

TITLE 595. DEPARTMENT OF PUBLIC SAFETY
CHAPTER 75. MOTORCYCLE SAFETY EDUCATION AND TRAINING

595:75-1-1 Purpose

It is the policy of the State of Oklahoma, expressed by the Oklahoma Legislature that motorcycle safety and education be regulated to promote consistent, quality instruction for novice and advanced motorcyclists. The Department is tasked, through the Motorcycle Safety and Education Advisory Committee, with adopting uniform standards and criteria to promote motorcycle safety. The rules in this Chapter are promulgated for this purpose.

595:75-1-2 Definitions

"Commercial Motorcycle Instructor" means an individual certified as a RiderCoachSM by the Motorcycle Safety Foundation and who has been approved by the Department to provide instruction in this State.

"Commercial Motorcycle School" means a business enterprise conducted by an individual, partnership, corporation, or other legal entity for the education and training of motorcycle drivers.

"Commissioner" means the Commissioner of Public Safety.

"Commissioner's designee" means the individual appointed by the Commissioner to administer the rules of this Chapter.

"Department" means the Department of Public Safety.

"Incident" means any injury, any potential injury, or any property damage to any participant, any bystander, or any vehicle that occurs during approved motorcycle training.

"MSF" means the Motorcycle Safety Foundation.

"RERP" means the MSF's Rider Education Recognition Program.

"School Number" means the unique number assigned to an approved Commercial Motorcycle School by the Department. Each approved location shall be assigned a different school number.

"T-CLOCS" means the system of pre-ride inspection requirements established by MSF to ensure motorcycles are in proper working order prior to operation.

595:75-1-3 Approved Commercial Motorcycle Schools.

The Department will maintain a list of approved Commercial Motorcycle Schools in accordance with the provisions of this Chapter. Each approved Commercial Motorcycle School location will be assigned a School Number. Commercial Motorcycle Schools licensed by Service Oklahoma on the effective date of these rules shall be deemed initially approved by the Department. Commercial Motorcycle Schools requesting approval after the effective date of these rules, including renewals, must request approval as prescribed by these rules in the form and format designated by the Department and meet all requirements for Commercial Motorcycle Schools set forth in this Chapter.

595:75-1-4 Term of Approval – Commercial Motorcycle Schools.

Initial approval by the Department of Commercial Motorcycle Schools previously licensed by Service Oklahoma shall be valid until renewal is required. Commercial Motorcycle Schools approved after the effective date of these rules shall be approved for a term of one (1) year.

595:75-1-5 Application Requirements – Commercial Motorcycle Schools

All completed applications for approval shall be submitted in the form and format prescribed by the Department. Each place of business or location shall require separate approval. Incomplete or inaccurate applications will not be approved by the Department.

Each application shall be accompanied by:

- (1) The current MSF curriculum being used by the Commercial Motorcycle School;
- (2) A copy of the Commercial Motorcycle School's MSF RERP agreement;
- (3) A copy of the MSF RiderCoachSM certificate(s) of all individuals providing motorcycle instruction. A Commercial Motorcycle School must have at least one (1) approved Commercial Motorcycle Instructor;
- (4) A fee schedule reflecting all fees potentially charged by the Commercial Motorcycle School;
- (5) Declaration page(s) of a policy of insurance through MSF or from a company licensed to do business in this State reflecting coverages in the types and amounts required by the RERP Agreement;
- (6) Copy of all student contracts/agreements.

595:75-1-6 Insurance

(a) Commercial Motorcycle Schools shall provide adequate insurance for students, motorcycles, and RiderCoachesSM either by independently obtaining insurance or by becoming an additional insured under MSF's insurance policy. The insurance coverage must meet or exceed the requirements set out in the Commercial Motorcycle School's RERP Agreement.

(b) The Commercial Motorcycle School shall send a current copy of the declaration page(s) upon renewal of any insurance required by these rules.

(c) In the event the insurance coverage is canceled, the Commercial Motorcycle School shall immediately notify the Department. Instruction will be suspended immediately and will not commence until proper verification of insurance is provided.

