

DEPARTMENT OF REVENUE

Division of Motor Vehicles

MOTORCYCLE RULES AND REGULATIONS FOR RST ORGANIZATIONS AND RST TESTERS

1 CCR 204-30 RULE 9

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

PURPOSE

~~These~~**This** rules establish**es** the certification and operational requirements for the conduct of certified third party motorcycle rider skills testers.

STATUTORY AUTHORITY

Sections: 24-4-103; ~~24-4-104~~; 42-1-102(43.5); 42-1-102(55); 42-1-102(58); 42-1-204; ~~42-1-222~~; 42-2-103; 42-2-106 and 42-2-111; ~~42-4-205~~; ~~42-4-232~~; 42-4-1502, C.R.S. (2016)

(100) DEFINITIONS

~~—Acord Certificate: Means a document issued by an insurance company that summarizes essential information about the insurance coverage provided.~~

a) ~~Department~~: The Department of Revenue.

b) ~~DRIVES~~<sup>®</sup>: ~~-Driver License Record Identification Vehicle Enterprise Solution. -Used as the computer database by the Division of Motor Vehicle.~~

c) ~~DTE~~: ~~Driver Testing and Education within the Driver License Section of the Department of Revenue, Division of Motor Vehicles.~~

d) ~~“Motorcycle License Written Examination ” or “(Examination):”~~ ~~T~~means ~~he~~ DR 2256 or DR 2321 Motorcycle License Written Examination or an electronic equivalent.

e) ~~MSF~~: ~~Motorcycle Safety Foundation.~~

a) ~~The Department has adopted testing and course standards from MSF.~~

f) ~~Rider Skills Test (RST)~~: ~~A motorcycle operating skills test in which the applicant demonstrates the applicant’s ability to exercise ordinary and reasonable care and control in the operation of the motorcycle while observed and graded by an RST Tester.~~

b) ~~Rider Skills Tester (RST Tester)~~: ~~An individual certified by the Department to administer (including proctoring and grading) a Rider Skills Test and/or an individual certified by the Department to administer a DR 2256 or DR 2321 Motorcycle License Written Examination, (DR2256 or DR2321) or an individual certified by the Department to administer both a Rider Skills Test and DR 2256 or DR 2321 Motorcycle License Written Examination (DR2256 or DR2321).~~

e)g) ~~Rider Skills Test (RST)~~: ~~A motorcycle operating skills test in which the applicant demonstrates the applicant’s ability to exercise ordinary and reasonable care and control in the operation of the motorcycle while observed and graded by an RST Tester.~~

~~e)h)~~ **Rider Skills Testing Certification (RST Certification):** A certification issued by the Department authorizing an individual or third party testing organization to administer Rider Skills Tests and ~~DR 2256 or DR 2321 Motorcycle License Written Examinations (DR2256 or DR2321)~~ to applicants seeking a motorcycle endorsement.

~~e)i)~~ **Rider Skills Testing Course (RST Course):** A course measured and painted according to Motorcycle Safety Foundation (~~MSF~~) standards and pre-approved by the Department for use in RST testing.

~~i)~~ **Rider Skills Testing Organization (RSTO):** A third party testing organization certified by the Department to administer Rider Skills Tests and ~~DR 2256 or DR 2321 Motorcycle License Written Examinations (DR2256 or DR2321)~~ through an RST Tester.

~~k)~~ **Third Party Exam Completion Statement (TPE):** Form generated by DRIVES<sup>®</sup> as a receipt to the applicant that the RST Tester has entered exam information into ~~the syDRIVESstem~~.

~~f)i)~~ **Transaction Completion Statement (TCS):** Form generated by DRIVES<sup>®</sup> that ~~to indicates data was entered into the Third Party Access Portal~~ DRIVES for a submitted ~~each exam. submitted.~~

## (150) APPLICABILITY

This Rule 9 applies to any individual tester or third party testing organization that offers a statutorily-mandated examination to a person seeking a motorcycle endorsement.

## (200) GENERAL REQUIREMENTS FOR RSTOs

a) Only an organization certified by the Department pursuant to this Rule 9 can employ an individual to administer an RST, ~~a DR 2256 or DR 2321 Motorcycle License Written Examination (DR2256 or DR2321)~~, or issue documents indicating test test completion.

1. An organization seeking certification as an RSTO must complete and submit a typed Department approved application form.
2. All certifications are valid for the fiscal year (from July 1<sup>st</sup> through expire on June 30<sup>th</sup> of the following each year) issued.

