

DRAFT - NOT FOR FILING

4501-53-01 Definitions ~~and materials incorporated by reference.~~

[\[Comment: For dates and availability of material incorporated by reference in this rule, see rule 4501-53-16 of the Administrative Code.\]](#)

As used in this chapter

- (A) "~~Authorized~~ [Authorizing](#) official" means any person who owns, or who maintains responsibility on behalf of an individual for, a corporation, business trust, estate, trust, partnership, or an association for the facilities, equipment, instructors, site coordinators, and other employees of a motorcycle training provider.
- (B) "Advanced ~~rider riding skills course~~" or "~~ARC~~" ["-ARS"](#) means the advanced rider course approved by the department.
- (C) "Basic ~~rider course riding skills~~" or "~~BRC~~" ["BRS"](#) -means the basic motorcycle training course approved by the department.
- (D) "Basic ~~rider course riding skills~~ -returning rider" or "~~BRC-RR~~" ["BRS-RR"](#) means the basic rider course for the returning rider approved by the department.
- (E) "Basic [riding skills-two or "BRS-2"](#) ~~rider course two~~" or "~~BRC-2,~~ formerly known as the "~~experienced rider course~~" or "~~ERC,~~" means the basic rider course for the experienced rider approved by the department.
- (F) "Chief instructor" means an instructor specially trained to conduct instructor preparation courses, instructor refresher workshops, and instructor evaluations, to approve ranges, and to conduct provider inspections.
- (G) "Classroom" means any room within an approved provider facility, or under contract with a provider, in which students are taught motorcycle safety and education.
- (H) "Classroom instruction" means the portion of a motorcycle training course devoted to teaching motorcycle knowledge which does not include the student's operation of a motorcycle.
- (I) "Completion card" means a card, created by the department, that is issued to students who successfully complete any approved motorcycle course through an approved provider.
- (J) "Department" means the Ohio department of public safety.
- (K) "Director" means the director of the Ohio department of public safety as set forth in division (G) of section 121.03 of the Revised Code, or the director's designee.
- (L) "Motorcycle endorsement" means any driver's license with a motorcycle endorsement.
- (M) "Instructor" means an individual certified by the department to teach motorcycle training courses approved by the department.
- (N) "Instructor of record" refers to the instructor hired by a provider or the department to teach a given course and receive compensation for that course. An instructor volunteering the instructor's teaching services, unless assigned by the provider or department as an instructor, is not considered an instructor of record.
- (O) "Instructor preparation course" or "IPC" means a course of instruction to teach potential motorcycle

*****DRAFT - NOT FOR FILING*****

instructors how to train the general public in motorcycle safety practices.

- (P) "Motorcycle Ohio" or "MO" is the motorcycle safety and education program operated by the department as provided in section 4508.08 of the Revised Code.
- (Q) "Private provider" means any private organization or corporation approved by the department to train the general public in motorcycle safety and education.
- (R) "Provider" means both private provider and public provider.
- (S) "Public provider" or "grantee" means any public agency or recognized training facility contracted by the department to train the general public in motorcycle safety and education.
- (T) "Range" or "riding range" means an off-highway site designed for training riders that does not permit traffic to pass through the site during training.
- (U) "Range instruction" means a portion of a motorcycle training course devoted to teaching motorcycle skills which includes the student's operation of a motorcycle.
- (V) "Site coordinator" means a person designated by the authorized official of a motorcycle training provider to carry out orders and conduct the business and manage the provider's training program.

*****DRAFT - NOT FOR FILING*****

4501-53-02 Basic ~~rider course~~ riding skills.

[Comment: For dates and availability of material incorporated by reference in this rule, see rule 4501-53-16 of the Administrative Code.]

~~For dates and availability of material incorporated by reference in this rule, see the materials incorporated by reference section in rule 4501-53-01 of the Administrative Code.~~

(A) ~~(A)~~ The basic ~~rider riding skills course (BRC) (BRS)~~ curriculum and sequence shall be validated by Mmotorcycle Ohio and approved by the director and shall include, at a minimum, the following topics: at a minimum meet Nnational Sstandards for entry level motorcycle operation, and instill in the student the knowledge, attitudes and skills necessary for the safe operation of a motorcycle on the roadway and include instruction relating to; rider responsibility, the use of protective gear, distractions, and the effects and dangers of alcohol and other drugs on the operation of motorcycles.

(B) The content and organization of the basic riding skills course shall be based upon the documented research that have been shown to be effective in providing safety training in accordance with the “Model National Standards for Entry – Level Motorcycle Rider Training”. The course curriculum and requirements will be formalized in the Motorcycle Ohio Policy and Procedure Manual.

(C) The course shall include a knowledge test and an on-cycle skills test approved by the director and administered by the Mmotorcycle Ohio Ccoordinator.

~~(1) A classroom portion that covers the following:~~

- ~~(a) Course introduction;~~
- ~~(b) Introduction to motoreycling;~~
- ~~(c) Preparing to ride;~~
- ~~(d) Street strategies;~~
- ~~(e) Knowledge test;~~
- ~~(f) Wrap up.~~

~~(2) A range portion that covers the following:~~

- ~~(a) Motorecycle familiarization;~~
- ~~(b) Using the friction zone;~~
- ~~(c) Starting and stopping drill;~~
- ~~(d) Shifting and stopping;~~
- ~~(e) Adjusting speed and turning;~~
- ~~(f) Control skills practice;~~
- ~~(g) Cornering;~~
- ~~(h) Matching gears to speed;~~

*****DRAFT - NOT FOR FILING*****

- ~~(i) Stopping quickly;~~
- ~~(j) Limited-space maneuvers;~~
- ~~(k) Pressing to initiate lean;~~
- ~~(l) Cornering judgment;~~
- ~~(m) Negotiating curves;~~
- ~~(n) Stopping quickly in a curve;~~
- ~~(o) Obstacles and lane changes;~~
- ~~(p) Avoiding hazards;~~
- ~~(q) Skills practice;~~
- ~~(r) Skill test.~~

~~(3)~~ Such material shall not be taught out of sequence or modified by instructors, unless authorized by the motorcycle Ohio coordinator.

