

**DEPARTMENT OF PUBLIC SAFETY
DIVISION OF STATE PATROL**

**RULES AND REGULATIONS
CONCERNING
THE MOTORCYCLE OPERATOR SAFETY TRAINING
(MOST)
PROGRAM**

STATEMENT OF BASIS, STATUTORY AUTHORITY, AND PURPOSE

As amended by Colorado SB 17-243 and codified as §43-5-502.5, CRS, the rights, powers, duties and obligations of the Colorado Motorcycle Operator Safety Training (MOST) Program previously vested with the Colorado Department of Transportation (CDOT) transfer to the Chief of the Colorado State Patrol (CSP) on or after January 1, 2018. All rules and orders of the CDOT adopted prior to January 1, 2018, in connection with the powers, duties and functions transferred to the Chief of the CSP, will remain effective until revised, amended, repealed, or nullified pursuant to law. §43-5-502.5 (2), CRS, provides that the CSP Chief shall have the authority to adopt rules necessary for the administration of the MOST program on or after January 1, 2018.

The MOST Program Rules, previously adopted as 2 CCR 601-23, are being reassigned to 8 CCR 1507-56 as a result of statutory reassignment from the Colorado Department of Transportation (CDOT) to the Colorado Department of Public Safety (CDPS), Colorado State Patrol. As part of this transition, several updates to these rules are being proposed, including an increase in the range of motorcycles eligible to participate in the MOST Basic Rider training; additional definitions and restructuring of existing definitions for clarity and applicability; retirement of rule provisions related to MOST Program student tuition reimbursement; updates to requirements applicable to Vendors and Instructors participating in the MOST Program; and update to the rules overall to address both grammar and format.

The General Assembly has determined that the promotion of motorcycle safety and awareness benefits the preservation of the public peace, health and safety. The General Assembly has further declared that the support of safety courses designed to teach motorcycle operators and instructors is vital to this goal. For these reasons, it is necessary that the proposed rules be adopted.

Colonel Matthew C. Packard, Chief
Colorado State Patrol

Date of Adoption

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1. AUTHORITY

- 1.1. Pursuant to §43-5-502.5 (2), CRS, the Chief of the Colorado State Patrol is authorized to adopt rules necessary for the administration of the MOST Program. Pursuant to §43-5-502 (1) (a) (III) (c), CRS, the Chief has authority to designate a program coordinator to implement and administer the MOST Program.
- 1.2. Pursuant to §43-5-502 (1) (a) (III) (d), rules necessary to carry out the MOST Program may be adopted pursuant to Article 4 of Title 24, CRS.

2. APPLICABILITY

- 2.1. These rules shall apply to all persons who operate as MOST Program Vendors, MOST Program Instructors, MOST Program Instructor Trainers, MOST Program students, and the MOST Program as it operates within this state.

3. GENERAL DEFINITIONS

- 3.1. With respect to these rules, the following definitions are applicable unless otherwise indicated:

3.1.1. *“Administrative Expenses”* means expenses related to MOST Program salaries, related benefits, and operating costs. Administrative operating costs will include:

- 3.1.1.1. Daily administrative costs incurred by the MOST Program;
- 3.1.1.2. Travel costs for business travel by MOST Program staff related to supporting the MOST Program;
- 3.1.1.3. Purchasing or leasing of capital equipment by CDPS CSP staff for the MOST Program not otherwise secured by a Purchase Order or contract;

- 3.1.1.4. Office supplies;
 - 3.1.1.5. In-office printing, copying, form reproduction; and
 - 3.1.1.6. Tuition and/or registration costs for MOST Program personnel attending activities related to the support or administration of the MOST Program.
- 3.1.2. *“Advanced Rider Course (ARC)”* means any motorcycle training course, other than BRC, designed to improve upon existing knowledge, attitudes, habits, and skills of licensed motorcycle riders, necessary for the safe operation of a Motorcycle.
- 3.1.3. *“Advisory Board”* means the Motorcycle Operator Safety Advisory Board established pursuant to §43-5-505, CRS.
- 3.1.4. *“Basic Rider Course (BRC)”* means a Motorcycle instruction course designed to develop knowledge, attitudes, habits, and skills necessary for the safe operation of a Motorcycle. to qualify, a BRC provided by a MOST Vendor must teach the requirements for issuing a driver’s license motorcycle endorsement. Successful completion of a BRC may be used to obtain a motorcycle endorsement from the Colorado Department of Revenue (CDOR).
- 3.1.5. *“CDOR”* means the Colorado Department of Revenue.
- 3.1.6. *“CDOT”* means the Colorado Department of Transportation.
- 3.1.7. *“CDPS”* means the Colorado Department of Public Safety.
- 3.1.8. *“Chief”* means the Chief of the Colorado State Patrol.
- 3.1.9. *“CSP”* means the Colorado State Patrol.
- 3.1.10. *“Contract Expenses”* means expenses incurred by the MOST Program directly related to a contract or Purchase Order issued to a third party, expenses incurred to promote the MOST Program, and expenses related to program evaluation.
- 3.1.11. *“Eligible Student”* means any person who enrolls in a MOST Course or MOST Instructor Training Course and:
- 3.1.11.1. Is a resident of Colorado holding a valid driver’s license, a minor driver’s license, or instruction permit as authorized by §42-2-106, CRS; or

