted ", notarized" for "and witnessed".

### 13:85-2.2 Protective gear for range training and instruction

(a) To participate in range training and instruction in the MSE course, each participant and rider coach shall wear protective gear free of any defects. Protective gear shall consist of the following:

1. A motorcycle helmet that conforms to the standards established by the Motor Vehicle Commission pursuant to N.J.S.A. 39:3-76.7 for the operation of a motorcycle in this State, N.J.A.C. 13:20-24.10, 13:20-24.11, and 13:20-24.12, which are incorporated herein by reference;

2. Eye protection in the form of goggles or a face shield in conformance with the standards established by the Motor Vehicle Commission pursuant to N.J.S.A. 39:3-76.8 for the operation of a motorcycle in this State, N.J.A.C. 13:20-24.3, 24.4, 24.5, 24.6, and 24.7, except where the motorcycle is equipped with a windscreen in conformance with the standards established by the Motor Vehicle Commission pursuant to N.J.S.A. 39:3-76.9, N.J.A.C. 13:20-24.8 and 24.9, which are incorporated herein by reference;

3. Full-fingered gloves made of cloth, leather or other material adequate to provide the participant with sufficient hand control of the motorcycle and protection of the hands;

4. Long, non-flare pants of denim, corduroy or other material of equivalent durability that shall provide the necessary protection to the participant while operating on the range;

5. Over-the-ankle footwear, not made wholly of canvas or cloth materials, such as work shoes or boots, rising at least one inch above the ankle and which the rider coach determines will not interfere with the safe operation of a motorcycle on the range; and

6. A long-sleeved shirt or jacket.

(b) The Chief Administrator shall provide for distribution to providers and rider coaches such advisories on protective gear as he or she deems necessary to ensure uniformity of standards.

(c) Protective gear as set forth in (a) above shall be worn whenever a participant or rider coach is operating a motorcycle on the range during class or preparation for class.

New Rule, R.2000 d.240, effective June 5, 2000.

See: 32 N.J.R. 1161(a), 32 N.J.R. 2093(a).

Amended by R.2006 d.206, effective June 5, 2006.

See: 37 N.J.R. 4890(a), 38 N.J.R. 2512(a).

Rewrote the introductory paragraph of (a), in (a)1, inserted "protective"; "13:20-14.10" and "and 13:20-24.12," and substituted "Motor Vehicle Commission" for "NJDMV"; in (a)2, substituted "Motor Vehicle Commission" for "NJDMV" two times, "N.J.A.C. 13:20-24.3, 24.4, 24.5, 24.6, and 24.7," for "N.J.A.C. 13:20-24.3 and, 24.4," and "N.J.A.C. 13:20-24.8 and 24.9" for "N.J.A.C. 13:30-32.53 and 32.69", in (a)3, substituted a comma for "or" and "hands" for "hand" and substituted a comma for "or" in (a)4; in the introductory paragraph of (b), substituted "Chief Administrator" for "Director" and deleted ", prior to January 1, 2002,"; in (c), substituted "set forth" for "defined" one time and "a" for "the" two times.

Amended by R.2009 d.251, effective August 17, 2009.

See: 40 N.J.R. 5179(a), 41 N.J.R. 3100(a).

Section was "Protective clothing for range training and instruction". In the introductory paragraph of (a), and in (b) and (c), substituted "gear" for "clothing" throughout; in the introductory paragraph of (a), substituted "each" for "a" and inserted "and rider coach"; in (a)5, substituted "rider coach" for "instructor" and "will" for "shall"; in (b), substituted "rider coaches" for "instructors"; and in (c), inserted "or rider coach" and "during class or preparation for class".

### 13:85-2.3 Basic Skills Level course

(a) To participate in the Basic Skills Level course, a person shall:

1. Have in his or her possession during each day of course instruction and available for display a motorcycle operator examination permit issued to the person by the Motor Vehicle Commission, which has been validated for the practice driving of a motorcycle and is not suspended, revoked, or expired, or a motorcycle license or endorsement issued to the person by the Motor Vehicle Commission, which is not suspended, revoked, or expired;

2. Have the physical ability to operate the controls of a motorcycle;

3. Have the ability to balance a two-wheeled vehicle; and

4. Wear the protective gear required by N.J.A.C. 13:85-2.2(a).

(b) A participant in the Basic Skills Level course shall receive all range training and instruction on a motorcycle manufactured for highway use that meets two of the following three criteria (as published by the original equipment manufacturer/distributor):

1. An engine displacement of 500 cubic centimeters or less;

2. An unladen weight of 400 pounds or less; and/or

3. A seat height of 30 inches or less.

(c) Motorcycles that have been modified or have had after-market equipment added to meet the criteria set forth in (b) above are not permitted to be used as training motorcycles.

(d) The criteria set forth in (b) above do not apply to a student-owned motorcycle when used by that student or to participants in the Basic Skills Level course provided by a United States military installation located in this State.

(e) Motorcycles that are used as training motorcycles shall be in safe operating condition.

New Rule, R.2000 d.240, effective June 5, 2000.

See: 32 N.J.R. 1161(a), 32 N.J.R. 2093(a).

Amended by R.2006 d.206, effective June 5, 2006.

See: 37 N.J.R. 4890(a), 38 N.J.R. 2512(a).

In (a)1, substituted "examination" for "learner's" one time and "Motor Vehicle Commission" for "NJDMV" two times.

Amended by R.2009 d.251, effective August 17, 2009.

See: 40 N.J.R. 5179(a), 41 N.J.R. 3100(a).

In (a)4, substituted "gear" for "clothing" and updated the N.J.A.C. reference; rewrote (b); and added (c) through (e).

### 13:85-2.4 Experienced Level course

(a) To participate in the Experienced Level course, a person shall:

1. Have in his or her possession during each day of course instruction and available for display a motorcycle permit, license, or endorsement issued to the participant by the Motor Vehicle Commission, which is not suspended, revoked, or expired;

2. Wear the protective gear required by N.J.A.C. 13:85-2.2(a);

3. Supply for range instruction a motorcycle in safe operating condition and displaying a valid motorcycle inspection certificate of approval; and

4. Present proof of the motorcycle's valid registration, insurance coverage, and ownership by the participant, or present written permission of the owner of the motorcycle to use the motorcycle for the course and proof of the motorcycle's valid registration and insurance coverage.

(b) The motorcycle supplied for range instruction and training shall be owned by the participant or the participant shall provide proof that his or her use of the motorcycle has been authorized by the owner of the motorcycle.

New Rule, R.2000 d.240, effective June 5, 2000.

See: 32 N.J.R. 1161(a), 32 N.J.R. 2093(a).

Amended by R.2006 d.206, effective June 5, 2006.

See: 37 N.J.R. 4890(a), 38 N.J.R. 2512(a).

Substituted "Motor Vehicle Commission" for "NJDMV" in (a)1, in (a)4, substituted "a motorcycle in safe operating condition and displaying" for "a motorcycle with" and inserted "of approval".

Amended by R.2009 d.251, effective August 17, 2009.

See: 40 N.J.R. 5179(a), 41 N.J.R. 3100(a).

In (a)1, inserted "permit," and inserted a comma following "license"; deleted former (a)2; recodified former (a)3 as (a)2; in (a)2, substituted "gear" for "clothing" and updated the N.J.A.C. reference; recodified former (a)4 and (a)5 as (a)3 and (a)4; and rewrote (b).

### 13:85-2.5 Additional Practice Riding Course

(a) To participate in the Additional Practice Riding Course, a person shall:

1. Have in his or her possession during each day of course instruction and available for display a motorcycle permit, license, or endorsement issued to the participant by the Motor Vehicle Commission that is not suspended, revoked, or expired;

2. Wear the protective gear required by N.J.A.C. 13:85-2.2(a); and

3. Meet such other requirements as the Chief Administrator may establish for participation in the particular course.

New Rule, R.2000 d.240, effective June 5, 2000.

See: 32 N.J.R. 1161(a), 32 N.J.R. 2093(a).

Amended by R.2006 d.206, effective June 5, 2006.

See: 37 N.J.R. 4890(a), 38 N.J.R. 2512(a).

Section was "Intermediate level courses". In the introductory paragraph of (a), substituted "Intermediate Level" for "intermediate level", "Chief Administrator" for "Director," and "N.J.A.C. 13:85-5.17" for "N.J.A.C. 13:85-5.15", substituted "Motor Vehicle Commission" for "NJDMV" in (a)1; substituted "Chief Administrator" for "Director" in (a)3.

Amended by R.2009 d.251, effective August 17, 2009.

See: 40 N.J.R. 5179(a), 41 N.J.R. 3100(a).

Section was "Intermediate Level courses". In the introductory paragraph of (a), substituted "the Additional Practice Riding Course" for "any Intermediate Level course established by the Chief Administrator pursuant to N.J.A.C. 13:85-5.17"; in (a)1, inserted "permit," and inserted a comma following "license"; and in (a)2, substituted "gear" for "clothing" and updated the N.J.A.C. reference.

## SUBCHAPTER 3. SUCCESSFUL COMPLETION OF COURSE

### 13:85-3.1 Successful completion of the MSE Basic Skills Level course

(a) To successfully complete the Basic Skills Level course, a participant shall:

1. Attend, participate in, and successfully complete each unit of the curriculum;

2. Achieve a score of at least 80 percent correct responses on a written motorcycle knowledge test consisting of 50 multiple choice questions; and

3. Demonstrate proficiency in the operation of a motorcycle by achieving a score of not more than 20 penalty points assessed by the examining rider coach during a motorcycle skill test.

(b) A participant who successfully completes the course shall receive the appropriate course completion documents.