595:75-1-7 Approved Commercial Motorcycle Instructors

The Department will maintain a list of approved Commercial Motorcycle Instructors in accordance with the provisions of this Part. Commercial Motorcycle Instructors licensed by Service Oklahoma on the effective date of these rules shall be deemed initially approved by the Department. Commercial Motorcycle Schools requesting approval after the effective date of these rules, including renewals, must request approval as prescribed by these rules in the form and format designated by the Department and meet all requirements for Instructors set forth in this Chapter. To be approved as a Commercial Motorcycle Instructor, the applicant must establish:

- (1) current employment by an approved Commercial Motorcycle School;
- (2) a valid and unexpired Oklahoma driver license that is not suspended, revoked, denied or cancelled at the time of original or renewal application;
- (3) attainment of at least twenty-one (21) years of age;
- (4) a high school diploma or general education diploma, or transcript evidencing completion of high school or general education diploma requirements.

595:75-1-8 Term of Approval – Commercial Motorcycle Instructors

Initial approval by the Department of Commercial Motorcycle Instructors previously licensed by Service Oklahoma shall be valid until renewal is required. Commercial Motorcycle Instructors approved after the effective date of these rules shall be approved for a term of one (1) year.

595:75-1-9 Application Requirements – Commercial Motorcycle Instructors

All completed applications for approval shall be submitted in the form and format prescribed by the Department. The Commercial Motorcycle Instructor shall submit a separate application for each Commercial Motorcycle School employing the Commercial Motorcycle Instructor. Incomplete or inaccurate applications will not be approved by the Department. Each application shall be accompanied by:

- (1) The current MSF RiderCoachSM certificate in the applicant's name;
- (2) A criminal history records check of the applicant performed within sixty (60) days immediately preceding the submission of the application;
- (3) The motor vehicle record of the applicant issued by Service Oklahoma within sixty (60) days immediately preceding the submission of the application.

595:75-1-10. Range requirements

- (a) The Commercial Motorcycle School shall use only MSF-recognized training sites (“Ranges”), which are recognized for use by MSF (affiliated with the Commercial Motorcycle School's RERP Agreement), and kept active and in good standing with MSF, to conduct training using MSF Curricula.
- (b) The Commercial Motorcycle School shall ensure its Range site is equipped with a basic first aid kit and an operational telephone.
- (c) The motorcycle range must adhere to standards related to participant safety and have equipment to ensure safe instruction.
- (d) The motorcycle range should be maintained and be free from all obstacles/potential obstacles or problematic surface conditions and there must be a minimum 20 foot (20') paved buffer from any obstacles.
- (e) The motorcycle range must be free from pedestrian, animal, or vehicle traffic. The pavement needs to be kept suitable for riding maneuvers such as sharp turns, braking and safe vehicle travel.
- (f) The surface must provide good traction and there must not be any obstacles that present an unsafe environment.
- (g) Motorcycle ranges must be correctly laid out to meet curriculum and safety standards. The surface and markings need to be maintained for proper instruction and safety.
- (h) Restroom facilities with locking doors. Portable restroom facilities are acceptable for ranges.

595:75-1-11. Motorcycle requirements

Motorcycles used for instruction must be properly maintained in safe operating condition. Regular maintenance intervals should be followed as recommended by the manufacturer.

595:75-1-12. Motorcycle Inspections

Inspections should occur regularly in accordance with the current T-CLOCS pre-ride inspection requirements established by MSF. The inspections required by this rule, must be conducted, and recorded to ensure the motorcycles are in proper operating condition.

595:75-1-13. Classroom requirements

A Commercial Motorcycle School shall:

(1) Have at least one (1) permanent classroom. During instruction, each classroom shall be used exclusively for motorcycle safety instruction. A classroom shall not be located in:

(A) a residence or residential facility or complex,

(B) a motor vehicle, or converted motor vehicle,

(C) a hotel or motel, or

(D) any other facility which has a bar, lounge, or other business which sells alcohol for public consumption on the premises.

(2) Display its current and valid Commercial Motorcycle School Approval Certificate in the principal place of business when classes are in session. A copy of the Commercial Motorcycle School's and RiderCoach'sSM Certificate of Approval shall be made available for inspection to students, prospective students, and the parents of minor students or prospective students.

(3) Comply with all local municipal ordinances.

(4) Provide at least one (1) fully plumbed restroom facility including a toilet and sink, capable of being locked from the inside. The restroom shall be located in the same building as the classroom.