- 3.1.11.2. Is a member of the armed forces having moved to COLORADO consequent to a permanent change of station basis, holding a valid driver's license issued by another state; or
- 3.1.11.3. Is an adult holding a valid driver's license from another state that is eligible for a motorcycle license in that same state.
- 3.1.12. *"Instructor Professional Development Workshop (PDW)"* means an instructor training educational activity designed to improve knowledge, attitudes, habits, and skills of MOST Instructors to improve and update the quality of MOST Courses consistent with best practices.
- 3.1.13. *"Mobile Training"* means the transport to and setting up of all MOST Program training, including equipment, personnel, and classroom materials, at Temporary Training Sites to provide training in under-served areas of the state not having Training Sites or providing MOST Courses or MOST Instructor Training Courses.
- 3.1.14. *"Motorcycle Operator Safety Training (MOST) Program"* means the safety training program created pursuant to §43-5-501, et seq., CRS. As used within these rules, MOST Program, MOST, Program, and Motorcycle Operator Safety Training Program are used interchangeably and to the same effect.
- 3.1.15. *"MOST Course"* means any BRC or ARC officially recognized and approved by the MOST Program.
- 3.1.16. *"MOST Fund"* means the fund authorized by §43-5-504, CRS.
- 3.1.17. *"MOST Instructor," "MOST Program Instructor" or "Instructor"* means an individual satisfying the same requirements of these rules, in good standing with the state MOST Program requirements, certified or affirmed by the CSP to teach MOST Courses.
- 3.1.18. *"MOST Instructor Trainer"* means an individual satisfying the requirements of these rules, in good standing with the state MOST Program requirements, certified or affirmed by the CSP to prepare MOST Instructors to teach MOST Courses.
- 3.1.19. *"MOST Instructor Training Course"* means an approved course of instruction which prepares an individual to teach MOST Course(s).
- 3.1.20. *"MOST Program Coordinator" or "Program Coordinator"* means the individual to whom the Chief has delegated responsibility of the management of the MOST Program.

- 3.1.21. *"MOST Program Office"* means the main office for the MOST Program located at the CSP.
- 3.1.22. *"MOST Program Instructor Certification"* means the certification provided to a person to operate as a MOST Program Instructor in Colorado by the CSP.
- 3.1.23. *"MOST Program Vendor Certification"* means the certification provided to a person to operate as a MOST Program Vendor in Colorado by the CSP.
- 3.1.24. *"MOST Program Vendor," "MOST Vendor" or "Vendor"* means a person that offers a Motorcycle Operator Safety Program meeting the standards promulgated by the CSP.
- 3.1.25. *"Motorcycle"* means a motor vehicle designed with handle bars or any other similarly connected device to the front wheels of the vehicle to steer.
- 3.1.25.1. A Motorcycle defined within these rules will mean a motor vehicle designed to travel with three or less wheels in contact with the ground.
- 3.1.25.2. For purposes of these rules, a Motorcycle will not include any farm tractor, low-speed electric vehicle, or low-power scooter, as identified within §42-1-102 (55), CRS.
- 3.1.26. *"Person"* means an individual, a corporation, a government or governmental subdivision or agency, a partnership, an association, or any other legal entity, with the exception that separate divisions of the same corporation may, at their request, be treated as separate persons.
- 3.1.27. *"Personally Identifiable Information (PII)"* means sensitive, personal information that can be used on its own or with other information to identify, contact, or locate a single person.
- 3.1.28. *"Quality Assurance Review (QAR)"* means actions through which the CSP or its agents evaluate the compliance of MOST Program Vendors or MOST Instructors with applicable statutes, these rules, applicable contractual obligations, and MOST Program directives and initiatives.
- 3.1.29. *"Reinstatement"* means the recertification of a MOST Program Vendor, MOST Instructor Trainer, or Instructor, by the CSP subsequent to any cancellation, expiration, denial, limitation, suspension, or revocation of a certification consistent with applicable law and these rules.

- 3.1.30. *“Temporary Training Site”* means non-permanent locations at which MOST Courses and MOST Instructor Training Courses are provided for no more than 10 consecutive weeks during any individual state fiscal year.
- 3.1.30.1. Temporary Training Sites may be used multiple times over a single state fiscal year, but never for more than 10 weeks consecutively.
- 3.1.30.2. All equipment brought to and set up at a Temporary Training Site must be removed from the Temporary Training Site, along with any waste generated, upon completion of any Temporary Training Site period.
- 3.1.31. *“Training Site”* means a permanent, non-temporary site for training having at least one most course and classroom facility meeting the requirements of these rules, provided by a MOST Program Vendor.
- 3.1.32. *“Underserved Areas of the State”* means locations where the CSP determines the access of residents to MOST Program training is restricted due to distance.

4. CSP MOST PROGRAM ADMINISTRATION

4.1. In administering the MOST Program, the CSP will:

- 4.1.1. Establish standards and approve curricula for the certification(s) necessary for MOST Courses;
- 4.1.2. Manage the MOST Fund for the implementation and administration of the MOST Program;
- 4.1.3. Maintain current records of MOST Instructors, confirming compliance with statutory requirements established by §43-5-503, CRS;
- 4.1.4. Oversee all MOST Program Vendor Certifications and contract with MOST Program Vendors providing training services under the MOST Program;
- 4.1.5. Oversee and finalize approval of all MOST Program Training Sites;
- 4.1.6. Arrange and review QARS of MOST Program Training Sites, Vendors, and Instructors, assessing compliance with these rules, applicable MOST Program contractual obligations, and applicable state laws;
- 4.1.7. Publish a current record of certified MOST Instructors monthly, directly to the CDOR and to the public through the CSP MOST Program website;

- 4.1.8. Collaborate with the CDOR annually to maintain information on the number of Motorcycle endorsements issued on Colorado Driver's Licenses;
- 4.1.9. Establish and maintain a system tracking MOST Program performance data, including data on Motorcycle accidents, injuries, and fatalities, among persons having completed MOST Program Training;
- 4.1.10. Prepare an annual report on the effectiveness of the MOST Program, the availability of MOST Training throughout the state, current training costs, and other relevant performance measures as determined by the MOST Program.
- 4.1.11. Establish and maintain an evaluation system of staff, MOST Vendors, INSTRUCTORS, and QAR Personnel, operating pursuant to the MOST Program for purposes of assessing and improving program performance; and
- 4.1.12. Ensure that MOST Courses are conducted safely and consistent with best practices.

