

Title 7—DEPARTMENT OF TRANSPORTATION
Division 60—Highway Safety Division
Chapter 1—Motorcycle Safety Education Program

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SECRETARY OF STATE
ADMINISTRATIVE RULES

PROPOSED AMENDMENT

7 CSR 60-1.010 Definitions. The Missouri Highways and Transportation Commission is amending sections (1) through (10).

PURPOSE: This proposed amendment defines terms used in the rules which pertain to the administration and operation of the Motorcycle Safety Education Program.

(1) **Commission-Missouri Highways and Transportation Commission.** The commission is the state entity created in article IV, section 29, of the Missouri Constitution, and is in charge of the Missouri Department of Transportation.

(2) **Department—Missouri Department of *[Public Safety]*Transportation.** The department is the state agency designated by the governor to establish and administer the motorcycle rider training and safety program.

~~[(2)]~~(3) **Division—*[Division of]*Traffic and Highway Safety Division.** A division within the department assigned with the responsibility for establishing and administering the motorcycle rider training *[course]* and safety program *[per Motorcycle Safety Foundation (MSF) guidelines]* or equivalent per Uniform Procedures for State Highway Safety Grant Program 23 CFR Part 1300.25 (e) Motorcycle Rider Training Course. On and after December 4, 2015, the federal Fixing America's Surface Transportation (FAST) Act requires NHSTA to award grants pursuant to rulemaking that meets or exceeds standards established by the United States Department of Transportation, National Highway Traffic Safety Administration, identified as "Uniform Procedures for State Highway Safety Grant Programs: Final Rule" Vol. 81 FR 32554-32605 as published in the Federal Register on May 23, 2016 by the National Highway Traffic Safety Administration, 1200 New Jersey SE, Washington, DC. 20590 and that shall become effective beginning on May 23, 2016, which is hereby incorporated by reference and made a part of this rule. This paragraph does not incorporate any subsequent amendments or additions to this publication;

~~[(3)]~~(4) **Experienced rider course—At a minimum, a current, approved *[Motorcycle Safety Foundation]*motorcycle rider training course per Uniform Procedures for State Highway Safety Grant Program 23 CFR Part 1300.25 (e) Motorcycle Rider Training Course** of instruction designed to provide experienced motorcyclists with additional skills and knowledge found to be lacking in accident-involved motorcyclists. On and after December 4, 2015, the FAST Act requires NHSTA to award grants pursuant to rulemaking that meets or exceeds standards established by the United States Department of Transportation, National Highway Traffic Safety Administration, identified as "Uniform Procedures for State Highway Safety Grant Programs: Final Rule" Vol. 81 FR 32554-32605 as published in the Federal Register on May 23, 2016 by the National Highway Traffic Safety Administration, 1200 New Jersey SE, Washington, DC. 20590 and that shall become effective beginning on

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May 23, 2016, which is hereby incorporated by reference and made a part of this rule. This paragraph does not incorporate any subsequent amendments or additions to this publication;

[(4)](5) Instructor—An individual certified [*by MSF*] per **Uniform Procedures for State Highway Safety Grant Program 23 CFR Part 1300.25 (e) Motorcycle Rider Training Course**, and approved to teach the motorcycle rider training courses in Missouri. This individual, unless directly employed by the department as a motorcycle safety instructor, is not an agent, servant, or employee of the department or state of Missouri. **On and after December 4, 2015, the FAST Act requires NHSTA to award grants pursuant to rulemaking that meets or exceeds standards established by the United States Department of Transportation, National Highway Traffic Safety Administration, identified as “Uniform Procedures for State Highway Safety Grant Programs: Final Rule” Vol. 81 FR 32554-32605 as published in the Federal Register on May 23, 2016 by the National Highway Traffic Safety Administration, 1200 New Jersey SE, Washington, DC. 20590 and that shall become effective beginning on May 23, 2016, which is hereby incorporated by reference and made a part of this rule. This paragraph does not incorporate any subsequent amendments or additions to this publication;**

[(5)](6) Minor—Any person fifteen and one-half (15 1/2) years (15 years and 182 days) old the day the course begins but less than eighteen (18) years old **prior to course completion.**

[(6)](7) Mobile site sponsor—A public or private entity bound by a letter of agreement **with the Missouri Highways and Transportation Commission** to advertise for and enroll students, pay for insurance, and provide a facility for the riding portion of the course. The **sponsor and/or department will provide[s]** the remaining equipment, material, and instructional staff for the course. In its role as a mobile site sponsor, this entity is not an agent, servant, or employee of the commission, department or the state of Missouri.

[(7)](8) Motorcycle rider training course—A current, approved [*Motorcycle Safety Foundation*] rider course of instruction, equivalent to **Uniform Procedures for State Highway Safety Grant Program 23 CFR Part 1300.25 (e) Motorcycle Rider Training Course**[*of instruction*] designed to teach new or inexperienced motorcyclists basic riding skills and defensive street riding strategies. **On and after December 4, 2015, the FAST Act requires NHSTA to award grants pursuant to rulemaking that meets or exceeds standards established by the United States Department of Transportation, National Highway Traffic Safety Administration, identified as “Uniform Procedures for State Highway Safety Grant Programs: Final Rule” Vol. 81 FR 32554-32605 as published in the Federal Register on May 23, 2016 by the National Highway Traffic Safety Administration, 1200 New Jersey SE, Washington, DC. 20590 and that shall become effective beginning on May 23, 2016, which is hereby incorporated by reference and made a part of this rule. This paragraph does not incorporate any subsequent amendments or additions to this publication.**

[(8)](9) Motorcycle rider training program—The motorcycle rider training and safety program provides information and courses in knowledge, skills, and safety relating to the operation of motorcycles to all motorcyclists in this state. It also provides information to the general public on

sharing the roadway with motorcycles.

[(9)](10) Motorcycle Safety Foundation (MSF)—A national, nonprofit organization whose purpose is to improve the safety of motorcyclists on the nation's streets and highways. The MSF provides programs in rider education, licensing improvement, public information, and research.

[(10)](11) Permanent site sponsor—A public or private entity contracted by the [department] **commission** to provide motorcycle rider training on a regular basis. In its role as a permanent site sponsor, this entity is not an agent, servant, or employee of the commission, department or the state of Missouri.

AUTHORITY: section 302.134, RSMo 2000. This rule originally filed as 11 CSR 60-1.010. Original rule filed March 20, 1996, effective Sept. 30, 1996. Amended: Filed Nov. 15, 2001, effective June 30, 2002. Moved to 7 CSR 60-1.010, effective Aug. 28, 2003. Amended: Filed October 17, 2016.*

**Original authority: 302.134, RSMo 1995.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Pam Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*