

CHAPTER 15A-12
DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

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15A-12.001 Purpose.

The Florida Motorcycle Safety Education Program shall be known as the Florida Rider Training Program (FRTP). Its purpose is to provide motorcycle safety training, course curriculum and the certification of instructors.

Rulemaking Authority 322.02(6), 322.0255(6) FS. Law Implemented 322.0255, 322.12(5)(a) FS. History—New 1-9-11.

15A-12.002 Definitions and Course Curriculum.

(1) Basic Rider Course (BRC) – Standard beginner 15 hour motorcycle rider course as adopted by the Motorcycle Safety Foundation (MSF) and required for licensure to operate a motorcycle. The course curriculum shall be that prescribed by the Motorcycle Safety Foundation (MSF) and will include the Basic Rider Course Rider Coach Guide, the Basic Rider Course Handbook and Basic Rider Course Range Cards, copies of which can be obtained by contacting the Motorcycle Safety Foundation, 2 Jenner Street, Suite 150, Irvine, CA 92618, (949)727-3227, or from its website, www.msf-usa.org.

(2) Basic Rider Course – 2 (BRC-2) – Advanced motorcycle rider course as adopted by the Motorcycle Safety Foundation (MSF), designed as a skill enhancement course. The student shall use their own motorcycle. This course is not required for licensure. The curriculum shall consist of the Basic Rider Course RiderCoach Guide as adopted by the Motorcycle Safety Foundation (MSF) for RiderCoaches covering advanced rider course materials and administration, facilities and equipment, instructional planning, course teaching, classroom units, range exercises, and RiderCoach training, including the Basic Rider Course Suite (Rider Classroom Cards and RiderCoach Range and Classroom Cards), copies of which can be obtained by contacting the Motorcycle Safety Foundation, Communications Department, 2 Jenner Street, Suite 150, Irvine, CA 92618, (949)727-3227, or from its website, www.msf-usa.org.

(3) Department – The Department of Highway Safety and Motor Vehicles (DHSMV).

(4) Intern/Mentoring Program – Program for candidates seeking certification as RiderCoaches.

(5) Letter of Authorization – Letter from the Department to the Sponsor authorizing the Sponsor to conduct the Program in Florida.

(6) Motorcycle Safety Foundation (MSF) – A national, non-profit organization promoting the safety of motorcyclists with programs in rider education, operator licensing and public information.

(7) Online Data Exchange System – An online reporting system used by Sponsors to submit student Rider Course scores to the Department.

(8) Program – Florida Motorcycle Safety Education Program or Florida Rider Training Program.

(9) Program Manager – The individual who oversees the day-to-day operation of the state motorcycle safety program for the Department. FRTP Regional Coordinators are Department employees who operate under the supervision of the Program Manager.

(10) Quality Assurance – Informational audits or on site inspections conducted by MSF or FRTP staff pursuant to a program adopted by MSF, to ensure the program and instructional quality.

(11) Range Aide – Any person 18 years of age or older who successfully completed the Basic Rider Course (BRC), and has a motorcycle endorsement.

(12) RiderCoach – FRTP Certified Rider Course Instructor, as set forth in these rules.

(13) RiderCoach Intern – Candidate/Individual who gains supervised professional experience through the Intern/Mentoring Program.

(14) RiderCoach Preparation (RCP) – Training for individual who wishes to gain national certification as a RiderCoach.

(15) RiderCoach Trainer – RiderCoach certified by MSF who trains RiderCoaches.

(16) Rules of Professional Conduct – Statement of conduct by which all FRTP certified RiderCoaches are to abide by when conducting courses, as set forth in HSMV Form 72201 (10/2006), a copy of which may be obtained from the FRTP website (<http://motorcycles.flhsmv.gov>) under “Forms”, or by contacting the Florida Rider Training Program, 2900 Apalachee Parkway, Neil Kirkman Building, MS 88, Room A226, Tallahassee, Florida 32399-0571.

(17) Sidecar/Trike Education Program (S/TEP) – Motorcycle course for individuals who intend to drive a motorcycle with more than two wheels or attached sidecar as adopted by the Evergreen Safety Council (ESC); Sidecar/Trike Education Program Instructor Manual, copies of which can be obtained by contacting Evergreen Safety Council, 401 Pontius Avenue North, Seattle, WA 98109, (206) 382-4090 or (800) 521-0778, or at esc@esc.org, or visit www.esc.org/sidecar.html.