5. **MOST PROGRAM EXPENDITURES**

- 5.1. The MOST Program Office will make use of funds as allocated pursuant to §43-5-504, CRS, to implement the Colorado MOST Program in compliance with the state fiscal rules.
 - 5.1.1. **MOST PROGRAM ADMINISTRATIVE EXPENSES.** The MOST Program Office will spend no more than the amount specified by §43-5-503 (1) (e), CRS, towards administrative costs. Within the statutorily specified amount, the MOST Program Office may use available MOST Program Funds for reasonable and necessary administrative expenses, as defined within these rules.
 - 5.1.2. **MOST PROGRAM CONTRACT EXPENSES.** Contract expenses differ from MOST Program Administrative Expenses and are as defined within these rules. The MOST Program Office may use MOST Program Funds for reasonable and necessary contract expenses, to include:
 - 5.1.2.1. Expenses incurred to promote the MOST Program, including public relations expenses, banners, advertising, and MOST Program promotional materials, as ordered by CSP staff; and
 - 5.1.2.2. Those expenses related to MOST Program evaluation, meetings involving external stakeholders, interested parties, and partners, and those related to MOST Program awareness.

- 5.2. MOST PROGRAM VENDOR REIMBURSEMENTS.** MOST Program Vendor reimbursements include expenses directly related to a contract or Purchase Order issued to a MOST Program Vendor or third party for the purchase of goods and/or services or approved MOST Program-related travel expenses for Mobile Training conducted at Temporary Training Sites by MOST Vendors.
- 5.2.1. Contracts between the MOST Program and MOST Program Vendors or third parties will be for a period no longer than one state fiscal year, subject to the availability of monies in the Fund.
 - 5.2.2. Where required by the state fiscal rules, contracts between the MOST Program and MOST Program Vendors or third parties will utilize a Purchase Order.
 - 5.2.3. MOST Program Vendors and other third parties contracting with the MOST Program will submit MOST Vendor Information, as applicable, and update tax information annually, as appropriate.
 - 5.2.4. A MOST Vendor reimbursement request arising out of approved MOST Program-related travel expenses for Mobile Training, as defined within these rules, must be submitted in writing to the MOST Program Office consistent with these rules and state fiscal rules.
 - 5.2.4.1. A request for approved MOST Program travel or Mobile Training expenses by a MOST Vendor may be calculated pursuant to state fiscal rules, current state adopted rates for per diem meal costs and daily hotel rates, or actual costs incurred, whichever amount is less.
 - 5.2.4.2. Following review and approval, the MOST Program Office will allocate funds for a MOST Vendor's approved program-related travel or Mobile Training expenses.
 - 5.2.5. Approval or denial of a request for reimbursement will be based upon criteria set forth within these rules in addition to availability of funding to satisfy approved reimbursement requests.
 - 5.2.6. Failure of a MOST Vendor to provide documentation adequate to substantiate the reimbursement requested for approved MOST Program-related travel or Mobile Training may result in denial of the request for reimbursement.
 - 5.2.7. If a MOST Program Vendor disagrees with the decision of the MOST Program Office in response to a request for reimbursement, a MOST Vendor may:

- 5.2.7.1. Submit a written request for additional review of the decision to the Chief or his or her designee within two weeks of receiving notification from the MOST Program Office.
- 5.2.7.2. The Chief or his or her designee will issue a decision within two weeks of the date of the receipt of a MOST Vendor's written request to review a reimbursement request decision by the MOST Program Office.
- 5.2.7.3. The decision of the Chief or his or her designee will constitute a final agency action with respect to the reimbursement request at issue and will be subject to judicial review as described within §24-4-106, CRS.

6. CSP MOST PROGRAM VENDORS

6.1. MOST PROGRAM VENDOR APPLICATION REQUIREMENTS. Persons seeking to participate as MOST Vendors in the CSP MOST Program:

- 6.1.1. Must obtain a MOST Program Vendor Certification prior to offering any MOST Program Courses.
 - 6.1.1.1. MOST Program Vendors with certifications in good standing and in compliance with 2 CCR 601-23 and issued by the CDOT prior to January 1, 2018, will remain valid as if issued by the CSP until the date of expiration, or a failure to remain in good standing with these rules.
 - 6.1.1.2. After January 1, 2018, a Vendor must obtain a Most Program Vendor Certification from the CSP prior to offering any MOST Program Courses.
 - 6.1.1.3. Vendor Certification will be for a term not exceeding one year and will expire on June 30th of the year following the effective date of issue.
 - 6.1.1.4. Vendor must make the Vendor Certification available for review upon request.
 - 6.1.1.5. Vendor will receive a written response as to the approval of any application submitted within three (3) calendar months of the date of application receipt by the CSP MOST Program Coordinator.

