

CHAPTER 635
MOTORCYCLE RIDER EDUCATION (MRE)

761—635.1(321) Definitions.

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

“MRE” means motorcycle rider education.

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

761—635.2(321) Approved course in motorcycle rider education.

635.2(1) Any entity providing motorcycle rider education to persons under the age of 18 for purposes of early licensing or seeking reimbursement under Iowa Code section 321.179 for providing motorcycle rider education to persons aged 18 and older must teach the motorcycle rider education course approved by the department.

635.2(2) A sponsor must receive approval from the department prior to the beginning of the first class offered and annually thereafter. Private or commercial sponsors must also be licensed by the department prior to the beginning of the first class that is offered and annually thereafter. Application for license issuance or renewal shall be made to the department in a manner determined by the department. The fee for a license or the renewal of a license is \$25 for a private or a commercial sponsor. The fee must be paid by cash, money order or check unless the department approves payment of the fee by electronic means. A money order or check must be for the exact amount and should be made payable to the Treasurer, State of Iowa, or the Department of Transportation.

635.2(3) A license to provide motorcycle rider education shall be issued for a calendar year or remainder of a calendar year. The license expires on December 31 but remains valid for an additional 30 days after the expiration date. The application for renewal shall be submitted to the department within 60 days of the expiration date, unless otherwise approved by the department.

635.2(4) The approved course uses a nationally recognized, research-based curriculum. Only persons successfully completing all elements of the approved course shall be issued an Iowa certificate of completion for motorcycle rider education. The certificate of completion shall be submitted to the department by the methods provided in 761—subrule 602.2(1). Issuance of an Iowa certificate of completion to persons who do not successfully complete the approved course is cause for revocation of the instructor’s license and denial of reimbursement to the sponsor for each student involved.

635.2(5) Prior to the beginning of on-cycle instruction, a student enrolled in the approved course must be at least 14 years of age, possess a valid driver’s license as defined in Iowa Code section 321.1, be able to touch the ground with the balls of both feet while sitting astride the training motorcycle, and complete the motorcycle safety course waiver form, including the signature of a parent or legal guardian if the student is under the age of 18.

635.2(6) The scheduled time for instruction—classroom, on-cycle, or a combination of both—shall not exceed eight hours in any one calendar day. During on-cycle instruction, a student shall wear a U.S. DOT-approved helmet, an eye-protective device, and protective clothing, including gloves, a long-sleeved shirt or jacket, long pants, and shoes or boots that cover the feet and ankles.

635.2(7) The student-instructor ratio for classroom instruction shall not exceed 36 to 1. No more than 12 students may receive on-cycle instruction at one time on a single full-size range. The student-instructor ratio for on-cycle instruction shall not exceed 6 to 1.

635.2(8) A driving range used for on-cycle instruction must be paved, free of hazards to motorcycle travel, and have an unobstructed, paved runoff of at least 20 feet in all directions.

635.2(9) The sponsor shall provide for each student engaged in on-cycle instruction one fully operational motorcycle manufactured for highway use.

a. Each motorcycle must meet two of the following three criteria:

(1) Have an engine displacement of 500 cubic centimeters or less, or an electric motor of 30 kW or less.

(2) Have a curb (wet) weight of 440 pounds or less.

(3) Have a seat height of 30 inches or less.

b. A motorcycle that has been modified or contains aftermarket equipment for the purposes of meeting the criteria under paragraph 635.2(9) “a” shall not be used for instruction under this subrule.

635.2(10) The driving test for a Class M driver’s license or a motorcycle endorsement may be waived under 761—subrule 604.31(2) provided the applicant has successfully completed the approved course. [ARC 3452C, IAB 11/8/17, effective 12/13/17; ARC 5204C, IAB 10/7/20, effective 11/11/20]

761—635.3(321) Instructors.

635.3(1) License. An instructor of the approved course must be licensed by the department. However, an individual who meets the qualifications for a license except for paragraph 635.3(2) “d” or whose license is denied under paragraph 635.3(3) “c” may teach the approved course as provided in those paragraphs.

