



OHIO SENATE TRANSPORTATION COMMITTEE
Written Testimony in Support of H.B. 338

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Chairwoman Kunze, Vice-Chairman Reineke, Ranking Member Antonio, and Members of the Senate Transportation Committee:

The Motorcycle Safety Foundation (MSF) is an internationally recognized provider of motorcycle operator training courses whose curriculum is recognized for license certification in 46 states and is used by federal government agencies and the U.S. military to train their motorcycle riders. MSF respectfully submits this statement of support for House Bill No. 338 (H.B. 338).

Introduced by Representative James M. Hoops on June 7, 2021, H.B. 338 offers a limited but valuable technical improvement to section 4508.08 of the Ohio Revised Code (ORC § 4508.08), related to Ohio's motorcycle safety and education program.

Background Summary

From 1988 to 2016 Ohio used the MSF curriculum for motorcycle certification. In March of 2016 Motorcycle Ohio announced that they would bring their motorcycle training program in-house beginning in January 2017.

In 2003, ORC § 4508.08 established a motorcycle safety and education program within the Ohio Department of Public Safety (ODPS), Bureau of Motor Vehicles. The program, called "Motorcycle Ohio," is part of a strategic statewide plan to improve motorcycling safety and save lives. Motorcycle Ohio operates courses of instruction for novice and experienced motorcycle riders and educates all motorists to increase safety awareness for motorcyclists.

For novice riders, Motorcycle Ohio provides instruction on the safe operation of motorcycles, taught by professionally trained and certified instructors, with an opportunity to earn an examination waiver for a motorcycle operator's license endorsement.

MSF provides a similar experience and is permitted by the ODPS to train Ohio riders under the MSF curriculum. However, MSF instructors must also be certified in Motorcycle Ohio curriculum and issue final testing under the Motorcycle Ohio curriculum rather than the MSF curriculum. H.B. 338 would allow certification using either the Motorcycle Ohio test, or the private provider's certification test (MSF in this case), provided the private curriculum has been certified by ODPS to meet or exceed federal National Highway Traffic Safety Administration (NHTSA) standards.

Existing Law Permits Private Organizations to Also Conduct Training

Ohio law *currently allows* “private organizations and corporations to offer any nationally recognized motorcycle operating training courses or curriculum and any course established in accordance with [the existing enabling legislation for Motorcycle Ohio’s safety and education programs].”¹ As Representative Hoops testified during the February 16, 2022 Senate Transportation Committee hearing, “this provision permits nationally recognized motorcycle operator training courses that meet the same standards [that] apply to the Motorcycle Ohio program.”

One private organization providing training is MSF. The MSF curriculum is nationally recognized with 46 states and all branches of the U.S. military using MSF’s *Basic RiderCourse* (BRC) curriculum for their motorcycle safety and education programs, including at Including Wright-Patterson in Ohio. Many federal agencies also utilize the MSF training curriculum. Since its inception, MSF has trained more than 8 million students.

Existing Law Does Not Address Final Certification Testing for Private Organizations

Unfortunately, existing law is silent on training and certification requirements for instructors who deliver nationally recognized training courses or curriculum within Ohio. In the absence of specific statutory guidance, ODPS procedure requires instructors who are already certified by nationally recognized private organizations to also maintain Motorcycle Ohio instructor training certification.

In effect, ODPS requires dual certification. This required dual certification confers no appreciable benefit upon the citizens of Ohio, and instead generates substantial administrative overhead and waste of limited state resources. Instructors certified to teach sanctioned courses of MSF and other private organizations, and who have no present intention to teach Motorcycle Ohio courses, must nonetheless maintain Motorcycle Ohio certification despite holding certification in the MSF training which meets or exceeds the Motorcycle Ohio certification.

Purpose of H.B. 338

H.B. 338 strengthens Ohio’s already robust motorcycle safety and education program by amending ORC § 4508.08 in two important respects. As introduced, H.B. 338 allows instructors certified by private organizations like MSF to continue training in Ohio without obtaining separate Motorcycle Ohio instructor certification. In addition, as noted by Representative Hoops in his February 16, 2022 testimony, “the legislation further clarifies that such private providers are not required to have an end-of-course skills evaluation that includes the Motorcycle Ohio Basic Rider Skills (BRS) skills evaluation, if their existing certification meets or exceeds the Motorcycle Ohio BRS skills evaluation.”

