

MOTORCYCLE SAFETY AND TRAINING

Penalties and Sanctions

Schools, instructors, and instructor Training providers

Texas Transportation Code, Chapter 662

Texas Occupations Code, Chapter 51

16 Texas Administrative Code, Chapter 98

16 Texas Administrative Code Chapter 60

Class A Violations

Penalty: \$200 - \$500

Motorcycle School Violations

Violation	Statute/Rule
Failed to maintain range for training site	98.72(a)(8) 98.100(a)(1)(A)-(F)
Failed to maintain a proper classroom for training	98.72(a)(8) 98.100(a)(3)(A)-(D)
Failed to have a first aid kit and fire extinguisher at training site	98.72(a)(8) 98.100(a)(2)

Administrative Violations

Violation	Statute/Rule
Motorcycle school or instructor training provider failed to report to the Department information of each student or trainee enrolled in the course by the fifth business day after the end of each course.	98.50(b)(1)-(3) 98.71(b)(1)(A)-(C) 98.72(a)(4)
Motorcycle school failed to submit a quarterly report to the Department	98.50(c)(1)-(5) 98.72(a)(4)

Instructor or instructor training provider failed to notify the Department of changes in the instructor's address, phone number, or email address within 15 days of the date of change	98.70(a)(1) 98.71(a)(1)
Motorcycle school failed to notify the Department of changes to the information provided for initial licensure within 15 days of the date of the change	98.72(a)(1)
Motorcycle school failed to conduct course in accordance with the Department approved curriculum	98.72(a)(12)
Motorcycle school failed to notify the Department within 15 days of any curriculum changes	98.72(a)(12)
Motorcycle school failed to notify the Department at least 15 days prior to relocation	98.72(a)(6) 98.74(a)
Motorcycle school failed to inform each student in writing of the department's name, mailing address, telephone number, and website address for the purpose of directing complaints to the department	98.104(e) 98.104(f)

Safety Violations

Violation	Statute/Rule
Instructor or instructor training provider failed to wear the protective gear required when riding a motorcycle to, from, or during rider training activities	98.70(a)(13) 98.71(a)(1) 98.108(e)(1)-(6)
Motorcycle school, instructor, or instructor training provider failed to ensure all students wear the protective gear required when participating in the on-cycle activities of the course	98.70(a)(14) 98.71(a)(1) 98.72(a)(15) 98.108(e)(1)-(6)

Insurance Violations

Violation	Statute/Rule
Instructor failed to ensure that each motorcycle provided by a student meets the insurance requirements before the motorcycle was used on the range	98.70(a)(8) 98.102(b)(2)

Class B Violations

Penalty: \$500 up to \$1,500 and/or up to 1-year probated suspension

Administrative Violations

Violation	Statute/Rule
Instructor or instructor training provider failed to maintain a valid driver license	98.70(a)(2) 98.71(a)(1)
Instructor training provider failed to maintain a current instructor license issued by the Department	98.71(a)(2)
Instructor or instructor training provided instruction in motorcycle operation while failing to maintain a driving record that meets the requirements of §98.21(5)	98.21(5) 98.70(a)(3) 98.71(a)(1)
Instructor or instructor training provider failed to provide instruction in compliance with a curriculum approved by the department	98.20(a)(2) 98.70(a)(9) 98.71(a)(1)
Instructor or instructor training provider failed to comply with the student-to-instructor ratio requirements in §98.108	98.70(a)(11) 98.71(a)(1) 98.108(b)-(c)
Motorcycle school failed to maintain records of courses and individuals course completion certificates for 3 calendar years	98.72(a)(16)
Instructor training provider failed to maintain records of courses conducted, including each individual who received a course completion certificate, for 3 calendar years	98.71(b)(2)
Motorcycle school accepted a student under the age of 18 without written consent from parent or legal guardian	98.72(a)(10) 98.104(c)
Motorcycle school failed to inform student in writing of school's policies prior to accepting payment from an individual for admission to an entry-level course.	98.104(d)(1)-(2)
Motorcycle school failed to notify the Department within 30 days after a change of ownership	98.72(a)(7) 98.76(b)

Course Violations

Violation	Statute/Rule
Motorcycle school conducted motorcycle training that is not in accordance with a Department approved curriculum	98.25(2) 98.108(a) 662.006(a)(2)
Motorcycle school failed to issue a department-approved course completion certificate to a student who has successfully completed an entry-level course.	98.72(a)(11) 98.106(a)-(b)
Motorcycle school allowed instruction that did not comply with the student-to-instructor ratio requirements in §98.108	98.72(a)(14) 98.108(b)-(c)
Motorcycle school failed to make available a separate motorcycle for each student in a two-wheeled motorcycle course	98.108(d)
Motorcycle school allowed more than two students to share a motorcycle in a three-wheeled motorcycle course	98.108(d)
Motorcycle school did not maintain ownership of, or have written authorization by the owner to use training site and motorcycles	98.72(a)(2)
Motorcycle school offered or conducted a course without authorization from the owner of the course	98.72(b)(2)
Motorcycle school failed to issue a department-approved course completion certificate restricted to the operation of a three-wheeled motorcycle for completion of a course specific to operation of a three-wheeled motorcycle.	98.106(b)

