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HOUSE BILL NO. 2304**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the House Committee on Transportation)

(Patron Prior to Substitute—Delegate Bloxom)

House Amendments in [] - January 25, 2023

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 Virginia, relating to motorcycle rider safety training courses.*

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.

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

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

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

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

85 **§ 46.2-1190.1. Curricula requirements.**

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

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

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

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

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

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

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

- 115 1. A ~~minimum three-quarter shell~~ motorcycle helmet that meets U.S. Department of Transportation
116 ~~safety standards the requirements of § 46.2-910;~~
- 117 2. Eye protection;
- 118 3. A pair of boots or shoes that cover and protect the ankles and feet;
- 119 4. A long sleeved jacket or long sleeved shirt and long pants of denim or other material of
120 equivalent durability; and

121 5. A pair of full-fingered gloves of leather or other material with resistance to abrasion.
 122 E. *The maximum number of students under the supervision of any one instructor at any one time and*
 123 *the maximum number of students on the same range at the same time shall comply with the*
 124 *recommendations of the Motorcycle Safety Foundation [, unless otherwise provided by the Department]*
 125 .

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 facilities,
 128 and equipment. A training center's facilities and equipment shall be approved by the Department and
 129 include, but not be limited to:

130 1. A classroom for the presentation of the off-cycle instructional portion of the novice, experienced,
 131 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 reimbursement,
 136 adequate storage to protect motorcycles and equipment from vandalism, theft, and environmental
 137 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
 143 following three criteria: (i) an engine displacement of no more than 500 cubic centimeters, (ii) a weight
 144 of less than 400 pounds, and (iii) a seat height of 30 inches or less *shall comply with the specifications*
 145 *recommended by the Motorcycle Safety Foundation [, unless otherwise provided by the Department]* .
 146 Each participant in the experienced rider course shall provide a motorcycle for use in the course. One
 147 ~~sidecar~~ ~~fig~~ or three-wheeled motorcycle, provided by either a participant or the training center, shall be
 148 required for use by every two students in the ~~sidecar~~ and three-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 facilities
 154 and equipment prior to issuance or renewal of a license. Even if a motorcycle meets the criteria under
 155 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 driver's
 163 license; (ii) have written parental or guardian permission if under the age of 18 years of age; and (iii) be
 164 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)
 167 use a motorcycle that may lawfully be operated on the highways of the Commonwealth during course
 168 training; and (iv) have valid proof of ownership of such motorcycle, or have its owner's written
 169 permission to use 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~~ ~~fig~~ 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~~ ~~fig~~ or
 174 three-wheeled motorcycle, have valid proof of ownership of such ~~sidecar~~ ~~fig~~ or three-wheeled
 175 motorcycle, 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 within
 177 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 participant
184 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
187 information outlined in subsection B of this section, for a three-year period following the course
188 completion. The Department may audit course records, and monitor and evaluate any and all aspects of
189 a training center's operation.