~~b)~~ A third party organization n RSTO must enter into a written contract with the Department in order to be certified by the Department. ~~The written contract shall provide that an RSTO must hold the State harmless from liability resulting from an RST.~~

~~c)~~ ~~An RSTO must hold the State harmless from liability resulting from an RST.~~

~~d)c)~~ An RSTO must notify the Department in writing within 3three business days of: ~~-(1) an employee's change in Examination or RST Tester status; (2) or the date that a certified employee is no longer employed departure from by the RSTO; (3) a DRIVES<sup>®</sup> lock out; (4) or departure from the RSTO; cessation of its business; or (5); or~~ any change in directors, owners, or managers.

~~e)d)~~ An RSTO must notify the Department in writing within 3three business days of the loss of use of an RST Course or the addition of an RST Course, or if an RST Course no longer meets the requirements listed in subsection 300 of this rule.

~~f)e)~~ All ~~DR 2256 or DR 2321 Motorcycle License Written Examinations (DR2256 or DR2321)~~ and RST testing must be equivalent to examinations-tests administered by the Department.

~~g)f) Tests administered by RST Testers ing must be consistent with RST Tester training and RST testers only must use only the DR 2610 Rider Skills Test Score Sheet (~~DR2610~~) provided by the Department may be used.~~

~~h) An organization applying applicant for certification is responsible for any fees or costs associated with RST training and certification.~~

~~i)g) An RSTO cannot administer an RST or an Examination; only an RST Tester can administer an RST or RST or DR 2256 or DR 2321 Motorcycle License Written Examination (DR2256 or DR2321) for his/her RSTO employer.~~

~~j)h) Every RSTO organization's owner and manager must complete records management training provided by the Department prior to certification before the organization may be certified as an RSTO.~~

~~k)i) An RSTO must comply with, and ensure that any RST Tester it employs complies with, applicable Colorado Revised Statutes, Rules and Regulations, and Department orders.~~

~~l)j) An RSTO must provide the Department with the RSTO's current physical and mailing addresses, unique email addresses for the RSTO and each employee, a contact phone number, and the name of one contact person who is an employee or principal of the RSTO.~~

1. An RSTO must notify the Department in writing within 3three business days of any change in its physical place of business and mailing address, contact phone number, and contact person.

~~m)k) An All employees of an RSTO must provide the Department have a Colorado Bureau of Investigation background check and an original signature on file with the Department for all each of its certified employees.~~

~~n) An RSTO must submit a current Colorado Bureau of Investigation background check for each employee annually with its renewal packet.~~

~~o)l) The Department may deny or revoke the certification of an RSTO if an owner, director, or of manager has been convicted of a felony or any offense involving moral turpitude. Conviction includes a plea of guilty or nolo contendere or a deferred sentence, however provided that a person who receives a deferred sentence shall not be deemed to have been convicted if the person has successfully completed a deferred sentence.~~

1. In determining whether to deny or revoke a certification, the Department will consider the factors contained in section 24-5-101(4), C.R.S.

~~p)m) Insurance Requirements: An RSTO must have proof of current and valid general liability insurance and worker's compensation insurance in the form of an insurance certificate of Insurance, if required by the Workers' Compensation Act [Sections 8-40-101, et. seq. C.R.S.], on file with the Department at all times.~~

1. The Department must be listed on the general liability insurance policy as a secondary insured.

~~2. An RSTO must ensure that the insurance company sends the information required in this paragraph (p) insurance to the Department.~~

~~23. Not less than 30 days prior to expiration of the current insurance coverage period, the RSTO must Failure to provide an insurance Accord Certificate updated insurance~~

~~information to the Department for the period following the current insurance coverage period. within 30 days of prior to expiration~~

3. The RSTO must notify the Department immediately upon cancellation of an insurance policy.

4. Failure to maintain current insurance coverage is grounds for suspension, and such suspension may be in effect until a current ~~Acord~~ insurance cCertificate is provided to the Department.

~~n)~~ In the event an RSTO's certification is not renewed, or is revoked or suspended, all individual RST Tester certifications for that RSTO will be revoked, ~~or~~ suspended, or not renewed.

o) The Department will issue a unique tester number, logien, and password to each RST Tester. ~~RST Testers must use only their assigned number, logon, and/or password and must not authorize another person to use their number.~~ Unauthorized use of an assigned number by any RSTO employee by an RST Tester may result in revocation or suspension of the RSTO's certification.

p) The RSTO ~~is responsible for~~ must ~~ensuring~~ that complete and accurate information is entered into DRIVES<sup>®</sup> by ~~an~~ the RST Tester.

q) The RSTO must ensure ~~a-reversed or multiple TCSs~~Transaction Completion Statements are stapled to supporting score sheets/written examinations.

r) The RSTO must ensure that the ~~"Third Party Exam Completion Statement"~~TPE is provided to the ~~applicant~~applicant by the RST Tester.

