

CHAPTER 85

MOTORCYCLE SAFETY EDUCATION PROGRAM

Authority

N.J.S.A. 27:5F-40.

Source and Effective Date

R.2000 d.240, effective May 12, 2000.
See: 32 N.J.R. 1161(a), 32 N.J.R. 2093(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 85, Motorcycle Safety Education Program, expires on May 7, 2006. See: 37 N.J.R. 4890(a).

Chapter Historical Note

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 adopted as R.1995 d.273, effective June 5, 1995. See: 27 N.J.R. 1145(a), 27 N.J.R. 2244(c).

Pursuant to Executive Order No. 66(1978), Chapter 85, Motorcycle Safety Education Program, were 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, Chapter 85, Motorcycle Safety Education Program, expiration date was extended by gubernatorial directive from May 12, 2005 to November 8, 2005. See: 37 N.J.R. 1036(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 instructor 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 clothing for range training and instruction
- 13:85-2.3 Basic Skills Level course
- 13:85-2.4 Experienced Level course
- 13:85-2.5 Intermediate level courses

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

SUBCHAPTER 4. OFFICE OF HIGHWAY TRAFFIC SAFETY 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 Public and private educational institutions
- 13:85-5.2 Provider Insurance

- 13:85-5.3 Policy effect; release
- 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—range use
- 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 Instructor preparation courses
- 13:85-5.16 Tuition
- 13:85-5.17 Intermediate level MSE courses approved by the Director
- 13:85-5.18 Denial of application for approval to offer MSE course
- 13:85-5.19 Notice of noncompliance; revocation of approval to provide course at a location

SUBCHAPTER 6. CERTIFIED INSTRUCTOR

- 13:85-6.1 Director certification of instructor
- 13:85-6.2 Annual registration and review of validity of certification
- 13:85-6.3 Denial of application for instructor 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-40. The rules establish the Office of Highway Traffic Safety motorcycle safety education course and the requirements for participation in and successful completion of the course, and govern public and private educational institutions approved to provide the course and its instructors.

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.

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:

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

“Course,” “Motorcycle Safety Education course” or “MSE course” means the course of motorcycle safety education classroom and range instruction and training established by the Director and any of the skill levels at which it may be offered.

“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 modules approved by the Director 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.

“Director” means the Director of the Office of Highway Traffic Safety.

“Examining instructor” means the instructor assigned by a provider to administer the motorcycle skills operator’s test required for successful completion of the MSE Basic Skills course.

“Instructor” means a person holding a valid certification issued by the Director to act as an instructor of a MSE course offered by a provider.

“Location” means each separate place approved by the Director where classroom and/or range instruction and training in the MSE course is offered to participants by a provider.

“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.

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

“MRC:ERC” means the Motorcycle Rider Course/Experienced Rider Course—a motorcycle rider education course developed by the Motorcycle Safety Foundation intended for experienced motorcycle riders.

“MRC:IRC” means the Motorcycle Rider Course/Intermediate Rider Course—a motorcycle rider education course developed by the Motorcycle Safety Foundation for motorcycle riders who have not ridden for a long period of time and wish to renew previously learned skills.

“MRC:RSS” means the Motorcycle Rider Course/Riding and Street Skills—a motorcycle rider course developed by the Motorcycle Safety Foundation to train novice, beginner or potential riders.

“MSF” means the Motorcycle Safety Foundation.

“MSF IP” means the Motorcycle Safety Foundation Instructor Preparation course.

“NJDMV” means the New Jersey Division of Motor Vehicles.

“OHTS” means the Office of Highway Traffic Safety.

“Participant” means a person enrolled in the MSE course established by the Director.

“Program” means the course of instruction and training in motorcycle safety education established by the Director pursuant to N.J.S.A. 27:5F-36 open to a person who is the holder of motorcycle operator learner’s permit or a motorcycle license or endorsement issued by the NJDMV.

“Provider” means a public or private educational institution approved by the Director 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 Director.

“State Coordinator” means a person in the Office of Highway Traffic Safety designated by the Director to oversee the MSE courses offered by a provider and the qualifications of instructors.

“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.

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.

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 Director establishes the Office of Highway Traffic Safety 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 the motorcycle safety education course for the purposes of N.J.S.A. 39:3-10.31, under the terms of which the Director of the Division of Motor Vehicles may waive the road test portion of the examination required for a motorcycle license or endorsement to 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 riding experience under a license held for at least six months; and
3. Such intermediate level courses intended for a motorcyclist who has riding experience under a license held for less than six months as the Director may approve.

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

1. For the Basic Skills Level course, any of the sequence of modules identified in Appendix A to this chapter, developed by the MSF as set forth in the March, 1995 version of the MSF MRC:RSS Instructor's Guide at pages VII-1 to VII-56.

