

## DEPARTMENT OF PUBLIC SAFETY

### Colorado State Patrol

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

### 8 CCR 1507-56

*[Editor's Notes follow the text of the rules at the end of this CCR Document.]*

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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. Consistent with §43-5-502 (1) (a) (III) (c), CRS, the Chief of the Colorado State Patrol 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), CRS, rules necessary to carry out the MOST Program may be adopted consistent with Article 4 of Title 24, CRS.

#### 2. APPLICABILITY

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

#### 3. GENERAL DEFINITIONS

- 3.1. With respect to these rules, the following definitions are applicable throughout unless otherwise indicated:
  - 3.1.1. *“Administrative Expenses”* means expenses related to Colorado MOST Program salaries, related benefits, and operating costs. Administrative operating costs include:
    - 3.1.1.1. Daily administrative costs incurred by the Colorado MOST Program administered through the Colorado State Patrol, including copyright review of MOST Courses submitted for consideration to the CO MOST Program;
    - 3.1.1.2. Travel costs for business travel by MOST Program staff related to supporting the Colorado MOST Program;
    - 3.1.1.3. Purchasing or leasing of capital equipment by Colorado State Patrol MOST Program staff for the Colorado MOST Program that are not otherwise secured by a Purchase Order, agreement, 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 Colorado MOST Program.
- 3.1.2.** “*Advanced Rider Course (ARC)*” means any Motorcycle training course, other than a beginner or intermediate Motorcycle instruction course, 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 (MOSAB) established pursuant to §43-5-505, CRS.
- 3.1.4.** “*Approved Beginner/Intermediate MOST Course*” means a Motorcycle instruction course approved by the CO MOST Program designed to develop the knowledge, attitudes, habits, and skills necessary for the safe operation of a Motorcycle. To qualify, a beginner or intermediate Course provided by a CO MOST Program Vendor must teach the requirements for issuing a course completion card which can be used to obtain a driver’s license motorcycle endorsement.
- 3.1.5.** “*Best Practices*” means guidelines, ideas, or techniques confirmed through applicable research and/or relevant professional experience representing alternative, applicable, practical, and prudent practices and methodology promoting effective and reliable results.
- 3.1.6.** “*CDOR*” means the Colorado Department of Revenue.
- 3.1.7.** “*CDOT*” means the Colorado Department of Transportation.
- 3.1.8.** “*CDPS*” means the Colorado Department of Public Safety.
- 3.1.9.** “*Certification*” means official recognition, affirmation, or approval of status that may be expressed interchangeably and to the same effect within these rules as the certification, recognition, affirmation or approval of the same. As applied throughout these rules, certification is official recognition, affirmation, or approval of a MOST Vendor, Instructor, or Course as a CO MOST recognized, affirmed, or approved Vendor, Instructor, or Course, by the CO MOST Program. Specifically:
- 3.1.9.1.** Certification of a Course is the official recognition, affirmation, or approval of a MOST Motorcycle education course that has been submitted to MOST for evaluation and has received written approval for use as a Motorcycle license waiver endorsement class meeting all applicable statutory requirements and is consistent with these rules.
- 3.1.9.2.** Certification of an Instructor is the official recognition, affirmation, or approval of a MOST Instructor who has applied to perform as a MOST Course Instructor in Colorado from the CO MOST Program. To receive Certification, recognition, affirmation, or approval, a MOST Instructor must maintain compliance with applicable CO MOST Program Approved Course requirements, statutes, and these rules.

- 3.1.9.3.** Certification of a Vendor is the official recognition, affirmation, or approval of a MOST Vendor who seeks to enter into agreement with the CO MOST Program to support CO MOST Program Course instruction. To receive Certification, recognition, affirmation, or approval, a MOST Vendor must agree to operate consistent with the terms and conditions of the CO MOST Program Agreement, applicable statutes, and these rules.
- 3.1.10.** “*Chief*” means the Chief of the Colorado State Patrol. As may be appropriate and as is consistent with CSP and CDPS Policy, “*Chief*” also includes the designees of the Chief.
- 3.1.11.** “*Classroom*” means a designated area or areas or space, virtual or physical, used for the purpose of CO MOST Program Approved Course academic training and instruction.
- 3.1.12.** “*Complete CO MOST Course*” means a CO MOST Program Approved Course consisting of academic instruction, Range Course training, and skills development for the purposes of meeting Instructor approval requirements set forth within these rules. To receive credit towards the annual CO MOST Instructor Course Instruction requirement of three CO MOST Program Approved Courses, a CO MOST Instructor must instruct three complete CO MOST Program Approved Courses or equal opposite halves of six CO MOST Program Approved Courses.
- 3.1.13.** “*Course Completion Card*” means the certificate or card issued to a student upon the successful completion of a CO MOST Program Approved Course. This card or certificate must include the Course name, a legible Course Instructor signature, the date of card or certificate issue, the complete name of the student as it appears on the student’s state driver’s license or identification card, and must display a unique, identifying serial or card/certificate issue number.
- 3.1.14.** “*Contract Expenses*” means expenses incurred by the Colorado MOST Program directly related to a contract, agreement, or purchase order issued to a third-party; expenses incurred to promote the MOST Program; and expenses related to the operation of the Colorado MOST Program.
- 3.1.15.** “*CSP*” means the Colorado State Patrol.
- 3.1.16** “*Eligible CO MOST Course Student*” means any person who enrolls in a CO MOST Course and:
- 3.1.16.1.** Is a resident of Colorado holding a valid driver's license, a Minors' (age-restricted, under 21-years of age) driver's license, valid state ID, or instruction permit, as authorized by §42-2-106, CRS; or
  - 3.1.16.2.** 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
  - 3.1.16.3.** Is an adult holding a valid driver's license from another state and is eligible for a Motorcycle license or endorsement in that same state.
- 3.1.17.** “*Eligible CO MOST Instructor Training Course Student*” means any person who enrolls in a Colorado MOST Program Approved Instructor Training Course and:

- 3.1.17.1.** Is a resident of Colorado holding a valid Motorcycle-endorsed driver's license as provided by §42-2-106, CRS; or
- 3.1.17.2.** Is a member of the armed forces having moved to Colorado subsequent a permanent change of station basis, holding a valid driver's license issued by another state.
- 3.1.18.** *"Instructor Professional Development Workshop (PDW)"* means a training educational activity designed to improve knowledge, attitudes, habits, and skills of CO MOST Instructors to improve and update the quality of CO MOST Program Approved Courses consistent with best practices.
- 3.1.19.** *"Leap Year"* means a calendar year running from January 1ST through December 31ST, having 29 days in February and occurring once every four (4) calendar years.
- 3.1.20.** *"Mobile Training"* means the transport to and from and the setting up of all CO MOST Program Approved 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 CO MOST Program Approved Courses. Mobile training also means training provided by a CO MOST Program Certified Vendor at two or more Temporary Training Sites with the exception that a CO MOST Program Certified Vendor may provide Mobile Training using a single Temporary Training Site during the first year it provides Mobile Training.
- 3.1.21.** *"MOST Course" or "CO MOST Approved Course"* means any beginner or intermediate MOST Course officially recognized and approved by the CO MOST Program.
- 3.1.22.** *"MOST Fund" or "CO MOST Fund"* means the fund authorized by §43-5-504, CRS.
- 3.1.23.** *"MOST Instructor," "MOST Program Instructor," "CO MOST Instructor," "CO MOST Program Instructor" or "Instructor"* means an individual, satisfying applicable requirements of these rules, who is in good standing with CO MOST Program requirements, Certified by the CO MOST Program to teach CO MOST Program Approved Courses.
- 3.1.24.** *"MOST Instructor Training Candidate" or "CO MOST Instructor Training Candidate"* means an individual satisfying the requirements of these rules, in good standing with CO MOST Program requirements, who, upon successful Course completion, may apply for Certification from the CO MOST Program to instruct CO MOST Program Approved Courses.
- 3.1.25.** *"MOST Instructor Training Course" or "CO MOST Program Approved Instructor Training Course"* means an approved course of instruction which prepares an Instructor Candidate to teach CO MOST Program Approved Courses.
- 3.1.26.** *"MOST Program Coordinator," "CO MOST Program Coordinator," or "Program Coordinator"* means the individual to whom the Chief has delegated responsibility for the administration of the CO MOST Program.
- 3.1.27.** *"MOST Program Office" or "CO MOST Program Office"* means the main office for the CO MOST Program located at the CSP.