~~s) The RSTO~~ The RSTO must ensure that nothing marks or covers the TCS barcode, and ensure that the barcode is readable by a barcode scanner.

st) An RSTO must refer the following to a Colorado driver license office:

1. an applicant requesting a DR 2256 or DR 2321 Motorcycle License Written Examination (~~DR2256 or DR2321~~) after failing a paper version of the Examination 4four times. 4 failed attempts;
2. an applicant who does not have a valid ~~with an invalid~~ driver license and who is requesting an Examination or RSTay test; or
3. an applicant unable to produce a valid photo ID.

v) RSTOs must complete and submit a typed DR 2067 New RST Employee Request for a prospective ~~new~~ RST Tester prior to requesting training or certification for a prospective of the RST Tester.

## **(250) GENERAL REQUIREMENTS FOR RST TESTERS**

a) Only an individual certified by the Department as an RST Tester pursuant to this Rule 9 can administer an RST, ~~an form DR 2256 or DR 2321 Motorcycle License Written Examination, (DR2256 or DR2321),~~ or issue documents indicating test completion.

1. An individual seeking certification as an RST Tester must:

- i. complete and submit a typed form-DR 2068 the most current Department approved "BOST/RST/Continuing Education Training Registration Form;" (DR 2068) application form;
  - ii. ~~have had a valid driver license issued by any state for at least 4 years and~~ be at least 21 years of age;
  - iii. have a valid Colorado Driver License, ~~or a valid driver license issued by any state, that has been valid for at least 4 years;~~
  - iv. complete and pass all Department required training; and
  - v. be employed by an RSTO.
2. An RST Tester need not be certified to administer the Examination as a written knowledge tester in order to be an RST Tester, ~~however, only an RST Tester so certified can administer a DR 2256 or DR 2321 Motorcycle License Written Examination (DR2256 or DR2321).~~
  3. An applicant for RST Tester certification, or his or her employer, is responsible for any fees or costs associated with RST training and certification.
  4. All RST testers must complete ~~Refresher~~ Training/continuing education and pass a test administered by the Department within every other calendar year after the year of certification~~two calendar years.~~

~~—All certifications expire on June 30th of each year.~~

5. In order to maintain certification through the Department, RST Testers must conduct a minimum of 10 ten RST tests every fiscal year (July 1<sup>st</sup> through June 30<sup>th</sup>). An RST Tester who fails to conduct 10 ten RST tests within a fiscal year will not be re-certified to administer an RST test until he/she has completed and passed continuing education.

5-6. An RST Tester certification is valid for the fiscal year (July 1<sup>st</sup> through June 30<sup>th</sup>) issued.

- b) ~~An~~ RST Tester may be employed by more than one RSTO. ~~An~~ RST Tester employed by more than one RSTO will be issued a separate ~~certification tester~~ number and, logion/password for each RSTO employing the RST Tester. ~~An~~ RST Tester certification is valid only while the ~~tester~~ Tester is employed by the RSTO listed on the certificate.
- c) Testing of applicants must be consistent with RST Tester training and RST Testers must use only ~~the the form DDR 2610~~ Rider Skills Test Score Sheet ~~(DR2610)~~ provided by the Department.
- d) ~~An~~ RST Tester must comply with applicable Colorado Revised Statutes, Rules and Regulations, and Department orders.
- e) The Department may deny or revoke certification of an individual or an RST Tester who has been convicted of a felony or any offense involving moral turpitude. Conviction includes a plea of guilty or nolo contendere or a deferred sentence, ~~however provided that~~ a person who receives a deferred sentence shall not be deemed to have been convicted if the person has successfully completed a deferred sentence.
  1. In determining whether to deny or revoke a certification, the Department will consider the factors contained in section 24-5-101(4), C.R.S.

