



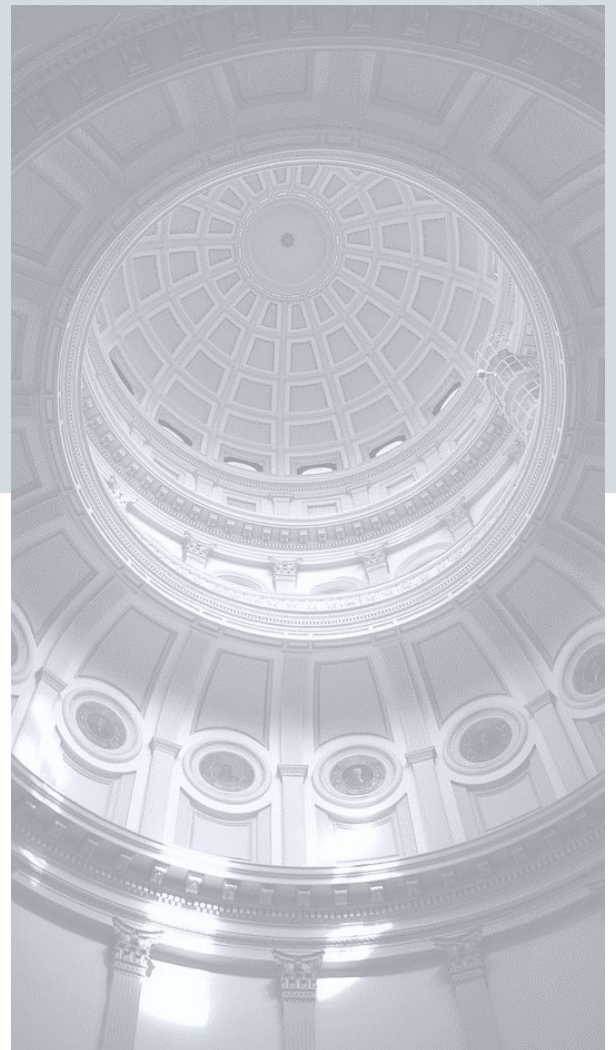
**COLORADO**

**Department of  
Regulatory Agencies**

Colorado Office of Policy, Research &  
Regulatory Reform

# 2024 Sunset Review

Motorcycle Operator Safety  
Training Program



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October 15, 2024



**COLORADO**

Department of  
Regulatory Agencies

Executive Director's Office

October 15, 2024

Members of the Colorado General Assembly  
c/o the Office of Legislative Legal Services  
State Capitol Building  
Denver, Colorado 80203

Dear Members of the General Assembly:

The Colorado General Assembly established the sunset review process in 1976 as a way to analyze and evaluate regulatory programs and determine the least restrictive regulation consistent with the public interest. Pursuant to section 24-34-104(5)(a), Colorado Revised Statutes (C.R.S.), the Colorado Office of Policy, Research and Regulatory Reform (COPRRR) at the Department of Regulatory Agencies (DORA) undertakes a robust review process culminating in the release of multiple reports each year on October 15.

A national leader in regulatory reform, COPRRR takes the vision of their office, DORA and more broadly of our state government seriously. Specifically, COPRRR contributes to the strong economic landscape in Colorado by ensuring that we have thoughtful, efficient, and inclusive regulations that reduce barriers to entry into various professions and that open doors of opportunity for all Coloradans.

As part of this year's review, COPRRR has completed an evaluation of the Motorcycle Operator Safety Training (MOST) Program. I am pleased to submit this written report, which will be the basis for COPRRR's oral testimony before the 2025 legislative committee of reference.

The report discusses the question of whether there is a need for the regulation provided under Part 5 of Article 5 of Title 43, C.R.S. The report also discusses the effectiveness of the Colorado State Patrol in carrying out the intent of the statutes and makes recommendations for statutory changes for the review and discussion of the General Assembly.

To learn more about the sunset review process, among COPRRR's other functions, visit [coprrr.colorado.gov](http://coprrr.colorado.gov).

Sincerely,

Patty Salazar  
Executive Director





## Motorcycle Operator Safety Training (MOST) Program

### *What is regulated?*

The Motorcycle Operator Safety Training (MOST) program is administered by the Colorado State Patrol (CSP). MOST provides Coloradans with an option to take a motorcycle safety course to receive a motorcycle endorsement on their driver's license.

### *Why is it regulated?*

A total of 203,396 motorcycles were registered throughout the state in 2023, making it the 16th highest state with registrations per capita. Motorcyclists are four times more likely to be injured and 22 times more likely to be killed in an accident compared to an occupant of a passenger vehicle. Taking a safety course reduces the chance of injury or death. Of all the 2,021 motorcycle crashes recorded in Colorado in 2023, only 110 involved former MOST students.

### *Who is regulated?*

In fiscal year 22-23, CSP authorized 19 vendors throughout the state who instructed a total of 1,314 students throughout Colorado.

### *How is it regulated?*

CSP has general oversight responsibility for MOST. CSP authorizes MOST Vendors to provide training to students through certified MOST instructors. CSP also contracts with the Motorcycle Safety Foundation (MSF) to conduct quality assurance visits of MOST vendors and MOST Instructors. CSP is assisted by the Motorcycle Operator Safety Advisory Board (Board), which comprises of 12 members from the motorcycle riding community, local law enforcement, and state agencies involved in motorcycle safety.

### *What does it cost?*

For fiscal year 22-23, CSP spent \$793,260 on program administration and dedicated one full-time equivalent employee to the program.

### *What disciplinary activity is there?*

During the period examined for this sunset review, fiscal years 18-19 through 22-23, there were 28 disciplinary actions taken by CSP involving vendors, and 30 actions involving instructors.

## Key Recommendations

- Continue the MOST program for nine years, until 2034.
- Lower the minimum age of MOST Instructors from 21 to 18.
- Repeal the authority of the Board to make financial-related recommendations.

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## Background

### Sunset Criteria

Enacted in 1976, Colorado's sunset law was the first of its kind in the United States. A sunset provision repeals all or part of a law after a specific date, unless the legislature affirmatively acts to extend it. During the sunset review process, the Colorado Office of Policy, Research and Regulatory Reform (COPRRR) within the Department of Regulatory Agencies (DORA) conducts a thorough evaluation of such programs based upon specific statutory criteria<sup>1</sup> and solicits diverse input from a broad spectrum of stakeholders including consumers, government agencies, public advocacy groups, and professional associations.

Sunset reviews are guided by statutory criteria and sunset reports are organized so that a reader may consider these criteria while reading. While not all criteria are applicable to all sunset reviews, the various sections of a sunset report generally call attention to the relevant criteria. For example,

- In order to address the first criterion and determine whether the program under review is necessary to protect the public, it is necessary to understand the details of the profession or industry at issue. The Profile section of a sunset report typically describes the profession or industry at issue and addresses the current environment, which may include economic data, to aid in this analysis.
- To address the second sunset criterion--whether conditions that led to the initial creation of the program have changed--the History of Regulation section of a sunset report explores any relevant changes that have occurred over time in the regulatory environment. The remainder of the Legal Framework section addresses the fifth sunset criterion by summarizing the organic statute and rules of the program, as well as relevant federal, state and local laws to aid in the exploration of whether the program's operations are impeded or enhanced by existing statutes or rules.
- The Program Description section of a sunset report addresses several of the sunset criteria, including those inquiring whether the agency operates in the public interest and whether its operations are impeded or enhanced by existing statutes, rules, procedures and practices; whether the agency or the agency's board performs efficiently and effectively and whether the board, if applicable, represents the public interest.
- The Analysis and Recommendations section of a sunset report, while generally applying multiple criteria, is specifically designed in response to the fourteenth criterion, which asks whether administrative or statutory changes are necessary to improve agency operations to enhance the public interest.

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<sup>1</sup> Criteria may be found at § 24-34-104, C.R.S.

These are but a few examples of how the various sections of a sunset report provide the information and, where appropriate, analysis required by the sunset criteria. Just as not all criteria are applicable to every sunset review, not all criteria are specifically highlighted as they are applied throughout a sunset review. While not necessarily exhaustive, the table below indicates where these criteria are applied in this sunset report.

**Table 1  
Application of Sunset Criteria**

Sunset Criteria	Where Applied
(I) Whether regulation or program administration by the agency is necessary to protect the public health, safety, and welfare.	<ul style="list-style-type: none"> <li>• Profile</li> <li>• History of Regulation</li> <li>• Recommendation 1</li> </ul>
(II) Whether the conditions that led to the initial creation of the program have changed and whether other conditions have arisen that would warrant more, less, or the same degree of governmental oversight.	<ul style="list-style-type: none"> <li>• History of Regulation</li> <li>• Recommendation 3</li> </ul>
(III) If the program is necessary, whether the existing statutes and regulations establish the least restrictive form of governmental oversight consistent with the public interest, considering other available regulatory mechanisms.	<ul style="list-style-type: none"> <li>• Legal Summary</li> <li>• Recommendation 2</li> <li>• Administrative Recommendation 1</li> </ul>
(IV) If the program is necessary, whether agency rules enhance the public interest and are within the scope of legislative intent.	<ul style="list-style-type: none"> <li>• Legal Summary</li> <li>• Program Description and Administration</li> <li>• Administrative Recommendations 1 and 3</li> </ul>
(V) Whether the agency operates in the public interest and whether its operation is impeded or enhanced by existing statutes, rules, procedures, and practices and any other circumstances, including budgetary, resource, and personnel matters.	<ul style="list-style-type: none"> <li>• Legal Summary</li> <li>• Program Description and Administration</li> <li>• Recommendation 3</li> <li>• Administrative Recommendation 2</li> </ul>
(VI) Whether an analysis of agency operations indicates that the agency or the agency’s board or commission performs its statutory duties efficiently and effectively.	<ul style="list-style-type: none"> <li>• Program Description and Administration</li> <li>• Administrative Recommendation 3</li> </ul>
(VII) Whether the composition of the agency’s board or commission adequately represents the public interest and whether the agency encourages public participation in its decisions rather than participation only by the people it regulates.	<ul style="list-style-type: none"> <li>• Legal Summary</li> <li>• Program Description and Administration</li> </ul>
(VIII) Whether regulatory oversight can be achieved through a director model.	<ul style="list-style-type: none"> <li>• Program Description and Administration</li> </ul>

Sunset Criteria	Where Applied
(IX) The economic impact of the program and, if national economic information is not available, whether the agency stimulates or restricts competition.	<ul style="list-style-type: none"> <li>• Profile</li> </ul>
(X) If reviewing a regulatory program, whether complaint, investigation, and disciplinary procedures adequately protect the public and whether final dispositions of complaints are in the public interest or self-serving to the profession or regulated entity.	<ul style="list-style-type: none"> <li>• Complaints</li> <li>• Disciplinary Actions</li> </ul>
(XI) If reviewing a regulatory program, whether the scope of practice of the regulated occupation contributes to the optimum use of personnel.	<ul style="list-style-type: none"> <li>• Licensing</li> </ul>
(XII) Whether entry requirements encourage equity, diversity, and inclusivity.	<ul style="list-style-type: none"> <li>• Legal Framework</li> <li>• Program Description and Administration</li> <li>• Administrative Recommendation 4</li> </ul>
(XIII) If reviewing a regulatory program, whether the agency, through its licensing, certification, or registration process, imposes any sanctions or disqualifications on applicants based on past criminal history and, if so, whether the sanctions or disqualifications serve public safety or commercial or consumer protection interests. To assist in considering this factor, the analysis prepared pursuant to subsection (5)(a) of this section must include data on the number of licenses, certifications, or registrations that the agency denied based on the applicant's criminal history, the number of conditional licenses, certifications, or registrations issued based upon the applicant's criminal history, and the number of licenses, certifications, or registrations revoked or suspended based on an individual's criminal conduct. For each set of data, the analysis must include the criminal offenses that led to the sanction or disqualification.	<ul style="list-style-type: none"> <li>• Collateral Consequences</li> </ul>
(XIV) Whether administrative and statutory changes are necessary to improve agency operations to enhance the public interest.	<ul style="list-style-type: none"> <li>• Recommendations 1-4</li> <li>• Administrative Recommendations 1-4</li> </ul>

## Sunset Process

Regulatory programs scheduled for sunset review receive a comprehensive analysis. The review includes a thorough dialogue with agency officials, representatives of the regulated profession and other stakeholders. Anyone can submit input on any upcoming sunrise or sunset review on COPRRR's website at [coprrr.colorado.gov](http://coprrr.colorado.gov).