(18) Sponsor – The individual or entity which provides or intends to provide Program services in Florida.

(19) Update –Recertification for RiderCoaches in order to maintain RiderCoach status.

Rulemaking Authority 322.02(6), 322.0255(6) FS. Law Implemented 322.0255, 322.12(5)(a) FS. History–New 1-9-11.

15A-12.003 Exemptions.

Persons holding a valid driver license that includes a motorcycle endorsement or equivalent certificate from those states, countries or organizations that require successful completion of the Basic Rider Course, including a similar examination of the knowledge and skill of the applicant in the operation of a motorcycle, are exempt from taking courses required for licensure.

Rulemaking Authority 322.02(6), 322.0255(6) FS. Law Implemented 322.0255, 322.12(5) FS. History–New 1-9-11.

15A-12.004 Application to Become a Sponsor.

(1) Locate a suitable area for a range. An unobstructed area of 200' x 300' is recommended. Potential alternatives can be found on the MSF website, www.msf-usa.org. A request for any range approval shall be made electronically or in writing to FRTP to secure a letter of authorization with FRTP.

(2) Obtain a written statement from the property owner providing permission to use the property for motorcycle safety courses.

(3) Persons or entities desiring to act as Sponsors must first qualify with the Department as an entity affiliated with the FRTP that is responsible for motorcycle safety and education in which the Sponsor agrees to teach current MSF RiderCourse curricula and does so through RiderCoaches certified according to FRTP standards. Department qualifications require completion and use of the forms listed below, which include the student course waiver and indemnification agreement, reporting and insurance requirements and driving range layout, all of which are conditions of the Department for utilizing the MSF course and instructor certifications. Copies are available from the MSF website, www.msf-usa.org, Training Site Support, Rider Education Recognition Program (RERP) Forms or by contacting the FRTP, 2900 Apalachee Parkway, Neil Kirkman Building, MS 88, Room A226, Tallahassee, Florida 32399-0571:

(a) Rider Education Recognition Program (RERP) Agreement, HSMV Form 77091 (10/2010).

(b) Addendum to RERP Agreement-Independent Sponsor, HSMV Form 77092 (10/2010).

(c) Rider Education Recognition Program (RERP) Application, HSMV Form 77093 (10/2010).

(d) MSF Rider Course Range Information Form, HSMV Form 77094 (10/2010).

(e) Motorcycle Safety Course Waiver & Indemnification, HSMV Form 77095 (10/2010).

(4) The Regional Coordinator will verify the range area and all forms will be sent to the FRTP Program Manager for approval, signature and forwarding to MSF.

(5) Once FRTP receives acknowledgment from MSF, FRTP will initiate the letter of authorization process.

(6) The Letter of Authorization will be signed by the Director of the Division of Driver Licenses or her designee and provided to the Sponsor.

(7) Only when the applicant receives both official documents, will they be able to start classes.

(8) Any change in the information provided by the applicant must be approved by FRTP. A letter of authorization shall not be transferable. The program shall notify FRTP at least 90 days prior to the effective date of a proposed change in the program's corporate structure. FRTP shall review the proposed changes and may request additional information from the program.

(9) The Sponsor shall be given Primary and Secondary signatory templates designed to designate approval authority for the motorcycle safety course classes. The Sponsor shall keep a record of Online Data Exchange System signatories, signatory ID's and clerical additions.

15A-12.005 Additional Program Requirements.

(1) An organization authorized to conduct the Program shall adhere to the following:

(a) All RiderCoaches must abide by the FRTP Rules of Professional Conduct, HSMV Form 72201 (10/2010), which is incorporated by reference, copies of which may be obtained from the FRTP website (<http://motorcycles.flhsmv.gov>) under “Forms”, or by contacting the Florida Rider Training Program, 2900 Apalachee Parkway, Neil Kirkman Building, MS 88, Room A226, Tallahassee, Florida 32399-0571.

(b) Sponsors must attend required meetings.

(c) Sponsors must advise FRTP of organizational changes and changes in location of services.

(d) Sponsors must provide course class schedules and incident reports to FRTP.

(e) Sponsors must submit reports within three days of the conclusion of the class into the Online Data Exchange System.

(f) Sponsors and RiderCoaches will cooperate with FRTP staff or representatives during program regulation visits.

