

## DEPARTMENT OF TRANSPORTATION

### Office of Transportation Safety

## RULES GOVERNING THE MOTORCYCLE OPERATOR SAFETY TRAINING (MOST) PROGRAM

### 2 CCR 601-23

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

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#### Statement of Basis and Purpose and Statutory Authority

These Rules are adopted pursuant to § 43-5-502 (1)(d), and (1)(III)(b), C.R.S., by the Department of Transportation to establish a motorcycle operator safety training program ("MOST Program") that promotes motorcycle safety awareness and supports courses to teach students to safely operate a motorcycle and train instructors.

The MOST Program Rules, 2 CCR 601-23, were last adopted on December 12, 2012 and became effective on March 17, 2013. Thereafter, HB13-1083, codified at § 43-5-501, *et seq.* C.R.S., required amendments to the rules to conform to new legislation. The Department is significantly revising the rules to improve the Program and provide greater accountability and transparency. This rule making effort requested the input from knowledgeable stakeholders involved in motorcycle training. The MOST Program Rules, 2 CCR 601-23, became effective on November 17, 2013. Thereafter, the Office of Legislative Legal Services required the rules to be amended to correct a typographical error to Rule 9.01.7 and address range dimensions in Rule 9.02. The Department has determined that range dimensions are not required by statute to be explicitly included in the rules and thus propose deleting 9.02. The rules are only opened for these issues raised by the Office of Legislative Legal Services.

#### 1.00 Definitions

- 1.01 "Administrative Expenses" for the MOST Program Office shall consist of: salary and related benefit costs and operating costs. Operating costs shall include: costs related to the daily administration of the MOST Program; staff in-state travel to conduct MOST related business; capital equipment ordered by CDOT staff (not included under a MOST Vendor purchase order or contract); office supplies used for administration of the Program; copying, printing and form reproduction, and tuition/registration costs for the MOST Program staff as it relates to the MOST Program.
- 1.02 "Advisory Board" means the Motorcycle Operator Safety Advisory Board created pursuant to § 43-5-505, C.R.S.
- 1.03 "Basic Rider Course" means a course of motorcycle instruction designed to develop knowledge, attitudes, habits and skills necessary for the safe operation of a Motorcycle. The completion of the course may be used to obtain a motorcycle endorsement from the Department of Revenue.
- 1.04 "CDOT" or "Department" means the Colorado Department of Transportation established pursuant to § 43-1-103, C.R.S.
- 1.05 "Contract Expenses" for the MOST Program Office shall include expenses directly related to a contract or purchase order issued to a MOST Vendor or third party, expenses incurred to promote the MOST Program, and expenses related to Program evaluation.

- 1.06 "Director" means the Director of the Office of Transportation Safety at the Colorado Department of Transportation.
- 1.07 "Eligible Student" means any person who is eligible to receive the Tuition Benefit having completed the MOST Basic Rider Course or Instructor Training Course and who:
- 1.07.1 Is a resident of Colorado and who holds a valid driver's license or a temporary instruction permit authorized by § 42-2-106, C.R.S., or
- 1.07.2 Is a member of the armed forces who has moved to Colorado on a permanent change of station basis, and who holds a valid driver's license issued by another state. § 43-5-502 (1) (a) (II), C.R.S.
- 1.07.3 An adult who holds a valid driver's license from another state, who is eligible for a motorcycle license in the same state.
- 1.08 "Instructor Professional Development Workshop" means a training activity which increases the MOST Program Instructor's knowledge, attitudes, habits and skills to improve and update the instruction of Basic Rider Courses.
- 1.09 "Mobile Training" means the transport of all curriculum-required equipment to temporary training sites in under-served areas of the state which do not have dedicated training facilities or equipment and providing MOST Instructors to that area to complete a MOST Basic Rider Course or a MOST Instructor Training Course. "Temporary training sites" used in this definition are locations at which training is conducted no more than four consecutive weeks during any given State fiscal year and where, upon conclusion of the training, all equipment is removed from the training site. These temporary training sites may be used multiple times throughout the fiscal year but cannot be utilized for more than four consecutive weeks at a time.
- 1.10 "Motorcycle Operator Safety Training Program," "MOST" or "Program" means the safety training program created pursuant to § 43-5-501, *et seq.*, C.R.S.
- 1.11 "MOST Fund" means the fund established by § 43-5-504, C.R.S.
- 1.12 "MOST Instructor" means an individual who meets the requirements of these Rules, who is certified by CDOT to teach the Basic Rider Course instruction and who remains in good standing with the state certification requirements.
- 1.13 "MOST Instructor Trainer" means an individual who meets the requirements of these Rules, who is certified by CDOT to teach MOST Program Instructors and who remains in good standing with the state certification requirements.
- 1.14 "MOST Program Instructor Training Course" means an approved course of instruction which prepares an individual to teach MOST courses.
- 1.15 "MOST Program Vendor Certification" means the certification given to an individual, association, partnership, corporation, educational or governmental agency by CDOT to operate as a MOST Program Vendor in Colorado. In order to maintain certification, the individual or entity must fully comply with the requirements of these Rules and all applicable state law, and remain in good standing.
- 1.16 "MOST Vendor" means a person or entity that offers a motorcycle operator safety training program which meets standards promulgated by the Department.