- f) An RST Tester must follow the Department's standards when administering an RST or an ~~DR2256 or DR2321 Motorcycle License Written Examination (DR2256 or DR2321)~~.
- g) The Department will issue a unique tester number ~~and~~ login/password to each RST Tester. RST Testers must use only their ~~assigned number~~ own login and password to access DRIVES, and must not authorize ~~any other~~ another person to use his/her login password or unique tester ~~their~~ number. ~~Unauthorized use of an assigned number, number or login/password may result in revocation or suspension of the RST Tester's certifications.~~
- h) An RST Tester must refer the following to a Colorado driver license office:
  - 1. an applicant requesting a Motorcycle License Written Examination ~~written knowledge test~~ after ~~failing a paper version of the Motorcycle License Written Examination 4 four times~~ failed attempts;
  - 2. an applicant who does not have a valid ~~with an invalid~~ driver license and who is requesting any test; ~~and/or~~
  - 3. an applicant unable to produce a valid photo ID.
- ~~i) i) —~~ An RST Tester cannot administer any RST ~~or Motorcycle License Written Examination test~~ to a member of their immediate family. "Immediate family" is defined in section 42-1-102(43.5), C.R.S.
- ~~— All must verify the applicant has a valid Driver's License and valid Motorcycle permit in their immediate possession and is eligible to take the test.~~
- ~~j) An RSTs Testers Testers must~~ are responsible for entering complete and accurate information into DRIVES®.

### (300) RST COURSE SITE REQUIREMENTS

- a) An RSTO must ensure that its RST Course meets Departmental requirements for the RST. The Department has adopted testing and course standards contained in Motorcycle Safety Foundation, Inc., MSF Rider Skill Test, Motorcycles & 3-wheel Motorcycles, Examiner Study Guide, Sixth/Seventh Printing: July 2014/6, at 12-4920, incorporated herein by reference for the RST. ~~A copy of the MSF Rider Skill Test, Motorcycles & 3-wheel Motorcycles may be obtained by contacting Motorcycle Safety Foundation, 2 Jenner, Suite 150, Irvine, CA 92618-3806 ("MSF Examiner Study Guide").~~
- b) An RSTO must provide the Department a signed form DDR 2149-2149 "RST Land Use Authorization" for each RST Course used by the RSTO to administer an RST, memorandum DR 2149 (format provided by the Department), ~~—~~ authorizing the RSTO to paint the each RST Course and to administer RST s Tests on the property.
- c) ~~An The "DR 2149 RST Land Use Authorization" — memorandum DR 2149 for an RST Course~~ must be filed with the Department before an RST Course will be approved.
- d) Only RST Courses ~~must be~~ approved by the Department may be used to administer the ~~prior to~~ RST s Testing.
- e) When in use, an the RST Course surface must be ~~safe,~~ free from defects; ~~it,~~ and free from foreign matter including, but not limited to, debris, sand, gravel, water, ice, and snow; and any object not authorized in the MSF Examiner Study Guide, pages 12-2049.

- f) An RST Course that measures over ~~4/2 1/2~~ of ~~an~~one inch ~~outside MSF standards, as referenced in the "Range Layout" portion of the MSF "MSF Examiner Study Guide, pages 12-2019", longer or shorter than the course that was previously approved by the Department is out of standard~~ ~~does and no longer not~~ meets Department requirements, ~~and~~; ~~approval of RST Testing on that course will be summarily~~suspended.
- g) All RST Course markings must be plainly visible and accurate.

#### (400) RST TESTING REQUIREMENTS

- a) An RSTO must allow the Department to conduct random inspections and audits of the organization's RST testing records, procedures, and RST ~~Ce~~course(s).
- b) Prior to administering an RST, RST Testers must ~~ensure by verifying~~verify in the system DRIVES<sup>®</sup> that the applicant has a valid driver license and a valid motorcycle instruction permit in his/her immediate possession.
- c) An RSTO must ensure that ~~RSTs are administered only by certified~~ RST Testers ~~certified to administer an RST and~~ employed by the ~~ate~~ RSTO ~~administer an RST on behalf of that RSTO~~.
- d) ~~RSTs Testing may be administered only must be done~~ during daylight hours. For purposes of this rule, daylight hours means the period between one-half hour before sunrise and one-half hour after sunset.

