

Proposed Rules  
of  
the Tennessee Department of Safety  
Driver Control Division

Chapter 1340-1-11  
Tennessee Motorcycle Rider Education Program

Presented herein are proposed amendments of the Driver Control Division, Department of Safety submitted pursuant to T.C.A. §4-5-202 in lieu of a rulemaking hearing. It is the intent of the Department of Safety to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of Tennessee Administrative Register in which the proposed amendments are published. Such petition to be effective must be filed with the Department of Safety, 1150 Foster Avenue, Nashville, TN 37249, and in the Department of State, 8<sup>th</sup> Floor, Tennessee Tower, William Snodgrass Building, 312 8<sup>th</sup> Avenue North, Nashville, TN 37243, and must be signed by twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the rule, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For copies of the entire text of the proposed amendments, contact: Jason Hunnicutt, Staff Attorney, Tennessee Department of Safety, 1150 Foster Avenue, Nashville, TN 37249, 615-251-5277.

The text of the proposed amendments is as follows:

Amendments

Rule 1340-1-11 Tennessee Motorcycle Rider Education Program is amended by deleting the rules in their entirety and substituting the following language so that as amended the rules shall read:

1340-1-11-.01 PURPOSE. To establish uniform standards and system for administering a Motorcycle Rider Education Program, as defined herein, under the provisions of T.C.A. Title 55, Chapter 51.

Authority: T.C.A. §55-51-102. Administrative History: Original rule filed June 30, 1988; effective September 28, 1988.

1340-1-11-.02 DEFINITIONS.

- (1) Rider Coach Trainer. A licensed motorcycle operator who meets the standards established by the Department of Safety to qualify to train and oversee Rider Coaches for the Motorcycle Rider Education Program.
- (2) Commissioner. The Commissioner of the Tennessee Department of Safety.
- (3) Director. The Director of the Driver Control Division.
- (4) Department. The Tennessee Department of Safety.
- (5) Motorcycle Rider Education Program. The motorcycle training and information disbursement plan created in T.C.A. §55-51-102.
- (6) Motorcycle Rider Safety Fund. The restricted receipts accounts created in T.C.A. §55-51-104 to be applied toward the costs of administering the Motorcycle Rider Education Program.
- (7) Program Coordinator. The person designated by the director to plan, organize and administer the Motorcycle Rider Education Program as provided in T.C.A. §55-51-102(b).
- (8) Rider Training Course. A motorcycle rider education curriculum and delivery system approved by the Department as meeting standards designed to develop and instill knowledge, attitudes, habits and skills necessary for the safe operation of a motorcycle.
- (9) Training Specialist. The person(s) designated by the Director to assist in establishing rider training courses throughout the State, support and implement program and funding guidelines and supervise instructors and other persons as necessary.
- (10) Rider Coach. A licensed motorcycle operator who meets the standards as set forth in T.C.A §55-51-103, and additional qualifications established by the Department.
- (11) Advisory Committee. A committee consisting of five (5) members, including a chairman, appointed by the Commissioner to assist the development of the Motorcycle Rider Education Program as provided for in T.C.A. §55-51-105.
- (12) Driving Range. A practice area meeting the guidelines set forth by the Department set aside for the operation of motorcycles as part of the Motorcycle Rider Education Program.

- (13) Sponsor. Any public or private agency, organization, school, partnership, corporation, or individual certified by the Department to provide motorcycle education courses.
- (14) Examiner Instructor. An instructor who teaches a minimum of five (5) courses each calendar year and who meets the evaluation criteria established by the Program Coordinator for issuing student Certificates of Completion.

Authority: T.C.A. §§55-51-101, 55-51-102, 55-51-103 and 55-51-105. Administrative History: Original rule filed June 30, 1988; effective September 28, 1988. Amendment to rule filed May 31, 2000; effective September 28, 2000.