New Rule, R.2000 d.240, effective June 5, 2000.

See: 32 N.J.R. 1161(a), 32 N.J.R. 2093(a).

Amended by R.2009 d.251, effective August 17, 2009.

See: 40 N.J.R. 5179(a), 41 N.J.R. 3100(a).

In (a)1, substituted "unit" for "module"; in (a)2, deleted "skills" preceding "knowledge"; in (a)3, substituted "rider coach" for "instructor" and "skill test" for "skills operator's test"; and in (b), substituted "the appropriate" for "a" and "documents" for "card".

### 13:85-3.2 Successful completion of the MSE Experienced Level course

(a) To successfully complete the Experienced Level course, a participant shall:

1. Attend, participate in, and successfully complete each unit of the curriculum;
2. Achieve a score of at least 80 percent correct responses on a written motorcycle knowledge test consisting of at least 20 questions upon completion of the ERC Suite License Waiver Rider Course; and
3. Demonstrate proficiency in the operation of a motorcycle by achieving a score of not more than 20 penalty points assessed by the examining rider coach during a motorcycle skill test upon completion of the ERC Suite License Waiver Rider Course.

(b) A participant who successfully completes the course shall receive the appropriate course completion documents.

New Rule, R.2000 d.240, effective June 5, 2000.

See: 32 N.J.R. 1161(a), 32 N.J.R. 2093(a).

Amended by R.2009 d.251, effective August 17, 2009.

See: 40 N.J.R. 5179(a), 41 N.J.R. 3100(a).

In (a)1, substituted "unit" for "module" and deleted "and" from the end; rewrote (a)2; added (a)3; and in (b), substituted "the appropriate" for "a" and "documents" for "card".

### 13:85-3.3 Successful completion of the MSE Additional Practice Riding Course

(a) To successfully complete the Additional Practice Riding Course, a participant shall:

1. Attend, participate in, and successfully complete each unit of the curriculum; and
2. Demonstrate proficiency in the operation of a motorcycle by achieving a score of not more than 20 penalty points assessed by the examining rider coach during a motorcycle skill test.

(b) A participant who successfully completes the course shall receive the appropriate course completion documents.

New Rule, R.2009 d.251, effective August 17, 2009.

See: 40 N.J.R. 5179(a), 41 N.J.R. 3100(a).

## SUBCHAPTER 4. MOTOR VEHICLE COMMISSION COURSE

### 13:85-4.1 Course registration fee

(a) The Chief Administrator may impose a registration fee on participants in the Motor Vehicle Commission MSE course if the Chief Administrator determines that the monies in the Motorcycle Safety Education Fund are insufficient to cover the costs of the program.

(b) In the event that the Chief Administrator determines in accordance with (a) above that the imposition of a registration fee upon participants in the Motor Vehicle Commission MSE course is necessary, a registration fee shall be collected from each participant in the amounts set forth below:

1. \$250.00 for the BRC;
2. \$100.00 for each Rider Course included within the ERC Suite; and
3. \$100.00 for the Additional Practice Riding Course.

Recodified from N.J.A.C. 13:85-8.1 and amended by R.2000 d.240, effective June 5, 2000.

See: 32 N.J.R. 1161(a), 32 N.J.R. 2093(a).

Deleted a former (a); and designator (b).

Amended by R.2006 d.206, effective June 5, 2006.

See: 37 N.J.R. 4890(a), 38 N.J.R. 2512(a).

Substituted "Chief Administrator" for "Director" and "Motor Vehicle Commission" for "OHTS" and inserted "Chief Administrator determines that the".

Amended by R.2009 d.251, effective August 17, 2009.

See: 40 N.J.R. 5179(a), 41 N.J.R. 3100(a).

Inserted designation (a); and added (b).

### 13:85-4.2 Schedule and registration

(a) The Motor Vehicle Commission shall post a notice of the schedule of classes in the MSE Basic Skills Level, Experienced Level and other courses offered during a calendar year on the Commission's website at [www.njridesafe.org](http://www.njridesafe.org) at least one month prior to the start of classes. The schedule shall also be made available to the public by the Motor Vehicle Commission upon request made to the Commission at the address set forth in N.J.A.C. 13:85-1.3(g). The schedule shall include the times, dates, and locations of the classes offered, any registration period, any registration fee imposed by the Chief Administrator for each course and the means by which a person who meets the requirements of this chapter to participate may register. Classes shall be scheduled no earlier than March 1 and no later than December 31.

(b) Registration shall be on a form supplied by the Motor Vehicle Commission, which shall set forth the qualifications for enrollment in the Basic Skills Level, Experienced Level, and any other courses.

(c) The Motor Vehicle Commission shall maintain an attendance roster for each class and a written record of each participant's performance in the course.

(d) Each participant shall complete a Release, Waiver, and Indemnification Statement that releases the State from any and all liability, loss, costs, claim and/or damage arising out of participation in the course conducted by the Motor Vehicle Commission.

Recodified from N.J.A.C. 13:85-8.2 and amended by R.2000 d.240, effective June 5, 2000.

See: 32 N.J.R. 1161(a), 32 N.J.R. 2093(a).

Rewrote (a) and (b).

Public Notice: Motorcycle safety schedule of classes.

See: 36 N.J.R. 2958(a).

Public Notice: Motorcycle safety schedule of classes.

See: 37 N.J.R. 676(b).

Public Notice: Motorcycle safety schedule of classes.

See: 38 N.J.R. 1093(a).

Amended by R.2006 d.206, effective June 5, 2006.

See: 37 N.J.R. 4890(a), 38 N.J.R. 2512(a).

Substituted "Motor Vehicle Commission" for "Office of Highway Traffic Safety" throughout; in (a), substituted "Motor Vehicle Commission" for "OHTS", "post" for "publish", "and" for "or", "on the Commission's website at [www.state.nj.us/mvc](http://www.state.nj.us/mvc)" for "in the New Jersey Register and at least two newspapers with Statewide circulation", and "Chief Administrator" for "Director", deleted "from" and inserted "also" and "made to the Commission at the address set forth in N.J.A.C. 13:85-1.3(g)"; and substituted "that" for "which" in (d).

Amended by R.2009 d.251, effective August 17, 2009.

See: 40 N.J.R. 5179(a), 41 N.J.R. 3100(a).

In (a), substituted "[www.njridesafe.org](http://www.njridesafe.org)" for "[www.state.nj.us/mvc](http://www.state.nj.us/mvc)"; and in (b), inserted a comma following "Commission" and deleted the former last sentence.

### 13:85-4.3 Supplemental schedule

The Chief Administrator may supplement the schedule with additional classes as required.

New Rule, R.2000 d.240, effective June 5, 2000.

See: 32 N.J.R. 1161(a), 32 N.J.R. 2093(a).

Amended by R.2006 d.206, effective June 5, 2006.

See: 37 N.J.R. 4890(a), 38 N.J.R. 2512(a).

Substituted "Chief Administrator" for "Director" and deleted "published" preceding "schedule".

## SUBCHAPTER 5. MSE COURSES OFFERED BY PROVIDERS

### 13:85-5.1 MSE course providers

(a) The Chief Administrator may approve a public or private educational institution, including a United States military installation located in this State, or a New Jersey licensed new motorcycle dealer to also provide the MSE course. The approval signifies that:

1. The provider owns, leases, rents, or otherwise has secured the use of a location with a classroom, range, and other facilities and equipment that are in accordance with this chapter;

2. The provider is eligible to receive the assistance provided pursuant to (j) below and N.J.A.C. 13:85-1.3(b)4; and

3. When, in conformance with this chapter, the provider provides to a participant an MSE course presented by a rider coach holding a valid certification issued by the Chief Administrator and registered in accordance with N.J.A.C. 13:85-6.2, the participant shall be deemed to have received instruction and training in an MSE course established pursuant to this chapter.

(b) An approved provider shall either assign an employee of the provider or contract with a person to serve as the course rider coach at the location. The Chief Administrator may also approve a public or private educational institution or

a New Jersey licensed new motorcycle dealer to provide instruction in the course by contracting with an existing provider; however, the provider named in the application and receiving the approval shall be responsible for ensuring the course is provided in compliance with this chapter and shall make all filings or requests for approvals required or permitted by this chapter.

