

Clearinghouse Rule 23-043

STATE OF WISCONSIN DEPARTMENT OF TRANSPORTATION PROPOSED ORDER AMENDING PERMANENT RULE

The Wisconsin Department of Transportation proposes an order to:

Repeal ss. Trans 129.09 (1) (e) and (Note), (g), (2) (f), 129.12 (1), 129.15 (1) (c) 6., 129.19 (2), 129.21 (1) (b); **Repeal and amend** ss. Trans 129.09 (1) (f), 129.10 (1) and (Note), 129.19 (1) **Amend** ss. Trans 129.01 (intro.), (2), and (4), 129.03 (title), (2), 129.05 (intro.) and (2), 129.07 (2) (a), 129.09 (title), (1) (intro.), (a), (b), (d) (intro.), and 3., (2) (b), 129.10 (title), (3) (intro.), (a), and (3) (b), 129.11 (1) (a) and (2), 129.12 (title) and (3), 129.15 (1) (Note), (2) (b) 4., (c) 1., 4., (3) (d), (4) (b) and (Note), (5), and (7), 129.16, 129.17, 129.18, 129.20 (title), (1), (2) (intro.), (3) (intro.), (4) (intro.), and (5) (intro.), 129.21 (1) (intro.), 129.21 (2) (intro.), 129.22; **Repeal and recreate** ss. Trans 129.02 (2), Trans 129.03 (1) (a) and (b), 129.04, 129.08, 129.09 (2) (intro.), (a), and (e), 129.10 (2), (4), and (5), 129.13, 129.21 (3); and to **Create** ss. Trans 129.01 (5), 129.07 (3), 129.09 (2) (g), (4), (5), and (6), 129.10 (3) (am), (c) (Note), Trans 129.10 (6), (7), and (8), 129.11 (1) (c), 129.15 (3) (g), (8), and (Note), 129.21 (4) (Note), and 129.23, relating to motorcycle licensing and courses, and affecting small businesses.

The Statement of Scope for this permanent rule, SS 087-21, was approved by the Governor on October 7, 2021, published in Register No. 790A3 on October 18, 2021, and approved by Secretary of the State of Wisconsin Department of Transportation Craig Thompson, as required by s. 227.135 (2), Stats., on September 3, 2021.

The state of Wisconsin Department of Transportation (“department”) proposes an order to amend permanent rule ch. Trans 129, relating to motorcycle licensing and courses. The analysis below was prepared by the department.

ANALYSIS

1. Statute(s) Interpreted: Sections 85.30, 343.06 (1) (c), 343.07 (4) (b), 343.16 (1) (a), and 343.32 (4), Stats.

2. Statutory Authority: Sections 85.16 (1), 85.30, 227.11, 343.06 (1) (c), 343.07 (4) (b), 343.16 (1) (a), and 343.32 (4), Stats.

3. Explanation of Agency Authority: Section 85.30, Stats., charges the department with responsibility for creating a motorcycle, moped, and motor bicycle safety program. The statute requires that the program include operational skills training, safety education and public awareness, and such other elements as the department deems desirable. It also allows the department to make grants under this program for establishment of courses which further the aims of this program. The statute directs the department to adopt rules that implement the statute.

Section 343.06 (1) (c), Stats., requires any person under age 18 to pass a motorcycle rider course as a precondition of obtaining a “Class M” endorsement permitting the operation of motorcycles on their driver license. The statute requires the department to prescribe rules for the licensing of schools and instructors under that statute. In addition, the statute requires the department to define by rule persons who may be exempted from the pre-license class completion requirement.

Section 343.07 (4) (b), Stats., prohibits the department from issuing more than 3 instruction permits to a rider unless the rider completes a rider education course. This statute also requires the department to define by rule who may be exempted from the statute's class completion requirement.

Section 343.16 (1) (a), Stats., prohibits the department from administering a driving skills test to a person applying for authorization to operate motorcycles if the person has failed 2 driving skill tests, unless the person has successfully completed a rider education course. Like ss. 343.06 (1) (c) and 343.07 (4) (b), Stats., s. 343.16 (1) (a), Stats., requires the department to define by rule who may be exempted from its class completion requirement.

Section 343.32 (4), Stats., provides that in calculating the number of demerit points accumulated by a driver as a result of traffic law convictions, the department shall reduce the points accumulated from offenses committed while riding a motorcycle if the driver completes a motorcycle rider course. This rulemaking sets forth the specific coursework that qualifies a driver for such a demerit point reduction.

4. Related Statutes or Rules: ss. 343.05 (3) (b), 343.07 (4), and 343.16 (2) (cm), Stats.

5. Plain Language Analysis:

This rulemaking is intended to consolidate and simplify the department's motorcycle instruction program. When the program was first created, ch. 343, subch. VI, Stats., required motorcycle rider schools be licensed by DMV as driving schools and that its instructors be licensed as DMV driving instructors. On top of those licensing requirements, consistent with the motorcycle testing waiver provisions of ss. 343.16 (2) (cm) and 343.32 (4), Stats., motorcycle driving schools and instructors needed to meet additional requirements to qualify courses for skills test waivers or demerit point reduction. Finally, s. 343.66 (1) (b), Stats., as amended by 2005 Wis Act 397, required all driving instructors to meet certain criminal background requirements and required the department to establish criminal background requirements by rule.

To accommodate these varied requirements, ch. Trans 129 evolved to require multiple authorizations and licenses to qualify for the various licenses and authorizations needed to be licensed as a motorcycle instructor or school, or to participate in the demerit point reduction or skills test waiver programs.

This rulemaking is intended to update ch. Trans 129 to reduce the complexity of the program by eliminating separate authorizations for skills test waiver and demerit point reduction programs, and to consolidate all requirements into a single license. The proposed rule would retain the criminal background check requirements for instructors, bring the rule into conformance with the controlling statutory requirements, and reflect changes in curriculum and practices recommended by the Motorcycle Safety Foundation.

The Motorcycle Safety Foundation is a nationally recognized, not-for-profit organization that is sponsored by various motorcycle manufacturers and distributors. It produces a widely-used series of courses in motorcycle safety and operation. It currently provides the materials and curriculum taught at motorcycle rider schools in this state.

The foundation's rider training curricula is used in many states and by the U.S. military to instruct novice and experienced riders. The curricula are based on in-depth research into adult learning and the specific motor and attention skills needed for successful motorcycle operation. Information about the foundation's research may be accessed at <https://www.msf-usa.org/research.aspx#/home>. The foundation fosters a "ride safe" attitude that promotes lifelong learning for motorcyclists. The foundation does not advertise or direct participants to its sponsors in its materials or curricula. Its courses do, however, promote rider use of motorcycle safety equipment such as helmets and abrasion resistant clothing.

The department has used the Motorcycle Safety Foundation's curricula and practices as the basis for its rider education programs since the early 1980s. The fundamental courses for the program are the basic rider course and basic course for experienced riders, which teach riders basic operational skills. The courses' curriculum is fairly rigid in requiring certain skills be taught in a specific order with mandatory rest periods in order to provide optimal conditions for adults to learn the complex physical tasks of shifting and driving a motorcycle. The classroom portion of the basic rider courses is comprised of an online "e-course" provided by the Motorcycle Safety Foundation that students should take before beginning range or classroom instruction, and a classroom portion that expands on that learning and includes instructional information that is statutorily mandated as part of the instruction.

2005 Wisconsin Act 397 amended ch. 343, subch. VI, Stats., to exclude motorcycle rider courses and persons teaching those courses from the commercial driving school requirements set forth in that subchapter. This rulemaking updates outdated references to the licensing requirements and refers to the replacement licensing scheme, set forth in s. Trans 129.19, created in January 2008 (CR 07-084). That same rulemaking created s. Trans 129.20, which excludes persons convicted of certain criminal offenses from teaching a rider course. The list of criminal offenses in existing Trans 129.20 is virtually identical to the list of offenses that disqualify teachers from commercial driving schools under s. Trans 105.035. Although disqualifying motorcycle instructors with problematic criminal histories is not statutorily mandated under s. 343.66 (1) (b), Stats., the department proposes in this rulemaking to retain the background check requirement as part of its motorcycle instruction licensing program to provide similar safety assurances to motorcycle instruction students as other driver training school students.

Throughout this rule, the term "Type 1 motorcycle" is replaced with "motorcycle," consistent with changes to the motor vehicle code made by 2019 Wisconsin Act 50 that eliminated the use of the term.

This rulemaking proposes to rewrite s. Trans 129.01 (2) to clarify that this rule sets standards for motorcycle rider education providers and coaches. Section Trans 129.01 (5) is created to clarify that the rule sets standards for demerit point reduction under s. 343.32 (4), Stats. That statute and s. Trans 101.07 (1) (d) provide that the department may reduce demerit points accumulated by a driver from motorcycle traffic offenses if the person attends a rider course approved by the department. This rulemaking proposes to allow the point reduction for attending the basic rider course or the basic course for experienced riders. It does not propose to allow demerit point reduction for other Motorcycle Safety Foundation approved courses such as the Basic Bike Bonding or Ultimate Bike Bonding rider courses because those course curricula lack the depth of safety-related instruction that is part of the basic rider course.

The proposed rule repeals and recreates s. Trans 129.02. The course referred to as the "experienced rider course" in existing s. Trans 129.02 (2) (c) is renamed the "basic course for experienced riders" to better describe the nature of the course and clarifies that it is a course that may qualify a rider for a skills test waiver. This section is not substantially changed. The course essentially covers the same content as a basic rider course and requires completion of a similar online class. This course, however, spends less time on elementary rider instruction such as shifting, because it is designed for participants who come to class with sufficient operational skills to maneuver a motorcycle. For example, a person who races dirt bikes as a hobby, and then wishes to be licensed for on-road operation of a motorcycle, will not need the very basic "how-to-shift" instruction that is part of the basic rider course. Nonetheless, that rider will need the same safety instruction as any other rider who is new to on-highway riding.

More information about the basic rider course ("BRC") and basic course for experienced riders ("BRC2") may be found online at the Motorcycle Safety Foundation's web page at <https://www.msfsf-usa.org/students.aspx>.