- 3.1.28.** *“MOST Program Instructor Certification” or “CO MOST Program Instructor Certification”* means the certification provided to a person to operate as a CO MOST Program Instructor from the CO MOST Program. See definition 3.1.9. of these rules for additional guidance.
- 3.1.29.** *“MOST Program Vendor,” “MOST Vendor,” “CO MOST Program Vendor,” “Colorado MOST Program Vendor,” “CO MOST Vendor,” or “Vendor”* means a person that offers Motorcycle training meeting applicable CO MOST Program requirements set forth, referenced, and/or adopted by these rules.
- 3.1.30.** *“MOST Program Vendor Certification” or “CO MOST Program Vendor Certification”* means the certification, affirmation, recognition, and/or approval provided to a person to operate as a CO MOST Program Vendor from the CO MOST Program. See definition 3.1.9. of these rules for additional guidance.
- 3.1.31.** *“Motor Vehicle Record (MVR)” or “Motor Vehicle Operator Record”* means an official document produced by an identified state governmental entity detailing the motor vehicle operation and/or motor vehicle operation violation history for a person issued or previously issued a state license to operate a motor vehicle. May be known by another name (i.e., Abstract, Driver’s Record, etc.) in states outside of Colorado.
- 3.1.32.** *“Motorcycle”* means a motor vehicle designed with handlebars or any other similarly connected device to the front wheel(s) of the vehicle to steer.
- 3.1.32.1.** A Motorcycle defined within these rules will mean a motor vehicle designed to travel with three or less wheels in contact with the ground.
- 3.1.32.2.** 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.
- 3.1.33.** *“Motorcycle Operator Safety Training (MOST) Program” or “CO MOST”* means the Motorcycle Safety Training Program created pursuant to §43-5-501, et. seq., CRS. As used within these rules, MOST Program, MOST, CO MOST, Program, and Motorcycle Operator Safety Training Program, are used.
- 3.1.34.** *“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.
- 3.1.35.** *“PnP” or “CO MOST PnP”* means the CO MOST Program document available to the public and provided through the CO MOST Office, outlining expectations, guidelines, and requirements for Certified and participating Vendors, Instructors, students, and CO MOST Program partners. The CO MOST PnP encompasses as part information relevant to Quality Assurance Reviews (QARs), setting forth policies, procedures and expectations supporting QARs consistent with these rules and CO MOST Program goals.
- 3.1.36.** *“Program Agreement”* means the Motorcycle Operator Safety Training (MOST) Program agreement between the CO MOST Program and Certified CO MOST Program Vendors.

- 3.1.37.** “*Range*” means a Motorcycle Course area of asphalt, pavement, or concrete that is approved of by one or more CO MOST Program Approved Course providers and recognized by the CO MOST Program for Motorcycle (two and/or three-wheeled) training, having sufficient run-off area around the perimeter and any/all obstacles or barriers; adequate run-up and run-out space; defined for a maximum level of students; and designed, painted, and audited consistent with applicable CO MOST Program Approved Course standards.
- 3.1.38.** “*Quality Assurance Review (QAR)*” means actions through which the CSP or its agents evaluate the compliance of CO MOST Program Vendors or CO MOST Program Instructors with applicable statutes, these rules, the CO MOST PnP, applicable contractual or agreement obligations, applicable CO MOST Program Approved Courses, and CO MOST Program directives, policies, and initiatives.
- 3.1.39.** “*Reinstatement*” means the recertification of a CO MOST Program Vendor, CO MOST Instructor Trainer, or CO MOST Instructor by the Chief and the CO MOST Program subsequent to any cancelation, expiration, denial, limitation, suspension, or revocation of a certification consistent with applicable law, CO MOST contracts or agreements, CO MOST Program Approved Courses, these rules, and other applicable CO MOST Program developed criteria (including the CO MOST PnP and/or CO MOST Accountability and Resolution Matrix).
- 3.1.40.** “*Resident*” means a resident of a state for motor vehicle licensing and/or Motorcycle endorsement or licensing purposes. As applied within these rules, the definition of a Colorado resident will be consistent with the definition of resident set forth within §42-1-102 (81), CRS.
- 3.1.41.** “*Sexual Harassment and Diversity Training*” means annual training and updates thereto provided or approved for use by the CO MOST Program. To maintain CO MOST Program Certification, CO MOST Program Instructors must complete this training.
- 3.1.42.** “*Temporary Training Site*” means non-permanent locations whereby, with limited exception, no structure is to remain for more than 10 weeks out of a single state fiscal year that houses or stores Motorcycles or other equipment, and at which CO MOST Approved Courses and CO MOST Approved Instructor Training Courses are provided.
- 3.1.42.1.** Temporary Training Sites may be used multiple times over a single State Fiscal Year, but never for more than 10 weeks consecutively without prior permission from the CO MOST Program.
- 3.1.42.2.** All equipment brought to 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.
- 3.1.43.** “*Training Site*” means a CO MOST Course Approved and CO MOST Program affirmed permanent, non-temporary site for training having at least one (1) CO MOST Approved Range Course and the ability to provide classroom instruction consistent with these rules.
- 3.1.44.** “*Underserved Areas of the State*” means locations where the CSP determines the access of residents to CO MOST Program Approved training is restricted due to distance or program availability.

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**4. CSP CO MOST PROGRAM ADMINISTRATION**

- 4.1.** In administering the CO MOST Program, the CSP will:
- 4.1.1.** Establish standards and review curricula for CO MOST Program Course approval;
  - 4.1.2.** Manage the MOST Fund for the implementation of the CO MOST Program;
  - 4.1.3.** Maintain current records of CO MOST Certified Instructors, confirming compliance with statutory requirements established by §43-5-503, CRS;
  - 4.1.4.** Oversee all CO MOST Program Vendor Certifications and agreements with CO MOST Program Vendors providing training services under the CO MOST Program;
  - 4.1.5.** Acknowledge and affirm approval of all CO MOST Program Training Sites;
  - 4.1.6.** Coordinate and review QARs of CO MOST Program Approved Training Sites, Vendors, and Instructors, assessing compliance with these rules, applicable CO MOST Program Agreement obligations, applicable CO MOST Program Approved Courses, the CO MOST PnP, and applicable state laws;
  - 4.1.7.** Publish a current record of CO MOST Program Certified Instructors monthly, Consistent with the CO MOST Program Agreement;
  - 4.1.8.** Collaborate as may be necessary 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 CO MOST Program performance data, including data on Motorcycle accidents, injuries, and fatalities, among persons having completed CO MOST Program Approved Courses;
  - 4.1.10.** Prepare an annual report on the effectiveness of the CO MOST Program, the availability of CO MOST Program Approved Training throughout the state, current training costs, and other relevant performance measures as are determined by the CO MOST Program;
  - 4.1.11.** Establish and maintain an evaluation system of staff, CO MOST Program Certified or Approved Vendors, Instructors, and QAR Personnel, operating pursuant to the CO MOST Program for purposes of assessing and improving program performance; and
  - 4.1.12.** Ensure that CO MOST Program Approved Courses are conducted safely and consistent with best practices.