- 1.17 "Motorcycle" means a motor vehicle that uses handle bars or any other device connected to the front wheel(s) to steer, and is designed to travel on not more than three wheels in contact with the ground; except that the term does not include a farm tractor, a low-speed electric vehicle, or low power scooter. See § 42-1-102 (55), C.R.S.
- 1.18 "Office of Transportation Safety" or "OTS" means the CDOT office responsible for the implementation, management, and maintenance of the MOST Program pursuant to § 43-5-501(4), C.R.S.
- 1.19 "Program Coordinator" means a person designated by the Director to ensure compliance with Program Rules, Program operation and motorcycle safety coordination.
- 1.20 "Reinstatement" means CDOT's recertification of a MOST Program Vendor, MOST Program Instructor or a MOST Program Instructor Trainer after any cancellation, expiration, denial, suspension, or revocation of a certification under these Rules.
- 1.21 "Training Site" means the location provided by the MOST Program Vendor and approved by the MOST Program Office, including a classroom facility and range that meets the requirements of these Rules.
- 1.22 "Tuition Benefit" means the amount paid by CDOT to the MOST Program Vendor and passed on to the Eligible Student by the MOST Program Vendor in the form of lower training costs.
- 1.23 "Underserved Areas of the State" means locations in the state as determined yearly by the MOST Program Coordinator where residents' access to MOST Program training is restricted due to distance.

**2.00 CDOT's MOST Program**

- 2.01 In administering the Program, the CDOT MOST Program Office shall:
  - 2.01.1 Oversee MOST Program Vendor certification and contract with MOST Vendors for the purpose of providing the Program;
  - 2.01.2 Oversee approval of MOST Program Training Sites;
  - 2.01.3 Establish standards and approve curricula for the certification of the MOST Program Basic Rider Course and the MOST Program Instructor Training Course;
  - 2.01.4 Conduct Quality Assurance Reviews of Training Sites and MOST Program Vendor operations for compliance with these Rules, applicable state law and the MOST Program contract;
  - 2.01.5 Maintain a current record of MOST Program Instructors and confirm compliance with statutory requirements set forth in § 43-5-503, C.R.S.;
  - 2.01.6 Provide a list of MOST certified Instructors to the Department of Revenue on a monthly basis. This list will also be posted monthly on the CDOT MOST Program webpage.
  - 2.01.7 Manage the Motorcycle Operator Safety Training Fund for the implementation and administration of the MOST Program;
  - 2.01.8 Collaborate with the Colorado Department of Revenue to obtain data yearly on motorcycle endorsements for Colorado driver's licenses;

2.01.9 Establish and maintain a system to record MOST Program performance data, including information on motorcycle accidents, injuries, and fatalities among persons who have completed the MOST Program;

2.01.10 Establish and maintain an evaluation system of MOST Program staff, Vendors, Instructors, and Quality and Assurance review personnel with the goal of continually improving the MOST Program; and

2.01.11 Ensure that courses are offered safely, and are consistent with best practices.

### **3.00 MOST Program Vendor Application Requirements**

3.01 A person or entity must first obtain a MOST Program Vendor certification from CDOT before offering MOST Program Courses.

3.02 Certification shall be for a term not to exceed one year and shall expire on June 30 following the effective date, and shall be subject to annual renewal 30 days prior to expiration. The MOST Vendor shall make the certification available for review upon request.