This rulemaking repeals and recreates s. Trans 129.03 (1) (a) to eliminate the requirement that a rider hold a motorcycle instruction permit as a condition of receiving a waiver. For the waiver, motorcyclists are still required to pass the DMV knowledge test for motorcyclists, which precedes issues of an instruction permit. But, in as much as basic rider courses are taught on closed ranges where a driver license is not required to operate the vehicle, the department sees no reason to require a driver to pay the fees to renew or obtain a motorcycle instruction permit once the person has completed the required DMV knowledge testing and a basic rider course. The change to s. Trans 129.03 (1) (a) will permit DMV to add the motorcycle class to the driver's regular license without having to issue an instruction permit, which will reduce costs to the driver and reduce work for DMV.

Section Trans 129.03 (1) (b) is rewritten to clarify that completion of either a basic rider course or basic course for experienced riders will qualify a rider for a skills test waiver. The changes also authorize the department to establish systems for electronic reporting of demerit point reduction applications and skills test waivers. Proposed amendment to s. Trans 129.07 (2) (a) and creation of s. Trans 129.08 (3) propose similar amendments related to potential electronic reporting in the future. Section Trans 129.03 (1) (b) also restricts the "Class M" operating privilege of a person who completes a motorcycle instruction course skills test on a 3-wheel vehicle to operating 3-wheeled vehicles. The restriction can be removed by retaking and passing the test on a 2-wheeled motorcycle. The nature and skills required for 3-wheeled operation differ so substantially from those needed for 2-wheel operation that the motorcycle instruction community recommended that the restriction be imposed absent a demonstration of capability driving a 2-wheel motorcycle.

Section Trans 129.03 (2) is amended to allow a person who has failed a DMV skills test to qualify for a skills test waiver if they successfully complete a basic rider or experienced rider course following their DMV skills test failure. The department believes persons who fail a DMV skills test, regardless of their training level before that failure, should be encouraged to develop their skills through one of these courses.

Section Trans 129.04 is rewritten for readability and does not substantively change the rule. The rule exempts persons licensed to operate motorcycles in other jurisdictions who move to Wisconsin, persons living more than 50 miles from a rider education facility, and persons seeking only restricted or special restricted licenses from the provisions of ss. 343.06 (1) (c), 343.07 (4) (b), or 343.16 (1) (a) 3., Stats., that require some riders to attend a basic rider course.

Changes to s. Trans 129.05 (2) clarifies that the basic course for experienced riders can qualify a rider under age 18 for a motorcycle instruction permit. Section 343.06 (1) (c), Stats., requires drivers under age 18 to complete a motorcycle rider course as a precondition of receiving "Class M" (motorcycle) driving privileges. Students in the basic course for experienced riders class are required to prove their capabilities prior to on-course instruction under s. Trans 129.09 (2) (f). They are also tested on their skills at the end of the program.

Sections Trans 129.07 (2) (a) is amended, and s. Trans 129.13 (4) is created to clarify that rider coaches may issue skills test waiver authorizations only to students who complete a course they taught, and that if a teacher is unavailable to issue or reissue an authorization, another authorized official at the school may perform that function. Under s. Trans 129.07 (2) (a), riders who take out-of-state classes do not need to obtain skills test waiver forms from a Wisconsin rider coach. Instead, they must submit proof of course completion in the other state to DMV when seeking to add "Class M" privileges on their license.

Section Trans 129.08 (2) (d) is recreated, and s. Trans 129.13 is created to change the frequency and timing of instructors and rider schools reporting course completion to the department. The existing rule requires year-end reporting, which has proved problematic for a number of reasons. First, the department has often struggled to get annual reports from schools or instructors who are not organized record keepers. Second,

the year-end reports do not assist the department in determining course demand and instruction needs during the riding season. Proposed s. Trans 129.13 requires regular reporting of students class completion, which should provide data to the department for that purpose. Regular reporting will assist the department in making program decisions, such as safety programming and grant decisions, based on data received from schools. The department believes the change may also improve the accuracy and reliability of the data received from instructors and schools, as well as improve overall compliance with the reporting requirement. Student completion data is also useful for quality assurance and to detect potential discriminatory practices.

The rulemaking proposes to create s. Trans 129.08 (1) (e) to clarify that only persons who are both licensed and have authorization or certification from the curriculum provider may provide classroom or range instruction. This is a requirement for use of the Motorcycle Safety Foundation curriculum and has been department practice for decades.

The department proposes to recreate ss. Trans 129.08 (3) and 129.10 (5) (c) to sync instructor and school licensing with the Motorcycle Safety Foundation's authorization periods. The department believes that if these various authorizations are renewed at the same time, the administrative bureaucracy for instructors and schools will be greatly reduced. Because the Motorcycle Safety Foundation program is national, the department proposes to sync state timing to the foundation's renewal schedule, which is currently based on the 2-year anniversary of a rider coach receives initial authorization to teach classes from the foundation. The department intends to begin the new timing scheme as soon as practical after adoption of the proposed rule, and to complete the transition within 3 years after beginning the transition.

Section Trans 129.09 reflects the requirement for basic rider courses to adhere to the Motorcycle Safety Foundation curriculum. The requirement that riders complete the online course as part of the class is incorporated into the course requirements. The "50% of course is range instruction" requirement is repealed in favor of a more flexible requirement that the entire curriculum of range instruction be taught. Under the existing rule, in order to comply with the 50% requirement, instructors technically must cease providing classroom instruction if it will exceed the time taken for range instruction, which is impractical and is therefore being removed from the rule. The department does not want to discourage instructors from providing additional classroom discussion or training when circumstances warrant it.

This rulemaking proposes to amend s. Trans 129.09 (1) (d) 3. to clarify that shifting is a skill that must be taught only when instructing students riding vehicles equipped with manual transmissions. The physical skill of shifting is not taught to a student taking a basic rider course on a vehicle equipped with an automatic transmission, such as a scooter. Online and rider coach-provided range instruction discuss the mechanics of shifting, but practical training can only occur on standard transmission-equipped vehicles.

Section Trans 129.09 (2) amends the range and classroom requirements applicable to the basic course for experienced riders. As with the basic rider course, the "50% requirement" is removed from the rule to dedicate sufficient time to range training so students may develop skills in accordance with curriculum requirements. That may be less range time than the basic rider course because participants in this class already know the basics of handling a motorcycle. Section Trans 129.09 (2) (f) codifies the initial evaluation exercise of the basic course for experience riders, which determines whether the participants have existing knowledge of motorcycle operation sufficient for them to safely participate in the range portion of the course. Students who lack the needed skills are not permitted to continue and are counselled to take the basic rider course, which teaches those skills, instead.

Course size restrictions and the requirement to complete knowledge and skills testing for the basic rider course and the basic course for experienced rider are moved to s. Trans 129.09 (3) and (6) by renumbering and amending existing s. Trans 129.09 (1) (f), repealing existing s. Trans 129.09 (1) (g), (2) (f), and (g),

and creating s. Trans 129.09 (6) (intro.). Like the current rule, proposed s. Trans 129.09 (3) retains the requirement that class sizes are restricted to 12 students on the range and 24 in the classroom. Section Trans 129.09 (6) (intro.) requires all students be afforded the opportunity to participate in knowledge and skills testing as part of a course. Parts (6) (a) and (b) provide that passing the knowledge test alone is sufficient to qualify a rider for a demerit point reduction, and that passing both tests is required for a skills test waiver.

Section Trans 129.09 (5) is amended to reflect the process used when riders are unable to complete initial instruction on shifting or basic motorcycle control sufficient for them to safely participate in more advanced range exercises. Occasionally, there are students who are simply unable to pick up the skills at their initial training session and who need to retake the class or practice on their own before retaking the class. This rule clarifies that the instructor has authority to counsel such a driver to not participate further in a class and that such an action does not preclude the rider from retaking the class at another time.

The classroom requirements for both the basic rider course and the basic course for experienced riders are consolidated in s. Trans 129.09 (4). The proposed rule allows for the use of the online e-course and describes the content of the classroom portion. The required Wisconsin-specific curriculum currently includes discussion of alcohol and drug impairment and the importance of driving unimpaired; Wisconsin law on children as passengers; traffic actuated signals and licensing requirements; farm machinery and animals in the roadway; emergency vehicle interaction; and the state organ donor program.

Proposed changes to s. Trans 129.10 largely reflect current program practices with regard to instructor requirements. The department-approved course has been the Motorcycle Safety Foundation RiderCoach Preparation Course. Section Trans 129.10 (2) (b) codifies a requirement that persons who undergo out-of-state rider coach training submit proof of their completion of the significant pre-course work that is required as a condition of taking the course. The training provides the background information necessary to understand the reasoning and methodology used in the mandated curriculum. Coach trainees who lack that training can complete it as part of the out-of-state rider coach orientation class.

The rule amends s. Trans 129.10 (2) (c) to establish a minimum instruction requirement of 2 courses per year with the new 2-year licensing scheme. Current law requires instructors teach one course per year. The department believes that requiring 2 courses be taught per year will help instructors better retain their skills. Moreover, the department would prefer to direct its limited instructor trainer resources to persons who provide more instruction than a single class per year.

Changes to s. Trans 129.10 (2) (d) codifies the Motorcycle Safety Foundation's recommendation that rider coaches complete at least 6 hours of professional development activities during each year of an authorization period. Section Trans 129.10 (2) (e) to (g) clarifies that rider coaches need to meet both state licensing requirements and curriculum provider accreditation to serve as a rider coach.

This rulemaking amends s. Trans 129.10 (3) (a) to provide for suspension of a motorcycle instructor license if the rider accumulates 6 or more demerit points for offenses committed during a one-year period. This reduces the number of demerit points that will trigger licensing action from 7 to 6 points. DMV does not assess demerit points for out-of-state offenses, so the serious traffic violations that result in assessment of 6 points if committed in this state are listed as bases for suspension of motorcycle instructor licenses in proposed s. Trans 129.10 (3) (am).