**5. CO MOST PROGRAM EXPENDITURES**

- 5.1.** The CO MOST Program Office will make use of funds as allocated pursuant to §43-5-504, CRS, to implement the CO MOST Program in compliance with the state fiscal rules.

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- 5.1.1. CO MOST PROGRAM ADMINISTRATIVE EXPENSES.** The CO 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 and with consideration given to MOSAB and other stakeholder communications, the CO MOST Program Office may use available CO MOST Program Funds for reasonable and necessary administrative expenses.
- 5.1.2. CO MOST PROGRAM CONTRACT EXPENSES.** Contract expenses differ from CO MOST Program Administrative expenses and are as defined within these rules. The CO MOST Program Office may use CO MOST Program Funds for reasonable and necessary contract expenses, to include:
- 5.1.2.1.** Expenses incurred to promote the CO MOST Program, including public relations expenses, banners, advertising, and CO MOST program promotional materials as ordered through the CSP CO MOST Program; and
- 5.1.2.2.** Those expenses related to CO MOST Program evaluation, meetings involving external stakeholders, interested parties, and partners, and those related to CO MOST Program awareness.
- 5.2. CO MOST PROGRAM CONTRACT EXPENSES.** CO MOST Program Vendor reimbursements include expenses directly related to a contract, agreement, or Purchase Order issued to a CO MOST Program Vendor or third-party for the purchase of goods and/or services, non-administrative CO MOST Program Operation expenses, or approved CO MOST Program-related travel expenses for Mobile Training conducted at Temporary Training Sites within Colorado by CO MOST Vendors.
- 5.2.1.** Agreements between the CO MOST Program and CO MOST Program Certified Vendors or third-parties will be for a period no longer than one (1) state fiscal year, subject to the availability of monies in the Fund.
- 5.2.2.** Where required by the state fiscal rules, agreements between the CO MOST Program and MOST Program Vendors or third-parties will utilize a Purchase Order.
- 5.2.3.** MOST Program Vendors and other third-parties entering into agreements or contracting with the CO 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 CO MOST Program-related travel expenses for Mobile Training, as defined within these rules, must be submitted in writing to the CO MOST Program Office, consistent with these rules and the state fiscal rules.
- 5.2.4.1.** A request for approved CO MOST Program travel or Mobile Training expenses by a MOST Vendor may be calculated pursuant to Colorado fiscal rules, current Colorado-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 CO MOST Program Office will allocate funds for a CO MOST Vendor's approved program-related travel or Mobile Training Expenses.
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- 5.2.5. Approval or denial of a request for reimbursement will be based upon criteria set forth within these rules and applicable CO MOST Program documents, in addition to the availability of funding to satisfy approved reimbursement requests.
- 5.2.6. Failure of a CO MOST Vendor to provide documentation adequate to substantiate the reimbursement requested for approved CO MOST Program-related travel or Mobile Training may result in denial of the request for reimbursement.
- 5.2.7. If a CO MOST Program Vendor disagrees with the decision of the CO MOST Program Office in response to a request for reimbursement, a CO MOST Program Vendor may:
  - 5.2.7.1. Submit a written request for additional review of the decision of the Chief within two weeks of receiving notification from the CO MOST Program Office.
  - 5.2.7.2. The Chief will issue a decision within two weeks of the date of the receipt of a CO MOST Vendor's written request to review a reimbursement request decision by the CO MOST Program Office.
  - 5.2.7.3. The decision of the Chief 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. CO MOST PROGRAM VENDORS

- 6.1. **CO MOST PROGRAM VENDOR APPLICATION REQUIREMENTS.** Persons seeking participate as MOST Vendors in the CO MOST Program must obtain Vendor Certification from the CO MOST Program prior to offering any CO MOST Program Approved Courses in Colorado. Only active Certified MOST Vendors can represent as a CO MOST Program Vendor and/or school and receive CO MOST Approved Course completion cards to provide to students upon successful course completion.
  - 6.1.1. Vendor Certification will be for a term not exceeding one (1) year and will expire no later than June 30th of the year following the effective date of issue.
  - 6.1.2. Vendor will receive a written response as to the approval of any CO MOST Program Vendor Application submitted within one (1) calendar month of the date of application receipt by the CO MOST Program Coordinator.
- 6.2. **CO MOST PROGRAM VENDOR MAINTENANCE.** To maintain as a Certified, active CO MOST Program Vendor, a Vendor must:
  - 6.2.1. Adhere to 8 CCR 1507-56, the CO MOST Program rules and regulations, and operate consistent with and in compliance with the terms of agreements between the state and Certified CO MOST Program Vendors, applicable law, the CO MOST PnP, and applicable provisions of CO MOST Approved Program Courses.
  - 6.2.2. Use Certified CO MOST Program Instructors satisfying CO MOST Instructor requirements set forth within these rules and require CO MOST Instructors to maintain compliance with §43-5-503, CRS, and applicable CO MOST Program Approved Courses. CO MOST Program Vendors must report any known Instructor violation of the aforementioned immediately to the CO MOST Program Office.

- 6.2.3.** Provide and maintain an approved CO MOST Program Training Site or Sites.
- 6.2.4.** Complete attendance of the annual CO MOST Program Vendor Conference consistent with the terms and conditions set forth within the CO MOST Program Agreement.
- 6.2.5.** Cooperate with all QARs arranged through the CO MOST Program Office of any Training Site or Sites.
- 6.2.6.** Comply with remediation actions and other directives as required by the CO MOST Program.
- 6.2.7.** Maintain all required CO MOST Program records, including student records, for a period of at least three (3) years, providing these records for auditing by the CSP or its agents upon request consistent with the CO MOST Program Agreement and other applicable CO MOST Program documents. Each student record must include:
  - 6.2.7.1.** A copy of their signed waiver, completed prior to the student beginning the course;
  - 6.2.7.2.** The full name of the student, exactly as it appears on the student's state driver's license, permit, or identification, and the license, permit or state identification number;
  - 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 results of the student's classroom and Range training, complete with a determination as to whether or not the student successfully completed training;
  - 6.2.7.6.** Course starting and ending date(s);
  - 6.2.7.7.** Evidence of successful Course completion (certificate, completion card, etc.), bearing the applicable Course number and other information as may be required by these rules;
  - 6.2.7.8.** Copies of incident reports involving a student, if any;
  - 6.2.7.9.** A CO MOST Program Vendor's name, email address, mailing address, phone number, and Range location; and
  - 6.2.7.10.** The name(s) and the assigned CO MOST Program identification number(s) for any CO MOST Program Instructor(s) responsible for a CO MOST student's Course of instruction.

- 6.2.8. The CSP will retain any student records and will not release them to third-parties absent an Open Records Request, contract, agreement, or as required by law, and will subject released records to redaction as appropriate to protect any PII. Any student records retained by the CSP on behalf of the CO MOST Program may be used to evaluate and analyze the effectiveness of the CO MOST Program. Records will be maintained consistent with applicable state data retention guidelines.