### **4.00 MOST Program Vendor Certification Requirements**

To maintain certification, a MOST Program Vendor must:

4.01 Meet all requirements set forth in these Rules, applicable state law and in the contractual agreement with CDOT;

4.02 Use MOST Program certified Instructors and require them to remain in compliance with § 43-5-503, C.R.S., and report any violation of this statute immediately to the MOST Program Office;

4.03 Provide and maintain MOST Program approved Training Site(s);

4.04 Utilize the current MOST Program approved logo and post it on the MOST Vendor's website and/or advertising materials;

4.05 Provide information on the Tuition Benefit to Eligible Students on the MOST Vendor's website and/or advertising materials;

4.06 Comply with all quality assurance reviews by the MOST Program Office of the Training Site;

4.07 Ensure that each student signs the waiver form prior to commencing the course;

4.08 Provide a receipt using the required form to the MOST Program Office and to students which includes the following information:

4.08.1 The dates the course was provided;

4.08.2 Whether the course was the Basic Rider Course or the Instructor Training Course;

4.08.3 The name of the MOST Vendor providing the course;

4.08.4 The total cost of the course;

4.08.5 The Tuition Benefit, where applicable; and

4.08.6 The amount paid by the student.

- 4.09 Maintain all required MOST Program records for a period of three years and submit records as requested to CDOT for audit purposes.
- 4.10 Maintain a student record for each student who enrolls in a MOST Course for a period of three years from the student's enrollment date, utilizing the forms required by CDOT.
- 4.11 Oversee collection and retention of the following information:
  - 4.11.1 The full name of the student, exactly as it appears on the student's driver's license or permit;
  - 4.11.2 The student's driver's license or permit number, the state of issue, and date of expiration;
  - 4.11.3 The student's date of birth;
  - 4.11.4 The student's mailing address, including county of residence, email address, phone number, and the name and phone number of the person to contact in the event of an emergency;
  - 4.11.5 The results of the student's classroom and on-cycle training, including both written test scores and skill test scores, indicating whether or not the student successfully completed the training;
  - 4.11.6 The MOST Program Vendor's name, email address, mailing address, telephone number, and range location; and
  - 4.11.7 The MOST Program Instructor(s) name and certification number(s).
  - 4.11.8 The Department will retain the student records and will not relinquish them to third parties absent an open records request or as mandated by law. The MOST Program Office will utilize the student records to evaluate and analyze the effectiveness of the MOST Program.

**5.00 MOST Program Instructor Certification Requirements and Requirements to Maintain Certification**

- 5.01 A person or entity must first obtain a MOST Program Instructor certification from the MOST Program Office before instructing MOST Program Courses.
- 5.02 To obtain certification, the applicant must:
  - 5.02.1 Be qualified to instruct the MOST course(s) in accordance with the Rules, relevant state law, current curriculum and standards of the MOST Program;
  - 5.02.2 Be 21 years of age or older;
  - 5.02.3 Have successfully completed a CDOT approved MOST Program Instructor Training Course;
  - 5.02.4 Possess a valid Colorado driver's license, endorsed for operation of a motorcycle which has not been revoked or suspended within the three years before the date the application is filed;
  - 5.02.5 No applicant shall be certified as a MOST Instructor if, within the three years before the date the application is filed, the applicant was convicted for an offense that is assigned

eight or more points in the schedule, as specified in § 42-2-127 (5), C.R.S., or its equivalent in another state; or the applicant's driver's license from any other state was revoked or suspended.

5.02.6 Submit a completed Department of Revenue Form DR2559 "Permission for Release of Individual Records" to the MOST Program Office which must reflect an acceptable driving record as stated in section § 43-5-503, C.R.S.

5.03 To maintain current certification, the MOST Program Instructor must:

5.03.1 Notify the MOST Program Office and the MOST Vendor for whom the Instructor provides training of any event that effects a MOST Program Instructor's inability to meet the requirements of these Rules and applicable state law;

5.03.2 Attend required MOST Program courses, meetings, and Instructor Professional Development Workshops for MOST Program Instructors.

5.03.3 If a MOST Instructor is unable to attend a required MOST Program course and the MOST Instructor does not seek approval in advance for non-attendance, non-attendance of a required meeting may result in certification revocation.

5.03.4 Follow MOST Program procedures for reporting incidents and injuries, by:

5.03.4.1 Filing a separate incident report provided by the MOST Program Office regarding property damage sustained during a MOST Program course or injury to a student in a MOST course;

5.03.4.2 Completing an incident report and providing it to the MOST Program Office with 72 hours of the incident, including:

5.03.4.2.1 The complete Training Site address and an accurate depiction of the range layout at the time of the incident;

5.03.4.2.2 All information on the student(s) involved including contact information, names and addresses of any witnesses, and any incident-related motorcycle damage; and

5.03.4.2.3 Provide a current e-mail address and report changes in their personal address and/or phone number to CDOT within 30 days of such changes.