~~(B)~~~~(D)~~ The ~~BRC~~ BRS shall have the following instructor to student ratio:

- (1) Classroom - one instructor may teach a maximum of twenty-four registered students;
- (2) Range - one instructor may instruct no fewer than two students nor more than six students on motorcycles. Two instructors shall instruct no more than twelve students on motorcycles;
- (3) The maximum capacity for on-cycle instruction is twelve students.

~~(C)~~~~(E)~~ Students shall have a valid temporary instruction motorcycle identification card (TIPIC), a motorcycle endorsement, or a motorcycle-only license prior to participating in range instruction.

~~(D)~~~~(F)~~ Unless otherwise approved by the department, the ~~BRC~~ BRS shall use training motorcycles provided by the provider with one hundred cc to five hundred cc engine displacement.

(G) Each student shall be assigned their own motorcycle for the purpose of range exercises.

~~(E)~~~~(G)~~~~(H)~~ Every student participating in the ~~BRC~~ BRS range instruction must wear proper riding gear, which includes helmet and eye protection that is in compliance with Chapter 4501-17 of the Administrative Code, sturdy over-the-ankle footwear, long-sleeved shirt or jacket, sturdy full-length pants without holes or tears, and full-fingered gloves.

~~(F)~~~~(H)~~~~(I)~~ Students successfully completing the ~~BRC~~ BRS shall be issued a completion card as referenced in 4501-53-01 of the Ohio Revised Code, for the purpose of course verification.

~~(G)~~~~(I)~~~~(J)~~ Upon completion of the ~~BRC~~ BRS, the provider shall submit, electronically, to the department, a student report form and any other course paperwork as requested by the department, ~~in a format prescribed by the director.~~

~~(J)~~~~(K)~~ The provider shall obtain a properly signed course waiver (MOP #0036) from each course participant and retain the waiver on file for three years.-

*****DRAFT - NOT FOR FILING*****

4501-53-03 Instructor qualifications for certification to teach.

[Comment: For dates and availability of material incorporated by reference in this rule, see rule 4501-53-16 of the Administrative Code.]

(A) The department shall certify an individual to teach the ~~BRC~~ BRS if the individual meets the following conditions:

(1) Submits ~~to the department a completed application~~ a completed "Motorcycle Ohio Instructor Candidate Application" to the department. No applicant shall submit an application that contains false or misleading information. on a form approved by the director.

~~No applicant shall submit an application that contains false or misleading information;~~

(2) Possesses a high school diploma or GED;

(3) Possesses a current first aid card and a current adult CPR card or equivalent and contain evaluation of skills performance as formalized in the Motorcycle Policy and Procedure Manual.

(4) Is currently an experienced motorcycle operator, licensed for at least three years preceding the date of the application with a valid motorcycle endorsement, and currently rides a motorcycle on a regular basis;

(5) Has a driving record free of any of the following:

(a) Three or more chargeable crashes within the three years preceding the date of application;

(b) Three or more moving violation convictions under Chapter 4511. of the Revised Code, or equivalent convictions from another jurisdiction, within the three years preceding the date of application;

(c) An accumulation of ~~more than five~~ six points under Chapter 4510. of the Revised Code, or equivalent action from another jurisdiction, within the three years preceding the date of application;

(d) A twelve-point administrative action under section 4510.037 of the Revised Code, or equivalent action from another jurisdiction, within the ten years preceding the date of application;

(e) A suspension and or conviction under section 4511.19 of the Revised Code, or equivalent conviction from another jurisdiction, within ten years preceding the date of application.

(6) Successfully completes an instructor preparation course approved by the director; and conducted by Motorcycle Ohio.

~~(7) Successfully completes the BRC within the two calendar years preceding the date the instructor preparation course is being offered;~~

~~(7)~~ (8) Upon request, submits a request to the bureau of criminal identification and investigation to conduct a criminal records check and request the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as part of the criminal records check. The criminal records check shall not be dated more than forty-five days from the request.;

~~(a) A state level check criminal abstract provided and dated by the bureau of criminal identification and investigation, or similar government agency from the resident state of the individual. within forty five~~

*****DRAFT - NOT FOR FILING*****

~~days of such request;~~

~~(b) A federal level check, provided by a government agency, which includes information from Ohio and all other states.~~

(a) Has not been convicted of, pled guilty to, had a judicial finding of guilt for, or had a judicial finding of eligibility for treatment in lieu of conviction for, any of the following:

(a) Any felony, unless the felony conviction occurred within ten year of the date of application and the felony conviction is not reasonable related to a person's ability to serve safely and honestly in connection with a motorcycle training course.

~~(b) A misdemeanor involving moral turpitude;~~

~~(e)~~(b) A misdemeanor of the first or second degree within five years of the date of application, which is reasonably related to a person's ability to serve safely and honestly in connection with a motorcycle training course.

~~(d) A violation of any federal, state, county, or municipal narcotics law;~~

~~(e)~~(c) Any act committed in another state or jurisdiction that, if committed in Ohio, would constitute a violation set forth in this paragraph.

(10) Has not been adjudicated mentally incompetent, or been found not guilty by reason of insanity by a court of law;

(11) Does not engage in the illegal use of controlled substances, alcohol, or other habit-forming drugs or chemical substances while performing the duties of a motorcycle instructor;

(12) Has not committed fraud or material deception in applying for, or obtaining, certification to teach under this chapter;

(13) Upon request, provides an original signed statement from the applicant's physician, on the physician's letterhead, certifying that the applicant is mentally and physically capable of providing motorcycle safety instruction;

(14) The individual meets all standards set forth in rule 4501-53-04 of the Administrative Code.

(B) In addition to meeting the requirements in paragraphs (A)(1) to (A)~~(5)~~(6) and (A)(8) to (A)~~(13)~~(14) of this rule, motorcycle instructors certified by another state or military motorcycle safety program, ~~who have _ whose basic rider training curriculum has been shown~~ successfully completed an instructor preparation course and ~~to be in accordance with the Nnational Sstandards set forth in rule 4501-53-1601the BRC,~~ shall successfully complete a special MO training session conducted by an MO chief instructor.