**6.3. CO MOST PROGRAM VENDOR TRAINING AND MOTORCYCLE REQUIREMENTS.** It is the responsibility of a CO MOST Program Vendor to ensure that all Motorcycles used for CO MOST Courses meet the requirements of these rules, applicable CO MOST Program Approved Courses, and are inspected and approved for use by the CO 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 (1) Motorcycle must be available per each student participating in that Range session of an CO MOST Program Approved Course.
- 6.3.3. CO MOST Vendor supplied Motorcycles must be maintained and in safe operating condition.
  - 6.3.3.1. This includes any and all repairs and maintenance of all CO MOST Program Vendor Motorcycles provided for use in an CO MOST Program, including required tire replacement.
- 6.3.4. A CO MOST Program Instructor will immediately notify a CO 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 an CO MOST Program Approved Course until such time the Motorcycle becomes compliant with the requirements of these rules.
- 6.3.5. A CO MOST Program Vendor will require a student electing to use his or her own two or three-wheeled Motorcycle, whichever may be applicable, to:
  - 6.3.5.1. Allow the MOST Program Instructor to complete a safety inspection to verify that the Motorcycle provided by the student satisfies applicable safety standards and is intended for street use by the manufacturer;
  - 6.3.5.2. Provide proof of ownership or written permission of the owner of the personal Motorcycle;
  - 6.3.5.3. Provide proof of adequate liability insurance;
  - 6.3.5.4. Sign a waiver of liability for any damage or injury arising out of, from, or caused by operation of the personal two or three-wheeled Motorcycle; and
  - 6.3.5.5. Confirm with the student that the transportation of the personally provided Motorcycle by a student participating in a CO MOST Program Approved Course to and from the Training Site should be consistent with all applicable state laws.

**6.3.6.** A CO MOST Instructor may exercise professional discretion and deny the use of a personally provided Motorcycle by a student participating in a CO MOST Program Approved Course.

**6.3.7.** A CO MOST Program Instructor will notify the CO MOST Program Vendor of any two or three-wheeled student-provided Motorcycle that is determined to be unsafe for use by a student attending a CO MOST Program Course.

**6.4. CO MOST PROGRAM VENDOR RANGE AND CLASSROOM REQUIREMENTS.**

Throughout the duration of a contract or an agreement between a CO MOST Program Vendor and the CO MOST Program, A CO MOST Program Vendor will:

**6.4.1.** Obtain and maintain legal access to a Training Site classroom and Range consistent with all the requirements of these rules.

**6.4.2.** Provide a physical or virtual classroom for training purposes, having adequate facilities for the total number of students attending a CO MOST Program Approved Course, including reasonable and legally sufficient accommodations necessary to instruct students having disabilities.

**6.4.3.** Provide a training Range to be used by an CO MOST Program Vendor for CO MOST Program Approved Course Instruction that meets minimum CO MOST Approved Program and Program Approved Course requirements. A CO MOST Vendor must supply documentation evidencing satisfaction of these requirements, including Range diagram(s), Range photographs, proof of legal access to the Range, and Course providers approval of the Range.

**6.4.4.** Agree that, with the exception of paving or other improvements, any changes to the dimensions or positioning of the Range or the Range layout will be diagrammed and receive approval from the developer of the applicable Motorcycle curricula and receive written acknowledgement from the CO MOST Program Office prior to any use.

**6.4.5.** Maintain a CO MOST Program Approved Course Range such that:

**6.4.5.1.** Range markings are correct and visible during training;

**6.4.5.2.** The Range is free of potholes and other hazards; and

**6.4.5.3.** Ensure that the Range is secured from the unsafe conditions and intrusions of any kind that could result in the distraction of a student, with the exceptions 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 Range is free from debris and other hazards that may adversely affect student safety; and

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

- 6.5. CO MOST VENDOR CHOICE OF COURSE.** A CO MOST Vendor may, at its discretion, opt to provide any one or all of the CO MOST Program Approved Courses that a CO MOST Vendor has received approval from the Course developer to use, and approval to provide from the CO MOST Program.
- 6.5.1.** In the event a CO MOST Program Approved Course should no longer be approved for instruction in Colorado, a Vendor employing Instructors Certified only in the formerly Approved Course may request CO MOST Program support consistent with statute supporting training of instructors from the CO MOST Program Office.
- 6.5.1.1.** For purposes of these rules, instructors employed by Vendors requesting program support for retraining in another CO MOST Program Approved Course pursuant to the exigent circumstances set forth within 6.5.1. will be treated by the CO MOST Program as if new CO MOST Program Instructor Candidates. The CO MOST Program may waive Instructor-specific individual Instructor training requirements on a case-by-case basis as may be determined to be appropriate.
- 6.5.2.** In the event a CO MOST Program Approved Vendor elects to switch from a CO MOST Program Approved Course to another CO MOST Program Approved Course absent approval revocation of a CO MOST Approved Program as set forth within section 6.5.1. of these rules, the Vendor is responsible for the transition costs associated therewith, including retraining costs for Instructors in the employ of a Vendor. Moreover, a change in the Approved CO MOST Program Course of instruction provided by a Vendor arising out of the sale of the business of an existing, CO MOST Program Certified Vendor is subject to this same exclusion.
- 6.5.3.** In the event a CO MOST Program Vendor is terminated as a provider of a CO MOST Program Approved Course and subsequently receives Certification to provide another CO MOST Program Approved Course, the CO MOST Vendor is responsible for all costs of program transition, including the retraining of any Instructors in the employ of the Vendor.

## **7. CO MOST PROGRAM INSTRUCTORS**

- 7.1. CO MOST PROGRAM INSTRUCTOR REQUIREMENTS.** A person must first be Certified as a CO MOST Program Instructor by the CO MOST Program prior to instructing any CO MOST Program Approved Courses. Instructor applications must be submitted to the CO MOST Program Office between January 1st and February 28th of each year. CO MOST Program Instructor Certifications issued during this time period are effective for a period of no longer than one (1) year, beginning March 1st of the current application year and expiring February 28th of the next year, with the exception of a leap year. To obtain CO MOST Program Instructor Certification from the CO MOST Program, a person must complete all applications and paperwork as are required by the CO MOST Program 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 CO MOST Program Approved Instructor Training Course;

