

1 HOUSE BILL NO. 2304  
 2 AMENDMENT IN THE NATURE OF A SUBSTITUTE  
 3 (Proposed by the House Committee on \_\_\_\_\_  
 4 on \_\_\_\_\_)  
 5 (Patron Prior to Substitute--Delegate Bloxom)

6 A BILL to amend and reenact §§ 46.2-1190, 46.2-1190.1, 46.2-1190.2, and 46.2-1190.4 of the Code of  
 7 Virginia, relating to motorcycle rider safety training courses.

8 **Be it enacted by the General Assembly of Virginia:**

9 **1. That §§ 46.2-1190, 46.2-1190.1, 46.2-1190.2, and 46.2-1190.4 of the Code of Virginia are amended**  
 10 **and reenacted as follows:**

11 **§ 46.2-1190. Regional motorcycle rider safety training centers; requirements.**

12 A. Any public or private agency, organization, school, institution of higher education, partnership,  
 13 corporation, or individual that meets the program requirements set forth in this article shall be eligible for  
 14 participation in the program and may organize a regional motorcycle rider safety training center and offer  
 15 motorcycle rider safety training courses.

16 B. No such agency, organization, business or individual shall operate a motorcycle rider safety  
 17 training center without a license. Such agencies, organizations, businesses and individuals shall apply to  
 18 the Department for a license pursuant to § 46.2-1192. The applications for training center licenses shall  
 19 include, but not be limited to:

20 1. The address and detailed description of the facility or facilities where the course shall be  
 21 conducted;

22 2. The name, address, federal identification number, and telephone number of the agency,  
 23 organization, school, institution of higher education, partnership, or corporation organized as a training  
 24 center;

25 3. The name, address, social security number, and telephone number of the individual who is  
 26 authorized to obligate the training center;

27 4. The names, addresses, social security numbers, and telephone numbers of the administrator and  
28 the instructors;

29 5. For those agencies, organizations, businesses, and individuals that apply to receive  
30 reimbursement, the names, addresses, social security numbers, and telephone numbers of all individuals  
31 who are to receive reimbursement;

32 6. A planned course schedule including course type, dates, and hours of course conduct;

33 7. The projected number of students to be trained in the program during the calendar year;

34 8. Detailed specifications of the curricula intended for use;

35 9. For those agencies, organizations, businesses, and individuals that apply to receive  
36 reimbursement, a planned course budget to include all estimated costs for course operation,  
37 administration, instructors' salaries, insurance, advertising, purchase of test books, equipment and  
38 materials, and other course-related expenses;

39 10. For those agencies, organizations, businesses, and individuals that apply to receive  
40 reimbursement, estimated course fees to be charged to participants;

41 11. Verification of adequate insurance coverage to protect both the Commonwealth and the  
42 training center and all instructors, aides, and participants in any course conducted under the program,  
43 including the following:

44 a. Minimum employers liability -- \$100,000;

45 b. Minimum commercial general liability -- \$500,000 combined single limit;

46 c. Minimum automobile liability -- \$500,000 combined single limit; and

47 d. Workers' compensation insurance in accordance with § 2.2-4332 and Chapter 8 (§ 65.2-800 et  
48 seq.) of Title 65;

49 12. Verification of proper safety equipment and a sufficient number of training motorcycles for  
50 novice rider courses;

51 13. Verification that the designated classrooms, ranges, and motorcycle and equipment storage  
52 areas are available for all training courses offered by the training center at that site and that they comply  
53 with all necessary zoning, health, and safety codes;

54 14. Criminal background checks on all corporate officers, owners, administrators, and all  
55 individuals authorized to obligate the training center; and

56 15. A statement as to the ability and willingness to meet all requirements set forth in this article.

57 The Department shall issue licenses to applicants whose curricula, facilities, equipment, corporate  
58 officers, administrators, instructors, and all individuals authorized to obligate the training center meet the  
59 requirements set forth in this article, subject to the provisions of § 46.2-1192.

60 C. The Commissioner shall act on any application for a license under this article within 30 days  
61 after receipt by either granting or denying the application. The Commissioner may, as may be necessary  
62 during the initial review and evaluation of an application, request additional information from an  
63 applicant, thereby extending the period for granting or denying a license by not more than 30 days from  
64 the receipt of such additional information. Any applicant denied a license shall, on his written request  
65 made within 30 days of the Commissioner's action, be given a hearing at a time and place determined by  
66 the Commissioner or his designee. All hearings under this section shall be public and shall be held as soon  
67 as practicable, but in no case later than 30 days from receipt of the hearing request. The applicant may be  
68 represented by counsel. Any applicant denied a license may not apply again for the same type of license  
69 for 180 calendar days from the date of denial of the application.