6.2. MOST PROGRAM VENDOR CERTIFICATION MAINTENANCE. To maintain certification, a Certified MOST Program Vendor must:

- 6.2.1. Adhere to 2 CCR 601-23 until the effective date of these rules, 8 CCR 1507-56, and adhere to applicable state law and existing contractual agreements between the MOST Program Vendor and the state.
- 6.2.2. Following the effective date of these rules, adhere to 8 CCR 1507-56, the rules and regulations concerning the Motorcycle Operator Safety Training (MOST) Program, and adhere to applicable state law and existing contractual agreements between the MOST Program Vendor and the state.
- 6.2.3. Use Certified MOST Program Instructors and require Instructors to maintain compliance with §43-5-503, CRS, reporting any violation thereof immediately to the MOST Program Office.
- 6.2.4. Provide and maintain approved MOST Program Training Site or Sites.
- 6.2.5. Cooperate with all QARS arranged by the MOST Program Office of any Training Site or Sites.
- 6.2.6. Comply with remediation actions and other directives as required by CSP.
- 6.2.7. Maintain all required MOST Program records, including student records, for a period of at least three (3) years, providing these records for auditing by CSP or its agents upon request. Student records must include:
 - 6.2.7.1. A copy of a signed waiver, completed by the student prior to beginning the course;
 - 6.2.7.2. The full name of the student, exactly as it appears on the student's driver's license or permit;
 - 6.2.7.3. The student's date of birth;
 - 6.2.7.4. The student's mailing address, county of residence, email address, and phone number;
 - 6.2.7.5. The name and number of a person to contact on behalf of the student in the event of emergency;
 - 6.2.7.6. The results of the student's classroom and on-cycle training, complete with a determination as to whether or not the student successfully completed the training;

- 6.2.7.7. Course starting and ending date(s);
 - 6.2.7.8. Copies of incident reports involving the student, if any;
 - 6.2.7.9. The MOST Program Vendor's name, email address, mailing address, phone number, and range location; and
 - 6.2.7.10. The name(s) and certification number(s) for any MOST Program Instructor(s).
- 6.2.8. The CSP will retain any student records and will not release them to third parties absent an Open Records Request, contract, or as required by law and will be subject to redaction as appropriate to protect any PII. Any student records retained by the CSP may be used to evaluate and analyze the effectiveness of the MOST Program.

6.3. MOST PROGRAM VENDOR TRAINING MOTORCYCLE REQUIREMENTS. It is the responsibility of a MOST Program Vendors to ensure that all Motorcycles used for MOST Courses meet the requirements of these rules and are inspected and approved for use by the MOST Program Instructor prior to each training session.

- 6.3.1. Motorcycles used for instruction must be intended for street use by the manufacturer.
- 6.3.2. One Motorcycle must be available for each student participating in the range session of a MOST Course.
- 6.3.3. MOST Vendor supplied Motorcycles must be maintained in a safe operating condition by the MOST Program Vendor.
 - 6.3.3.1. MOST Program Vendors are responsible for the repairs and maintenance of all MOST Vendor Motorcycles provided for use in the MOST Program, including tire replacement.
- 6.3.4. A MOST Program instructor may require a student electing to use his or her own Motorcycle to:
 - 6.3.4.1. Provide proof that the personally provided Motorcycle has been inspected and found to satisfy safety requirements required to participate in a MOST Course;
 - 6.3.4.2. Provide proof of ownership or written permission of the owner of a personal Motorcycle;
 - 6.3.4.3. Provide proof of adequate liability insurance;

- 6.3.4.4. Sign a waiver of liability for any damage or injury arising out of, from, or caused by operation of the personal Motorcycle; and
 - 6.3.4.5. Inform a student that the transportation of his or her Motorcycle to and from the Training Site should be consistent with all applicable state laws.
 - 6.3.4.6. An Instructor has the discretion to deny use of a personally provided Motorcycle by a student participating in a MOST Course.
- 6.3.5. Motorcycles used for a two-wheeled Motorcycle MOST Course must abide by the standards set forth in the applicable, current, and approved, MOST curriculum in which the Motorcycle is being used.
- 6.3.6. Motorcycles used for a three-wheel MOST Course must:
- 6.3.6.1. Be intended for street use by the manufacturer;
 - 6.3.6.2. Be maintained in safe operating condition;
 - 6.3.6.3. Meet the applicable and current approved MOST curriculum standards for three-wheel Motorcycle training; and
 - 6.3.6.4. Be approved by the MOST Program Instructor.
- 6.3.7. A MOST Program Instructor will immediately notify a MOST Program Vendor of any Motorcycle not meeting the requirements of these rules, or that is otherwise determined unsafe for use, and reject the Motorcycle for use in the MOST Program.

6.4. MOST PROGRAM VENDOR RANGE AND CLASSROOM REQUIREMENTS. Throughout the duration of a contract between a MOST Program Vendor and the MOST Program, the MOST Program Vendor will:

- 6.4.1. Obtain and maintain legal access to a Training Site classroom and range meeting the requirements of these rules.
- 6.4.2. Provide a classroom for training purposes having adequate facilities for the total number of students attending a MOST Course, including those accommodations adequate and necessary to instruct students having disabilities.
- 6.4.3. Affirm that the range to be used by the MOST Program Vendor for MOST Course instruction meets minimum program requirements by providing a range diagram, range photographs, and proof of legal access to the range.

6.4.4. Agree that, with the exception of paving or other improvements, any changes to the dimensions or position of the range or the range layout will be diagrammed and approved in writing by the MOST Program Office prior to any use.

6.4.5. Maintain a MOST Course range such that:

6.4.5.1. All range markings are correct and visible during training;

6.4.5.2. The range is paved and free of potholes and other hazards; and

6.4.5.3. Ensure that the range is secured from unsafe conditions and intrusions of any kind that could result in the distraction of a student, with the exception of authorized personnel, including CSP personnel and law enforcement.

