

**DEPARTMENT OF TRANSPORTATION**  
**DIVISION OF MOTOR VEHICLES**  
**Statutory Authority: 21 Delaware Code, Section 83 (21 Del.C. §83)**

**PROPOSED**

**PUBLIC NOTICE**

Notice is hereby given that the Department of Transportation, Division of Motor Vehicles, in accordance with 21 Del.C. 83 proposes the following changes to the current chapter to the Rules and Regulations Governing the Licensing of Commercial Motor Vehicle Training Schools and Instructors for those schools offering motorcycle training titled Motorcycle Rider Education Courses Provider Requirements.

The public comment period will be open until March 2, 2005. Any persons wishing to present views may submit them in writing, by March 2, 2005, to Coordinator Delaware Motorcycle Rider Education Program, P.O. Box 698, Dover, DE 19903

**Motorcycle Rider Education Courses Provider Requirements**

**1.0 Definitions**

**“Application for Commercial Driver Training School License (Motorcycle)”** refers to the document which the Provider must sign and present to the Department of Public Safety, Division of Motor Vehicles to teach the motorcycle rider education courses for the State as required by 21 Del. C. Sections 8303 and 8304.

**“Audit”** means an official examination and verification of all accounts, records, books and documents pertaining to the conduct of motorcycle rider education courses by a Provider for the Department under the Program per the Delaware Code.

**“Basic Rider Course” (BRC)** is a motorcycle rider education course for novice or potential riders developed by the Motorcycle Safety Foundation (MSF), National Resource Office, 2 Jenner St., Suite 150, Irvine, CA 92718.

**“Experienced Rider Course” (ERC)** is a motorcycle rider education course for experienced riders with at least 6 months or 3000 miles of recent riding time, developed by the Motorcycle Safety Foundation (MSF), National Resource Office, 2 Jenner St., Suite 150, Irvine, CA 92718.

**“Course Section”** means a complete, scheduled set of BRC training modules, including both classroom and range sessions, presented to a class in order for them to satisfactorily complete a specific BRC.

**“Class Participant”** means a person enrolled in a BRC or ERC selection under the Program.

**“Motorcycle Rider Education”** means education for novice and experienced motorcycle riders practicing street riding techniques in a safe environment.

**“Program”** means the Motorcycle Rider Education Program which was created pursuant to 21 Del.C. Section 2726 and 2727 for the purpose of reducing motorcycle accidents, injuries and fatalities in the State of Delaware.

**“Provider”** means a private instructional service related to the Program they will conduct.

**“Range”** means a paved area set aside for the operations of motorcycles and marked and/or otherwise delineated per the BRC/ERC curricula guidelines for use on a permanent/temporary basis.

**2.0 Department Of ~~Public Safety~~ Transportation, Division Of Motor Vehilce**

2.1 In the interest of providing excellent customer service, promoting a safe driving environment, and protecting consumer interests, the Department hereby allows providers of instructional services to conduct motorcycle rider education courses once they meet the requirements of this document and pay the appropriate fees. This promotes excellent customer service by enhancing the Department’s ability to meet public demand for motorcycle safety training. By authorizing and working with independent training centers to deliver motorcycle safety training, the Department is promoting a safe driving environment by adding to the number of riders with heightened knowledge and skills. This also protects the consumer’s interests by ensuring that the training opportunity at independent centers maintains the same high level of quality that is found in State sponsored courses.

2.2 The Division of Motor Vehicles (DMV) will provide Chief Instructors / RiderCoach Trainers or Certified Drivers License Examiners to monitor independent motorcycle safety training center’s program and to conduct end-of-course testing when feasible. Budget constraints and staff levels may require the students to be given a knowledge and riding skill test at a DMV location. However, when possible, all tests will be conducted at the Provider’s location when the class graduates.

2.3 DMV will provide the following positions with listed responsibilities:

2.3.1 Coordinator of the Delaware Motorcycle Safety Program:

- Oversee the application of, and adherence to, these requirements.
- Serve as the main DMV point of contact for independent centers.
- Evaluate all Program applications.
- Monitor all provider programs to ensure they met Division requirements.
- Provide Motorcycle Operator Manuals.

2.3.2. Chief Instructors / RiderCoach Trainers or Certified Drivers License Examiners:

- Before monitoring and conducting end-of-course testing, ensure that students have completed all classes and exercises required under the Department's approved curriculum.
- Administer the end-of-course written knowledge test and record results at the training location unless budget or staff limitation prevent on-site testing.
- Conduct the end-of-course riding skill test and record results.
- Issue completion certificates to students who have successfully completed their coursework and passed both the end-of-course written knowledge and riding skill tests.

