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TITLE 247 - DEPARTMENT OF MOTOR VEHICLES
CHAPTER 6 - REIMBURSABLE MOTORCYCLE SAFETY EDUCATION PROGRAM

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001 General Provisions

001.01 Statutory Authority. Section 60-2139 of the Revised Statutes of Nebraska (1986 Cum. Supp.) requires the Department of Motor Vehicles to adopt rules and regulations for the administration and enforcement of the Motorcycle Safety Education Act.

001.02 Scope. Any school, business, or organization teaching a basic or advanced motorcycle safety education course in Nebraska shall be eligible for full or partial reimbursement for the cost of teaching such course if it has been conducted in accordance with the provisions of this rule and applicable state statutes.

002 Definitions of Terms as Used in the Rule

002.01 **Approved Motorcycle Safety Course** - The term shall mean a basic or advanced course of instruction for motorcycle operators approved by the Department of Motor Vehicles as meeting the minimum requirements established under Neb. Rev. Stat. section 60-2125 and these regulations.

002.02 **Approved Motorcycle Safety Chief Instructor** - The term shall mean a person who has been issued a permit by the Department of Motor Vehicles to conduct motorcycle safety education instructor preparation courses and motorcycle safety education instructor updates and teach an approved basic or advanced motorcycle safety education course.

002.03 **Approved Motorcycle Safety Instructor** - The term shall mean a person who has been issued a permit by the Department of Motor Vehicles to teach an approved basic or advanced motorcycle safety education course.

002.04 **Course Administrator** - The term shall mean the person in charge of administering the motorcycle safety education program within the school, business, or organization.

002.05 **Department** - The term shall mean the Department of Motor Vehicles.

APPROVED
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ATTORNEY GENERAL
BY Y. E. Yates
Assistant Attorney General
DATE 6 January 1987

APPROVED:
Date 3-9-87
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Director

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002.06 **Director** - The term shall mean the Director of the Department of Motor Vehicles..

002.07 **Experienced Instructor** - The term shall mean an approved motorcycle safety instructor who has assisted in instructing a minimum of three motorcycle safety courses.

002.08 **Full Protective Riding Apparel** - The term shall mean gloves, over-the-ankle footwear, long-sleeved shirt/jacket, long pants and helmet.

002.09 **Laboratory Instruction** - The term shall mean actual riding experience on the motorcycle off the road.

002.10 **Novice Instructor** - The term shall mean an approved motorcycle safety instructor who has not assisted in at least three motorcycle safety courses.

002.11 **Permit** - The term shall mean a credential issued by the Director to a person who has met at least the minimum requirements established under Neb. Rev. Stat. sections 60-2127 and 60-2129 and these regulations.

002.12 **Proof of Adequate Insurance Coverage** - The term shall mean a copy of an insurance policy or binder indicating the company insuring the motorcycle safety education course, the organization for whom the insurance coverage is provided and the specific coverage and limits of liability.

002.13 **State** - The term shall mean a state, territory or possession of the United States, the District of Columbia, Commonwealth of Puerto Rico, Provinces of Canada or other countries.

003 Approval of a Motorcycle Safety Education Course

003.01 A school, business, or organization seeking approval to offer a reimbursable basic or advanced motorcycle safety education course shall make application for such approval on a form provided by the Department prior to offering the course and/or program and shall not commence the course and/or program until approval

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from the Department has been obtained. The school, business or organization shall attach to the application an outline of the course being offered and proof of adequate insurance coverage to protect the sponsoring agency, the instructors, the students and the motorcycle dealers.

003.02 The basic course shall provide for at least fourteen hours of instruction, divided as follows: at least six hours of classroom instruction and at least eight hours of laboratory instruction .

003.02A The course shall be scheduled so that the classroom and laboratory instruction is in an integrated and correlated sequence with the laboratory driving experience for a particular unit of instruction following the relevant classroom instruction for that unit.

003.02B The course shall include at least the following topics of study: location of the controls and pre-ride procedures; balance and control of the vehicle; riding skills and evasive maneuvers; safety equipment and procedures; and, effects of alcohol and drugs while operating a motorcycle.

003.03 The advanced course shall provide for at least six hours of coordinated classroom and laboratory instruction and driving experience specifically designed for the experienced motorcycle operator.

003.03A The course shall include at least the following topics of study: street riding strategies; advanced braking and turning; special riding situations; effects of alcohol and drugs while operating a motorcycle; and safety equipment and procedures.