2. For the Experienced Level course, the sequence of modules, identified in Appendix B to this chapter, developed by the MSF as set forth in the March 1995 version of the MSF MCR:ERC Instructor's Guide at pages V-1 to VII-68 and including the Riding Straight module in the March 5, 1995 version of the MSF MRC:RSS Instructor's Guide at pages VIII-45 to VIII-56.

3. For any intermediate level course, a sequence of modules designated by the MSF as optional in the March 1995 version of the MSF MRC:RSS Instructor's Guide at page IV-1 and the March 1995 version of the MRC:ERC Instructor's Guide at page II-1 presented in combination with modules of the MRC:RSS or MRC:ERC courses.

4. For all courses, such additional materials designed for classroom presentation concerning motorcycle safety education as the Director shall determine are necessary in addition to and after the completion of and any testing for the MSF modules, to provide the participant with information related to the safe operation of a motorcycle. OHTS shall provide such materials to providers for distribution to its instructors prior to the start of a new training year.

(c) The Director shall determine the content of any module 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 its instructors prior to the start of the training year.

(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 MRC:RSS and MRC:ERC modules as set forth in the respective March 1995 versions of the Instructor's Guide.

(e) Any reference to "MSF standards and requirements" contained in this chapter shall be deemed as a reference to the MSF Instructor Guides incorporated by reference by this rule.

(f) The MSE course may be provided by the Office of Highway Traffic Safety 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 approved by the Director 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 Coordinator, New Jersey Motorcycle Safety Education Program, Office of Highway Traffic Safety, PO Box 048, Trenton, NJ 08625-0048. The Motorcycle Safety Foundation may be contacted at 2 Jenner Street, Suite 150, Irvine, California 92718-3812.

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 section.

13:85-1.4 Annual in-service and instructor preparation courses

(a) The Director 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 instructors in classes offered by the provider. The Director shall notify providers and instructors of the times, and dates and locations of the in-service class at least 30 days prior to the scheduled date of the first available class. The class shall include, but not be limited to, an overview and update on instructor-and course-related matters the Director determines should be addressed. The Director shall notify instructors if attendance is mandatory because of the material to be presented.

(b) The Director may also make available as he or she deems necessary, based on the number of classes scheduled by providers and the number of available certified instructors, an instructor's preparation course. The course shall include the Motorcycle Safety Foundation Instructor's Preparation course. The course shall be open to an employee or a prospective employee of the provider who has applied to the Director for certification as an instructor 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 instructor issued by the Motorcycle Safety Foundation. Applicants for instructor certification shall request enrollment in the instructor preparation class at the time of application. The Director shall notify each applicant who has requested enrollment of the availability of the course in writing and provide a registration form.

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.

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 and

witnessed 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.
Sec: 32 N.J.R. 1161(a), 32 N.J.R. 2093(a).
Section was "Participants".

13:85-2.2 Protective clothing for range training and instruction

(a) To participate in range training and instruction in the MSE course, a participant shall wear protective clothing free of any defects. Until January 1, 2002, protective clothing shall consist of the following: a protective motorcycle safety helmet which meets MSF standards and requirements and eye protection in the form of eyewear or a face shield made of shatter proof plastic and the gloves, footwear and jacket of the type set forth in (a)3, 4 and 5 below. After January 1, 2002, protective clothing shall consist of the following:

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

2. Eye protection in the form of goggles or a face shield in conformance with standards established by the NJDMV 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 and 24.4, except where the motorcycle is equipped with a windscreen in conformance with the standards established by the NJDMV pursuant to N.J.S.A. 39:3-76.9, N.J.A.C. 13:20-32.53 and 32.69, which are incorporated herein by reference;

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

4. Long, non-flare pants of denim or 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 instructor determines shall not interfere with the safe operation of a motorcycle on the range; and

6. A long-sleeved shirt or jacket.

(b) The Director shall provide, prior to January 1, 2002, for distribution to providers and instructors such advisories on protective clothing as he or she deems necessary to ensure uniformity of standards.

(c) Protective clothing as defined in (a) above shall be worn whenever the participant is operating the motorcycle on the range.

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

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

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 learner's permit issued to the person by the NJDMV 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 NJDMV 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 clothing required by N.J.A.C. 13:85-2.2.

(b) A participant in the Basic Skills Level course shall receive all range training and instruction on a motorcycle with an engine that is no less than 100 cc or no more than 350 cc.

New Rule, R.2000 d.240, effective June 5, 2000.
Sec: 32 N.J.R. 1161(a), 32 N.J.R. 2093(a).

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 license or endorsement issued to the participant by the NJDMV which is not suspended, revoked, or expired;

2. Have held the license or endorsement specified in (a)1 above for at least six months of riding experience;

3. Wear the protective clothing required by N.J.A.C. 13:85-2.2;

4. Supply for range instruction, a motorcycle with a valid motorcycle inspection certificate; and

5. 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 a two-wheeled, single track motorcycle without a sidecar, equipped with a hand clutch and foot shift.

