

VIRGINIA ACTS OF ASSEMBLY -- 2023 SESSION

CHAPTER 361

An Act to amend and reenact §§ 46.2-1190, 46.2-1190.1, 46.2-1190.2, and 46.2-1190.4 of the Code of Virginia, relating to motorcycle rider safety training courses.

[H 2304]

Approved March 23, 2023

Be it enacted by the General Assembly of Virginia:

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 and reenacted as follows:

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

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

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

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

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

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

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

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

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

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

8. Detailed specifications of the curricula intended for use;

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

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

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

a. Minimum employers liability — \$100,000;

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

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

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

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

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

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

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

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

C. The Commissioner shall act on any application for a license under this article within 30 days after

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

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

E. Training centers shall ensure that instructors maintain the minimum qualifications and meet any other instructor requirements established in this article. The Department may, pursuant to subsection C of § 46.2-1190.5, terminate a training course if it finds an instructor in violation of any provision of this article.

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

§ 46.2-1190.1. Curricula requirements.

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

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

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

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

C. The curriculum used to train ~~sidecar and~~ three-wheeled motorcycle riders shall be approved by the Department. Each participant enrolled in a ~~sidecar and~~ three-wheeled motorcycle course shall receive no less than the minimum number of hours of classroom and on-cycle instruction as specified in the current curriculum.

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

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

1. A ~~minimum three-quarter shell~~ motorcycle helmet that meets ~~U.S. Department of Transportation Safety standards the requirements of § 46.2-910;~~
2. Eye protection;
3. A pair of boots or shoes that cover and protect the ankles and feet;
4. A long sleeved jacket or long sleeved shirt and long pants of denim or other material of equivalent durability; and
5. A pair of full-fingered gloves of leather or other material with resistance to abrasion.

E. *The maximum number of students under the supervision of any one instructor at any one time and the maximum number of students on the same range at the same time shall comply with the*

recommendations of the Motorcycle Safety Foundation, unless otherwise provided by the Department.

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

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

1. A classroom for the presentation of the off-cycle instructional portion of the novice, experienced, and ~~sidecar and~~ three-wheeled motorcycle rider courses;
2. A paved range area for the on-cycle portion of the novice, experienced rider, and ~~sidecar and~~ three-wheeled motorcycle courses consistent with the minimum range requirements established by the Department-approved curriculum used in the course;
3. For those agencies, organizations, businesses and individuals that apply to receive reimbursement, adequate storage to protect motorcycles and equipment from vandalism, theft, and environmental damage;
4. Audio-visual equipment; and
5. Fire extinguisher and first aid kit.

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

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

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

§ 46.2-1190.4. Administrative and reporting requirements.

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

1. Persons enrolling in a novice rider course shall (i) possess a valid learner's permit or valid driver's license; (ii) have written parental or guardian permission if under the age of 18 years of age; and (iii) be physically able to balance and operate a motorcycle.
2. Persons enrolling in an experienced rider course shall (i) possess a valid driver's license endorsed for motorcycle operation; (ii) have written parental or guardian permission if under the age of 18; (iii) use a motorcycle that may lawfully be operated on the highways of the Commonwealth during course training; and (iv) have valid proof of ownership of such motorcycle, or have its owner's written permission to use it and valid proof of insurance.
3. Persons enrolling in a ~~sidecar and~~ three-wheeled motorcycle course shall (i) possess a valid learner's permit or a valid driver's license; (ii) have written parental or guardian permission if under the age of 18; (iii) use a ~~sidecar rig or~~ three-wheeled motorcycle that may lawfully be operated on the highways of the Commonwealth during course training; and (iv) if providing their own ~~sidecar rig or~~ three-wheeled motorcycle, have valid proof of ownership of such ~~sidecar rig or~~ three-wheeled motorcycle, or have its owner's written permission to use it and valid proof of insurance.

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

1. The type of course and date of completion;
2. The name, address, social security number, and certification number of each instructor;
3. The name, address, driver's license number, and date of birth of all participants enrolled in each course; and
4. The course completion status of each participant.

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

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

a training center's operation.