The functions of the Motorcycle Operator Safety Training (MOST) program and the Colorado State Patrol (CSP), as enumerated in Part 5 of Article 5 of Title 43, Colorado



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Revised Statutes (C.R.S.), shall terminate on September 1, 2025, unless continued by the General Assembly. During the year prior to this date, it is the duty of COPRRR to conduct an analysis and evaluation of the MOST program pursuant to section 24-34-104, C.R.S.

The purpose of this review is to determine whether the currently prescribed regulation should be continued and to evaluate the performance of the MOST program and CSP. During this review, CSP must demonstrate that the program serves the public interest. COPRRR's findings and recommendations are submitted via this report to the Office of Legislative Legal Services.

## Methodology

As part of this review, COPRRR staff interviewed CSP staff, members of the advisory board, MOST Instructors, individuals owning motorcycle schools, and officials with industry associations; and reviewed quality assurance summaries, Colorado statutes and rules, and the laws of other states.

The major contacts made during this review include, but are not limited to:

- Colorado Department of Revenue
- Colorado Department of Transportation
- Colorado State Patrol
- Motorcycle Safety Foundation
- Total Control Training

In August 2024, COPRRR staff conducted a survey of all MOST Vendors and MOST Instructors. The survey was sent to 151 email addresses and 1 email was returned as undeliverable. The survey received 31 responses, which is a 20.7 percent response rate. Survey results may be found in Appendix A.

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## Profile

In a sunset review, the Colorado Office of Policy, Research and Regulatory Reform (COPRRR) is guided by the sunset criteria located in section 24-34-104(6)(b), C.R.S. The first criterion asks whether program administration by the agency is necessary to protect the public health, safety, and welfare.

In order to understand the need for regulation, it is first necessary to understand the environment in which the program exists and any necessary qualifications.

### Motorcycling in Colorado

Colorado has long been known as a world-famous motorcycle riding destination. The sprawling, majestic landscape makes it a natural playground for riders seeking an endless supply of long, windy roads. Some motorcycle enthusiasts refer to the state as “Curverado” for this very reason.

In addition to the ample tourism, Colorado is a popular riding state with its residents. A total of 203,396 motorcycles were registered throughout Colorado in 2023,<sup>2</sup> making it the 16th highest state with registrations per capita.

As fun as it may be, motorcycling can be particularly dangerous. Motorcyclists are four times more likely to be injured<sup>3</sup> and 22 times more likely to be killed in an accident compared to passenger car occupants.<sup>4</sup> A total of 82,687 motorcyclists were injured nationwide in 2022, according to the National Highway Traffic Safety Administration (NHTSA).<sup>5</sup> That year, 6,218 motorcyclists were killed.

Colorado had the 14th highest number of motorcycle-related fatalities in 2022.<sup>6</sup> There were 148 motorcyclists killed that year, marking an all-time high according to the Colorado Department of Transportation (CDOT).<sup>7</sup> Even though only three percent of Colorado vehicle registrations are motorcycles, motorcycle fatalities accounted for 20 percent of the state’s total traffic fatalities.

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<sup>2</sup> Eric R. Teoh, “Motorcycles registered in the United States, 2002-2023,” *Insurance Institute for Highway Safety*, June 2023.

<sup>3</sup> National Highway Traffic Safety Administration. *Motorcycle Safety*. Retrieved July 12, 2024, from <https://www.nhtsa.gov/road-safety/motorcycles>

<sup>4</sup> *Traffic Safety Facts: 2022 Data - Motorcycles*, U.S. Department of Transportation (2024), p. 1.

<sup>5</sup> *Traffic Safety Facts: 2022 Data - Motorcycles*, U.S. Department of Transportation (2024), p. 3.

<sup>6</sup> National Safety Council Injury Facts. *Road Users: Motorcycles*. Retrieved July 12, 2024, from <https://injuryfacts.nsc.org/motor-vehicle/road-users/motorcycles/data-details/>

<sup>7</sup> Colorado Department of Transportation. *Colorado motorcycle fatalities reach record high*. Retrieved July 12, 2024, from <https://www.codot.gov/news/2023/may/colorado-motorcycle-fatalities-reach-record-high>

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The five counties with the most motorcycle fatalities between fiscal years 18-19 and 22-23 were as follows:<sup>8</sup>

- El Paso (101),
- Jefferson (74),
- Adams (58),
- Denver (58), and
- Larimer (42).

Primary factors in motorcycle-related fatalities include speeding, not wearing a helmet, and intoxication.<sup>9</sup> In 2022, for approximately 80 percent of Colorado’s motorcycle operator fatalities, the motorcycle operator was considered at fault in the crash.<sup>10</sup> Thirty percent of the fatalities involved operators who tested above the legal limit for alcohol-intoxication. Roughly 50 percent involved riders not wearing a helmet, which is a significant increase from the previous year.

States around the country have various tactics to tackle motorcycle safety. In Colorado, a person is not permitted to drive a motorcycle on a roadway without having a motorcycle endorsement on their license.<sup>11</sup> Applicants for a motorcycle endorsement are required to demonstrate their ability to exercise ordinary and reasonable care and control in the operation of a motorcycle.<sup>12</sup>

The Colorado Division of Motor Vehicles (DMV) offers two endorsements for motorcyclists:<sup>13</sup>

- The “M” endorsement, and
- The “3” endorsement.

The “M” endorsement permits an operator to drive either a two-wheeled or three-wheeled motorcycle.<sup>14</sup> A “3” endorsement allows one to drive only three-wheeled motorcycles.

Any individual interested the M or 3 endorsements has two roads to choose from.

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<sup>8</sup> COLORADO Motorcycle Operator Safety Training Program (CO MOST) Annual Report: State Fiscal Year 2022/2023, Motorcycle Operator Safety Training Program (2023), p. 14.

<sup>9</sup> Colorado Department of Transportation News. *Colorado motorcycle fatalities reach record high*. Retrieved August 1, 2024, from <https://www.codot.gov/news/2023/may/colorado-motorcycle-fatalities-reach-record-high>

<sup>10</sup> COLORADO Motorcycle Operator Safety Training Program (CO MOST) Annual Report: State Fiscal Year 2022/2023, Motorcycle Operator Safety Training Program (2023), p. 13.

<sup>11</sup> § 42-2-103(1)(c), C.R.S.

<sup>12</sup> § 42-2-103(1)(b), C.R.S.

<sup>13</sup> 1 § CCR 204-30-7.C., Driver’s License-Driver Control Rules

<sup>14</sup> Colorado Department of Revenue Division of Motor Vehicles. *I’m a Motorcycle Driver*. Retrieved September 30, 2024, from <https://dmv.colorado.gov/drivers/im-motorcycle-driver>

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One route requires the individual to pass a written examination, purchase a motorcycle instruction permit, then pass a driving test.<sup>15</sup> Another route is to go through the Motorcycle Operator Safety Training (MOST) program, the subject of this sunset review.

MOST is administered by the Colorado State Patrol (CSP) and works with motorcycle schools to offer students motorcycle training courses. If the student successfully completes the course, they are awarded with a MOST completion card.<sup>16</sup> An individual can then take the card to a DMV office and purchase an endorsement without having to go through any additional assessments.<sup>17</sup>

This second endorsement option through MOST is useful for individuals who have little to no motorcycle riding knowledge, who may want to improve their riding skills with a dedicated coach, or who are simply seeking discounts. Many insurance carriers offer lower premiums on motorcycle insurance for those who have completed a state-certified course. And some motorcycle retailers offer discounts for those who have successfully completed a course.

Courses are not offered by CSP directly, but rather by motorcycle schools that have approval from CSP to become a vendor for MOST (MOST Vendor). There are currently 19 MOST Vendors offering motorcycle safety courses in the state.

Courses are designed according to a motorcycle training curriculum that must also be approved by MOST.<sup>18</sup> Motorcycle training curriculums are often developed by national organizations that create motorcycle safety courses around the country. MOST currently has two approved curriculums for a MOST Vendor to choose from. One is established by the Motorcycle Safety Foundation, and another is established by Total Control Training. While they differ in their types of instruction and total riding time, they both teach the basic principles, practices, and skills needed to safely operate a motorcycle.

Schools that operate as MOST Vendors vary in type depending on the entity. Some schools are small businesses while others may be associated with dealerships or larger motorcycle brands.

In fiscal year 22-23, courses were offered by MOST Vendors in 13 counties throughout the state.<sup>19</sup> These counties accounted for 67 percent of state ownership for registered motorcycles.

In addition to the two-day, basic training course, some MOST Vendors offer a one-day course for more experienced riders. Successful completion of this course will also award the student with a MOST completion card to take to the DMV. A small number of MOST

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<sup>15</sup> *Colorado Motor Vehicle Handbook*, Legislative Council Staff Operator Safety Training Program (2024), p. 30.

<sup>16</sup> 8 § CCR 1507-56-3.1.13., Motorcycle Operator Safety Training Rules

<sup>17</sup> Colorado Department of Revenue Division of Motor Vehicles. *I'm a Motorcycle Driver*. Retrieved September 30, 2024, from <https://dmv.colorado.gov/drivers/im-motorcycle-driver>

<sup>18</sup> 8 § CCR 1507-56-4.1.1., Motorcycle Operator Safety Training Rules

<sup>19</sup> *COLORADO Motorcycle Operator Safety Training Program (CO MOST) Annual Report: State Fiscal Year 2022/2023*, Motorcycle Operator Safety Training Program (2023), p. 26.

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Vendors offer a course designed specifically for three-wheel motorcycles for students seeking a 3 endorsement.

The ninth sunset criterion questions the economic impact of the program and, if national economic information is not available, whether the agency stimulates or restricts competition.

Motorcycling, including motorcycle training, is seasonal in Colorado because it is difficult to ride in winter. While there are many MOST Vendors and instructors who rely solely on coaching as their main source of income, a large portion of instructors treat it only as a part-time, seasonal job or as their passion project. These factors make it difficult to gauge the success of Colorado's motorcycle safety program in comparison to other states.

Regardless, course prices range between \$229 to \$395 for the basic riding course.<sup>20</sup> A total of 48,079 students took a MOST course between fiscal years 18-19 and 22-23. And of all the 2,021 motorcycle crashes recorded in Colorado for 2023, only 110 involved former MOST students.<sup>21</sup> This indicates a potential benefit from taking a course that may cost up to \$395 in comparison to the financial and other costs involved with being in a crash. Depending on the circumstances of the crash, a person may be liable for costs such as medical bills, legal fees, a rise in insurance premiums, and costs to repair or replace their motorcycle. Other costs may include severe injury or even death.

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<sup>20</sup> COLORADO Motorcycle Operator Safety Training Program (CO MOST) Annual Report: State Fiscal Year 2022/2023, Motorcycle Operator Safety Training Program (2023), p. 28.

<sup>21</sup> COLORADO Motorcycle Operator Safety Training Program (CO MOST) Annual Report: State Fiscal Year 2022/2023, Motorcycle Operator Safety Training Program (2023), pp. 21-22.

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## Legal Framework

### History of Regulation

In a sunset review, the Colorado Office of Policy, Research and Regulatory Reform (COPRRR) is guided by the sunset criteria located in section 24-34-104(6)(b), Colorado Revised Statutes (C.R.S.). The first and second sunset criteria question:

Whether regulation or program administration by the agency is necessary to protect the public health, safety, and welfare; and

Whether the conditions that led to the initial creation of the program have changed and whether other conditions have arisen that would warrant more, less or the same degree of governmental oversight.

One way that COPRRR addresses this is by examining why the program was established and how it has evolved over time.

The Motorcycle Operator Safety Training (MOST) program was formed by the General Assembly in 1990. The goal of MOST was to increase access to motorcycle safety training, to keep it more consistent, and to make it more cost friendly.

MOST was originally placed in what would become the Colorado Department of Transportation's (CDOT) Division of Highway Safety. Along with standards for training, the legislation created a five-member advisory committee.

