



## Ohio Administrative Code

### Rule 4501-53-06 Private provider qualifications for certification of approval.

Effective: May 1, 2016

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[Comment: For dates and availability of material incorporated by reference in this rule, see rule 4501-53-16 of the Administrative Code.]

(A) All motorcycle training courses taught pursuant to section 4508.08 of the Revised Code shall be taught through an approved provider by an instructor certified to teach under this chapter.

(B) Any person connected in any manner with a private provider, including but not limited to an owner, partner, site coordinator, instructor, or authorized official, shall be of good character and reputation.

(C) A private agency, corporation, or organization seeking to become an approved private provider shall submit a completed "Motorcycle Ohio Private Provider Application" to the department, that demonstrates compliance with this rule.

(1) No authorizing official shall submit an application that contains false or misleading information;

(2) The site coordinator shall submit with the application a criminal records check from the bureau of criminal identification and investigation and request that the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as part of the criminal records check. The criminal records check shall not be dated more than sixty days prior to the date the director received the application. The application shall be denied if the site coordinator has been convicted of:

(a) Any felony, unless the felony conviction occurred more than ten years preceding the date of application, and the conviction is not reasonably related to a person's ability to serve safely and honestly in connection with a motorcycle training course.

(b) Any misdemeanor of the first or second degree, unless the conviction occurred more than five



years preceding the date of application, and the conviction is not reasonably related to a person's ability to serve safely and honestly in connection with a motorcycle training course.

(3) If there is no designated site coordinator, the authorizing official must submit such criminal records check.

(D) The department shall issue a private provider certification of approval to any applicant who demonstrates that the motorcycle training course for which it seeks approval meets the following requirements:

(1) The established place of business is owned, leased, or rented by the private provider;

(2) A private provider maintains at least one fixed geographic location in which a training site is operated and where training is conducted, at least one office in a fixed geographic location where records are maintained, and at least one classroom where students are instructed:

(a) The use of a mobile or modular structure as a training facility is prohibited unless the structure is installed on a permanent foundation;

(b) Neither a private provider nor its office shall consist of a house trailer, tent, temporary stand, post office box, rooming house, or apartment;

(c) Neither a private provider nor its office shall be located within a residence or a room in a hotel or motel;

(d) No private provider may share any office or classroom with any other provider unless the same person owns both.

(e) All private provider offices, classrooms and ranges shall be located within the state of Ohio.

(3) The private provider's office meets the following standards:

(a) Has adequate space and computer systems to securely maintain the required records for four



years;

(b) Has a permanent wall of sufficient construction to prevent distractions and noise in the classroom. If no permanent wall exists, the office shall remain closed for business during classroom instruction;

(c) Is located in the same county as, or in a county adjacent to, the provider for which student records are being stored.

(4) The private provider's classroom meets the following standards:

(a) Comfortably accommodates at least twelve students and two instructors, and has sufficient space to contain tables and chairs or desks for all students;

(b) Is equipped with a variety of audio and visual training aids that support the approved course curriculum;

(c) Is reasonably free of visible and audible distractions and presents an atmosphere adequate for learning;

(d) Has a clean and functional restroom that is available for student use within its facility;

(e) Conforms to all federal, state, and local fire, building, and safety regulations, including having a fire extinguisher and first aid kit available on the riding range during exercises.

(5) Range instruction occurs on a suitable riding range, owned or leased by the provider, which shall consist of the following:

(a) A surface of asphalt or concrete approximately two hundred feet by three hundred feet in size, which is free from obstructions, loose gravel and debris, is capable of being blocked off from all vehicular and pedestrian traffic, and is marked to provide a clear path of travel for the students and visible cone positions for the instructor.

(b) All ranges must be approved by motorcycle Ohio and in no case shall provide less than fifty-six



linear feet per student.

- (6) The private provider assumes responsibility, or designates such responsibility to a site coordinator, for the following:
  - (a) Administration and operation of the motorcycle training course;
  - (b) Ongoing review and evaluation of the course content, instructors, and student performance;
  - (c) Assignment of instructors and scheduling of program courses;
  - (d) Preparation or approval of all documents required or requested to be submitted to the department;
  - (e) Assuring the adequacy of all course training materials.
  - (f) Assuring the safe operating condition of all motorcycles used by students in the BRS, BRS-2, BRS-RR, ARS and any other curriculum approved by the director.
- (7) The course meets the curriculum requirements as set forth in this chapter;
- (8) The private provider has a sufficient number of certified BRS, BRS-2, BRS-RR, and ARS instructors to ensure that instructor-to-student ratios for all courses, taught at their facility, comply with this chapter;
- (9) The private provider submits written course policies and procedures for the director's approval, including all of the following:
  - (a) Curriculum listed by topics;
  - (b) Instructor requirements;
  - (c) Student/teacher ratio;



(d) Insurance provider and limits in compliance with rule 4501-53-13 of the Administrative Code.

(e) Attendance requirements;

(i) Tardiness;

(ii) Course completion;

(iii) Make-up.

(f) American with Disabilities Act of 1990 policy administration;

(g) Registration;

(i) Refund;

(ii) Walk-in.

(h) Use of student-owned motorcycles in the BRS BRS-RR, BRS-2, and ARS;

(i) Record keeping;

(j) Course evaluation;

(k) Student eligibility requirements;

(l) Harassment and discrimination policies;

(m) Complaint procedures;

(n) Private provider instructor code of conduct.

(E) A certificate of approval issued under this rule shall expire on December thirty-first of the year



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the certificate is issued and may be renewed annually upon application to the department pursuant to rule 4501-53-09 of the Administrative Code.