(g) Sponsors shall produce and maintain specific records as identified below:

1. Student/Client Observation/Incident Report, where applicable, HSMV Form 77008 (10/2010), incorporated by reference, copies of which may be obtained from the FRTP website (<http://motorcycles.flhsmv.gov>) under “Forms”, or by contacting the Florida Rider Training Program, 2900 Apalachee Parkway, Neil Kirkman Building, MS 88, Room A226, Tallahassee, Florida 32399-0571. The Sponsor shall submit copies of all incident reports to the Department within 30 days of occurrence.

2. The student has one year from completion date of a Basic Rider Course to secure the endorsement on their driver license.

(h) The Sponsor, upon request, shall permit FRTP and its representatives to inspect the program, its public facilities, equipment and records that are required by these administrative rules to be maintained in the operation of the program.

(i) Sponsors must maintain training materials and equipment. All cosmetic damage to state loaned motorcycles must be repaired at least annually. Any motorcycle that has been involved in a crash will be immediately removed from service. The Sponsor must ensure that it is inspected and ridden by a RiderCoach or Certified Range Aide to ensure proper repair prior to student use.

(j) Sponsors must maintain all ranges in safe operating condition, as provided in HSMV Form 77091.

(k) The Sponsor is solely responsible for the performance of all aspects of these administrative rules. The Sponsor may subcontract aspects of these requirements but assumes full responsibility for the performance of that subcontractor.

(2) A Sponsor shall not use any name other than its registered name with the Secretary of State, for advertising or publicity purposes, nor shall a Sponsor advertise or imply that it is “recommended,” or “endorsed” by FRTP or the State of Florida.

(3) No Sponsor, RiderCoach or employee shall advertise or represent themselves to be an agent or employee of FRTP or allow the use of any advertisement which would reasonably have the effect of leading the public to believe that they are or were an employee or representative of FRTP.

(4) No Sponsor shall make a false or misleading claim in any of its advertisements.

(5) No Sponsor shall use any form of advertising which is obscene, lewd, or pornographic.

(6) The electronic Online Data Exchange System requires reports to be submitted within three days of course completion. If any portion of the documentation is incorrect or incomplete, it may be addressed via email to the Sponsor or the documentation will be returned to the Sponsor for correction and must be resubmitted by the Sponsor within 3 working days of receipt.

(7) By submission of the online reports, the Sponsor certifies their correctness. All such reports are subject to audit by the State or its designee.

(8) The Sponsor shall direct all required correspondence and reports to the Department which shall bear an original signature of the Sponsor’s designated representative.

(9) The Sponsor shall issue each student a current edition of the BRC Student Handbook or S/TEP Student Handbook, which shall be an original and not photocopied.

(10) A student who fails either the Rider Course knowledge test or skills test shall be allowed one retest. The retest shall not be on the same day as the failure. The retest shall be at no cost to the student and shall occur within 60 days of the date of the failure.

15A-12.006 Regulation of Authorized Program.

(1) FRTP will regulate and periodically visit each Sponsor site to ensure compliance and quality assurance with these administrative rules, Florida Statutes, and compliance with all applicable MSF or ESC Agreements and course requirements. FRTP staff and contractors are authorized by MSF and ESC to act on their behalf to insure program compliance. The FRTP staff or representatives under these administrative rules shall:

(a) Conduct announced or unannounced site visits, or place unannounced rider(s) in a class.

(b) Check the range for size and safety compliance. If there is an immediate safety issue the range shall be shut down. A formal report shall be made on the Quality Assurance Audit Form, HSMV Form 92786 (10/2010), incorporated by reference, copies of which may be obtained from the FRTP website (<http://motorcycles.flhsmv.gov>) under "Forms", or by contacting the Florida Rider Training Program, 2900 Apalachee Parkway, Neil Kirkman Building, MS 88, Room A226, Tallahassee, Florida 32399-0571.

(c) During a site visit, all representatives of the Sponsor shall cooperate with FRTP's representative(s), and, upon request, shall exhibit all records, instructional aids, manuals, or such other materials as necessary for the review.

(2) The FRTP representative visiting the Sponsors will produce a report on the Quality Assurance Audit Form, HSMV Form 92786 (10/2010), incorporated by reference, copies of which may be obtained from the FRTP website (<http://motorcycles.flhsmv.gov>) under "Forms", or by contacting the Florida Rider Training Program, 2900 Apalachee Parkway, Neil Kirkman Building, MS 88, Room A226, Tallahassee, Florida 32399-0571. A copy of the report shall be provided to the Sponsor.

(a) Sponsors shall be responsible for ensuring any deficiencies noted in the report are remedied and the remedy reported to FRTP in the time allotted.