6.4.6. Complete inspection of the range prior to each training session to confirm that the course is free from debris and other hazards that may affect student safety; and

6.4.7. Provide MOST Instructors with the authority to cancel a scheduled class if the Instructor determines that, due to inclement weather, excessive heat, humidity, or other factors, continuing with the class as scheduled would jeopardize the health, safety, and welfare of the students.

7. CSP MOST PROGRAM INSTRUCTORS

7.1. MOST PROGRAM INSTRUCTOR CERTIFICATION REQUIREMENTS. A person must first be certified as a MOST Program Instructor by the CSP prior to instructing any MOST Courses. Certification applications must be submitted to the MOST Program Office between January 1st and January 31st of each year. Certifications received during this time period will be effective for a period of no longer than one (1) year, beginning March 1st of the current year and expiring February 28th of the next year. To obtain MOST Program Instructor Certification from the CSP, a person must complete any application paperwork required by the CSP and:

7.1.1. Meet the age requirements as set forth within §43-5-503 (2), CRS;

7.1.2. Submit proof of successful completion of a MOST Program Instructor Training Course approved by the CSP;

7.1.3. Possess a valid driver license issued by the state of Colorado having a Motorcycle endorsement. Where applicant possessed a license issued by another state in the three (3) year period prior to the submission of the application, applicant Instructor must also indicate the state of issue for the prior license and the license number;

7.1.4. Submit a completed CDOR Form DR2559, "Permission for Release of Individual Records," to the MOST Program Office that evidences an acceptable driving record as required by §43-5-503, CRS, or an MVR for the three (3) year period prior to the application submission date. A driving record will not be found acceptable and an applicant will be determined ineligible:

7.1.4.1. If, within the three (3) years prior to the date of the application submission, the license issued to the applicant by the state of Colorado has been revoked or suspended;

7.1.4.2. If, within the three (3) years prior to the date of application submission, an applicant has been convicted for an offense assigned eight (8) or more points in the schedule set forth within §42-2-127 (5), CRS, or its equivalent in any other state; or

7.1.4.3. If, within the three (3) years prior to the date of the application submission, a driver's license issued to the applicant from any other state has been revoked or suspended.

7.2. MOST PROGRAM INSTRUCTOR CERTIFICATION MAINTENANCE. To remain certified, a MOST Program Instructor must:

7.2.1. Provide evidence of certification upon request.

7.2.2. Attend all required MOST Program Courses, meetings, and PDWS.

7.2.2.1. If a MOST Program Instructor is unable to attend a required MOST Program Course, meeting, or PDW, the Instructor must seek approval from the MOST Program in advance to be absent from the event.

7.2.2.2. Failure to attend a required MOST Program Course, meeting, or PDW, without prior approval to be absent therefrom, may result in limitation, suspension, or revocation of MOST Program Instructor Certification by the CSP.

7.2.3. Teach a minimum of two (2) approved MOST Courses annually during the certification period as set forth within these rules.

7.2.4. Exhibit professional conduct and expertise when instructing students or when counseling out a student, including:

- 7.2.4.1. MOST Program Instructors must be physically capable of conducting MOST Courses and maintain a positive, safe learning environment.
 - 7.2.4.2. MOST Program Instructors must not be impaired by alcohol or drugs when instructing a MOST Course, including prescription or over-the-counter medications that may impair performance or response ability.
 - 7.2.4.3. MOST Program Instructors must not use any unapproved electronic devices during the course of instruction, including cell phones.
 - 7.2.4.4. MOST Program Instructors must refrain from the use of tobacco products, including chewing tobacco, during the course of instruction; and
 - 7.2.4.5. MOST Program Instructors must demonstrate tact when counseling out a student where it has been determined that the student should cease participation in a MOST Course in order to protect the safety of the student and/or the safety of others.
- 7.2.5. Follow MOST Program procedures for reporting incidents and injuries occurring during most course instruction by:
- 7.2.5.1. Filing a separate incident report as provided by the MOST Program Office detailing any property damage or personal injury to a student. This report must be filed with the MOST Program Office within the time frame indicated in the MOST Vendor Contract and should include:
 - 7.2.5.1.1. The complete Training Site address;
 - 7.2.5.1.2. An accurate depiction of the range layout at the time of the incident;
 - 7.2.5.1.3. Photographs, if available;
 - 7.2.5.1.4. All information on the student(s) involved in the incident, including any contact information, names and addresses of any witnesses, and any incident-related Motorcycle damage; and
 - 7.2.5.1.5. A current email address of the student(s), Vendor representative(s), and Instructor(s) involved.
 - 7.2.5.2. Any updates to the incident report or updates to personal addresses or other contact information must be reported to the MOST Program Office within 15 days of any such changes.

- 7.2.6. Notify the MOST Program Office and the MOST Vendor(s) for whom the Instructor provides training of any event that affects the Instructor's ability to meet the requirements of these rules, best practices, MOST Policies and Procedures, or compliance with applicable state statutes.

7.3. MOST PROGRAM INSTRUCTOR RECERTIFICATION AND CERTIFICATION RENEWAL.

- 7.3.1. A MOST Program Instructor failing to maintain certification as required by these rules, applicable law, and the MOST Program must:
 - 7.3.1.1. Successfully complete a MOST Program Instructor Training Course; and
 - 7.3.1.2. Apply for recertification by submitting an Instructor Certification application to the MOST Program Office.
- 7.3.2. A MOST Program Instructor seeking to renew a certification required by these rules, applicable law, and the MOST Program, must:
 - 7.3.2.1. Apply for recertification by submitting an Instructor Certification Application to the MOST Program Office.