MOST went through minor changes up to 2013. Then, in 2013, the General Assembly passed House Bill 13-1083 which did the following:

- Required CDOT to ensure that MOST courses adhere to CDOT's standards on motorcycle safety;
- Prohibited expenditure of MOST funds on certain items such as motorcycles, helmets and textbooks;
- Created a new advisory board, known as the Motorcycle Operator Safety Advisory Board (Board); and
- Scheduled a sunset of the program for 2017.

COPRRR published a sunset review on October 16, 2016. The sunset report recommended continuation of the program. The General Assembly then enacted Senate Bill 17-243, which moved the program's administration from CDOT to the Colorado State Patrol (CSP), effective January 1, 2018. The bill also scheduled the program to sunset on September 1, 2020.

COPRRR conducted the required sunset review in 2019. The review recommended continuation of the program and repealing a requirement that an instructor have a

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Colorado driver's license. The General Assembly agreed with these recommendations and implemented both under House Bill 20-1285. The bill also changed the membership of the Board by eliminating the representative of unaffiliated motorcycle training providers and adding an approved instructor as a new member.

## Legal Summary

The third, fourth, fifth and seventh sunset criteria question:

Whether the existing statutes and regulations establish the least restrictive form of governmental oversight consistent with the public interest, considering other available regulatory mechanisms;

Whether agency rules enhance the public interest and are within the scope of legislative intent;

Whether the agency operates in the public interest and whether its operation is impeded or enhanced by existing statutes, rules, procedures, and practices and any other circumstances, including budgetary, resource, and personnel matters; and

Whether the composition of the agency's board or commission adequately represents the public interest and whether the agency encourages public participation in its decisions rather than participation only by the people it regulates.

A summary of the current statutes and rules is necessary to understand whether regulation is set at the appropriate level and whether the current laws are impeding or enhancing the agency's ability to operate in the public interest.

MOST is created under section 43-5-501, *et seq.*, Colorado Revised Statutes (C.R.S.)(Act). Regulations for MOST are located within 8 CCR 1507-56 (Regulations). In addition, the MOST program has a Policies and Procedures Manual (Manual).

The Act establishes MOST under CSP with the stated goal of creating a program promoting motorcycle safety awareness and supporting training courses.<sup>22</sup>

There are multiple, operative levels to MOST. CSP administers MOST overall. MOST also partners with the Motorcycle Safety Foundation (Contractor) to provide services as specified in an agreement (Contractor Agreement).

MOST does not offer courses directly, but rather, it creates agreements with motorcycle schools to become vendors of courses (MOST Vendor). Additionally, MOST certifies

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<sup>22</sup> § 43-5-502(1)(a)(I), C.R.S.

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instructors of MOST courses (MOST Instructor). Finally, the Board provides support to MOST in an advisory capacity.

## MOST

The Chief of CSP must designate a program coordinator to implement and administer MOST.<sup>23</sup> MOST is tasked with establishing standards for MOST Vendors, along with standards for recertification and monitoring of instructors.<sup>24</sup> MOST is also required to create a system to record data on accidents, injuries, and fatalities among persons who have completed a course.<sup>25</sup>

The Department of Public Safety, which houses CSP, is required to report to the Legislative Audit Committee along with the transportation committees of the House of Representatives and the Senate each year.<sup>26</sup> The report must comment on:

- The program's effectiveness,
- Annual motorcycle-related accidents or fatalities,
- The availability of training throughout Colorado,
- Current and historic training costs, and
- Other performance measures.

MOST is funded by the Motorcycle Operator Safety Training Fund (Fund).<sup>27</sup> CSP is also allowed to accept gifts, donations, and grants for MOST.<sup>28</sup> The Fund is derived from three driving license surcharges. Upon registration, the owner of each motorcycle pays a surcharge of four dollars.<sup>29</sup> There is also a surcharge of two dollars for every issuance of a driver's license or minor driver's license with a motorcycle endorsement.<sup>30</sup> Last, there is a \$1 surcharge added to any extension sought for a license for which a motorcycle endorsement is requested.<sup>31</sup> The money collected from each of these surcharges are credited into the Fund.<sup>32</sup>

MOST may not expend more than 15 percent of the total cost of the program for administrative expenses.<sup>33</sup> Administrative expenses refer to operating costs such as:<sup>34</sup>

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<sup>23</sup> § 43-5-502(1)(a)(III)(c), C.R.S.

<sup>24</sup> §§ 43-5-502(1)(a)(III)(b)-(c), C.R.S.

<sup>25</sup> § 43-5-502(1)(a)(III)(b), C.R.S.

<sup>26</sup> § 43-5-506, C.R.S.

<sup>27</sup> § 43-5-504(1), C.R.S.

<sup>28</sup> § 43-5-504(3), C.R.S.

<sup>29</sup> § 42-3-304(4), C.R.S.

<sup>30</sup> § 42-2-114(2)(d), C.R.S.

<sup>31</sup> § 42-2-118(1)(b)(II), C.R.S.

<sup>32</sup> § 43-5-504(1), C.R.S.

<sup>33</sup> § 43-5-502(1)(a)(III)(e), C.R.S.

<sup>34</sup> 8 § CCR 1507-56-3.1.1., Motorcycle Operator Safety Training Rules



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- Daily administrative costs incurred by MOST,
  - Purchasing or leasing of capital equipment,
  - Office supplies,
  - Salaries and benefits, and
  - Travel costs for business and educational travel by MOST staff.

The cap on administrative funds does not include contract expenses.<sup>35</sup> Contract expenses include:

- Marketing costs,<sup>36</sup>
- Costs to execute the Contractor Agreement,<sup>37</sup> and
- Reimbursements to MOST Vendors for travel to carry out mobile training.<sup>38</sup>

Mobile training occurs when a MOST Vendor transports all of its equipment and sets it up in another location to serve students in underserved areas in Colorado.<sup>39</sup> The Act currently prohibits MOST from reimbursing any party for motorcycles, helmets, and textbooks.<sup>40</sup>

The Regulations further task MOST with the following:<sup>41</sup>

- Ensuring that courses are being conducted safely and consistent with best practices;
- Establishing standards for educational curriculums;
- Overseeing agreements with schools acting as MOST Vendors;
- Approving training sites;
- Maintaining records on MOST Instructors;
- Preparing annual reports regarding the effectiveness of the program;
- Measuring performance data on accidents, injuries, or fatalities of persons who took a MOST course; and
- Collaborating with the Department of Revenue to annually track the number of motorcycle endorsements issued on driver's licenses.

MOST has the authority to certify agreements with MOST Vendors, certify MOST Instructors, and certify motorcycle training curriculums.<sup>42</sup> "Certification" is defined in the Regulations as any recognition, approval, or affirmation from CSP whether it refers to reviewing a MOST Vendor, a MOST Instructor, or a motorcycle training curriculum.<sup>43</sup>

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<sup>35</sup> 8 § CCR 1507-56-5.1.2., Motorcycle Operator Safety Training Rules

<sup>36</sup> 8 § CCR 1507-56-5.1.2.1., Motorcycle Operator Safety Training Rules

<sup>37</sup> See 8 § CCR 1507-56-5.1.2.2., Motorcycle Operator Safety Training Rules

<sup>38</sup> 8 § CCR 1507-56-5.2., Motorcycle Operator Safety Training Rules

<sup>39</sup> 8 § CCR 1507-56-3.1.20., Motorcycle Operator Safety Training Rules

<sup>40</sup> § 43-5-504(2), C.R.S.

<sup>41</sup> 8 § CCR 1507-56-4.1., Motorcycle Operator Safety Training Rules

<sup>42</sup> 8 § CCR 1507-56-3.1.9., Motorcycle Operator Safety Training Rules

<sup>43</sup> *Id.*

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## MOST Contractor

The Contractor has the duty to complete the following tasks for MOST:<sup>44</sup>

- Manage the quality assurance program including scheduling visits, creating reports, and conducting follow-ups;
- Assist in providing customer service to stakeholders; and
- Help MOST to provide required statistics on motorcycle training.

The Regulations state that quality assurance visits are to be completed at least once a year for each MOST Vendor.<sup>45</sup> The Manual, however, states that MOST Vendors will receive at least two visits per fiscal year.<sup>46</sup> This includes one unannounced visit.<sup>47</sup>

Visits will normally address all aspects of a classroom, the range, and other administrative areas.<sup>48</sup> Any MOST Instructor who is on-site during a visit will also be reviewed. During a visit, the Contractor will issue what is known as a Quality Assurance Report (QAR).

QARs may document instances of non-compliance by a MOST Vendor or MOST Instructor.<sup>49</sup> Noncompliance may trigger follow-up visits.<sup>50</sup> The follow-up quality assurance visit will be conducted at least 30 days later to give a MOST Vendor or MOST Instructor the opportunity to document improvement.<sup>51</sup> A repeated failure to correct non-compliance in subsequent visits may lead to further disciplinary action by MOST.<sup>52</sup>

## Motorcycle Training Curriculums

MOST courses must be designed according to a recognized motorcycle training curriculum. These are usually developed by national organizations that create motorcycle safety courses around the country. Currently, there are two approved motorcycle training curriculums in the state: one designed by the Motorcycle Safety Foundation (MSF), and another by Total Control Training (Total Control).

The Manual covers what basic operations, safety techniques, and other topics any motorcycle training curriculum must cover. MOST Vendors have the discretion to choose any motorcycle training curriculum approved for use by MOST.<sup>53</sup> The MOST Instructors they hire need to be certified by that motorcycle training curriculum, whether it is MSF or Total Control.<sup>54</sup>

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<sup>44</sup> *Policy and Procedures Manual FY 2024, Motorcycle Operator Safety Training Program (2024)*, p. 7.

<sup>45</sup> 8 § CCR 1507-56-9.1.1., *Motorcycle Operator Safety Training Rules*

<sup>46</sup> *Policy and Procedures Manual FY 2024, Motorcycle Operator Safety Training Program (2024)*, p. 43.

<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

<sup>49</sup> 8 § CCR 1507-56-9.3., *Motorcycle Operator Safety Training Rules*

<sup>50</sup> *Policy and Procedures Manual FY 2024, Motorcycle Operator Safety Training Program (2024)*, p. 68.

<sup>51</sup> *Id.*

<sup>52</sup> *Id.*

<sup>53</sup> 8 § CCR 1507-56-6.5., *Motorcycle Operator Safety Training Rules*

<sup>54</sup> 8 § CCR 1507-56-7.1., *Motorcycle Operator Safety Training Rules*

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## Vendors

Courses are not offered directly by MOST, but rather by MOST Vendors. The Act defines MOST Vendors as any person that offers a motorcycle safety training program that meets the standards promulgated by the Department of Transportation.<sup>55</sup> However, the Regulations define MOST Vendors as any person that offers training applicable to the regulations of MOST.<sup>56</sup> The Manual states that MOST Vendors are businesses with which MOST has an agreement to provide rider education.<sup>57</sup>

MOST Vendors need a “MOST Program Vendor Certification” to operate as a MOST Vendor.<sup>58</sup> This is valid for a term not exceeding a year, and always expires no later than June 30 of the following year.<sup>59</sup>

To obtain and maintain certification, MOST Vendors must agree to:<sup>60</sup>

- Adhere to MOST’s rules and regulations;
- Only use instructors certified by MOST;
- Provide and maintain an approved training site;
- Cooperate with quality assurance reviews by the Contractor;
- Comply with remediation procedures, if any;
- Maintain required records, including individual student records; and
- Attend the annual MOST Vendor conference.

MOST is required to give a written response to applicants regarding their agreements within one month of being submitted.<sup>61</sup>

Once operating, each MOST Vendor must maintain access to a range.<sup>62</sup> The range needs to have markings that are correct and visible during training.<sup>63</sup> It must also be free of potholes, debris, or other hazards. MOST Vendors must also ensure the range is secured from unsafe conditions and intrusions that could result in the distraction of a student. Any substantial changes to the range layout must be approved by MOST.<sup>64</sup>

The MOST Vendor is tasked with supporting and ensuring all of its MOST Instructors are complying with the Act, Regulations, Manual, curriculum requirements, and the vendor’s agreement with MOST.<sup>65</sup> Each MOST Vendor must ensure that all motorcycles are properly maintained and inspected.<sup>66</sup>

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<sup>55</sup> § 43-5-501(3.6), C.R.S.