Safety Violations

Violation	Statute/Rule
Instructor or instructor training provider failed to report each injury to the motorcycle school in a timely manner	98.70(a)(5) 98.71(a)(1)
Motorcycle school, instructor, or instructor training provider failed to ensure each motorcycle to be used on the range meets the requirements of §98.102	98.70(a)(7) 98.71(a)(1) 98.72(a)(9)

	98.102(a)-(c)
Instructor or instructor training provider provided instruction while not being capable of instructing the entire course and providing technically correct riding demonstrations	98.70(a)(10) 98.71(a)(1)
Instructor or instructor training provider failed to supervise all students and personnel on the range	98.70(a)(12) 98.71(a)(1)
Motorcycle school failed to report each injury to the Department in a timely manner.	98.50(a)(1)-(2) 98.72(a)(4)
Motorcycle school, instructor, or instructor training provider allowed unauthorized person on the range during range instruction	98.108(f)(1)-(4)
Motorcycle school, instructor, or instructor training provider allowed range assistant to provide instruction or evaluation of students	98.108(g)

Unlicensed Activity – Expired License

Violation	Statute/Rule
Motorcycle school offered or conducted training in motorcycle operation for consideration with an expired license	662.006(a)(1) 98.25(1)
Instructor offered or provided instruction in motorcycle operation to the public for consideration with an expired license	98.20(a)(1)
Instructor training provider offered or conducted an instructor training course with an expired license	662.0064(a) 98.24(a)
Instructor provided instruction not as an employee of, or under contract with, a motorcycle school	98.20(a)(3)

Class C Violations

Penalty: \$1,500 up to \$3,000 and/or 1-year probated suspension up to revocation

Unlicensed Activity – No License

Violation	Statute/Rule
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Offered or conducted training in motorcycle operation for consideration without an instructor license	98.20(a)(1)
Offered or conducted training in motorcycle operation without a motorcycle school license	662.006(a)(1) 98.25(1)
Offered or conducted an instructor training course without an instructor training provider license	662.0064(a) 98.20(a)(1)
Employed or contracted with an unlicensed instructor to conduct training in motorcycle operation for consideration	662.006(a)(3) 98.25(3) 98.72(a)(13)

Insurance Violations

Violation	Statute/Rule
Motorcycle school failed to maintain the required insurance policy for the motorcycle school	98.40 98.72(a)(3)

Safety Violations

Violation	Statute/Rule
Instructor or instructor training provider failed to remove student whose riding performance created an unmanageable danger on the range	98.106(d)
Instructor or instructor training provider failed to act immediately to appropriately address the medical needs of any person injured at the training site and summon emergency medical services if necessary	98.70(a)(4) 98.71(a)(1)

Integrity Violations

Violation	Statute/Rule
Obtained a license by fraud	662.008(a)(2)
Motorcycle school, instructor, or instructor training provider completed, issued, or validated a course completion	98.70(b)(2) 98.71(a)(1) 98.72(b)(1)

certificate to a person who has not successfully completed the course	98.106(d)
Induced or countenanced fraud or fraudulent practice by a person applying for a driver license/permit	662.008(a)(3)
Induced or countenanced fraud or fraudulent practice in an action between the applicant/licensee and public	662.008(a)(4)
Failed to implement effective protective measures to ensure that unissued course completion certificates are secure.	98.72(a)(11)

Failed to Cooperate with the Department Violations

Violation	Statute/Rule
Failed to cooperate with department audits and investigations and provide all requested documents	98.70(a)(6) 98.71(a)(1) 98.72(a)(5)

Class D Violations

Penalty: \$3,000 up to \$5,000 and/or up to revocation

Violation	Statute/Rule
Failed to deal honestly with members of the public and the Department	98.70(a)(15) 98.71(a)(1) 98.72(a)(17)
Failed to comply with an order of the Commission or Executive Director.	51.353(a) 98.90
Failed to pay the Department for a dishonored payment or processing fee.	51.210(c) 60.82
Instructor or instructor training provider instructed a student when the student or instructor exhibited signs of impairment from the use of an alcoholic beverage, controlled substance, drug, or dangerous drug, as defined in Texas Penal Code §1.07	98.70(b)(1) 98.71(a)(1)