Proposed s. Trans 129.10 (5) (a) provides that the department may suspend a motorcycle instructor's license if the instructor fails to meet the training and background requirements of s. Trans 129.10 (2), (3), and (4).

Proposed s. Trans 129.10 (5) (b) to (d) codifies requirements that rider coaches who lack a license, whose authorization to teach classes is withdrawn by the Motorcycle Safety Foundation, who fail to comply with

training requirements, or who fails a department evaluation may be disqualified from teaching motorcycle instruction courses until they comply with those requirements.

Proposed s. Trans 129.10 (6) provides that rider coach licenses run for the same period as curriculum provider authorizations and requires the department evaluate each instructor at least once during each licensing period.

Proposed s. Trans 129.10 (7) codifies longstanding practices used by the department to manage the limited number of rider coach training class enrollment positions in department-sponsored training classes. The number of rider coach applicants often exceeds the maximum class size for the department-sponsored training, and the department may limit the number of applicants to be trained to the maximum class size in the rider coach training class. To meet the need for instructors statewide, the department sometimes grants training preference to rider coaches who intend to instruct in parts of the state where more instructors are needed. Applicants who are not sponsored by a school may be excluded from training. Applicants who do not meet background or driver record requirements for rider coach trainers are excluded from training. The department may also conduct interviews to select rider coach applicants who are most likely to succeed as rider coaches. Persons who are not admitted into the department-sponsored rider coach training program may still qualify as rider coaches by attending appropriate motorcycle rider coach training at another site.

Section Trans 129.11 addresses course evaluations and rider education facility requirements. This rule proposes to create s. Trans 129.11 (1) (c) to clarify that the evaluation criteria and methodology used to evaluate facilities and instructors are consistent with the standards set by the curriculum provider.

Due to the number of rider schools, the time it takes to make all required site visits, and because this program is staffed by a single department employee, this rule allows department-authorized personnel to make the inspections. The rule also states that a person employed by a rider school cannot conduct the inspection of the facilities and instruction at that school or the site used by the school.

The provisions of s. Trans 129.12 (1) and (2) requiring rider education providers to be licensed and setting forth the grounds for withdrawal licenses are moved into the rider school licensing provisions of s. Trans 129.08. Section Trans 129.12 (3), which provides a hearing process for review of department motorcycle program decisions, is amended to provide for review of licensing decisions.

Under proposed s. Trans 129.13, motorcycle instruction sites are required to use an online system to file reports with the department. The department has created an online system to make it quicker and easier for teachers to issue skills test waivers, for their students to access results, and to benefit DMV by reducing the number of occasions that drivers cannot be issued the product they seek when arriving at DMV customer service centers. The department's online systems for reporting are under development. These provisions are drafted in a manner that will accommodate improvements in the online reporting system without the need for additional rulemaking.

Section Trans 129.15 is amended to clarify that grants are available to persons teaching the basic course for experienced riders and to eliminate the 3-year permanent address requirement for grant eligibility. The current address requirement needlessly limits the ability of rider education providers to move their facilities as needs change. Finally, s. Trans 129.15 reflects that federal grant programs now require compliance with 2 CFR part 200, which replaced the former OMB Circular No. A87.

Section Trans 129.20 is amended consistent with changes made to the Wisconsin Fair Employment Act by 2017 Wis. Act 278, which requires agencies to consider whether people that have committed crimes are rehabilitated and therefore eligible for professional licenses. The background requirement set forth in this section is made subject to the fair employment act requirements.

This rulemaking repeals the automatic indexing of liability insurance requirements set forth in s. Trans 129.21 (1) (b). Those indexing requirements were adopted for consistency with now-repealed s. 344.11 (1), Stats., that was created by 2007 Wis. Act 28, s. 2963r and repealed by 2011 Wis. Act 14, s. 5. The department believes that the minimum liability requirements of s. Trans 129.21 (1) are sufficient and that if the department believes they are insufficient at a later date, it may amend the rule to increase those limits. Section Trans 129.21 (3) is rewritten to more clearly provide how persons may make claims against a motor rider education provider's bond in the event the provider does not provide training following receipt of the person's deposit.

The rule creates s. Trans 129.23 to require motorcycle instructors to promptly report convictions and activities inconsistent with rider coaching. Previously, the program has had issues because it failed to learn of instructor convictions, and this rule is intended to provide an incentive to rider coaches to self-report any infraction that may jeopardize their motorcycle instructor license.

6. Summary of, and Comparison with, Existing or Proposed Federal Statutes and Regulations:

There are no federal statutes or regulations that oversees motorcycle instruction. The U.S. Military requires training for all riders who operate motorcycles and refers its members to Motorcycle Safety Federation classes, such as those offered in Wisconsin.

Army Safety Program Regulation 385-10 requires army personnel to successfully complete a Motorcycle Safety Foundation or MSF-based approved motorcycle rider safety course. Commanders are not authorized to waive or defer the training. Anyone who operates a motorcycle on an army installation, to include government-owned motorcycles, must successfully complete a MSF-based rider safety course, or present documentation of previous attendance.

The Army standard motorcycle rider course is an MSF-based Basic RiderCourse. Commanders may offer the experienced rider course in addition to the basic rider course, but not in lieu of the basic rider course.

7. Comparison with Similar Rules in Adjacent States:

Illinois, Minnesota, Michigan, and Iowa all use the Motorcycle Safety Foundation curriculum in their motorcycle instruction programs.

Illinois:

92 Ill. Adm. Code 1030.88: Exemption of Facility Administered Road Test

f) Motorcycle Road Test. The Department shall exempt an applicant for a Class M or Class L driver's license (see Section 1030.30), which allows operation of a motorcycle and/or motor-driven cycle, from a facility-administered road test if the applicant is 18 years of age or older and possesses a valid Illinois driver's license to operate any other classification of motor vehicles and:

1) shows acceptable proof of completion of a motorcycle rider safety training course approved by the Illinois Department of Transportation stating the individual is qualified to operate a motorcycle and/or motor-driven cycle with the cubic centimeter piston displacement that correlates to the classification of driver's license applied for. Successful completion of the motorcycle rider safety training course shall be evidenced by a Student Completion Card issued by the Illinois Department of Transportation not more than one year prior to the date of application; and

2) is an active duty member of the United States Armed Forces and presents a motorcycle rider training/testing course completion card issued by the Motorcycle Safety Foundation, dated not more than one year prior to the date of application, that indicates the applicant is qualified to operate a motorcycle and/or motor-driven cycle with cubic centimeter piston displacement that correlates to the classification of driver's license for which the applicant is applying. The completion card must be accompanied by an Illinois Secretary of State approved verification form completed by the applicant and examiner certified by the Motorcycle Safety Foundation.

92 Ill. Adm. Code 455.40: Incorporations by Reference

a) Incorporations by Reference

The Department incorporates by reference the following:

- 1) As the curriculum for the beginner courses, the Motorcycle Safety Foundation's RiderCoach Guide (January 2017).
- 2) As the curriculum for the advanced courses, the Motorcycle Safety Foundation's Advanced Rider Course (ARC) (May 2017).
- 3) As the curriculum for the Chief Instructor courses, the Motorcycle Safety Foundation's RiderCoach Trainer Guide (January 2016).

b) All the materials incorporated by reference in this Section are incorporated as of the date specified and include no later amendments or editions.

c) Copies of the materials incorporated by reference in this Section are available at the Department, 2300 South Dirksen Parkway, Room 007, Springfield IL 62764 or by calling 217/782-3568. The federal standards are available on the National Archives and Records Administration's website at <http://www.ecfr.gov>.

The state of Illinois describes its program as follows:

Motorcycle Classification

Illinois driver's licenses are classified according to the type and weight of the vehicles to be driven. There are two classifications for motorcycle licenses:

- Class L: Any motor-driven cycle with less than 150cc displacement.
- Class M: Any motorcycle or motor-driven cycle.

To obtain a motorcycle classification on your [Illinois] driver's license, you must pass a separate motorcycle examination (see pages 37-43). Drivers ages 16 and 17 also must successfully complete a motorcycle training course approved by the Illinois Department of Transportation (IDOT). They will have a J09 restriction on their license, which indicates that they are allowed to have the "M" classification. Persons age 18 and older who successfully complete an IDOT Motorcycle Rider Education Course are not required to pass a written or driving examination at a Driver Services facility. The IDOT course completion card is valid for one year.

Instruction Permits

Motor-Driven Cycle — Persons ages 16 and 17 who have successfully completed driver education and passed the motorcycle written test may apply for a 24-month [Illinois] instruction permit to operate a motor-driven cycle (under 150cc). The permit allows driving only during daylight hours, under the direct supervision of a licensed motor-driven cycle operator age 21 or older with at least one year of driving experience.

Motorcycle — Persons age 18 or older may apply for a 12-month [Illinois] instruction permit to operate a motorcycle other than a motor-driven cycle. The permit allows driving only during daylight hours, under the direct supervision of a licensed motorcycle operator age 21 or older with at least one year of driving experience. A 24-month instruction permit for a Class M license may be issued to an applicant under age 18 only after successful completion of an approved driver education course and successful completion of an IDOT Motorcycle Rider Education Course.

2022 Illinois Motorcycle Operator Manual, p. 2, available online at:
https://www.cyberdriveillinois.com/publications/pdf_publications/dsd_x140.pdf

Minnesota:

Minnesota Rules, part 7410.6420: Third-Party Tester Qualifications

Subp. 4. Motorcycle tester qualifications.

All third-party testers employed by a third-party testing program for a motorcycle endorsement must be currently certified as Motorcycle Safety Foundation instructors. An instructor must meet the certification standards specified for a rider coach in the Motorcycle Safety Foundation Basic Rider Course Curriculum Manual, 2001. The manual is incorporated by reference, is not subject to frequent change, and is available for viewing through the interlibrary loan system. A copy of this manual may be obtained from the Motorcycle Safety Foundation, 2 Jenner Street, Suite 150, Irvine, CA 92618-3806.

