

**MOTORCYCLE OPERATOR TRAINING AND SAFETY**  
*Administrative Rules of the Texas Department of Licensing and Regulation*  
*16 Texas Administrative Code, Chapter 98*  
*(Effective September 1, 2020)*

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**98.1. Authority.** *(New Section adopted effective September 1, 2020, 45 TexReg 6088)*

This chapter is promulgated under the authority of Texas Occupations Code, Chapter 51, and Texas Transportation Code, Chapter 662.

**98.10. Definitions.** *(New Section adopted effective September 1, 2020, 45 TexReg 6088)*

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Advisory board--The Motorcycle Safety Advisory Board.
- (2) Change of ownership--A change in the control of a motorcycle school. The control of a school is considered to have changed:
  - (A) in the case of ownership by an individual, when more than 50% of the school has been sold or transferred;
  - (B) in the case of ownership by a partnership or corporation, when more than 50% of the school, or of the owning partnership or corporation, has been sold or transferred; or
  - (C) when the board of directors, officers, shareholders, or similar governing body has been changed to such an extent as to significantly alter the management and control of the school.
- (3) Commission--Texas Commission of Licensing and Regulation.
- (4) Controlling person--An individual who:
  - (A) is a sole proprietor;
  - (B) is a general partner of a partnership;
  - (C) is a controlling person of a business entity that is a general partner of a partnership;
  - (D) possesses direct or indirect control of at least 25 percent of the voting securities of a corporation;
  - (E) is the president, the secretary, or a director of a corporation; or
  - (F) possesses the authority to set policy or direct the management of a business entity.
- (5) Department--Texas Department of Licensing and Regulation.
- (6) Entry-level course--A course of instruction in motorcycle operation designed to meet the training requirement to obtain a Class M driver's license issued under Texas Transportation Code, Chapter 521.
- (7) Incident-- Any instance where any part of a motorcycle, other than the tires or side stand, touches the ground or another object.
- (8) Instructor--An individual licensed by the department to teach motorcycle operator training courses in Texas.
- (9) Motorcycle school--An entity licensed by the department to provide motorcycle operator training courses in Texas.

- (10) Offer--To do any of the following:
  - (A) make a written or oral proposal to perform;
  - (B) contract in writing or orally to perform; or
  - (C) advertise or imply, in any form through any medium, that a person is available to perform or contract to perform.
- (11) Person--An individual or entity.
- (12) Range--The area of a training site where on-cycle training is conducted.
- (13) Training site--A physical location, consisting of a classroom and range, where motorcycle operator training is conducted.

**98.20. Instructor--License Required.** *(New Section adopted effective September 1, 2020, 45 TexReg 6088)*

An individual may not offer or provide instruction in motorcycle operation to the public for consideration unless the individual:

- (1) holds an instructor license issued by the department;
- (2) provides the instruction in accordance with a curriculum approved by the department; and
- (3) provides the instruction as an employee of, or under contract with, a motorcycle school.

**98.21. Instructor--License Eligibility.** *(New Section adopted effective September 1, 2020, 45 TexReg 6088)*

To be eligible for an instructor license, an applicant must:

- (1) be at least 18 years old;
- (2) submit a completed application on a form prescribed by the department;
- (3) have successfully completed an instructor preparation course in accordance with §98.22;
- (4) have held, continuously for the two years preceding the date of submitting the application, a valid driver's license that entitles the applicant to operate a motorcycle on a public road;
- (5) not have been convicted during the preceding three years of:
  - (A) three or more moving violations described by Texas Transportation Code §542.304, including violations that resulted in an accident; or
  - (B) two or more moving violations described by Texas Transportation Code §542.304, that resulted in an accident;
- (6) be a high school graduate or have obtained a general education development (GED) certificate, certificate of high school equivalency, or other credentials equivalent to a public high school degree;
- (7) possess current first aid and adult cardiopulmonary resuscitation (CPR) certification from a nationally recognized provider with training courses that require in-person attendance, provide hands-on skills practice, and meet or exceed the standards of the American Red Cross, the American Heart Association, or the National Highway Traffic Safety Administration; and

- (8) submit the fee required by §98.80.

**98.22. Instructor--Preparation Course.** *(New Section adopted effective September 1, 2020, 45 TexReg 6088)*

- (a) The instructor preparation course required by §98.21(3) must be a training program on motorcycle operator training and safety instruction approved by the executive director of the department and administered by the Texas A&M Engineering Extension Service.
- (b) To be eligible to enroll in an instructor preparation course, an individual must meet the requirements of §98.21(4), (5), and (6).