(b) On the first observation the FRTP representative documents in a comprehensive report what they saw and why it was viewed as a problem. This report is submitted to FRTP for review. A notice will be provided to the RiderCoach and Sponsor by either the Program Manager or Regional Coordinator. The RiderCoach and Sponsor will be allowed to provide explanations and reasoning as to their actions. If the explanation and/or reasoning is/are acceptable, then no further action will be deemed necessary. If the explanations and reasoning so warrant, either the Regional Coordinator or Program Manager will advise the RiderCoach and Sponsor of the necessary corrective measure(s) to be implemented by them to correct it.

(3) In order to better facilitate site visits, the Sponsor shall provide the Department a quarterly Rider Course schedule no later than the 15th of the month preceding the new quarter, listing the dates of the classes and the names of the RiderCoaches who will be teaching on those dates. The course schedule shall be sent to FRTP-Schedules@flhsmv.gov. The Sponsor shall notify the Department of any changes in course schedules (a monthly submission is permissible).

Rulemaking Authority 322.02(6), 322.0255(6) FS. Law Implemented 322.0255, 322.12(5)(a) FS. History—New 1-9-11.

15A-12.007 RiderCoaches.

(1) RiderCoaches, as personnel, must complete the RiderCoach Apprentice Program (RCAP), as established by the MSF, prior to being employed by any Sponsor.

(2) Prospective RiderCoaches must comply with the following:

(a) Find a Sponsor School in their area to sponsor them.

(b) Complete a Basic Rider Course.

(c) Fill out the RiderCoach Apprentice Program Application (RCAP), HSMV Form 77058 (10/2010), incorporated by reference, copies of which may be obtained from the FRTP website (<http://motorcycles.flhsmv.gov>) under "Forms", or by contacting the Florida Rider Training Program, 2900 Apalachee Parkway, Neil Kirkman Building, MS 88, Room A226, Tallahassee, Florida 32399-0571. The Application should be submitted to the address listed on the Application.

(d) The RiderCoach will be placed in a RiderCoach Preparation Course (RCP).

(e) After successful completion of the RCP, the student will be a certified FRTP RiderCoach and certified by the MSF. The RiderCoach identification card will be sent to the RiderCoach by MSF.

(3) Continued FRTP certification is predicated upon successful completion of the automatic one-year probationary period, and the RiderCoach maintaining national Rider Course RiderCoach Certification, teach or team-teach a minimum of one complete Basic Rider Course annually, and attend one FRTP RiderCoach Update in a certification period (two years). Updates will not be more than 30 months apart.

(4) RiderCoaches trained outside Florida can gain FRTP certification by doing the following:

(a) Contact Course Sponsor in the area you want to teach and discuss the possibility of employment.

(b) If Sponsor School agrees to employment, complete a RiderCoach Personal Information Qualification Form (provided by Sponsor School), HSMV Form 77122 (10/2010), incorporated by reference for administration of the FRTP Program, copies of which may be obtained from the FRTP website (<http://motorcycles.flhsmv.gov>) under “Forms”, or by contacting the Department of Highway Safety and Motor Vehicles, Bureau of Driver Education and DUI Programs, Florida Rider Training Program, 2900 Apalachee Parkway, Neil Kirkman Building, MS 88, Room A226, Tallahassee, Florida 32399-0571. The Form will then need to be submitted to the appropriate Regional Coordinator.

(c) The Sponsor can use the RiderCoach, with a current FRTP certified RiderCoach, for two classes before they are observed.

(d) The RiderCoach must be observed by an FRTP certified RiderCoach Trainer (RCT).

(e) The RiderCoach must attend the next available FRTP update. Updates must be within six months of observation.

(f) All new FRTP certified RiderCoaches will be placed on probationary status for one year.

(5) The Sponsors shall employ only RiderCoaches who are certified by FRTP and MSF, or the ESC.

(6) RiderCoaches and Sponsors must adhere to the professional standards adopted by FRTP as established by the MSF and the ESC; FRTP Rules of Professional Conduct, HSMV Form 72201 (10/2010), incorporated by reference, copies of which may be obtained from the FRTP website (<http://motorcycles.flhsmv.gov>) under “Forms”, or by contacting the Florida Rider Training Program, 2900 Apalachee Parkway, Neil Kirkman Building, MS 88, Room A226, Tallahassee, Florida 32399-0571.