(c) A "public or private educational institution" shall include the following:

1. A State institution of higher education as defined at N.J.S.A. 18A:62-1 or an equivalent private institution of higher education authorized to operate in New Jersey under Title 18A of the New Jersey Statutes;

2. A high school, vocational or technical school or other training school operated by the board of education of a municipal, regional or county school district, or any equivalent private high school, vocational or technical school authorized to operate under Title 18A of the New Jersey Statutes;

3. A State, county, or municipal agency authorized by statute or rule to engage in educational activities;

4. A not-for-profit corporation organized under Title 15A of the New Jersey Statutes for educational purposes in the field of motorcycle safety education that is tax-exempt under Section 501(c)(3) of the United States Internal Revenue Code; and

5. A United States military installation located in this State.

(d) An applicant that desires the approval of the Chief Administrator to provide the MSE course shall submit an application to the Chief Administrator on a form supplied by the Motor Vehicle Commission and provide any additional pertinent information when requested to do so by the Chief Administrator. The application shall be accompanied by a course certification fee of \$250.00, payable to the Motor Vehicle Commission, for each location at which the applicant intends to offer motorcycle range instruction. The application shall include the following information:

1. The names, addresses, and business telephone numbers of the public or private educational institution's board of trustees, board of education, other governing body, or commanding officer of the United States military installation located in this State, and the officer or employee who shall serve as the location coordinator; or, if applicable, the names, addresses, and business telephone numbers of the New Jersey licensed new motorcycle dealer's principal(s), partners, or corporate officers, and the officer or employee who shall serve as the location coordinator;

2. The address of the location where classes in the MSE course shall be conducted and whether the location is owned by the applicant or shall be leased, rented, or

otherwise secured from the owner and the name, address, and telephone number of the owner;

3. A diagram of the location that clearly depicts the dimensions of and distances between the classroom, restrooms, range, parking lot, and storage facilities;

4. In the case of a private educational institution authorized to operate under Title 18A of the New Jersey Statutes, a copy of the license or certificate issued by the State;

5. In the case of any State, county or municipal agency not operating under Title 18A of the New Jersey Statutes, a citation to the law or rule or other legal source of authority that authorizes it to provide educational activities;

6. In the case of a nonprofit, tax-exempt corporation, a copy of the certificate of incorporation, by-laws, and decision letter from the Internal Revenue Service confirming its tax-exempt status and a copy of its most recent annual report filed with the Secretary of State of New Jersey, pursuant to N.J.S.A. 15A:4-5;

7. Evidence of insurance as required by N.J.A.C. 13:85-5.2;

8. Whether the applicant will directly employ and/or contract with each rider coach and/or contract with an existing provider to provide the MSE course at the location, and, if so, a copy of the proposed agreement;

9. A proposed schedule of course offerings and classes for the training year in which the applicant anticipates offering the course, and the anticipated tuition, if any, for each course;

10. A description of the procedures to be followed for registration of participants and other recordkeeping;

11. Evidence that the offering of the MSE course at this location meets all applicable zoning laws in the form of a letter from the municipality in which the location is situated;

12. A description of the applicant's procedures for dealing with medical emergencies; and

13. A list of equipment to be used in the program.

(e) Upon receipt of the application, the Chief Administrator shall have the location inspected and all information submitted in the application verified.

(f) When the Chief Administrator verifies the information submitted in the application and determines that the applicant's facilities and equipment are in conformance with N.J.A.C. 13:85-5.4 and that the requirements of N.J.A.C. 13:85-5.2 and 5.6 have been met, the Chief Administrator shall issue in writing his or her approval to provide the MSE course at the location identified in the application and shall specify the date on which the applicant may commence providing the course. The Chief Administrator shall review

the provider's qualifications to provide the course periodically by inspection of the location, equipment and records, monitoring of classes in session, and other means. The Chief Administrator may revoke the approval to provide the course at any location for noncompliance with this chapter or other good cause.

(g) The provider shall submit the application in (d) above to the Chief Administrator prior to providing the MSE course at any additional location or any new or altered range or classroom or other facility related to the course at an existing location. The Chief Administrator shall have the additional location or new or altered range or classroom or facility at an existing location inspected prior to issuing any approval for its use in the course.

(h) The provider shall give prior notice to the Chief Administrator of each MSE class it offers in accordance with the following:

1. The provider shall schedule classes to take place no earlier than March 1 and no later than December 31.

2. By February 1 of the current calendar year, the governing board or appropriate officer of the provider shall file with the Chief Administrator the schedule of classes to be offered in the current calendar year. The schedule shall show the times, dates, and locations of the classes offered in each course, the intended date of publication of the schedule and the start of the provider's registration period. The provider shall notify the Chief Administrator within five days of the cancellation of a scheduled class or any other change that occurs in the schedule filed with the Chief Administrator. No additional class shall be scheduled without prior notice to the Chief Administrator of at least five days.

(i) Registration of students for the schedule of classes filed with the Chief Administrator shall be the responsibility of the provider.

(j) The following concern classroom instructional materials and uniformity of course content and standards:

1. For all classes conducted by a provider, and notwithstanding the provisions of N.J.A.C. 13:85-5.4, the Chief Administrator may use the monies available in the Motorcycle Safety Education Fund to provide the required participant classroom instructional materials. Required participant classroom instructional materials include the participant workbook for the course and any other instructional materials or aids the Chief Administrator deems necessary or appropriate for course instruction. The State Program Coordinator shall maintain an inventory of the number of participant classroom instructional materials distributed to each provider.

2. The Chief Administrator may also use the monies in the Motorcycle Safety Education Fund to make available to each provider for use by rider coaches in a classroom or on a training range:

- i. The course videotape, chart, slide or other classroom instructional aids;
- ii. Rider coach guides;
- iii. Range cards;
- iv. Evaluation, coaching and range management guides; and
- v. Course completion cards, attendance rosters and other materials the Chief Administrator determines are necessary or appropriate to document the student's participation and performance in a course.

3. The number and distribution of the items in (j)1 and 2 above shall be determined by the State Program Coordinator based on a written request form the provider submitted with the schedule filed by the provider pursuant to (h)2 above that demonstrates the need for these items based on the number of training ranges, classrooms, and anticipated participants. The State Program Coordinator shall maintain an inventory of all materials provided, which shall remain the property of the Motor Vehicle Commission.

4. The State Program Coordinator may take such steps as he or she deems reasonable and necessary to ensure uniformity of course content and standards among classes offered by providers. Such steps shall include, but not be limited to, making available instruction and training updates or other course-related advisories to rider coaches.

Amended by R.1998 d.572, effective December 7, 1998.

See: 30 N.J.R. 3425(a), 30 N.J.R. 4248(b).

Substituted a reference to general liability and property loss policies for a reference to blanket liability.

Recodified from N.J.A.C. 13:85-2.2 and amended by R.2000 d.240, effective June 5, 2000.

See: 32 N.J.R. 1161(a), 32 N.J.R. 2093(a).

Rewrote the section.

Amended by R.2006 d.206, effective June 5, 2006.

See: 37 N.J.R. 4890(a), 38 N.J.R. 2512(a).

Substituted "Chief Administrator" for "Director" throughout; substituted "(j)" for "(g)" in (a)2; in (b), substituted "by" for "under" and deleted the last sentence; in (d), substituted "an application to the Chief Administrator" for "to the State Coordinator an application", "Motor Vehicle Commission" for "OHTS" and "Chief Administrator" for "State Coordinator" and in (b)1, substituted "telephone" for "phone"; in (f), substituted "determines" for "finds" and "noncompliance" for "non-compliance"; substituted "Chief Administrator" for "State Coordinator" two times in (h)2; and inserted "Motorcycle Safety Education" in (j)2, substituted "aids" for "aides" in (j)2i and substituted "Motor Vehicle Commission" for "Office of Highway Traffic Safety" in (j)3.

Amended by R.2009 d.251, effective August 17, 2009.

See: 40 N.J.R. 5179(a), 41 N.J.R. 3100(a).

Section was "Public and private educational institutions". Rewrote the section.

### 13:85-5.2 Provider insurance

(a) Each provider and any applicant for approval shall submit to the Chief Administrator proof of adequate insurance to provide the MSE course to participants.

(b) The Chief Administrator shall determine the adequacy of the insurance based on whether it will provide the following:

1. The single occurrence and aggregate liability coverage limits at each location shall be at a minimum one million dollars single occurrence and two million dollars in the aggregate.
2. Liability protection to participants injured by other participants during the class;
3. Medical payment protection for participants;
4. Liability protection for rider coaches, including professional liability insurance; and
5. Property loss protection.

(c) Insurance shall be obtained from a company authorized to do business in the State of New Jersey. The provider shall provide an original certificate of insurance that requires the Chief Administrator to be given written notice by the insurer 30 days prior to the termination of the coverage.

Amended by R.1998 d.572, effective December 7, 1998.

See: 30 N.J.R. 3425(a), 30 N.J.R. 4248(b).

Rewrote (a).

Recodified from N.J.A.C. 13:85-5.1 and amended by R.2000 d.240, effective June 5, 2000.

See: 32 N.J.R. 1161(a), 32 N.J.R. 2093(a).

Designated existing paragraph as (a), and added references to approvals prior to and after December 31, 2000; added (b) and (c).

Amended by R.2006 d.206, effective June 5, 2006.

See: 37 N.J.R. 4890(a), 38 N.J.R. 2512(a).

Section was "Provider Insurance". Substituted "Chief Administrator" for "Director" throughout; rewrote (a); substituted "by the insurer 30" for "thirty" in (c).

Amended by R.2009 d.251, effective August 17, 2009.

See: 40 N.J.R. 5179(a), 41 N.J.R. 3100(a).

In (b)4, substituted "rider coaches" for "instructors"; and in (c), substituted "provider" for "institution".

### 13:85-5.3 (Reserved)

Repealed by R.2006 d.206, effective June 5, 2006.

See: 37 N.J.R. 4890(a), 38 N.J.R. 2512(a).

Section was "Policy effect; release".

### 13:85-5.4 Facilities and equipment

(a) A provider's facilities and equipment shall conform to the standards established by the Motorcycle Safety Foundation and the Motor Vehicle Commission, and shall meet all applicable local and State zoning, building, fire, health and safety regulations. The following standards concern classrooms and ranges:

1. A classroom used to provide the MSE course shall:
  - i. Provide a minimum per participant space of at least 15 square feet and be large enough to accommodate at least 12 participants and their rider coaches, be adequately lighted, heated and ventilated, and not be used to store motorcycles, oil or gasoline or to repair equipment;

- ii. Be equipped with desks or tables, electrical outlets, and a blackboard or similar device; and
- iii. Be within a reasonable distance from bathroom facilities that accommodate both sexes.

2. A range used to conduct MSE courses shall be:

- i. Of a size and construction that conforms to MSF standards and requirements;
- ii. Within a reasonable distance from restroom facilities; and
- iii. Capable of being closed to other traffic and pedestrians.

3. Use of a portable outdoor restroom facility to accommodate participants on a range is permissible provided it conforms to any applicable statute, regulation, or ordinance.

