

**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 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).

**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).

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**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;