Minnesota Rules, part 7410.6380: Test Proof

The third-party testing program shall provide a record of examination, on a format obtained from or approved by the commissioner, to an individual who has passed a road test or skills test for a commercial motor vehicle license or endorsement, or motorcycle endorsement. The record of examination, which must be presented at the time of application for a commercial driver's license or endorsement or for a motorcycle endorsement, must specify that the individual has passed the required test or tests administered by the third-party testing program.

The Minnesota Office of Traffic Safety describes the state's motorcycle program as follows:

How Do I Earn a Motorcycle License Endorsement in Minnesota?

If You Are 18 or Older

1. **Use the Skills Test Waiver/Third Party Testing option.** If you are age 18 or older and have a valid Minnesota driver's license and motorcycle instruction permit, the riding skills test for your motorcycle endorsement will be waived if you successfully complete the Minnesota Motorcycle Safety Center (MMSC) Basic Rider Course (BRC). You must:
 - Pass the [Minnesota] state knowledge test for the motorcycle instruction permit (fee \$21). To study for the motorcycle permit test, read the Minnesota Motorcycle and Motorized Bicycle Manual.
 - Have your instruction permit before taking the BRC skills test. Expired permits are accepted if they have been expired for less than one year.
 - Successfully complete the BRC. This requires 100 percent attendance and you must pass the BRC skills test...

Source: <https://dps.mn.gov/divisions/ots/mmsc/motorcycle-license/Pages/default.aspx>

Michigan:

The Michigan administrative code related to its motorcycle instruction program may be found in Mich. Admin. Code R 257.1717: Standards. Like Wisconsin, Michigan uses the Motorcycle Safety Foundation's curriculum in its program and waives testing for persons who complete a basic rider course.

Mich. Admin. Code R 257.1717: Standards.

Rule 17. The national motorcycle safety foundation standards entitled "Motorcycle Rider Course", January, 1989, are adopted by reference in these rules. Copies of the standards may be obtained from the Motorcycle Safety Foundation, 2 Jenner Street, Suite 150, Irvine, California 92718-3800, at a cost of \$35.00 as of the time these rules are adopted. Copies are also available for inspection and distribution to the public at cost from the Michigan Department of Education, P.O. Box 30008, Lansing, Michigan 48909.

M.C.L.A. 257.312b. (2) Motorcycle endorsement; motorcycle safety course; examination; motorcycle driving skills test, knowledge test, and road sign test; waiver; 3-wheeled motorcycles; promulgation of rules; administration of driving skills test; prohibited conduct; penalties

(2) Before a person who is 18 years of age or older is issued an original motorcycle endorsement on an operator's or chauffeur's license, the person shall pass an examination ... The requirement of a written knowledge test, road sign test, and motorcycle driving skills test shall be waived for an applicant who has successfully completed a motorcycle safety course approved by the department as described in sections 811a and 811b...

The Michigan Secretary of State describes that state's motorcycle training program and licensing system as follows at <https://www.michigan.gov/sos/faqs/license-and-id/michigan-motorcycle-rider-education-program>. Basic rider course completion is mandated for persons under age 18. Skills test waivers are available to adults and military members who complete a motorcycle safety foundation basic rider course in Michigan or another state.

The Michigan Ridercoach program is described at <https://www.michigan.gov/sos/industry-services/mirep-sponsors-ridercoaches>. The qualification requirements are similar to those in this proposed rulemaking:

To become an MSF-certified RiderCoach [in Michigan] you must, at a minimum:

- Be 18 years of age or older
- Have a valid license with a motorcycle (CY) endorsement for a minimum of 1 year
- Have passed the Basic Rider Course (BRC) or the BRC2 within one calendar year before attending the RiderCoach Preparation Course
- Have no more than 6 points on your driving record for moving violations during the 12 months before applying for approval as a RiderCoach

[Michigan] RiderCoaches must complete and pass the RiderCoach Preparation Course (RCP). To enroll in an RCP, RiderCoach candidates must sign up with and be sponsored by a Michigan Department of State-approved MI-REP sponsor. RiderCoach candidates must attend 80 hours of classroom and range activity without missing a session and pass a riding skills and knowledge test. They will learn how to teach in the classroom and on the range and, as a final requirement, must successfully conduct a Basic Rider Course while under the supervision of a certified RiderCoach trainer.

Iowa:

Iowa also allows waiver of DMV tests for motorcycle operation if a driver has completed the Motorcycle Safety Foundation's basic rider course:

Iowa Admin. Code 761-635.2(321): Approved Course In Motorcycle Rider Education

...635.2(9) 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.

Iowa Admin. Code: 761-604.31(321) Driving test requirements and waivers for noncommercial driver's licenses.

604.31(2) Driving test waivers. The department may waive a required driving test listed in subrule 604.31(1) if the applicant meets one of the following qualifications:

a. The applicant has successfully completed the appropriate Iowa-approved course or courses. The appropriate Iowa-approved courses are the following: ... motorcycle rider education for a Class M driver's license or motorcycle endorsement; and motorized bicycle education for a motorized bicycle license. However, if an applicant is under the age of 18, a driving test is required if so requested by the applicant's parent, guardian, or instructor.

The Iowa administrative code sections cited may be found online at <https://www.legis.iowa.gov/docs/iac/agency/04-08-2020.761.pdf>.

The Iowa DOT describes the Iowa motorcycle rider education program as follows:

Motorcycle Rider Education

What is the Motorcycle Rider Education (MRE) Program?

Iowa has a quality Motorcycle Rider Education (MRE) Program administered by the Iowa DOT's Driver & Identification Services. Iowa's MRE Program teaches Basic Rider Course (BRC), the Basic Rider Course II (BRC II), and the Returning Rider Basic Rider Course (RRBRC) of the Motorcycle Safety Foundation (MSF). The BRC has a minimum of 15 hours of core instruction — five hours spent in the classroom in preparation for 10 hours of range activities. The BRC II has a minimum of five hours — most of which are spent on the range. The RRBRC combines elements of the BRC and BRC II, and is designed for riders who already possess basic skill but have not ridden for several years. You must successfully pass a knowledge test, as well as a skill test to receive a certificate of completion.

Basic skills taught include:

- *Mental preparedness.*
- *Perception development.*
- *Situational awareness.*
- *Risk evaluation & evasive strategies.*
- *Riding in a straight line.*
- *Turning.*
- *Shifting.*
- *Stopping.*

The next level of instruction is the application of these basic skills to on-street riding conditions.

Who teaches it?

Only Iowa-licensed, MSF-certified rider coaches teach the BRC and BRC II programs.

Who can or must take it?

Any person 14 years of age or older, whether licensed or not licensed for motorcycle, may take the course to learn, refresh or improve safe riding skills. The licensing skills test may be waived upon successful completion of the course.

Iowa Code section 321.180B requires any person under the age of 18 who wants a motorcycle license — valid for the operation of a motorcycle — to successfully complete the motorcycle rider education course before the motorcycle license will be issued.

Source: <https://iowadot.gov/mvd/motorcycle/motorcycle-rider-education>

8. Summary of Factual Data and Analytical Methodologies Used and How Any Related Findings Support the Regulatory Approach Chosen:

Section 85.30, Stats., charges the department with responsibility for creating a motorcycle, moped, and motor bicycle safety program. The statute requires that the program include operational skills training, safety education, and public awareness and such other elements as the department deems desirable. It also allows the department to make grants under this program for establishment of courses which further the aims of this program. The statute directs the department to adopt rules that implement the statute.

The basic goal of rider education classes is to improve motorcycle rider safety through experiential learning. Three types of learning are used to instruct students: safety principles, adult learning principles, and motor skill learning principles. The motorcycle safety course offered through the Motorcycle Safety Foundation is designed to maximize rider learning through these methods. Buche, Tim: *Developing the Motorcycle Safety Foundation Rider Education and Training System*, Motorcycle Safety Foundation (2004). https://msf-usa.org/wp-content/uploads/2021/07/BRC_3_pdf.pdf

The effectiveness of motorcycle knowledge and skills test training has been clear since the 1970s. McKnight, A. James and Kenard McPherson: *The development and evaluation of a motorcycle skill test, manual, and knowledge test: final report*. (1976) <https://catalog.hathitrust.org/Record/005467959> (page images at HathiTrust); McKnight, A. James and Brian G. Hilburn: *An evaluation of the modified motorcycle operator skill test exercises* / ([Washington, D.C.] : National Highway Traffic Safety Administration ; Springfield, Va. : Available through the National Technical Information Service, [1987]) <https://catalog.hathitrust.org/Record/102497571>; National Public Services Research Institute (U.S.), and United States. National Highway Traffic Safety Administration (page images at HathiTrust); McKnight, A. James and Brian G. Hilburn: *An evaluation of the modified motorcycle operator skill test exercises. Final report*. (1987) (page images at HathiTrust) <https://catalog.hathitrust.org/Record/005504141>.

The Motorcycle Safety Foundation's rider education and training system has been developed since the 1970s to utilize research relating to the effects of various types of training and research in the area of adult learning and coaching of physical skill development. Buche, Tim: *Developing the Motorcycle Safety Foundation Rider Education and Training System*, Motorcycle Safety Foundation (2004) <https://msf-usa.org/library/#reference-materials-link>. The department has utilized the Motorcycle Safety Foundation curriculum since the 1980s and found it to be effective.

The Motorcycle Safety Foundation's publication *Rider Education and Training System* (2017) <https://msf-usa.org/wp-content/uploads/2021/07/rr5-pdf.pdf> provides an excellent summary of the current rider course curriculum and objectives.

9. Analysis and Supporting Documents Used to Determine the Effect on Small Business or in Preparation of an Economic Impact Report:

The department distributed draft copies of this rule to members of the motorcycle community for review and comment and asked them specifically to comment on any items they felt might have an economic impact on small businesses. Many of the community members solicited work for or own small businesses that provide motorcycle instruction training or sell motorcycles. No concerns regarding any potential effects on small business were raised.