~~—RSTs Testing must be administered only on An RST Course;~~

~~e) —that has been approved by the Department.~~

~~f)e) An RSTO and RST Tester must ensure that all testing forms are completed correctly and accurately prior to entering information into DRIVES.~~

~~g)f) The 2-Wheel/3-Wheel Motorcycle Skills Test Completion TCSTransaction Completion Statement (DR2713) must not be partially or fully completed entered until after an applicant has completed and passed the RST.~~

~~h)g) An RST Tester's entry signature of information into the Third Party Access Portal DRIVES; for generation of a TCS; on a 2-Wheel/3-Wheel Motorcycle Skills Test Completion Transaction Completion Statement (DR2713) constitutes a representation by the RST Tester that the applicant whose name is entered has completed into the system on the DR2713 took and passed the RST.~~

~~i)h) RST Testers must note all failures on anthe applicant's DR 2610 Rider Skills Test Score Sheet (DR\_2610) and report enter the failure into the system DRIVES<sup>®</sup> immediately to the Department within 24 hours of the test.~~

~~j)i) RST Testers must ensure that the 2-Wheel/3-Wheel vehicle used for testing is 50 CC or greater.~~

~~k)j) Only one rider and the RST Tester areis allowed on an RST Course during the RST. No other person is; and Observers must be kept not be allowed on a safe distance away from the RST Course during the RST.~~

~~l)k) All portions of the RST Test must be completed consecutively by anthe applicant. Only after an The applicant has must complete completed the RST Test may before another applicant is allowed to begin an RST Test on the same Course RST Course.~~



~~m)l) Applicants must take the RST Test on a properly equipped and maintained motorcycle that meets state requirements for equipment, safety, insurance, and mMotor vVehicle rRegistration.~~

~~n)m) \_\_\_\_\_ An applicant under 18 years of age must wear a helmet that meets the standards described in section 42-4-1502(4.5) C.R.S. while testing.~~

~~o)n) An RST Tester must not administer more than one complete RST per day to an applicant.~~

~~p) If an applicant fails an RST, the RST Tester must enter the information into the system DRIVES® immediately, write "fail" and the date of the test on the back of the motorcycle permit with a permanent marker.~~

~~q) RST Testers must not administer an RST or a DR2256 or DR2321 Motorcycle License Written Examination (DR2256 or DR2321) to a member of his/her immediately family, as defined in section 42-1-102(43.5) C.R.S.~~

~~r)o) An RST administered by an RST Tester must be equivalent to testing administered by the Department.~~

~~s)p) RST Testers must ensure that applicants who take ~~apass the~~ 2-Wheel/ or 3-Wheel RST receive a completion transaction statement a TCS "Third Party Exam Completion Statement" reflecting whether that reflects that it is for ~~athe~~ vehicle used in the test was a 2-Wheel or 3-Wheel vehicle 2-Wheel/3-Wheel vehicle.~~

#### **(500) MOTORCYCLE LICENSE WRITTEN EXAMINATION ~~(DR\_2256 OR DR\_2321)~~**

a) RST Testers administering the ~~form DR 2256 or DR 2321 Motorcycle License Written Examination (DR\_2256 or DR\_2321)~~ must immediately issue the ~~TPE General Motorcycle/3-Wheel Motorcycle Written Knowledge Testing Completion Statement (DR2439) "Third Party Exam Completion Statement"~~ to the applicant upon successful completion of the test. The ~~TPE General Motorcycle/3-Wheel Motorcycle Written Knowledge Testing Completion Statement (DR2439) "Third Party Exam Completion Statement"~~ form is valid for ~~30-180~~ days from the date of issue. Only ~~the certified~~ RST Testers ~~who administered/proctored the test Examination~~ may ~~enter sign~~ this ~~information into DRIVES® form.~~

b) RST Testers administering ~~Motorcycle form DR 2256 or DR 2321 Motorcycle License Written E~~Examinations ~~(DR\_2256 or DR\_2321)~~ must:

1. ~~administer and proctor e~~Examination~~s~~tests only at a location pre-approved by the Department;
2. ensure that applicants do not access any unauthorized assistance, including but not limited to, written material, cell phones, or electronic devices, or communicate with any unauthorized person while testing;
3. require applicants to write their first and last name(s), date of birth, and the date of the ~~test Examination~~ in the information box provided on the ~~form DDR 2256 or DR 2321 Motorcycle License Written Examination (DR2256 or DR2321), and i~~nterpreters, including an RST Tester acting as an interpreter, must write their first and last name(s) and driver license number on the back of the ~~paper ?~~test;
4. require a correct score of 80% or higher to pass;
5. grade correctly using the score key and a red pen ~~when grading a DR 2256 or DR 2321 Motorcycle License Written Examination;~~