635.3(2) Licensing provisions. A motorcycle rider education instructor’s license shall be issued for a calendar year or remainder of a calendar year. The license expires on December 31 but remains valid for an additional 30 days after the expiration date of the year it is issued. The application for renewal shall be submitted to the department within 60 days of the expiration date, unless otherwise approved by the department. To obtain and retain an MRE instructor’s license, an individual must:

a. Possess a valid Class M driver’s license or a motorcycle endorsement or equivalent license or endorsement that is valid for a two-wheel motorcycle.

b. Successfully complete a nationally recognized, research-based instructor preparation course approved by the department.

c. Possess a current instructor certification from a nationally recognized motorcycle safety organization approved by the department.

d. Before a license is granted, teach one class of the approved course under the guidance of an experienced, licensed instructor approved by the department.

e. After the year in which a license is granted, teach at least one nationally recognized, research-based motorcycle rider preparation course approved by the department in Iowa or another state each calendar year.

f. After the year in which a license is granted, complete at least one state-sponsored or state-approved instructor update each calendar year. The update must be completed in Iowa every other year.

g. Have a clear driving record for the previous two years. A clear driving record means the individual has:

(1) 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).

(2) No driver’s license suspensions, revocations, denials, cancellations, disqualifications or bars.

(3) Not committed an offense that would result in driver’s license suspension, revocation, denial, cancellation, disqualification or bar.

(4) No record of a law enforcement investigative report indicating a contributive motor vehicle accident that caused the death or serious injury of another person.

(5) No record of two or more contributive motor vehicle accidents in a two-year period.

635.3(3) License cancellations and denials.

a. The department shall cancel or deny the MRE license of an MRE instructor who does not have a clear driving record under paragraph 635.3(2) “g.” The cancellation or denial shall remain in effect until the individual has a clear driving record, as defined in paragraph 635.3(2) “g.”

b. The department shall cancel or deny the MRE license of an MRE instructor who fails to maintain a current instructor certification from a nationally recognized motorcycle safety organization approved by the department. The cancellation or denial shall remain in effect until the certification is current.

c. Each January, the department shall review each MRE instructor’s teaching activity and update completion. The department shall deny renewal of the MRE license of an MRE instructor who fails to meet these licensing provisions. The denial shall remain in effect until the individual has done the following:

(1) Obtained instructor certification from a nationally recognized motorcycle safety organization approved by the department.

(2) Taught one class of the approved course under the guidance of an experienced, licensed instructor approved by the department.

[ARC 5204C, IAB 10/7/20, effective 11/11/20]

761—635.4(321) Responsibilities of sponsors.

635.4(1) Sponsors shall:

a. Comply with all teaching and instructor provisions of the approved course.

b. Use only instructors licensed by the department to teach the approved course. However, an individual who meets the qualifications for a license except for paragraph 635.3(2) “*d*” or whose license is denied under paragraph 635.3(3) “*c*” may teach the approved course as provided in those paragraphs.

c. Maintain liability insurance in an amount of not less than \$1 million, combined single limit, with an aggregate limit of not less than \$2 million, and file a certificate of this insurance with the department. The certificate shall verify coverage for scheduled courses of instruction. The certificate shall name the department and its officers, agents, representatives and employees as additional insureds with respect to all work, deliveries or services performed for them by the named insured, and shall specify that the department of transportation, driver and identification services bureau, shall be given at least 30 days’ prior notice of any material change in or cancellation of the insurance.

A sponsor who is a state agency or public educational institution shall provide written verification of self-insurance to the department.

d. Maintain complete instructional accident report files and furnish this information to the department in a manner determined by the department.

e. Maintain a record of costs incurred in providing the approved course.

f. Allow the department or the department’s designee to audit any class of the approved course, either announced or unannounced.

g. Involve a program administrator in an annual department-sponsored, in-service seminar.

h. Provide and maintain adequate instructional facilities and equipment to accommodate all components—lecture, audio-visual, and on-cycle—of the approved course.

635.4(2) The department shall deny approval to a sponsor applying for initial or annual approval from the department under subrule 635.2(2) if the sponsor fails to comply with all of the provisions of subrule 635.4(1).

[ARC 5204C, IAB 10/7/20, effective 11/11/20]

761—635.5(321) Use of motorcycle rider education fund. The motorcycle rider education fund may be used for the following purposes:

635.5(1) Course development. New or current sponsors may apply to the department for funds to establish delivery of the approved course at an unserved site. Current sponsors may apply for funds to expand delivery at an existing site.

a. Expenditures eligible for funding are limited to:

(1) Acquisition of necessary classroom furnishings and audio-visual systems if used exclusively to deliver the approved course.

(2) Required curriculum materials including necessary audio and visual components.

(3) Range development and maintenance excluding land acquisition, surfacing and resurfacing.