**98.23. Instructor--License Term; Renewal.** *(New Section adopted effective September 1, 2020, 45 TexReg 6088)*

- (a) An instructor license is valid for two years after the date of issuance.
- (b) Each licensee is responsible for renewing the license before the expiration date. Lack of receipt of a license renewal notice from the department will not excuse failure to file for renewal or late renewal.
- (c) To renew a license, an instructor must:
  - (1) submit a completed renewal application on a department-approved form;
  - (2) meet the requirements of §98.21(4), (5), and (7); and
  - (3) submit the fee required under §98.80.

**98.25. Motorcycle School--License Required.** *(New Section adopted effective September 1, 2020, 45 TexReg 6088)*

A person may not offer or conduct training in motorcycle operation for consideration unless the person:

- (1) holds a motorcycle school license issued by the department;
- (2) conducts the training in accordance with a curriculum approved by the department; and
- (3) employs, or contracts with, an instructor to teach the training.

**98.26. Motorcycle School--License Eligibility.** *(New Section adopted effective September 1, 2020, 45 TexReg 6088)*

To be eligible for a motorcycle school license, an applicant must:

- (1) submit a completed application on a form prescribed by the department;
- (2) provide a list of all controlling persons of the applicant;
- (3) obtain an insurance policy that meets the requirements of §98.40;
- (4) provide a list of all real property that will be used to meet the training site requirements of §98.100 and proof that the applicant owns, or possesses written authorization by the owner to use, each property;
- (5) provide a list of motorcycles, if any, that will be available for use by students, including for each motorcycle the year, make, model, and Vehicle Identification Number (VIN);
- (6) provide a list of the department-approved courses the applicant intends to offer and proof of ownership of, or authority to offer, each course;

- (7) provide a list of instructors employed by, or contracted with, the applicant; and
- (8) submit the fee required by §98.80.

**98.27. Motorcycle School--License Term; Renewal.** *(New Section adopted effective September 1, 2020, 45 TexReg 6088)*

- (a) A motorcycle school license is valid for two years after the date of issuance.
- (b) Each licensee is responsible for renewing the license before the expiration date. Lack of receipt of a license renewal notice from the department will not excuse failure to file for renewal or late renewal.
- (c) To renew a license, a motorcycle school must:
  - (1) submit a completed renewal application on a department-approved form;
  - (2) meet the requirements of §98.26(2), (3), (4), (5), (6), and (7); and
  - (3) submit the fee required under §98.80.

**98.30. Exemptions.** *(New Section adopted effective September 1, 2020, 45 TexReg 6088)*

A course in motorcycle operation is exempt from licensing and regulation under Texas Transportation Code, Chapter 662, and this chapter if the course:

- (1) is taught by law enforcement agencies to law enforcement officers; or
- (2) is not advertised or otherwise claimed to meet the training requirement for a Class M driver's license and:
  - (A) provides instruction only in off-road dirt bike training for use on trails, tracks, or other nonpublic roadways; or
  - (B) provides instruction only in motorcycle racing techniques on a racetrack for the purpose of motorcycle racing competition.

**98.40. Motorcycle School--Insurance Requirements.** *(New Section adopted effective September 1, 2020, 45 TexReg 6088)*

A motorcycle school must be covered by an insurance policy that provides at least \$2 million in liability coverage and \$10,000 in medical payments coverage.

**98.50**

**Motorcycle School--Reporting Requirements.** *(New Section adopted effective September 1, 2020, 45 TexReg 6088)*

- (a) A motorcycle school must report each incident to the department within three business days of the incident, in the form and manner prescribed by the department.
- (b) By the fifth business day following the end of each course, a motorcycle school must accurately report to the department, in the form and manner prescribed by the department, information relating to each student enrolled in the course. The report must include:
  - (1) each student's full legal name as shown on the student's driver's license, or other form of identification acceptable to the department;
  - (2) whether each student successfully completed the course; and

- (3) all instructors who provided instruction for the course.
- (c) A motorcycle school must report quarterly to the department, in the form and manner prescribed by the department:
  - (1) the number and types of courses provided during the quarter;
  - (2) the number of persons who took each course during the quarter;
  - (3) the number of instructors available to provide training under the school's program during the quarter;
  - (4) information collected by surveying persons taking each course as to the length of any waiting period the person experienced before being able to enroll in the course; and
  - (5) the number of persons on a waiting list for a course at the end of the quarter.

**98.60. Audits.** *(New Section adopted effective September 1, 2020, 45 TexReg 6088)*

The department may conduct unannounced audits, during reasonable business hours, to ensure a motorcycle school and its instructors comply with the requirements of this chapter and Texas Transportation Code, Chapter 662.

