

DEPARTMENT OF EDUCATION  
STATE BOARD OF EDUCATION  
MOTORCYCLE SAFETY EDUCATION

(By authority conferred on the state board of education by sections 811a and 811b of Act No. 300 of the Public Acts of 1949, as amended, being SS257.811a and 257.811b of the Michigan Compiled Laws)

R 257.1701 Applicability of rules.

Rule 1. These rules shall apply to all programs approved to offer a Michigan motorcycle safety education course.

History: 1989 AACCS.

R 257.1702 Definitions.

Rule 2. As used in these rules:

- (a) "Board" means the state board of education.
- (b) "Classroom instruction" means group instruction in all of the following subject areas:
  - (i) Traffic citizenship.
  - (ii) Laws and regulations.
  - (iii) Characteristics of drivers.
  - (iv) The role of government in controlling traffic and driving practices.
  - (v) Motorcycle use.
  - (vi) Traffic situations and problems.
- (c) "Department" means the Michigan department of education.
- (d) "Enterprise" means a private business as referred to in section 811b of Act No. 300 of the Public Acts of 1949, as amended, being S257.811b of the Michigan Compiled Laws.
- (e) "Governmental agency" means an agency as described in section 811a of Act No. 300 of the Public Acts of 1949, as amended, being S257.811a of the Michigan Compiled Laws.
- (f) "Motorcycle" means a 2-wheeled motor vehicle which has all the following characteristics:
  - (i) Develops more than brake horsepower.
  - (ii) Has design speeds of more than 30 miles per hour.
  - (iii) Does not have pedals.
  - (iv) Has 1 or more riding seats (saddles).
  - (v) May have a third wheel to support a sidecar which is considered to be part of the motorcycle.
- (g) "Motorcycle safety education" means a structured set of learning experiences consisting of both classroom and laboratory instruction designed to enable present and prospective motorcycle riders to become safe and more efficient highway users.
- (h) "On-street" means instruction on public streets and in traffic. The instruction shall utilize skills, knowledge, and perceptions learned in previous lessons.
- (i) "Range" means a restricted off-street area which is designed to develop perceptual, manipulative, and vehicle readiness skills and at which students who are operating motorcycles simultaneously can practice basic manipulative skills with relative safety.
- (j) "Skill test" means an off-road test to assess the proficiency of new riders. A skill test evaluates the basic control skills necessary for safe motorcycle operation.
- (k) "Sponsor" means a political subdivision or a private business enterprise that is capable and authorized to supervise and conduct educational programs, including fiscal responsibilities.

History: 1989 AACCS.

R 257.1703 Approval of motorcycle safety education programs;

inspection.

Rule 3. (1) Written approval by the department shall be obtained by all sponsors not less than 30 days before the commencement of the first session.

(2) The department shall inspect all motorcycle safety education programs annually.

History: 1989 AACS.

R 257.1704 Withdrawal of program approval; hearing.

Rule 4. Willful noncompliance with any of these rules shall be considered just cause to discontinue a program that was approved by the department. The department shall grant a hearing to a sponsor whose approval is withdrawn if a request is made within 10 days following receipt of the official notice that approval was withdrawn. The department shall follow the provisions for a prehearing and hearing as required in R 257.1710 to R 257.1713.

History: 1989 AACS.

R 257.1705 Student age requirement.

Rule 5. A student shall be not less than 15 years of age.

History: 1989 AACS.

R 257.1706 Hours of classroom instruction.

Rule 6. (1) There shall be not less than 7 clock hours of classroom instruction. Not more than 4 hours of consecutive classroom instruction per day per student shall be allowed.

(2) As an alternative, a motorcycle safety education sponsor may offer a program of classroom instruction that is based on the attainment of competency. A minimum of 3 hours of classroom instruction is required to attain educational competency. Educational competency shall be based on student performance standards established by the national motorcycle safety foundation which are adopted by reference in R 257.1717.

(3) Classroom and range riding experience shall be integrated and correlated into the curriculum.

History: 1989 AACS.