003.04 All students and all instructors shall wear full protective riding apparel at all times while on a moving motorcycle during instruction time.

003.05 The student-instructor ratio shall not exceed 24 to 1 in the classroom instruction unless special permission is granted by the Department for a greater ratio and the student-instructor ratio shall not exceed 6 to 1 for the novice instructor and 8 to 1 for the experienced instructor in the laboratory instruction. During the laboratory instruction the maximum number of motorcycles shall be no greater than twelve.

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004 Minimum Requirements for Motorcycle Safety Instructors

004.01 The applicant shall have a high school diploma or equivalent education.

004.02 The applicant shall have a valid motorcycle operator's license or a valid motor vehicle operator's license which has endorsed thereon the authorization to operate a motorcycle issued by any state.

004.03 The applicant shall have had a valid motorcycle operator's license or valid motor vehicle operator's license which has enclosed thereon the authorization to operate a motorcycle for a minimum of two years.

004.04 During the preceding two year period from the date of application the applicant must not have accumulated six or more points on his/her driving record (if the driving record presented by the applicant is from another State, the violation and point assessment will be interpreted under Nebraska Statutes and, if the applicant has been placed on probation for any violation in any state the points will be interpreted as if the probation had not been granted); or put on probation for driving while intoxicated or driving under the influence of alcoholic liquor or of any drug; or have had a suspended or revoked license in any state.

004.05 The applicant shall have successfully completed an approved motorcycle safety instructor's preparation course with a minimum of fifty hours.

004.06 The applicant shall hold a current Motorcycle Safety Education Instructor's Permit issued by the Director.

004.07 The applicant shall not have been convicted of a felony nor have pleaded no contest to the same in the immediately preceding ten year period.

004.08 If the certification requirements are comparable to the requirements in this state, a person currently certified as a motorcycle safety instructor by another state or recognized accrediting organization may be issued a motorcycle safety instructor's permit by the department without having to take the course referenced in 004.05.

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005 Motorcycle Safety Instructors' Preparation Course

005.01 The Motorcycle Safety Instructors' Preparation Course shall have been approved by the Department.

005.02 The Motorcycle Safety Instructors' Preparation Course shall require at least fifty hours of instruction, at least ten of which are devoted to laboratory instruction.

006 Minimum Requirements for Motorcycle Safety Chief Instructors

006.01 The applicant shall have a high school diploma or equivalent education.

006.02 The applicant shall have a valid motorcycle operator's license or a valid motor vehicle operator's license which has endorsed thereon the authorization to operate a motorcycle issued by any state.

006.03 The applicant shall have had a valid motorcycle operator's license or a valid motor vehicle operator's license which has endorsed thereon the authorization to operate a motorcycle for a minimum of five years with substantial riding experience.

006.04 During the preceding two year period from the date of application the applicant must not have accumulated six or more points on his/her driving record (if the driving record presented by the applicant is from another State, the violation and point assessment will be interpreted under Nebraska Statutes and, if the applicant has been placed on probation for any violation in any State the points will be interpreted as if the probation had not been granted); or put on probation for driving while intoxicated or driving under the influence of alcoholic liquor or of any drug; or have had a suspended or revoked license in any state.

006.05 The applicant shall hold a current Motorcycle Safety Education Instructor's Permit issued by the Department and be actively conducting motorcycle safety courses.

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006.06 The applicant shall have successfully completed the Motorcycle Safety Foundation's Chief Instructor Course consisting of one hundred hours of classroom, laboratory and teaching experiences.

006.07 The applicant shall not have been convicted of a felony nor have pleaded no contest to the same in the immediately preceding ten year period.

006.08 If the certification requirements are comparable to the requirements in this state a person currently certified as a chief instructor by another state or recognized accrediting organization may be issued a chief instructor's permit by the department without having to retake the training referenced in 006.06.

007 Issuance, Renewal, Denial and Term of Motorcycle Safety Instructor's Permit and Motorcycle Safety Chief Instructor's Permit

007.01 An applicant for an initial Motorcycle Safety Instructor's Permit shall:

007.01A Meet all requirements under 004 above.

007.01B Make application on a Motorcycle Safety Education Instructor Form provided by the Department.

007.01C Submit a non-refundable fee of five dollars with the application.

007.02 An applicant for an initial Motorcycle Safety Chief Instructor's Permit shall:

007.02A Meet all requirements under 006 above.

007.02B Make application on a Motorcycle Safety Education Chief Instructor Form provided by the Department.