New Rule, R.2000 d.240, effective June 5, 2000.
Sec: 32 N.J.R. 1161(a), 32 N.J.R. 2093(a).

13:85-2.5 Intermediate level courses

(a) To participate in any intermediate level course established by the Director, pursuant to N.J.A.C. 13:85-5.15, a person shall:

1. Have in his or her possession during each day of course instruction and available for display a motorcycle license or endorsement issued to the participant by the NJDMV that is not suspended, revoked, or expired;
2. Wear the protective clothing required by N.J.A.C. 13:85-2.2; and
3. Meet such other requirements as the Director 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).

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 module of the curriculum;
2. Achieve a score of at least 80 percent correct responses on a written motorcycle skills 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 instructor during a motorcycle skills operator's test.

(b) A participant who successfully completes the course shall receive a course completion card.

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

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 module of the curriculum; and
2. Achieve a score of 80 percent correct responses on a written knowledge test consisting of 20 questions.

(b) A participant who successfully completes the course shall receive a course completion card.

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

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

SUBCHAPTER 4. OFFICE OF HIGHWAY TRAFFIC SAFETY COURSE
13:85-4.1 Course registration fee

The Director may impose a registration fee on participants in the OHTS MSE course if the monies in the Motorcycle Safety Education Fund are insufficient to cover the costs of the program.

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).

13:85-4.2 Schedule and registration

(a) The OHTS shall publish a notice of the schedule of classes in the MSE Basic Skills Level, Experienced Level or other courses offered during a calendar year in the New Jersey Register and at least two newspapers with Statewide circulation at least one month prior to the start of classes. The schedule shall be made available to the public from by the Office of Highway Traffic Safety upon request. The schedule shall include the times, dates, and locations of the classes offered, any registration period, any registration fee imposed by the Director 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 Office of Highway Traffic Safety which shall set forth the qualifications for enrollment in the Basic Skills Level, Experienced Level, and any other courses. Priority shall be given to applicants who have had no previous training in the course selected or other MSF training.

(c) The Office of Highway Traffic Safety 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 which releases the State from any and all liability, loss, costs, claim and/or damage arising out of participation in the course conducted by the Office of Highway Traffic Safety.

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).

13:85-4.3 Supplemental schedule

The Director may supplement the published 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).

SUBCHAPTER 5. MSE COURSES OFFERED BY PROVIDERS

13:85-5.1 Public and private educational institutions

(a) The Director may approve a public or private educational institution to also provide the MSE course. The approval signifies that:

1. The institution 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 institution is eligible to receive the assistance provided pursuant to (g) below and N.J.A.C. 13:85-1.4(b); and
 3. When, in conformance with this chapter, the institution provides to a participant the MSE course presented by an instructor holding a valid certification issued by the Director and registered in accordance with N.J.A.C. 13:85-6.2, the participant will have received instruction and training in the MSE course established pursuant to this chapter.
- (b) An approved institution shall either assign an employee of the institution or contract with a person to serve as the course instructor at the location. The Director may also approve the institution to provide instruction in the course by contracting with an existing provider; however, the institution 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 under this chapter. Any public or private educational institution approved to offer the MSE course prior to June 5, 2000 which provides the MSE course to a participant through the services of another provider shall be subject to this rule.

(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; or

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.

(d) A public or private educational institution that desires the approval of the Director to provide the MSE course shall submit to the State Coordinator an application on a form supplied by the OHTS and provide any additional pertinent information when requested to do so by the State Coordinator. The application shall include the following information:

1. The names, addresses and business phone numbers of the institution's board of trustees, board of education or other governing body, 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 institution 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 institution will directly employ and/or contract with each instructor 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 institution anticipates

offering the course, and anticipated tuitions, 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 institution'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 Director shall have the location inspected and all information submitted in the application verified.

(f) Where the Director verifies the information submitted in the application and finds 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 Director 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 institution may commence providing the course. The Director 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 Director may revoke the approval to provide the course at any location for non-compliance with this chapter or other good cause.

(g) The provider shall submit the application in (d) above to the Director 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 Director 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 Director 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 December 1 of the preceding year, the governing board or appropriate officer of the provider shall file with the Director the schedule of classes to be offered in the upcoming 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 State Coordinator within five days of the cancellation of a scheduled class or any other change that occurs in the schedule filed with the Director. No additional date shall be scheduled without prior notice to the State Coordinator of at least five days.

(i) Registration of students for the schedule of classes filed with the Director 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 scheduled after January 1, 1999, and notwithstanding the provisions of N.J.A.C. 13:85-5.4, the Director shall 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 Director deems necessary or appropriate for course instruction. The State Coordinator shall maintain an inventory of the number of participant classroom instructional materials distributed to the provider.