(C) The department may access an applicant's driving record to verify that the applicant meets the requirements of this rule.

(D) The department may observe and evaluate all aspects of the conduct of any course.

(E) An individual's certification to teach shall expire on ~~December thirty first~~ November thirtieth of the year of certification, and may be renewed annually upon application to the department pursuant to rule 4501-53-05 of the Administrative Code.

*****DRAFT - NOT FOR FILING*****

(F) The department ~~shall~~ may certify an individual to teach the ~~BRC-2~~ BRS-2, ~~BRC-RR~~ BRS-RR, and/or ~~ARC~~ ARS if the individual meets the conditions of paragraphs (A)(1) to (A)(6) and (A)(8) to (A)(~~13~~)(12) of this rule and the individual attends and successfully completes a course specific workshop or training course provided by the departmen

*****DRAFT - NOT FOR FILING*****

4501-53-04 Instructor professional standards.

[Comment: For dates and availability of material incorporated by reference in this rule, see rule 4501-53-16 of the Administrative Code.]

~~For dates and availability of material incorporated by reference in this rule, see the materials incorporated by reference section in rule 4501-53-01 of the Administrative Code.~~

Each instructor certified to teach pursuant to this chapter shall maintain and convey the following professional standards:

- (A) Provide training that conforms to standards of the current curriculum approved by the director, ~~other persons certified to teach under similar circumstances~~;
- (B) Wear proper riding gear while traveling to, from, and during teaching MO courses, attending MO functions, or whenever any MO logo clothing is worn. Proper riding gear includes helmet and eye protection that is in compliance with Chapter 4501-17 of the Administrative Code, sturdy over-the-ankle footwear, long-sleeved shirt or jacket, sturdy full-length pants without holes or tears, and full-fingered gloves;
- (C) Maintain an alcohol-free and drug-free course environment;
- (D) Conduct themselves in a professional manner in the provision of motorcycle training, including appearance and behavior;
- ~~(E)~~ Shall comply with all applicable state and federal laws that prohibit discrimination based upon ~~and not discriminate in the provision of motorcycle training on the basis of~~ race, color, religion, sex, age, handicap, disability, ancestry, or national origin;
- ~~(E)~~ F Provide instruction within the scope of the instructor's certification to teach in accordance with this chapter;
- ~~(F)~~ (G) Consistently demonstrate a standard of knowledge and competency that at least meets the minimal level required under the instructor's certification to teach;
- ~~(G)~~ (H) Report to the department any suspicion or knowledge of a violation of this chapter or the failure of any motorcycle training provider, or instructor to conform to the rules of this chapter;
- ~~(H)~~ (I) Report to ~~the department~~ motorcycle Ohio in writing within ten days of the occurrence of any of the following events:
 - (1) The instructor receives a moving traffic violation;
 - (2) The instructor is involved in a chargeable crash;
 - (3) The instructor is convicted of an offense that assesses points against the instructor's driver's license;
 - (4) The instructor receives any license suspension, cancellation, or revocation;
 - (5) The instructor is convicted of any criminal offense listed in this chapter.
- ~~(I)~~ (J) Refrain Abstain from misrepresenting the instructor's professional qualifications or credentials or committing fraud in conducting a motorcycle training course or in obtaining certification to teach;
- ~~(J)~~ (K) Refrain Abstain from conducting ~~for compensation~~ private training, for compensation, ~~regarding~~

*****DRAFT - NOT FOR FILING*****

motorcycle ~~training use~~ on public streets and highways;

~~(K)~~(L) Complete additional ~~BRC, BRC-RR, BRC-2~~, BRS, BRS-RR, BRC-2 or ~~ARC~~ ARS or other instructor training as requested by the department, including the annual instructor workshop;

~~(L)~~(M) Maintain a current first aid card and a current adult CPR card as described in rule 4501-53-03 of the Administrative Code; Present valid, dated cards upon request. ~~and/or sign~~ Sign the annual renewal application ~~for verification of~~ verifying the validity of first aid and adult CPR cards.

(N) Instructors certified under this chapter shall be of good character and reputation.

*****DRAFT - NOT FOR FILING*****

4501-53-05 Renewal of certification to teach.

[Comment: For dates and availability of material incorporated by reference in this rule, see rule 4501-53-16 of the Administrative Code.]

~~For dates and availability of material incorporated by reference in this rule, see the materials incorporated by reference section in rule 4501-53-01 of the Administrative Code.~~

- (A) Each instructor seeking renewal of the instructor's certification to teach shall, within thirty days of the expiration date of the current certification period, submit, to the department a renewal application completed "Motorcycle Ohio Instructor Renewal Application," ~~to the department on a form prescribed by the director.~~
- (B) Renewal applications received more than thirty days after the expiration date of the last certification period shall not be considered valid, and the applicant shall complete a new application in accordance with rule 4501-53-03 of the Administrative Code.
- (C) The application for renewal shall be signed, dated, and shall contain a statement affirming that the applicant meets the requirements for certification to teach set forth in this chapter.
- (D) The department shall renew certification to teach issued under this chapter for any instructor who meets the following:
- (1) Satisfies the requirements for certification to teach as set forth in rules 4501-53-03 and 4501-53-04 of the Administrative Code;
 - ~~(2) Has taught in Ohio, per the "Motorcycle Ohio Policy and Procedure Manual" (2011), the minimum number of basic rider courses for MO during the most recent certification period. This requirement may be waived for good cause upon approval of the department. The "Motorcycle Ohio Policy and Procedure Manual" (2011) may be electronically accessed at : <http://www.motorcycle.ohio.gov/index.stm>.~~
 - (2) Has taught in Ohio and specifically for the MO program, a minimum of two BRS motorcycle safety courses during the most recent certification period. This requirement may be waived or modified for good cause upon approval of the department.
 - (3) Upon request, and within forty-five days of the request, submits to the bureau of criminal identification and investigation a request to conduct a criminal records check and request the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as part of the criminal records check. ~~a the following criminal abstract provided and dated by the bureau of criminal identification and investigation within forty five days of such request.~~
 - (a) A state level check provided and dated by the ~~the~~ bureau of criminal identification and investigation, or similar government agency from the resident state of the individual.
 - (b) A federal level check, provided by a government agency, which includes information from Ohio and all other states.
- (E) In addition to the requirements listed in paragraph (D) of this rule, a ~~BRC-2~~ certified BRS 2 or BRS RR instructor shall also, within the past three years, have taught at least one ~~BRC-2~~ , BRS 2 and or BRS RR or attended a ~~BRC-2 BRS 2 and or BRS RR~~ update provided by the department.