<sup>56</sup> 8 § CCR 1507-56-3.1.29., Motorcycle Operator Safety Training Rules

<sup>57</sup> *Policy and Procedures Manual FY 2024, Motorcycle Operator Safety Training Program (2024)*, p. 6.

<sup>58</sup> 8 § CCR 1507-56-3.1.30., Motorcycle Operator Safety Training Rules

<sup>59</sup> 8 § CCR 1507-56-6.1.1., Motorcycle Operator Safety Training Rules

<sup>60</sup> 8 § CCR 1507-56-6.2., Motorcycle Operator Safety Training Rules

<sup>61</sup> 8 § CCR 1507-56-6.1.2., Motorcycle Operator Safety Training Rules

<sup>62</sup> 8 § CCR 1507-56-6.4.1., Motorcycle Operator Safety Training Rules

<sup>63</sup> 8 § CCR 1507-56-6.4.5., Motorcycle Operator Safety Training Rules

<sup>64</sup> 8 § CCR 1507-56-6.4.4., Motorcycle Operator Safety Training Rules

<sup>65</sup> *Policy and Procedures Manual FY 2024, Motorcycle Operator Safety Training Program (2024)*, p. 9.

<sup>66</sup> 8 § CCR 1507-56-6.3., Motorcycle Operator Safety Training Rules

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MOST Vendors may offer a basic riding course, experienced riders course, and three-wheeled motorcycle course.<sup>67</sup> These are the three, currently approved courses by MOST. The Act specifies which persons may take a MOST course in Colorado:<sup>68</sup>

- A Colorado resident holding a valid driver's license, minor's license, or instruction permit;
- Any adult who holds a valid driver's license from another state and is eligible for a motorcycle endorsement in the same state; and
- A member of the armed forces with a valid driver's license issued by another state.

Within 48 hours of completion, the MOST Vendor must enter the student's information into the Contractor's online database, or any other online recording database approved by MOST.<sup>69</sup>

MOST Vendors are additionally responsible for organizing, compiling, and distributing the physical completion cards to students who successfully finish the course.<sup>70</sup> If students lose this card, they can receive replacement cards from the MOST Vendor.<sup>71</sup>

MOST Vendors maintain the following student records for a period of at least three years:<sup>72</sup>

- Full name, date of birth, and address;
- Course start and end date;
- A copy of their signed liability waivers;
- The results of the student's tests;
- Evidence of successful course completion;
- Incident reports, if any;
- The MOST Vendor's information and range location; and
- The names of the MOST Instructors assigned to the student.

MOST Vendors can have their agreements with MOST denied, limited, suspended, or revoked for not complying with the Act, Regulations or Manual.<sup>73</sup> Specific grounds include, but are not limited to:<sup>74</sup>

- Knowingly presenting false or misleading information to MOST;
- Permitting or engaging in any fraud concerning an applicant for a motorcycle endorsement;

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<sup>67</sup> *Policy and Procedures Manual FY 2024, Motorcycle Operator Safety Training Program (2024)*, p. 4.

<sup>68</sup> § 43-5-502(1)(a)(II), C.R.S.

<sup>69</sup> *Policy and Procedures Manual FY 2024, Motorcycle Operator Safety Training Program (2024)*, p. 14.

<sup>70</sup> *Policy and Procedures Manual FY 2024, Motorcycle Operator Safety Training Program (2024)*, p. 11.

<sup>71</sup> *Policy and Procedures Manual FY 2024, Motorcycle Operator Safety Training Program (2024)*, p. 36.

<sup>72</sup> 8 § CCR 1507-56-6.2.7., Motorcycle Operator Safety Training Rules

<sup>73</sup> 8 § CCR 1507-56-10.2., Motorcycle Operator Safety Training Rules

<sup>74</sup> *Id.*

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- Failing to correct a known item of non-compliance identified from a QAR;
  - Having two QARs in a row that identify consistent infractions; and
  - Engaging in a pattern of harassment or discriminatory behavior against students, MOST Instructors, other MOST Vendors, or MOST and its agents.

If the MOST Vendor has its agreement terminated, it must refrain from representing its business as a MOST Vendor.<sup>75</sup> MOST has authority to reinstate an agreement.<sup>76</sup> Appeals can be made pursuant to the State Administrative Procedure Act.<sup>77</sup>

### MOST Instructors

MOST Instructors are hired by MOST Vendors as either independent contractors or as direct employees.<sup>78</sup> While seeking certification from MOST, MOST Instructors must also seek authorization by MSF, Total Control, or any organization that creates an approved motorcycle training program.<sup>79</sup>

Candidates must also teach two complete courses under the supervision of a certified MOST Instructor within 90 days.<sup>80</sup> They must also pass a Colorado-specific knowledge test with a score of 80 percent or better. This is administered by MOST Vendors and includes questions about motorcycle safety and Colorado-specific considerations. It also tests a candidate's knowledge on the Act, Regulations, and Manual.

Additional requirements for MOST Instructors include the following:<sup>81</sup>

- Be at least 21 years of age;
- Hold a valid driver's license that includes the M endorsement or 3 endorsement, depending on which course the individual will teach; and
- Be certified to perform Basic First Aid and Cardio Pulmonary Resuscitation (CPR).<sup>82</sup>

The candidate will have their motor vehicle record inspected prior to certification. Any applicant who was convicted of an offense which has received eight or more points on their driving record will not be certified by MOST.<sup>83</sup> The candidate will also be denied if they had their license revoked or suspended within the three years before the application is filed no matter which state assessed the penalty.<sup>84</sup>

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<sup>75</sup> *Policy and Procedures Manual FY 2024, Motorcycle Operator Safety Training Program (2024)*, p. 15.

<sup>76</sup> 8 § CCR 1507-56-10.4., *Motorcycle Operator Safety Training Rules*

<sup>77</sup> 8 § CCR 1507-56-11.1., *Motorcycle Operator Safety Training Rules*

<sup>78</sup> *Policy and Procedures Manual FY 2024, Motorcycle Operator Safety Training Program (2024)*, p. 8.

<sup>79</sup> *Policy and Procedures Manual FY 2024, Motorcycle Operator Safety Training Program (2024)*, p. 22.

<sup>80</sup> *Id.*

<sup>81</sup> § 43-5-503(2), C.R.S.

<sup>82</sup> *Policy and Procedures Manual FY 2024, Motorcycle Operator Safety Training Program (2024)*, p. 16.

<sup>83</sup> § 43-5-503(3)(a), C.R.S.

<sup>84</sup> § 43-5-503(3)(b), C.R.S.

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Certifications for MOST Instructors are effective for one year, starting annually on March 1.<sup>85</sup> Renewals are required to be submitted in January or February of each year.<sup>86</sup>

To renew each year, MOST Instructors must:<sup>87</sup>

- Maintain their authorization to teach from their motorcycle training curriculum,
- Teach a minimum of three classes annually,
- Attend at least one professional development workshop annually,
- Complete the annual Sexual Harassment and Diversity Training, and
- Submit proof of current CPR certification.

During a quality assurance visit by the Contractor, any MOST Instructor on site is subject to review. QARs may document areas of concern requiring attention of a MOST Instructor.<sup>88</sup> If a MOST Instructor is found to be out of compliance, a QAR containing a formal explanation must be prepared.<sup>89</sup> The QAR must also provide direction on how to remedy any noncompliance,<sup>90</sup> and the instructor must show improvement during follow-up visits.<sup>91</sup>

If, during a quality assurance visit, there is a situation that poses an immediate threat to the health, safety, or welfare of students, the MOST Instructor must be immediately notified.<sup>92</sup> The MOST Instructor may have their certification immediately suspended or terminated if they fail to remedy the situation.<sup>93</sup>

MOST Instructors may have their certifications denied, limited, suspended, or revoked for the following:<sup>94</sup>

- Knowingly presenting false or misleading information to MOST;
- Permitting or engaging in any fraud for an applicant for a motorcycle endorsement;
- Failing to correct an instance of non-compliance identified in a QAR;
- Having two QARs in a row showing consistent infractions;
- Violating the Act, Regulations, or Manual;
- Engaging in a pattern of harassment or discriminatory behavior against students, instructors, other vendors, or MOST and its agents;
- Being impaired by alcohol or drugs while instructing;
- Failing to attend the yearly required professional development workshop; and
- Failing to teach three courses within the annual certification period.

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<sup>85</sup> 8 § CCR 1507-56-7.1., Motorcycle Operator Safety Training Rules

<sup>86</sup> *Id.*

<sup>87</sup> *Policy and Procedures Manual FY 2024, Motorcycle Operator Safety Training Program (2024)*, p. 24.

<sup>88</sup> 8 § CCR 1507-56-9.3., Motorcycle Operator Safety Training Rules

<sup>89</sup> *Id.*

<sup>90</sup> *Id.*

<sup>91</sup> 8 §§ CCR 1507-56-9.4, 9.5 Motorcycle Operator Safety Training Rules

<sup>92</sup> 8 § CCR 1507-56-9.6., Motorcycle Operator Safety Training Rules

<sup>93</sup> *Id.*

<sup>94</sup> 8 § CCR 1507-56-10.3., Motorcycle Operator Safety Training Rules

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MOST has authority to reinstate a certification,<sup>95</sup> and appeals can be made pursuant to the State Administrative Procedure Act.<sup>96</sup>

### Motorcycle Operator Safety Advisory Board

The Act establishes the Motorcycle Operator Safety Advisory Board (Board) as a Type 2 advisory board.<sup>97</sup>

The Board is responsible for developing a vision and mission consistent with the program,<sup>98</sup> recommending training methods that increase safety and program effectiveness, recommending improvements to MOST overall, and making recommendations on the expenditure of funds.<sup>99</sup> The Board is also required to meet at least quarterly.<sup>100</sup>

Board members serve a two-year term and can elect a chair and vice chair to preside over meetings.<sup>101</sup> Board makeup consists of the following:<sup>102</sup>

- The Executive Director of the Colorado Department of Transportation or their designee,
- The Executive Director of the Department of Revenue (which houses the DMV) or their designee, and
- The Chief of CSP or their designee.

The Board is also made up of the following nine members appointed by the Chief of CSP:<sup>103</sup>

- Two members who represent MOST Vendors,
- One member representing a retail motorcycle dealer,
- One member who represents third-party organizations certified by the DMV for motorcycle testing,
- Two members who are MOST Instructors,
- One member representing the motorcycle riding community,
- One member representing motorcycle insurance providers, and
- One member from a law enforcement agency.

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<sup>95</sup> 8 § CCR 1507-56-10.4., Motorcycle Operator Safety Training Rules

<sup>96</sup> 8 § CCR 1507-56-11.1., Motorcycle Operator Safety Training Rules

<sup>97</sup> § 43-5-505(1), C.R.S.

<sup>98</sup> § 43-5-505(5), C.R.S.

<sup>99</sup> § 43-5-505(2), C.R.S.

<sup>100</sup> § 43-5-505(6), C.R.S.

<sup>101</sup> § 43-5-505(3)-(4), C.R.S.

<sup>102</sup> § 43-5-505(1), C.R.S.

<sup>103</sup> *Id.*

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## Program Description and Administration

In a sunset review, the Colorado Office of Policy, Research and Regulatory Reform (COPRRR) is guided by sunset criteria located in section 24-34-104(6)(b), Colorado Revised Statutes (C.R.S.). The fifth, sixth, seventh and twelfth sunset criteria question:

Whether the agency operates in the public interest and whether its operation is impeded or enhanced by existing statutes, rules, procedures, and practices and any other circumstances, including budgetary, resource, and personnel matters;

Whether an analysis of agency operations indicates that the agency or the agency's board or commission performs its statutory duties efficiently and effectively;

Whether the composition of the agency's board or commission adequately represents the public interest and whether the agency encourages public participation in its decisions rather than participation only by the people it regulates; and

Whether entry requirements encourage equity, diversity, and inclusivity.

In part, COPRRR utilizes this section of the report to evaluate the agency according to these criteria.

The Motorcycle Operator Safety Training (MOST) Program is housed within the Colorado State Patrol (CSP), a division of the Department of Public Safety.