**98.65. Advisory Board Membership.** *(New Section adopted effective September 1, 2020, 45 TexReg 6088)*

The Motorcycle Safety Advisory Board consists of nine members appointed by the presiding officer of the commission, on approval of the commission, as follows:

- (1) three members:
  - (A) each of whom must be a licensed instructor or represent a licensed motorcycle school; and
  - (B) who must collectively represent the diversity in size and type of the motorcycle schools licensed under this chapter;
- (2) one member who represents the motorcycle dealer retail industry;
- (3) one representative of a law enforcement agency;
- (4) one representative of the Texas A&M Transportation Institute;
- (5) one representative of the Texas A&M Engineering Extension Service; and
- (6) two public members who hold a valid Class M driver's license issued under Texas Transportation Code, Chapter 521.

**98.66. Advisory Board Duties.** *(New Section adopted effective September 1, 2020, 45 TexReg 6088)*

The advisory board shall advise the department on matters related to the motorcycle operator training and safety program established under Texas Transportation Code, Chapter 662.

**98.67 Advisory Board Member Terms, Vacancies, and Removal.** *(New Section adopted effective September 1, 2020, 45 TexReg 6088)*

- (a) The advisory board members serve staggered six-year terms. The terms of three members expire September 1st of each odd-numbered year.
- (b) If a vacancy occurs on the advisory board, the presiding officer of the commission, on approval of the

commission, shall appoint a replacement who meets the qualifications for the vacant position to serve for the remainder of the term.

- (c) A member of the advisory board may be removed from the advisory board pursuant to Texas Occupations Code §51.209.

**98.68. Advisory Board Officers.** *(New Section adopted effective September 1, 2020, 45 TexReg 6088)*

- (a) The presiding officer of the commission, on approval of the commission, shall designate a member of the advisory board to serve as the presiding officer of the advisory board for a one-year term.
- (b) The presiding officer of the advisory board shall preside at all advisory board meetings at which he or she is in attendance. The presiding officer of the advisory board may vote on any matter before the advisory board.

**98.69. Advisory Board Meetings.** *(New Section adopted effective September 1, 2020, 45 TexReg 6088)*

- (a) The advisory board shall meet at the call of the executive director or the presiding officer of the commission.
- (b) Meetings shall be announced and conducted under the provisions of the Open Meetings Act, Texas Government Code, Chapter 551.
- (c) A quorum of the advisory board is necessary to conduct official business. A quorum is five members.
- (d) Advisory board actions require a majority vote of those members present and voting.

**98.70. Instructor--Responsibilities.** *(New Section adopted effective September 1, 2020, 45 TexReg 6088)*

- (a) An instructor must:
  - (1) notify the department of any change in the instructor's address, phone number, or email address within 15 days from the date of the change;
  - (2) maintain a valid driver's license that entitles the license holder to operate a motorcycle on a public road;
  - (3) maintain a driving record that meets the requirements of §98.21(5);
  - (4) maintain first aid and CPR certification that meets the requirements of §98.21(7);
  - (5) act immediately to appropriately address the medical needs of any person injured at the training site and summon emergency medical services if necessary;
  - (6) report each incident to the motorcycle school in a timely manner;
  - (7) cooperate with all department audits and investigations and provide all requested documents;
  - (8) before each course, inspect each motorcycle to be used on the range to ensure the motorcycle meets the requirements of §98.102;
  - (9) ensure that each motorcycle provided by a student meets the insurance requirements of §98.40 before the motorcycle is used on the range;
  - (10) provide instruction only in compliance with a curriculum approved by the department;
  - (11) be capable of instructing the entire course and providing technically correct riding demonstrations;

- (12) comply with the student-to-instructor ratio requirements in §98.108;
  - (13) supervise all students and personnel on the range;
  - (14) wear, and ensure all students wear, the protective gear required by §98.108(f) whenever participating in the on-cycle portion of any course; and
  - (15) deal honestly with members of the public and the department.
- (b) An instructor must not:
- (1) instruct a student if either the instructor or student exhibits signs of impairment from the use of an alcoholic beverage, controlled substance, drug, or dangerous drug, as defined in Texas Penal Code §1.07; or
  - (2) complete, issue, or validate a certificate of course completion to a person who has not successfully completed the course.