#### 1340-1-11-.03 RIDER TRAINING COURSE.

- (1) The rider training course will include a minimum of 5 hours of classroom instruction and a minimum of 10 hours of on-cycle instruction.
- (2) The rider training course shall be taught by a Department certified instructor(s).
- (3) The rider training course shall be open to all residents of the State who hold a current valid Tennessee driver license for any classification, or who are eligible for a Tennessee motorcycle learner permit (Class P-M) or motorcycle driver license (Class M).
- (4) The rider training course curriculum shall be the same as that used by the Motorcycle Safety Foundation or its equivalent.
- (5) The rider training course shall be limited to a class size not to exceed twenty-four (24) students.
- (6) There will be a minimum of one (1) Rider Coach per twenty-four (24) students during classroom instruction.
- (7) There will be a minimum of two (2) Rider Coaches per twelve (12) students during the driving range on-cycle instruction.
  - (a) An experienced Rider Coach may teach, alone, a maximum of eight (8) students on the driving range. An experienced instructor is defined as a certified Rider Coach who has taught, as primary instructor, a minimum of five (5) BRC rider courses, and approval documented by the Site Coordinator, prior to teaching alone.

- (8) There will be a maximum of twelve (12) students and two (2) Rider Coaches utilizing the driving range while on-cycle instruction is in progress.
- (9) Students under the age of fifteen (15) shall be limited to the use of motor-driven cycles with an engine displacement not to exceed one-hundred twenty-five cubic centimeters (125 cc), unless prior approval is given by the Program Coordinator.
- (10) Students fifteen (15) years-of-age or older, shall be limited to the use of a motorcycle with an engine displacement not to exceed three-hundred fifty cubic centimeters (350cc) unless prior approval is given by the Program Coordinator.
- (11) Students may at the discretion of the Rider Coach, use their own motorcycle, provided the motorcycle passes a safety inspection conducted by the Rider Coach. Proof of ownership and current insurance must be provided.
- (12) Each student enrolled in the rider training course shall be provided:
  - (a) State of Tennessee Driver's Manual.
- (13) Each student enrolled in the rider training course shall wear a minimum of the following protective gear while participating in the on-cycle phases of instruction.
  - (a) Approved helmet.
    - 1. Must meet U.S. Department of Transportation (DOT) and State standards. Helmets with labels from the American National Standards Institute (ANSI), or Snell Memorial Foundation give you added assurance of quality.
    - 2. Must fit snugly, all the way around.
    - 3. Shall be free of obvious defects such as cracks, loose padding, or frayed straps.
  - (b) Eye and face protection.
    - 1. Goggles, plastic faceshields, windshield or glasses containing impact resistant lenses shall be considered approved eye and face protection.

- (c) Approved gloves.
  - 1. Gloves should be made of leather or heavy cloth and shall not be fingerless.
- (d) Over-the-ankle footwear.
  - 1. Boots or shoes shall be high enough to cover the anklebone and provide sturdy support and protection from burns and abrasions.
  - 2. Footwear shall have low heels (if any) and have a high traction sole.
- (e) Long-sleeved shirt/jacket.
  - 1. Shall be made of leather or denim or a equivalent abrasive resistant material.
- (f) Long pants.
  - 1. Shall be non-flared pants, made of leather or denim or a equivalent abrasive resistant material.

Authority: T.C.A. §55-51-102 and 55-51-103. Administrative History: Original rule filed June 30, 1988; effective September 28, 1988. Amendment filed May 31, 2000; effective September 28, 2000.

#### 1340-1-11-.04 RIDER COACH QUALIFICATIONS.

- (1) The Rider Coach must meet the qualifications set out in T.C.A. § 55-51-103.
- (2) The Rider Coach must be at least eighteen (18) years of age.
- (3) The Rider Coach must hold a valid Tennessee motorcycle driver license (Class M) or motorcycle endorsement.
- (4) The Rider Coach must have at least two (2) years of recent motorcycle road-riding experience, encompassing strategies for dealing with street traffic and advanced turning and braking skills.
- (5) The Rider Coach driver's license must not have been suspended, cancelled, or revoked at any time during the preceding two (2) years.

- (6) The Rider Coach must not have any convictions for driving under the influence of alcohol or drugs or violation of the implied consent law during the preceding five (5) years.
- (7) The Rider Coach must not have a felony conviction of any type or any misdemeanor conviction for any crime involving fraud, deceit, or misrepresentation.
- (8) The Rider Coach must have completed the basic rider training course (BRC) at an M.R.E.P. approved site within twelve (12) months prior to beginning a Rider Coach Preparation (R.C.P.) workshop.
- (9) The Rider Coach shall demonstrate a knowledge of the course material, knowledge of safe motorcycle operating practices, and the necessary aptitude for instructing students.
- (10) When certified, the Rider Coach must have an instructor certificate that has been issued by the department.
- (11) The Rider Coach shall maintain and utilize the M.R.E.P. uniform (shirt) during course instruction and whenever representing the M.R.E.P.
- (12) The Rider Coach must be registered as a current active instructor by the Motorcycle Safety Foundation (MSF).
- (13) The Rider Coach shall teach a minimum of one M.R.E.P. approved course each calendar year.
- (14) The Rider Coach must attend state sponsored updates or equivalent with approval from the State Coordinator.
- (15) A candidate to become a Rider Coach must be interviewed prior to RCP by the state coordinator and rider coach trainer for the RCP.
- (16) A candidate to become a Rider Coach must be currently operating a motorcycle on a frequent basis.