10. Effect on Small Business (initial regulatory flexibility analysis):

Implementation costs at the local level will be very minimal since training sites are already following the current curriculum provider's (Motorcycle Safety Foundation) guidelines when offering classes. Any procedures that need to occur at the state level are part of current practice and will not cost the Wisconsin Motorcycle Safety Program any additional funds. Monitoring of compliance is already taking place on a regular basis and will not need to be significantly adjusted to meet the guidelines of the updated administrative rule.

11. Agency Contact Person:

Sarah Langlois, Motorcycle Safety Program Coordinator
Hill Farms State Office Building
4822 Madison Yards Way
9th Floor South
Madison, WI 53707-7936.
DOTAdminRules@dot.wi.gov
(608) 709-0080

12. Place where comments are to be submitted and deadline for submission:

Written comments may be submitted at the public hearings, by regular mail, fax or email to:

Motorcycle Safety Program Coordinator
Attn: Trans 129 Comments
Hill Farms State Office Building
4822 Madison Yards Way, 9th Floor South
Madison, WI 53707-7936

Written comments may also be submitted to the Department of Transportation at via email directed to DOTAdminRules@dot.wi.gov and should include "Trans 129 Comments" in the subject line.

TEXT OF RULE

SECTION 1. Trans 129.01 (intro.), (2), and (4) are amended to read:

Trans 129.01 (intro.) Purpose and scope. The purpose of this chapter, as authorized by ss. 85.16 (1), 85.30, 227.11, 343.06 (1) (c), 343.07 (4) (b), ~~and 343.16 (1) (a), and 343.32 (4)~~, Stats., is as follows:

(2) To set standards for, and to establish the department's administrative interpretation with regard of statutes related to motorcycle instruction schools rider education providers and rider coaches.

(4) To implement the ~~Type 4~~ motorcycle, moped, and motor bicycle safety program under s. 85.30, Stats.

SECTION 2. Trans 129.01 (5) is created to read:

Trans 129.01 (5) To set standards for rider courses that qualify for demerit point reduction under s. 343.32 (4), Stats., and s. Trans 101.07 (1) (d).

SECTION 3. Trans 129.02 (2) is repealed and recreated to read:

Trans 129.02 (2) In this chapter:

(a) "Basic course for experienced riders" means a basic rider course in motorcycle safety intended for students with previous experience riding motorcycles, is provided by a motorcycle instruction school, meets the requirements of s. Trans 129.09 (2), and has been approved by the department.

(Note) The current curriculum provider in this state, the Motorcycle Safety Foundation, refers to this course as the "BRC2." The course teaches most of the elements of the basic rider course but does not include instruction on elements that experienced riders will already know, such clutch manipulation. All the same safety-related instruction is offered in this class as in the basic rider course. Both range and classroom training are part of this course.

(b) "Basic rider course" means a beginning course in motorcycle safety provided by a motorcycle instruction school that meets the requirements of s. Trans 129.09 (1) and has been approved by the department.

(c) "Curriculum provider" means the Motorcycle Safety Foundation for rider education classes offered in this state, or the organization that provides comparable motorcycle safety instruction in another jurisdiction that qualifies a person for a motorcycle skills test waiver under s. Trans 129.07.

(d) "Driver record" means the abstract of convictions and other information related to a driver maintained by the department in its computer database.

(e) "Person" has the meaning set forth in s. 990.01 (26), Stats., and includes schools and technical colleges.

(f) "Rider coach" means a person who provides motorcycle classroom or range training, or both.

(g) "Rider coach license" means a license issued under this chapter that authorizes an individual to conduct classes leading to a motorcycle skills test waiver or demerit point reduction.

(h) "Rider education provider" means a school that provides training on the operation of motorcycles.

(i) "Skills test" means an examination of a person's ability to exercise ordinary and reasonable control in the operation of a motorcycle.

SECTION 4. Trans 129.03 (title) is amended to read:

Trans 129.03 (title) Student requirements for skills test waiver.

SECTION 5. Trans 129.03 (1) (a) and (b) are repealed and recreated to read:

Trans 129.03 (1) (a) Have taken and passed a "Class M" knowledge test.

(b) Provide a basic rider course or basic course for experienced riders course completion card, unless the rider education provider electronically reported that the rider completed the course. A motorcycle skills test waiver shall be valid for one year from the date of rider course completion. If the course completion card or electronic notice of waiver eligibility indicates that the skills test for the course was completed on a 3-wheeled motorcycle, the person's Class "M" privilege shall be restricted to operation of 3-wheeled motorcycles. The 3-wheeled restriction may be removed by completion of a skills test on a 2-wheeled motorcycle conducted by the department or a licensed rider education provider.

SECTION 6. Trans 129.03 (2) is amended to read:

Trans 129.03 (2) A person who takes and fails a motorcycle skills test after completing a basic rider ~~education~~ education course or basic course for experienced riders is not eligible for the motorcycle skills test waiver, unless the person retakes and successfully completes another basic or experienced rider course.

SECTION 7. Trans 129.04 is repealed and recreated to read:

Trans 129.04 Rider course exemptions. A person is exempt from the rider course requirement under ss. 343.06 (1) (c), 343.07 (4) (b), or 343.16 (1) (a) 3., Stats., if any of the following apply:

(1) The person holds an operator's license, other than an instruction permit, that is valid or that is not expired by more than 4 years from another jurisdiction that authorizes the operation of a motorcycle.

(2) The person does not reside within 50 highway miles, by the most direct route, of a basic rider course site.

(3) The person is an applicant for a restricted license under s. 343.08, Stats., or for a special restricted license under s. 343.135, Stats.

SECTION 8. Trans 129.05 (intro.) and (2) are amended to read:

Trans 129.05 (intro.) Motorcycle instruction permits. The department may issue an instruction permit authorizing the operation of ~~Type 1~~ motorcycles to a person who is required to complete a basic rider course by s. 343.06 (1) (c), 343.07 (4) (b), or 343.16 (1) (a), Stats., if the person meets all of the following criteria:

(2) The person is enrolled in a basic rider course or basic course for experienced riders or is exempt from the requirement of attending a basic rider course under s. Trans 129.04.

SECTION 9. Trans 129.07 (2) (a) is amended to read:

Trans 129.07 (2) (a) The person shall present documentation satisfactory to the department that the person successfully completed a qualified motorcycle rider course offered by another jurisdiction, a U.S. government agency, or a military branch unless the training facility electronically reported completion to the department in the manner required by the department.

SECTION 10. Trans 129.07 (3) is created to read:

Trans 129.07 (3) The department must determine that out-of-state training is substantially similar to training offered in this state in order to be considered a qualified motorcycle rider course under sub. (2) (a).

SECTION 11. Trans 129.08 is repealed and recreated to read:

Trans 129.08 Rider education provider license.

(1) RIDER EDUCATION PROVIDER LICENSE REQUIRED. No person may conduct a rider education course as part of the waiver of skills test program or the demerit point reduction program unless the person holds a rider education provider license issued by the department.

(2) QUALIFICATION REQUIREMENTS. To qualify for a rider education provider license, a person shall submit a complete application to the department and shall meet all of the following requirements:

(a) Hold any license required.

(b) Offer a basic rider course, a basic course for experienced riders, or both.

(c) Require students to be present for all sessions of a course used to obtain a skills test waiver or demerit point reduction.

(d) File an activity report at least annually, no later than December 31 of each year or within 30 days of course completion if filing within 30 days is required under s. Trans 129.15 (6). The report shall contain all of the following:

1. Each student's full name.

2. Each student's driver license number, date of birth, address, and phone number.

3. Course completion date.
4. The reason any individual student did not complete the course.
5. Each student's skills test waiver number or other identifying number as determined by the department.
6. The rider coach's name, department-assigned coach number, and curriculum provider rider coach number.
7. The rider education provider's identification number.

(Note) Grant recipients who are rider education providers must file reports within 30 days of class completion. See s. Trans 129.15 (6).

(e) Allow only persons who are licensed as rider coaches under s. Trans 129.10 and have certification from the curriculum provider to teach classroom or range classes.

(f) Promptly input the student course completion information into the department's online driver education course information system in accordance with s. Trans 129.13 (1).

(3) ANNUAL REPORTS FILED ELECTRONICALLY. The report required under sub. (1) (d) shall be filed electronically or be made available in a manner specified by the department.

(4) (a) CANCELLATION, SUSPENSION, OR DENIAL OF RIDER EDUCATION PROVIDER LICENSES. A rider education provider license shall be suspended and may not be renewed for any of the following reasons:

1. False or misleading advertising.
2. Fraud.
3. Failure to meet standards set in this chapter.
4. Failure to follow department-approved curriculum.
5. Having an unsafe training facility.
6. Providing unsafe motorcycles for student or instructor use.
7. Guaranteeing the issuance of a license upon completion of the course.
8. The institution at which the program is offered closes or goes out of business.
9. Failure to permit or cooperate with audits, inspections, or reviews conducted under this chapter.
10. Permitting a person who does not hold a rider coach license or who is not certified by the curriculum provider to provide classroom or range instruction.
11. Failing to timely file reports under sub. (1) (d), 129.13 (1) or Trans 129.15 (6).

12. Failing to issue course completion cards to riders as required by s. Trans 129.13.

(b) A rider education provider may be reauthorized after cancellation, suspension, or nonrenewal when all of the following conditions have been met:

1. Any period of cancellation or suspension has been completed.

2. The rider education provider submits an application for reinstatement of the suspended, cancelled, or nonrenewed license.

3. The department is satisfied that the conditions which led to the cancellation, suspension, or nonrenewal have been corrected or no longer exist.

(5) RIDER EDUCATION PROVIDER LICENSE EXPIRATION.

(a) A rider education provider's license shall be valid for the same period as the school's authorization to provide instruction issued by the curriculum provider.

(b) Authorizations that exist as of the effective date of this rule [LRB insert date] shall remain valid and considered as licenses issued under this chapter until reviewed by the department or until 3 years from the effective date of this rule [LRB insert date], whichever occurs first. The department shall accept applications for renewal and review every applicant for the renewal of a license under this chapter to determine eligibility for licensing at least as frequently as the curriculum provider renews authorizations to provide instruction. The department may institute a method of selecting the date of review to establish a uniform rate of review.