- 7.1.2.1.** Beginning upon the effective date of these rules, subsequent new CO MOST Program Instructor applications and CO MOST Instructor applications submitted after Certification suspension or revocation from the CO MOST Program must include documentation confirming the successful completion of a CO MOST Program Approved Instructor Training Course with a passing score on the CO MOST Program Approved Course Skills Test, as detailed within the CO MOST Program PnP. The determination of reinstatement of a CO MOST Program Instructor will occur consistent with section 10 of these rules.
- 7.1.2.2.** Upon the effective date of these rules, CO MOST Program Instructor applications submitted to the CO MOST Program Office by applicants having successfully completed a national CO MOST Program Approved Course in Colorado or another state must include documentation specifically indicating the additional completion of a CO MOST Program Approved Course Skills Test with a successful score, as detailed within the CO MOST Program PnP. Where the original Course instruction does not include an CO MOST Program Approved Course Skills Test as part of the Course, the Applicant Candidate will be required to additionally complete a CO MOST Program Approved Course Skills Test with a successful score, as it is detailed within the CO MOST PnP to be eligible to apply for status as a Certified CO MOST Program Instructor.
- 7.1.2.3.** Beginning upon the effective date of these rules, subsequent new CO MOST Program Instructor applications or applications for annual renewal of Instructor Certification submitted to the CO MOST Program must include documentation confirming the successful completion of a CO MOST Approved Instructor Training Course consistent with standards set forth within the CO MOST PnP.
- 7.1.2.4.** Upon the effective date of these rules, subsequent applications for CO MOST Program Instructors submitted to the CO MOST Program by an Applicant Candidate successfully completing a CO MOST Program Approved Training Course in Colorado or another state must include documentation specifically indicating the additional completion of a CO MOST Program Approved Knowledge Test with a successful score as it is defined within the CO MOST Program PnP.
- 7.1.3.** Provide proof that the Applicant Candidate possesses a valid state driver's license with a Motorcycle endorsement issued by the state of residency. Where an Applicant Candidate possessed or possesses a license issued by another state in the three (3) year period prior to the submission of the application, the Applicant Candidate must also indicate the state of issue for the prior license and the license number.
- 7.1.4.** Colorado residents must submit a completed CDOR Form DR2559, "Permission for Release of Individual Records," to the CO MOST Program Office that evidences an acceptable driving record as required by §43-5-503, CRS, or a Motor Vehicle Record (MVR), as such document is identified within these rules, for a three (3) year period prior to the application submission date or any portion thereof. An application submitted without a driving record or MVR dated within 30 days of the application submission date will be not found acceptable, determined incomplete, and may be returned for completion at the discretion of the CO MOST Program Coordinator. An Applicant Candidate will be determined ineligible:

- 7.1.4.1. If, within the three (3) years prior to the date of the CO MOST Instructor application submission, the license issued to the Applicant Candidate by the state of Colorado has been revoked or suspended;
    - 7.1.4.2. If, within three (3) years prior to the date of the CO MOST Instructor application submission, an Applicant Candidate has been convicted for an offense assigned eight (8) or more points in the schedule set forth within §42-2-127 (5), CRS; or
    - 7.1.4.3. If, within the three (3) years prior to the date of the CO MOST Instructor application submission, a driver's license issued to the Applicant Candidate from any other state has been revoked or suspended.
  - 7.1.5. Non-Colorado residents are required to acquire and include with the CO MOST Instructor application their driver's license record or MVR from their current or most recent state of residency, dated within 30 days of the application submission. An application will be determined incomplete in the absence of a driver's license record or MVR and will be returned for completion by the CO MOST Program Manager to the Applicant Candidate. Moreover, a non-Colorado resident Applicant Candidate will be determined ineligible:
    - 7.1.5.1. If, within the three (3) years prior to the date of the application submission, a license issued to the Applicant Candidate by another state has been revoked or suspended; or
    - 7.1.5.2. If, within the three (3) years prior to the date of the application submission, an Applicant Candidate has been convicted for an offense assigned eight (8) or more points or convicted in another state for an offense equivalent to those offenses assigned eight (8) or more points on the schedule set forth within §42-2-127 (5), CRS, or its equivalent schedule in the licensing state.
  - 7.1.6. Non-Colorado residents who are active duty members of the military holding a driver's license from a state other than Colorado are exempt from the requirements of 7.1.5. Alternatively, members of the military who are not residents of Colorado are required to provide documentation as may be determined to be reasonably necessary by the CO MOST Program Coordinator to confirm validity of a driver's license and minimally consistent with CO MOST Program Instructor requirements set forth within these rules and the CO MOST Program PnP.
- 7.2. **CO MOST PROGRAM INSTRUCTOR MAINTENANCE.** To continue as an CO MOST Program Instructor, an Instructor must:
  - 7.2.1. Maintain compliance with CO MOST Program Instructor requirements, terms, and conditions of applicable CO MOST Program Approved Most Courses, applicable laws, and these rules.
    - 7.2.1.1. Failure to maintain compliance and any resulting ineligibility, suspension, revocation or termination of an Instructor from any CO MOST Approved Program Course will immediately result in the suspension and/or the pending revocation of a CO MOST Program Instructor Certification.

- 7.2.2.** Attend and complete all required CO MOST Program Courses, meetings, and PDWs, or receive waiver therefrom pursuant to the terms and conditions of the CO MOST Program Agreement and consistent with the CO MOST PnP.
  - 7.2.2.1.** Failure to attend or complete a required CO MOST Program Course, meeting, or PDWS, without prior approval to be absent therefrom, may result in the limitation, suspension, or revocation of a CO MOST Program Instructor Certification.
- 7.2.3.** Teach a minimum of three (3) CO MOST Program Approved Courses, or the equivalent thereof during a CO MOST Program Instructor annual Certification period as is identified to occur by these rules.
- 7.2.4.** Exhibit professional conduct and expertise when instructing students or when counseling out a student, including:
  - 7.2.4.1.** CO MOST Program Instructors must be physically capable of conducting CO MOST Program Approved Courses and maintain positive, safe learning environments.
  - 7.2.4.2.** CO MOST Program Instructors must not be impaired by alcohol or drugs when instructing a CO MOST Program Approved Course, including prescription or over-the-counter medications that may impair performance and response ability.
  - 7.2.4.3.** CO MOST Program Instructors must not engage in any unapproved use of electronic devices during a CO MOST Program Approved Course.
  - 7.2.4.4.** CO MOST Program Instructors must refrain from the use of tobacco products, including chewing tobacco or vaping products, during CO MOST Program Approved Courses; and
  - 7.2.4.5.** CO MOST Program Instructors must demonstrate professional discretion and courtesy when counseling out a student where it has been determined that the student should cease participation in a CO MOST Program Approved Course in order to protect the safety of the student and/or the safety of others.
- 7.2.5.** Follow CO MOST Program procedures for reporting incidents and injuries occurring during CO MOST Program Approved Course instruction by:
  - 7.2.5.1.** Filing a copy of the incident report provided by the CO MOST Program Approved Course provider with the CO MOST Program Office consistent with the CO MOST PnP, detailing any property damage or personal injury to a student. This report must be filed with the CO MOST Program Office within the time frame indicated in the CO MOST Vendor Agreement and the CO MOST Program PnP, and should include:
    - 7.2.5.1.1.** The complete Training Site physical address and mailing address, if different;
    - 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; and



**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, email addresses, and any incident-related Motorcycle damage.

**7.2.5.2.** Any updates to the incident report or updates to personal addresses or other contact information must be reported to the CO MOST Program Office within 15 days of any such changes.

**7.2.6.** Notify the CO MOST Program Office and the CO MOST Vendor(s) for whom an CO MOST Instructor provides training of any event that affects the CO MOST Instructor's ability to meet the requirements of these rules, best practices, CO MOST Program policies and procedures, applicable CO MOST Program Approved Courses, the CO MOST PnP, and/or compliance with applicable state statutes.

**7.3. CO MOST INSTRUCTOR CHOICE OF COURSE.** A CO MOST Instructor may, at their discretion, opt to pursue and receive training in any one or all CO MOST Program Approved Courses.

**7.3.1.** Existing Certified CO MOST Program Instructors in good standing with the CO MOST Program may request CO MOST Program support as a student new to any CO MOST Program Approved Course for which the CO MOST Program Instructor has not already received training or been Certified to instruct by the CO MOST Program.

**7.3.2.** The award of any CO MOST Program support will be contingent upon CO MOST Program funding availability and, if available, awarded in the order requests for additional CO MOST Approved Course Training are received.