2. The Director may also use the monies in the Fund to make available to each provider for use by instructors in a classroom or on a training range:

i. The course videotape, chart, slide or other classroom instructional aides;

ii. Instructor guides;

iii. Range cards;

iv. Evaluation, coaching and range management guides; and

v. Course completion cards, attendance rosters and other materials the Director determines are necessary or appropriate to document the participant'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 Coordinator based on a written request form the provider submitted with the schedule filed by the provider under (h)2 above that demonstrates the need for these items based on the number of training ranges, classrooms, and anticipated participants. The State Coordinator shall maintain an inventory of all materials provided, which shall remain the property of the Office of Highway Traffic Safety.

4. The Director 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 instructors.

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 section.

13:85-5.2 Provider Insurance

(a) Until December 31, 2000, upon approval, each provider is covered to offer classes as an additional insured under a commercial general liability policy and property loss policy secured by the Office and administered by a designee

appointed by the Director. Each provider participating under the policy shall pay the premium allocated to the provider as determined under the policy by the insurance company. After December 31, 2000, each provider and any applicant for approval shall submit to the Director proof of adequate insurance to provide the MSE course to participants.

(b) The Director 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 payments protection for participants;
4. Liability protection for instructors, 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 institution shall provide an original certificate of insurance that requires the Director to be given written notice thirty 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).

13:85-5.3 Policy effect; release

(a) Until December 31, 2000, the commercial general liability policy secured by the OHTS is in effect as long as an approved course is in session. The commercial general liability policy covers both the State and the provider and the provider's employees in any provider-sponsored MSE course conducted under the program.

(b) Until December 31, 2000, providers shall require each participant to complete a Release, Waiver and Indemnification Statement, supplied by the Office of Highway Traffic Safety, which releases the State from any and all liability, loss, costs, claim and/or damage arising out of participation in a course conducted by the provider.

(c) The terms of this section shall expire on December 31, 2000.

Recodified from N.J.A.C. 13:85-5.2 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); added (c).

13:85-5.4 Facilities and equipment

(a) A provider's facilities and equipment shall conform to standards set by the Motorcycle Safety Foundation, as well as 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 instructors, 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;

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 material, equipment as determined by the Director 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 section.

13:85-5.5 Reporting and records

(a) Providers shall submit the following items to the State Coordinator for each class within 20 working days after the completion of course:

1. Copies of all MRC:RSS, MRC:IRC and MRC:ERC rosters of participants, a class schedule and accident forms for each class section occurring in the 2000 training year and for classes conducted after January 1, 2001, the attendance roster, the answer sheet for each participant who has taken a written knowledge test, the Examining Instructor's score sheet for each participant in a Basic Skills Level course who undergoes the Basic Skills Level motorcycle operator skills test and, where a participant is under the age of 18 years, the witnessed, parental permission required by N.J.A.C. 13:85-3.1. Providers shall make and retain copies of these documents for three years.

2. Upon request, providers shall make their record of all such documents available for inspection to the Director or the Director'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 Director immediately.

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

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

Rewrote section.

13:85-5.6 Medical emergencies

(a) For all MSE classes occurring after January 1, 2001, 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 instructor'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 Director 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.

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

13:85-5.7 Organization of class; class size

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

(b) Where the number of participants in a class exceeds six, the provider shall assign two instructors 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 an instructor.

2. If the class consists of more than six participants, two instructors 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 instructors 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 an instructor shall supervise participants on a range or give instruction and training in the operation of a motorcycle.

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 instructor and shall comply with all directives given by the instructor.

7. A participant unable to operate the motorcycle within the minimum standards established by the curriculum for a module of range instruction and training shall, at the direction of the instructor, cease participation in the range instruction and training. The instructor 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 module of range training and instruction and to continue in the course.

(c) The provider may assign one instructor to present modules designed for classroom presentation to a group of participants consisting of more than one class where the classroom facility permits, so long as 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 may be and is brought to the same point of instruction by the instructor without unreasonably delaying the progress of the class. At no time, however, shall the class size exceed 12 participants.

(e) The provider may include in a MSE class a person who is the holder of a current, valid motorcycle license or endorsement or current, valid motorcycle operator learner's permit issued by another state who otherwise meets all requirements under 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.

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

13:85-5.8 Class meetings

(a) The instructor shall maintain an attendance roster supplied by the OHTS for each class which 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 instructor assigned to the class shall:

1. Take attendance; and
2. Ensure that each participant:
 - i. Possesses the motorcycle license or endorsement or motorcycle operator learner's permit required for participating in the course;
 - ii. If range training and instruction is scheduled for that day will have the protective clothing required by N.J.A.C. 13:85-2.2;
 - 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 instructor shall:

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

13:85-5.9 Ranges—layout and equipment

(a) Modules of the curriculum designed for range instruction shall be conducted on a range approved by the Director 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. No wireless phone or two-way radio shall be required where the range is located within reasonable proximity to a conventional phone that shall permit contact with or the summoning of 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).