(F) To be eligible for ARS recertification, an instructor must maintain BRS certification and have conducted at

*****DRAFT - NOT FOR FILING*****

least one ARS in the 2-year period of ARS certification.

(G) Upon request, provides an original signed statement from the applicant's physician, on the physician's letterhead, certifying that the applicant is mentally and physically capable of providing motorcycle safety instruction;

(H) If the instructor was decertified due to an administrative ~~ion~~ procedure process of section 119.01 of the Revised Code, the instructor must wait a period of one year from the date of decertification in order to reply.

*****DRAFT - NOT FOR FILING*****

4501-53-06 Private provider qualifications for certification of approval.

[Comment: For dates and availability of material incorporated by reference in this rule, see rule 4501-53-16 of the Administrative Code.]

~~For dates and availability of material incorporated by reference in this rule, see the materials incorporated by reference section in rule 4501-53-01 of the Administrative Code.~~

~~(A)~~(A) All motorcycle training courses taught pursuant to section 4508.08 of the Revised Code shall be taught through an approved provider by an instructor certified to teach under this chapter.

(B) Any person connected in any manner with a private provider, including but not limited to an owner, partner, site coordinator, instructor, or authorized official, shall be of good character and reputation.

~~(B)~~(C) A private agency, corporation, or organization seeking to become an approved private provider shall submit a completed application to the department, a completed "Motorcycle Ohio Private Provider Application"~~on a form approved by the director, which that~~ demonstrates compliance with this rule.

(1) No ~~authorized~~ authorizing official shall submit an application that contains false or misleading information;

(2) The site coordinator shall submit with the application a criminal records check from the bureau of criminal identification and investigation and request that the bureau of identification and investigation obtain information from the federal bureau of investigation as part of the criminal records check. The criminal records check shall not be dated more than sixty day prior to the date the director received the application. The application shall be denied if the site coordinator has been convicted of:

(a) Any felony, unless the felony conviction occurred ten years from the date of application and the conviction is not reasonably related to a person's ability to serve safely and honestly in connection with a motorcycle training course.~~a criminal abstract provided and dated by the bureau of criminal identification and investigation not more than sixty days prior to the date the director receives the application.~~

(b) A federal level check, provided by a government agency, which includes information from Ohio and all other states.~~Any misdemeanor of the first or second degree, unless the conviction occurred five years from the date of application and the conviction is not reasonable related to a person's ability to serve safely and honestly in connection with a motorcycle training course.~~

~~(c) If either record is not free of a conviction for any felony, within ten years of the date of application, or conviction for a class one or two misdemeanor within five years of the date of application, which is reasonably related to the applicant's ability to serve safely and honestly in connection with a motorcycle training course, the application will be denied.~~

(cd) If there is no designated site coordinator, the ~~authorized~~ authorizing official must submit such criminal records check~~abstract~~.

~~(C)~~(D) The department shall issue a private provider certification of approval to any applicant who demonstrates that the motorcycle training course for which it seeks approval meets the following requirements:

(1) The established place of business is owned, leased, or rented by the private provider;

DRAFT - NOT FOR FILING

- (2) A private provider maintains at least one fixed geographic location in which a training site is operated and where training is conducted, at least one office in a fixed geographic location where records are maintained, and at least one classroom where students are instructed:
- (a) The use of a mobile or modular structure as a training facility is prohibited unless the structure is installed on a permanent foundation;
 - (b) Neither a private provider nor its office shall consist of a house trailer, tent, temporary stand, post office box, rooming house, or apartment;
 - (c) Neither a private provider nor its office shall be located within a residence or a room in a hotel or motel;
 - (d) No private provider may share any office or classroom with any other provider unless the same person owns both.
 - (e) All private provider offices, classrooms and ranges shall be located within the state of Ohio.
- (3) The private provider's office meets the following standards:
- (a) Has adequate space and computer systems to securely maintain the required records; for three years plus current year.
 - (b) Has a permanent wall of sufficient construction to prevent distractions and noise in the classroom. If no permanent wall exists, the office shall remain closed for business during classroom instruction;
 - (c) Is located in the same county as, or in a county adjacent to, the provider for which student records are being stored.
- (4) The private provider's classroom meets the following standards:
- (a) Comfortably accommodates at least twelve students and two instructors, and has sufficient space to contain tables and chairs or desks for all students;
 - (b) Is equipped with a variety of audio and visual training aids that support the approved course curriculum;
 - (c) Is reasonably free of visible and audible distractions and presents an atmosphere adequate for learning;
 - (d) Has a clean and functional restroom that is available for student use within its facility;
 - (e) Conforms to all federal, state, and local fire, building, and safety regulations, including the following safety equipment available on the riding range during exercises; a fire extinguisher and first aid kit.
- (5) Range instruction occurs on a suitable riding range, owned or leased by the provider, which shall consist of the following:
- (a) A surface of asphalt or concrete approximately two hundred feet by three hundred feet in size, which is free from obstructions, loose gravel and debris, is capable of being blocked off from all vehicular and pedestrian traffic, and is marked to provide a clear path of travel for the students and visible cone positions for the instructor.

*****DRAFT - NOT FOR FILING*****

(b) Alternate and modified ranges must be approved by Motorcycle Ohio and in no case shall provide less than fifty-six linear feet per student.

