

CHAPTER 85

MOTORCYCLE SAFETY EDUCATION PROGRAM

Authority

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

Source and Effective Date

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

Executive Order No. 66 (1978) Expiration Date

Chapter 85, Motorcycle Safety Education Program, expires on June 5, 2000.

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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 and regulate the administration

of a motorcycle rider education course in the State of New Jersey.

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:

“Administrator” means a person in the Office of Highway Traffic Safety designated by the director to oversee the program.

“Class” means a group of people enrolled for training as participants under the program.

“Coordinator” means a person designated by a provider to fulfill certain administrative responsibilities and meet recordkeeping and reporting requirements for the particular service or function being provided.

“Course section” means the complete, scheduled set of training modules presented to a class in order to provide them with the specified curriculum activities necessary for satisfactory completion of the course in question.

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

“Instructor” means a person certified by the Director to act as an instructor in a motorcycle rider education course.

“Motorcycle rider education” means education for motorcycle riders in safe motorcycle riding techniques and practices.

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

“Participant” means a person enrolled in a motorcycle rider education course approved by the Director.

“Program” means the New Jersey Motorcycle Rider Education Program using the most current curriculum prescribed by the Motorcycle Safety Foundation and adopted by the Office of Highway Traffic Safety pursuant to N.J.S.A. 27:5F-36.

“Provider” means a public or private educational institution approved by the director to offer the motorcycle rider 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.

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

13:85-1.3 Adoption of program

(a) Pursuant to authority granted under N.J.S.A. 27:5F-36, the Director hereby adopts the Motorcycle Safety Foundation rider’s course, including all subsequent revisions and amendments thereto, as the program to be administered under these rules. The program may be delivered by providers to participants meeting the qualifications set forth in N.J.A.C. 13:85-2.1 and by the Office of Highway Traffic Safety to any person holding a valid New Jersey motorcycle operator learner’s permit or valid New Jersey motorcycle license or endorsement who meets the qualifications set forth in N.J.A.C. 13:85-8.

(b) Copies of the program requirements may be obtained from the Administrator, Motorcycle Safety Education Program, Office of Highway Traffic Safety, PO Box 048, Trenton, NJ 08625-0048.

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.

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

(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. 13:85-3.1 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 of a provider who has applied to the Director for certification as instructor who meets all the requirements of N.J.A.C. 13:85-3.1 other than 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).

SUBCHAPTER 2. QUALIFICATIONS

13:85-2.1 Participants

(a) Persons enrolling in a MRC: RSS (Rider and Street Skills) shall:

1. Possess a valid motorcycle license or an endorsement issued by any state or a motorcycle operator learner’s permit;
2. Have the physical ability to operate a motorcycle;
3. Have the ability to balance a two-wheeled vehicle;
4. Have written, witnessed parental permission if under age 18; and
5. Wear the protective clothing specified in the course curriculum.

(b) Persons enrolling in a MRC: ERC (Experienced Rider Course) or MRC: IRC (Intermediate Rider Course) shall:

1. Possess a current, valid motorcycle license or endorsement issued by any state, or a motorcycle operator learner’s permit and have successfully completed the MRC/RSS course;
2. Have possessed such a license or endorsement for a minimum of six months for riding experience;
3. Submit written, witnessed parental permission if under age 18 and have completed the MRC: RSS;
4. Have access to a street legal motorcycle and submit proof of ownership and insurance or owner’s written permission to use said motorcycle in the course; and
5. Wear the protective clothing as specified in the course curriculum.

13:85-2.2 Providers

(a) Providers which desire to participate in the program shall submit to the Administrator an application on a form supplied by the Division to be approved by the Director, including any additional pertinent information when requested to do so by the Administrator. The application shall contain the address and a description of the location where the course(s) will be provided, including a diagram of the driving range; the name of the coordinator, instructors and other individuals involved in the provider's program; a brief description of the provider's history and interest in motorcycle rider education and safety; and a brief description of how the provider will implement the program. The provider's qualifications will be reviewed periodically and certification can be revoked for non-compliance with these rules or other good cause.

(b) The following concern scheduling of classes:

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

2. By January 6, 1999, and, thereafter, by December 1st 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 Administrator 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 may be scheduled without prior notice to the Administrator of at least five days.

(c) Registration of students for the schedule of classes filed with the Director will be the responsibility of the provider.

(d) 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. 13:85-4.1, the Director shall use the monies available in the Motorcycle Safety Education Fund to provide the required student classroom instructional materials. Required student classroom instructional materials include the student workbook for the course and any other instructional materials or aids the Director deems necessary or appropriate for course instruction. The Administrator shall maintain an inventory of the number of student 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 (d)2 above shall be determined by the Administrator based on a written request from the provider submitted with the schedule filed by the provider under (c) above that demonstrates the need for these items based on the number of training ranges, classrooms, and anticipated participants. The Administrator 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).

