

New York State Department of Motor Vehicles Requirements for NYSMSP RiderCoaches and Candidates

From its inception, the requirements for RiderCoach candidates have been established by the Motorcycle Safety Foundation's standards and the Commissioner's regulations for driving schools (Part 76.15) and for the conduct of the motor vehicle accident prevention course (Part 138.7). With the regulations differing in their minimum requirements, we have followed the strictest requirement to establish the following:

The RiderCoach candidate must:

- 1.) Be at least twenty-one years of age
- 2.) Have a valid driver's license and at least three years of licensed driving experience
- 3.) Have at least two years of recent licensed driving experience on a motorcycle
- 4.) Have a high school or high school equivalency diploma
- 5.) Have no driver's license suspension or revocation within the five (5) years prior to becoming an instructor and no alcohol related driving conviction within the seven (7) years prior to becoming an instructor;
- 6.) Have not been convicted within ten (10) years prior to becoming an instructor of a felony or crime involving violence, dishonesty, degeneracy, moral turpitude, deceit, or fraud, including but not limited to theft, forgery, making false written statements, rape, perjury, fraud or bribery. (Sponsors shall solicit and collect this information on instructor application forms. No instructor application shall be deemed complete until the applicant has disclosed this information and signed the dated application.)

The training sites and/or the state program management must retain the signed application affirming compliance with the requirements, including the proof of education.

New York State Department of Motor Vehicles

Commissioner's Rules and Regulations

Driving School Regulations

Part 76.15 Instructors.

(a) No drivers' school shall knowingly employ any person as an instructor or in any other capacity whatsoever, who has been convicted of a felony or of any crime involving violence, dishonesty, deceit, indecency, degeneracy or moral turpitude, unless prior approval of the employment of such person has been granted by the commissioner upon an affidavit or such other proof of the facts as the commissioner shall require.

(b) Unless otherwise specifically authorized by this Part no person, including the owner, operator, partner or any officer, manager, employee or associate of the licensee, shall give instruction for hire in the operation of motor vehicles unless such person is the holder of a current instructor's certificate issued for such purpose by the commissioner. Such certificate is to be valid for use only in connection with the business of the drivers' school listed thereon. An original instructor's certificate may only be issued to a person who can comply with all of the following qualifications:

(1) is the possessor of a driver's license valid for operation in this state which license shall authorize, but not be limited to, the type of driving which the person shall be teaching;

(2) has had at least two years of recent licensed driving experience in New York State or such experience in another state as evidenced by a certified abstract of driving record from such state which licensed driving experience shall include, but not be limited to, experience in the type of driving which the person shall be teaching;

(3) has a high school or high school equivalency diploma, or subject to the conditions contained in subdivision (q) of this section, a military general equivalency diploma;

(4) is of sound mind and good moral character;

(5) has vision in both eyes, with a minimum of 20/40 corrected vision when looking with both eyes; provided, however, that a person with vision in only one eye may be certified for classroom instruction and may also be certified for in-car instruction if he demonstrates to a license inspector with a student in-car that he has compensated for his loss of vision;

(6) has both legs and arms, except that this requirement may be waived in any individual case in the discretion of the commissioner, and a certificate issued subject to any reasonable restrictions;

(7) In order to be approved to conduct the written, road sign and road tests and accept visual acuity reports for instructor applicants, an instructor must have an MV-524 (Drivers' School Instructor's Certificate) and must have completed a course in teaching techniques and methodology (30 hours) in addition to the basic thirty hours instructor's course and have five years of experience as a driving instructor, or the instructor may have an MV-283B (Instructor's Certificate - Permanent) and two years of appropriate experience; and

(8) an instructor must be at least twenty-one years of age in order to be the supervising driver giving behind-the-wheel instruction where the student driver is the holder of a learner permit.

(Added 12/3/03)

(c) *Application.* (1) Applications for an instructor's certificate must be made by the person desiring such certificate on forms prescribed by the commissioner and must have endorsed thereon the consent of a licensed drivers' school desiring to employ the applicant. Any applicant for an original driving instructor's certificate must successfully complete a course in driver training and traffic safety, approved by the commissioner, consisting of at least 30 hours, prior to the expiration date of the original certificate issued, except that if the original certificate when issued will expire in less than six months, such course must be completed prior to the expiration date of the first renewal certificate issued. The completion of such course in driver training and traffic safety shall not be required if the holder of a current and valid certification by the Education Department is qualified to give driver education and training instruction in the secondary or higher schools of New York, nor shall such course in driver training and safety be required of the holder of a valid certificate of training issued by the Motorcycle Safety Foundation, or other evidence of motorcycle teacher training approved by the Commissioner in order to be engaged in teaching motorcycle operation, and except that where the course is not available within a reasonable distance from the drivers' school, the commissioner may renew the certificate upon the condition that the applicant complete the first available course, but in no event shall such certificate be renewed without such course more than two times.