(Note) A list of rider education providers and locations is available online at <https://wisconsindot.gov/Pages/dmv/motorcycles/mc-how-apply/training-loc.aspx>.

SECTION 12. Trans 129.09 (title), (1) (intro.), (a), (b), (d) (intro.), and 3. are amended to read:

Trans 129.09 (title) ~~Rider course~~ Course requirements.

(1) (intro.) BASIC RIDER COURSE REQUIREMENTS. A basic rider course shall adhere to the curriculum established for a basic rider course by the curriculum provider and approved for use by the department, and shall meet all of the following criteria:

(a) The course shall consist of at least 15 hours of instruction which includes pre-class assignments, if any, and both classroom and range instruction. ~~At least 50% of the total hours of instruction~~ Sufficient time shall consist of be dedicated to range instruction for students to develop skills in accordance with curriculum requirements. Classroom instruction shall be provided in accordance with sub. (4).

(b) All instruction shall be completed within a ~~90-day~~ 60-day time period.

(d) (intro.) At a minimum, range instruction shall be provided in 6 maneuvers, including the following:

3. Shifting, unless instructional vehicles are equipped with automatic transmissions.

SECTION 13. Trans 129.09 (1) (e) and (Note) are repealed.

SECTION 14. Trans 129.09 (1) (f) is renumbered Trans 129.09 (3) and is amended to read:

Trans 129.09 (3) Class size may not exceed 24 students in the classroom or 12 students on the range for the basic rider course or the experienced rider course.

SECTION 15. Trans 129.09 (1) (g) is repealed.

SECTION 16. Trans 129.09 (2) (intro.) and (a) are repealed and recreated to read:

Trans 129.09 (2) (intro.) BASIC COURSE FOR EXPERIENCED RIDERS COURSE REQUIREMENTS. A basic course for experienced riders shall adhere to the curriculum established for a course designated by the curriculum provider as a license waiver course for riders with sufficient riding skill and approved for use by the department, and shall meet all of the following criteria:

(a) The course shall consist of both classroom instruction and discussion, and range training. Sufficient time shall be dedicated to range instruction for students to develop skills in accordance with curriculum requirements. Classroom instruction shall be provided in accordance with sub. (4).

SECTION 17. Trans 129.09 (2) (b) is amended to read:

Trans 129.02 (2) (b) All instruction shall be completed within a ~~30-day~~ 60-day time period.

SECTION 18. Trans 129.09 (2) (e) is repealed and recreated to read:

Trans 129.09 (2) (e) A skills evaluation shall be conducted at the beginning of range training to assess an enrolled student's ability to handle a motorcycle at the level required for the range portion of the experienced rider course.

SECTION 19. Trans 129.09 (2) (f) is repealed.

SECTION 20. Trans 129.09 (2) (g), (4), (5), and (6) are created to read:

Trans 129.09 (2) (g) A knowledge test and a skills test approved by the department shall be conducted prior to the end of the course.

(4) CLASSROOM INSTRUCTION. Classroom instructors for the basic rider course and basic course for experienced riders shall teach material developed by the curriculum provider and Wisconsin-specific material approved by the department. Classroom instruction may be provided in full or in part by online programs that teach the department-approved curriculum. Classroom instruction shall be supplemented by discussion of relevant topics during the range portion of the class. Training provided in the classroom or online shall include a testing mechanism that evaluates student comprehension of the curriculum. Testing may accommodate learning disabilities, limited English proficiency, or medical conditions.

(5) RANGE INSTRUCTION. A rider coach may exclude students who, in a rider coach's opinion, demonstrate a lack of the skill, attention, or cooperation needed to safely complete the range portion of a course from

further participation in range exercises in that course. This shall not preclude the student from participating in range exercises in a rider course at another time or location.

(Note) Learning to ride a motorcycle is a physical skill. A person's learning abilities and physical coordination may affect the person's ability to master the skills involved. Because the skills used in earlier training exercises are fundamental and needed to complete later exercises, in the interest of safety, a rider coach may counsel a person to self-evaluate and possibly withdraw from range instruction. For example, a person who cannot master manipulation of the clutch and shifting a standard transmission in the class time allotted for learning that skill might prove a danger to other participants. The rider coach has authority, under this rule, to exclude a person from the remaining range exercises. Actions taken under this authority must be consistent with the standards and methodologies set forth in the Motorcycle Safety Foundation RiderCoach Guide. The Wisconsin attorney general approved incorporation of these standards by reference on **[LRB insert date]**, as required by s. 227.21 (2), Stats. Copies of these standards are available through the Wisconsin Motorcycle Safety Program State Administrator or the Legislative Reference Bureau.

(6) SKILLS AND KNOWLEDGE TESTING. All students shall be afforded an opportunity to participate in department-approved classroom knowledge and end-of-course range skills testing.

(a) Students shall successfully complete classroom knowledge testing to qualify for a demerit point reduction.

(b) Students shall successfully complete both classroom knowledge testing and end-of-course range skills testing to qualify for a skills test waiver.

SECTION 21. Trans 129.10 (title) is amended to read:

Trans 129.10 (title) Requirements for ~~instructors~~ rider coaches.

SECTION 22. Trans 129.10 (1) and (Note) are renumbered Trans 129.10 (1m) and (Note) and amended to read:

Trans 129.10 (1m) APPLICATION. ~~Instructors~~ Rider coaches seeking ~~authorization~~ a rider coach license to participate in the waiver of skills test program, demerit point reduction program, or both, shall complete and submit an application to the department on the department's form.

(Note) Application forms can be obtained from and should be submitted to the Department of Transportation, ~~Transportation Motorcycle Safety Programs Program, P. O. Box 7920, Room 551~~ 4822 Madison Yards Way, 9th Floor South, Madison, WI 53707-7920 53705, or via email to wmsp@dot.wi.gov. ~~You may also access~~ The form is available online at <http://www.dot.wisconsin.gov/forms/docs/mv3574.doc> <https://wisconsin.gov/Documents/formdocs/sp3574.pdf>.

SECTION 23. Trans 129.10 (2) is repealed and recreated to read:

Trans 129.10 (2) LICENSE ELIGIBILITY CRITERIA. A person may not be licensed as a rider coach unless the person meets the requirements of par. (a) or (b) and pars. (c) to (g), and the driver record requirements of sub. (3):

(a) The person has completed a rider coach preparation course in this state meeting the requirements of the curriculum provider.

(b) The person has completed a rider coach preparation course meeting the curriculum provider's requirements and approved by another jurisdiction, U.S. governmental agency, or a branch of the military, and has completed an out-of-state rider coach orientation course in this state or is authorized to grant skills test waivers in this state as of the effective date of this rule [LRB insert date]. To qualify under this paragraph, a person may be required to provide proof of completion of pre-course and course assignments from the rider coach preparation course the person attended.

(c) The person teaches 2 range and 2 classroom courses during each year of an authorization period.

(d) The person successfully completes a minimum of 6 hours of motorcycle rider education related professional development activity sponsored or approved by the department during each year subsequent to the year the person completes rider coach training described in par. (a) or (b).

(e) The person successfully completes all knowledge tests, all skill tests, and other evaluations required for rider coach certification.

(f) The person is certified as a rider coach by the curriculum provider.

(g) The person meets the background requirements for licensing under s. Trans 129.20.

(Note) Nothing in this rule prohibits a rider education provider or the curriculum provider from imposing more stringent driver record or background requirements upon instructors.

SECTION 24. Trans 129.10 (3) (intro.) and (a) are amended to read:

Trans 129.10 (3) (intro.) INSTRUCTOR DRIVER RECORD REQUIREMENTS. To be ~~authorized to instruct students in licensed as a rider education courses for the motorcycle skills test waiver or point reduction purposes, the instructor~~ coach, a person shall maintain a satisfactory driving record. A person's driving record may not be considered satisfactory under this subsection if that person:

(a) Has accumulated ~~more than 6 or more~~ 6 or more demerit points under s. 343.32 (2), Stats., during a one-year period, ~~as specified in this paragraph and sub. (4). The one year period, under this paragraph, shall commence from the date of the first violation which contributed to the accumulation of more than 6 demerit points~~ Demerit point reductions under s. Trans 101.07 may not be considered.

SECTION 25. Trans 129.10 (3) (am) is created to read:

Trans 129.10 (3) (am) Has been convicted of any of the following offenses in this state or of offenses in another jurisdiction that prohibit similar conduct as described in the other jurisdiction's laws:

1. Failure to perform duties required of a driver after an accident, such as stopping, exchanging driver information, or reporting an accident.
2. Fleeing or attempting to elude an officer, or knowingly resisting an officer by failing to stop a vehicle.

3. Operating a commercial vehicle with alcohol concentration of 0.04 or more but less than 0.1 and causing injury.
4. Operating while intoxicated and causing injury.
5. Operating while under influence of intoxicant or controlled substance, or with a prohibited alcohol concentration.
6. Racing on a public highway or engaging in a contest of speed or endurance.
7. Reckless driving.
8. Speeding 20 miles per hour or more in excess of lawful or posted speed.

(Note) The offenses described would all be 6-point offenses if committed in this state. See s. Trans 101.02 (1). There is no requirement that the other jurisdiction's statute strictly conform to Wisconsin's, only that it prohibits similar conduct. Variations in language from that used in Wisconsin statutes is expected and will not render a violation dissimilar. The department considers the type of conduct prohibited by the other jurisdiction's law, not the particular conduct committed by the licensee.

SECTION 26. Trans 129.10 (3) (b) is amended to read:

Trans 129.10 (3) (b) Has been involved in 2 or more accidents in the preceding year and the accident report for more than one accident indicates that the person may have been causally negligent.

SECTION 27. Trans 129.10 (3) (c) (Note) is created to read:

Trans 129.10 (3) (c) (Note) Nothing in this rule prohibits a rider education provider or the curriculum provider from imposing more stringent driver record or background requirements upon rider coaches.