Rewrote the section.

SUBCHAPTER 3. INSTRUCTORS**13:85-3.1 Qualifications**

(a) Any person seeking to qualify for certification as an instructor shall apply in writing to the Director and shall:

1. Be the holder of a valid motorcycle operator's license or endorsement issued by any state for a minimum of two years;

2. Be the holder of a current Motorcycle Safety Foundation Certification as a motorcycle instructor;

3. Complete a New Jersey Criminal History Review Form and State and Federal Fingerprint Cards, together with a cashier's check, certified check or money order payable to the Division of State Police—SBI—in the amount specified in N.J.A.C. 13:59, and have no convictions for sexual assault, endangering the welfare of children or incompetent persons, arson, armed robbery, aggravated assault, kidnapping, murder, manslaughter or, within the past 10 years, violations of the Controlled Dangerous Substances Act;

4. Have no suspensions or revocations of driving privileges during the past two years;

5. Have no convictions for violating the provisions of N.J.S.A. 39:4-50 or comparable statutes from other jurisdictions during the past five years;

6. Have accumulated no more than four points assessed for motor vehicle offenses during the past two years;

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

8. Within 90 days of hiring, obtain at applicant's own expense, a certification from a current accredited program for first aid and adult CPR.

(b) No certification fee shall be charged by the Director. A certification so issued shall be renewed in January of each year and will be valid during such period as the instructor continues to meet the requirements of (a)1 through 8 above.

SUBCHAPTER 4. FACILITIES AND EQUIPMENT

13:85-4.1 Facilities and equipment

(a) The facilities and equipment must conform to current course requirements set by the present Motorcycle Safety Foundation as well as meet all applicable local and state zoning, building, fire, health and safety regulations including a working telephone or two-way radio.

(b) The provider shall supply all materials, supplies and equipment as required by the MSF and any additional material, equipment as determined by the New Jersey Motorcycle Safety Program 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.

SUBCHAPTER 5. INSURANCE

13:85-5.1 Provider coverage

Upon approval, each provider is covered to offer classes as an additional insured under a commercial general liability 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.

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.

13:85-5.2 Policy effect; release

(a) Insurance 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 MRC/RSS, MRC/IRC or MRC/ERC course conducted under the program.

(b) 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 any course conducted under the program.

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).

SUBCHAPTER 6. PROGRAM REPORTING

13:85-6.1 Reporting

(a) Providers shall submit the following items to the Administrator:

1. Copies of all MRC: RSS/IRC/ERC rosters of participants, a class schedule and accident forms for each class section, 10 working days after the completion of any course; and

2. The Provider shall be responsible for completing and recording of 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 an RSS, IRC or ERC class. The Provider shall submit a copy of these reports to the Director immediately.

SUBCHAPTER 7. STUDENT TUITION

13:85-7.1 Tuition

The uniform tuition established for courses held in calendar year 1998 shall remain in effect. For all classes scheduled after January 1, 1999, each provider may establish a student tuition for instruction and training in the MRC/RSS, MRC/IRC, or MRC/ERC course scheduled in each calendar year. The provider shall file the student tuitions with the Director with the schedule filed at N.J.A.C. 13:85-2.2(b)1. The provider shall notify the Director of any increase in the filed student tuitions during the calendar year no later than five days prior to the effective date of the increase. A list of the tuitions filed by each provider shall be published in the New Jersey Register with notice that they are subject to change pursuant to the terms of this rule.

Public Notice: Notice of Tuition for Motorcycle Safety Education Courses Conducted After January 1, 1998.

See: 30 N.J.R. 574(a).

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

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

Section was "Tuition".

Public Notice: 1999 Motorcycle Safety Education Course Tuitions.

See: 31 N.J.R. 692(a).

Public Notice: 2000 course tuitions.

See: 32 N.J.R. 1086(b).

SUBCHAPTER 8. OFFICE OF HIGHWAY TRAFFIC SAFETY COURSE

Authority

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

Source and Effective Date

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

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

13:85-8.1 Courses

(a) The courses offered by Office of Highway Traffic Safety shall be those established by the Director pursuant to N.J.A.C. 13:85-1.3.

(b) The Director may impose a registration fee on participants if the monies available in the Motorcycle Safety Education Fund are insufficient to cover the costs of the program.

13:85-8.2 Schedule/registration

(a) The Office of Highway Traffic Safety shall publish a notice of the schedule of classes in the MRC/RSS, MRC/IRC, or MRC/ERC 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 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 is the holder of a valid New Jersey motorcycle operator learner's permit or valid New Jersey motorcycle license or endorsement 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 MRC/RSS, MRC/IRC, and MRC/ERC courses in accordance with N.J.A.C. 13:85-2.1.

(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 any course conducted by the Office of Highway Traffic Safety.

Public Notice: Motorcycle Safety Education course schedule for 2000.
See: 32 N.J.R. 1439(a).