(5) Have adequate room for classroom equipment. Tables and chairs will be provided for the number of students enrolled in the class being taught at the time.

(6) When moving locations, the school shall be responsible for notifying the Department, in the form and format prescribed by the Department, no later than two (2) weeks prior to the relocation. The Department shall schedule an inspection of the new location. Use of the new facility will not be allowed until the inspection is completed and the new location certified.

595:75-1-14. Safety

The Commercial Motorcycle School shall take reasonable measures and precautions to ensure the safety of all students and RiderCoachesSM.

595:75-1-15. Personal protective equipment

The Commercial Motorcycle School shall ensure all students and RiderCoachesSM wear adequate personal protective equipment when riding during the course, to include, at minimum:

(1) a DOT/SNELL/ECE-compliant helmet, and proper eye protection;

(2) sturdy over-the-ankle footwear;

(3) long-sleeved shirt or jacket;

(4) long non-flare denim pants or material of equivalent or better durability; and

(5) full-fingered gloves, preferably leather.

595:75-1-16. Prescribed course of study

The most recent version of the MSF Curriculum is hereby adopted by reference, and it shall be the only course of instruction used by Commercial Motorcycle Schools and motorcycle RiderCoachSM/instructors approved by the Department.

595:75-1-17. Required reports

(a) Upon completion of the motorcycle course, the Commercial Motorcycle School shall submit a roster containing the full legal name, date of birth, driver's license number, test scores, and the MSF card number of each student who successfully completed the motorcycle course to the Department.

(b) A Commercial Motorcycle School shall report to the Department any incident during training as soon as practicable after the incident. A copy of the MSF incident report is sufficient to satisfy the requirements of this rule.

595:75-1-18. Recordkeeping requirements

The Commercial Motorcycle School shall keep in a format that is accessible and capable of retrieval and review by the Department, the following records:

- (1) Class rosters for each class conducted by the Commercial Motorcycle School;
- (2) MSF RiderCoachSM certificates for each employed Commercial Motorcycle Instructor;
- (3) The completed application for the current approval period and all required attachments;
- (4) Preventative maintenance, inspection, and repair records for all motorcycles employed in student training;
- (5) The MSF RERP agreement in effect for the applicable Commercial Motorcycle School, and;
- (6) Correspondence with the Department relating to administrative action by the Department, including but not limited to pending and completed corrective action plans;
- (7) Reports of any incidents occurring during training.

595:75-1-19. Advertising

(a) No Commercial Motorcycle School shall use or conduct any business under any name other than its fully licensed name.

(b) A sign reading "This school is licensed by the Department of Public Safety" or similar language may be displayed on the school premises.

(c) The school may place language such as "This school is licensed by the Department of Public Safety" in any advertisements and publications of the school. However, a school may not use advertisement or publicity that states or implies the school is specifically or uniquely recognized, recommended, or endorsed, or directly supervised by the Department of Public Safety.

(d) No fraudulent or deceptive statements shall be used on any sign or in advertisement, whether written or oral. If a promotion or fee incentive is used for an applicant, the school shall attach a copy of the promotion or fee incentive to the contract.

(e) No Commercial Motorcycle School shall advertise, by any means, or otherwise state or imply that a driver license or permit is guaranteed or assured to any student or individual who will take or complete any instruction offered by the school.

595:75-1-20. Professionalism

Approved Commercial Motorcycle Schools and approved Commercial Motorcycle Instructors shall maintain professionalism at all times, including but not limited to:

- (1) Maintaining respectful communications in their interactions with customers and personnel of the Department.
- (2) Avoiding discrimination against customers on the basis of race, sex, national origin, or ethnicity.

595:75-1-21. Commissioner's designee

The Commissioner may designate a representative to administer the provisions of this Chapter.

595:75-1-22. Review of license and school

Periodic review of all approved Commercial Motorcycle Schools and Commercial Motorcycle Instructors will be conducted by the Department to determine continued compliance with the rules of this Chapter. Failure to respond to Departmental communication requesting such a review may result in removal from the list of approved Commercial Motorcycle Schools. Failure to remain in compliance may result in removal from the list of approved Commercial Motorcycle Schools. An employee of the Department may conduct covert and overt observation of classroom and range instruction as it is being administered for the purpose of auditing compliance with the rules of this Chapter.