Authority: T.C.A. §55-51-103. Administrative History: Original rule filed June 30, 1988; effective September 28, 1988. Amendment filed December 30, 1991; effective March 30, 1992. Amendment filed May 31, 2000; effective September 28, 2000.

1340-1-11-.05 RIDER COACH TRAINER QUALIFICATIONS.

- (1) The Rider Coach Trainer shall meet the qualifications set forth for instructors as stated in chapter 1340-1-11-.04.
- (2) The applicant for Rider Coach Trainer must have taught at least twelve (12) Department approved or Motorcycle Safety Foundation (MSF) rated courses prior to submitting the application for Rider Coach Trainer.
- (3) To be considered as a applicant for Rider Coach Trainer, the instructor must have taught at least five (5) years as a MSF or Department approved instructor.
- (4) The Rider Coach Trainer must also have an approved chief instructor certificate which has been issued by the Department.
- (5) The Rider Coach Trainer must be recommended by the Site Coordinator and have three letters of recommendation by current M.R.E.P. rider coaches.
- (6) The Rider Coach Trainer must also demonstrate the ability and quality to train and oversee instructors by Q.A.R process for the Motorcycle Rider Education Program.

Authority: T.C.A. §55-51-101. Administrative History: Original rule filed June 30, 1988; effective September 28, 1988.

#### 1340-1-11-.06 SPONSOR REQUIREMENTS

- (1) Any public or private agency, organization, school, partnership, corporation or individual that agrees to comply with the rules set forth herein may apply for sponsorship certification.
- (2) Sponsors agree to conduct rider training courses that meet or exceed Department standards.
- (3) Sponsors must use only Department certified instructors.
- (4) Sponsors must obtain and maintain adequate insurance coverage on the students, all equipment, instructors and the sponsor, with a minimum policy combined single limit of one (1) million dollars. Included in this is liability insurance, motorcycle damage coverage, uninsured motorists coverage, and medical payments coverage.
  - (a) The Tennessee Department of Safety will be named as additional insured and shall be held harmless in any litigation.

- (b) Proof of said insurance must be presented to the Program Coordinator prior to sponsor certification.
- (5) Sponsors shall be responsible for all phases of the rider training course including, but not limited to:
- (a) Assuring all departmental rules and regulations are complied with;
  - (b) Maintaining accurate records of all program cost, student participation, accident and incident reports and providing these records to the Program Coordinator for inspection upon request;
  - (c) Securing all course material, training equipment and motorcycles, where necessary;
  - (d) Securing and maintaining the classroom and driving range sites;
  - (e) Ensuring that all participants complete a release, waiver and indemnification form supplied by the Department; and,
  - (f) Providing any additional records or reports as requested by the Program Coordinator.
- (6) Sponsor certification shall expire one (1) year from the date of issuance.

Authority. T.C.A. §55-51-102. Administrative History: Original rule filed June 30, 1988; effective September 28, 1988.

#### 1340-1-11-.07 COURSE SITE REQUIREMENTS.

- (1) The Commissioner or designated representative in conjunction with the State Coordinator shall have the final authority for approval or denial of any new program or site in order to insure the most efficient use of state funds. Consideration will be given, but not limited to: Sites in areas, demand for training in the area, and the course to be offered.
- (2) The rider training course riding range shall meet or exceed standards set forth by the Motorcycle Safety Foundation and the Tennessee Motorcycle Rider Education Program.
  - (a) Be within a reasonable distance of the classroom and storage area, so as not to interfere with the training schedule.
  - (b) Should measure at least 160' x 260'.