70 D. The facilities, equipment, curriculum, accreditation, and geographic areas in which each  
71 training center may offer courses shall be approved by the Department. The location of the training centers  
72 shall be in accordance with the Department's administrative districts. No training center shall change its  
73 location without the approval of the Department. Training centers shall provide courses for either novice,  
74 experienced, ~~or sidecar~~ and three-wheeled motorcyclists or any of the three, depending upon the curricula  
75 used. Training centers shall maintain such records and provide such reports as determined by the  
76 Department. Training centers shall submit all reports required by the Department for evaluation. The  
77 Department shall monitor and evaluate the performance of the training centers and the effectiveness of the  
78 program in training motorcyclists.

79 E. Training centers shall ensure that instructors maintain the minimum qualifications and meet any  
80 other instructor requirements established in this article. The Department may, pursuant to subsection C of

81 § 46.2-1190.5, terminate a training course if it finds an instructor in violation of any provision of this  
82 article.

83 Instructors shall meet the requirements of this article, the Department and the public or private  
84 agency, organization, school, institution of higher education, partnership, corporation or individual  
85 offering the program.

86 **§ 46.2-1190.1. Curricula requirements.**

87 A. The curriculum used in a novice rider-training course to train novice riders shall be approved  
88 by the Department. Each participant enrolled in a novice rider-training course shall receive no less than  
89 the minimum number of hours of classroom and on-cycle instruction as specified in the current approved  
90 curriculum.

91 All novice rider courses shall include a module on the effects of alcohol and other drugs on  
92 motorcycle operation, and a thorough review of Virginia laws and rules of the road applicable to  
93 motorcycles. All novice rider course participants shall be provided one copy of the course textbook and  
94 one copy of the Virginia Motorcycle Operator Manual. ~~During the on-cycle instruction no more than six~~  
95 ~~students may be under the supervision of any one instructor at any one time. No more than 12 students~~  
96 ~~may operate motorcycles on the same range at the same time.~~

97 B. The curriculum used to train experienced riders shall be approved by the Department. Each  
98 participant enrolled in an experienced rider course shall receive no less than the minimum number of hours  
99 of classroom and on-cycle instruction as specified in the current approved curriculum.

100 All experienced rider courses shall include a module on the effects of alcohol and other drugs on  
101 motorcycle operation, and a review of Virginia laws and rules of the road applicable to motorcycles.  
102 ~~During on-cycle instruction no more than six students may be under the supervision of any one instructor~~  
103 ~~at any one time, and no more than 12 students may operate motorcycles on the same range at the same~~  
104 ~~time.~~

105 C. The curriculum used to train ~~sidecar and~~ three-wheeled motorcycle riders shall be approved by  
106 the Department. Each participant enrolled in a ~~sidecar and~~ three-wheeled motorcycle course shall receive

107 no less than the minimum number of hours of classroom and on-cycle instruction as specified in the current  
108 curriculum.

109 ~~All sidecar and three-wheeled motorcycle course participants shall include a module on the effects~~  
110 ~~of alcohol and other drugs on motorcycle operation, and a thorough review of Virginia laws and rules of~~  
111 ~~the road applicable to motorcycles. During on-cycle instruction no more than six students may be under~~  
112 ~~the supervision of any one instructor at any one time, and no more than six students may operate sidecars~~  
113 ~~or three-wheeled motorcycles on the same range at the same time.~~

114 D. All course participants shall be required to wear the following protective gear during on-cycle  
115 instruction:

116 1. ~~A minimum three-quarter shell motorcycle helmet that meets U.S. Department of Transportation~~  
117 ~~Safety standards, the requirements of § 46.2-910;~~

118 2. Eye protection;

119 3. A pair of boots or shoes that cover and protect the ankles and feet;

120 4. A long sleeved jacket or long sleeved shirt and long pants of denim or other material of  
121 equivalent durability; and

122 5. A pair of full-fingered gloves of leather or other material with resistance to abrasion.

123 E. The maximum number of students under the supervision of any one instructor at any one time  
124 and the maximum number of students on the same range at the same time shall comply with the  
125 recommendations of the Motorcycle Safety Foundation.