R 257.1707 Riding experience.

Rule 7. (1) There shall be not less than 8 clock hours per student of range riding experience. An additional 2 clock hours of on-street riding experience may be provided.

(2) As an alternative, a sponsor may offer a riding experience program that is based on the attainment of competency. A minimum of 4 hours of riding experience is required to attain riding competency. Riding competency shall be based on student performance standards that meet the standards established by the national motorcycle safety foundation which are adopted by reference in R 257.1717.

(3) Simulator devices shall not be used as a substitute for riding experience.

(4) Range riding shall be supervised by a certified instructor. The student-instructor ratio shall not be more than 8 students to 1 instructor.

History: 1989 AACS.

R 257.1708 Motorcycle safety education instructor; qualifications.

Rule 8. A motorcycle safety education instructor shall meet all of the following requirements:

(a) Possess a valid operator's license, including an endorsement to operate a motorcycle, for a minimum of 1 year.

- (b) Be not less than 18 years of age.
- (c) Have a personal driving record with not more than 6 points, as assessed by the secretary of state, for moving traffic violations during the 12 consecutive months before making application for approval as an instructor.
- (d) Have successfully completed a motorcycle safety education instructor preparation course which meets the standards established by the national motorcycle safety foundation which are adopted by reference in R 257.1717.

History: 1989 AACCS.

R 257.1709 Withdrawal of instructor approval.

Rule 9. The department shall withdraw an individual's approval to teach motorcycle safety education in either of the following situations:

- (a) Notification is received from the secretary of state that an approved instructor has accumulated 7 or more points within a 1-year period for moving traffic violations.
- (b) The individual does not meet the requirements set forth in R 257.1708.

History: 1989 AACCS.

R 257.1710 Prehearing conference.

Rule 10. (1) Before withdrawing an instructor's approval to teach motorcycle safety education, the department shall cause a copy of the written charges and a notice of opportunity to show compliance to be served upon the instructor.

(2) Within 20 days of service of a copy of the charges and notice of opportunity to show compliance, the instructor may request a prehearing conference to show compliance. The prehearing conference shall be conducted by an authorized representative of the department.

(3) After the prehearing conference, the department shall take 1 of the following actions:

- (a) Make a finding of compliance.
- (b) Enter into a written settlement of the matter with the instructor without a hearing.
- (c) Direct issuance of a hearing notice.

History: 1989 AACCS.

R 257.1711 Notice of hearing; amendment of charges; hearing; failure to attend hearing; settlement.

Rule 11. (1) Within 30 days after service of the notice of opportunity to show compliance, a notice of hearing and a copy of the written charges shall be served upon the instructor if he or she has not requested a prehearing conference.

(2) After a prehearing conference and a decision by the department to proceed to hearing, a notice of hearing and a copy of the written charges shall be served upon the instructor within 10 days.

(3) A hearing shall be conducted by a hearing officer designated by the board and shall be conducted in compliance with the provisions of sections 71 to 87 of Act No. 306 of the Public Acts of 1969, as amended, being SS24.271 to 24.287 of the Michigan Compiled Laws.

(4) If the instructor fails to attend the hearing, the hearing may proceed and a decision may be made in the absence of the instructor.

(5) The instructor and the department may agree, in writing, to a settlement of the matter without a hearing.

History: 1989 AACCS.

R 257.1712 Notice to withdraw approval.

Rule 12. The department may withdraw approval for an individual to teach motorcycle safety education in this state. The department shall notify, in writing, the sponsor and the instructor that approval of the individual to teach is withdrawn.

History: 1989 AACCS.

R 257.1713 Reinstatement of approval.

Rule 13. After approval to teach motorcycle safety education has been withdrawn for a period of 12 or more months, the department may reinstate approval of an individual to teach motorcycle safety education in this state if both of the following conditions apply:

- (a) Application for reinstatement of approval status is made.
- (b) The individual for whom reinstatement of approval is requested meets the existing criteria for approval under R 257.1708.

History: 1989 AACCS.