**98.72. Motorcycle School--Responsibilities.** *(New Section adopted effective September 1, 2020, 45 TexReg 6088)*

- (a) A motorcycle school must:
- (1) notify the department of any change to the information provided for initial licensure under §98.26 or for license renewal under §98.27, within 15 days from the date of the change;
  - (2) maintain ownership of, or possession of written authorization by the owner to use:
    - (A) all real property used for a training site; and
    - (B) all motorcycles made available for use by students;
  - (3) maintain compliance with the insurance requirements of §98.40;
  - (4) maintain compliance with the reporting requirements of §98.50;
  - (5) cooperate with all department audits and investigations and provide all requested documents;
  - (6) comply with §98.74 prior to a relocation;
  - (7) notify the department within 30 days after a change of ownership and comply with the requirements of §98.76;
  - (8) maintain compliance with training site requirements of §98.100;
  - (9) ensure that all motorcycles made available for use by students meet the requirements of §98.102;
  - (10) allow course admission only to individuals who meet the requirements of §98.104;
  - (11) issue course completion certificates in accordance with §98.106 and implement effective protective measures to ensure that unissued course completion certificates are secured;
  - (12) conduct courses only in accordance with a department-approved curriculum and notify the department at least 15 days prior to any change to the list of courses that will be offered;
  - (13) employ or contract with instructors to teach all courses conducted by the motorcycle school;

- (14) schedule instructors only in compliance with the student-to-instructor ratio requirements of §98.108;
  - (15) require all students and instructors to wear full protective gear whenever participating in the on-cycle portion of any course, as required by §98.108(f);
  - (16) maintain, for three calendar years, records of courses conducted and individuals who receive course completion certificates; and
  - (17) deal honestly with members of the public and the department.
- (b) A motorcycle school must not:
- (1) complete, issue, or validate a department-approved course completion certificate to a person who has not successfully completed the course;
  - (2) offer or conduct a course without authorization from the owner of the course; or
  - (3) allow an instructor employed by, or contracted with, the motorcycle school to violate any provision of this chapter or Transportation Code, Chapter 662.
- (c) Each instructor employed by, or contracted with, a motorcycle school is an agent of the motorcycle school, and the motorcycle school is responsible for all acts performed by an instructor that are within the scope of, and occur during the course of, motorcycle operator training conducted at the motorcycle school.

**98.74. Motorcycle School--Relocation.** *(New Section adopted effective September 1, 2020, 45 TexReg 6088)*

- (a) A motorcycle school must notify the department at least 15 days prior to a relocation by submitting a completed form prescribed by the department.
- (b) A relocation includes a change to the list of real property used for a training site.

**98.76. Motorcycle School--Change of Ownership.** *(New Section adopted effective September 1, 2020, 45 TexReg 6088)*

- (a) A motorcycle school license is not transferable.
- (b) If a motorcycle school has a change of ownership, the new owner must apply for a new motorcycle school license within 30 days after the change of ownership. The motorcycle school may continue to operate while the department is processing the application.

**98.80. Fees.** *(New Section adopted effective September 1, 2020, 45 TexReg 6088)*

- (a) The fee for the issuance of an instructor license is \$50.
- (b) The fee for the issuance of a motorcycle school license is \$100.
- (c) The fee for the renewal of an instructor license is \$50.
- (d) The fee for the renewal of a motorcycle school license is \$100.

**98.90. Administrative Penalties and Sanctions.** *(New Section adopted effective September 1, 2020, 45 TexReg 6088)*

If an individual or entity violates any provision of Texas Occupations Code, Chapter 51, Texas Transportation Code, Chapter 662, this chapter, or any rule or order of the commission or the executive director of the department, proceedings may be instituted to impose administrative penalties, administrative sanctions, or both, in accordance with the provisions of Texas Occupations Code, Chapter 51, and Texas Transportation Code, Chapter 662, as applicable, and any associated rules.

**98.92. Enforcement Authority.** *(New Section adopted effective September 1, 2020, 45 TexReg 6088)*

The enforcement authority granted under Texas Occupations Code, Chapter 51, and Texas Transportation Code, Chapter 662, and any associated rules, may be used to enforce Texas Transportation Code, Chapter 662, and this chapter.

**98.100. Training Site Requirements.** *(New Section adopted effective September 1, 2020, 45 TexReg 6088)*

A motorcycle school must have a training site that includes:

- (1) a range that is:
  - (A) a paved surface, including asphalt, concrete, or another all-weather surface of suitable traction;
  - (B) large enough to safely accommodate all courses conducted by the motorcycle school;
  - (C) reasonably free of incline;
  - (D) secure from vehicular and pedestrian traffic; and
  - (E) free of surface hazards and obstacles;
- (2) an appropriate first aid kit and at least one five-pound Class ABC fire extinguisher, or its equivalent, for the range;
- (3) a classroom that:
  - (A) is not located in a private residence;
  - (B) is large enough to adequately seat all students and instructors;
  - (C) has an adequate seat and writing surface for each student; and
  - (D) has adequate audiovisual presentation equipment.