**7.4. CO MOST PROGRAM INSTRUCTOR RECERTIFICATION AND CERTIFICATION RENEWAL**

**7.4.1.** A CO MOST Program instructor failing to maintain an CO MOST Program Instructor Certification as required by these rules, applicable laws, applicable CO MOST Program Approved Courses, and the CO MOST PnP must:

**7.4.1.1.** Successfully complete a CO MOST Program Approved Instructor Training Course, as set forth by section 7 of these rules; and

**7.4.1.2.** Apply for recertification by submitting an CO MOST Instructor application to the CO MOST Program Office, consistent with applicable provisions set forth within section 7 of these rules, applicable CO MOST Program Approved Courses, and the CO MOST Program PnP.

**7.4.2.** CO MOST Program Instructors applying to renew CO MOST Program Instructor Certification annually should do so as directed by the CO MOST Program PnP and these rules unless otherwise determined ineligible to do so. In the event of ineligibility, a CO MOST Program Instructor may pursue Recertification as set forth within these rules.

**7.4.2.1.** A CO MOST Program Instructor seeking to renew a Certification required by these rules, applicable law, and the CO MOST Program must apply for renewal of an Instructor Certification by submitting a complete Instructor Application to the CO MOST Program Office.

**8. CO MOST PROGRAM APPROVED TRAINING**

**8.1. CO MOST INSTRUCTOR TRAINING COURSE.** To deliver or provide CO MOST Program Approved Training Courses, a CO MOST Vendor must first:

**8.1.1.** Obtain Certification from the CO MOST Program Office;

**8.1.2.** Agree that all CO MOST Program Approved Courses supported through the CO MOST Program Office (course materials, books, etc.) are offered to all CO MOST Instructors. CO MOST Program Approved Courses also supported through the CO MOST Program must be open to all Colorado residents who are qualified CO MOST Ridercoach/Instructor Candidates, regardless of where or through the CO MOST Program Approved Instructor Training is provided. Agreement may be recorded through electronic means.

**8.1.2.1.** Regardless of whether a MOST Instructor Training Course is supported through the CO MOST Program, all applicable CO MOST Program Vendor, Student, and Course reporting requirements must be satisfied.

**8.1.3.** Provide the following information to the CO MOST Program Office:

**8.1.3.1. IN-STATE VS OUT-OF-STATE INSTRUCTOR TRAINERS.** A statement confirming that the CO MOST Program Approved Instructor Training Course will be provided by a CO MOST Program Certified Instructor Trainer or an out-of-state Approved Course Instructor Trainer equivalent. In the event an out-of-state Approved Course Trainer is scheduled to deliver a CO MOST Program Approved Training Course, the out-of-state Instructor Trainer must consent to abide by all applicable CO MOST Program Instructor standards. Consent may be recorded through electronic means.

**8.1.3.2.** A statement from the CO MOST Program Certified Vendor acknowledging responsibility to first seek and use Certified CO MOST Program Instructors or Instructor Trainers available within Colorado before seeking out and using MOST Program Instructors or Instructor Trainers from outside of Colorado.

**8.2. CO MOST COURSE GUIDELINES.** All CDOR-recognized Motorcycle license-waiving Training Courses must receive CO MOST Program Certification before they may be offered to students in Colorado. To be eligible for approval in Colorado, Courses submitted to the CO MOST Program must:

**8.2.1.** Be submitted as part of a written request for review by the CO MOST Program Office and the CDOR.

**8.2.1.1.** Submitted materials received by the CO MOST Program Office will be subject to a third-party review for purposes of copyright infringement determination prior to being shared with the CDOR. The CO MOST Program will arrange copyright review services for Course applications received.

**8.2.1.2.** Course application submissions determined to violate copyrights of existing national or state-developed curricula will be rejected with an explanation in writing detailing the infringement determined. Submissions determined to contain material in violation of copyrights attached to existing MOST or CO MOST Program Approved Courses will remain on file with the CO MOST Program, but will not be forwarded to the CDOR.

**8.2.2. CO MOST COURSE REQUIREMENTS.** A complete copy of the proposed Training Course must be provided to the CO MOST Program Office for evaluation and assessment. To be approved as a CO MOST Program Course, the materials provided as part of the application must demonstrate that the Course meets the CDOR's requirements to issue a Colorado Driver's License Motorcycle endorsement and meets the following requirements:

**8.2.2.1.** The proposed MOST Course content is research-based and provides appropriate instruction content to teach all components of a specific CO MOST Program Approved Motorcycle Training Course;

**8.2.2.2.** The Course provides adequate instruction and methodologies to teach all components;

**8.2.2.3.** The Course content imparts knowledge of safe Motorcycle operating practices, and the necessary aptitude for instructing CO MOST students, consistent with §43-5-502, CRS; and

**8.2.2.4.** The Course addresses the effects of alcohol, drugs, and other operator impairments on the operation of Motorcycles, as is also consistent with §43-5-502, CRS.

**8.2.2.5.** The course is organized and comprised of applicable content based upon documented research and demonstrated effective in providing safety training. Any basic or novice Motorcycle Rider Course must be consistent with the Model National Standards for Entry-Level Motorcycle Rider Training in effect as of January 2021, hereby incorporated into the rules by reference, excluding any later amendments.

**8.2.2.5.1.** The Model National Standards for Entry-Level Motorcycle Training are available for copying or public inspection during regular business hours at the CO MOST Program Office.

**8.2.2.6.** Includes an evaluation of the student's knowledge and skill as each relates to the safe operation of a Motorcycle. Successful completion by a student requires a passing score of both a written CO MOST Program Approved Course Knowledge Test and a Motorcycle Skills Test evaluation.

**8.2.2.7.** Requires that all CO MOST Program Approved Course participants and Instructors wear protective gear whenever seated on a Motorcycle during instruction of a Course, including:

**8.2.2.7.1.** A USDOT-Compliant Motorcycle helmet;

**8.2.2.7.2.** Eye protection;

**8.2.2.7.3.** A Long-Sleeved shirt or jacket;

**8.2.2.7.4.** Full-Fingered gloves;

**8.2.2.7.5.** Long-legged pants of durable material providing an appropriate level of coverage and protection; and

**8.2.2.7.6.** Boots or shoes of sturdy construction and design that covers the ankle when sitting upon a Motorcycle.

**8.2.2.8.** Include evidence and information relating to the training, evaluation, and assessment protocol necessary to ensure the integrity of the instruction provided, instruction of Instructors, and the overall existence and sufficiency of required CO MOST Program Approved Course elements addressed by these rules, the CO MOST PnP, the CO MOST Program Agreement, CO MOST Program Instructor requirements, applicable CO MOST Program Approved Courses, and applicable state laws. Evidence and information provided must specifically address compliance of the Course and its Instructors with all related CO MOST Program Course training requirements and the CO MOST Program Quality Assurance requirements. Additional guidance regarding recommended elements and requirements to be included as part of a CO MOST Course submission to the CO MOST Program Office may be reviewed in the CO MOST Program PnP. Minimally, each CO MOST Course application must:

**8.2.2.8.1.** Identify how the Course proposed meets CO MOST Program approval requirements, nationally recognized best practices and standards, and define how any two-wheel level i vs. level ii and/or three-wheel level I vs. level II are consistent therewith.

**8.2.2.8.2.** Describe and identify the methodology that will be applied when incorporating changes and updates to Courses, verifying that changes and updates will not operate in opposition to current versions of CO MOST Program Approved Courses.