### **3.0 Provider**

3.1 Primary requirements include the following:

- Complete license requirements for Commercial Driver Training Schools and Instructors per Chapter 83 of Title 21.
- Administer the Program.
- Select site area.
- Advertise and select qualified instructor candidates for the Program.
- Provide Instructor candidate's names and driver's license numbers to Coordinator, Motorcycle Rider Education Program. If candidate is licensed out of state provide a 5-year driving record.
- Ensure that appropriate equipment is available for use in each course section.
- Assure that proper insurance coverage is maintained.
- Schedule and advertise course dates.
- Teach the Department's approved rider education curriculum and comply with all related requirements.
- Provide course applicants names and drivers license numbers to Coordinator, Motorcycle Rider Education Program.
- Coordinate with the State to provide a Chief Instructor/RiderCoach Trainer or Certified Drivers License Examiner to administer the end-of-course written knowledge test and the riding skill test.
- Provide DMV with course and testing schedules in advance. Notify the DMV at least 48 hours in advance of any changes, cancellations, etc. to scheduled test dates and times.
- Allow the State to monitor the independent training center operations.
- Provide information to the DMV as required for DMV quality assurance, e.g., incident reports, course surveys, test score sheets, etc.
- Obtain training motorcycles through dealer loan agreement programs or other sources.
- Promote BRC courses throughout the State.

3.2 Other responsibilities include:

- Layout of all range areas
- Maintenance of miscellaneous range equipment and materials
- Scheduling all training sessions
- Supervising instructors
- Ensuring provider instructors teach minimum of 3 State Program Novice classes annually.
- Fill out all program reports completely and accurately.
- Set-up appropriate record keeping for evaluation of the program.
- Send monthly course participation updates to: Coordinator  
Motorcycle Rider Education Program  
Division of Motor Vehicles  
P O Box 698  
Dover, DE 19903

### **4.0 Instructors**

4.1 Instructor shall have a high school diploma or the equivalent. Instructor must be at least 18 years of age hold a valid driver's license with a valid motorcycle endorsement and have had at least 2 years of motorcycle riding experience.

4.2 Instructor's driver's license shall not have been suspended or revoked any time during the immediately preceding 2 years. Instructor's shall have no convictions for driving under the influence of alcohol or of drugs during the immediately preceding 5 years, nor have been subject to first offenders election in lieu of trial during the immediately preceding 5 years.

4.3 Instructor shall not have any convictions for moving traffic violations with a total of 4 or more points during the immediately preceding 2 years.

4.4 An Instructor who is licensed to drive in another state must furnish certified copies of their driving record to the Coordinator, Motorcycle Rider Education Program Division of Motor Vehicles. An applicant shall not be eligible for instructor status until the instructor's driving record for the immediately preceding 5 years is furnished.

4.5 All of the Provider's instructors must be state licensed per 21 **Del.C.** Section 8304

4.6 An Instructor is responsible for conducting classroom sessions and for demonstrating and conducting range exercises, including evaluating rider performance. Only an MSF certified instructor trained or re-certified in the BRC/ERC, after completing the State update, is authorized to teach the course.

## **5.0 Enrollment Eligibility**

5.1 Basic Rider Course – Persons enrolling in a BRC must:

- Possess a current, valid driver license issued by Delaware or another jurisdiction.
- Applicant's holding a level one learner's permit (Graduated Driver License) are not eligible to attend the program.
- Be licensed driver of the U.S. Armed Forces stationed in Delaware and/or his or her family members.
- Delaware can not issue a motorcycle endorsement unless the applicant holds a Delaware license. However, the Delaware DMV will send a letter certifying course completion to include students name, driver license number, course dates and location, skills and written test scores, to another state if they agree to upgrade the participant's license.
- Possess the physical ability to operate a motorcycle.
- Have the ability to balance a two-wheeled vehicle.
- Provide written parental permission if under the age of eighteen (18).
- Be at least sixteen (16) years of age.

5.2 Experienced Rider Course – Persons enrolling in an ERC must:

- Possess a current, valid driver license with an endorsement to operate a motorcycle issued by Delaware or another jurisdiction.
- Possess the physical ability to operate a motorcycle.

## **6.0 Enrollment**

6.1 Class Participants shall be considered enrolled in a BRC once they have completed the registration process and have been accepted into a specific class. If an applicant is not accepted into any class, the registration fee collected shall either be refunded or applied toward a future class if the class applicant so desires.

6.2 Basic Rider Course – The number of students that can be enrolled in any one BRC class is restricted to the following schedule:

1. Classroom      1 instructor - 24 students
2. Range            2 instructors - 12 students

6.3 During on-cycle instruction no more than six (6) students may be under the supervision of any one (1) instructor at any one time and no more than twelve (12) students may operate motorcycles on the same range area at the same time. If the number of enrolled students is less than six (6), the class shall be canceled.