(4) Training motorcycles and motorcycle maintenance equipment if the equipment is to be used exclusively for the upkeep of the motorcycles.

(5) On-cycle safety equipment limited to helmets, eye-protective devices and gloves.

b. Application for funds shall be made in a manner determined by the department. Departmental approval shall be based on the geographical area, the number of students to be served and the availability of moneys in the motorcycle rider education fund. The number of students to be served is determined by range size, the number of courses to be offered, and the number of sponsors providing the course.

c. Payment to the sponsor for course development expenditures shall be on a cost-reimbursement basis and shall be made after claims under subrule 635.5(5) are paid.

635.5(2) *Instructor preparation.* The department shall sponsor initial instructor preparation courses.

a. An instructor preparation course is open to any individual who:

(1) Possesses a valid Class M driver's license or a motorcycle endorsement or equivalent license or endorsement that is valid for a two-wheel motorcycle.

(2) Submits verification from an approved sponsor of employment as an instructor of the approved course to be offered within the next 12 months.

b. Upon proof of successful completion of the instructor preparation course, an individual may be reimbursed for course tuition.

c. Applications for enrollment shall be made in a manner determined by the department.

635.5(3) *Instructor updates.* The department shall sponsor and fund instructor updates held in Iowa. Instructor updates shall be open to all state-licensed MRE instructors and instructor trainers.

635.5(4) *Instructor trainer preparation.*

a. An experienced, state-licensed MRE instructor may apply to the department for funding assistance on forms provided by the department if both the following occur:

(1) The instructor is accepted for enrollment in a nationally recognized instructor trainer preparation course approved by the department.

(2) The instructor agrees to be an instructor trainer in a department-sponsored instructor preparation course within 12 months following successful completion of the instructor trainer preparation course.

b. The department may approve the application if the department determines there is a need for additional instructor trainers.

c. If the department approves the application, then all the following shall apply:

(1) Funding assistance shall be limited to course tuition, travel, and subsistence (meals and lodging).

(2) Upon approval of the application, the department shall pay for course tuition and travel to the training site.

(3) Upon receipt by the department of evidence of successful completion accompanied by documentation of subsistence expenses incurred, the department shall reimburse the instructor for food and lodging based on the in-state reimbursement limits established for state employees by the department of administrative services.

(4) If the instructor fails to attend the training, the instructor must repay the department both the course tuition and the travel purchased.

(5) If the instructor fails to successfully complete the course, the instructor must repay the department one-half the course tuition and one-half the travel purchased. Meal and lodging expenses shall not be reimbursed.

635.5(5) *Reimbursement of per pupil costs.* The department shall reimburse a sponsor for each student who completes the approved course contingent upon the availability of moneys in the motorcycle rider education fund.

a. Reimbursement shall be paid twice each calendar year, once for training provided from January to June and once for training provided from July to December.

b. The reimbursement will be based on a per pupil rate determined semiannually by the department. The rate will be based on the amount of moneys available in the motorcycle rider education fund, less the administrative and instructor training costs, and will be distributed to sponsors based on the total number of students who complete the approved course.

c. Claims for reimbursement shall include a summary of courses taught with site, date, and instructor information, and a report for each class taught that provides the name, age, and driver's license number of each student, and any other information required by the department. Claims for reimbursement shall be submitted in a manner determined by the department.

d. Failure to provide course, instructor and student information, failure to meet instructor certification and licensure requirements, or failure to meet prescribed instructor-student ratios shall result in the forfeiture of reimbursement for those courses and students involved.

[ARC 5204C, IAB 10/7/20, effective 11/11/20]

761—635.6(321) Information and location. Applications, forms and information regarding this chapter are available by mail from the Driver and Identification Services Bureau, 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; by facsimile at (515)239-1837; or by email at mre.dot@iowadot.us.

[ARC 5204C, IAB 10/7/20, effective 11/11/20]

761—635.7(321) License issuance. To be licensed to provide MRE, the sponsor's course and instructors must be approved by the department in accordance with this chapter.

635.7(1) Issuance and renewal. A license to provide MRE shall be issued for a calendar year or remainder of a calendar year. The license expires on December 31 and must be renewed annually.

635.7(2) Cancellation. A license to provide MRE shall be canceled if the course or instructors are no longer approved. Also, a license to provide MRE shall be canceled if the sponsor does not comply with this chapter.

[ARC 5204C, IAB 10/7/20, effective 11/11/20]

These rules are intended to implement Iowa Code sections 321.179 and 321.180B(5).

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