5.03.5 Exhibit professional conduct when instructing students or when counseling out a student. The MOST Program Instructor must not be impaired by drugs including prescription or "over the counter" medications which may impair the performance of the Instructor to conduct the course, or alcohol during any course instruction. The MOST Program Instructor must not use any unapproved electronic devices including cell phones, or tobacco, including chewing tobacco, during the course of instruction.

5.03.6 Demonstrate the tact required to counsel out a student who the MOST Instructor determines should cease participation in the course in order to protect the student's safety and/or the safety of others.

5.03.7 Provide evidence of Instructor certification upon request.

- 5.04 A MOST Program Instructor may apply for recertification by updating existing information in a timely fashion.
- 5.05 Certification shall be for a term not to exceed one year. Certification applications must be submitted between January 1st and January 31st of each year. Certifications received during this time period will be effective beginning March 1st of the current year expiring February 28th of the next year.
- 5.06 Teach a minimum of two MOST Program-approved motorcycle safety courses each year during the certification period.
- 5.07 A MOST Program Instructor who fails to maintain certification must successfully complete a MOST Program Instructor Training class to be recertified.

#### **6.00 Certification of the MOST Program Instructor Training**

- 6.01 The MOST Program Instructor training must be conducted by a MOST Program certified Instructor Trainer in accordance with MOST approved curricula.
- 6.02 In order to use MOST Program Funds for a MOST Program Instructor training course, the MOST Vendor must obtain prior approval from the MOST Program Office.
- 6.03 The Instructor Training must consist of a research-based course which trains Instructors to teach a specific MOST Program approved motorcycle Instructor training curriculum.
- 6.04 The MOST Vendor shall submit the proposed Instructor Training curriculum to the MOST Program Office for approval. The curriculum must be research-based and provide adequate instruction to teach all components of the Basic Rider Course.
- 6.05 The Instructor Training must impart to the Instructor the Basic Rider Course material, knowledge of safe motorcycle operating practices, and the necessary aptitude for instructing students.
- 6.06 The Instructor Training must include information on the effects of alcohol and drugs on the operation of motorcycles.

#### **7.00 Certification of MOST Program Basic Rider Course**

- 7.01 The Basic Rider Course must be certified by the MOST Program Office before it may be offered.
- 7.02 To be eligible for certification, MOST Program Basic Rider Courses must be reviewed, evaluated and approved by the MOST Program Office and the Colorado Department of Revenue, and must meet the requirements for issuing a Colorado driver's license motorcycle endorsement.
- 7.03 The Basic Rider Course must instill in the student the knowledge, attitudes, habits and skills necessary for the safe operation of a motorcycle, and include instruction relating to the effects of alcohol and drugs on the operation of motorcycles, as required by § 43-5-502, C.R.S.
- 7.04 The content and organization of the Basic Rider Course must be based upon documented research and have been shown to be effective in providing safety training in accordance with the Model National Standards for Entry-Level Motorcycle Rider Training in effect as of August 2011 is hereby incorporated into the Rules by this reference, and do not include any later amendments. The Model National Standards for Entry-Level Motorcycle Rider Training shall be available for copying or public inspection during regular business hours from the Office of Transportation Safety, Colorado Department of Transportation, 4201 E. Arkansas Avenue, Denver, Colorado

80222. A list of current CDOT certified Basic Rider Course(s) shall be maintained by the MOST Program Office.

- 7.05 Any person or entity requesting that a course be certified as a MOST Training course must file a written request with the MOST Program Coordinator.
- 7.06 CDOT will maintain a certified copy of the complete text of certified course materials. Any person or entity may obtain information concerning how the certified material may be examined or copied by contacting the MOST Program Office.
- 7.07 All Basic Rider Courses shall include an evaluation of the student's knowledge and skill relating to operation of a motorcycle. To successfully complete a Basic Rider Course, the student shall pass a written knowledge test and pass an on-cycle skill test.
- 7.08 To qualify under the Program, the MOST Basic Training Rider Courses must satisfy the Department of Revenue's requirements for Motorcycle Endorsement.
- 7.09 All course participants and Program Instructors shall wear protective gear including a U.S. DOT compliant motorcycle helmet, eye protection, long sleeved shirt or jacket, gloves, long legged pants, and sturdy boots or shoes that cover the ankle whenever sitting upon a Motorcycle.
- 7.10 The Instructor to student ratio for the MOST Program Basic Rider Course and MOST Program Instructor Training Course shall be as follows:
  - 7.10.1 The maximum number of students per Instructor is 36 during classroom instruction.
  - 7.10.2 The maximum number of students during range instruction is 12, with two Instructors.
  - 7.10.3 The maximum number of students for one Instructor is 8 during range instruction.
  - 7.10.4 The maximum number of students shall not exceed the total linear feet of the perimeter of the range divided by 56 and rounded down.