R 257.1715 Certificates.

Rule 15. A student who passes an approved motorcycle safety education course shall be granted a Michigan motorcycle safety education certificate approved by the board as official proof of having successfully completed the course. The department shall provide the official motorcycle safety education certificates.

History: 1989 AACCS.

R 257.1717 Standards.

Rule 17. The national motorcycle safety foundation standards entitled "Motorcycle Rider Course", January, 1989, are adopted by reference in these rules. Copies of the standards may be obtained from the Motorcycle Safety Foundation, 2 Jenner Street, Suite 150, Irvine, California 92718-3800, at a cost of \$35.00 as of the time these rules are adopted. Copies are also available for inspection and distribution to the public at cost from the Michigan Department of Education, P.O. Box 30008, Lansing, Michigan 48909.

History: 1989 AACCS.

R 257.1721 Program reimbursement.

Rule 21. An eligible sponsor shall not be eligible for reimbursement until all required evidence pertaining to financial expenditures has been presented to the department and approved.

History: 1989 AACCS.

R 257.1722 Funding formula for a governmental agency sponsor; fees; prohibition of fees.

Rule 22. (1) A governmental agency sponsor shall submit an annual motorcycle safety grant application to the department for approval. The sponsor shall be reimbursed for reasonable expenditures, including any of the following:

- (a) Instructor salaries.
- (b) Instructional materials.
- (c) Equipment.
- (d) Motorcycle insurance.
- (e) Other direct costs.

(2) A sponsor other than a private business enterprise shall be reimbursed at a rate based upon the availability of funds deposited in the motorcycle safety fund established by sections 312c, 801, and 811a of Act No. 300 of the Public Acts of 1949, as amended, being SS257.312c, 257.801, and 257.811a of the Michigan Compiled Laws, and an appropriation determined by the legislature.

(3) The participant fee identified in section 811a of Act No. 300 of the Public Acts of 1949, as amended, being S257.811a of the Michigan Compiled Laws, shall, if charged, be retained by the sponsor for funding the administration and implementation of the motorcycle safety education program. A local or intermediate school district that offers such a program shall not charge an applicant a course fee if academic credit is given toward a high school diploma for the course.

History: 1989 AACCS.

R 257.1723 Annual report; retention of school records; availability for audit.

Rule 23. A sponsor of a program shall report annually to the department. The report shall provide complete information as to the number of students who participated in the course, who passed or failed the course, and substantiating information relative to the per pupil program cost. The complete legal names, addresses, and birthdates of students for whom reimbursement is claimed and data substantiating the cost of the program shall be retained by the sponsor for not less than 7 years and shall be available for review for audit purposes.

History: 1989 AACCS.

R 257.1724 Enterprise application.

Rule 24. An application for approval by an enterprise to provide a program shall be made on forms prescribed and furnished by the department.

History: 1989 AACCS.

R 257.1725 Enterprise standards.

Rule 25. An enterprise shall meet all the standards required for a sponsor as determined under the provisions of R 257.1702 to R 257.1721 and R 257.1724.

History: 1989 AACCS.

R 257.1726 Enterprise facilities; local health and safety requirements.

Rule 26. An enterprise facility shall meet local health and safety requirements.

History: 1989 AACCS.

R 257.1727 Enterprise records and tuition rates.

Rule 27. (1) Adequate and complete registration, attendance, and achievement records shall be kept by an enterprise for each individual student and made available to an authorized representative of the department upon request.

(2) Fees or quotations of fees involved in the purchase of supplies or equipment by a student shall be recorded separate from the tuition fees. Supplies and equipment shall become the property of the purchaser on the date of purchase.

(3) Tuition, supplies, and equipment fees shall be filed with the department. A subsequent increase in tuition and fees shall not be charged to a student for the term or course in which he or she is currently enrolled. Advertised rates shall agree with the rates on file with the department.

(4) The tuition fees and the refund policy of the school shall be clearly stated on the registration, enrollment, or contract forms that the student signs.

History: 1989 AACIS.