4. Any helmet, eye protection or motorcycle supplied to a participant shall be of a type in conformance with this chapter.

(b) The provider shall supply all materials, supplies, and equipment as required by MSF standards and requirements and any additional materials, supplies, and equipment as determined by the Chief Administrator and/or local authorities.

(c) The provider is responsible for security and maintenance of all materials, records, supplies and equipment and for loss or damage not covered under N.J.A.C. 13:85-5.2.

Recodified from N.J.A.C. 13:85-4.1 and amended by R.2000 d.240, effective June 5, 2000.

See: 32 N.J.R. 1161(a), 32 N.J.R. 2093(a).

Rewrote the section.

Amended by R.2006 d.206, effective June 5, 2006.

See: 37 N.J.R. 4890(a), 38 N.J.R. 2512(a).

In (b), substituted "materials, supplies, and" for "material, equipment" and "Chief Administrator" for "Director".

Amended by R.2009 d.251, effective August 17, 2009.

See: 40 N.J.R. 5179(a), 41 N.J.R. 3100(a).

Rewrote the introductory paragraph of (a); and in (a)li, substituted "rider coaches" for "instructors", inserted "be" preceding "adequately" and inserted a comma following "ventilated"; and in (a)lii, inserted "and" at the end.

### 13:85-5.5 Reporting and records

(a) Providers shall submit the following items to the Chief Administrator for each class within 20 business days after the completion of a course:

1. Copies of all BRC, ERC Suite, and Additional Practice Riding Course rosters of participants, a class schedule and accident forms for each class section, the attendance roster, the Examining Rider coach's score sheet for each participant in a Basic Skills Level course, Experienced Level course, or Additional Practice Riding Course who undergoes the Basic Skills Level, Experienced Level, or Additional Practice Riding Course motorcycle skill test

and, when a participant is under the age of 18 years, the parental/guardian permission required by N.J.A.C. 13:85-2.1. Providers shall make and retain copies of these documents for two years.

2. Upon request, providers shall make their record of all such documents available for inspection by the Chief Administrator or the Chief Administrator's designee during business hours.

3. Providers shall be responsible for completing and recording any official reports required by other public or private agencies or any individuals as a result of any accident involving bodily injury or property damage that occurs while conducting the MSE course. Providers shall submit copies of these reports to the Chief Administrator within 48 hours of the completion of such reports.

4. In accordance with P.L. 2007, c. 179, providers shall be responsible to the Motor Vehicle Commission for the payment of a \$10.00 road test waiver fee for each holder of a motorcycle examination permit who has successfully completed a motorcycle safety education course and has qualified for a waiver of the road test portion of the examination required for a motorcycle license or endorsement pursuant to N.J.S.A. 39:3-10.31. Providers shall remit such fees to the Motor Vehicle Commission for payment into the Motorcycle Safety Education Fund established by N.J.S.A. 27:5F-39.

Recodified from N.J.A.C. 13:85-6.1 and amended by R.2000 d.240, effective June 5, 2000.

See: 32 N.J.R. 1161(a), 32 N.J.R. 2093(a).

Rewrote the section.

Amended by R.2006 d.206, effective June 5, 2006.

See: 37 N.J.R. 4890(a), 38 N.J.R. 2512(a).

In the introductory paragraph of (a), substituted "Chief Administrator" for "State Coordinator" and "business" for "working" and inserted "a", in (a)l, deleted "occurring in the 2000 training year and for classes conducted after January 1, 2001" and substituted "when" for "where", "parental/guardian" for "witnessed, parental" and "N.J.A.C. 13:85-2.1" for "N.J.A.C. 13:85-3.1"; in (a)2, substituted "by the Chief Administrator" for "to the Director" and "Chief Administrator's" for "Director's" and substituted "Chief Administrator within 48 hours of the completion of such reports" for "Director immediately" in (a)3.

Amended by R.2009 d.251, effective August 17, 2009.

See: 40 N.J.R. 5179(a), 41 N.J.R. 3100(a).

Rewrote (a)1; and added (a)4.

### 13:85-5.6 Medical emergencies

(a) For all MSE classes, each provider, prior to the start of the training year, shall:

1. Establish written procedures for dealing with medical emergencies that arise during a class, which shall be posted in a prominent place at the location and included in each rider coach's guidebook;
2. Ensure that at least one person who is certified in first aid and cardiopulmonary resuscitation (CPR) is at the location whenever a class is in session; and
3. Provide the Chief Administrator with a copy of the procedures and the names of the persons who are so

certified with the schedule filed pursuant to N.J.A.C. 13:85-5.1(h)2.

New Rule, R.2000 d.240, effective June 5, 2000.

See: 32 N.J.R. 1161(a), 32 N.J.R. 2093(a).

Amended by R.2006 d.206, effective June 5, 2006.

See: 37 N.J.R. 4890(a), 38 N.J.R. 2512(a).

Deleted "occurring after January 1, 2001" in the introductory paragraph of (a) and substituted "Chief Administrator" for "Director" in (a)3.

Amended by R.2009 d.251, effective August 17, 2009.

See: 40 N.J.R. 5179(a), 41 N.J.R. 3100(a).

In the introductory paragraph of (a), inserted a comma following "year"; and in (a)1, inserted a comma following "class" and substituted "rider coach's" for "instructor's".

### 13:85-5.7 Organization of class; class size

(a) Participants shall be organized into classes not exceeding 12 participants.

(b) When the number of participants in a class exceeds six, the provider shall assign two rider coaches to provide range training and instruction in accordance with the following:

1. No participant shall be on the range unless under the supervision and direction of a rider coach.

2. If the class consists of more than six participants, two rider coaches shall be assigned to the class and shall be present at all times on the range to supervise and/or give instruction and training, except that one of the rider coaches may leave the range provided the participants are not operating their motorcycles.

3. No more than 12 participants shall be on the range at any time.

4. A participant shall be considered on the range whenever the participant mounts, rides, holds, operates or prepares to operate a motorcycle on the range or is otherwise physically present on the range and the runoff surrounding the paved area.

5. No person other than a rider coach or a rider coach candidate under the supervision of a rider coach shall supervise participants on a range or give instruction and training in the operation of a motorcycle. Reasonable accommodation shall be provided to participants in accordance with the Americans with Disabilities Act, 42 U.S.C. §§12101 et seq.

6. A participant shall mount, prepare to mount, hold, set in motion or prepare to set in motion or otherwise operate a motorcycle only at the direction and under the supervision of the rider coach and shall comply with all directives given by the rider coach.

7. A participant unable to operate the motorcycle within the minimum standards established by the curriculum for a unit of range instruction and training shall, at the direction of the rider coach, cease participation in the range instruction and training. The rider coach shall, unless the participant is unable to safely operate the motorcycle,

provide the participant such additional training as is possible without unduly delaying the class to allow the participant to meet the minimum standards for the unit of range training and instruction and to continue in the course.

(c) The provider may assign one rider coach to present units designed for classroom presentation to a group of participants consisting of more than one class where the classroom facility permits, provided the total number of participants receiving instruction does not exceed 24.

(d) A new participant shall not join a class in progress unless the participant has received in another class the same extent of instruction in the curriculum as the class the new participant is entering or is brought to the same point of instruction by the rider coach without unreasonably delaying the progress of the class. At no time, however, shall the class size exceed 12 participants per range.

(e) The provider may include in an MSE class a person who is the holder of a current, valid motorcycle license or endorsement or a current, valid motorcycle operator examination permit issued by another state who otherwise meets all of the requirements of this chapter, provided inclusion of the person does not violate the limits on class size.

New Rule, R.2000 d.240, effective June 5, 2000.

See: 32 N.J.R. 1161(a), 32 N.J.R. 2093(a).

Amended by R.2006 d.206, effective June 5, 2006.

See: 37 N.J.R. 4890(a), 38 N.J.R. 2512(a).

Substituted "When" for "Where" in the introductory paragraph of (b) and added the last sentence of (b)5; in (e), substituted "an" for "a" preceding "MSE", "examination" for "learner's" and "of" for "under" and inserted "a" preceding "current" and "of the" preceding "requirements".

Amended by R.2009 d.251, effective August 17, 2009.

See: 40 N.J.R. 5179(a), 41 N.J.R. 3100(a).

In the introductory paragraph of (b), and in (b)6, (b)7, (c) and (d), substituted "rider coach" for "instructor" throughout; in (b)1, substituted "a rider coach" for "an instructor"; in (b)2, substituted "rider coaches" for "instructors" twice; in (b)5, substituted "a rider coach or a rider coach candidate under the supervision of a rider coach" for "an instructor"; in (b)7, substituted "unit" for "module" twice; in (c), substituted "units" for "modules" and "provided" for "so long as"; and in (d), inserted "per range".

### 13:85-5.8 Class meetings

(a) The rider coach shall maintain an attendance roster supplied by the Motor Vehicle Commission for each class that shall include each participant's name, permit, license or endorsement number, testing scores, the MSE course in which the participant is enrolled and the dates of the class.

(b) On each day that a class meets, prior to the start of instruction and training in the course, the rider coach assigned to the class shall:

1. Take attendance; and
2. Ensure that each participant:
  - i. Possesses the motorcycle license or endorsement or motorcycle operator examination permit required for participating in the course;

ii. Possesses the protective gear required by N.J.A.C. 13:85-2.2(a) if range training and instruction are scheduled for that day;

iii. Has all necessary classroom instructional materials; and

iv. Where the participant supplies a motorcycle, possesses the documentation concerning ownership, registration, inspection, and insurance required by N.J.A.C. 13:85-2.