SECTION 28. Trans 129.10 (4) and (5) are repealed and recreated to read:

Trans 129.10 (4) ONGOING CONDUCT REQUIREMENTS. A rider coach shall:

- (a) Conduct rider courses and programs at authorized training sites, in conjunction with an approved rider education provider, and in a manner that meets the standards required by the curriculum provider.
- (b) Maintain a low risk and positive learning environment for all students.
- (c) Follow riding practices consistent with the curriculum provider's teachings.
- (d) Operate a motorcycle on a frequent, routine basis during the riding season.
- (e) Ride, drive, and teach classes free of alcohol, cannabis, opioids, and other drugs that cause impairment.
- (f) Wear protective gear when riding to, from, and during on-cycle rider training activities.

(g) Complete rider coach or rider coach trainer professional development in addition to training required for initial licensure under this chapter if required by the curriculum provider or the department.

(h) Exhibit professional conduct, including having an appropriate appearance, using appropriate language, exhibiting positive verbal and written messages, and engaging in positive interaction with others that is free from intimidation or threat.

(i) Provide each student who successfully completes a rider course a course completion card. If the rider used a 3-wheel vehicle on the range portion of the course, provide a notation that the course was completed on a 3-wheels vehicle on the course completion card.

(5) INELIGIBILITY FOR AND SUSPENSION OF RIDER COACH LICENSE.

(a) The department shall suspend the license of or deny an application for a rider coach license for a person who does not meet the license eligibility criteria of sub. (2), whose driver record does not meet the requirements of sub. (3), or who does not meet the conduct requirements of sub. (4).

1. A person whose license is suspended because the person does not meet the licensing criteria of sub. (2) may reapply for a rider coach license or apply to apply to reinstate a suspended rider coach license when the person is eligible licensing under sub. (2).

2. A person whose license is suspended because the person failed to meet the driver record requirements of sub. (3) may reapply for a rider coach license or apply to reinstate a suspended rider coach license one year from the conviction date for the latest offense that led to imposition of the suspension under sub. (3), or the date that offense was reported to department as required by s. Trans 129.23, whichever is later.

3. A person whose license is suspended because the person failed to meet the conduct requirements of sub. (4) shall be eligible to reinstate the suspended rider coach license at the end of the suspension period.

4. A person whose license is suspended for any combination of the reasons specified in subd. 1. to 3. shall be eligible to reinstate the suspended rider coach license at the end of all of the suspension periods.

(b) The department shall suspend the license of a person whose authorization or certification to teach a curriculum is cancelled, suspended, revoked, or otherwise withdrawn by a curriculum provider. The person may reapply for or reinstate a rider coach license when the person is reauthorized to conduct training by the curriculum provider.

(c) No person may act as a classroom or range instructor at a school that issues skill test waivers or demerit point reductions if the person's rider coach license is cancelled or suspended.

(Note) See s. Trans 129.08 (1) (e).

(d) Rider coaches may be evaluated from time to time by the department. If the department evaluates a rider coach and determines that the individual is in need of training, the department may require the rider coach to participate in a training program and may cancel that rider coach's license if the individual does not complete the required training in a timely manner.

SECTION 29. Trans 129.10 (6), (7), and (8) are created to read:

Trans 129.10 (6) RIDER COACH LICENSES.

(a) The department shall assign all licensed rider coaches a rider coach number.

(b) A rider coach license shall be valid through the same date as the authorization the person receives from the curriculum provider to conduct motorcycle rider classes, unless the authorization from the curriculum provider is cancelled or suspended.

(Note) The intent of this provision is to reduce administrative burdens on rider coaches by having all reauthorization activities by the department and the curriculum provider coincide.

(c) The department shall evaluate each rider coach's qualifications under this section at least once during each license period and shall take action as required under sub. (5) if the evaluation concludes that the rider coach is ineligible to be licensed.

(7) RIDER COACH TRAINING QUALIFICATION. To develop and maintain a state-wide pool of motorcycle rider coaches, the department may manage enrollment into department-sponsored motorcycle rider coach instruction classes in any of the following manners:

(a) Exclude applicants from rider coach training classes who are not sponsored by a rider education provider.

(b) Grant preference to persons who are applying to become rider coaches in parts of the state where additional instructors are needed.

(c) Exclude applicants who do not meet the background or driver record qualification requirements for a motorcycle rider coach.

(d) Interview and select rider coach applicants who the interviewing panel concludes are most likely to succeed as motorcycle rider coaches.

(e) Limit the number of persons it will enroll in rider coach training classes if the number of applicants exceeds the number of available student positions in the department-sponsored rider coach training class.

(8) RIDER COACH TRAINERS. The department may maintain a list of rider coach trainers who are certified by the curriculum provider as rider coach trainers, and who undergo all training and evaluations required to maintain that certification. Rider coach trainers shall be subject to the requirements of subs. (2) and (3) and hold a rider coach license. Only certified rider coach trainers may provide rider coach preparation courses or orientations.

(Note) Persons trained in other jurisdictions, or via training by the military or a federal agency may qualify as instructors under sub. (2) (b).

SECTION 30. Trans 129.11 (1) (a) is amended to read:

Trans 129.11 (1) (a) An on-site inspection of the ~~basic~~ rider course program by a ~~Wisconsin motorcycle program chief instructor or other~~ personnel authorized by the department.

SECTION 31. Trans 129.11 (1) (c) is created to read:

Trans 129.11 (1) (c) Evaluation of the facilities and instruction for compliance with statutory requirements and these rules, and in a manner consistent with evaluation criteria specified by the curriculum provider.

SECTION 32. Trans 129.11 (2) is amended to read:

Trans 129.11 (2) An ~~on-site~~ evaluation may not be conducted by a person who teaches at ~~that~~ or is employed by the site that is subject to the evaluation.

SECTION 33. Trans 129.12 (title) is amended to read:

Trans 129.12 (title) ~~Cancellation~~ Hearing following cancellation, suspension, or denial of department approval licenses.

SECTION 34. Trans 129.12 (1) is repealed.

SECTION 35. Trans 129.12 (3) is amended to read:

Trans 129.12 (3) A person adversely affected by a cancellation, suspension, or refusal to issue or renew an authorization made under sub. (1) (a) to (i) a license issued under this chapter may request a hearing before the department to review the cancellation, suspension, or nonrenewal. A request for hearing shall be made in writing and shall be filed with the department within 30 days of the date of the notice of cancellation or suspension or notice that the person's ~~authorization~~ license may not be renewed or is denied. If the department receives a request for hearing which satisfies the requirements of this subsection, the department shall conduct a prompt informal hearing within 15 days after receiving the request. If the matter is not resolved after an informal hearing is completed, the person adversely affected by the ~~cancellation~~ department's licensing action may request a full evidentiary hearing before the department, pursuant to ch. 227, Stats. A request for hearing shall be in writing and shall be filed with the department within 30 days after the completion of the informal hearing. A request for an informal or a full evidentiary hearing does not stay the effect of a suspension, cancellation, denial, or nonrenewal, unless the suspension, cancellation, denial, or nonrenewal is expressly stayed in writing by the department.

SECTION 36. Trans 129.13 is repealed and recreated to read:

Trans 129.13 Student participation reports and course completion cards.

(1) A rider education provider shall report all of the following to the department within 48 hours of completion of a rider education class for each student through the department's online driver education course information system:

(a) The name of the rider coach who taught the course attended by the student.

- (b) Whether the student took the skills test on a 3-wheeled vehicle.
 - (c) The student's score on the course exam.
 - (d) The student's operator's license number.
 - (e) Whether the person qualifies for and has requested a skill test waiver.
 - (f) If department computer systems are modified to permit electronic reporting of demerit point reduction qualification, whether the person qualifies for and has requested a demerit point reduction.
 - (g) The date the student completed the course.
- (2) No report shall be required for a student who fails the skills test unless department electronic reporting systems will accept reports of failed skills tests.
- (3) A rider coach shall complete a course completion card issued by the curriculum provider and provide the card to the student upon the student's successful completion of a basic rider course or a basic course for experienced riders. If the rider took the course or skills test on a 3-wheel vehicle, the rider coach shall indicate that fact on any course completion card provided to the student.
- (4) Rider coaches may not issue a course completion card to, nor report eligibility for a waiver for, a person who completed a basic rider course or rider course for experienced riders in another state or at a different school than the school at which the coach provides instruction.

(Note) Successful completion of the course includes passing skills and knowledge tests required by s. Trans 129.09 (5). Riders should obtain course completion card from the site that provided instruction and provide that form, or proof of course completion in another state, to the division of motor vehicles when the student applies for a "Class M" endorsement in Wisconsin. See s. Trans 129.07 (2) (a). Because of the different skills required for 2-wheel motorcycles and 3-wheel motorcycles, the department restricts a rider's "Class M" operating privilege who take DMV tests or who take rider courses on 3-wheeled vehicles to 3-wheeled motorcycle operation.

SECTION 37. Trans 129.15 (1) (Note), (2) (b) 4., (c) 1., and 4. are amended to read:

Trans 129.15 (1) (Note) Application and grant contract ~~forms are information~~ is available from the Department of Transportation, Bureau of Transportation Safety, ~~P.O. Box 7936~~, Motorcycle Safety Program, 4822 Madison Yards Way, Madison, Wisconsin 53707 or via email sent to wmsp@dot.wi.gov.

(2) (b) 4. Give priority to funding basic rider courses ~~over~~ and basic courses for experienced rider riders over other courses.

(c) 1. Meets the requirements of s. Trans 129.09 ~~(1) or (2)~~.

4. Has enough authorized ~~instructors~~ rider coaches available to teach proposed classes.

SECTION 38. Trans 129.15 (1) (c) 6. is repealed.

SECTION 39. Trans 129.15 (3) (d) is amended to read:

Trans 129.15 (3) (d) The ~~course instructor~~ rider coach has been authorized to provide rider training by the department under s. Trans 129.09.

SECTION 40. Trans 129.15 (3) (g) is created to read:

Trans 129.15 (3) (g) All participants wear full or three-quarter helmets during range portions of the course.