The enabling statute for MOST is located in section 43-5-501, *et seq.*, Colorado Revised Statutes (C.R.S.)(Act).

There are several levels of administration with regards to MOST. The Act vests the Chief of CSP with managing MOST. Additionally, MOST partners with the Motorcycle Safety Foundation (Contractor) to carry out services according to an agreement (Contractor Agreement). Courses are not offered directly by MOST. Instead, MOST creates agreements with schools (MOST Vendors) to provide courses. MOST Vendors hire instructors (MOST Instructors), who must be approved before teaching any course. Lastly, the Motorcycle Operator Safety Advisory Board (Board) supports MOST in an advisory capacity.

The Chief of CSP appoints a program coordinator to oversee the day-to-day operations of MOST.<sup>104</sup> MOST is funded by the Motorcycle Operator Safety Training Fund (Fund).<sup>105</sup> The Fund derives from multiple driving license surcharges. Upon registration, the owner

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<sup>104</sup> § 43-5-502(1)(a)(III)(c), C.R.S.

<sup>105</sup> § 43-5-504(1), C.R.S.



of each motorcycle pays a surcharge of four dollars.<sup>106</sup> There is also a surcharge of two dollars for every issuance of a driver's license or minor driver's license with a motorcycle endorsement.<sup>107</sup> Last, there is a \$1 surcharge added to any extension sought for a license for which a motorcycle endorsement is requested.<sup>108</sup> The money collected from each of these surcharges are directly credited into the Fund.<sup>109</sup> CSP may also accept gifts, grants, and donations.<sup>110</sup> Table 2, below, shows the total revenues of MOST along with their source.

**Table 2  
Revenues**

Revenue Source	FY 18-19	FY 19-20	FY 20-21	FY 21-22	FY 22-23
Motorcycle Registration and Endorsement Surcharges	\$569,944.34	\$993,66.51	\$932,727.06	\$997,657.00	\$878,023.11
Interest	0	0	\$18,684.84	\$21,080.00	\$55,663.00
Total	\$569,944.34	\$993,669.51	\$951,411.90	\$1,018,737.00	\$933,686.11

Motorcycle registrations and endorsements increased in fiscal year 19-20, which increased the revenues for MOST. Motorcycling became more popular not just in Colorado but throughout the country once the COVID-19 pandemic began.<sup>111</sup> The increase in popularity made a noticeable impact on revenues but stabilized in fiscal year 22-23. No gifts, grants, or donations were made to MOST in the five years examined.

Table 3 demonstrates the total expenditures of MOST, as well as the number of full-time equivalent (FTE) employees for the five fiscal years indicated.

**Table 3  
Total Program Expenditures and FTE**

Fiscal Year	Program Expenditures	FTE
18-19	\$626,721.00	1.0
19-20	\$868,712.12	1.0
20-21	\$707,798.32	1.0
21-22	\$854,511.79	1.0
22-23	\$793,260.29	1.0

<sup>106</sup> § 42-3-304(4), C.R.S.

<sup>107</sup> § 42-2-114(2)(d), C.R.S.

<sup>108</sup> § 42-2-118(1)(b)(II), C.R.S.

<sup>109</sup> § 43-5-504(1), C.R.S.

<sup>110</sup> § 43-5-504(3), C.R.S.

<sup>111</sup> Andrew Cherney, "The Pandemic Paradox: Motorcycle Sales Are Up," *Cycle World*, June 26, 2020.

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Once the COVID-19 pandemic began, and more students were taking courses, program expenditures also increased. After the first year, expenditures fluctuated between \$700,000 and \$870,000 annually.

The FTE is allotted to the program coordinator of MOST, who has the following responsibilities:

- Certifying MOST Instructors,
- Approving agreements with MOST Vendors,
- Organizing presentations for meetings of the Board,
- Compiling regulations,
- Preparing reports to the Board and to the Colorado General Assembly,
- Overseeing the budget,
- Managing the Contractor Agreement,
- Reviewing the Contractor's work product,
- Fielding public inquiries, and
- Serving as liaison between CSP and the Division of Motor Vehicles (DMV).

CSP is required to not expend more than 15 percent of total revenues of the program for administrative expenses.<sup>112</sup> Administrative expenses refer to operating costs, such as:<sup>113</sup>

- Daily administrative costs,
- Purchasing or leasing of capital equipment by staff,
- Office supplies,
- Salaries and benefits, and
- Travel costs for business travel by staff.

The cap on administrative funds does not include contract expenses.<sup>114</sup> Contract expenses include marketing expenses, costs to fulfill the Contractor Agreement,<sup>115</sup> and any reimbursements to MOST Vendors for carrying out mobile training.<sup>116</sup>

Table 4 below shows the administrative costs for the previous five years.

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<sup>112</sup> § 43-5-502(1)(a)(III)(e), C.R.S.

<sup>113</sup> 8 § CCR 1507-56-3.1.1., Motorcycle Operator Safety Training Rules

<sup>114</sup> See 8 § CCR 1507-56-5.1.2., Motorcycle Operator Safety Training Rules

<sup>115</sup> 8 § CCR 1507-56-3.1.14., Motorcycle Operator Safety Training Rules

<sup>116</sup> 8 § CCR 1507-56-5.2., Motorcycle Operator Safety Training Rules

**Table 4  
Administrative Costs**

Fiscal Year	Administrative Expenses	Percentage of Total Revenues
18-19	\$79,792.08	14%
19-20	\$113,523.91	11%
20-21	\$124,161.62	13%
21-22	\$118,535.94	12%
22-23	\$103,534.72	11%

Administrative expenses remained under 15 percent of revenues for each year. Expenses increased and stabilized after the COVID-19 pandemic because of the increase in students taking courses.

MOST offers motorcycle safety courses for individuals who are seeking motorcycle endorsements from Colorado. The following persons may take any MOST course in Colorado:<sup>117</sup>

- A Colorado resident holding a valid driver’s license, minor’s license, or instruction permit;
- Any adult who holds a valid driver’s license from another state and is eligible for a motorcycle endorsement in the same state; and
- A member of the armed forces with a valid driver’s license issued by another state.

There are three courses offered by MOST:<sup>118</sup>

- A basic riding course,
- An experienced rider course, and
- A three-wheel course.

The basic course is aimed at individuals with little to no experience riding a motorcycle. It will generally cover the basics of operating a motorcycle, risk management strategies, and safety-oriented mental strategies. For riders who already have basic skills, the experienced rider course is another option. It is also considered a refresher course for riders who may not have been riding for some time. Last, the three-wheel course is for individuals who only want to ride a three-wheeled motorcycle.

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<sup>117</sup> § 43-5-502(1)(a)(II), C.R.S.

<sup>118</sup> *Policy and Procedures Manual FY 2024, Motorcycle Operator Safety Training Program (2024)*, p. 4.

Table 5 indicates the number of courses held and students served in the years examined.

**Table 5  
MOST Courses and Students**

Fiscal Year	Number of Courses	Students Taught
18-19	1,169	7,640
19-20	1,088	7,420
20-21	1,850	11,483
21-22	1,650	10,865
22-23	1,692	10,671

A total of 48,079 students were taught between fiscal years 18-19 and 22-23. Because of the increase in motorcycling during the COVID-19 pandemic, there was an increase in individuals looking to become endorsed. Hence, more students participated in MOST during fiscal year 21-22. For fiscal year 22-23, 80 percent of students were from basic riding courses. Sixteen percent of students took part in one of the advanced courses, while the remaining four percent of students took a three-wheel course.

Some MOST Vendors conduct mobile training. Mobile training is when a school transports its equipment and personnel to a temporary site to provide training in an underserved area of the state.<sup>119</sup> Table 6 denotes the number of mobile training courses held per year along with the number of students served.

**Table 6  
Mobile Training Courses and Students**

Fiscal Year	Courses	Students Served
18-19	63	1,293
19-20	53	905
20-21	89	1,161
21-22	116	1,384
22-23	106	1,314

The number of students served dropped slightly when the COVID-19 pandemic began. During fiscal year 21-22, an additional vendor began offering mobile training, increasing the total number of courses and students annually. There was a total of two MOST vendors providing training on five separate ranges during fiscal year 22-23.

<sup>119</sup> 8 § CCR 1507-56-3.1.20., Motorcycle Operator Safety Training Rules

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MOST Vendors may apply for reimbursement from MOST for conducting mobile training.<sup>120</sup> These are considered contract expenses,<sup>121</sup> as such, they do not affect the 15 percent cap on administrative funds.<sup>122</sup>

Table 7, below, shows the amount reimbursed in the five years indicated.

**Table 7**  
**MOST Vendor Reimbursements for Mobile Training**

Fiscal Year	Vendor Reimbursements
18-19	\$18,939.23
19-20	\$18,977.84
20-21	\$38,255.20
21-22	\$38,255.20
22-23	\$37,023.46

Reimbursements increased during the COVID-19 pandemic, with the increase in demand from students in underserved areas. After a new MOST Vendor began offering mobile training in fiscal year 21-22, the reimbursement amount remained stable.

MOST conducts several marketing campaigns each year. Sometimes MOST and the Colorado Department of Transportation (CDOT) will collaborate on these efforts. Campaigns focus on the importance of motorcycle safety, such as the importance of riding licensed, with an endorsement, and with a helmet. Some marketing campaigns advertise that discounts can be received for insurance or from motorcycle shops if a student completes the course. Other campaigns are targeted, such as using a mobile billboard right outside a motorcycle dealership.

During the period examined, MOST utilized the following:

- Billboards, including mobile billboards;
- Social media postings and advertisements;
- Internet radio advertisements using well known personalities;
- Local radio advertisements in stations throughout Colorado; and
- Sponsorships of motorcycle events.

Expenses incurred to promote the program are considered contract expenses,<sup>123</sup> and, as such, they do not affect the 15 percent cap on administrative funds.<sup>124</sup> Table 8 shows MOST's marketing expenses for the fiscal years examined.

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<sup>120</sup> 8 § CCR 1507-56-5.2.4., Motorcycle Operator Safety Training Rules

<sup>121</sup> 8 § CCR 1507-56-5.2., Motorcycle Operator Safety Training Rules

<sup>122</sup> See 8 § CCR 1507-56-5.1.2., Motorcycle Operator Safety Training Rules

<sup>123</sup> 8 § CCR 1507-56-5.1.2.1., Motorcycle Operator Safety Training Rules

<sup>124</sup> See 8 § CCR 1507-56-5.1.2., Motorcycle Operator Safety Training Rules

**Table 8  
Marketing Expenses**

Fiscal Year	Marketing Expenses
18-19	\$176,190.56
19-20	\$203,375.28
20-21	\$225,381.50
21-22	\$175,714.50
22-23	\$231,702.98

Expenditures for advertising increased after the pandemic to meet the new demand in motorcycle riding. It is not clear why expenses dropped in fiscal year 21-22. Expenses were relatively stable during these fiscal years.

## Certifications

The terms “Certification” is defined as recognition, approval, or affirmation from MOST.<sup>125</sup> MOST certifies:

- MOST Vendors,
- Educational curriculums to be used by MOST Vendors, and
- MOST Instructors.

MOST Vendors must obtain approval from CSP prior to offering a MOST course.<sup>126</sup> Each certification is valid for one year and expires June 30 of the following year.<sup>127</sup> To obtain and maintain this certification, MOST Vendors must have an agreement to:<sup>128</sup>

- Only use instructors certified by MOST,
- Provide and maintain an approved training site,
- Cooperate with quality assurance reviews by the Contractor, and
- Attend the annual MOST Vendor conference.

Table 9 shows the number of MOST Vendors.

<sup>125</sup> 8 § CCR 1507-56-3.1.9., Motorcycle Operator Safety Training Rules

<sup>126</sup> 8 § CCR 1507-56-6.1., Motorcycle Operator Safety Training Rules

<sup>127</sup> 8 § CCR 1507-56-6.1.1., Motorcycle Operator Safety Training Rules

<sup>128</sup> 8 § CCR 1507-56-6.2., Motorcycle Operator Safety Training Rules

**Table 9**  
**Number of MOST Vendors**

Fiscal Year	MOST Vendors
18-19	17
19-20	18
20-21	19
21-22	19
22-23	19

Between fiscal year 18-19 and 19-20, one MOST Vendor had their agreement terminated, but two new MOST Vendors were approved. In fiscal year 22-23, one MOST Vendor had their agreement terminated, and one new vendor was approved. There have also been instances of a school acquiring another school. However, the number of MOST Vendors remained relatively stable throughout the period examined.