(c) At the completion of the curriculum and all testing, there shall be a closing class meeting, at which the rider coach shall:

1. Distribute to each participant who has successfully completed the course, the appropriate course completion documents; and

2. Explain to each participant who has not successfully completed the course the deficiencies reflected in any written knowledge test and/or skills evaluation that the participant failed to successfully complete and the scores received in each and shall, upon request, review with the participant a copy of the knowledge test, the participant's answer sheet and individual score sheet for the motorcycle operator's skill test.

New Rule, R.2000 d.240, effective June 5, 2000.

See: 32 N.J.R. 1161(a), 32 N.J.R. 2093(a).

Amended by R.2006 d.206, effective June 5, 2006.

See: 37 N.J.R. 4890(a), 38 N.J.R. 2512(a).

In (a), substituted "Motor Vehicle Commission" for "OHTS" and "that" for "which"; and substituted "examination" for "learner's" in (b)2i and in (b)2ii., substituted "Possesses" for "If range training and instruction is scheduled for that day will have" at the beginning and inserted "if range training and instruction is scheduled for that day" at the end.

Amended by R.2009 d.251, effective August 17, 2009.

See: 40 N.J.R. 5179(a), 41 N.J.R. 3100(a).

In (a) and the introductory paragraphs of (b) and (c), substituted "rider coach" for "instructor"; in (b)2ii, substituted "gear" for "clothing" and "are" for "is" and updated the N.J.A.C. reference; and in (c)1, substituted "documents" for "card".

### 13:85-5.9 Ranges—layout and equipment

(a) Units of the curriculum designed for range instruction shall be conducted on a range approved by the Chief Administrator after inspection pursuant to N.J.A.C. 13:85-5.1. The range includes the paved area and any "run-off" areas surrounding the range. The range course for each curriculum shall be clearly marked and cones shall be positioned in accordance with curriculum standards.

(b) Each range shall be equipped during the presentation of the course with a wireless phone or a two-way radio, a first aid kit and a fire extinguisher-Class B type. A wireless phone or two-way radio shall not be required where the range is located within reasonable proximity to a conventional telephone that may be used to contact emergency services.

New Rule, R.2000 d.240, effective June 5, 2000.

See: 32 N.J.R. 1161(a), 32 N.J.R. 2093(a).

Amended by R.2006 d.206, effective June 5, 2006.

See: 37 N.J.R. 4890(a), 38 N.J.R. 2512(a).

Substituted "Chief Administrator" for "Director" in (a); and in the last sentence of (b), substituted "A" for "No", "telephone" for "phone" and "shall permit" for "may be used", inserted "not", and deleted "with or the summoning of" preceding "emergency".

Amended by R.2009 d.251, effective August 17, 2009.

See: 40 N.J.R. 5179(a), 41 N.J.R. 3100(a).

In (a), substituted "Units" for "Modules".

### 13:85-5.10 Motorcycle inspection prior to range instruction

Before any motorcycle is used for range instruction in any MSE course, the rider coach shall conduct an inspection of the motorcycle's tires and wheels, controls, lights, oil, chassis, and sidestand and related parts and shall prohibit the use of the motorcycle for range instruction when he or she determines the motorcycle cannot be operated safely on the range.

New Rule, R.2000 d.240, effective June 5, 2000.

See: 32 N.J.R. 1161(a), 32 N.J.R. 2093(a).

Amended by R.2009 d.251, effective August 17, 2009.

See: 40 N.J.R. 5179(a), 41 N.J.R. 3100(a).

Section was "Motorcycle inspection—range use". Substituted "rider coach" for "instructor", "sidestand" for "kickstand" and "he or she" for "the instructor" and inserted "and wheels".

### 13:85-5.11 Rest periods

The rider coach shall provide the class a rest period of at least 10 minutes after each 90 minutes of instruction and training unless the rest period would interfere with the completion of a unit, in which case it may be delayed until the class has completed the unit.

New Rule, R.2000 d.240, effective June 5, 2000.

See: 32 N.J.R. 1161(a), 32 N.J.R. 2093(a).

Amended by R.2009 d.251, effective August 17, 2009.

See: 40 N.J.R. 5179(a), 41 N.J.R. 3100(a).

Substituted "rider coach" for "instructor", "the" for "a" following "provide" and "unit" for "module" twice, and inserted "each".

### 13:85-5.12 Testing

The testing of a participant's knowledge and the evaluation of a participant's motorcycle operator skills shall be conducted in conformance with the 9th edition of the Motor Vehicle Commission Motorcycle Safety Education Program Examiner's Guide, as amended and supplemented, incorporated herein by reference. The Guide shall be distributed by the Motor Vehicle Commission to rider coaches and providers at the start of each training year.

New Rule, R.2000 d.240, effective June 5, 2000.

See: 32 N.J.R. 1161(a), 32 N.J.R. 2093(a).

Amended by R.2006 d.206, effective June 5, 2006.

See: 37 N.J.R. 4890(a), 38 N.J.R. 2512(a).

Inserted "a" preceding "participant's", substituted "and the evaluation of a participant's" for "or", "2005" for "January 2000", "Office of Highway Traffic Safety" for "OHTS" and "Motor Vehicle Commission" for "OHTS" and deleted "evaluation" following "skills" and "exclusively" following "providers".

Amended by R.2009 d.251, effective August 17, 2009.

See: 40 N.J.R. 5179(a), 41 N.J.R. 3100(a).

Substituted "9th" for "2005", "Motor Vehicle Commission" for "Office of Highway Traffic Safety" and "rider coaches" for "instructors".

### 13:85-5.13 Advertising

The provider shall not advertise, in connection with the offering of the MSE course, that the provider has the authority to issue a motorcycle permit, license or endorsement upon a participant's successful completion of the MSE course. Any advertisement for an MSE class making the representation that a student who successfully passes the MSE Basic Skills course, the ERC Suite License Waiver Rider Course, or the Additional Practice Riding Course is eligible for a waiver of the road test portion of the motorcycle licensing test conducted by the Motor Vehicle Commission shall include the following statement with respect to such representation: "(Name of Provider) has been approved by the Chief Administrator of the Motor Vehicle Commission to offer the New Jersey Motorcycle Safety Education Course."

New Rule, R.2000 d.240, effective June 5, 2000.

See: 32 N.J.R. 1161(a), 32 N.J.R. 2093(a).

Amended by R.2006 d.206, effective June 5, 2006.

See: 37 N.J.R. 4890(a), 38 N.J.R. 2512(a).

In the last sentence, deleted "scheduled after January 1, 2001" following "MSE class" and the quotations marks around "waiver" substituted "Motor Vehicle Commission" for "NJDMV", "Chief Administrator" for "Director" and "Motor Vehicle Commission" for "Office of Highway Traffic Safety" and inserted parenthesis around "Name of Public or Private Educational Institution".

Amended by R.2009 d.251, effective August 17, 2009.

See: 40 N.J.R. 5179(a), 41 N.J.R. 3100(a).

Inserted "the ERC Suite License Waiver Rider Course, or the Additional Practice Riding Course" and substituted "Provider" for "Public or Private Educational Institution".

### 13:85-5.14 Promotion of groups and associations

The provider shall not require that a participant join any organization, club, association, or other group as a requirement for enrollment in or successful completion of the MSE course and shall not permit solicitations for memberships in such prior to the issuance of course completion documents and the dismissal of the class.

New Rule, R.2000 d.240, effective June 5, 2000.

See: 32 N.J.R. 1161(a), 32 N.J.R. 2093(a).

Amended by R.2009 d.251, effective August 17, 2009.

See: 40 N.J.R. 5179(a), 41 N.J.R. 3100(a).

Inserted a comma following "association" and substituted "documents and the dismissal of the class" for "cards".

### 13:85-5.15 Rider Coach Preparation course

(a) The provider may sponsor a Motorcycle Safety Foundation Rider Coach Preparation (RCP) course that shall require the use of an MSE class for the student teaching portion of the MSF RCP with the prior written approval of the Chief Administrator. The Chief Administrator's designee shall observe the student teaching portion of the MSF RCP and the administration of the motorcycle skill test of any MSF RCP course approved by the Chief Administrator.

(b) The Chief Administrator shall approve the request under the following conditions:

1. The provider shall submit a written request at least 14 days before the scheduled date for the beginning of the MSF RCP and shall identify the MSE class on the schedule filed pursuant to N.J.A.C. 13:85-5.1 that will be used for the student teaching, and the name, address, and telephone number of each MSF-certified rider coach trainer and each trainee who will participate in the MSF RCP.

2. Each MSF-certified rider coach trainer intending to participate in the MSF RCP who is not the holder of a valid certification issued by the Chief Administrator shall have submitted in writing to the Chief Administrator a request for approval to use the MSE class for student teaching purposes and shall have received written approval to do so prior to the written request submitted in accordance with (b)1 above.

(c) The Motor Vehicle Commission shall notify each MSF RCP trainee in writing of the requirements for obtaining a certification as an MSE rider coach and shall supply an application for certification.

New Rule, R.2000 d.240, effective June 5, 2000.

See: 32 N.J.R. 1161(a), 32 N.J.R. 2093(a).

Amended by R.2006 d.206, effective June 5, 2006.

See: 37 N.J.R. 4890(a), 38 N.J.R. 2512(a).

Substituted "Chief Administrator" for "Director" throughout; in (a), inserted "(IP)", substituted "an MSE" for "a MSE", "student-teaching" for "student teaching" and "Chief Administrator's" for "Director's". In (c), substituted "Motor Vehicle Commission" for "State Coordinator" and "an MSE instructor" for "a MSE instructor from the Director".

Amended by R.2009 d.251, effective August 17, 2009.