**8.2.2.8.3.** Describe and identify measures of accountability and assessment that apply to the measurement, evaluation, and reporting of the effectiveness of current operation and of program amendments and updates. These measures of accountability and assessment must specifically identify consistency and inconsistency with applicable CO MOST Program Approved Course requirements, these rules, and other applicable CO MOST Program requirements.

**8.2.2.8.4.** Confirm that all appropriate and adequate resources necessary to deliver training and/or materials are available and/or will be acquired and made available to all CO MOST Program Approved Training Sites and Instructors.

**8.2.2.8.5.** Describe and identify the instruction method(s) proposed and how the method(s) support effective research-based training standards and pedagogy for the safe operation of two or three-wheel motorcycles.

- 8.2.2.8.6.** Include written documentation confirming the legal authority or ownership from the Course owner or provider, granting legal license or other authorization to the Course applicant to use the name, products, likeness, logos, images, videos, etc., of the Course owner or provider. Applicant must also complete a written statement that such authorization or license between the applicant and the Course owner or provider will be maintained in good standing for the term of any contract or agreement applicable thereto. The agreement or contract between the Course provider and the applicant must extend to cover any Course amendments, changes, and updates of a Course submitted to the CO MOST Program for the duration the Course is approved for use in Colorado through the CO MOST Program. The CO MOST Program reserves the right to require updated information regarding authority or license from a Course owner or provider for an CO MOST Program Approved Course.
- 8.2.2.9.** Applicants must agree that, in the event of any legal challenge to the legal use of Course content, written notice will be forwarded to the CO MOST Program Office within five (5) business days. Furthermore, in the event of a legal decision voiding the prior legal use of the CO MOST Program Approved Course or its materials, written notice will be forwarded to the CO MOST Program Office within 48 hours.
- 8.2.2.10.** The CO MOST Program reserves the right to reasonably limit the number of students participating in any CO MOST Program Approved Course, and the right to approve, disapprove, or restrict proposed methods of instruction, consistent with nationally recognized coach-to-student ratios.
- 8.2.3.** Require and comply with the Instructor-to-Student Ratio standards and best practices set forth in the applicable CO MOST Program Approved Courses.
- 8.2.4.** The CO MOST Program Office will maintain a copy of the complete Course materials for every CO MOST Program Approved Course. Any person may Request information about an Approved CO MOST Course or its materials by submitting a request through the CSP Central Records Unit (CRU).
- 8.2.5.** A list of all current CO MOST Program Approved Courses will be maintained by the CO MOST Program Office.
- 8.2.6.** Approval of a MOST Course submitted for CO MOST Program Approval may take up to one (1) calendar year following the submission of a complete Course application.
- 8.2.7.** THE CO MOST Program will engage an independent third-party Curricula/Course review body to facilitate and complete the initial Course document review. An initial document review will be completed no sooner than 90 days following the completion of a CO MOST Program copyright review of a Course submission.
- 8.2.8.** Once the initial document review of a Course application submission is complete, the CO MOST Program will deliver written notice to the Course applicant to schedule the completion of an on-site evaluation and audit of the Course seeking CO MOST Program approval.

**8.2.8.1.** Completion of an on-site evaluation and audit of a proposed Course in its entirety by the CO MOST Program or its agent(s) is required for a Course to receive approval from the CO MOST Program.

**8.2.8.2.** It is the responsibility of the applicant applying for CO MOST Program approval of a Course to cooperate in good faith with the CO MOST Program and its agent(s) to complete these requirements. Delay of the site evaluation and audit may also delay the CO MOST Program approval of a Course beyond a single calendar year.

**8.2.9.** Approval or denial of a CO MOST Course application will be issued in writing by the CO MOST Program or its agent(s) no sooner than 90 days after the completion of an on-site evaluation and audit.

## **9. CO MOST PROGRAM VENDOR AND INSTRUCTOR QARS**

**9.1. CO MOST PROGRAM QARS.** CO MOST Program Vendors and Instructors will be subject to periodic QARs by CO MOST Program Office personnel, or its agents to assess the compliance of Vendors and Instructors with all applicable statutes, CO MOST Program Agreement obligations, policies and procedures, applicable CO MOST Program Approved Courses, the CO MOST PnP, and these rules. All CO MOST Program Certified Vendors and Certified Instructors are required to comply completely in good faith and participate in all QARs as may be required by the CO MOST Program.

**9.1.1.** QARs will be completed upon each participating CO MOST Program Vendor at least once per year and include the evaluation of all applicable elements of the CO MOST Program as each are discussed within the CO MOST Program PnP.

**9.2.** The CO MOST Program Office or its agents will forward copies of any QAR reports to a CO MOST Program Vendor or CO MOST Program Instructor upon which a QAR is completed within 10 business days following the completion and receipt of the QAR. If the CO MOST Program is unable to deliver a copy of the completed QAR within 10 business days of its completion, the CO MOST Program will forward a written explanation for the delay and indicate a timeline for delivery.

**9.3.** QARs are to be completed, documented, and submitted consistent with the CO MOST Program PnP. At a minimum, QARs must formally document, provide explanation of, and clearly indicate any area(s) that a CO MOST Program Vendor or Instructor is not in compliance with applicable statutes, rules, CO MOST Program policies, applicable CO MOST Program Approved Courses, the CO MOST PnP, and/or CO MOST Program Agreement obligations, and provide direction on how to remedy any noncompliance identified.

**9.3.1.** QARs may also document other areas of concern requiring attention of a CO MOST Program Vendor or Instructor that do not yet warrant formal correction or rise to the level of actual noncompliance with applicable statutes and CO MOST Program Approved Courses, CO MOST Program agreements, CO MOST Program criteria, procedures, and/or policies.

**9.4.** The CO MOST Program will require a CO MOST Program Vendor or Instructor to remedy any noncompliance with applicable statutes and CO MOST Program Approved Courses, CO MOST Program agreements, CO MOST Program criteria, procedures, and/or policies.

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10.1.2. Any training provided by a CO MOST Program Instructor as of and after the effective date(s) of suspension or revocation will be invalid until the CO MOST Program Office determines the noncompliance identified has been corrected and/or is no longer present. The CO MOST Program Office will notify the CDOR in writing of any decision to lift the suspension or reinstate the valid training status of a CO MOST Program Instructor, and the effective date(s) thereof.

**10.2. CO MOST PROGRAM VENDOR DENIAL, LIMITATION, SUSPENSION, AND REVOCATION.** The CO MOST Program Office may deny, limit, suspend, or revoke the CO MOST Program Certification of a CO MOST Program Vendor for any action or omission violating the purposes, scope or effect of applicable state law, these rules, CO MOST Program agreements, CO MOST Program policies, procedures and criteria, the CO MOST PnP and applicable CO MOST Program Approved Courses. Grounds for denial, limitation, suspension, or revocation of a CO MOST Program Vendor may include:

10.2.1. Knowingly presenting or allowing to be presented to the CO MOST Program any false or misleading information relating to CO MOST Program Vendor Certification or CO MOST Program Vendor compliance pursuant to these rules;

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

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

10.2.4. Failing to correct known non-compliance identified by a QAR within the response period defined through the CO MOST Program;

10.2.5. Having two (2) QARs identifying consistent, repetitive, and/or different infractions of similar severity rising to a level of non-compliance within a six (6) month period;

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

10.2.7. Engaging in a pattern or a continuing course of misconduct of harassing, discriminatory, or offensive behavior with a CO MOST Program student, other CO MOST Program Vendor(s), CO MOST OR MOST Program Instructors, the CO MOST Program Office, CSP, or its agents; or