6. ~~not administer provide more than up to four~~ 4 DR 2256 or DR 2321 Motorcycle License Written Examinations tests per applicant in total, and no more than ~~two~~ 2 Examinationtests to an applicant per day. ~~\_. If an applicant fails four~~ 4 DR 2256 or DR 2321 Motorcycle License Written Examinationswritten tests, all subsequent tests must be taken at a Department driver license office; and
  7. ensure that an applicant who fails an testDR 2256 or DR 2321 Motorcycle License Written Examination is not administered the same version of the testDR 2256 or DR 2321 Motorcycle License Written Examination in any subsequent attempt. If an applicant misses more than 50% of the questions on a first ~~test~~ attempt, the applicant must wait until the next day to ~~test~~ take the DR 2256 or DR 2321 Motorcycle License Written Examination again.
- c) Applicants may use an interpreter for the ~~form DR 2256 or DR 2321 Motorcycle License Written Examination (DR 2256 or DR 2321).~~ An RST Tester may serve as an interpreter. Any interpreter must be arranged for by the applicant and any cost associated with the use of an interpreter is the responsibility of the applicant.
  - d) An interpreter must be at least 16 years old and show an unexpired driver license from any state in the United States.
  - e) ~~An The RST Tester or other~~ interpreter ~~can interpret in the required language and may can~~ only interpret the questions and answer choices.
  - f) ~~DR 2256 or DR 2321 Motorcycle License Written Examinations (DR 2256 or DR 2321)~~ must not be used as “practice” or “pre” tests or for any other unauthorized purpose.
  - g) ~~DR 2256 or DR 2321 Motorcycle License Written Examinations (DR 2256 or DR 2321)~~ may not be copied outside the physical facilities of the RSTO, unless the ~~test~~ Examinations remain under the direct supervision and control of the RSTO.
  - h) ~~General Motorcycle/3-Wheel Motorcycle Written Knowledge Testing Completion StatementsTCSs (DR2439)~~ must not be ~~partially or fully completed entered into DRIVES®~~ until after a student has completed ~~and passed the DR 2256 or DR 2321 Motorcycle License Written Examination. (DR 2256 or DR 2321).~~
  - i) RST Testers administering the DR 2256 or DR 2321 Motorcycle License Written Examination Motorcycle License Written Examination (DR 2256 or DR 2321) must confirm upon renewal of their certification to administer Motorcycle License Written Examinations that they have the most current version of ~~testExaminations~~ and corresponding Examination keys.
  - j) ~~ExaminationsTests~~ must be administered (including proctoring and grading) by an RST Tester with a certification to administer an DR 2256 or DR 2321 Motorcycle License Written Examination Motorcycle License Written Examination (DR 2256 or DR 2321).
  - k) ~~The RST Tester must correctly grade the Motorcycle License Written Examination (DR 2256 for 2-Wheel or DR 2321 for 3-Wheel) test.~~ The RST Tester administering the Examination signing entering information to produce the General Motorcycle/3-Wheel Motorcycle Written Knowledge Testing CompletionTransaction CompletionTCS Statement (DR2439) is responsible for the accurate grading of the ~~test~~ DR 2256 or DR 2321 Motorcycle License Written Examination.
  - l) Testers must ensure that the applicants who completepass the DR 2256 or DR 2321 Motorcycle License Written Examination Motorcycle License Written Examination (DR 2256 or DR 2321) receive a General Motorcycle/3-Wheel Motorcycle Written Knowledge Testing Completion

~~Statement (DR2439) TPE "Third Party Exam Completion Statement" that reflects the correct type of vehicle.~~

~~—All written knowledge testing must be equivalent to examinations administered by the Department.~~

- m) ~~All failed Motorcycle License W~~ritten knowledge ~~E~~xaminations scores must be entered into DRIVES® immediately upon completion by the RST Tester who administered ~~pre~~terred the ~~test~~Examination.

## (600) RECORDS AND REPORTING REQUIREMENTS

~~a) An RSTO must submit any monthly report required by the Department in an approved format. Such reports must be submitted electronically to the Department on or before the 10<sup>th</sup> day of each month for the previous month's activity, even if there was no activity. Incomplete reports will not be accepted.~~

~~b) Any voided control numbered forms must be logged on the monthly reports, filed in numeric order, and include a note explaining why the document was voided and the number of the replacement form. Any replacement forms must be dated using the same date as the original form.~~

~~e)a) Records and documents must be filed and maintained at a single and secure location in chronological (date) order, separated by months.~~

~~d)b) All non-electronic records, including control numbered documents Transaction Completion Statements TCS must be retained by the RSTO for 3 three years from the date of ? the document, after which they must be securely shredded.~~