126 **§ 46.2-1190.2. Facilities and equipment; requirements and approval.**

127 A. A training center shall possess or have access to the use of all classroom, range, storage  
128 facilities, and equipment. A training center's facilities and equipment shall be approved by the Department  
129 and include, but not be limited to:

130 1. A classroom for the presentation of the off-cycle instructional portion of the novice,  
131 experienced, and ~~sidecar and three-wheeled motorcycle rider courses;~~

132 2. A paved range area for the on-cycle portion of the novice, experienced rider, and ~~sidecar and~~  
133 three-wheeled motorcycle courses consistent with the minimum range requirements established by the  
134 Department-approved curriculum used in the course;

135 3. For those agencies, organizations, businesses and individuals that apply to receive  
136 reimbursement, adequate storage to protect motorcycles and equipment from vandalism, theft, and  
137 environmental damage;

138 4. Audio-visual equipment; and

139 5. Fire extinguisher and first aid kit.

140 B. The training center shall be responsible for procuring and providing a minimum of one  
141 motorcycle per student. Each such motorcycle shall be of a type that may lawfully be operated on the  
142 highways of the Commonwealth and, ~~subject to the provisions of subsection D, meets two of the following~~  
143 ~~three criteria: (i) an engine displacement of no more than 500 cubic centimeters, (ii) a weight of less than~~  
144 ~~400 pounds, and (iii) a seat height of 30 inches or less~~ shall comply with the specifications recommended  
145 by the Motorcycle Safety Foundation. Each participant in the experienced rider course shall provide a  
146 motorcycle for use in the course. One ~~sidecar rig or~~ three-wheeled motorcycle, provided by either a  
147 participant or the training center, shall be required for use by every two students in the ~~sidecar and~~ three-  
148 wheeled motorcycle course.

149 C. The training center shall be responsible for the normal maintenance and repair of all motorcycles  
150 it provides for each novice rider and ~~sidecar and~~ three-wheeled motorcycle course participant. All  
151 motorcycles used in course instruction shall pass a safety inspection performed by the instructors prior to  
152 use in any motorcycle rider-training course.

153 D. The Department, or its authorized agent, shall inspect and approve each training center's  
154 facilities and equipment prior to issuance or renewal of a license. Even if a motorcycle meets the criteria  
155 under subsection B, the Department or its authorized agent may deny its use by motorcycle rider safety  
156 training centers if it is deemed unsafe by the Department. A motorcycle may be deemed unsafe because  
157 of modification, damage, lack of maintenance, nonstandard configuration, or any other substantial safety  
158 reason.

**159 § 46.2-1190.4. Administrative and reporting requirements.**

**160** A. Training centers shall be responsible for verifying that all participants are eligible for enrollment  
**161** in a course under the program, based on the following:

**162** 1. Persons enrolling in a novice rider course shall (i) possess a valid learner's permit or valid  
**163** driver's license; (ii) have written parental or guardian permission if under the age of 18 years of age; and  
**164** (iii) be physically able to balance and operate a motorcycle.

**165** 2. Persons enrolling in an experienced rider course shall (i) possess a valid driver's license endorsed  
**166** for motorcycle operation; (ii) have written parental or guardian permission if under the age of 18; (iii) use  
**167** a motorcycle that may lawfully be operated on the highways of the Commonwealth during course training;  
**168** and (iv) have valid proof of ownership of such motorcycle, or have its owner's written permission to use  
**169** it and valid proof of insurance.

**170** 3. Persons enrolling in a ~~sidecar and~~ three-wheeled motorcycle course shall (i) possess a valid  
**171** learner's permit or a valid driver's license; (ii) have written parental or guardian permission if under the  
**172** age of 18; (iii) use a ~~sidecar rig or~~ three-wheeled motorcycle that may lawfully be operated on the  
**173** highways of the Commonwealth during course training; and (iv) if providing their own ~~sidecar rig or~~  
**174** three-wheeled motorcycle, have valid proof of ownership of such ~~sidecar rig or~~ three-wheeled motorcycle,  
**175** or have its owner's written permission to use it and valid proof of insurance.

**176** B. Training centers shall provide the following information to the Department on each course  
**177** within 20 business days of course completion, on forms provided by the Department:

**178** 1. The type of course and date of completion;

**179** 2. The name, address, social security number, and certification number of each instructor;

**180** 3. The name, address, driver's license number, and date of birth of all participants enrolled in each  
**181** course; and

**182** 4. The course completion status of each participant.

**183** C. The training center shall issue a Department-approved certificate of completion to each  
**184** participant who successfully completes a course in the program.

**185** D. Training centers shall (i) retain a copy of each participant's waiver form and original course  
**186** evaluation form and (ii) establish and maintain records of course administration, including the information  
**187** outlined in subsection B ~~of this section~~, for a three-year period following the course completion. The  
**188** Department may audit course records, and monitor and evaluate any and all aspects of a training center's  
**189** operation.

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