10.2.8. The violation of any applicable provision of the CO MOST Program PnP.

10.2.9. Any CO MOST Program Vendor may be summarily suspended, pursuant to §24-4-104 (4), CRS.

**10.3. CO MOST PROGRAM INSTRUCTOR DENIAL, LIMITATION, SUSPENSION, AND REVOCATION.** The CO MOST Program may deny, limit, suspend, or revoke a CO MOST Program Instructor for any action or omission violating the purposes, scope, or effect of applicable state law, these rules, CO MOST Program agreements, CO MOST Program policies, programs and criteria, the CO MOST PnP, and/or applicable CO MOST Program Approved Courses. Grounds for denial, limitation, suspension, or revocation 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 CO MOST Program Office any false or misleading information related to a CO MOST Program Instructor 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, waiver, or permit;
- 10.3.4. Knowingly or recklessly disregarding, changing, or failing to comply with any requirements of these rules or other applicable laws or standards relevant to the CO MOST Program, subject to the provisions of §24-5-101, CRS;
- 10.3.5. Failing to correct known non-compliance identified by a QAR within the response period through the CO MOST Program;
- 10.3.6. Having two (2) QARs identifying consistent, repetitive, and/or different infractions of similar severity rising to a level of noncompliance within a six (6) month period;
- 10.3.7. Obtaining a CO 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, discriminatory or offensive behavior with a CO MOST Program student, CO MOST Program Vendor(s), other CO MOST and MOST Program Instructors, the CO MOST Program Office, CSP, or its agents;
- 10.3.9. Being impaired by alcohol and/or drugs while instructing or being present on a Training Site or Temporary Training Site while actively delivering or performing as an Instructor of a CO MOST Approved Course;
- 10.3.10. Failing to attend the required minimum of one (1) CO MOST Program Approved PDW per year and/or any other required CO MOST Program annual meeting, conference, or CO MOST Program Approved Training, consistent with the terms and conditions set forth within the CO MOST PnP;
- 10.3.11. Failing to teach three (3) complete CO MOST Program Approved Courses, or the equivalent thereof within the annual CO MOST Program Instructor Certification period consistent with these rules; and
- 10.3.12. The violation of any applicable provision or requirements set forth within the CO MOST Program PnP.
- 10.3.13. Any CO MOST Program Instructor may be summarily suspended, pursuant to §24-4-104 (4), CRS.
- 10.4. **CO MOST PROGRAM REINSTATEMENT OF CO MOST VENDORS OR INSTRUCTORS.** Upon determination by the Chief, the CO MOST Program Office may reinstate a CO MOST Program Vendor or Instructor that has been limited, suspended, or revoked.
  - 10.4.1. The Chief will be responsible for determining when it is appropriate to reinstate a CO MOST Program Vendor or CO MOST Program Instructor.

**10.4.2.** Reinstated CO MOST Program Vendors or CO MOST Program Instructors will be notified in writing, delivered to the last known mailing address(es) for a Vendor or Instructor. If available, notice of reinstatement will also be emailed to the last known email address for a CO MOST Vendor or Instructor provided to the CO MOST Program Office.

**10.5. REINSTATEMENT OF A CO MOST PROGRAM VENDOR.** In determining whether it is appropriate to reinstate a CO MOST Program Vendor, the Chief may consider:

**10.5.1.** All relevant circumstances, including the performance and completion of any remedial actions directed by the CO MOST Program Office consistent with the CO MOST Program Accountability and Resolution Matrix; and

**10.5.2.** The CO MOST Program Vendor's compliance with all applicable requirements set forth within these rules, relevant statutes, CO MOST Program agreements, applicable CO MOST Program Approved Courses, and the CO MOST PnP.

**10.6. REINSTATEMENT OF A CO MOST PROGRAM INSTRUCTOR.** In determining whether it is appropriate to reinstate a CO MOST Program Instructor, the Chief may consider:

**10.6.1.** All relevant circumstances, including the performance and completion of any remedial actions by the Instructor directed by the CO MOST Program Office consistent with the CO MOST Program Accountability and Resolution Matrix;

**10.6.2.** Attendance and successful completion of a CO MOST Program Approved Instructor Training Course or, at minimum, the successful completion of remedial training as directed by the CO MOST Program Office, consistent with the CO MOST Program Colorado-specific Instructor Course requirements detailed within section 7 of these rules; and

**10.6.3.** The current compliance of a CO MOST Instructor with all reasonably applicable CO MOST Program Instructor requirements.

**11. APPEAL OF CO MOST PROGRAM VENDOR OR INSTRUCTOR DENIAL, LIMITATION, SUSPENSION, OR REVOCATION**

**11.1.** Any denial, limitation, suspension, or revocation affecting a CO MOST Program Vendor or CO MOST Program Instructor pursuant to 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 CSP Central Records Unit (CRU) or the CO MOST Program Coordinator at 15055 S. Golden Road, Golden, CO., 80401-3990.

**12.1.1.** These rules do not include later amendments or editions of any publications, standards, guidelines, or rules other than approved changes in CO MOST Program Approved Courses, the CO MOST PnP, CO MOST Program Agreements, or the CO MOST Accountability and Resolution Matrix, 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 CO MOST Program consistent with §24-4-103 (12.5), CRS.
- 12.1.2.1.** NHTSA's Model 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 812071), Washington, DC: Author. This document is also available for download online at: [HTTP://WWW.NHTSA.GOV/STATICFILES/NTI/PDF/811503.PDF](http://www.nhtsa.gov/staticfiles/nti/pdf/811503.pdf)
- 12.1.2.3.** CO MOST PnP, Golden, Colorado: CSP CO MOST Program. This document is available online at: [HTTPS://WWW.COMOST.COM](https://www.comost.com).
- 12.1.2.4.** CO MOST Program Accountability and Resolution Matrix, Golden, Colorado: CSP CO MOST Program. This document is available online at: [HTTPS://WWW.COMOST.COM](https://www.comost.com).
- 12.1.2.5.** CO MOST Program Agreement (with terms and conditions), Golden, Colorado: CSP CO MOST Program. This document is available online at: [HTTPS://WWW.COMOST.COM](https://www.comost.com).
- 12.1.2.6.** CO MOST Program Instructor Candidate Application (with terms and conditions), Golden, Colorado: CSP CO MOST Program. This document is available online at: [HTTPS://WWW.COMOST.COM](https://www.comost.com).
- 12.1.2.7.** CO MOST Program Instructor Application (new and renewal, with terms and conditions), Golden, Colorado: CSP MOST Program. This document is available online at: [HTTPS://WWW.COMOST.COM](https://www.comost.com).
- 12.2.** The CO MOST Program maintains copies of the complete texts of each of the aforementioned adopted standards and these texts are 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 CSP CRU, 700 Kipling St., Lakewood, CO., 80215. Copies of the adopted standards are also available from the organization of original issue:
- 12.2.1.** National Highway Traffic Safety Administration, (NHTSA), 1200 New Jersey Ave., SE, Washington, DC 20590.
- 12.2.2.** CSP CO MOST Program Office, 15055 S. Golden Road, Golden, CO. 80401-3990.
- 12.3.** These rules are available to the public and may be downloaded from the CSP CO MOST Program website.

**13. SEVERABILITY**

- 13.1.** If any provision of these rules or the applicability thereof to any person or circumstance is determined to be unlawful or invalid, the remaining provisions of these rules will not be affected absent a specific reference thereto.

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**Editor's Notes**

**History**

New rule eff. 09/30/2018.

Entire rule eff. 02/14/2022.