MOST Vendors hire MOST Instructors to teach courses directly to students. MOST Instructors must be certified by the motorcycle training curriculum they will teach, be it the Motorcycle Safety Foundation (MSF) or Total Control Training (Total Control).<sup>129</sup>

MSF requires the following to be an instructor of their curriculum:<sup>130</sup>

- Being at least 18 years of age or older,
- Possessing a valid motorcycle endorsement,
- Having a good driving record,
- Having no criminal history, and
- Riding a registered and insured motorcycle regularly.

For a candidate to be authorized by Total Control, the following requirements apply:<sup>131</sup>

- Must be 18 years of age or older,
- Possess a valid endorsement,
- Own and operate a motorcycle on a routine basis,
- Have a minimum of 10,000 miles of riding experience,
- Have a good driving record, and
- Have no criminal history.

<sup>129</sup> *Policy and Procedures Manual FY 2024, Motorcycle Operator Safety Training Program (2024)*, p. 22.

<sup>130</sup> Motorcycle Safety Foundation. *Become a RiderCoach*. Retrieved July 12, 2024, from <https://msf-usa.org/become-a-ridercoach/>

<sup>131</sup> Total Control Training. *Join Our Team Of Riding Instructors*. Retrieved July 12, 2024, from <https://www.totalcontroltraining.net/careers>

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Additionally, both MSF and Total Control require candidates to pass written exams, undergo in-person riding assessments, and teach a class under supervision with a corresponding performance evaluation.

A MOST Instructor must acquire a valid teaching certificate from MOST. MOST's requirements for candidates include the following:

- Must be at least 21 years of age,
- Hold a valid driver's license that authorizes the holder to drive a motorcycle,<sup>132</sup>
- Have taught two courses under the supervision of a MOST Instructor who is already certified,<sup>133</sup>
- Pass a Colorado-specific knowledge test (Knowledge Test),<sup>134</sup> and
- Be certified in Basic First Aid and Cardio Pulmonary Resuscitation (CPR).<sup>135</sup>

The Knowledge Test is an examination on MOST's rules, along with the Policies and Procedures. Candidates must pass with a score of at least 80 percent.<sup>136</sup> Factors related to equity, diversity, and inclusion were not taken into consideration during examination development. The test was first administered in fiscal year 23-24.

Table 10, below, shows the number of MOST Instructors between fiscal years 18-19 and 22-23.

**Table 10**  
**Number of MOST Instructors**

Fiscal Year	New MOST Instructors	Total #
18-19	27	125
19-20	28	144
20-21	24	114
21-22	24	137
22-23	28	126

The number of new instructors and total instructors remained relatively stable throughout the period examined.

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<sup>132</sup> § 43-5-503(2)(b), C.R.S.

<sup>133</sup> *Policy and Procedures Manual FY 2024, Motorcycle Operator Safety Training Program (2024)*, p. 22.

<sup>134</sup> *Id.*

<sup>135</sup> *Policy and Procedures Manual FY 2024, Motorcycle Operator Safety Training Program (2024)*, p. 16.

<sup>136</sup> *Policy and Procedures Manual FY 2024, Motorcycle Operator Safety Training Program (2024)*, p. 22.



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## Quality Assurance

Since 2016, MOST has contracted with the Contractor to help provide services. Contractor personnel involved with MOST include a Project Manager and additional staff to support functions as appropriate. The Contractor does the following for MOST:<sup>137</sup>

- Manages the quality assurance program;
- Assists in providing customer service to MOST Vendors, MOST Instructors, and stakeholders; and
- Helps to provide statistics regarding how many students are taking MOST courses.

MOST executes a contract with the Contractor to carry out its services. This is considered a contract expense,<sup>138</sup> as such, it does not affect the 15 percent cap on administrative expenses.<sup>139</sup> The contract price with MSF can be found in Table 11, below.

**Table 11**  
**Contract Price**

Fiscal Year	Contract Price
18-19	\$361,290.00
19-20	\$420,000.00
20-21	\$320,000.00
21-22	\$312,110.00
22-23	\$319,920.00

The contract price increased during fiscal year 19-20 because of carry-over costs from the prior year. Otherwise, the contract price remained stable throughout the period observed. MOST has continued its contract with MSF for the next five years as of the time of this review.

The primary function of the Contractor is to provide quality assurance of MOST Vendors and their MOST Instructors. The Regulations state that quality assurance visits are to be completed at least once a year for each MOST Vendor.<sup>140</sup> The Policies and Procedures Manual (Manual) states that MOST Vendors will receive at least two visits per fiscal year, including an announced visit.<sup>141</sup> The Contractor schedules one of the two required quality assurance visits in the first half of the year. The remaining, required visits take place in the second half of the year.

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<sup>137</sup> *Policy and Procedures Manual FY 2024, Motorcycle Operator Safety Training Program (2024)*, p. 7.

<sup>138</sup> See 8 § CCR 1507-56-5.1.2.2., *Motorcycle Operator Safety Training Rules*

<sup>139</sup> See 8 § CCR 1507-56-5.1.2., *Motorcycle Operator Safety Training Rules*

<sup>140</sup> 8 § CCR 1507-56-9.1.1., *Motorcycle Operator Safety Training Rules*

<sup>141</sup> *Policy and Procedures Manual FY 2024, Motorcycle Operator Safety Training Program (2024)*, p. 43.

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During a visit, the Contractor will issue what is known as a Quality Assurance Report (QAR). Quality assurance visits usually address the classroom, range, and other administrative areas of the MOST Vendor.<sup>142</sup> Any MOST Instructor that is on-site will be reviewed. QARs also document areas of concern that may require corrective action. If corrective action is required, the Contractor will schedule a subsequent visit.<sup>143</sup>

Table 12 indicates the number of quality assurance visits between fiscal years 18-19 and 22-23.

**Table 12**  
**Number of Quality Assurance Visits**

Fiscal Year	Quality Assurance Visits
18-19	40
19-20	35
20-21	70
21-22	72
22-23	115

The spike in motorcycling, along with the increase in the number of classes, caused the number of yearly quality assurance visits to rise after COVID-19. Moreover, MOST and MSF updated their contract to require more quality assurance visits in 2021. According to the contract provision, visits must equal one percent of all basic rider students trained or 10 percent of all basic rider courses taught in the past year, whichever is greater. This caused an increase in visits for fiscal year 22-23.

## Complaints

The tenth sunset criterion requires COPRRR to examine whether complaint, investigation and disciplinary procedures adequately protect the public and whether final dispositions of complaints are in the public interest or self-serving to the profession or regulated entity.

In part, COPRRR utilizes this section of the report to evaluate the program according to this criterion.

MOST has no formal complaint process; however, it does accept complaints from the public regarding MOST Vendors and MOST Instructors. MOST does not collect any data on the number of complaints received. If MOST does receive a complaint, it is forwarded to the MOST Vendor and may be used as an assessment factor during quality assurance visits.

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<sup>142</sup> *Id.*

<sup>143</sup> 8 §§ CCR 1507-56-9.4, 9.5 Motorcycle Operator Safety Training Rules

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## Disciplinary Actions

The tenth sunset criterion requires COPRRR to examine whether complaint, investigation and disciplinary procedures adequately protect the public and whether final dispositions of complaints are in the public interest or self-serving to the profession or regulated entity.

In part, COPRRR utilizes this section of the report to evaluate the program according to this criterion.

MOST Vendors can have their agreements denied, limited, suspended, or revoked for not complying with the Act, Regulations and the Manual.

Specific grounds include, but are not limited to:<sup>144</sup>

- Knowingly presenting false or misleading information to CSP;
- Permitting or engaging in any fraud concerning an applicant for a motorcycle endorsement;
- Failing to correct a known item of non-compliance identified from a quality assurance report;
- Having two quality assurance reports in a row that identify consistent infractions; and
- Engaging in a pattern of harassment or discriminatory behavior against students, instructors, other vendors, or CSP and its agents.

Table 13 denotes the disciplinary actions taken against MOST Vendors during the sunset review period.

**Table 13**  
**Disciplinary Actions of MOST Vendors**

Type of Action	FY 18-19	FY 19-20	FY 20-21	FY 21-22	FY 22-23
Show of Cause	0	0	0	6	4
Disciplinary Letter	1	1	0	6	4
Suspension Letter	0	0	0	2	3
Termination of Vendor Agreement	0	0	0	0	1

MOST Instructors may have their certifications denied, limited, suspended, or revoked for any of the actions below:<sup>145</sup>

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<sup>144</sup> *Id.*

<sup>145</sup> 8 § CCR 1507-56-10.3., Motorcycle Operator Safety Training Rules

- Knowingly presenting false or misleading information to MOST;
- Permitting or engaging in any fraud for an applicant for a motorcycle endorsement;
- Failing to correct a non-compliance identified in a QAR;
- Having two QARs in a row showing consistent infractions;
- Violating the Act, Regulations, or Manual;
- Engaging in a pattern of harassment or discriminatory behavior against students, instructors, other vendors, or MOST and its agents;
- Being impaired by alcohol or drugs while instructing;
- Failing to attend the yearly required professional development workshop; and
- Failing to teach three courses within the annual certification period.

Table 14 denotes the disciplinary actions regarding MOST Instructors during the sunset review period.

**Table 14**  
**Disciplinary Actions of MOST Instructors**

Type of Action	FY 18-19	FY 19-20	FY 20-21	FY 21-22	FY 22-23
Show of Cause	0	0	0	2	14
Disciplinary Letter	1	1	0	2	4
Suspension Letter	0	1	0	1	4

A show of cause is a minor warning for an action that does not warrant a disciplinary letter. Disciplinary letters are more serious actions. These may require corrective action, which can be demonstrated in a subsequent quality assurance visit. Suspension letters are often issued to MOST Instructors who make repeated violations during consecutive quality assurance visits. This may also lead to the MOST Vendor having its entire agreement terminated, depending on how serious and how often the patterns of neglect are taking place.

During fiscal year 19-20, there was no disciplinary activity because the COVID-19 pandemic put an abrupt halt to quality assurance visits. After fiscal year 20-21, MOST had updated its rules regarding accountability, disciplinary actions, and appellate processes. This led to an increase in disciplinary activity overall. For MOST Vendors, the majority of disciplinary actions stem from not using certified MOST Instructors. With regards to MOST Instructors, the majority of actions related to not teaching a course properly. For example, the MOST Instructor may have omitted a section of required education, taught in a confusing manner, or went too far beyond what needs to be instructed.

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## Collateral Consequences

The thirteenth sunset criterion requires COPRRR to examine whether the agency, through its licensing, certification or registration process, imposes any sanctions or disqualifications on applicants based on past criminal history and, if so, whether the sanctions or disqualifications serve public safety or commercial or consumer protection interests.

COPRRR utilizes this section of the report to evaluate the program according to this criterion.

No applicant shall be certified if, within three years prior to the application, they were convicted for a severe driving offense.<sup>146</sup> The same prohibition applies if they had their license revoked or suspended in another state. Any applicant who was convicted for an offense which has received eight or more points on their driving record will not be certified by MOST.<sup>147</sup>

There was only one applicant denied as a MOST Instructor during the period examined. The applicant was denied in 2019 because they had a driving under the influence conviction on their record.

## Motorcycle Operator Safety Advisory Board

The sixth sunset criterion questions whether the agency's board or commission performs its statutory duties efficiently and effectively, and the seventh sunset criterion questions whether the composition of the board adequately represents the public interest. In part, COPRRR utilizes this section of the report to evaluate the program according to these criteria.

The Act establishes the Board as a Type 2 advisory board.<sup>148</sup> The Board is made up of:<sup>149</sup>

- The Executive Director of CDOT or their designee,
- The Executive Director of the Department of Revenue (which houses the DMV) or their designee, and
- The Chief of CSP or their designee.

There are also nine members appointed by the Chief of CSP:<sup>150</sup>

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<sup>146</sup> § 43-5-503(3)(b), C.R.S.

