

TRANSPORTATION DEPARTMENT[761]

Adopted and Filed

Rulemaking related to motorized bicycle rider education

The Transportation Department hereby rescinds Chapter 636, “Motorized Bicycle Rider Education,” Iowa Administrative Code, and adopts a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 307.12(1)“j.”

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 307.12(1)“j” and 321.189.

Purpose and Summary

This rulemaking repromulgates Chapter 636 in compliance with Executive Order 10. Chapter 636 complies with Iowa Code section 321.189(7) by outlining the application, renewal, and eligibility requirements for motorized bicycle (moped) rider education programs, sponsors, and instructors in the state.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on November 27, 2024, as **ARC 8397C**. Two public hearings were held on the following date:

- December 20, 2024

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on February 11, 2025.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on April 23, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 761—Chapter 636 and adopt the following **new** chapter in lieu thereof:

CHAPTER 636
MOTORIZED BICYCLE RIDER EDUCATION

761—636.1(307,321) Information and location. Applications, forms and information regarding this chapter are available by mail from the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at 515.244.8725; or by facsimile at 515.239.1837.

761—636.2(307,321) Definitions.

“Approved course” means the motorized bicycle rider education course approved by the department.

“Instructor” means a person approved by the department to instruct a motorized bicycle rider education course.

“Program approval” means department approval of an entity’s motorized bicycle rider education course and instructors.

“Sponsor” means an entity that delivers the approved course.

761—636.3(307,321) Application, renewal and fees.

636.3(1) Application and renewal.

a. Any sponsor must apply to the department for program approval in a manner determined by the department prior to the beginning of the first class offered in the approved course and annually thereafter. An instructor of an approved course must be listed on the application and approved by the department.

b. Program approval is valid for a calendar year or remainder of a calendar year and expires on December 31 but remains valid for an additional 30 days after the expiration date.

c. Unless otherwise approved by the department, an application for renewal is due to the department within 60 days of the expiration date.

636.3(2) Fees. The initial application and annual renewal fee are \$25 for a private or a commercial sponsor. The fee is to be paid in a manner approved by the department.

761—636.4(307,321) Course requirements.

636.4(1) Classroom instruction. The course approved by the department must include a minimum of six clock hours of classroom instruction that includes the instructional components contained in subrule 636.4(3).

636.4(2) Driving instruction. Motorized bicycle rider driving experiences in addition to classroom instruction are permissible but not required.

636.4(3) Course content. Every motorized bicycle rider education course must include the following instructional components:

a. Operator and motorized bicycle preparation.

- (1) Knowledge of Iowa driving laws.
- (2) Knowledge of vehicle registration requirements.
- (3) Vehicle inspection.
- (4) Protective clothing and devices.
- (5) Risk assessment.
- (6) Route selection.

b. Basic control skills.

- (1) Starting procedures.

- (2) Speed control.
- (3) Turning.
- (4) Stopping.
- c. *Safe driving practices.*
 - (1) Use of lights and warning devices.
 - (2) Signaling.
 - (3) Maintaining directional control.
 - (4) Perception skills and observation.
 - (5) Use of mirrors.
 - (6) Recognition of hazards.
 - (7) Speed control.
 - (8) Lane positioning.
 - (9) Concerns and conflicts regarding intersections.
 - (10) Following distances.
 - (11) Lateral separation.
- d. *Complex situations.*
 - (1) Limited visibility.
 - (2) Adverse weather.
 - (3) Critical situations.
 - (4) Malfunctions.
- e. *Motorized bicycle care.*
 - (1) Inspection.
 - (2) Maintenance.

636.4(4) Evaluation. Each student shall be evaluated by the instructor to determine successful completion of the course.

761—636.5(307,321) Instructor qualifications. To qualify as an instructor of an approved course, an individual must:

636.5(1) Possess a valid driver’s license allowing unaccompanied driving other than a temporary restricted license and be able to operate a motorized bicycle.

636.5(2) Have a clear driving record for the previous two years. A clear driving record means the instructor has:

- a. Not been identified as a candidate for driver’s license suspension under the habitual violator provisions of rule 761—615.13(321) or the serious violation provisions of rule 761—615.17(321).
- b. No driver’s license suspensions, revocations, denials, cancellations, disqualifications or bars.
- c. Not committed an offense that would result in driver’s license suspension, revocation, denial, cancellation, disqualification or bar.
- d. No record of a law enforcement investigative report indicating a contributive motor vehicle accident that caused the death or serious injury of another person.
- e. No record of a law enforcement investigative report indicating two or more contributive motor vehicle accidents in a two-year period.

761—636.6(307,321) Cancellation or denial.

636.6(1) Cancellation. The department shall cancel program approval if the sponsor or instructor fails to comply with the applicable provisions of this chapter or if the course or instructors are no longer approved. However, an approved program that meets the applicable provisions of this chapter except for an approved instructor may retain program approval if the department approves an alternate instructor.

636.6(2) Denial. The department shall deny an initial or renewal application if the applicant does not meet the criteria for approval under this chapter.

These rules are intended to implement Iowa Code sections 307.12(1)“j” and 321.189.

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