- (6) The private provider assumes responsibility, or designates such responsibility to a site coordinator, for the following:
 - (a) Administration and operation of the motorcycle training course;
 - (b) Ongoing review and evaluation of the course content, instructors, and student performance;
 - (c) Assignment of instructors and scheduling of program courses;
 - (d) Preparation or approval of all documents required or requested to be submitted to the department;
 - (e) Assuring the adequacy of all course training materials.
 - (f) Assuring the safe operating condition of all motorcycles used by students in the ~~BRC~~ BRS, BRS 2, or BRC-RR BRS RR, ARS and any other curriculum approved by the director;
- (7) The course meets the curriculum requirements as set forth in this chapter;
- (8) The private provider has a sufficient number of certified ~~BRC/BRC-2~~ BRS, BRS-2, BRS RR, ARS and any other curriculum approved by the director, instructors to ensure that ~~student:teacher_~~ instructor-to-student -ratios for all courses, taught at their facility, comply with this chapter;
- (9) The private provider submits written course policies and procedures for the director's approval, including all of the following:
 - (a) Curriculum listed by topics;
 - (b) Instructor requirements;
 - (c) Student/teacher ratio;
 - (d) Insurance provider and limits in compliance with rule 4501-53-13 of the Administrative Code.
 - (e) Attendance requirements;
 - (i) Tardiness;
 - (ii) Course completion;
 - (iii) Make-up.
 - (f) Americans with Disabilities ~~ty~~ Act of 1990 policy administration.
 - (g) Registration;
 - (i) Refund;
 - (ii) Walk-in.
 - (h) Use of student-owned motorcycles in the ~~BRC~~ BRS and ~~BRC-RR~~ BRS-RR, BRS-2, ARS and other curriculum approved by the director;

*****DRAFT - NOT FOR FILING*****

- (i) Record keeping;
- (j) Course evaluation;
- (k) Student eligibility requirements;
- (l) Harassment and discrimination policies;
- (m) Complaint procedures.

[\(n\) Private provider instructor code of conduct.](#)

~~(D)~~[\(E\)](#) A certificate of approval issued under this rule shall expire on December thirty-first of the year the certificate is issued and may be renewed annually upon application to the department pursuant to rule 4501-53-09 of the Administrative Code.

*****DRAFT - NOT FOR FILING*****

4501-53-07 Public provider qualifications for certification of approval.

[Comment: For dates and availability of material incorporated by reference in this rule, see rule 4501-53-16 of the Administrative Code.]

~~For dates and availability of material incorporated by reference in this rule, see the materials incorporated by reference section in rule 4501-53-01 of the Administrative Code.~~

~~(A)~~(A) All motorcycle training courses taught pursuant to section 4508.08 of the Revised Code must be taught through an approved provider by an instructor certified to teach under ~~this~~ chapter 4501-53 of the Administrative Code.

~~(B)~~ Any person connected in any manner with a public provider, including but not limited to an owner, partner, site coordinator, instructor, or authorized official, shall be of good character and reputation.

~~(B)~~(C) To become an eligible public provider, a public agency or recognized training facility must follow state procurement procedures, including grant application procedures, as administered by the department.

(1) No authorized official shall submit a grant application that contains false or misleading information;

(2) The authorized official shall submit with the grant application a criminal records check from the bureau of criminal identification and investigation and request the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as part of the criminal records check. ~~abstract provided and dated by the bureau of criminal identification and investigation~~ The criminal records check shall not be dated~~not~~ more than sixty days prior to the date the director receives the grant application.

~~(D)~~ All public provider offices, classrooms and ranges shall be located within the state of Ohio.

~~(E)~~(E) A certification of approval issued under this rule shall expire on December thirty-first of the calendar year in which the grant was approved.

*****DRAFT - NOT FOR FILING*****

4501-53-08 Provider inspections.

[Comment: For dates and availability of material incorporated by reference in this rule, see rule 4501-53-16 of the Administrative Code.]

~~For dates and availability of material incorporated by reference in this rule, see the materials incorporated by reference section in rule 4501-53-01 of the Administrative Code.~~

- (A) All provider facilities may be inspected at any time by the department for compliance with the rules set forth in this chapter. The provider's authorized official or site coordinator shall make any records accessible to the department for inspection or copying.
- (B) Providers found to be in non-compliance with any rule of this chapter ~~shall be notified by the department and directed to come into compliance by the next motorcycle training session.~~ are subject to administrative action as set forth in Chapter 119. of the Revised Code and rule 4501-53-10.
- ~~(C) Providers found to be in non-compliance on subsequent inspections for the same infraction may have disciplinary action taken against the provider's certification pursuant to an adjudicatory hearing under Chapter 119. of the Revised Code;~~
- ~~(D)~~(C) The director, or an individual designated by the director, may observe and evaluate courses of instruction at any time to ensure compliance with the rules set forth in this chapter.

*****DRAFT - NOT FOR FILING*****

4501-53-09 Renewal of private provider certification of approval.

[Comment: For dates and availability of material incorporated by reference in this rule, see rule 4501-53-16 of the Administrative Code.]

~~For dates and availability of material incorporated by reference in this rule, see the materials incorporated by reference section in rule 4501-53-01 of the Administrative Code.~~

- (A) Each private provider seeking renewal of certification of approval shall have its authorized official submit a ~~renewal application~~ “Motorcycle Ohio Private Provider Application”, marked” renewal”, to the department ~~on a form prescribed by the director.~~
- (B) If a renewal application is not postmarked or received by the department at least thirty days prior to the expiration of the current approval period, the authorized official must submit an original “Motorcycle Ohio Private Provider Application” application in accordance with rule 4501-53-06 of the Administrative Code.
- (C) The renewal application shall be signed, dated, and shall contain a statement affirming that the private provider meets the requirements for a certification of approval.
- (D) The department shall renew a certification of approval if all of the following apply:
- (1) The application for renewal is completed and submitted to the department no later than the thirtieth day prior to expiration of the current approval period;
 - (2) The course remains in compliance with the requirements for approval as set forth in this chapter, and with the private provider's written policies and procedures as approved by the director.
 - (3) Upon request, the site coordinator submits a ~~the following~~ criminal records check from the bureau of criminal identification and investigation and request the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as part of the criminal records check. abstracts provided and dated by the bureau of criminal identification and investigation The criminal records check shall not be dated more than~~within~~forty-five days prior to the date of such request. If there is no designated site coordinator, the authorizing official shall submit such criminal records check. The application shall be denied if the site coordinator has been convicted of:
 - (a) Any felony, unless the felony conviction occurred ten years from the date of application and the conviction is not reasonably related to a person’s ability to serve safely and honestly in connection with a motorcycle training course. A state level check provided and dated by the bureau of criminal identification and investigation.
 - (b) Any misdemeanor of the first or second degree, unless the conviction occurred five years from the date of application and the conviction is not reasonable related to a person’s ability to serve safely and honestly in connection with a motorcycle training course. A federal level check, provided by a government agency, which includes information from Ohio and all other states.
 - (c) If there is no designated site coordinator, the authorized authorizing official shall submit such criminal abstract.
 - ~~(d) If either applicant’s record includes a conviction for any felony, within ten years of the date of application; or conviction for a class one or two misdemeanor within five years of the date of application, which is reasonably related to the applicant's ability to serve safely and honestly in~~