<sup>147</sup> § 43-5-503(3)(a), C.R.S.

<sup>148</sup> § 43-5-505(1), C.R.S.

<sup>149</sup> *Id.*

<sup>150</sup> *Id.*

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- Two members representing MOST Vendors,
  - One member representing a retail motorcycle dealer,
  - One member representing an organization certified by the DMV for motorcycle testing,
  - Two members who are MOST instructors,
  - One member from the motorcycle riding community,
  - One member representing a law enforcement agency, and
  - One member representing motorcycle insurance providers.

The Board is required to meet quarterly,<sup>151</sup> and is charged with:<sup>152</sup>

- Developing a vision and mission consistent with the program,
- Recommending training methods that increase safety and program effectiveness,
- Suggesting improvements to the program and training overall, and
- Making recommendations on the expenditure of funds.

Numerous recommendations were made to MOST by the Board between fiscal years 18-19 and 22-23, including recommendations to:

- Update the Regulations and the Manual regarding accountability, disciplinary violations, and appellate processes;
- Redevelop the Regulations and Manual to provide more guidance on mobile training;
- Allow a virtual training component for courses, which reduces the need for a physical classroom; and
- Create standards for motorcycle tires, so that all training motorcycles are on safe tires.

Each of these recommendations was ultimately adopted by MOST. Minutes were not maintained for every meeting; however, CSP estimates that an average of 12 members attended each meeting.

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<sup>151</sup> § 43-5-505(6), C.R.S.

<sup>152</sup> § 43-5-505(2), C.R.S.

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## Analysis and Recommendations

The final sunset criterion questions whether administrative and statutory changes are necessary to improve agency operations to enhance the public interest. The recommendations that follow are offered in consideration of this criterion, in general, and any criteria specifically referenced in those recommendations.

### **Recommendation 1 – Continue the Motorcycle Operator Safety Training program for nine years, until 2034.**

Motorcycling in Colorado is not akin to riding in other states. As beautiful as Colorado's mountain roads can be, they can also be hazardous to the inexperienced rider.

In the period examined for this sunset review, motorcycle-related fatalities increased yearly in the state. Colorado had 103 motorcycle-related fatalities in fiscal year 18-19.<sup>153</sup> For fiscal year 22-23, there were 148 deaths, representing a 44 percent increase.

Of the 148 deaths, 44 were individuals aged 20-29, more than any other age group.<sup>154</sup> A third of the total deaths were individuals who were found to be past the legal limit of intoxication.<sup>155</sup> More than half of the deaths involved individuals not wearing a helmet.

Because of the inherent dangers of riding a motorcycle, it is vital that basic safety principles are instilled within new riders. This includes principles such as the importance of wearing a helmet and not riding while intoxicated, both of which are required to be taught during a motorcycle safety training course in the Colorado Motorcycle Operator Safety Training (MOST) program.

MOST exists to support motorcycle safety courses in Colorado and to work with schools (MOST Vendors) who offer such courses. The importance of MOST is to set standards for courses and ensure that uniformity is being maintained in course instruction. MOST certifies instructors (MOST Instructors), which helps to ensure that they are experienced riders who can properly teach the right skills to a person that has potentially never been on a motorcycle before.

The regulations of MOST describe what exactly needs to be taught to students, including basic principles and Colorado-specific concerns. This increases the likelihood that all operators will be able to ride safely whether they are traversing through the Western Slope or driving through the Eastern Plains.

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<sup>153</sup> COLORADO Motorcycle Operator Safety Training Program (CO MOST) Annual Report: State Fiscal Year 2022/2023, Motorcycle Operator Safety Training Program (2023), p. 4.

<sup>154</sup> COLORADO Motorcycle Operator Safety Training Program (CO MOST) Annual Report: State Fiscal Year 2022/2023, Motorcycle Operator Safety Training Program (2023), p. 16.

<sup>155</sup> COLORADO Motorcycle Operator Safety Training Program (CO MOST) Annual Report: State Fiscal Year 2022/2023, Motorcycle Operator Safety Training Program (2023), p. 13.

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Whether taking a course based on the Motorcycle Safety Foundation (MSF)<sup>156</sup> or Total Control Training (Total Control),<sup>157</sup> the two motorcycle training curriculums currently approved by MOST, a student will learn how to:

- Identify the right protective gear;
- Inspect one’s motorcycle;
- Start a motorcycle, shift properly, and stop with precision;
- Properly turn and lean when needed;
- Perform quick stops and turns without skidding;
- Maintain control in a curve;
- Cross obstacles;
- Correctly switch lanes;
- Evasive maneuvers; and
- What to do in special situations.

During the two-day course, students receive at least eight hours of practice on a motorcycle that is not their own. MOST also requires that courses teach students about the dangers of drunk driving, including trying on “drunk-goggles” on a bike while stationary to demonstrate the importance of driving unintoxicated. Taking a MOST course increases the chances that an operator will ride safely, ride sober, and choose to wear a helmet.

MOST courses also include a more advanced, one-day course that helps any person looking to improve upon or refresh their motorcycle skills. Three-wheel enthusiasts also have an option under MOST.

Importantly, individuals in Colorado do not need to take a MOST course to obtain a motorcycle endorsement. However, if MOST were to sunset, there would be no central body in the state that ensures motorcycle schools are all teaching what should be taught when it comes to motorcycle safety.

MOST receives advisory input from the Motorcycle Safety Advisory Board (Board). The Board is made up of dynamic perspectives including law enforcement, state agencies, MOST Vendors, MOST Instructors, riders, dealers, and an insurance representative. The Board makes sure that MOST is focusing its efforts properly when it comes to administering, promoting, and setting standards for MOST courses. Board meetings also bring together members of the motorcycle training industry and the riding community.

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<sup>156</sup> Motorcycle Safety Foundation. *Basic Rider Course*. Retrieved August 1, 2024, from <https://msf-usa.org/start-your-ride/basic-ridercourse/>

<sup>157</sup>Total Control Motorcyclist Training Courses. *Beginner Riding Clinic*. Retrieved August 1, 2024, <https://www.totalcontroltraining.net/riding-courses/beginner-riding-clinic>



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MOST partners with MSF (Contractor) to help provide services and to organize MOST's entire quality assurance system. The Contractor is a motorcycle safety organization that has been creating courses since 1973. Having a knowledgeable partner such as the Contractor has proven to be a factor in improving MOST.

The first sunset criterion asks whether regulation is necessary to protect the public health, safety and welfare.

Given that motorcycle riders are 22 times more likely to have a fatal accident compared to occupants in passenger vehicles,<sup>158</sup> and that motorcycling is only getting more popular, MOST is necessary to ensure that schools teach new motorcycling operators how to properly ride in Colorado.

During the five years examined in this sunset review, a total of 48,079 students took a MOST course. Of all the 2,021 motorcycle crashes recorded in Colorado in 2023, only 110 involved former MOST students.<sup>159</sup> Clearly, MOST is working, saves lives and is necessary to protect the public health, safety and welfare.

Since motorcycle-related crashes and deaths continue to be an issue in the state, a longer continuation period is justified.

Therefore, the General Assembly should continue MOST for nine years, until 2034.

## **Recommendation 2 – Lower the minimum age of MOST Instructors from 21 to 18.**

The Act currently specifies that any person wishing to be a MOST Instructor must be at least 21 years of age.<sup>160</sup>

This provision is presenting numerous problems for MOST Vendors throughout the state when they know of potential instructor candidates but are not able to hire them because of their age. Several regions in Colorado are facing a severe shortage of MOST Instructors. Removing this barrier would not only help MOST Vendors hire more candidates, but also increase the number of courses offered, ultimately growing the number of trained riders in the state.

There are concerns about whether a person can properly teach before turning 21. However, many individuals grow up around motorcycles and start riding at very young ages. By the time they are 18, they may already have significantly more experience than a casual rider.

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<sup>158</sup> *Traffic Safety Facts: 2022 Data - Motorcycles*, U.S. Department of Transportation (2024), p. 1.

<sup>159</sup> *COLORADO Motorcycle Operator Safety Training Program (CO MOST) Annual Report: State Fiscal Year 2022/2023*, Motorcycle Operator Safety Training Program (2023), pp. 21-22.

<sup>160</sup> § 43-5-503(2)(a), C.R.S.

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Nevertheless, any person who wants to be a MOST Instructor regardless of their age must first be approved by the curriculum for which they wish to teach. Currently, MSF and Total Control are the only MOST-approved motorcycle training curriculums. These are two of the most prevalent, national curriculums when it comes to motorcycle safety, and both allow individuals who are 18 years or older to be an instructor.

This means that any individual in the state under 21 may not teach for MOST even if they are allowed to teach by MSF or Total Control. Additionally, there are at least 17 other states that have laws or regulations which allow motorcycle instructors to teach when they are 18 years old, when they have obtained a high school diploma, or when they have been approved by a motorcycle training curriculum that already requires one to be 18.<sup>161</sup> A potentially qualified candidate can very well teach in one of those states rather than share their expertise with riders in Colorado.

The requirement in the Act should be changed. Candidates already have a rigorous application process with MSF and Total Control no matter what their age is.

MSF requires the following:<sup>162</sup>

- Being 18 years of age,
- Possessing a valid motorcycle endorsement,
- Having a good driving record,
- Having no criminal history, and
- Riding a registered and insured motorcycle regularly.

For an instructor to be certified by Total Control, the following requirements apply:<sup>163</sup>

- Being 18 years of age,
- Possessing a valid endorsement,
- Having a clean driving record for at least five years,
- Having no criminal history for at least five years,
- Owning and operating a motorcycle on a routine basis, and
- Having a minimum of 10,000 miles of riding experience.

Both MSF and Total Control require candidates to take a thorough instructor training program, pass written and demonstrated tests, teach a course under supervision, and undergo a performance evaluation.

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<sup>161</sup> Arizona, Delaware, Idaho, Kansas, Kentucky, Mississippi, Missouri, New Hampshire, New Jersey, North Dakota, Ohio, Oregon, Tennessee, Texas, Utah, Virginia, and Washington.

<sup>162</sup> Motorcycle Safety Foundation. *Become a RiderCoach*. Retrieved August 1, 2024, from <https://msf-usa.org/become-a-ridercoach/>

<sup>163</sup> Total Control Motorcyclist Training Courses. *Join our Team of Riding Instructors*. Retrieved August 1, 2024, from <https://www.totalcontroltraining.net/careers>

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In addition to being approved by MSF or Total Control, any person who wants to be a MOST Instructor must go through even more steps before they can teach a MOST course. MOST's specific requirements for MOST Instructors include, but are not limited to:

- Holding a valid motorcycle endorsement,<sup>164</sup>
- Passing MOST's Colorado-specific knowledge test with a score of 80 percent or higher,<sup>165</sup> and
- Teaching two courses under supervision.<sup>166</sup>

These steps help to confirm that a person is knowledgeable about motorcycles and can teach a course effectively.

Once MOST Instructors are approved, they need to perform additional duties to remain certified, such as taking professional development courses and teaching at least three times a year.<sup>167</sup> They need to also maintain a good driving record.<sup>168</sup> These yearly requirements keep each MOST Instructor up to date, and ensure they are a safe rider that is qualified to teach.

The third sunset criterion asks whether the existing rules and regulations establish the least restrictive form of governmental oversight consistent with the public interest, considering other available regulatory mechanisms.

Because this statutory provision is preventing MOST Vendors from hiring qualified candidates that are already qualified to work by national organizations and allowed to work in other states, it is unnecessarily restrictive.

Therefore, the General Assembly should lower the required minimum age of MOST Instructors from 21 to 18.

**Recommendation 3 – Repeal the authority of the Board to make financial-related recommendations.**

One statutory function of the Board is to make recommendations on the expenditure of funds.<sup>169</sup> For programs that have a Type 2 board, such as the Board, decisions about the budget and finance are matters that typically remain with the administrators of the program, not the board. The existence of this provision can hence be a barrier to operations of MOST.

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<sup>164</sup> § 43-5-503(2)(b), C.R.S.

<sup>165</sup> *Policy and Procedures Manual FY 2024, Motorcycle Operator Safety Training Program (2024)*, p. 22.