H.B. 338 is uncontroversial and has encountered little substantial opposition because it saves Ohio money at the same time that it furthers the goals of the Motorcycle Ohio program. **In 2017, Motorcycle Ohio approved the MSF Basic *RiderCourse* for use by private providers in Ohio. In doing so, Motorcycle Ohio recognized that MSF curricula meet or exceed all of Motorcycle Ohio’s requirements.**

In fact, MSF’s programs serve as a perfect companion to Motorcycle Ohio’s programs. MSF has been cooperating with Motorcycle Ohio quality assurance efforts since it first began operating in Ohio more than twenty years ago. MSF’s training range is fully compliant and meets or exceeds Motorcycle Ohio standards. MSF does not receive any state funds and does not place any financial burden or other

¹ See ORC § 4508.08(A)(2)(a).

requirements on Motorcycle Ohio staff under this legislation. Finally, H.B. 338 does not impose any new requirements for authorizing training programs, nor make any changes to Motorcycle Ohio training standards, or create any additional staff burdens. To the contrary, **H.B. 338 generates efficiencies and saves money and staff time, all while serving the same goals as the Motorcycle Ohio program.**

Addressing Concerns with Motorcycle Safety Education Funding

After listening to funding concerns raised from ABATE of Ohio and the American Motorcyclist Association, H.B. 338 additionally includes two new fees to increase funding for the Ohio Motorcycle Safety and Education Fund:

- **\$400 private provider certification fee:** Future private curriculum program applicants wishing to be certified by the state would pay this fee to certify that the private course meets the NHTSA Model National. This would cover staff expense of reviewing the application, cross checking it with the cited curriculum, and questions/discussions with the applicant.
- **\$50 instructor certification fee:** Private program rider coaches would pay the certification fee to cover expenses associated with conducting background checks. Furthermore, the private curriculum entity would be responsible for keeping records of the Rider Coach's CPR / First Aid certification, which would be part of the program inspections² that are already required.

Debunking Unfounded Opposition Testimony

We would like to reiterate the following points debunking opposition testimony arguments on the House side, which were also noted by Representative Hoops in his February 16, 2022 testimony:

- H.B. 338 would have no impact on the process for training evaluation. The quality of private provider training is currently evaluated by the DPS in advance of certifying that the provider meets or exceeds federal National Highway Traffic Safety Administration (NHTSA) standards. This is the same for Motorcycle Ohio or any other provider. Under current Ohio regulations, private providers must also comply with quality assurance inspections at facility locations and penalties are currently in place for non-compliance.
- H.B. 338 would not result in the production of fraudulent motorcycle safety paper certificates as was uncovered in the State of Florida. Motorcycle Ohio's certification system is set up in a manner that would not allow this activity due to its online requirements. In fact, such activity in Florida that was used as an example in opposition testimony in the House Transportation and Public Safety Committee was ultimately prosecuted thanks to the assistance of the Motorcycle Safety Foundation.
- From 1988 to 2016 Motorcycle Ohio used the Motorcycle Safety Foundation's curriculum for motorcycle endorsement. In 2016 Motorcycle Ohio then adopted a new for use in the state and in 2017 allowed MSF curriculum to also be used in the state.
- The MSF curriculum, which is recognized in 46 states, and utilized by the U.S. military and federal agencies, remains current by updating its curricula every two to three years. As stated previously, private provider curricula are already subject to ongoing

² <https://codes.ohio.gov/ohio-administrative-code/rule-4501-53-08>

compliance requirements **under current Ohio regulations. This remains in effect when H.B. 338 becomes law.**

- H.B. 338 would also alleviate Motorcycle Ohio staff burdens by repealing the dual certification burden, freeing up Motorcycle Ohio instructors to train **new rider coaches** rather than waste valuable resources duplicating training for coaches **who are already certified in a curriculum that meets or exceeds NHTSA standards.**
- H.B. 338 would not require new public money be used to support private sector training. Current law specifies that private providers are not eligible for reimbursement of expenses or subsidies from the motorcycle safety and education fund. Private providers are responsible **for all costs** of instructors, training, providing motorcycles, motorcycle maintenance, fuel costs, administrative pay, instructor pay, and background checks (as well as first aid and CPR training). By contrast, the Motorcycle Ohio program receives taxpayers' subsidies for nearly all of those expenses.

Conclusion

H.B. 338 will allow MSF and other ODPS-certified private organizations to continue to offer fully compliant and high-quality motorcycle operator training courses and curriculum to Ohio citizens, while preserving Motorcycle Ohio resources, and eliminating unnecessary administrative burden and expense.

MSF is a national, not-for profit organization founded in 1973. MSF's mission is to make motorcycling safer and more enjoyable by ensuring access to high-quality education and training, and by advocating for a safer riding environment. MSF collaborates with federal and state agencies, the military, and thousands of safety-minded members of the public, to help people enjoy motorcycling safely and responsibly. We offer life-long learning opportunities for riders, for RiderCoaches who train motorcyclists, and for those who train the coaches. Our Basic *RiderCourse* (BRC) curriculum offers a great foundation for novice riders. The BRC is nationally recognized with forty-six states and all branches of the U.S. military -- over 350,000 students per year, at nearly 2,400 sites, with 7,200 MSF-certified instructors available to guide students. MSF's members include motorcycle manufacturers BMW, BRP, Harley-Davidson, Honda, Kawasaki, KTM, Piaggio/Vespa, Indian Motorcycle, Suzuki, Triumph and Yamaha.