See: 40 N.J.R. 5179(a), 41 N.J.R. 3100(a).

Section was "Instructor preparation courses". Substituted "RCP" for "IP" throughout. In (a), substituted "Rider Coach Preparation (RCP)" for "Instructor Preparation (IP)" and "skill" for "operator skills"; in (b)1 and (b)2, substituted "rider coach trainer" for "chief instructor"; in (b)1, inserted "the" preceding the first occurrence of "MSF"; in (b)2, inserted "accordance with"; and in (c), substituted "rider coach" for "instructor".

### 13:85-5.16 Tuition

Each provider may establish a participant tuition for instruction and training in the Basic Skills and Experienced Levels and any other MSE courses scheduled in each calendar year. The provider shall file the participant tuition for each course level with the Chief Administrator with the schedule required by N.J.A.C. 13:85-5.1(h). The provider shall notify the Chief Administrator of any increase in the filed participant tuition during the calendar year at least five days prior to the effective date of the increase.

Recodified from N.J.A.C. 13:85-7.1 and amended by R.2000 d.240, effective June 5, 2000.

See: 32 N.J.R. 1161(a), 32 N.J.R. 2093(a).

Rewrote the section.

Amended by R.2006 d.206, effective June 5, 2006.

See: 37 N.J.R. 4890(a), 38 N.J.R. 2512(a).

Substituted "Chief Administrator" for "Director" two times and "posted on the Motor Vehicle Commission's website at [www.state.nj.us/mvc](http://www.state.nj.us/mvc)" for "published in the New Jersey Register" and added the last sentence.

Amended by R.2009 d.251, effective August 17, 2009.  
See: 40 N.J.R. 5179(a), 41 N.J.R. 3100(a).

Substituted "at least" for "no later than" and deleted the former last two sentences.

### 13:85-5.17 (Reserved)

New Rule, R.2000 d.240, effective June 5, 2000.

See: 32 N.J.R. 1161(a), 32 N.J.R. 2093(a).

Public Notice: Approval of Intermediate Rider Practice Course.

See: 33 N.J.R. 2711(b).

Amended by R.2006 d.206, effective June 5, 2006.

See: 37 N.J.R. 4890(a), 38 N.J.R. 2512(a).

Section was "Intermediate level MSE courses approved by the Director." Substituted "Chief Administrator" for "Director" throughout; in the introductory paragraph of (a), substituted "MSF MRC:RSS" for "MSF-MRC:RSS", "Intermediate Level" for "intermediate", "N.J.A.C. 13:85-5.1(j)" for "N.J.A.C. 13:85-5.2" and "curriculum" for "curricula" and inserted the fourth and fifth sentences and rewrote (a)2; in (b), substituted "where" for "when" and "Chief Administrator's" for "Director's" and deleted the last sentence; and deleted (c).

Repealed by R.2009 d.251, effective August 17, 2009.

See: 40 N.J.R. 5179(a), 41 N.J.R. 3100(a).

Section was "Intermediate Level MSE courses approved by the Chief Administrator".

### 13:85-5.18 Denial of application for approval to offer an MSE course

The Chief Administrator's denial of an application for approval to provide an MSE course shall be in writing and shall specify the reasons for the denial and any corrective action that, if taken, would permit the approval to be issued. If the applicant submits a written response indicating that the corrective action or its equivalent has been taken, the Chief Administrator, by inspection or other means, shall confirm that the corrective action has been taken and is sufficient to issue the approval. The Chief Administrator shall consider the response and notify the applicant or provider in writing of his or her decision.

New Rule, R.2000 d.240, effective June 5, 2000.

See: 32 N.J.R. 1161(a), 32 N.J.R. 2093(a).

Amended by R.2006 d.206, effective June 5, 2006.

See: 37 N.J.R. 4890(a), 38 N.J.R. 2512(a).

Substituted "Chief Administrator's" for "Director's", "an MSE" for "a MSE", "specify" for "state", "indicating" for "stating" and "Chief Administrator" for "Director" two times and inserted "her".

Amended by R.2009 d.251, effective August 17, 2009.

See: 40 N.J.R. 5179(a), 41 N.J.R. 3100(a).

Section was "Denial of application for approval to offer MSE course". Deleted "by a public or private educational institution" following "application" and substituted "an" for "a" preceding "MSE".

### 13:85-5.19 Notice of noncompliance; revocation of approval to provide course at a location

(a) The Chief Administrator shall notify the provider in writing when the Chief Administrator finds that:

1. A facility, equipment, or recordkeeping or other procedure is not in compliance with this chapter;
  2. An unqualified person has participated in the course or has served as a rider coach of the course;
  3. The provider has failed to comply with this chapter;
- or

4. Other good cause exists to consider revocation of approval.

(b) The provider shall have 25 days from the date of receipt of the notice to respond to the Chief Administrator in writing. The provider shall set forth in its response an explanation for the noncompliance, what steps the provider has taken to prevent its recurrence, and shall address any other cause for revocation specified in the notice. The notice shall indicate that if no timely written response is received, the Chief Administrator's approval to offer the course at the location or locations specified in the notice is revoked and shall require the provider to return all student classroom materials, rider coach guides, site stamps, waiver forms, and other materials or assistance supplied pursuant to this chapter to the Motor Vehicle Commission.

(c) The Chief Administrator shall review any timely written response and may determine, after having any corrective action described in the notice inspected or verified, that the response is sufficient to rescind the notice of noncompliance. In determining whether the response is sufficient to rescind the notice of noncompliance, the Chief Administrator shall consider whether a review of the record shows that the same or similar noncompliance for which the provider received notice pursuant to this rule has previously occurred during the training year and been corrected.

(d) If the Chief Administrator determines that the response is insufficient to rescind the notice of noncompliance or a review of the record shows the same or similar noncompliance has occurred on more than one occasion during the training year, the Chief Administrator shall either notify the provider in writing that approval to offer the course at the location or locations identified in the notice is revoked as of the date specified and shall direct the provider to return all student classroom materials, rider coach guides, site stamps, waiver forms, and other materials or assistance supplied pursuant to this chapter to the Motor Vehicle Commission or shall schedule a hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., before issuing a final determination.

(e) Notwithstanding (b) above, the Chief Administrator may, for good cause, suspend his or her approval for the provider to conduct an MSE course at a location or locations pending a response to a notice of noncompliance and the Chief Administrator's final determination. If the Chief Administrator determines that the public interest requires suspension of an approval pursuant to this chapter prior to hearing, the Chief Administrator may do so, provided that notice containing the reasons for such suspension and the effective date of the suspension is provided to the provider in person, or by certified or regular mail, prior thereto and the provider is afforded the opportunity to request in writing a hearing within 10 days of the effective date of the suspension. When a provider requests an administrative adjudication it shall be held as soon thereafter as practicable. If the Chief Administrator determines it necessary to suspend an approval

prior to hearing and the provider submits a request for a hearing within the time prescribed by this subsection, the Chief Administrator may require that a preliminary hearing be held or may refer the matter to the Office of Administrative Law for a preliminary hearing to determine whether sufficient cause exists to continue such suspension until a plenary hearing can be conducted.

(f) The provider's written response to the notice specified in (a) above shall be mailed to the Motor Vehicle Commission at the address set forth in N.J.A.C. 13:85-1.3(g) in an envelope marked "Provider's Response to Chief Administrator's Notice."

New Rule, R.2000 d.240, effective June 5, 2000.

See: 32 N.J.R. 1161(a), 32 N.J.R. 2093(a).

Amended by R.2006 d.206, effective June 5, 2006.

See: 37 N.J.R. 4890(a), 38 N.J.R. 2512(a).

Substituted "Chief Administrator" for "Director" throughout; in (b), substituted "specified" for "stated" two times, "Chief Administrator's" for "Director's", "pursuant to" for "under" and "Motor Vehicle Commission" for "OHTS"; substituted "pursuant to" for "under" in (c); in (d), substituted "specified" for "stated", "pursuant to" for "under" and "Motor Vehicle Commission" for "OHTS"; and in (e), substituted "Motor Vehicle Commission" for "Director", "set forth in N.J.A.C. 13:85-1.3(g)" for "stated at N.J.A.C. 13:85-1.3" and "Chief Administrator's" for "Director's".

Amended by R.2009 d.251, effective August 17, 2009.

See: 40 N.J.R. 5179(a), 41 N.J.R. 3100(a).

In (a)2, substituted "a rider coach" for "an instructor"; in (b) and (d), substituted "rider coach" for "instructor" and "site stamps, waiver forms, and" for "or" following "guides"; in (b), substituted "set forth" for the first occurrence of "state" and "indicate" for the second occurrence of "state" and inserted a comma following "recurrence"; in (d), inserted "materials or"; added new (e); and recodified former (e) as (f).

special learner's permit, examination permit or provisional license during the past two years;

5. Have no conviction for a violation of N.J.S.A. 39:4-50 or conviction of a violation of law of a substantially similar nature of another jurisdiction during the past five years;

6. Have accumulated no more than four points assessed against his or her driver's license or motorcycle license or endorsement, special learner's permit, examination permit or provisional license for motor vehicle offenses during the past two years; and

7. Have at least two years of motorcycle riding experience.

(b) For purposes of determining whether an applicant is qualified for the issuance of a rider coach certification, the Chief Administrator shall review the application submitted pursuant to (c) below and apply the following:

1. An applicant who has held during the two consecutive years prior to the date of review more than one motorcycle operator's license or endorsement—each issued by a different state—meets the requirements of (a)1 above provided that there is no period during the two consecutive years in which the applicant did not hold a motorcycle operator's license or endorsement issued by a state.