## **8.00 Training Motorcycle Requirements**

- 8.01 It is the responsibility of the MOST Program Vendor to ensure that all Motorcycles used for MOST Program instruction meet the requirements of these Rules, and must be inspected and approved by the MOST Program Instructor prior to each training session. An Instructor may request that a student using his or her own Motorcycle provides proof that the Motorcycle has been inspected and meets safety requirements required for the Basic Rider Course. The Instructor has the discretion to deny a student utilizing his or her own Motorcycle in the Basic Rider Course.
- 8.02 MOST Vendor supplied Motorcycles must be maintained in a safe operating condition by the MOST Program Vendor.
- 8.03 One Motorcycle must be available for each student participating in the range session of the course.
- 8.04 Motorcycles used for instruction must be intended for street use by the manufacturer.
- 8.05 The Motorcycle used for a Basic Rider two-wheeled Motorcycle course cannot have an engine displacement above 350 cc.
- 8.06 A three-wheel Motorcycle or two-wheel Motorcycle with an attached side car can be used in a Basic Rider Course for three-wheel training if it is intended for street use by the manufacturer,



maintained in safe operating condition, meets the curriculum requirement for the three-wheel training and is approved by MOST Program Instructor.

- 8.07 The MOST Program Instructor shall immediately notify the MOST Program Vendor of any Motorcycle that does not meet the requirements of these Rules or is unsafe for use, and reject any Motorcycle for use in the MOST Program if it fails to meet the requirements of these Rules.
- 8.08 A student may use his or her own Motorcycle or another Motorcycle if the student provides proof of ownership, or the student can demonstrate written permission of the owner to use the Motorcycle in the MOST course and is not above 350cc for a two wheel Basic Rider Course.
- 8.09 If the student chooses to utilize his or her own Motorcycle in a MOST Program course, the student shall be required to sign a waiver of liability for any damage or injury arising from or caused by the operation of the Motorcycle.
- 8.10 The MOST Program Vendor is responsible for the repairs and maintenance of all MOST Vendor Motorcycles to be utilized in the MOST Program, including replacement of tires. MOST Vendor Motorcycles are to be maintained in safe working condition.

**9.00 Program Range and Classroom Requirements.**

- 9.01 Throughout the duration of the contract between the MOST Program Vendor and the MOST Program Office, the MOST Program Vendor shall:
  - 9.01.1 Demonstrate legal access to a Training Site classroom and range which meet the requirements of these Rules.
  - 9.01.2 Demonstrate that the range to be utilized by the MOST Program Vendor meets minimum requirements by providing a range diagram, range photos, and, upon request, proof of legal access to the range.
  - 9.01.3 With the exception of paving or other improvements, any changes to the dimensions of the range or the range layout must be diagrammed and approved in writing by the MOST Program Office prior to use.
  - 9.01.4 Ensure that all range markings are correct and visible during training.
  - 9.01.5 Ensure that the range is paved and free of potholes and other hazards.
  - 9.01.6 Ensure that the range shall be secured from intrusions of any sort that could cause a distraction to a student, with the exception of authorized personnel, including CDOT personnel and law enforcement.
  - 9.01.7 Inspect the range prior to each training session to ensure that it is free from debris and other hazards that would affect the student's safety.
  - 9.01.8 Authorize the MOST Instructor to make the determination to cancel a scheduled class if he or she determines that, due to inclement weather, including excessive heat or humidity, conducting the class would jeopardize the health, safety and welfare of the students.
- 9.02 The classroom utilized by the MOST Vendor for training purposes shall have adequate facilities for the number of students in a given class.

9.03 The MOST Vendor must maintain the classroom in a clean condition, have adequate desk space, lighting, ventilation, teaching implements, and provide access to water and restrooms.

9.04 If the MOST Program Vendor is instructing a student with disabilities, the MOST Vendor shall make adequate accommodations for the student.

#### **10.00 Quality Assurance Review**

10.01 MOST Program Vendors and Instructors shall be subject to periodic quality assurance reviews by the MOST Program Office personnel or agents to ensure compliance with all statutes, Rules, and contract terms.