(7) RiderCoaches trained in another state, must, prior to teaching in Florida, complete a BRC RiderCoach Information Sheet, and submit their driver’s record and a copy of their MSF RiderCoach Card to the area Regional Coordinator. They must also attend a RiderCoach update within six months of evaluation.

(8) RiderCoaches must maintain their certification and a valid driver license with a motorcycle endorsement.

(9) RiderCoaches must sign and abide by the FRTP’s RiderCoach Rules of Professional Conduct, teach or team-teach a minimum of one complete BRC or S/TEP annually, attend one FRTP RiderCoach Update and one professional development activity or any activity that requires them to be in student or learning position, within their certification period (two years).

(10) RiderCoaches must recertify with MSF on-line every two years and must forward proof of recertification to Sponsors.

(11) RiderCoaches shall ensure that no assistance is given any student in a manner that provides unfair advantage in passing the skills and/or knowledge tests. RiderCoaches cannot conduct tests for their relatives.

(12) RiderCoaches can also gain Florida certification by completing the FRTP Intern/Mentoring Program.

(a) For RiderCoaches who were initially trained at an FRTP sponsored RiderCoach Preparation Course (RCP) or Sidecar and Trike Education program (S/TEP), certification is automatic upon completion of the Intern/Mentoring Program.

(b) RiderCoaches seeking Florida certification must complete the Intern/Mentoring Program and attend an FRTP Update. Both must be completed within 9 months of applying for FRTP certification.

1. RiderCoach candidates will automatically be entered into the Intern/Mentoring Program when they successfully completed the RCP.

2. Under the Intern/Mentoring Program, new RiderCoaches and those seeking Florida certification will be required to team-teach a minimum of three Basic Rider Courses (BRC) with an FRTP recognized RiderCoach.

3. An Internship Report – RiderCoach Mentor Form, HSMV Form 77079 (10/2010), incorporated by reference, copies of which may be obtained from the FRTP website (<http://motorcycles.flhsmv.gov>) under “Forms”, or by contacting the Florida Rider Training Program, 2900 Apalachee Parkway, Neil Kirkman Building, MS 88, Room A226, Tallahassee, Florida 32399-0571. A Form will need to be completed for each class. The RiderCoach Intern will also need to complete a RiderCoach Intern Form, HSMV Form 77078 (10/2010), incorporated by reference, copies of which may be obtained from the FRTP website (<http://motorcycles.flhsmv.gov>) under “Forms”, or by contacting the Florida Rider Training Program, 2900 Apalachee Parkway, Neil Kirkman Building, MS 88, Room A226, Tallahassee, Florida 32399-0571. This Form will need to be completed for each class. Completed forms will be sent to the e-mail or mailing address on the forms.

4. Once FRTP receives all of the forms listed in subparagraph (12)(b)3., above, the candidate will gain full FRTP RiderCoach certification.

Rulemaking Authority 322.02(6), 322.0255(6) FS. Law Implemented 322.0255, 322.12(5)(a) FS. History—New 1-9-11.

15A-12.008 Program Compliance.

(1) Administrative non-compliance is the failure to meet applicable FRTP or MSF or ESC requirements for reporting, providing notifications, record keeping and similar acts that do not compromise testing integrity or public safety. The first occurrence requires

a written reprimand and further violations within a one-year period will result in suspension of the authorization to provide motorcycle safety education.

(2) Discrepancy in test procedure is the failure to properly administer a required portion of a test procedure, such as the omission of a required maneuver or to properly follow the evaluation phase of the RiderCoach Guide when conducting the BRC. The first occurrence will result in a suspension of the authorization to provide motorcycle safety education, and a repeated occurrence within a one-year period will result in program termination.

(3) Fraud is defined as the abuse of authority granted under these administrative rules through the issuance of test waivers for students who have not passed a complete test or have not completed the course in its entirety. A fraud violation will result in termination from the program.

(4) The authorization to conduct motorcycle safety education will be suspended if a Sponsor refuses to allow public access to all documents subject to Chapter 119, F.S., or fails to comply with any part of these administrative rules. Subsequent violations within a one-year period will result in program termination. The use of a RiderCoach who is not certified under these rules will result in program termination.

(5) Upon termination of the authorization, all loaned equipment and program materials must be returned to FRTP within 10 calendar days of the termination.

Rulemaking Authority 322.02(6), 322.0255(6) FS. Law Implemented 322.0255, 322.12(5)(a) FS. History—New 1-9-11.