007.02C Submit a non-refundable fee of five dollars with the application.

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007.03 The permits shall be valid for three years from date of issuance unless cancelled, suspended, or revoked by the Director.

007.04 An applicant for renewal of the Motorcycle Safety Instructor's Permit or Motorcycle Safety Chief Instructor's Permit shall be entitled to renew the permit if the following are met:

007.04A Application is made on a Motorcycle Safety Education Instructor Application Form or Motorcycle Safety Education Chief Instructor Application Form provided by the Department.

007.04B Application is accompanied by a non-refundable fee of five dollars.

007.04C Application is made on or before the expiration of currently held permit. If the previous permit has expired, no renewal is possible, initial issuance procedures must be observed, unless the Motorcycle Safety Foundation (MSF) has recertified the applicant's MSF Instructor's Permit.

007.04D The instructor must have taught at least three courses during the preceding three-year period and the chief instructor shall have conducted at least three instructor preparation courses or instructor updates during the preceding three-year period.

007.04E The instructor shall have attended at least one instructor's workshop approved by the Department during the preceding three-year period, and the chief instructor shall have attended at least one chief instructor's workshop approved by the Motorcycle Safety Foundation during the preceding three-year period.

007.04F The instructor's operator's license shall not have been suspended or revoked at any time during the immediately preceding two-year period.

007.04G If the instructor wishes to renew his/her permit but has not met the requirements of 007.04A through 007.04F, the instructor shall be required to retake the instructor course unless the Motorcycle Safety Foundation (MSF) has recertified the applicant's MSF Instructor's Permit.

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007.05 The Director shall, as applicable, cancel, suspend, revoke, or refuse to issue or renew a motorcycle safety instructor's permit or motorcycle safety chief instructor's permit if it is found that the permittee has not complied with or has violated any part of these regulations.

007.06 A suspended or revoked permit shall be returned to the Director by the permittee.

007.07 A person whose permit has been canceled, suspended or revoked under 007.05 above shall not be eligible to reapply for a permit until twelve months have elapsed since the date of the suspension or revocation.

007.08 If an instructor or chief instructor is convicted of a felony or pleads no contest to a felony charge his/her permit shall be revoked effective immediately from the date of conviction or entry of plea of no contest. The instructor or chief instructor shall notify the Department in writing of the conviction or plea within thirty days of the conviction or plea and surrender the permit.

007.09 Any appeal of a decision or an action taken by the Director to cancel, suspend, revoke, or refuse to issue a permit shall comply with section 60-420.

008 Eligibility and Process for Reimbursement, Including Rate and Possible Proration

008.01 A school, business, or organization shall be eligible for full or partial reimbursement for the cost of teaching an approved basic or advanced motorcycle safety education course if the following are met:

008.01A The instructor or instructors teaching such course must hold a current Nebraska Motorcycle Safety Instructor's Permit or Nebraska Motorcycle Safety Chief Instructor's Permit to teach a motorcycle safety education course.

008.01B The course and/or program has been approved by the Department.

008.01C The students taking the course have valid learner's permits or motor vehicle operator's licenses while enrolled in the course.

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008.01D Each student for whom reimbursement is claimed must have completed the course during the immediately preceding twelve-month period.

008.01E Application for reimbursement must be made on a form prescribed by the Department with information certified by the course administrator including a student roster indicating the student's name, address, date of birth and learner's permit or operator's license number and must be received by the Department before or during the month of November for the previous program year.

008.01F The student-instructor ratio shall not exceed 24 to 1 in the classroom instruction unless special permission is granted by the Department for a greater ratio and the student-instructor ratio shall not exceed 6 to 1 for the novice instructor and 8 to 1 for the experienced instructor in the laboratory instruction. During the laboratory instruction the maximum number of motorcycles shall be no greater than twelve.

008.02 Reimbursement rate and possible proration for the basic and advanced motorcycle safety education course shall be as follows:

008.02A Reimbursement shall be made by the Department to the school, business or organization found eligible through compliance with these regulations, on the basis of the lesser of the actual cost of the course or seventy-five dollars for each student completing the basic course or thirty-five dollars for each student completing the advanced course in the immediately preceding twelve month period. In the event that the funds are insufficient to reimburse on this basis, the funds will be prorated among the schools, business or organizations on the basis of equity.

APPROVED
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ATTORNEY GENERAL
BY G. E. Gates
Assistant Attorney General
DATE 6 January 1987

APPROVED:
Date 3-9-87
Governor

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