<sup>166</sup> *Id.*

<sup>167</sup> *Id.*

<sup>168</sup> § 43-5-503(3), C.R.S.

<sup>169</sup> § 43-5-505(2), C.R.S.

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In years prior to this sunset review, MOST provided subsidies to MOST vendors based on the number of students they taught. Because of the nature of MOST in this era, and how often it needed to reimburse third parties, it did in fact need input from the Board on financial matters.

However, MOST no longer provides tuition subsidies to MOST Vendors. It primarily focuses on approving curriculums, creating agreements with MOST Vendors, certifying MOST Instructors, setting standards, and managing quality assurance with the Contractor. As such, financial input by the Board is no longer needed.

The second sunset criterion asks whether the conditions that led to the initial creation of the program have changed and whether other conditions have arisen that would warrant more, less, or the same degree of governmental oversight. The fifth sunset criterion looks at whether the agency operates in the public interest and whether its operation is impeded or enhanced by existing statutes, rules, procedures, and practices and any other circumstances, including budgetary, resource, and personnel matters. And the fourteenth sunset criterion asks whether administrative and statutory changes are necessary to improve agency operations to enhance the public interest.

While the Board must continue to perform its duties of recommending training methods and suggesting improvements to MOST overall, the provision related to the expenditure of funds is outdated and should be repealed. CSP, and the General Assembly through the appropriations process, should be responsible for the program's financial decisions.

Therefore, the General Assembly should repeal the authority of the Board to make financial recommendations to the program.

#### **Recommendation 4 – Make a technical amendment to the Act.**

The Act contains outdated language that should be revised to eliminate obsolete references and to reflect current terminology and administrative practices. Therefore, the Act should be amended to address the following technical issue:

- Replace the term “department of transportation” with “Colorado State Patrol” in section 43-5-501(3.6), C.R.S., as the former is obsolete.

This change is mostly technical in nature and will have no substantive impact on motorcycle safety training.

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## **Administrative Recommendation 1 – The Program should update its Regulations regarding MOST Vendor agreements.**

MOST Vendors need a “MOST Program Vendor Certification” to operate as a MOST Vendor.<sup>170</sup> This must be obtained yearly as it will always expire no later than June 30 of the following year.<sup>171</sup>

In effect, this means that a MOST Vendor must send in their required documentation to MOST by June 30 of each year. June 30 is directly in the middle of Colorado’s motorcycle riding season, and demand for MOST courses typically peaks around this time of the year. While stakeholders expressed that the documentation requirements are not onerous, a change in the due date could be helpful for MOST Vendors because they happen to be in their busiest time of the year.

There is no compelling reason to keep the renewal date at June 30. MOST Instructors, for instance, are required to submit their documentation each year in January or February,<sup>172</sup> which is the least busy time of the year for riding. This is an example of a regulation already in the program that makes the process easier for stakeholders. Just as it is for MOST Instructors, MOST Vendors should also be able to submit their applications to MOST at a time of the year when riding is less active.

The third and fourth sunset criteria require COPRRR to analyze whether the existing statutes and regulations establish the least restrictive form of regulation consistent with the public interest, and whether agency rules enhance the public interest and are within the scope of legislative intent. The fourteenth sunset criterion asks whether administrative and statutory changes are necessary to improve agency operations to enhance the public interest.

The June 30 date is unnecessary and happens to be at an inconvenient time for those regulated by the Act. Therefore, MOST should amend the Regulations regarding the renewal of a MOST Program Vendor Certification to be less burdensome.

## **Administrative Recommendation 2 – The Program should streamline and improve its use of technology.**

During the course of this sunset review, stakeholders largely expressed positive support regarding the growth, effectiveness, and progress of MOST since its transition to CSP in 2018. However, stakeholders suggested the program could further benefit if it improved its technological capacities as a whole.

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<sup>170</sup> 8 § CCR 1507-56-3.1.30., Motorcycle Operator Safety Training Rules

<sup>171</sup> 8 § CCR 1507-56-6.1.1., Motorcycle Operator Safety Training Rules

<sup>172</sup> 8 § CCR 1507-56-7.1., Motorcycle Operator Safety Training Rules

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There have been technological concerns from stakeholders when interacting with the program. Some of these concerns relate to having difficulty completing vendor agreements or instructor applications, not being able to participate properly in Board meetings, trouble inputting student completion records into the registration system, and a lack of confirmation of receipt for required documentation after it has been uploaded.

CSP should examine areas for improvement to MOST and implement directives to make sure digital systems, including the website, are usable for as many people as possible. If MOST were to adapt its technological capacity and streamline accessibility to fix some of these issues, it would strengthen its communication with stakeholders overall. This would make the process easier for all parties involved, including MOST Vendors and MOST Instructors, who can focus more on properly teaching students rather than on whether they properly complied with the program requirements because of a technical issue.

The fifth sunset criterion asks whether the agency operates in the public interest and whether its operation is impeded or enhanced by existing statutes, rules, procedures, and practices and any other circumstances, including budgetary, resource, and personnel matters.

MOST should focus more of its efforts streamlining and improving its technological capacity. The program can receive wider support and offer a greater benefit to the public if the process becomes easier for the agency, vendors, instructors, and students.

### **Administrative Recommendation 3 – The Program should address inconsistencies regarding quality assurance visits.**

MOST sets standards for quality assurance visits in its Regulations and in its Policies and Procedures Manual (Manual). However, there is an inconsistency in the Regulations and the Manual regarding the number of quality assurance visits which must take place on a MOST Vendor per year.

The Regulations require that quality assurance reviews are to be completed “at least once a year” for each MOST Vendor.<sup>173</sup>

The Manual, however, says that MOST Vendors “will receive at least two visits per fiscal year, including one unannounced visit”.<sup>174</sup>

The two provisions create confusion as to whether one or two quality assurance visits will occur each year. There should be a clear and consistent expectation for MOST Vendors as to how many visits are going to take place annually.

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<sup>173</sup> 8 § CCR 1507-56-9.1.1., Motorcycle Operator Safety Training Rules

<sup>174</sup> Policy and Procedures Manual FY 2024, Motorcycle Operator Safety Training Program (2024), p. 43.

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The fourth sunset criterion asks whether agency rules enhance the public interest and are within the scope of legislative intent. The sixth sunset criterion questions whether the agency's board or commission performs its statutory duties efficiently and effectively. The fourteenth sunset criterion asks whether administrative and statutory changes are necessary to improve agency operations to enhance the public interest.

Therefore, MOST should amend its Regulations or its Manual, as appropriate, to address apparent inconsistencies with regards to the number of required quality assurance visits.

**Administrative Recommendation 4 – The Program should take equity, diversity, and inclusion into consideration during examination development.**

In fiscal year 23-24, MOST began using a Colorado-specific knowledge test (Knowledge Test). This exam is created by MOST and is proctored by MOST Vendors to any potential hire looking to teach a MOST course for the school.<sup>175</sup> The purpose is to test the candidate's knowledge of motorcycle safety as it pertains to Colorado. It includes questions about the Act, Regulations, and the Manual. Candidates must pass with a score of 80 percent or more.<sup>176</sup>

When the exam was originally developed, MOST did not take into consideration the principles of equity, diversity and inclusion (EDI). These principles are often operationalized during examination development by ensuring that the subject matter experts participating in item development come from diverse backgrounds and ensuring that examination items portray scenarios that take such principles into account.

The twelfth sunset criterion asks whether entry requirements encourage EDI.

Since EDI principles have not played a role in examination development, MOST staff should conduct a review of the Knowledge Test to update it and ensure that any deficiencies related to EDI are addressed. MOST staff should also take steps to help make the Knowledge Test accessible to a wide audience.

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<sup>175</sup> *Policy and Procedures Manual FY 2024, Motorcycle Operator Safety Training Program (2024)*, p. 25.

<sup>176</sup> *Id.*

## Appendix A – Customer Service Survey

In August 2024, Colorado Office of Policy, Research and Regulatory Reform staff conducted a survey of all Motorcycle Operator Safety Training (MOST) Vendors and MOST Instructors. The survey was sent to 151 email addresses and 1 email was returned as undeliverable. The survey received 31 responses, which is a 20.7 percent response rate. Survey results may be found below.

### What is your relationship to the MOST program?

Relationship	Percentage
CO MOST Instructor	67.74%
CO MOST Vendor	12.90%
CO MOST Instructor/ CO MOST Vendor	19.35%

### Please indicate your years of experience with the MOST program.

Number of Interactions	Percentage
1 to 2 years	25.81%
3 to 5 years	35.48%
6 to 10 years	16.13%
11 to 15 years	6.45%
16 to 20 years	12.90%
21 plus years	3.23%

**In the past year, how many times have you interacted with MOST? Please count all forms of interaction (telephone, e-mail, internet or website, regular mail, in person).**

Number of Interactions	Percentage
I have not interacted	9.68%
1 to 2 times	16.13%
3 to 4 times	16.13%
5 to 6 times	6.45%
7 to 8 times	6.45%
9 or more times	45.16%



**If you have interacted with MOST, what was your primary purpose in doing so?**

<b>Purpose of Interaction</b>	<b>Percentage</b>
Instructor certification	36.67%
Vendor agreement	6.67%
Inspection, audit or examination	3.33%
To file a complaint	0.00%
To learn about the requirements for MOST	0.00%
To learn about the functions of MOST	0.00%
To obtain help with an issue	10.00%
Respond to a complaint	0.00%
Respond to a request made to you	6.67%
Participate in a board, committee, commission, taskforce or working group for the agency	26.67%
Comment on or learn about existing/proposed rules or legislation	0.00%
Continuing education	0.00%
Update my information	6.67%
Questions about the scope of practice	0.00%
Not applicable	3.33%

**Overall please rate the service provided by MOST.**

<b>Service Provided</b>	<b>Percentage</b>
Excellent	30.00%
Good	40.00%
Fair	13.33%
Poor	10.00%
Unacceptable	3.33%
Not Applicable	3.33%

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Please rate the usefulness of MOST's website in answering your questions or providing needed information.

Website Usefulness	Percentage
Excellent	10.00%
Good	36.67%
Fair	26.67%
Poor	13.33%
Unacceptable	3.33%
Not Applicable	10.00%

Please rate the usefulness of MOST's communications in answering your questions or providing needed information.

Communications Usefulness	Percentage
Excellent	32.26%
Good	29.03%
Fair	12.90%
Poor	16.13%
Unacceptable	3.23%
Not Applicable	6.45%

Regardless of the outcome of your most recent issue, do you feel MOST listened to your concerns?

Listening to Concerns	Percentage
Excellent	41.94%
Good	16.13%
Fair	9.68%
Poor	9.68%
Unacceptable	9.68%
Not Applicable	12.90%

Please rate the timeliness of MOST in responding to your issues.

Response Timeliness	Percentage
Excellent	38.71%
Good	22.58%
Fair	12.90%
Poor	9.68%
Unacceptable	6.45%
Not Applicable	9.68%

Please provide the number and types of interactions that were required to resolve or address your most recent issue. (Please select all applicable types of interactions used AND the number times for each type of interaction selected.)

Number of Interactions	Type of Interaction				
	Phone	Website	E-mail	In Person	Regular Mail
0 times	70.83%	45.45%	12.90%	80.00%	85.00%
1 to 2 times	16.67%	45.45%	51.61%	10.00%	15.00%
3 to 4 times	8.33%	4.55%	16.13%	5.00%	0.00%
5 to 6 times	4.17%	4.55%	0.00%	5.00%	0.00%
7 or more times	0.00%	0.00%	19.35%	0.00%	0.00%

Please rate the helpfulness of MOST in resolving your issue or need.

Helpfulness	Percentage
Excellent	38.71%
Good	19.35%
Fair	12.90%
Poor	9.68%
Unacceptable	6.45%
Not Applicable	12.90%

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Please rate the professionalism of MOST staff.

Professionalism	Percentage
Very professional	41.94%
Professional	25.81%
Somewhat professional	16.13%
Not very professional	9.68%
Unprofessional	3.23%
Not applicable	3.23%

Please rate the accuracy of information provided by MOST.

Accuracy	Percentage
Very accurate	38.71%
Accurate	35.48%
Somewhat accurate	12.90%
Not very accurate	6.45%
Inaccurate	3.23%
Not applicable	3.23%