8. MOST COURSE TRAINING

- 8.1. **MOST INSTRUCTOR TRAINING COURSE.** To be eligible to use MOST Program funds for a MOST Instructor Training Course, a MOST Vendor must first obtain approval from the MOST Program Office and provide the following information to the MOST Program Office:
 - 8.1.1. A statement confirming that the MOST Instructor Training Course will be provided by a Certified MOST Instructor Trainer or equivalent in another state; and
 - 8.1.2. A copy of the approved MOST Instructor Training Course to the MOST Program Office.
 - 8.1.3. To be approved as a certified MOST Instructor Training Course, the materials provided must demonstrate that:
 - 8.1.3.1. The MOST Course content is research-based and provides adequate instruction to teach all components of a specific MOST Program approved Motorcycle training curriculum;
 - 8.1.3.2. Any Course content specific to BRC is research-based and provides adequate instruction to teach all components of the BRC;

- 8.1.3.3. Course content imparts to the student instructors in attendance the BRC material, knowledge of safe Motorcycle operating practices, and the necessary aptitude for instructing students; and
 - 8.1.3.4. The instructor training includes information on the effects of alcohol and drugs on the operation of motorcycles.
 - 8.1.4. The MOST Program Office will maintain a copy of the complete text of Course materials for every approved MOST Instructor Training Course. Any person may obtain information or copies of approved MOST Instructor Training Course materials by submitting an Open Records Request through the CSP Central Records Unit (CRU).
- 8.2. MOST BRC CERTIFICATION.** A BRC must be certified by the MOST Program Office before it may be offered. To be eligible for certification, a BRC must:
- 8.2.1. Be submitted as part of a written request for review by the MOST Program Office and the CDOR;
 - 8.2.2. Meet the CDOR'S requirements for issuing a Colorado driver's license Motorcycle endorsement;
 - 8.2.3. Instill in the student the knowledge, attitudes, habits, and skills, necessary for the safe operation of a Motorcycle as required by §43-5-502, CRS;
 - 8.2.4. Include instruction relating to the effects of alcohol and/or drugs on the operation of Motorcycles, as required by §43-5-502, CRS;
 - 8.2.5. Be organized and comprised of content based upon documented research and demonstrated as effective in providing safety training consistent with the Model National Standards for Entry-Level Motorcycle Rider Training in effect as of August 2011, hereby incorporated into the rules by reference, excluding any later amendments.
 - 8.2.5.1. The Model National Standards for Entry-Level Motorcycle Training will be available for copying or public inspection during regular business hours from the MOST Program Office.
 - 8.2.6. Include an evaluation of the student's knowledge and skill as it relates to the operation of a Motorcycle. Successful completion of a BRC by a student requires the passing of both a written knowledge test and an on-cycle evaluation.

- 8.2.7. Require that all course participants and MOST Program Instructors wear protective gear, including:
 - 8.2.7.1. A USDOT-compliant Motorcycle helmet;
 - 8.2.7.2. Eye protection;
 - 8.2.7.3. A long-sleeved shirt or jacket;
 - 8.2.7.4. Gloves;
 - 8.2.7.5. Long-legged pants; and
 - 8.2.7.6. Sturdy boots or shoes that cover the ankle when sitting upon a Motorcycle.
- 8.2.8. Require and commit that the Instructor-to-Student ratio for BRC will conform to the standards set forth in the approved curriculum.
- 8.2.9. The MOST Program Office will maintain a copy of the complete text of the certified course materials for every approved BRC. Any person may obtain information or copies of certified BRC materials by contacting the MOST Program Office during normal business hours.
- 8.2.10. A list of all current CSP-approved BRCS will be maintained by the MOST Program Office.
- 8.2.11. Approval and certification of a BRC by the MOST Program may take up to one (1) calendar year following the submission of a complete application.
 - 8.2.11.1. Certification of a BRC requires completion of an on-site review of the proposed course in its entirety by the MOST Program or its agent(s). It is the responsibility of the person submitting the BRC for certification to cooperate in good faith with the MOST Program or its agent(s) to complete this requirement. Delay of this requirement may delay the certification of a BRC beyond the aforementioned single calendar year period.
 - 8.2.11.2. Approval or denial of Certification of a BRC will be completed no sooner than 90 days following completion of the on-site review requirement by the MOST Program or its agent(s).

9. MOST PROGRAM VENDOR AND INSTRUCTOR QARS

9.1. **MOST PROGRAM QARS.** MOST Program Vendors and Instructors will be subject to periodic QARS by MOST Program Office personnel, or its agents, to assess the compliance of Vendors and Instructors with all applicable statutes, contractual obligations, policies and procedures, and these rules. All MOST Program Vendors and Instructors are required to comply completely and participate in all QARS as required by the MOST Program.