2. A record of suspension or revocation shall be deemed to exist for purposes of this section if, on any day during the two years previous to the date of review, a suspension or revocation of the applicant's driver's license or motorcycle license or endorsement was in effect.

3. The accumulation of motor vehicle points prohibited by (a)6 above shall include all points assessed as the result of a conviction for motor vehicle offenses where the date of conviction occurs within the two years previous to the date of review notwithstanding any reductions during that period for good conduct or successful completion of a defensive driving course or other reduction provided by law.

4. When the suspension of a driver's license or motorcycle license or endorsement occurring during the two years previous to the date of review was imposed solely in connection with a parking offense or as a sanction for failure to meet a financial obligation or to compel appearance before a court or administrative body, and the license or endorsement was restored upon payment of the parking fine or financial obligation, or appearance before the court or administrative body, the Chief Administrator shall issue the certification provided the length of any such suspension does not, in the judgment of the Chief Administrator, render the applicant unable to demonstrate that he or she has at least two consecutive years of motorcycle riding experience under the motorcycle license or endorsement submitted with the application and all other requirements are met.

## SUBCHAPTER 6. RIDER COACH CERTIFICATION

### 13:85-6.1 Certification of rider coaches

(a) Any person seeking to qualify for certification as a rider coach of the MSE course shall apply in writing to the Chief Administrator, and as of the date the certification is issued by the Chief Administrator, shall:

1. Be the holder of a motorcycle license or endorsement issued by any state that is not suspended, revoked, or expired and have at least two consecutive years of licensed motorcycle riding experience on the public roads and highways;

2. Be the holder of a current Motorcycle Safety Foundation certification as a motorcycle rider coach;

3. Have no conviction for sexual assault, endangering the welfare of children or incompetent persons, arson, robbery, aggravated assault, kidnapping, murder, manslaughter or, within the past 10 years, for a violation of a law pertaining to a controlled dangerous substance in New Jersey or any other jurisdiction;

4. Have no record of a suspension or revocation of his or her driver's license, motorcycle license or endorsement,

(c) Any person who meets the requirements set forth in (a) above may apply in writing to the Chief Administrator for the issuance of a certification. The applicant shall sign and date the application, which shall include the following information:

1. The applicant's full name, residential address, and telephone number;
2. The applicant's motorcycle operator's license or endorsement number, the name of the issuing state, and a copy of the front and back of the license or endorsement;
3. The location, dates of attendance, and identity of the sponsor of the Motorcycle Safety Foundation Rider Coach Preparation course attended by the applicant, the name(s) of the rider coach trainer(s) conducting the course, and a copy of the front and back of the MSF rider coach's card issued to the applicant or a copy of the applicant's MSF RCP course completion certificate;
4. A completed New Jersey Criminal History Review Form and fingerprint card or cards as required by N.J.A.C. 13:59 and supplied by the Motor Vehicle Commission and a cashier's check, certified check, money order, or ordinary business check payable to the Division of State Police-SBI in the amount specified in N.J.A.C. 13:59-1.3;
5. A statement by the applicant that he or she meets each of the requirements for certification set forth in this section;
6. In the case of an applicant who is the holder of a motorcycle license or endorsement issued by another state or jurisdiction, a copy of the applicant's driving history certified by the motor vehicle licensing agency of that state or jurisdiction; and
7. The estimated number of miles ridden on a motorcycle during the two years previous to the application and the types of riding experience.

(d) When the applicant submits an unsigned or otherwise incomplete application, the Chief Administrator shall send the applicant a Notice of Incomplete Application. The Notice shall specify the deficiencies in the application and provide the applicant with no less than 10 days from receipt of the Notice to submit the information or document needed to complete the application. If the applicant does not correct the deficiency within the time period specified in the Notice, the incomplete application, if retained by the Motor Vehicle Commission, shall be returned to the applicant. An applicant for certification as a rider coach who meets all of the requirements set forth in this section other than being the holder of a current certification as a motorcycle rider coach issued by the Motorcycle Safety Foundation may submit his or her application to the Motor Vehicle Commission for review. Such application shall be kept on file by the Motor Vehicle Commission for a period not exceeding 180 days pending receipt of proof of the applicant's MSF certification.

(e) When the Chief Administrator's review of the application finds the applicant meets the requirements set forth in (a) above, the Chief Administrator shall issue a certification. No certification fee shall be charged by the Chief Administrator. A certification so issued shall be in writing and shall be valid during such period as the rider coach continues to meet the requirements of (a)1 through 7 above. The certification shall include a statement that the holder may serve as a rider coach in any MSE course offered by a provider during any training year, subject to the provisions of N.J.A.C. 13:85-6.2, so long as the certification is valid at the time the holder serves as a rider coach. The Chief Administrator shall assign a Motor Vehicle Commission Certification Number to the rider coach. The rider coach shall keep the certification readily available whenever serving as a rider coach in the MSE course and shall present it to the Chief Administrator or the Chief Administrator's designee upon request.

(f) The period of validity of the certification shall end as of the date:

1. A suspension or revocation of the rider coach's motorcycle operator's license or endorsement or driver's license becomes effective;
2. The rider coach is convicted of a violation of N.J.S.A. 39:4-50 or of a substantially similar law in another jurisdiction;
3. The rider coach is convicted of a motor vehicle offense and is assessed motor vehicle points that, when added to other points assessed during the two years previous to the date of the offense, exceed four points in total;
4. The rider coach's MSF certification is no longer valid;
5. The rider coach is convicted of any of the crimes or offenses set forth in (a) above;
6. The rider coach is found to be in noncompliance with this chapter; or
7. The rider coach has not complied with the requirements of an approved course curriculum and/or the Motor Vehicle Commission's Motorcycle Safety Education Program Examiner's Guide.

(g) A rider coach shall report to the Chief Administrator whenever the period of valid certification has ended, within 10 days after the date on which the period has ended, and shall surrender the certification or any Letter of Registration issued pursuant to N.J.A.C. 13:85-6.2 to the Chief Administrator.

(h) The Chief Administrator shall recertify a person whose initial certification is no longer valid and who has no record of having served as an MSE rider coach after the period of valid certification ended upon the person again meeting the requirements in (a)1 through 7 above.

Recodified from N.J.A.C. 13:85-3.1 and amended by R.2000 d.240, effective June 5, 2000.

See: 32 N.J.R. 1161(a), 32 N.J.R. 2093(a).

Rewrote (a); added (b) through (d); recodified former (b) as (e), and rewrote paragraph; added (f) through (h).

Amended by R.2006 d.206, effective June 5, 2006.

See: 37 N.J.R. 4890(a), 38 N.J.R. 2512(a).

Section was "Director certification of instructor". Substituted "Chief Administrator" for "Director" throughout; substituted "certification" for "Certification" in (a)2; deleted "the" following "For" in the introductory paragraph of (b), substituted "When" for "Where" in (b)4; in (c)5, substituted "Motor Vehicle Commission" for "OHTS" and deleted a hyphen following "SBI", in (c)7, deleted "non-New Jersey" and inserted "issued by another state or jurisdiction", "licensing" and "of that state or jurisdiction"; in (d), substituted "When" for "Where", "Chief Administrator" for "State Coordinator", "specify" for "state", "specified" for "stated" and "Motor Vehicle Commission" for "OHTS"; in (e), substituted "When" for "Where", "Director's" for "Chief Administrator's" two times and "Motor Vehicle Commission" for "Director"; and substituted "or" for a period at the end of (f)5 and inserted (f)6.

Amended by R.2009 d.251, effective August 17, 2009.

See: 40 N.J.R. 5179(a), 41 N.J.R. 3100(a).

Section was "Certification of instructor". Rewrote the section.

### 13:85-6.2 Annual registration and review of validity of certification

(a) Any person issued a certification who wishes to serve as a rider coach in an MSE course offered by a provider in any calendar year subsequent to that in which the certification was issued shall register with the Chief Administrator by January 31 of that year on a form supplied by the Motor Vehicle Commission.

(b) The registration form shall require the rider coach to confirm that he or she continues to meet each of the requirements for certification in N.J.A.C. 13:85-6.1(a) and to provide:

1. The information and documentation required in the application for certification submitted pursuant to N.J.A.C. 13:85-6.1(c), and (c)1, 2, 5 and 6 and, if two years have passed since the rider coach's last submission of a criminal record history review form, a New Jersey Criminal Record History name check form as required by N.J.A.C. 13:59 and a cashier's check, certified check, money order, or ordinary business check payable to the Division of State Police-SBI in the amount specified in N.J.A.C. 13:59-1.3;

2. A list of the Basic Skills Level, Experienced Level, and Additional Practice Riding classes the rider coach taught during the previous training year and the provider that offered the classes; and

3. Other information the Chief Administrator may require to determine past activity as a rider coach.

(c) The Chief Administrator shall conduct a review of the validity of the certification. If the rider coach's certification is valid, the Chief Administrator shall register the rider coach and shall issue a Letter of Registration indicating that as of the date of the letter, the rider coach may serve in a course offered by any provider during the calendar year for which the rider coach has registered during such period as the certification remains valid. The rider coach shall keep the

Letter of Registration readily available whenever serving as a rider coach and shall exhibit it to any authorized representative of the Motor Vehicle Commission upon request. If the certification is no longer valid, the Chief Administrator shall issue a Notice of Invalid Certification.

New Rule, R.2000 d.240, effective June 5, 2000.

See: 32 N.J.R. 1161(a), 32 N.J.R. 2093(a).

Amended by R.2006 d.206, effective June 5, 2006.

See: 37 N.J.R. 4890(a), 38 N.J.R. 2512(a).

