

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).

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;