## **7.0 Registration**

7.1 All persons enrolling in a BRC or ERC must be registered. Registration shall consist of:

- Completing the Student Registration Form
- Submitting all required written permissions, as applicable
- Completing a Release, Waiver and Indemnification Statement
- Payment of student registration fee

7.2 Participants must be registered prior to engaging in any training activities.

## 8.0 Course Registration

8.1 Registration will be the responsibility of the Provider. All fees should include all insurances deemed necessary to run the program. It is the responsibility of the Provider to maintain the required insurances.

## 9.0 Student Registration Fees

9.1 Each person enrolling in a BRC or ERC who resides in the State of Delaware, shall pay a student registration fee of not less than that paid by State Program registered students (currently fifty dollars \$50.00 for the BRC and \$35.00 for the ERC).

9.2 Each person enrolling in a BRC or ERC who does not reside in the State of Delaware shall pay a student registration fee of not less than that currently paid by State Program registered students (currently two hundred dollars \$200.00 for the BRC and \$100.00 for the ERC).

9.3 In State registration fees apply to those who:

- Possesses a current, valid Delaware Motor Vehicle Operator's License, or who is eligible for a motorcycle learner's permit.
- ~~Are~~ Is a member of the U.S. Armed Forces stationed in Delaware or a member of their family.
- Permanently resides at an address within the political boundaries of the State of Delaware.
- Are full time student at a College or University within the State of Delaware.

9.4 These fees are non-refundable with the following exceptions:

- The registrant is not accepted into the class of their choice. (However, the fee may be applied towards another class if the student desires.)
- The class is canceled.
- The registrant gives notice of withdrawal no later than seventy-two (72) hours prior to the start of the course.

## 10.0 Rate Of Pay

10.1 Instructors are hired by the selected Provider; the rate of pay will be commensurate with the level for instructors in the State program. The contractual agreement between Provider and Instructors will be the sole responsibility of the Provider.

## 11.0 ~~Basic Rider Course (BRC)~~ Curriculum

11.1 ~~Curriculum~~ Basic Rider Course (BRC) – The curriculum used to train novice riders shall be the most current version of the BRC developed by the Motorcycle Safety Foundation (MSF). Each participant enrolled in any BRC shall receive no less than the minimum number of hours of classroom and on-cycle instruction as specified in the current BRC curriculum guidelines adopted by the Delaware Motorcycle Rider Education Program. Experienced riders may also be enrolled in the program if they so desire.

11.2 Experienced Rider Course (ERC) – The curriculum used to train experienced riders shall be the most current version of the ERC developed by the Motorcycle Safety Foundation (MSF). Each participant enrolled in any ERC shall receive no less than the minimum number of hours of classroom and on-cycle instruction as specified in the current ERC curriculum guidelines adopted by the Delaware Motorcycle Rider Education Program.

## 12.0 Facilities And Equipment

12.1 The following facilities and equipment must be available for use during each BRC or ERC course:

12.1.1 A classroom for the presentation of the off-cycle instructional portion of the BRC and the written test portion of the ERC located as close to the range area as possible. It must be able to comfortably accommodate the number of students enrolled and possess the following:

- One (1) classroom chair for each student with writing surface.
- One (1) teacher's desk or podium with chair.
- Capabilities for utilizing audio-visual aids.

12.1.2 A paved range area for the on-cycle portion of the BRC or ERC located as close to the classroom as possible. The following are recommended guidelines for selecting an appropriate area to accommodate the students engaged in range activities:

- The minimum riding area pf 120' X 220', with sufficient buffer space for safety considerations. Generally, a minimum size for the overall range is 160' X 260'. If ranges are sub-standard, they must be approved by MSF. The surface must be as flat as possible. Provide a copy of MSF certification to

Coordinator Motorcycle Rider Education Program.

- No other traffic, including bicyclists and pedestrians, or cars are permitted on the range during on-cycle activities. If a parking lot is used, it must be free of parked cars and entrances should be blocked during use.
- The range should be free of potholes, sewer gratings, trash, sand, gravel, light poles, parking barriers, athletic equipment and any other surface hazards or obstacles.
- It should have grass edges without curbing. If the perimeter of the range is fenced, or curbed, there should be at least a twenty (20) foot buffer zone from the range area.
- The specific range layouts to be utilized are those listed in the current version of the Motorcycle Safety Foundation BRC Instructor's Guide and ERC Suite.
- Portable toilets should be provided, depending on the distance to classroom

12.1.3 Miscellaneous equipment and accessories as follows:

- Class B type fire extinguisher,
- 6/12 volt, 1 amp battery charger,
- First aid kit,
- Stopwatch,
- One (1) or two (2) - five (5) gallon gas containers, (depending on need),
- Metric tool kit is provided on each loan motorcycle,
- Tire pressure gauge,
- One-hundred (100) foot tape measure and chalk line,
- Fifty (50) - four (4) inch traffic cones,
- BRC or ERC Course Package,

12.1.4 Training Motorcycles used for BRC courses:

12.1.4.1 Any motorcycle model manufactured for on-highway use that meets two (2) of the following three (3) criteria (as published by the original equipment manufacture/distributor) may be used.