Substituted "Chief Administrator" for "Director" throughout; in (a), substituted "January 31" for "January 30" and "Motor Vehicle Commission" for "OHTS"; in (b)1, substituted "two years have" for "more than two years has" and deleted a hyphen following "SBI"; and deleted the former last sentence of (c).

Amended by R.2009 d.251, effective August 17, 2009.

See: 40 N.J.R. 5179(a), 41 N.J.R. 3100(a).

Substituted "rider coach" for "instructor" throughout; in (a), substituted "a rider coach" for "an instructor" and "an" for "a" preceding "MSE"; in the introductory paragraph of (b), substituted "confirm" for "state"; in (b)1 and (c), substituted "rider coach's" for "instructor's"; in (b)1, updated the N.J.A.C. references, inserted "a" preceding "cashier's check", substituted "certified check," for "or" following the second occurrence of "check" and inserted "or ordinary business check" following "order" and substituted "in" for "as required by" preceding "N.J.A.C. 13:59-1.3"; in (b)2, substituted a comma for "and" following "Level" and inserted "and Additional Practice Riding"; and in (c), substituted "indicating" for "stating", "a rider coach" for "an instructor", "exhibit" for "display" and "Motor Vehicle Commission" for "Chief Administrator" and inserted "authorized".

### 13:85-6.3 Denial of application for rider coach certification; recertification; Notice of Invalid Certification

(a) The Chief Administrator's denial of an application for certification or recertification or Notice of Invalid Certification shall be in writing and shall specify the requirements for certification that the applicant or rider coach fails to meet and, in the case of a rider coach, the date on which certification became invalid. The denial or Notice shall specify the earliest date on which the applicant or rider coach may submit an application for certification or recertification, as the case may be.

(b) The applicant or rider coach shall have 25 days from the date of receipt of the denial or Notice of Invalid Certification to dispute any motor vehicle, judicial, MSF, Motor Vehicle Commission or other agency record the Chief Administrator relied on in the issuance of the denial or Notice of Invalid Certification. If no timely response is received, the denial or Notice of Invalid Certification shall constitute the Chief Administrator's final decision.

(c) If a timely response is received that does not dispute any record the Chief Administrator relied on in the issuance of the denial or Notice of Invalid Certification, the Chief Administrator shall consider any other argument raised in the response and determine the matter on the written record. The Chief Administrator's determination shall constitute a final decision.

(d) The applicant's or rider coach's written response shall be submitted to the Motor Vehicle Commission at the address

set forth in N.J.A.C. 13:85-1.3(g) and shall be in an envelope marked "Response to Chief Administrator's Notice."

(e) The Chief Administrator may issue a Notice of Invalid Certification at any time in accordance with the procedures of this section.

New Rule, R.2000 d.240, effective June 5, 2000.  
 See: 32 N.J.R. 1161(a), 32 N.J.R. 2093(a).  
 Amended by R.2006 d.206, effective June 5, 2006.  
 See: 37 N.J.R. 4890(a), 38 N.J.R. 2512(a).

Substituted "Chief Administrator" for "Director" and "Chief Administrator's" for "Director's" throughout; substituted "specify" for "state" two times in (a); substituted "Motor Vehicle Commission" for "OHTS" in (b); substituted "that" for "which" in (c); in (d), inserted "Motor Vehicle Commission at the" and substituted "in N.J.A.C. 13:85-1.3(g)" for "at N.J.A.C. 13:85-1.3"; and substituted "Notice of Invalid Certification" for "notice of invalid certification" in (e).  
 Amended by R.2009 d.251, effective August 17, 2009.  
 Sec: 40 N.J.R. 5179(a), 41 N.J.R. 3100(a).

Section was "Denial of application for instructor certification; recertification; Notice of Invalid Certification". In (a) and (b), substituted "rider coach" for "instructor" throughout; and in (d), substituted "rider coach's" for "instructor's".

**APPENDIX A**

(see N.J.A.C. 13:85-1.3(b)1)

**New Jersey Motorcycle Safety Education Course  
 Basic Skills Level Course—MSF:BRC**

Sequencing:

From the MSF:BRC

Classroom Units

Unit I	Course Introduction	10 min.
Unit II	Introduction to Motorcycling	45 min.
Unit III	Preparing To Ride	75 min.
Unit IV	Street Strategies	90 min.
Unit V	Wrap-Up	30 min.
	Knowledge Test	

Range Exercises

Exercise 1	Motorcycle Familiarization	30 min.
Exercise 2	Using the Friction Zone	25 min.
Exercise 3	Starting and Stopping Drill	25 min.
Exercise 4	Shifting and Stopping	30 min.
Exercise 5	Adjusting Speed and Turning	30 min.
Exercise 6	Controls-Skills Practice	20 min.
Exercise 7	Cornering	30 min.
Exercise 8	Matching Gears to Speed	15 min.
Exercise 9	Stopping Quickly	30 min.
Exercise 10	Limited-Space Maneuvers	25 min.
Exercise 11	Prompting to Initiate Lean	25 min.
Exercise 12	Cornering Judgment	30 min.
Exercise 13	Negotiating Curves	30 min.
Exercise 14	Stopping Quickly in a Curve	20 min.
Exercise 15	Changing Lanes and Crossing Obstacles	20 min.
Exercise 16	Avoiding Hazards	30 min.
Exercise 17	Skills Practice	20 min.
	Skill Test	

New Rule, R.2000 d.240, effective June 5, 2000.

See: 32 N.J.R. 1161(a), 32 N.J.R. 2093(a).

Amended by R.2006 d.206, effective June 5, 2006.

See: 37 N.J.R. 4890(a), 38 N.J.R. 2512(a).

Inserted "Course" following "Education" and "Level" following "Skills".

Repeal and New Rule, R.2009 d.251, effective August 17, 2009.

Sec: 40 N.J.R. 5179(a), 41 N.J.R. 3100(a).

**APPENDIX B**

(see N.J.A.C. 13:85-1.3(b)2)

**New Jersey Motorcycle Safety Education Course**

**Experienced Level Course—MSF:ERC Suite**

Sequencing:

From the MSF:ERC Suite

Exercise 1	Control at Low Speed	20 min.
Exercise 2	Controls-Skills Practice	20 min.
Exercise 3	Stopping Quickly	25 min.
Classroom	The 4 Preps	5 to 15 min.
Card 2		
Classroom	Ladder of Risk	5 to 15 min.
Card 3		
Classroom	Total Stopping Distance	5 to 15 min.
Card 4		
Exercise 4	Limited-Space Maneuvers	25 min.
Exercise 5	Cornering Judgment	25 min.
Classroom	Search, Evaluate, and Execute	5 to 15 min.
Card 5		
Classroom	RiderRadar	5 to 15 min.
Card 6		
Classroom	Car/Motorcycle Crashes	5 to 15 min.
Card 7		
Exercise 6	Cornering Finesse	25 min.
Exercise 7	Stopping Quickly in a Curve	15 min.
Classroom	Motorcycle-Only Crashes	5 to 15 min.
Card 8		
Classroom	Traction Patches	5 to 15 min.
Card 9		
Exercise 8	Hazard Avoidance: Swerving and Stopping Quickly	25 min.
Exercise 9	Multiple Curves	25 min.
Classroom	Alcohol/Drug Effects	5 to 15 min.
Card 10		
Classroom	Safety Oval	5 to 15 min.
Card 11	Skill Test and/or Knowledge Test	

Note: Each classroom segment is intended to be a five to 10 minute discussion of key safety points in the ERC Suite License Waiver Rider Course, and a 12 to 15 minute discussion of key safety points in the ERC Suite Skills Plus Rider Course.

Note: Classroom segments are not used in the ERC Suite Skills Practice Rider Course, and no testing is conducted in the ERC Suite Skills Practice Rider Course.

Note: A skill test and a knowledge test are required in the ERC Suite License Waiver Rider Course.

Note: A skill test and/or a knowledge test are optional in the ERC Suite Skills Plus Rider Course.

New Rule, R.2000 d.240, effective June 5, 2000.  
 See: 32 N.J.R. 1161(a), 32 N.J.R. 2093(a).  
 Amended by R.2006 d.206, effective June 5, 2006.  
 See: 37 N.J.R. 4890(a), 38 N.J.R. 2512(a).  
 Substituted "N.J.A.C. 13:85-1.3(b)2" for "N.J.A.C. 13:85-1.3(b)1".  
 Repeal and New Rule, R.2009 d.251, effective August 17, 2009.  
 See: 40 N.J.R. 5179(a), 41 N.J.R. 3100(a).

**APPENDIX C**

(see N.J.A.C. 13:85-1.3(b)3)

**New Jersey Motorcycle Safety Education Course**

**MSF Additional Practice Riding Course**

Sequencing:

Range Activities From the MSF:BRC

Exercise 3 Starting and Stopping Drill 25 min.

Exercise 4	Shifting and Stopping	30 min.
Exercise 6	Controls-Skills Practice	20 min.
Exercise 9	Stopping Quickly	30 min.
Exercise 10	Limited Space Maneuvers	25 min.
Exercise 12	Cornering Judgment	30 min.
Exercise 13	Negotiating Curves	30 min.
Exercise 16	Avoiding Hazards	30 min.
Exercise 17	Skills Practice	20 min.
	Skill Test	

Note: Include classroom refresher if more than two to three weeks have passed after attendance at a Basic Skills Level course.

New Rule, R.2000 d.240, effective June 5, 2000.  
 See: 32 N.J.R. 1161(a), 32 N.J.R. 2093(a).  
 Repeal and New Rule, R.2009 d.251, effective August 17, 2009.  
 See: 40 N.J.R. 5179(a), 41 N.J.R. 3100(a).