(i) If an applicant has failed to meet the condition concerning completion of the required course, no subsequent original certificate may be issued until such course has been successfully completed.

(2) Every original application for an instructor's certificate shall be accompanied by the appropriate annual fee which shall not be refunded and shall be subject to payment of an annual appropriate renewal fee in cash, check or money order.

(3) Applicants for an instructor's certificate will be required to submit two photographs at least one and one-half inches by one and one-half inches in size taken not more than 30 days prior to the date of such application or renewal thereof, and also will be subject to an investigation or required to submit additional information as the commissioner may prescribe.

(d) An applicant for an original instructor's certificate will be required to submit to and pass special eye, written, road sign and road tests which will include a demonstration of ability to instruct and may be required to submit additional or other proof of his qualifications as an instructor. The written, road sign and road tests, as established by the commissioner, may be given by a motor vehicle employee or a driving instructor approved by the department to give these tests pursuant to paragraph (7) of subdivision (b) of Section 76.15 of this Part. The vision test must be conducted by a health care professional listed in Section 5.2(d) of these regulations. The applicant will be permitted two chances to qualify on each of the tests required on an application except for the road test. A failure on the road test will void the application.

(1) A person holding a driver education instructor's certificate (MV-283) is exempt from the written and road sign tests. Such person, however, is required to take the instructor's road test and vision test.

(2) If an instructor wishes to instruct in a vehicle that requires a higher class license than that which he possesses, he must pass all test requirements in order to obtain the appropriate license. Qualification on the instructor's road test for an appropriate type of vehicle is also required, in all cases, before an instructor's certificate (MV-524) endorsed for instructing on vehicles requiring class 1, 2, 3, 7, 7A, 8 or 8A licenses may be issued.

(e) Instructors' certificates shall be valid until the 30th day of September next following the date of issuance. Upon renewal, the Commissioner may, in his discretion, issue a renewal which shall be valid for a two year period. (Amended 5/26/04)

(f) An instructor's certificate must be surrendered by the instructor to the drivers' school employer who shall surrender it to the proper district office of the Department of Motor Vehicles immediately upon termination of an instructor's services with or by any drivers' school designated on such certificate.

(1) At the time of terminating any instructor's services the designated school must submit a notice on form MV-526 provided by the department as to the termination of such instructor's services, which notice shall also set forth on the face thereof the name, address and certificate number of such instructor and the total amount of logged time rendered by such instructor in behind-the-wheel instruction for the account of the school. The reason or reasons for the

termination of such instructor's services shall be endorsed on the back of such form along with the particulars thereof. A duplicate copy of such form shall be provided by the school to the instructor so terminated.

(2) The surrendered instructor's certificate will be returned to the instructor by the Department of Motor Vehicles upon request, without testing, if the instructor resumes employment prior to the expiration of the certificate. An instructor's certificate may be renewed, without testing, within the period of one year from its date of expiration only if the instructor resumes employment and submits the proper forms and fee. An application received more than one year from the date of expiration of the instructor's certificate would be considered an original application in respect to the testing provisions of subdivision (d) of this section.

(g) A drivers' school desiring to employ an instructor previously licensed may upon application and payment of a fee of one dollar for each, obtain a copy of the face of any and all notices on form MV-526 previously filed by any other school or schools with respect to the termination of such instructor's services; however, the school may not obtain a copy of the endorsement on any such form or forms setting forth the particulars of the termination of such instructor's services.

(h) Any instructor who loses his certificate must report the loss thereof immediately, in writing, to the proper district office of the Department of Motor Vehicles and a duplicate will be issued to replace a lost current certificate.

(i) The instructor's certificate must be carried by the instructor at all times while driving instructions are being given or when an instructor is accompanying an applicant for a license to the road test line in a motor vehicle or motorcycle.

(j) The commissioner shall not issue an instructor's certificate to any person who is not employed by or associated with a drivers' school licensed by the commissioner.