9.1.1. QARS will occur at least once a year and will include evaluation of:

- 9.1.1.1. Compliance of MOST Vendor reporting requirements;
- 9.1.1.2. Training Sites;
- 9.1.1.3. Security and proper use of MOST Course completion cards;
- 9.1.1.4. Vendors and Instructors utilizing and following the approved and applicable MOST Course curriculum;
- 9.1.1.5. Compliance of the physical range with the range diagram, including clarity of markings, provided for approval by the MOST Vendor to the MOST Program Office;
- 9.1.1.6. Adequacy of facility classroom equipment and accommodations;
- 9.1.1.7. Students and Instructors wearing proper protective gear while on the range;
- 9.1.1.8. The compliance of Motorcycles provided by the MOST Vendor or allowed to be used by students by MOST Instructors when attending a MOST Course with these rules; and
- 9.1.1.9. Performance and practices of MOST Program Instructors, as applicable and specifically related to:
 - 9.1.1.9.1. MOST Instructor reporting requirements;
 - 9.1.1.9.2. Adherence to and effective communication of the approved and applicable MOST Course curriculum;
 - 9.1.1.9.3. Proper demonstration of range exercises related to the course of instruction;

9.1.1.9.4. Use of proper coaching techniques; and

9.1.1.9.5. Exercise of appropriate awareness and engagement by being in the proper location and position for range exercises.

9.2. The MOST Program Office or its agents will provide copies upon request of any QAR reports to a MOST Program Vendor or MOST Program Instructor upon which the QAR was completed within a reasonable amount of time following completion of the QAR.

9.3. QARS will formally document, provide explanation of, and clearly indicate any area(s) that a MOST Program Vendor or Instructor is not in compliance with applicable statutes, rules, policies, and/or contractual obligations, and provide direction on how to remedy any noncompliance.

9.3.1. QARS may also document other areas of concern requiring the attention of the MOST Program vendor or Instructor that do not yet rise to the level of noncompliance with applicable statutes, rules, policies, and/or contractual obligations.

9.4. The MOST Program will require a MOST Program Vendor or Instructor to remedy any noncompliance with applicable statutes, rules, policies, and/or contractual obligations and address any other issues of concern identified by a QAR within a specified time period or time periods.

9.4.1. Any action to remedy any noncompliance or issues of concern identified by a QAR will be scheduled as directed by the MOST Program Office to first address those items related to statute, rule, policy, or contractual compliance. The affected MOST Program Vendor or Instructor will take such actions at the direction of the MOST Program Office.

9.4.2. The MOST Program Office may conduct a follow-up QAR to confirm compliance.

9.5. In the event a MOST Program Vendor fails to adequately correct noncompliance with statutes, rules, policies, and/or contractual obligations identified in a QAR, the MOST Program Office will notify the CDOR that training by the affected MOST Program Vendor is suspended and no longer valid for purposes of training for MOTORCYCLE endorsements on Colorado driver's licenses.

9.5.1. Any training provided by the Vendor will remain invalid until such time the MOST Program Office determines that any noncompliance has been corrected and the MOST Program Vendor is no longer suspended or becomes recertified or reinstated pursuant to these rules.

9.6. If, in the opinion of the MOST Program Office, CSP, or its agent(s), a situation manifests itself during a QAR that poses an immediate threat to the health, safety, or welfare of a student or

students, or to personnel on the range, the MOST Program, CSP, or its agent(s) will immediately inform the MOST Program Instructor(s) present and direct them to correct the situation.

9.6.1. If the MOST Program Instructor(s) fail to adequately address the threat identified, the MOST Program, CSP, or its agent(s) will have the discretion to immediately terminate the MOST Course until such time the issue is adequately addressed.

10. DENIAL, LIMITATION, SUSPENSION, REVOCATION, AND REINSTATEMENT OF MOST CERTIFICATIONS

10.1. **NOTICE OF DENIAL, LIMITATION, SUSPENSION, REVOCATION, AND REINSTATEMENT OF A MOST CERTIFICATION.** A MOST Program Vendor or MOST Program Instructor will be notified by the MOST Program Office in writing of any certification denial, limitation, suspension, revocation, or reinstatement action, consistent with §24-4-104, CRS.

10.2. **DENIAL, LIMITATION, SUSPENSION, AND REVOCATION OF MOST PROGRAM VENDOR CERTIFICATIONS.** The MOST Program Office may deny, limit, suspend, or revoke the certification of a MOST Program Vendor for any action or omission violating the purposes, scope, or terms of applicable state law, MOST Program contractual agreements, MOST Program policies, or these rules. Grounds for denial, limitation, suspension, or revocation of a MOST Program Vendor Certification may include:

10.2.1. Knowingly presenting or allowing to be presented to the MOST Program Office any false or misleading information relating to a certification requirement or compliance pursuant to these rules;

10.2.2. Permitting or engaging in any fraud or fraudulent practice concerning an application for a Motorcycle license or permit;

10.2.3. Knowingly or recklessly disregarding, changing, or failing to comply with any requirements of the rules or other applicable law and standards relevant to MOST, subject to the provisions of § 24-5-101;

10.2.4. Failing to correct known non-compliance identified by a QAR within the time period provided by the CSP;

10.2.5. Having two (2) QARS identifying consistent or major program non-compliance within a six (6) month period;

10.2.6. Obtaining a MOST Program Certification based upon false or incorrect information or mistake;

- 10.2.7. Engaging in a pattern or a continuing course of conduct of harassing or offensive behavior with a MOST student, other MOST Program Vendor(s), MOST Program Instructors, the MOST Program Office, CSP, or its agents; or
- 10.2.8. Identification of a failure of the MOST Program Vendor to comply with previously program-sponsored MOST Course student tuition subsidy benefits.
- 10.2.9. The certification of any MOST Program Vendor may be summarily suspended, pursuant to §24-4-104 (4), CRS.