13:85-5.10 Motorcycle inspection—range use

Before any motorcycle is used for range instruction in any MSE course, the instructor shall conduct an inspection of the motorcycle's tires, controls, lights, oil, chassis, and kickstand and related parts and shall prohibit the use of the motorcycle for range instruction when the instructor 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).

13:85-5.11 Rest periods

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

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

13:85-5.12 Testing

The testing of participant's knowledge or motorcycle operator skills evaluation shall be conducted in conformance with the January 2000 edition of the OHTS Motorcycle Safety Education Program Examiner's Guide, as amended and supplemented, incorporated herein by reference. The Guide shall be distributed by the OHTS to instructors and providers exclusively 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).

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 scheduled after January 1, 2001 making the representation that a student who successfully passes the MSE Basic Skills course is eligible for a "waiver" of the road test portion of the motorcycle licensing test conducted by the NJDMV shall include the following statement with respect to such representation: "Name of Public or Private Educational Institution has been approved by the Director of the Office of Highway Traffic Safety 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).

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 cards.

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

13:85-5.15 Instructor preparation courses

(a) The provider may sponsor a Motorcycle Safety Foundation Instructor Preparation course that shall require the use of a MSE class for the student teaching portion of the MSF IP with the prior written approval of the Director. The Director's designee shall observe the student-teaching portion of the MSF IP and the administration of the motorcycle operator skills test of any MSF IP course approved by the Director.

(b) The Director 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 MSF IP 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 chief instructor and each trainee who will participate in the MSF IP.

2. Each MSF-certified chief instructor intending to participate in the MSF IP who is not the holder of a valid certification issued by the Director shall have submitted in writing to the Director 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 (b)1 above.

(c) The State Coordinator shall notify each MSF IP trainee in writing of the requirements for obtaining a certification as a MSE instructor from the Director 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).

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 Director with the schedule required by N.J.A.C. 13:85-5.1(h). The provider shall notify the Director of any increase in the filed participant tuition during the calendar year no later than five days prior to the effective date of the increase. A list of the tuition for each

course level filed by each provider shall be published in the New Jersey Register with notice that the tuition is subject to change pursuant to the terms of this rule.

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 section.

13:85-5.17 Intermediate level MSE courses approved by the Director

(a) The Director hereby adopts and incorporates by reference the sequence of modules from the March 1995 MSF-MRC:RSS and MRC:ERC Instructor Guides as identified in Appendix C as the MSE intermediate course. The Director may also approve the materials available pursuant to N.J.A.C. 13:85-5.2 for use by a participant in and instructor of an MSE intermediate level course offered by a provider designed for a person who has been the holder of a motorcycle license or endorsement for less than six months. The course shall consist of a presentation in sequence of those modules of the MSF MRC:RSS or MRC:ERC course designated as "optional" by the MSF and which are not included in the MSE Basic Skills Level or Experienced Level curricula or a repeat of some portion of the Basic Skills Level or Experienced Level course in conjunction with optional modules. To obtain approval for other intermediate level courses, the provider shall:

1. Submit a description of the proposed curriculum, an explanation as to why the course should be offered, a proposed schedule of classes, the number of anticipated participants and the number of hours needed to complete the course, including rest periods and meal breaks;

2. Meet insurance requirements provided at N.J.A.C. 13:85-5.2 and 5.3; and

3. Require no knowledge testing or skills testing to complete the course. The provider shall submit information as to whether the provider has determined that the course requires the participant to have successfully completed the MSE Basic Skills course as a prerequisite for enrollment and whether a participant shall be supplied with a motorcycle of the type used in the MSE Basic Skills course or may supply his or her own street-legal.

(b) The Director shall approve the use of materials for the course where the Director finds that the course will further develop the knowledge, attitudes, habits and skills necessary for the safe operation and riding of a motorcycle. The Director's approval of the use of materials for a course approved at the request of one provider shall be deemed approval for all other providers to use the materials to offer the course under the same conditions. The approved course shall be open to any person meeting the requirements. The Director may on his or her own determination also establish other intermediate courses.

(c) The Director shall designate a title for the course and publish notice of it in the New Jersey Register.

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).

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

The Director's denial of an application by a public or private educational institution for approval to provide an MSE course shall be in writing and shall state 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 stating that the corrective action or its equivalent has been taken, the Director, by inspection or other means, shall confirm that the corrective action has been taken and is sufficient to issue the approval. The Director 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).

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

(a) The Director shall notify the provider in writing when the Director 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 an instructor 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 Director in writing. The provider shall state 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 stated in the notice. The notice shall state that if no timely written response is received, the Director's approval to offer the course at the location or locations stated in the notice is revoked and shall require the provider to return all student classroom materials, instructor guides, or other materials or assistance supplied under this chapter to the OHTS.