*****DRAFT - NOT FOR FILING*****

~~connection with a motorcycle training course, the application will be denied.~~

- (E) In considering an application for renewal of certification of approval, the department may consider any information relevant to the requirements for approval as set forth in this chapter and Chapter 4508. of the Revised Code.

*****DRAFT - NOT FOR FILING*****

4501-53-10 Administrative actions.

[Comment: For dates and availability of material incorporated by reference in this rule, see rule 4501-53-16 of the Administrative Code.]

~~For dates and availability of material incorporated by reference in this rule, see the materials incorporated by reference section in rule 4501-53-01 of the Administrative Code.~~

- (A) The director, pursuant to an adjudicatory hearing under Chapter 119. of the Revised Code, may deny any application or renewal for certification when the director determines an applicant, instructor, or provider may have violated any of the provisions of this chapter or Chapter 4508. of the Revised Code.
- (B) The director, pursuant to an adjudicatory hearing under Chapter 119. of the Revised Code, may issue a written reprimand, or suspend, revoke, or place on probationary status certification issued by the department under this chapter if the director discovers an applicant, instructor, or provider has violated any provision of this chapter or Chapter 4508. of the Revised Code.

*****DRAFT - NOT FOR FILING*****

4501-53-11 Provider professional standards.

[Comment: For dates and availability of material incorporated by reference in this rule, see rule 4501-53-16 of the Administrative Code.]

~~For dates and availability of material incorporated by reference in this rule, see the materials incorporated by reference section in rule 4501-53-01 of the Administrative Code.~~

(A) (A) Any person connected in any manner with a private provider, including but not limited to an owner, partner, site coordinator, instructor, or authorized official, shall be of good character and reputation.

(B) Maintain an alcohol-free and drug-free course environment;

(C) A provider's authorized official and site coordinator, if applicable, shall report to the department in writing within ten days any suspicion or knowledge of a violation of this chapter or failure of any instructor to conform to the rules in this chapter or Chapter 4508. of the Revised Code.

~~(B)(D) The conviction of an authorized official or site coordinator of a any of the following offenses or an equivalent offense from another jurisdiction, shall be grounds to deny issuing or renewing a certificate or grounds for suspending or revoking a previously issued certificate: - felony, or an equivalent conviction from another jurisdiction within ten years, or any misdemeanor of the first or second degree within five years, which is reasonably related to a person's ability to serve safely and honestly in connection with a motorcycle training program, or an equivalent conviction from another jurisdiction, shall be grounds to deny issuing or renewing a certificate or grounds for suspending or revoking a previously issued certificate.~~

(1) Any felony, unless the felony conviction occurred ten years from the date of application and the conviction is not reasonably related to a person's ability to serve safely and honestly in connection with a motorcycle training course.

(2) Any misdemeanor of the first or second degree, unless the conviction occurred five years from the date of application and the conviction is not reasonable related to a person's ability to serve safely and honestly in connection with a motorcycle training course.

*****DRAFT - NOT FOR FILING*****

4501-53-12 Basic ~~rider~~ riding skills ~~course~~ two.

[Comment: For dates and availability of material incorporated by reference in this rule, see rule 4501-53-16 of the Administrative Code.]

~~For dates and availability of material incorporated by reference in this rule, see the materials incorporated by reference section in rule 4501-53-01 of the Administrative Code.~~

(A) ~~(A)~~ The basic ~~rider~~ riding skills two ~~(BRC-2) (BRS 2)~~ curriculum and sequence shall be validated by motorcycle Ohio and approved by the director and ~~shall include, at a minimum, five hours of range on-cycle instruction and work in the following topics: which~~ instill in the student the knowledge, attitudes, habits and skills necessary for the safe operation of a motorcycle on the roadway and includes instruction relating to the effects of alcohol and drugs on the operation of motorcycles

~~(1) Control at low speed;~~

~~(2) Stopping quickly;~~

~~(3) Limited-space maneuvers;~~

~~(4) Cornering judgment;~~

~~(5) Cornering finesse;~~

~~(6) Stopping quickly in a curve;~~

~~(7) Hazard avoidance: swerving and stopping quickly;~~

~~(8) Multiple curves;~~

~~(9) Alcohol/drug effects.~~

(B) At a minimum, the content and organization of the BRS2 must be based upon the documented research that have shown to be effective in providing safety training in accordance with Sections 3, 4, 5 – ~~R~~roadway ~~M~~management ~~S~~skills of the “Model National Standards for Entry-Level Motorcycle Rider Training”. The course curriculum and requirements will be formalized in the motorcycle Ohio policy and procedure manual.

(C) The ~~C~~course must include an on-cycle skill test approved by the director.

~~(B)~~ (D) Such material shall not be taught out of sequence or modified by instructors unless authorized by the motorcycle Ohio coordinator or there are serious weather conditions.

~~(C)~~ (E) The BRS 2 ~~BRC-2~~ shall have the following instructor to student ratio:

(1) One instructor may instruct no fewer than two students and no more than six students and six passengers. Two instructors shall instruct no more than twelve students and twelve passengers;

(2) The maximum capacity for on-cycle instruction is twelve students and twelve passengers. Only those students with a valid motorcycle endorsement or motorcycle-only license may carry a passenger.