~~e)c) Regardless of pass or fail, All passed and failed all DR 2256 or DR 2321 Motorcycle License Written Examinations (DR\_2256 or DR\_2321) not administered in an electronic format, must be:~~

- ~~1. logged on the monthly report entered into the system DRIVES immediately by the RST Tester who administered the Examination; and~~
- ~~2. if paper, entered immediately into the system and be stapled to the Transaction Completion Statement TCS and filed in chronological order for each DR 2256 or DR 2321 Motorcycle License Written Examination Motorcycle License Written Examination (DR 2256 or DR\_2321) regardless of pass or fail. (if passed) must be stapled to the General Motorcycle/3-Wheel Motorcycle Written Knowledge Testing Completion Statement (DR2439) and filed in numeric order; and~~

~~—Regardless of pass or fail, all 3 each Motorcycle License Written Examination (DR2256 or DR2321) (if failed) must be filed in chronological order by test date.~~

~~f)d) All passed and failed RSTs Tests, not administered in an electronic format, must be:~~

- ~~1. logged on the monthly report entered into the system DRIVES immediately by the RST Tester who administered the RST; and~~
- ~~2. entered immediately into the system and be stapled to the Transaction Completion Statement TCS and filed in chronological order for each form DDR 2610 Rider Skills Test Score Sheet (DR\_2610) regardless of pass or fail (if passed) must be stapled to the 2-Wheel/3-Wheel Motorcycle Skills Test Completion Statement (DR2713) and filed in numeric order; and.~~

~~3. each Rider Skills Test Score Sheet (DR2610) (if failed) must be filed in chronological order by test date.~~

~~g)e) Allny Transaction Completion Statement TCSs control numbered forms must be accounted for and unused unused Department testing forms must be stored in a single and secure location.~~

~~h) f) Post-dating, pre-dating, or partial completion of any Department form testing form is prohibited.~~

## (700) AUDITING

- a) Departmental audits may be conducted at the RSTO's office, the Department's office, or at another location as determined by the auditor.
- b) The Department will conduct audits as often as the Department deems necessary to review all required records. Records will be checked for accuracy and completeness, including, but not limited to, missing ~~or voided~~ records, and, in the case of ~~control numbered documents Transaction Completion Statement TCSs~~, for ~~numeric~~ chronological filing sequence separated by month.
- c) ~~An~~ RSTO must cooperate with the Department, including allowing access to Examination and RST testing areas, and supplying student names and Examination and RST testing records, results, and any other items requested by the Department.
- d) RSTO records must be accessible during the RSTO's normal business hours.
- e) ~~R~~STO records must be provided or made available to a Department representative upon request.
- f) An RSTO must receive a score of 80% or higher to pass an audit. Records management and/or continuing education may ~~will~~ be required for an RSTO that fails an audit. Failing an audit will also result in a notice of a serious violation. Two or more audit failures may result in suspension or revocation of certifications.

## (800) CERTIFICATION RENEWAL

~~a) RSTO and RST Tester certifications must be renewed annually on or before June 30<sup>th</sup>.~~

~~a) are valid from July 1<sup>st</sup> through June 30<sup>th</sup> of the following year.~~

~~b) RSTO and RST Tester certifications and contracts with the Department must be renewed annually.~~

~~e)b) Renewal applications are due on June 4<sup>of 1<sup>st</sup></sup> of each year and must be received no later than June 30<sup>th</sup>. The Department will not renew the certification of an RSTO or an RST Tester whose application is received after June 30<sup>th</sup>. The Department will not allow honor tests entered into access to the system DRIVES after June 30<sup>th</sup> completion forms issued by such an RSTO whose application is not certification is received on or before ~~after~~ June 30<sup>th</sup>.~~

~~d)c) Incomplete renewal applications will be deemed as not received and will be returned to the RSTO or RST Tester submitting the application.~~

~~e) An RSTO or RST Tester who fails that fails to timely file a renewal application may be required to apply for a new RSTO or RST Tester certification as provided in section 200 of this Rule 9.~~

~~d) An organization that fails to or individual failing that fails to renew its RST O or RST Tester certification is no longer authorized to administer an RST, DR 2256 or DR 2321 Motorcycle License Written Examination (DR 2256 or DR 2321), or issue a completion form enter information into DRIVES®.~~

~~e) An RSTO must submit a current Colorado Bureau of Investigation background check for each certified employee annually with its renewal packet.~~