(c) The Director 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 Director shall consider whether a review of the record shows that the same or similar noncompliance for which the provider received notice under this rule has previously occurred during the training year and been corrected.

(d) If the Director 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 Director 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 stated and shall direct the provider to return all student classroom materials, instructor guides or other assistance supplied under this chapter to the OHTS 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) The provider's written response to the notice specified in (a) above shall be mailed to the Director at the address stated at N.J.A.C. 13:85-1.3 in an envelope marked "Provider's Response to Director'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).

SUBCHAPTER 6. CERTIFIED INSTRUCTOR

13:85-6.1 Director certification of instructor

(a) Any person seeking to qualify for certification as an instructor of the MSE course shall apply in writing to the Director, and as of the date the certification is issued by the Director, 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 instructor;
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, 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 the purposes of determining whether an applicant is qualified for the issuance of instructor certification, the Director 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. Where 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 Director shall issue the certification provided the length of any such suspension does not, in the judgment of the Director, 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.

(c) Any person who meets the requirements set forth in (a) above may apply in writing to the Director 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 registration number of a motorcycle, if one is owned by the applicant at the time of application, and a copy of the front and back of the motorcycle's registration, or the registration number of a motorcycle owned at any time during the two years previous to the application, and the name of the state of registration, and a copy of the front and back of the motorcycle registration, or, if no motorcycle is owned by the applicant at the time of application and the registration number and registration of a motorcycle owned during the two years previous to the application is not available, a description of the types of motorcycles ridden during the two years previous to the application;

4. The location, dates of attendance, and identity of the sponsor of the Motorcycle Safety Foundation Instructor's Preparation course attended by the applicant, the names of the Chief Instructor(s) conducting the course, and a copy of the front and back of the MSF instructor's card issued to the applicant or a copy of the applicant's MSF IP course completion certificate;

5. 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 OHTS and a cashier's check, certified check or money order payable to the Division of State Police—SBI—in the amount specified as required by N.J.A.C. 13:59-1.3;

6. A statement by the applicant that he or she meets each of the requirements for certification set forth in this section;

7. In the case of an applicant who is the holder of a non-New Jersey motorcycle license or endorsement, a copy of the applicant's driving history certified by the motor vehicle agency; and

8. The estimated number of miles ridden on a motorcycle during the two years previous to the application and the types of riding experience.

(d) Where the applicant submits an unsigned or otherwise incomplete application, the State Coordinator shall send the applicant a Notice of Incomplete Application. The Notice shall state 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 stated in the Notice, the incomplete application, if retained by the OHTS, shall be returned to the applicant.

(e) Where the Director's review of the application finds the applicant meets the requirements set forth in (a) above,

the Director shall issue a certification. No certification fee shall be charged by the Director. A certification so issued shall be in writing and shall be valid during such period as the instructor continues to meet the requirements of (a)1 through 7 above. The certification shall include a statement that the holder may serve as an instructor 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 an instructor. The Director shall assign a Director Certification Number to the instructor. The instructor shall keep the certification readily available whenever serving as an instructor in the MSE course and shall present it to the Director or the Director'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 instructor's motorcycle operator's license or endorsement or driver's license becomes effective;
2. The instructor is convicted of a violation of N.J.S.A. 39:4-50 or of a substantially similar statute in another jurisdiction;
3. The instructor 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 conviction, exceed four points in total;
4. The instructor's MSF certification is no longer valid; or
5. The instructor is convicted of any of the crimes or offenses set forth in (a) above.

(g) An instructor shall report to the Director 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 Resignation issued pursuant to N.J.A.C. 13:85-6.2 to the Director.

(h) The Director shall recertify a person whose initial certification is no longer valid and who has no record of having served as an MSE instructor 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).

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

(a) Any person issued a certification who wishes to serve as an instructor in a MSE course offered by a provider in any calendar year subsequent to that in which the certification was issued shall register with the Director by January 30 of that year on a form supplied by the OHTS.

(b) The registration form shall require the instructor to state 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, 6 and 7 and, if more than two years has passed since the instructor'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 cashier's check or money order payable to the Division of State Police—SBI—in the amount specified as required by N.J.A.C. 13:59-1.3;
2. A list of the Basic Skills Level and Experienced Level classes the instructor taught during the previous training year and the provider that offered the classes; and
3. Other information the Director may require to determine past activity as an instructor.

(c) The Director shall conduct a review of the validity of the certification. If the instructor's certification is valid, the Director shall register the instructor and shall issue a Letter of Registration stating that as of the date of the letter, the instructor may serve in a course offered by any provider during the calendar year for which the instructor has registered during such period as the certification remains valid. The instructor shall keep the Letter of Registration readily available whenever serving as an instructor and shall display it to any representative of the Director upon request. If the certification is no longer valid, the Director shall issue a Notice of Invalid Certification. Any person issued a certification or renewal of such certification prior to June 5, 2000 shall comply with 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).