~~(D)~~ (F) Students shall have a valid temporary instruction motorcycle identification card (TIPIC), motorcycle

DRAFT - NOT FOR FILING

endorsement or a motorcycle-only license prior to participating in range instruction.

- ~~(E)~~(G) Instructors and students shall use their own motorcycles during the course. Private providers may allow use of private provider motorcycles.
- (F)~~(H)~~ Every student participating in the [BRS 2](#) ~~BRC-2~~ range instruction must wear proper riding gear, which includes helmet and eye protection that is in compliance with Chapter 4501-17 of the Administrative Code, sturdy over-the-ankle footwear, long-sleeved shirt or jacket, sturdy full-length pants without holes or tears, and full-fingered gloves.
- ~~(G)~~(I) Students successfully completing the [BRS 2](#) ~~BRC-2~~ shall be issued a completion card.
- ~~(H)~~(J) Upon completion of the [BRS 2](#) ~~BRC-2~~, the provider shall submit, electronically, to the department, a student report form, and any other course paperwork as requested by the department ~~in a format prescribed by the director~~.

*****DRAFT - NOT FOR FILING*****

4501-53-13 Private provider insurance.

[Comment: For dates and availability of material incorporated by reference in this rule, see rule 4501-53-16 of the Administrative Code.]

~~For dates and availability of material incorporated by reference in this rule, see the materials incorporated by reference section in rule 4501-53-01 of the Administrative Code.~~

- (A) A private provider shall maintain financial responsibility for the operation of all motorcycles provided for instruction as specified in Chapter 4508. of the Revised Code. Such insurance coverage shall be acquired from a company licensed to do business in this state, and shall be maintained as long as the approved provider is operating a motorcycle training course. Proof of the insurance coverage required by this rule shall be maintained in the private provider's office and with all motorcycles used for instruction, and the certificate of insurance shall be available for inspection during reasonable hours.
- (B) Each private provider shall maintain insurance coverage as follows:
- (1) Not less than one million dollars per occurrence and two million dollars aggregate for bodily injury or property damage;
 - (2) Medical coverage in the amount of ten thousand dollars for each individual injured. Such medical coverage is available on an excess basis to students injured on the range or in the classroom as a result of training. Students who are injured without their own medical coverage will have coverage from the first dollar;
 - (3) The private provider and the state of Ohio shall each be named as an additional insured on all such policies;
 - (4) Each student, or the student's parent or legal guardian if the student is a minor, shall sign a waiver and release form.
 - (5) Educators Professional Liability insurance in the amount of one millions dollars..
- (C) Failure to maintain the required insurance coverage, including the record of current coverage as required by this rule, may result in the suspension or revocation of a private provider certification of approval issued under this chapter.

*****DRAFT - NOT FOR FILING*****

4501-53-14 Basic ~~rider course~~ riding skills for returning rider.

[Comment: For dates and availability of material incorporated by reference in this rule, see rule 4501-53-16 of the Administrative Code.]

~~For dates and availability of material incorporated by reference in this rule, see the materials incorporated by reference section in rule 4501-53-01 of the Administrative Code.~~

(A) The basic rider course for returning rider (~~BRC-RR~~) (BRS-RR) curriculum and sequence shall be validated by motorcycle Ohio and approved by the director and shall ~~include, at a minimum, the following topics:~~ instill in the student the knowledge, attitudes, habits and skills necessary for the safe operation of a motorcycle on the roadway and includes instruction relating to the effects of alcohol and drugs on the operation of motorcycles.

~~(1) A classroom portion that covers the following:~~

- ~~(a) Street strategies;~~
- ~~(b) Knowledge test;~~
- ~~(c) Wrap up.~~

~~(2) A range portion that covers the following:~~

- ~~(a) Matching gears to speed;~~
- ~~(b) Stopping quickly;~~
- ~~(c) Limited space maneuvers;~~
- ~~(d) Pressing to initiate lean;~~
- ~~(e) Cornering judgment;~~
- ~~(f) Negotiating curves;~~
- ~~(g) Stopping quickly in a curve;~~
- ~~(h) Obstacles and lane changes;~~
- ~~(i) Avoiding hazards;~~
- ~~(j) Skills practice;~~
- ~~(k) Skill test.~~

(B) The content and organization of the ~~B~~basic ~~R~~rider ~~C~~course must be based upon documented research that have been shown to be effective in providing safety training in accordance, at a minimum, with ~~S~~section 4 – ~~R~~oadway ~~M~~management ~~S~~kills of the ~~M~~odel ~~N~~ational ~~S~~tandards for ~~E~~ntry-~~L~~level ~~M~~otorcycle ~~R~~rider ~~T~~raining in “The Model National Standards for Entry-Level Motorcycle Rider Training”. The course curriculum and requirements will be formalized in the Motorcycle Ohio Policy and Procedure Manual.

(C) The ~~C~~course must include an on-cycle skill test approved by the director.

*****DRAFT - NOT FOR FILING*****

~~(3)~~(1) Such material shall not be taught out of sequence or modified by instructors, unless authorized by the motorcycle Ohio coordinator.

~~(B)~~(D) The ~~BRC-RR~~ BRS-RR shall have the following instructor to student ratio:

- (1) Classroom - one instructor may teach a maximum of twenty-four registered students;
- (2) Range - one instructor may instruct no fewer than two students nor more than six students on motorcycles. Two instructors shall instruct no more than twelve students on motorcycles;
- (3) The maximum capacity for on-cycle instruction is twelve students.

~~(C)~~(E) Students shall have a valid temporary instruction motorcycle identification card (TIPIC), a motorcycle endorsement, or a motorcycle-only license prior to participating in range instruction.

~~(D)~~(F) Unless otherwise approved by the department, the ~~BRC-RR~~ BRS-RR shall use training motorcycles provided by the provider with 100cc to 500cc engine displacement.

~~(E)~~(G) Every student participating in the ~~BRC-RR~~ BRS-RR range instruction must wear proper riding gear, which includes helmet and eye protection that is in compliance with Chapter 4501-17 of the Administrative Code, sturdy over-the-ankle footwear, long-sleeved shirt or jacket, sturdy full-length pants without holes or tears, and full-fingered gloves.