595:75-1-23. Grounds for Disapproval of a Commercial Motorcycle School

The Department may deny an application for approval, or revoke the approval, of a Commercial Motorcycle School for:

- (1) A violation of the rules of this Chapter;
- (2) Failure to maintain an MSF RERP Agreement;
- (3) Falsification of any statement on an application, report, or communication with the Department. For purposes of this rule, omission of relevant facts is considered falsification;
- (4) Failure to maintain, or any lapse in, insurance coverage required by this Chapter;
- (5) A pattern of safety violations or incidents.

595:75-1-24. Grounds for Disapproval of a Commercial Motorcycle Instructor

The Department may deny an application for approval, or revoke the approval, of a Commercial Motorcycle Instructor for:

- (1) A violation of the rules of this Chapter;
- (2) Falsification of any statement on an application, report, or communication with the Department. For purposes of this rule, omission of relevant facts is considered falsification;
- (3) Failing to maintain a valid Oklahoma driver license for the type of vehicle used for instruction. An applicant or previously approved Commercial Motorcycle Instructor is not eligible for subsequent approval until a period of twelve (12) months have elapsed after reinstatement of the driver license. Provided, however, an applicant or previously approved Commercial Motorcycle Instructor may be immediately eligible for approval if the driver license was revoked, suspended, or canceled for non-driving related reasons;
- (4) Not being employed by an approved Commercial Motorcycle School;
- (5) Accumulating more than five (5) points on the driving record of the Commercial Motorcycle Instructor, as reflected by the records of Service Oklahoma;
- (6) A pending conviction or deferred sentence, including probation or supervised release, for the following:
 - (A) An offense deemed a violent crime pursuant to 21 O.S. §571;
 - (B) Human trafficking pursuant to 21 O.S. §748, et. seq.;
 - (C) Robbery pursuant to 21 O.S. §791, et. seq.;
 - (D) Burglary pursuant to 21 O.S. §1431, et. seq.;

(E) Embezzlement pursuant to 21 O.S. §1451, et. seq.;

(F) Larceny pursuant to 21 O.S. §1701, et. seq.;

(G) A misdemeanor conviction for an alcohol or drug violation while operating a motor vehicle, until twelve (12) months have elapsed from completion of the sentence.

(7) Inactivation, suspension, or cancellation of the RiderCoachSM certification.

595:75-1-25. Administrative Action by the Department

(a) Failure to qualify - The Department may deny a request for approval or revoke the approval, as applicable of any Commercial Motorcycle School or Commercial Motorcycle Instructor failing to qualify therefore as provided in the rules of this Chapter.

(b) The Department may deny, suspend, cancel, or revoke the approval of a Commercial Motorcycle School or Commercial Motorcycle Instructor for the violation of any applicable rules of the Department. The Department may consider the following factors when determining the sanction for a violation as described in this section:

(1) The severity of the alleged violation;

(2) The Commercial Motorcycle School's or Commercial Motorcycle Instructor's history of compliance or non-compliance;

(3) The Commercial Motorcycle School's or Commercial Motorcycle Instructor's demonstrated willingness and ability to avoid future violations.

(c) The Department will issue a corrective action plan when approval of a Commercial Motorcycle School or Commercial Motorcycle Instructor is denied, suspended, canceled, or revoked. Compliance with the corrective action plan is a prerequisite to the lifting of the denial, suspension, cancellation, or removal.

(d) If the Commissioner or the Commissioner's Designee determines a violation as described in this section endangers the public health, safety, or welfare and requires emergency action, summary suspension of the approval of the Commercial Motorcycle School or Commercial Motorcycle Instructor may be ordered pending a hearing. A hearing will be scheduled within three (3) business days of the date of the order of summary suspension.

(e) All other individual proceedings are governed by 595 O.A.C. §1-3-3. When the applicant or Commercial Motorcycle School is organized as a corporation, a limited liability company, or a partnership, it must be represented by an attorney through all stages of the proceeding. See *Massongill v. McDevitt*, 1989 OK CIV APP 82, *Allen v. City of Chickasha*, 2009 OK CIV APP 52, Cf. *Rowland v. Calif. Men's Colony*, 506 U.S. 194, 202-203 (1993).