13:85-6.3 Denial of application for instructor certification; recertification; Notice of Invalid Certification

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

(b) The applicant or instructor shall have 25 days from the date of receipt of the denial or Notice of Invalid Certification to dispute any motor vehicle, judicial, MSF, OHTS or other agency record the Director 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 Director's final decision.

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

(d) The applicant's or instructor's written response shall be submitted to the address set forth at N.J.A.C. 13:85-1.3

and shall be in an envelope marked "Response to Director's Notice."

(e) The Director 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).

APPENDIX A

(see N.J.A.C. 13:85-1.3(b)1)
New Jersey Motorcycle Safety Education
Basic Skills Course—MRC:RSS

Sequencing:	OPTION ONE		
Mod One	Classroom	For the Joy of Motorcycling	60 Min.
Mod Two	Classroom	Preparing to Ride	120 Min.
Mod Three	Range Exercise 1	Getting familiar with the Motorcycle	05 Min.
	Range Exercise 2	Moving the Motorcycle	15 Min.
	Range Exercise 3	Starting and Stopping the Motorcycle	05 Min.
	Range Exercise 4	Riding in a straight line	35 Min.
Mod Four	Range Exercise 5	Riding the perimeter & large circles	20 Min.
	Range Exercise 6	Weaving (30°)	10 Min.
	Range Exercise 7	Turning on different curves & weaving	20 Min.
Mod Five	Range Exercise 9	Making sharp turns	15 Min.
	Range Exercise 10	Shifting in a straight line	20 Min.
	Range Exercise 11	Shifting & turning on different curves and Shifting & making sharp turns	20 Min.
Mod Six	Range Exercise 12	Stopping with both brakes	25 Min.
	Range Exercise 13	Stopping quickly on command	10 Min.
	Range Exercise 14	Stopping on a curve	15 Min.
Mod Seven	Classroom	Street Strategies	60 Min.
Mod Nine	Classroom	Advanced Turning and Braking	60 Min.
Mod Thirteen	Classroom	Special Situations	45 Min.
Mod Fourteen	Classroom	Riding Straight	30 Min.
Mod Eight	Range Exercise 15	Gap Selection	10 Min.
	Range Exercise 16	Turning from a stop & changing lanes	30 Min.
	Range Exercise 17	Controlling rear wheel skids	10 Min.
Mod Ten	Range Exercise 18	Stopping in the shortest distance	20 Min.
	Range Exercise 19	Swerving to avoid obstacles	30 Min.
Mod Eleven	Range Exercise 20	Stopping quickly on a curve	15 Min.
	Range Exercise 21	Selecting a safe turning speed	30 Min.
Mod Seventeen	Range Exercise 22	Offset weaving	15 Min.
Mod Twelve	Range	Level Two Skill Evaluation (M.O.S.T.)	60 Min.
Mod Fifteen	Classroom	Course wrap up (includes written test)*	45 Min.
		Debriefing students and issuing cards	15 Min.
Sequencing:	OPTION TWO		
Mod One	Classroom	For the Joy of Motorcycling	60 Min.
Mod Two	Classroom	Preparing to Ride	120 Min.
Mod Three	Range Exercise 1	Getting familiar with the Motorcycle	05 Min.
	Range Exercise 2	Moving the Motorcycle	15 Min.
	Range Exercise 3	Starting and Stopping the Motorcycle	05 Min.
	Range Exercise 4	Riding in a straight line	35 Min.
Mod Four	Range Exercise 5	Riding the perimeter & large circles	20 Min.
	Range Exercise 6	Weaving (30°)	10 Min.
	Range Exercise 7	Turning on different curves & weaving	20 Min.
Mod Five	Range Exercise 9	Making sharp turns	15 Min.
	Range Exercise 10	Shifting in a straight line	20 Min.
	Range Exercise 11	Shifting & turning on different curves and Shifting & making sharp turns	20 Min.
Mod Seven	Classroom	Street Strategies	60 Min.
Mod Nine	Classroom	Advanced Turning and Braking	60 Min.
Mod Thirteen	Classroom	Special Situations	45 Min.
Mod Fourteen	Classroom	Riding Straight	30 Min.
Mod Six	Range Exercise 12	Stopping with both brakes	25 Min.
	Range Exercise 13	Stopping quickly on command	10 Min.
	Range Exercise 14	Stopping on a curve	15 Min.
Mod Eight	Range Exercise 15	Gap Selection	10 Min.
	Range Exercise 16	Turning from a stop & changing lanes	30 Min.
	Range Exercise 17	Controlling rear wheel skids	10 Min.
Mod Ten	Range Exercise 18	Stopping in the shortest distance	20 Min.