(k) No instructor's certificate shall be valid except for the purpose of the giving of instruction by the holder thereof in the course of his employment or association with the drivers' school designated thereon and for the account of such school. The giving of any instruction for hire in violation of the foregoing provisions shall render such instructor's certificate invalid and subject to forfeiture and immediate surrender to the driver's school employer for subsequent surrender to the Department of Motor Vehicles.

(l) Any instructor whose certificate shall be subject to surrender by reason of termination of his services by the drivers' school designated thereon or whose certificate shall be invalidated by reason of violation of the provisions of subdivision (k) of this section, and who shall not promptly surrender such certificate shall be subject to proceedings upon reasonable notice and departmental hearing for the suspension or revocation of his instructor's certificate.

(m) Qualified and recognized experts in the field of driver training, traffic regulation or motor vehicles may give occasional classroom lectures (not including the three-hour prelicensing course lectures) without holding a valid instructor's certificate. The school shall maintain a record, indicating the name, address, qualifications of the extent and lecture date, and shall make all such records available for inspection by the commissioner if he desires to inspect them.

(n) *Denials of instructor's certificate.* (1) No applicant, except in the discretion of the Commissioner, will be issued an instructor's certificate, or a renewal thereof, who has had his driver's license or his out-of-state driver's privilege suspended or revoked within the 24 months immediately prior to the date of application either in New York State or any other state, except that this provision shall not apply to a temporary suspension. No renewal of an instructor's certificate will be issued to an applicant whose last preceding instructor's certificate or any last preceding instructor's certificate if he held more than one was not surrendered in pursuance of the provisions of paragraph (f) or (k) of this section.

(2) An application for instructor's certificate or a renewal thereof may be denied, if in the discretion of the commissioner, such applicant's driving record indicates a lack of the qualities or competence desirable for a driving instructor. No such denial shall be made for a period of less than 30 days nor more than one year, based upon the same occurrences. Any such denial shall not become final until after a hearing if the applicant requests in writing within five days after receipt of notice of such denial a hearing.

(o) Holders of instructors' certificates may be required to attend a group session at which time the Department of Motor Vehicles will brief applicants on any new changes in the regulations and laws or new training techniques, or it may inform them with printed materials through the mail. The applicants for a renewal of an instructor's certificate may also be required to submit to psycho-physical tests or to a test of their teaching ability. This will be done at the discretion of the commissioner based on the applicant's past record as an instructor.

(p) If an instructor possessing a current instructor's certificate desires to be employed by an additional school or schools, an additional certificate or certificates will be issued for such purpose without fee.

(q) An applicant who does not possess a high school or high school equivalency diploma, but who possesses a military general equivalency diploma, may file an application for an instructor's certificate, provided such application is accompanied by proof that the applicant has filed for a New York State high school equivalency diploma. An instructor's certificate may be issued to such an applicant which shall be conditional upon the applicant submitting proof of having

obtained a New York State high school equivalency diploma within six months from the issuance of such certificate.

Motor Vehicle Accident Prevention Course:

Part 138.7 Qualifications for instructors. (a) All instructor applications must be reviewed and approved by the sponsoring agency before the instructor may conduct a course which qualifies for point and insurance reduction benefits. The instructor must provide the federal social security number to the sponsoring agency.

(b) An instructor of a motor vehicle accident prevention course must:

(1) have a driver's license valid for operation in New York State;

(2) have at least three years of licensed driving experience;

(3) have no driver's license suspension or revocation within the five (5) years prior to becoming an instructor (with the exception of an indefinite suspension which can be terminated by the performance of an act by the licensee) and no alcohol related driving conviction within the seven (7) years prior to becoming an instructor;

(4) have a high school or equivalency diploma;

(5) be at least nineteen (19) years of age;

(6) complete a sponsoring agency's instructor preparation course (as required by Section 138.5(g)(2) of this Part) before conducting the course and participate in refresher workshops at least once every two (2) years in order to insure an understanding of appropriate learning concepts and the utilization of these concepts; and

(7) have not been convicted within ten (10) years prior to becoming an instructor of a felony or crime involving violence, dishonesty, degeneracy, moral turpitude, deceit, or fraud, including but not limited to theft, forgery, making false written statements, rape, perjury, fraud or bribery. Sponsors shall solicit and collect this information on instructor application forms. No instructor application shall be deemed complete until the applicant has disclosed this information and signed the dated application.