

Notice Number 2024-89

Rule Number Saf-C 5300

<p>1. Agency Name & Address:</p> <p>Department of Safety 33 Hazen Drive Concord, NH 03305</p>	<p>2. RSA Authority: <u>RSA 263:34-c</u></p> <p>3. Federal Authority: <u>N/A</u></p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment <u>X</u></p>
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5. Short Title: **Motorcycle Rider Education Program Rules**

6. (a) Summary of what the rule says and of any proposed amendments including whether the rule implements a state statute for the first time:

This rulemaking is a readoption of the Motorcycle Rider Education Program rules, which are due to expire on May 14, 2024. These rules govern the procedure for the entire administration of the Motorcycle Rider Education Program, the requirements and qualifications to become an instructor, as well as the requirements for maintaining instructor status; course standards and educational curricula; tuition fees and the maximum fees allowed to be charged by a private program under contract with the state; student registration requirements; the refund procedure for missed or cancelled classes; certificates of completion for students; and administration of the Motorcycle Rider Safety Fund. The Department of Safety is proposing to readopt the current rules with various amendments that include: Updating the Incorporated by Reference Materials to more current versions; Updating various terminology to be consistent within the industry; and adding new rules under Saf-C 5302.06 pertaining to revocation or suspension of instructor certificate, Saf-C 5301.14 pertaining to student knowledge testing, Saf-C 5301.15 pertaining to license waiver and Saf-C 5301.29 pertaining to skills practice. Saf-C 5301.03, pertaining to chief instructor, as defined in RSA 263:34-a, I, has been deleted.

6. (b) Brief description of the groups affected:

These rules affect all the persons who wish to participate in a Motorcycle Rider Education Program course; instructors of the Motorcycle Rider Education Program course; private programs under contract with the state to provide Motorcycle Rider Education Program courses; and the Motorcycle Rider Training Unit of the Division of Motor Vehicles.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

RULE	STATUTE IMPLEMENTED
Saf-C 5301.01 - Saf-C 5301.06	RSA 541-A:7
Saf-C 5301.07	RSA 259:19
Saf-C 5301.08	RSA 259:20
Saf-C 5301.09 - Saf-C 5301.10	RSA 541-A:7
Saf-C 5301.11	RSA 263:34-a, II
Saf-C 5301.12 - Saf-C 5301.15	RSA 541-A:7
Saf-C 5301.16	RSA 259:57
Saf-C 5301.17	RSA 259:63

RULE	STATUTE IMPLEMENTED
Saf-C 5301.18	RSA 263:34-a, III
Saf-C 5301.19	RSA 541-A:7, RSA 215-A:1, XIV
Saf-C 5301.20 - Saf-C 5301.21	RSA 541-A:7
Saf-C 5301.22	RSA 541-A:7, RSA 263:34-a, IV
Saf-C 5301.23 - Saf-C 5301.25	RSA 541-A:7
Saf-C 5301.26	RSA 259:88
Saf-C 5301.27 - Saf-C 5301.30	RSA 541-A:7
Saf-C 5302.01 - Saf-C 5302.06	RSA 263:34-c, VI, VII; RSA 263:34-d
Saf-C 5303.01 - Saf-C 5303.03	RSA 263:34-c, II
Saf-C 5304.01 - Saf-C 5304.03	RSA 263:34-b, I, III; RSA 263:34-c, I, III
Saf-C 5305.01 - Saf-C 5305.04	RSA 263:34-b, III, VI; RSA 263:34-c, II, III, V
Saf-C 5305.02(a)	RSA 263:34-a through i
Saf-C 5306.01 - Saf-C 5306.04	RSA 263:34-b, III, IV; RSA 263:34-c, I, II, III
Saf-C 5307.01	RSA 263:34-b, V; RSA 263:34-c, IV, X; RSA 263:34-h
Saf-C 5308.01 - Saf-C 5308.02	RSA 263:34-b, III; RSA 263:34-c, III
Saf-C 5309.01 - Saf-C 5309.02	RSA 263:34-b, II; RSA 263:34-c, II, VIII, IX; RSA 263:34-e

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Michael Degieux** Title: **Staff Attorney**
Mailing **Department of Safety** Phone #: **(603) 223-4362**
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TTY/TDD Access: Relay NH 1-800-735-2964
or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Monday, June 17, 2024 at 4:00 pm**

Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Monday, June 10, 2024 at 1:00 pm**

Physical **DMV, 23 Hazen Drive Concord, NH 03305, DMV Auditorium**
Location:

Electronic **N/A**
Access (if applicable):

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant):

FIS # 24:087 , dated 05/07/2024

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

There is no difference in costs when comparing the proposed rules to the existing rules.

2. Cite the Federal mandate. Identify the impact on state funds:

No federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rule(s):

There is no cost or benefit when comparing the proposed rules to the current rules. The proposed rules eliminate the \$50 reimbursement fee for materials to become a motorcycle rider training (MRT) instructor under Saf-C 5302.02, however, the MRT program currently pays an annual fee for such materials and therefore can absorb any potential impact from this change.

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

None.

C. To independently owned businesses:

None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

This proposal does not create a new program or responsibility, and this proposal does not expand or modify an existing program or responsibility, or mandate or assign a program or responsibility, to any political subdivision in such a way as to increase the costs a political subdivision must pay. Therefore, this proposal does not violate Part I, Article 28-a of the N.H. Constitution.