- (c) Shall be a paved riding area.
  - (d) Be free of obstacles.
  - (e) Be as level as possible (a slope of more than three (3) degrees may hinder learning).
  - (f) Have adequate "run off" room (minimum of twenty (20) feet).
  - (g) Be free of pedestrian and vehicular traffic during all on-cycle sessions.
  - (h) Be an adequate distance from neighbors to minimize complaints of noise and activity.
  - (i) Always have available, a complete first aid kit and a class "A" fire extinguisher.
  - (j) Meet or exceed all M.S.F. current course requirements.
- (3) All training sites shall meet the following minimum requirements for the classrooms.
- (a) A room with desks and chairs for all students.
  - (b) Comfortably accommodate twenty-four (24) students.
  - (c) Have a chalk board or easel and all necessary audio visual equipment.
  - (d) Have adequate access to restrooms and drinking water.
  - (e) Be within a reasonable distance of the range and storage area, so as not to interfere with the training schedule.
- (4) All training sites will meet the following minimum motorcycle and equipment storage requirements.
- (a) Provide a physical facility that will store all motorcycle and necessary training equipment and supplies.
  - (b) Physical facility will not infringe on the range "run off" area.

- (c) Will provide adequate security from fire, theft and vandalism in accordance with all laws, ordinances and building codes.
- (5) Any modifications, changes, alterations or exceptions to the training site requirements must receive prior approval from the Program Coordinator.
- (6) Rider training course sites shall be approved by the Program Coordinator prior to commencement of the Rider training course.
  - (a) M.S.F. Rider Education Recognition Program application and Range Information Forms must be completed and have the State Coordinator's signature prior to presentation to M.S.F approval.

Authority: T.C.A. §55-51-102 and 55-51-103. Administrative History: Original rule filed June 30, 1988; effective September 28, 1988. Amendment filed May 31, 2000; effective September 28, 2000.

1340-1-11-.08 ADVISORY COMMITTEE.

- (1) The advisory committee shall consist of five (5) members, including a chairman, appointed by the Commissioner.
- (2) One (1) member selected shall reside from each grand division of the State, two (2) members shall be selected from the State at large, and not more than two (2) members shall be residents of the same grand division.
  - (a) Two (2) members shall be qualified motorcycle wholesalers, dealers, or retailers licensed in Tennessee. All shall be of good moral character and each shall have been actually engaged in the distribution or sale of motorcycles in this State for not less than three (3) consecutive years preceding such appointment, and each shall have the necessary qualifications for the applicable license under title 55, chapter 17, and be the holder of such license at all times while a member of the committee.
  - (b) Two (2) members shall be consumer members of the advisory committee who shall be citizens of this State, who shall have a valid motorcycle driver license (Class M), and who shall have no interest, direct or indirect, in the commercial manufacture or sale of motorcycles.
  - (c) One (1) member shall be from the Training program, Rider Coach Trainer or Rider Coach.

- (3) The committee shall also monitor the program upon its implementation and report to the Commissioner as necessary with recommendations including, but not limited to, the administration, application and substance of the program.
- (4) The committee shall meet at the call of the Commissioner.
- (5) Members shall serve without compensation for their services but may be reimbursed for their travel expenses while engaged in business of the committee.
- (6) All reimbursement for travel expenses shall be in accordance with the provisions of the comprehensive travel regulations as promulgated by the Department of Finance and Administration and approved by the Attorney General.

Authority: T.C.A. §55-51-105. Administrative History: Original rule filed June 30, 1988; effective September 28, 1988.

#### 1340-1-11-.09 TUITION FEES.

- (1) A sponsor may charge reasonable fees to cover the costs of conducting a rider-training program. The total fees charged by a sponsor who accepts a subsidy grant to provide for the start up costs shall not exceed two hundred fifty dollars (\$250.00) per student, per basic rider training course (BRT), and one hundred fifty dollars (\$150.00) per participant, per experienced rider training course (ERT). A private sponsor accepting no start up subsidy may set their own fee for the BRT and ERT.
  - (a) Each sponsor shall, by July 1 of each year, submit to the Program Coordinator, in writing, his or her training fees.
- (2) The department shall enter into a direct grant authority with each new sponsor approved by the department in order to subsidize the start-up costs incurred in establishing a local rider-training program.
- (3) The Department shall enter into a direct grant with each program in order to subsidize start up costs of additional sites without a program, (no more than three thousand dollars, \$3000.00).
  - (a) The maximum number of subsidy grants issued shall not exceed one (1) per new sponsor and the maximum number of statewide subsidy grants shall be established annually by the Department.