10.02 Every MOST Program Vendor will be subject to a quality assurance review at least once a year.

10.03 MOST Program Vendors and MOST Program Instructors shall fully comply and participate with all reviews as required by the MOST Program Office.

10.04 The MOST Program Office will require that MOST Program Vendors and MOST Program Instructors correct any lack of compliance with such requirements.

10.05 All quality assurance reviews will be conducted by a MOST Program staff member or an agent who is qualified to evaluate Training Sites, curricula, Vendor reporting requirements and performance of MOST Program Instructors.

10.06 Quality assurance reviews will include, but are not limited to:

10.06.1 Range compliance with the approved diagram, and clarity of markings;

10.06.2 Adequate classroom and equipment;

10.06.3 Students and MOST Program Instructors wearing proper protective gear while on the range;

10.06.4 Range exercises being properly demonstrated;

10.06.5 MOST Program Instructors being in the proper location and position for the exercise;

10.06.6 MOST Program Instructor following the curriculum;

10.06.7 MOST Program Instructor using proper coaching techniques; and

10.06.8 The Motorcycles remaining in compliance with these Rules.

10.07 Quality assurance reviews will be documented and clearly indicate any non-compliance with applicable statutes, rules, contract terms, including what actions are required to ensure compliance.

10.08 The MOST Program Office or agents will provide the quality assurance review reports to the MOST Program Vendor and, when applicable, MOST Program Instructors within a reasonable time. The quality assurance review reports will include an explanation of the area(s) not in compliance and any other issues requiring attention.

10.09 The MOST Program Office shall require the MOST Program Vendor to remedy any deficiencies shown by the quality assurance review within a specified time period. Action to remedy any deficiency will be scheduled as directed by the MOST Program Office to bring deficiencies into

compliance with the Rules, state statute and/or contract terms. The MOST Program Vendors, or when applicable, the MOST Program Instructors, shall take such action as directed by the MOST Program Office.

- 10.10 The MOST Program Office may conduct a follow up quality assurance review to ensure compliance.
- 10.11 If in the opinion of the MOST Program Office staff member or its agent a situation manifests itself during a Quality Assurance Review that poses an immediate danger to a student or students or to other personnel on the range, the MOST Program Office staff member or its agent will inform the MOST Program Instructor and direct them to remedy the situation. If the MOST Program Instructor fails to adequately address the incident, the MOST Program Office staff shall have authority to immediately terminate the course until such time as the issue is addressed.
- 10.12 For any MOST Program Vendor out of compliance who has failed to adequately remedy the non-compliance issues of the Quality Assurance reviews the MOST Program Office will notify the Department of Revenue that the vendor's training is no longer valid for the purposes of training for motorcycle Colorado license endorsements on Colorado driver's licenses until the compliance issue is remedied.

**11.00 Administrative and Contract Expenses for the MOST Program**

- 11.01 The MOST Program Office shall utilize funds allocated pursuant to § 43-5-504, C.R.S., to implement and administer the MOST Program in accordance with the Department of Personnel and Administration state fiscal rules.
- 11.02 Administrative Expenses. In no event shall the MOST Program office expend more than the amount set forth in § 43-5-503(1)(c), C.R.S., for administrative costs. The MOST Program Office may use MOST Program funds for reasonable and necessary Administrative Expenses as defined herein.
- 11.03 Contract Expenses. Reasonable and necessary Contract Expenses include:
  - 11.03.1 Expenses incurred to promote the MOST Program, including public relations expenses, banners, advertising, and MOST promotional materials ordered by CDOT staff.
  - 11.03.2 Contract Expenses will include those expenses related to MOST Program evaluation, meetings involving external stakeholders and partners, and those related to MOST Program awareness.
- 11.04 Vendor Reimbursements shall include:
  - 11.04.1 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 and related approved travel expenses for vendors and Mobile Training as defined herein;
  - 11.04.2 The Tuition Benefit passed on to the Eligible Student in the form of reduced costs for completion of the Basic Rider Course, the Instructor Training Course, or the Instructor Professional Development Workshops if:
    - 11.04.2.1 The documentation provided by the Vendor is complete and accurate and sufficiently meets the requirements of these Rules;
    - 11.04.2.2 The Vendor provides a receipt as required by these Rules establishing that the Tuition Benefit was passed on to the Eligible Student.