	Range Exercise 19	Swerving to avoid obstacles	30 Min.
Mod Eleven	Range Exercise 20	Stopping quickly on a curve	15 Min.
	Range Exercise 21	Selecting a safe turning speed	30 Min.
Mod Seventeen	Range Exercise 22	Offset weaving	15 Min.
Mod Twelve	Range	Level Two Skill Evaluation (M.O.S.T.)	60 Min.
Mod Fifteen	Classroom	Course wrap up (includes written test)*	45 Min.
		Debriefing students and issuing cards	15 Min.
Sequencing:	OPTION THREE		
Mod One	Classroom	For the Joy of Motorcycling	60 Min.
Mod Two	Classroom	Preparing to Ride	120 Min.
Mod Three	Range Exercise 1	Getting familiar with the Motorcycle	05 Min.
	Range Exercise 2	Moving the Motorcycle	15 Min.
	Range Exercise 3	Starting and Stopping the Motorcycle	05 Min.
	Range Exercise 4	Riding in a straight line	35 Min.
Mod Four	Range Exercise 5	Riding the perimeter & large circles	20 Min.
	Range Exercise 6	Weaving (30')	10 Min.
	Range Exercise 7	Turning on different curves & weaving	20 Min.
Mod Five	Range Exercise 9	Making sharp turns	15 Min.
	Range Exercise 10	Shifting in a straight line	20 Min.
	Range Exercise 11	Shifting & turning on different curves and Shifting & making sharp turns	20 Min.
Mod Six	Range Exercise 12	Stopping with both brakes	25 Min.
	Range Exercise 13	Stopping quickly on command	10 Min.
	Range Exercise 14	Stopping on a curve	15 Min.
Mod Seven	Classroom	Street Strategies	60 Min.
Mod Eight	Range Exercise 15	Gap Selection	10 Min.
	Range Exercise 16	Turning from a stop & changing lanes	30 Min.
	Range Exercise 17	Controlling rear wheel skids	10 Min.
Mod Nine	Classroom	Advanced Turning and Braking	60 Min.
Mod Ten	Range Exercise 18	Stopping in the shortest distance	20 Min.
	Range Exercise 19	Swerving to avoid obstacles	30 Min.
Mod Eleven	Range Exercise 20	Stopping quickly on a curve	15 Min.
	Range Exercise 21	Selecting a safe turning speed	30 Min.
Mod Seventeen	Range Exercise 22	Offset weaving	15 Min.
Mod Twelve	Range	Level Two Skill Evaluation (M.O.S.T.)	60 Min.
Mod Thirteen	Classroom	Special Situations	45 Min.
Mod Fourteen	Classroom	Riding Straight	30 Min.
Mod Fifteen	Classroom	Course wrap up (includes written test)*	45 Min.
		Debriefing students and issuing cards	15 Min.

* Knowledge test can be given after completion of all classroom mods.

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

APPENDIX C

(see N.J.A.C. 13:85-5.17(a))

New Jersey Motorcycle Safety Education Course
Intermediate Level Course—MRC:IRC

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

New Jersey Motorcycle Safety Education Course
Experienced Level Course—MRC:ERC

Sequencing:		
Mod 1	Riding with Control	50 min.
Mod 2	Riding Strategies	80 min.
Mod 3	Riding with Control	90 min.
Mod 4	Riding straight (from the MRC:RSS)	30 min.
	ERC Knowledge Test	30 min.
Mod 4 Range Activities:		
#-1	Overall control/evaluation	15 min.
#-2	Principles of stopping	15 min.
#-3	Stopping on a curve	15 min.
#-4	Controlling rear wheel skids	10 min.
#-5	Stopping in the shortest distance	20 min.
#-6	Counter steering for cornering	15 min.
#-7	Cornering—traction control	15 min.
#-8	Cornering—judgment	30 min.
#-9	Counter steering for swerving	20 min.
#10	Brake, then swerve	15 min.
#11	Stopping quickly on a curve	15 min.
#12	Swerve, then brake	15 min.

Sequencing:		
From the MSF:ERC		
Mod 1	Riding with Control	50 min.
Mod 2	Riding Strategies	80 min.
Mod 3	Riding with Control	90 min.
Range Activities From the MRC:RSS		
Mod 8	Range exercise 15: Gap selection	10 min.
	Range exercise 16: Turning from a stop and changing lanes	30 min.
	Range exercise 17: Controlling rear wheel skids	10 min.
Mod 10	Range exercise 18: stopping in the shortest distance	20 min.
	Range exercise 19: Swerving to avoid Obstacles	30 min.
Mod 11	Range exercise 20: Stopping quickly on a curve	15 min.
	Range exercise 21: Selecting a safe turning speed	30 min.

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

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