10.3. **DENIAL, LIMITATION, SUSPENSION, AND REVOCATION OF MOST PROGRAM**

INSTRUCTOR CERTIFICATIONS. The MOST Program may deny, limit, suspend, or revoke the certification of a MOST Program Instructor for any action or omission violating the purposes, scope, or terms of applicable state law, MOST Program contractual agreements, MOST Program policies, or these rules. Grounds for denial, limitation, suspension, or revocation of a MOST Program Instructor Certification may include:

- 10.3.1. Offenses pursuant to §43-5-503(3), CRS;
- 10.3.2. Knowingly presenting or allowing to be presented to the MOST Program Office any false or misleading information relating to a certification requirement or compliance pursuant to these rules;
- 10.3.3. Permitting or engaging in any fraud or fraudulent practice concerning an application for a motorcycle license or permit;
- 10.3.4. Knowingly or recklessly disregarding, changing, or failing to comply with any requirements of these rules or other applicable law and standards relevant to MOST, subject to the provisions of §24-5-101;
- 10.3.5. Failing to correct known non-compliance identified by a QAR within the time provided by the CSP;
- 10.3.6. Having two (2) QARS identifying consistent and major program noncompliance within a six (6) month period;
- 10.3.7. Obtaining a MOST Program Instructor Certification based upon false or incorrect information or mistake;

- 10.3.8. Engaging in a pattern or a continuing course of conduct of harassing or offensive behavior with a MOST student, MOST Program Vendor(s), other program instructors, the MOST Program Office, CSP, or its agents;
- 10.3.9. Having an incident of being impaired by alcohol and/or drugs while instructing or being present on a Training Site or Temporary Training Site while a MOST Course is being taught; or
- 10.3.10. Failing to attend the required minimum of one (1) PDW per year without written approval of exemption secured in advance of the PDW from the MOST Program Office.
- 10.3.11. The certification of any MOST Program Instructor may be summarily suspended, pursuant to §24-4-104(4), CRS.
- 10.4. **REINSTATEMENT OF LIMITED, SUSPENDED, OR REVOKED MOST CERTIFICATIONS.** The MOST Program Office may reinstate a MOST Program Vendor or MOST Program Instructor that has been limited, suspended, or revoked.
 - 10.4.1. The Chief or his or her designee will be responsible for determining when it is appropriate to reinstate a MOST Program Vendor or MOST Program Instructor.
 - 10.4.2. Reinstated MOST Program Vendors or Program Instructors will be notified in writing of any Certification reinstatement.
- 10.5. **REINSTATEMENT OF A MOST PROGRAM VENDOR CERTIFICATION.** In determining whether it is appropriate to reinstate a MOST Program Vendor, the Chief or his or her designee may consider:
 - 10.5.1. All relevant circumstances, including the performance and satisfaction of any remedial actions required by the MOST Program Office, as contemplated by these rules; and
 - 10.5.2. The Vendor's compliance with all requirements set forth within these rules.
- 10.6. **REINSTATEMENT OF A MOST PROGRAM INSTRUCTOR CERTIFICATION.** In determining whether it is appropriate to reinstate a MOST Program Instructor, the Chief or his or her designee may consider:
 - 10.6.1. All relevant circumstances, including the performance and satisfaction of any remedial actions by the instructor required by the MOST Program Office, as contemplated by these rules;

10.6.2. Attendance and successful completion of a MOST Instructor Training Course or, at minimum, successful completion of remedial training as directed by the MOST Program Office.

10.6.3. To be considered in support of reinstatement, a MOST Program Instructor must successfully complete all appropriate requirements and be in compliance with these rules.

11. APPEAL OF DENIAL, LIMITATION, SUSPENSION, OR REVOCATION OF MOST CERTIFICATIONS. Any denial, limitation, suspension, or revocation of a MOST Vendor or Instructor Certification required by these rules is subject to the applicable hearing provisions of §24-4-105, CRS.

12. PUBLICATIONS AND STANDARDS INCORPORATED BY REFERENCE

12.1. All publications, standards, guidelines, and rules adopted and incorporated by reference in these rules are on file and available for public request and inspection by contacting the MOST Program Coordinator at 15055 S. Golden Road, Golden, CO., 80401-3990.

12.1.1. These rules do not include later amendments to or editions of any publications, standards, guidelines, or rules other than approved changes in program curricula, incorporated by reference.

12.1.2. All publications, standards, guidelines, and rules adopted and incorporated by reference in these rules will be provided to and made available for examination at any state publications depository library as required by §24-4-103 (12.5), CRS. The following publications and standards referenced herein are adopted and promulgated as rules and regulations for the MOST Program in accordance with §24-4-103 (12.5), CRS:

12.1.2.1. NHTSA'S Model National Standards for Entry-Level Motorcycle Training, [HTTPS://WWW.NHTSA.GOV/SITES/NHTSA.DOT.GOV/FILES/DOCUMENTS/811503.PDF](https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/811503.pdf).

12.1.2.2. NHTSA Model National Administrative Standards for State Motorcycle Rider Training, (Report No. DOT HS 812 071), Washington, DC: Author. This document is also available for download online at: [HTTPS://WWW.NHTSA.GOV/SITES/NHTSA.DOT.GOV/FILES/DOCUMENTS/81201-MODELNATLADMINMOTORCYCLE.PDF](https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/81201-modelnatladminmotorcycle.pdf).

12.1.3. The MOST Program shall maintain copies of the complete texts of each of the aforementioned adopted standards and make them available for public inspection during regular business hours. interested parties may inspect the referenced incorporated

materials and/or obtain copies of the adopted standards for a reasonable fee by contacting the MOST Program, 15055 S. Golden Road, Golden, CO. Copies of the adopted standards are also available from the organizations of original issue:

- National Highway Traffic Safety Administration, (NHTSA) 1200 New Jersey Ave., SE Washington, DC 20590

12.1.4. These rules are available to the public and may be downloaded from the CSP MOST Program website.