11.04.2.3 The Tuition Benefit will be passed on to the Eligible Student by the MOST Vendor when the MOST Vendor has provided training to the Eligible Student and the Eligible Student has fully completed the training, as evidenced by the signed student roster verifying attendance.

11.04.3 Those courses for which CDOT has agreed to pay the Tuition Benefit under existing contracts will continue to be funded, if adequate documentation is provided under these Rules, up to and including June 30, 2013. CDOT will retain its sole discretion to determine whether, as a component of the MOST Program, the Tuition Benefit will be retained, eliminated or reinstated based upon yearly program performance measures.

11.04.4 The Tuition Benefit shall be determined by the MOST Program Office based on the following factors:

11.04.4.1 For existing MOST Vendors, the allocation shall be based on an average of historical data over the last three years; or

11.04.4.2 For MOST Vendors who have been certified as a MOST Vendor for two years or less, the allocation will be based on the greater of either: (1) an estimated one hundred students taking the Basic Rider Course and one Instructor Course with ten students in the first two years of funding; or (2) an average of the two years prior.

11.04.4.2.1 The total amount of monies in the MOST Fund;

11.04.4.2.2 The amount allocated for travel costs to train in underserved areas of the state through mobile training. This shall include:

- (a) Mileage reimbursement if over 50 miles one way from a MOST Instructor's residence or Vendor headquarters to the MOST training site, whichever is less distance; and
- (b) Lodging and per diem for travel costs reimbursed in accordance with State Fiscal Rules.

11.04.4.3 The Director, the Program Coordinator or a MOST Vendor shall not expend or credit monies for MOST Program Vendor operating expenses or reimburse Motorcycles, helmets, textbooks, and other capital expenses incurred by MOST vendors, excluding the travel costs of Mobile Training.

11.04.4.4 Reasonable costs associated with Mobile Training may be submitted for reimbursement in accordance with state fiscal rules and these Rules.

11.05 The Department shall prepare an annual report on the effectiveness of the MOST Program, availability of training throughout the state, current training costs, and other performance measures.

11.06 The contract(s) may be for a maximum term of one year, subject to the availability of monies in the Fund on a fiscal year basis.

## **12.00 Vendor Funding Application and Contract**

12.01 The Vendor Funding Application shall be made available on the CDOT website prior to each funding cycle.

- 12.02 All Vendor Funding Applications must be fully executed and meet the requirements of these Rules.
- 12.03 The MOST Program Office will make a determination as to funding allocation for Tuition Benefit and Vendor costs as stated in these Rules. The MOST Program Office will notify the Vendor after the determination has been made.
- 12.04 The Vendor may request in writing an additional review of the allocation to the Director of the Office of Transportation Safety.
- 12.05 The Director of the Office of Transportation Safety shall issue a decision within two weeks of the date of receipt of the Vendor's request.
- 12.06 On Vendor Contracts on or over the statutory amount required by the State Fiscal Rules, the MOST Program Office shall submit the required information for creation of a Vendor Contract to the CDOT Procurement Office as soon as practicable.
- 12.07 On Vendor Contracts on or under the statutory amount required by the State Fiscal Rules, the MOST Program Office shall create and process a purchase requisition and submit it to the CDOT Procurement Office as soon as practicable for the creation of a purchase order.
- 12.08 Following review and approval, the MOST Program Office shall allocate funds for the Vendor's estimated Tuition Benefit and other costs as stated in these Rules.
- 12.09 Thereafter, the MOST Program Vendor may submit a Supplemental Request for Additional Funding, which must include:
- 12.09.1 The supplement amount requested;
  - 12.09.2 The basis for the supplemental amount;
  - 12.09.3 The Vendor's anticipated increase in student enrollment;
  - 12.09.4 The Vendor's anticipated increase in Instructor specialist training;
  - 12.09.5 The Vendor's anticipated increase in Instructor specialist continuing education; and
  - 12.09.6 The Vendor's anticipated increase in travel costs for Mobile Training.
- 12.10 Failure to provide adequate documentation may result in a denial of the Supplemental Request for Additional Funding.
- 12.11 Within a two-week period after the notification to the Vendor, if the Vendor disagrees with the decision of the MOST Program Office regarding the Supplemental Request for Additional Funding, the MOST Vendor may request in writing an additional review to the Director of the Office of Transportation Safety.
- 12.12 The Director of the Office of Transportation Safety shall issue a decision within two weeks of the date of receipt of the Vendor's request.
- 12.13 The MOST Program Office determination shall be based on the factors set forth in these Rules, including the availability of funds or lack thereof.