- (b) The expansion grant shall not exceed (1) per year, per program.
- (c) The subsidy grant shall be used exclusively for defraying the start-up costs associated with equipment, training curriculum materials, facility rental, required liability insurance coverage, and other costs as determined by the Program Coordinator.

Authority: T.C.A. §55-51-102 and 55-51-104. Administrative History: Original rule filed June 30, 1988; effective September 28, 1988. Amendment filed December 30, 1991; effective March 30, 1992. Amendment filed May 31, 2000; effective September 28, 2000. Amendment filed December 15, 2004; effective April 29, 2005.

#### 1340-1-11-.10 GENERAL REGULATIONS.

- (1) Any and all Certificates of Certification issued by the Department may be suspended by the Director upon the recommendation of the Program Coordinator for any violation of the rules and regulations governing the Motorcycle Rider Education Program.
- (2) The suspension of any certificate shall be for a period of time to be determined by the Director, but in no event shall be less than ninety (90) days.
- (3) No alcoholic beverages of any type or narcotic drugs will be consumed or stored on the premises of the training site.
- (4) Any authorized representative of the Department shall be permitted to inspect the rider training course site at any time during regular business hours, or during the conducting of a program.

Authority: T.C.A. §55-51-102. Administrative History: Original rule filed June 30, 1988; effective September 28, 1988.

#### 1340-1-11-.11 SUSPENSION, REVOCATION OR DENIAL OF CERTIFICATE(S).

- (1) Revocation of Certificate(s) - The Director shall, upon receipt of satisfactory evidence from the Program Coordinator, suspend, revoke, refuse to issue or refuse to renew the certificate(s) of a site coordinator, rider coach trainer, or rider coach if:
  - (a) The holder of any certificate fails or refuses to comply with the provision of T.C.A. Title 55, Chapter 51, or any rule or regulation adopted there under;

- (b) The holder of any certificate has made a false material statement or has concealed a material fact in connection with his application;
  - (c) The holder of any certificate has been guilty of a fraudulent practice in attempting to obtain for himself or another a certificate.
  - (d) Written notice of the Cancellation of Insurance required by the regulations herein is received by the Director and the certificate holder does not present satisfactory evidence of insurance to the Director prior to the effective date of the cancellation;
  - (e) The holder of any certificate fails to maintain the minimum qualification established herein.
- (2) Return of Suspended or Revoked Certificate.
- (a) The holder of any certificate that has been revoked or suspended, must return said certificate to the Director or his designated representative within five (5) days of the date of notification of suspension.

Authority: T.C.A. §§55-51-101, 55-51-102 and 55-51-103. Administrative History: Original rule filed June 30, 1988; effective September 28, 1988.

#### 1340-1-11-.12 CERTIFICATE OF COMPLETION FOR STUDENTS.

- (1) Upon successful completion of a State certified Motorcycle Rider Education Course, (BRC/ERC), each individual will be given a certificate showing that he or she has successfully completed said course.
- (2) Individuals who have successfully completed a State certified Motorcycle Rider Education Course, (BRC/ERC), shall be exempt from taking the written motorcycle knowledge test and the ability skills test at the Driver License Examining Stations. These individuals shall be required only to take the visual examination for a motorcycle driver license-restricted (Class M-Restricted), a motorcycle learner permit (Class P-M), or a motorcycle driver license (Class M), which ever applies.
- (3) Individuals who are fourteen (14) or fifteen (15) years of age and elect not to participate in a state certified Motorcycle Rider Education Course, must pass the written, visual and ability skills tests at a Tennessee Driver License Examination Station prior to receiving a restricted motorcycle license (Class M-Restricted), or a motorcycle learner permit (Class P-M), respectively.

- (4) Individuals who have previously successfully completed the written, visual and ability skills tests, or who hold a certificate from a state certified Motorcycle Rider Education Course, must, at the age of sixteen (16), return to a Tennessee Driver License Examination Station and upgrade their restricted license or permit to a regular motorcycle driver license (Class M) to retain the privilege of operating a motorcycle.

Authority: T.C.A. §§55-51-102 and 55-51-107. Administrative History: Original rule filed June 30, 1988; effective September 28, 1988. Amendment filed May 31, 2000; effective September 28, 2000.

The proposed rules set out herein were properly filed in the Department of State on the 9th day of August, 2006, and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 29 day of December, 2006.