~~(F)~~(H) Students successfully completing the ~~BRC-RR~~ BRS-RR shall be issued a completion card for the purpose of course verification.

~~(G)~~(I) Upon completion of the ~~BRC-RR~~ BRS-RR, the provider shall submit, electronically, to the department, a student report form, and any other course paperwork as requested by the department ~~in a format prescribed by the director.~~

*****DRAFT - NOT FOR FILING*****

4501-53-15 Advanced ~~rider~~ rider-~~course~~ skills.

[Comment: For dates and availability of material incorporated by reference in this rule, see rule 4501-53-16 of the Administrative Code.]

~~For dates and availability of material incorporated by reference in this rule, see the materials incorporated by reference section in rule 4501-53-01 of the Administrative Code.~~

- (A) The advanced ~~rider~~ rider ~~course~~ riding skills (~~ARC~~) (ARS) ~~curriculum shall be~~ curriculum validated by ~~M~~motorcycle Ohio and approved by the director. The course curriculum and requirements will be formalized in the motorcycle Ohio policy and procedure manual and shall include, at a minimum, five hours of on-cycle range work in the following, but not limited to topics:
- (1) Basic control;
 - (2) Quick stops;
 - (3) Stopping demonstration;
 - (4) Curve adjustments;
 - (5) Cornering and swerving;
 - (6) Multiple curves;
 - (7) Decreasing radius curves;
 - (8) Gap analysis and safety margins.
- (B) Such material shall not be taught out of sequence or modified by instructors, unless authorized by the motorcycle Ohio coordinator.
- (C) The ~~ARC~~ ARS course shall ~~consist of~~ include, at minimum, of four hours of classroom activities. Classroom activities use small group discussions and interactive activities to address personal risk management strategies; options for cornering, braking, and swerving; and strategies to improve visual perception to identify collision traps.
- (D) The ~~ARC~~ ARS shall have the following instructor to student ratio:
- (1) Classroom activities - ~~Unless restricted or modified by the department,~~ one instructor may teach a maximum of twenty-four registered students;
 - (2) Range - ~~Unless restricted or modified by the department,~~ one instructor may instruct no fewer than two students ~~not or~~ or more than six students on motorcycles. Two instructors shall instruct no more than twelve students on motorcycles.
 - (3) The maximum capacity for on-cycle instruction is twelve students.
- (E) Students shall have a valid motorcycle endorsement or a motorcycle-only license prior to participating in range instruction.
- (F) Instructors and students shall use their own insured motorcycles during the course. Private providers may allow use of private provider motorcycles. Passengers are not permitted in the advanced ~~rider~~ rider riding skills

*****DRAFT - NOT FOR FILING*****

course. [The ARS can only be conducted on a standard size range.](#)

- (G) Every student participating in the [ARS](#)~~ARC~~ range instruction must wear proper riding gear, which includes helmet and eye protection that is in compliance with Chapter 4501-17 of the Administrative Code, sturdy over-the-ankle footwear, long-sleeved shirt or jacket, sturdy full-length pants without holes or tears, and full-fingered gloves.
- (H) Students successfully completing the [ARS](#)~~ARC~~ shall be issued a completion card for the purpose of course verification.
- (I) Upon completion of the [ARS](#)~~ARC~~, the provider shall submit, electronically, to the department, a student report form [and any other course paperwork as requested by the department.](#) ~~in a format prescribed by the director.~~

~~Effective: 04/21/2011~~

~~R.C. 119.032 review dates: 02/02/2016~~

~~Promulgated Under: 119.03~~

~~Statutory Authority: R.C. 4508.08~~

~~Rule Amplifies: R.C. 4508.08~~

*****DRAFT - NOT FOR FILING*****

4501-53-16 Incorporated materials.

- (A) "Motorcycle Ohio Instructor Candidate Application," or form "MOP 0044," (May, 2013) may be accessed via the "Motorcycle Ohio" program website at <http://www.motorcycle.ohio.gov/instructors.stm>.
- (B) "Motorcycle Ohio Instructor Renewal Application," or form "MOP 0052," (November, 2014) may be accessed via the "Motorcycle Ohio" program website at <http://www.motorcycle.ohio.gov/instructors.stm>.
- (C) "Motorcycle Ohio Private Provider Application," or form "MOP 0043," (November, 2014) may be accessed via the "Motorcycle Ohio" program website at http://www.motorcycle.ohio.gov/private_provider.stm
- (D) "National Standards" is the "Model National Standards for Entry-Level Motorcycle Rider Training" (August, 2011) and may be accessed via the "National Highway Traffic Safety Administration" website at <http://www.nhtsa.gov/Safety/Motorcycles>.
- (E) Fire extinguisher is a 10lb class ABC fire extinguisher (OSHA 1910.157 (d) (4) maintained in good working order and may be accessed at the United States Department of Labor website at: https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=9811 OSHA
- (F)) First aid kit a Type III, class A, first aid kit or upgraded first aid kit conforming or surpassing ANSI/ISEA Z308.1-2015 or later revision and can be accessed at: _____
- (G) http://www.first-aid-product.com/ofinterest/osha_ansi.htm ANSI
- (H) Course Waiver is "Motorcycle Safety Course Waiver & Indemnification", MOP 0036 (April, 2015" and may be accessed at: <http://odpsweb.ps.dps.state.oh.us/MotorCycleOhio/Pages/Secure/Documents.aspx>
- (I) Fire extinguisher is defined as: a 10lb class ABC fire extinguisher (OSHA 1910.157 (d) (4) maintained in good working order (OSHA 1910.57) available at: https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=9811
- (J) First aid kit is defined as, at a minimum and fully stocked: A Type III, class A, first aid kit or upgraded first aid kit conforming or surpassing ANSI/ISEA Z308.1-2015 or later revision available at: http://www.first-aid-product.com/ofinterest/osha_ansi.htm
- (K) Motorcycle Ohio Policy and Procedure Manual 2011 or later revision available at: <https://ext.dps.state.oh.us/MotorCycleOhio/Pages/Public/Login.aspx>
- (L) Americans with Disabilities Act (ADA) 1990 or later revision available at: <http://www.dol.gov/dol/topic/disability/ada.htm>