**13.00 Denial, Suspension, and Revocation of Certification**

- 13.01 The MOST Program Vendor or MOST Program Instructor, where applicable, will be notified of any denial suspension, revocation, or re-certification actions.
- 13.02 Certification as a Program Vendor or as a MOST Program Instructor may be immediately suspended, pursuant to the provisions of § 24-4-104 (4), C.R.S.
- 13.03 CDOT may also deny, suspend, or revoke the certification of the MOST Program Vendor or MOST Program Instructor for any action or omission which violates the purposes, scope, or terms of state law or these Rules, including:
  - 13.03.1 Failure of the MOST Program Vendor to pass on the Tuition Benefit and adequately document the Eligible Student's receipt of the Tuition Benefit.
  - 13.03.2 Offenses pursuant to § 43-5-503 (3), C.R.S., Instructor Requirements and Training, including but not limited to:
    - 13.03.2.1 Knowingly presenting or allowing to be presented to CDOT any false or misleading information relating to a requirement for certification or compliance pursuant to these Rules;
    - 13.03.2.2 Permitting or engaging in any fraud or fraudulent practice concerning an application for a motorcycle license or permit;
    - 13.03.2.3 Knowingly or recklessly disregarding, changing or failing to comply with any requirements of the Rules or other applicable law regarding Motorcycle Operator Safety Training;
    - 13.03.2.4 Obtaining MOST Program certification based on false or incorrect information or mistake;
    - 13.03.2.5 Revocation or suspension of the MOST Program Instructor's driver's license by Colorado or any other state within the three year period preceding the date of application;
    - 13.03.2.6 Conviction of any traffic offense which is assigned eight or more points and which was committed within the three years preceding the date of application;
    - 13.03.2.7 Engaging in a pattern or a continuing course of conduct of harassing or offensive behavior with a MOST student, MOST Program Vendors, MOST Program Instructors, or CDOT Personnel;
    - 13.03.2.8 As a MOST Program Instructor, engaging in harassing or offensive behavior with a MOST student;
    - 13.03.2.9 As a MOST Program Instructor, one incident of being impaired by alcohol or drugs while instructing or being present on the Training Site while a course is being taught; and
    - 13.03.2.10 As a MOST Program Instructor, failing to attend the required minimum of one scheduled Program Instructor Continuing Education class each year without a written exemption approved in advance by CDOT.

#### **14.00 Notice and Hearing Requirements**

14.01 Any denial, suspension, or revocation of the certification for a MOST Program Vendor or MOST Program Instructor required by the Rules shall be subject to the applicable notice and hearing provisions of § 24-4-104 and 24-4-105, C.R.S., of the State Administrative Procedure Act.

**15.00 Reinstatement Standards for MOST Program Vendors and MOST Program Instructors**

15.01 CDOT may reinstate a MOST Program Vendor or MOST Program Instructor whose certification has been revoked or suspended.

15.02 The Director of the Office of Transportation Safety will make the determination whether a particular case is appropriate for reinstatement.

15.03 In making that determination, the Director of the Office of Transportation Safety may consider all relevant circumstances, including the performance and satisfactory completion of any remedial action(s) required by CDOT.

15.04 In addition to the above provisions, in order to be reinstated as a MOST Program Instructor, the MOST Program Instructor will be required to attend a MOST Program Instructor Preparation Class, or at a minimum attend remedial training as prescribed by CDOT. The Program Instructor must successfully complete the appropriate test requirements.

15.05 In addition to the above provisions, in order to be reinstated as a MOST Program Vendor, the Vendor must meet all of the requirements set forth in these rules.

**16.00 MOST Advisory Board**

16.01 The MOST Advisory Board shall be created in accordance with § 43-5-505, C.R.S.

16.02 The MOST Advisory Board is charged with making recommendations to the Department regarding:

Training methods to increase safety and reduce motorcycle crashes and injuries;

Training methods to increase MOST Program effectiveness;

Improvements to the MOST Program and training; and

Expenditures of fund monies.

16.03 The MOST Advisory Board shall develop a mission and vision consistent with the MOST Program.

16.04 The MOST Advisory Board shall meet at least quarterly.

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**Editor's Notes**

**History**

Entire rule recodified from 2 CCR 602-3 eff. 03/17/2013.

Entire rule eff. 11/14/2013.

Sections SB&P, 9.00 emer. rules eff. 12/11/2013.

Sections SB&P, 9.00 eff. 03/30/2014.