- An engine displacement of 500cc or less
- An un-laden weight of 400 pounds or less
- A seat height of 30" or less

12.1.4.2 Provide one of the above for each participant taking part in the on-cycle sessions of the BRC. A minimum of six (6) motorcycles is required per training program. It is recommended that one additional motorcycle be available for use in demonstrations and as a replacement.

12.1.4.3 No motorcycle with a defect which could impair handling or control will be permitted in the program. Off-road motorcycles or extensively modified "choppers" will not be permitted.

12.1.5 Training Motorcycles used for ERC courses:

12.1.5.1 Students in the ERC provide their own motorcycle which must be:

- Properly insured. Students are required to show proof of insurance prior to participating in the riding portions of the class.
- Legally registered and inspected.
- Pass instructor's pre-ride check. To include checking tires, controls, lights, oil levels, chassis and side stand. Motorcycles with defects that could impair handling or control will not be permitted in the class.

### 13.0 Supplies

13.1 The following supplies must be provided for or be available for use in each BRC or ERC section as specified:

- Appropriate range layout materials as described in the BRC Instructor's Guide or ERC Suite
- Sufficient quantities of the State of Delaware Motorcycle Operator's Manual (MOM) to provide one to each participant
- Adequate amounts of spark plugs, oil, chain lube and gasoline for the motorcycles utilized in the BRC
- Sufficient quantities of BRC or ERC student activity workbooks to provide one to each student

### 14.0 Insurance

14.1 Contractor recognizes that they are operating as an independent Contractor and that they are liable for any and all losses, penalties, damages, expenses, attorney's fees, judgments, and/or settlements incurred by reason of injury to or death of any and all persons, or injury to any and all property, of any nature, arising out of the Contractor's negligent performance under this Contract, and particularly without limiting the foregoing, caused by, resulting from, or arising out of any act of omission on the part of the Contractor in their negligent performance under this Contract.

14.2 The Contractor shall maintain such insurance as will protect against claims under Worker's Compensation Act and from any other claims for damages for personal injury, including death, which may arise from operations under this Contract. The Contractor is an independent contractor and is not an employee of the State.

14.3 The Contractor shall, at its expense, carry insurance of minimum limits as follows:

Comprehensive General Liability \$1,000,000

Medical/Professional Liability \$1,000,000/ \$3,000,000

14.4 If the contractual service requires the transportation of Departmental clients or staff, the contractor shall, in addition to the above coverage's, secure the following coverage:

Automotive Liability(Bodily Injury)\$100,000\300,000

Automotive Property Damage (to others) \$25,000

14.5 Medical Insurance coverage of at least five hundred dollars (\$500.00) for each student, range aide, primary and assistant instructor participating in any BRC course section.

14.6 Comprehensive and Collision Insurance coverage providing for a total limit of not less than the value of each motorcycle utilized in any Motorcycle Rider Education Program course section less deductibles for damage or loss due to fire, theft and collision.

14.7 Notwithstanding the information contained above, the Contractor shall indemnify and hold harmless the State of Delaware, the Department and the Division from contingent liability to others for damages because of bodily injury, including death, which may result from the Contractor's performance under this Contract, and any other liability for damages for which the Contractor is required to indemnify the State, the Department and the Division under any provision of this Contract.

14.8 The policies for Liability and Property Damage must be so written to include Professional Liability and Comprehensive General Liability, which includes Bodily Injury and Property damage insurance to protect against claims arising from the performance of the Contractor and the contractor's subcontractors under this Contract.

14.9 The Contractor shall provide a Certificate of Insurance as proof that the Contractor has the required insurance or a letter indicating a program of self insurance and its limits and availability of funds sufficient to meet the claims.

## **15.0 Protective Clothing**

15.1 All participants are required to wear the following protective gear during BRC or ERC on-cycle instruction:

- Full face or 3/4 helmet that meets US DOT, ANSI Z90.1 standards (no 1/2 helmets)
- Eye protection (Face shield recommended)
- Boots or heavy-soled shoes that cover the ankles and have a low heel, or leather high-top sneakers
- Non-flared denim pants
- Long sleeved jacket or shirt
- A pair of sturdy gloves (no half-gloves)

**8 DE Reg. 1083 (2/1/05)**