**98.102. Motorcycle Requirements.** *(New Section adopted effective September 1, 2020, 45 TexReg 6088)*

- (a) An instructor must reject a motorcycle for use in a course if the motorcycle fails to meet the requirements of this section or if, in the discretion of the instructor, the motorcycle is unsafe or inappropriate for the rider, an instructor, another student, or any other person permitted on the range.
- (b) Student-provided motorcycles used in courses must:
  - (1) meet all the requirements for operation on public highways;
  - (2) be covered by a motor vehicle liability insurance policy that meets the requirements of Texas Transportation Code §601.072, proof of which must be available for inspection by an instructor; and
  - (3) pass a safety inspection conducted by the instructor.
- (c) All motorcycles used in a course must meet the curriculum requirements of the course.

**98.104. Student Admission Requirements.** *(New Section adopted effective September 1, 2020, 45 TexReg 6088)*

- (a) Entry-level courses are open to any individual who is at least 15 years old on the day the course begins and:
  - (1) has an unrestricted Class C, or higher, driver license;
  - (2) has a Class C learner license; or
  - (3) can present the proper driver education form verifying successful completion of the classroom portion phase of driver education.
- (b) Non-entry-level courses are open to any individual who holds a Class M driver's license or an equivalent out-of-state license.
- (c) To be eligible for student admission to any course, an individual younger than 18 years of age must provide the motorcycle school with written consent, signed by a parent or other person listed in Texas Family Code §32.001(a), for the individual to receive medical treatment for any injury that may occur at the motorcycle school.

**98.106. Verification of Course Completion.** *(New Section adopted effective September 1, 2020, 45 TexReg 6088)*

- (a) A motorcycle school must issue a department-approved course completion certificate to a student who has successfully completed an entry-level course. The certificate must be signed by an instructor who taught the course or an appointed representative of the school.
- (b) A motorcycle school must issue a department-approved course completion certificate that is restricted to the operation of a three-wheeled motorcycle if the entry-level course successfully completed by a student is specific to the operation of a three-wheeled motorcycle.
- (c) A motorcycle school may issue a duplicate course completion certificate to a student for a lost certificate for up to three calendar years from the date the course was completed. The duplicate certificate must bear the same certificate number and course completion date as the original certificate.

**98.108. Course Requirements.** *(New Section adopted effective September 1, 2020, 45 TexReg 6088)*

- (a) All courses must be conducted in accordance with a department-approved curriculum.
- (b) The student-to-instructor ratio for classroom instruction of a course may not exceed 36 students per instructor.
- (c) The student-to-instructor ratio for on-cycle instruction may not exceed six students per instructor until the instructor has taught seven courses. Once the instructor has taught seven courses, the instructor may teach up to eight students alone.
- (d) There must not be more than 12 students on a range during any phase of range instruction.
- (e) A separate motorcycle must be available for each student during range instruction.
- (f) All students and instructors must wear protective gear when participating in the on-cycle portion of the course. The minimum protective gear includes:
  - (1) a motorcycle helmet that meets the standards of the U.S. Department of Transportation;
  - (2) eye protection;
  - (3) over-the-ankle, sturdy footwear;
  - (4) a long-sleeved shirt or jacket;

- (5) non-flare pants that cover the entire leg and are made from a material that is at least as sturdy as denim; and
- (6) full-fingered gloves.

**98.110. Approval of Course Curriculum.** *(New Section adopted effective September 1, 2020, 45 TexReg 6088)*

- (a) To obtain department approval of a course curriculum, a person must submit to the department:
  - (1) a completed application on a form prescribed by the department; and
  - (2) the curriculum for the course and, if requested by the department, course materials to be used by students and instructors in the classroom and on the range.
- (b) If the curriculum meets the minimum standards established by this chapter, the department will approve the course. Notification of approval or denial will be sent to the motorcycle school.

**98.112. Curriculum Standards--Entry-Level Course.** *(New Section adopted effective September 1, 2020, 45 TexReg 6088)*

The minimum curriculum standards for an entry-level course are the Model National Standards for Entry-Level Motorcycle Rider Training (August 2011) distributed by the U.S. Department of Transportation, National Highway Traffic Safety Administration, which the department adopts by reference.

**98.114. Curriculum Standards--Non-Entry-Level Course.** *(New Section adopted effective September 1, 2020, 45 TexReg 6088)*

The minimum curriculum standards for a course of instruction in motorcycle operation that is not an entry-level course are:

- (1) the course must provide a benefit to public safety; and
- (2) the course must be designed to provide training in a safe and prudent manner.