SECTION 41. Trans 129.15 (4) (b) and (Note), (5), and (7) are amended to read:

Trans 129.15 (4) (b) For purposes of this subsection, "actual course cost" means allowable costs under Office of Management and Budget Circular No. A-87, Cost Principles for State, Local and Indian Tribal Governments, dated May 4, 1995 2 CFR part 200.

(Note) The intent of this section is that courses be funded 70% by ~~state money government monies~~ and 30% by student fees to encourage student commitment. ~~OMB Circular No. A-87 was published in the Federal Register for May 17, 1995, (Volume 60, Number 95) Pages 26483-26507. Copies may be obtained from the State Law Library Reference Department, P.O. Box 7881, Madison, WI 53707-7881, (800) 322-9755 or (608) 267-9696. The library does charge for photocopying. Copies are also on file with the Attorney General's office and the Legislative Reference Bureau~~ Compliance with 2 CFR part 200 is required as part of using federal grants or monies to fund this program. 2 CFR part 200 is available online at <https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200>.

(5) AUDITS. The grant recipient shall be required to keep accurate records of the use of grant money, curricula, names of ~~instructors~~ rider coaches and students, attendance, and the names of students who successfully complete a course for 5 years. The department may periodically audit these records.

(7) INSTRUCTORS RIDER COACHES.

(a) If necessary to ensure the existence of a sufficient number of trained rider coaches, the department may contract with qualified ~~chief instructors~~ rider coach trainers to provide ~~instructor~~ rider coach training. Rider coach trainers must be certified by the curriculum provider and must undergo all training and evaluations required to maintain that certification. Rider coach trainers shall be subject to the requirements of s. Trans 129.10 (2) and (3) and hold a rider coach license.

(b) If there is a need for ~~instructors~~ rider coaches, the department may reimburse the training costs of approved persons. Reimbursement may cover all or part of tuition, course material, meals, lodging, and any pre-approved additional expenses. The department may reimburse ~~50% of these costs after~~ to a new rider coach upon successful completion of the training, and may reimburse the remaining 50% after the newly trained instructor rider coach has taught an 2 entire riding course rider education courses. If costs are less than \$100 in claimed expenses, the entire amount may be paid after the newly trained instructor has taught an entire riding course.

SECTION 42. Trans 129.15 (8) and (Note) are created to read:

Trans 129.15 (8) NONDISCRIMINATION. To be eligible for funding under a grant, the grant recipient shall not discriminate against any persons on the basis of race, color, national origin, sex, age, disability, low income, or limited English proficiency.

(Note) Because the department is a recipient of federal monies, all of its programs, including the motorcycle safety program, are subject to the requirements of Title VI of the Civil Rights Act of 1964. See 49 CFR part 21.

SECTION 43. Trans 129.16 is amended to read:

Trans 129.16 Public awareness programs. The department shall aid other organizations in the promotion of ~~Type 4~~ motorcycle safety by furnishing them with educational and informational materials for display and distribution. The department may contract with ~~certified instructors~~ licensed rider coaches to provide services and programs related to public awareness of ~~Type 4~~ motorcycle safety.

SECTION 44. Trans 129.17 is amended to read:

Trans 129.17 Safety education. The department may conduct public workshops, rallies, and programs to cover ~~Type 4~~ motorcycle, moped, and motor bicycle safety-related topics such as alcohol and drug abuse, the use of proper personal protective gear, proper licensing, and improved driving techniques.

SECTION 45. Trans 129.18 is amended to read:

Trans 129.18 Improved testing. The department may allocate funds to improve the testing of applicants for ~~Type 4~~ motorcycle, moped, and motor bicycle endorsements or licenses. The amount allocated may be made available to the division of motor vehicles to use for training or the purchasing of equipment.

SECTION 46. Trans 129.19 (1) is renumbered Trans 129.10 (1) and amended to read:

Trans 129.10 (1) RIDER COACH LICENSE REQUIREMENT. A person providing training on the operation of ~~Type 4~~ motorcycles for ~~compensation~~ motorcycle skills test waiver purposes or for demerit point reduction purposes shall be licensed as a rider coach.

SECTION 47. Trans 129.19 (2) is repealed.

SECTION 48. Trans 129.20 (title), (1), (2) (intro.), (3) (intro.), (4) (intro.), and (5) (intro.) are amended to read:

Trans 129.20 (title) Fitness for rider education school or ~~instructor~~ rider coach license.

(1) For the purpose of determining the fitness of a person to hold a rider education school or ~~instructor~~ rider coach license, the department shall consider all relevant arrests and convictions and make such further examinations and checks as it determines are necessary.

(2) (intro.) ~~The~~ Subject to ss. 111.321, 111.322 and 111.335, Stats., the department may not issue or renew a rider education school or ~~instructor~~ rider coach license to any person who, during the person's lifetime, was convicted of any of the following state laws; any local ordinance in conformity with any of

the following state laws; or any federal law or law of a federally recognized American Indian tribe or band in this state or law of another jurisdiction that would be a violation of any of the following state laws if the person had committed the offense in this state and been convicted of the offense under the laws of this state:

(3) (intro.) ~~The Subject~~ to ss. 111.321, 111.322 and 111.335, Stats., ~~the~~ department may not issue or renew a rider education school or ~~instructor~~ rider coach license to any person who, within the past 10 years immediately preceding the date of application, was convicted of any of the following state laws; any local ordinance in conformity with any of the following state laws; or any federal law or law of a federally recognized American Indian tribe or band in this state or law of another jurisdiction that would be a violation of any of the following state laws if the person had committed the offense in this state and been convicted of the offense under the laws of this state:

(4) (intro.) ~~The Subject~~ to ss. 111.321, 111.322 and 111.335, Stats., ~~the~~ department may not issue or renew a rider education school or ~~instructor~~ rider coach license to any person who, within the past 5 years immediately preceding the date of application, was convicted of any of the following state laws; any local ordinance in conformity with any of the following state laws; or any federal law or law of a federally recognized American Indian tribe or band in this state or law of another jurisdiction that would be a violation of any of the following state laws if the person had committed the offense in this state and been convicted of the offense under the laws of this state:

(5) (intro.) ~~The Subject~~ to ss. 111.321, 111.322 and 111.335, Stats., ~~the~~ department may not issue or renew a rider education school or ~~instructor~~ rider coach license to any person who, within the past 2 years immediately preceding the date of application, was convicted of any of the following state laws; any local ordinance in conformity with any of the following state laws; or any federal law or law of a federally recognized American Indian tribe or band in this state or law of another jurisdiction that would be a violation of any of the following state laws if the person had committed the offense in this state and been convicted of the offense under the laws of this state:

SECTION 49. Trans 129.21 (1) (intro.) is amended to read:

Trans 129.21 (1) (intro.) A ~~commercial~~ rider education provider shall do all of the following:

SECTION 50. Trans 129.21 (1) (b) is repealed.

SECTION 51. Trans 129.21 (2) (intro.) is amended to read:

Trans 129.21 (2) (intro.) The ~~school~~ rider education provider shall obtain a surety bond or provide an acceptable alternative based on size- in accordance with the following table:

SECTION 52. Trans 129.21 (3) is repealed and recreated to read:

Trans 129.21 (3) The surety bond shall allow students to apply to the bond company for reimbursement of monies advanced for rider courses if the obligations of the rider course provider to provide instruction sufficient to qualify successful students for a skill test waiver or demerit point reduction are not met.

SECTION 53. Trans 129.21 (4) (Note) is created to read:

Trans 129.21 (4) (Note) The motorcycle rider education provider bond form is available online at <https://wisconsindot.gov/Documents/formdocs/mv3765.pdf>.

SECTION 54. Trans 129.22 is amended to read:

Trans 129.22 Cooperative rider education testing program. The department may enter into a cooperative driver testing agreement with a ~~basic rider course~~ education provider to conduct knowledge tests as permitted by s. 343.16 (1) (c), Stats. A ~~basic rider~~ education provider may administer the knowledge and highway signs tests to students who are ~~currently~~ enrolled in a motorcycle rider education course.

SECTION 55. Trans 129.23 is created to read:

Trans 129.23 (title) Reporting convictions and activities inconsistent with rider coaching.

(1) (intro.) A person shall file a written report of any of the following events within 7 days of the event to the department in the manner specified in sub. (2) and to all other persons for whom the person conducts motorcycle rider training:

(a) The person is convicted of any offense described in s. Trans 129.20.

(b) The person accumulates 6 or more demerit points in the manner specified in s. Trans 129.10 (3) (a).

(c) The person is involved in 2 or more accidents in any one-year period for which accident reports indicate the person may have been negligent as described in s. Trans 129.10 (3) (b).

(d) The person has their operator's license revoked or suspended for a traffic violation other than a parking violation, failure to pay a forfeiture, or other debt of any type.

(2) The person shall make the written report to the department's Wisconsin Motorcycle Safety Program in writing or via electronic transmission in the manner directed by the department.

(Note) Currently, persons are directed to provide notice in writing to Wisconsin Motorcycle Safety Program, 4822 Madison Yards Way, 9th Floor South, Madison, WI 53707, or via email addressed to wmsp@dot.wi.gov.

(3) A report under sub. (1) shall report the name, driver license number, and authorization number of the person and describe the event reported.

(4) Failure to timely report an event under sub. (1) in the manner required by sub. (2) may result in cancellation of the person's rider coach license and license ineligibility for a period of up to 1 year consecutive to any suspension or cancellation of the rider coach license imposed under this chapter as a consequence of that event.

(5) A rider school shall file a written report with the department's Wisconsin Motorcycle Safety Program in the manner directed by the department within 7 days of learning of a rider coach employed by the school being involved in any of the events described in sub. (1).

(Note) Currently, rider schools are directed to provide notice in writing to Wisconsin Motorcycle Safety Program, 4822 Madison Yards Way, 9th Floor South, Madison, WI 53707, or via email addressed to wmsp@dot.wi.gov.

SECTION 56. EFFECTIVE DATE. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro.), Stats.

(END OF RULE TEXT)

Signed this ____ day of _____ 2023.

Craig Thompson
Secretary
State of Wisconsin Department of Transportation