~~f) \_\_\_\_\_~~

## (900) SUSPENSION/REVOCATION/CESSATION OF BUSINESS

a) After a notice and hearing pursuant to the State Administrative Procedure Act [sections 24-4-101, et. seq., C.R.S.], a certification(s) may be suspended or revoked for ~~willful or negligent~~ violations of any applicable Colorado Revised ~~Statutes, Statute, or~~ Rule, ~~s~~ and Regulations, ~~or~~ Department order, including but not limited to ~~committing~~ any of the following:

1. Failure to return all copies of ~~form DDR 2256 or DR 2321~~ Motorcycle License Written Examinations, ~~(DR 2256 or DR 2321) and keys, and certifications, and any control numbered documents by certified mail~~ within 10 calendar days after cessation of business;~~;~~

~~2. Failure to file a monthly report on or before the 10th day of the month for the previous month.~~

~~2.~~ Failure to provide or allow the Department access to any record required to be maintained; ~~by applicable Colorado Revised Statutes, Rules and Regulations;~~

3. ~~F~~ailure to allow the Department access to an Examination or RST testing area, or failure to cooperate in an audit;~~;~~

4. Failure to address and/or correct deficiencies found in a previous audit or failing ~~two~~2 or more audits. The Department's failure to take action based on an audit does not waive the Department's authority to take action later based on that audit;~~;~~

5. Providing false information to the Department;~~;~~

6. Improper, illegal, or fraudulent Examination or RST testing, or improper, illegal, or fraudulent use of Department computer system DRIVES®, issued forms, and/or ~~completion a a TCS; Transaction Completion sStatements.~~

~~7.~~ Omitting an ~~test~~test requirement from ~~a an DR 2256 or DR 2321 Motorcycle License Written Examination (DR 2256 or DR 2321) or~~ from an RST;~~;~~

~~7-8. P, or~~ participating in any illegal activity related to licensing;~~;~~

~~8-9.~~ Attaching a ~~control numbered form Transaction Completion Statement TCS~~ to a blank DR 2610 Rider Skills Test Score Sheet, ~~(DR 2610) or to a DR 2256 or DR 2321 Motorcycle License Written Examination; s; (DR 2256 or DR 2321).~~

~~10.~~ Failure to comply with any applicable Colorado Revised Statutes, Rules and Regulations, contract obligation, or Department order. Incorrectly entering an Examination score or data for an RST as a pass when it should have been a fail or entering a failed Examination score or data for an RST when it should have been a pass; or

11. Having missing TCS'(s) or TCS'2(s) without supporting documentation.

9. \_\_\_\_\_

- b) The Department will provide information concerning illegal activity to the appropriate law enforcement authority.
- c) If an applicant's Examination or RST testing was improper, illegal, or fraudulent, the Department may cancel the applicant's motorcycle endorsement.

d) Notwithstanding anything to the contrary in this rule 9, pursuant to section 24-4-104(4), C.R.S., where the Department has objective and reasonable grounds to believe and finds, upon a full investigation, that an RSTO or RST Tester has been guilty of a deliberate and willful violation, or that the public health, safety, or welfare imperatively requires emergency action, and incorporates the findings in its order, it may summarily suspend the certification of the RSTO or RST Tester pending Tester pending proceedings for suspension or revocation which shall be promptly instituted and determined. For purposes of this subsection, "full investigation" means a reasonable ascertainment of the underlying facts on which the Department's action is based.

d)–1. Upon receipt of a summary suspension, an RSTO or RST Tester must immediately cease all testing as directed. The Department will promptly institute proceedings for suspension or revocation pursuant to the Administrative Procedure Act. Any certification may be summarily suspended if the Department has objective and reasonable grounds to believe and finds that an RSTO or RST Tester has deliberately and willfully violated applicable Colorado Revised Statutes, or Rules and Regulations, or that the public health, safety, or welfare requires emergency action.

Upon notice of summary suspension, an RSTO and/or RST Tester must immediately cease all testing. The Department will promptly institute proceedings for suspension or revocation pursuant to the Administrative Procedures Act.

— Incorrectly entering a test as a pass when it should have been a fail or entering a fail when it should have been a pass, will may result in a suspension.

Missing TCS's or TCS's without supporting documentation may result in a suspension. (950)

**INCORPORATION BY REFERENCE**

- a) The materials in this Rule incorporated by reference do not include later amendments to or editions of the materials. The materials incorporated in this Rule are on file and available for inspection by contacting the Driver License Section of the Department of Revenue in person at, 1881 Pierce Street, Room 128, Lakewood, Colorado, 80214, or by telephone at 303-205-5600, and copies of the materials may be examined at any state publication depository library.

e)