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Legislative Document

No. 1782

H.P. 1267

House of Representatives, May 28, 2019

An Act To Amend the Motorcycle Rider Education and Driver Education Laws

Submitted by the Secretary of State pursuant to Joint Rule 204.
Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative WHITE of Waterville.
Cosponsored by Senator DIAMOND of Cumberland and
Representatives: AUSTIN of Skowhegan, BRADSTREET of Vassalboro, BRYANT of
Windham, COLLINGS of Portland, FECTEAU of Biddeford, MARTIN of Greene, PERKINS
of Oakland, SHEATS of Auburn.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 29-A MRS §1352, sub-§2, ¶¶F to H** are enacted to read:

3 F. A person who successfully completes a motorcycle rider education course
4 approved by the Secretary of State on a 2-wheel motorcycle may be licensed to
5 operate a 2-wheel or 3-wheel motorcycle.

6 G. A person who successfully completes a motorcycle rider education course
7 approved by the Secretary of State on a 3-wheel motorcycle is restricted to the
8 operation of a 3-wheel motorcycle.

9 H. A person who holds a motorcycle learner's permit and who successfully
10 completes the motorcycle road test administered by the Secretary of State on a 3-
11 wheel motorcycle is restricted to the operation of a 3-wheel motorcycle.

12 **Sec. 2. 29-A MRS §1352, sub-§§2-A and 2-B** are enacted to read:

13 **2-A. Motorcycle rider education schools.** A person may not conduct a motorcycle
14 rider education course unless the person is licensed as a motorcycle rider education
15 school and employs instructors licensed by the Secretary of State.

16 A. A person applying for a motorcycle rider education school license shall:

17 (1) Provide a classroom, including a motorcycle riding range, in a permanent or
18 temporary location approved by the Secretary of State;

19 (2) Display a business sign at the licensed place of business;

20 (3) Provide confirmation of liability insurance coverage for motorcycle riders
21 operating on the motorcycle rider education school's motorcycle riding range; and

22 (4) Obtain a surety bond in the amount of \$10,000.

23 B. A licensed motorcycle rider education school shall:

24 (1) Ensure that each instructor employed by the school holds a valid motorcycle
25 rider education instructor license;

26 (2) Ensure that each motorcycle owned, rented, leased or borrowed and used for
27 any hands-on training course at the motorcycle rider education school is
28 approved by the Secretary of State;

29 (3) Submit and retain copies of course forms provided by the Secretary of State.
30 All records must be retained by the school for 5 years; and

31 (4) Immediately advise the Secretary of State, in writing, whenever the location
32 or mailing address of the school changes.

33 C. The Secretary of State shall upon an initial or renewal application and may at any
34 other reasonable time conduct an on-site inspection of a motorcycle rider education
35 school's records, facilities and equipment to determine compliance with this
36 subsection.

1 **2-B. Penalty.** Operating a motorcycle rider education school without a license is a
2 Class E crime. A violation of subsection 2-A, paragraph A or B is a traffic infraction.

3 **Sec. 3. 29-A MRSA §1352, sub-§3,** as amended by PL 2017, c. 229, §23, is
4 further amended to read:

5 **3. Instructors.** The following provisions apply to the licensing of instructors.

6 A. A person may not conduct a motorcycle rider education course unless the person
7 files an application with the Secretary of State and is licensed by the Secretary of
8 State as a qualified instructor.

9 B. The Secretary of State shall:

10 (1) Conduct, or authorize other qualified persons to conduct, instructor
11 preparation courses; and

12 (2) Establish reasonable qualification standards and requirements for licensing.
13 The requirements must include a provision to demonstrate proficiency in
14 operating a motorcycle.

15 D. The Secretary of State may, at any reasonable time, monitor and evaluate an
16 instructor's performance to determine compliance with this section.

17 E. The instructor shall immediately advise the Secretary of State, in writing,
18 whenever the instructor's mailing address or name changes.

19 **Sec. 4. 29-A MRSA §1352, sub-§3-A** is enacted to read:

20 **3-A. Penalty.** Providing motorcycle rider education instruction without a license is a
21 Class E crime.

22 **Sec. 5. 29-A MRSA §1352, sub-§7,** as amended by PL 2017, c. 229, §23, is
23 further amended to read:

24 **7. Suspension and revocation of license; hearings.** The Secretary of State may
25 suspend, revoke or refuse to issue or renew a motorcycle rider education school or
26 instructor license, or deny a certificate of completion ~~or an instructor's license,~~ for just
27 cause or for noncompliance with statutory and regulatory requirements in accordance
28 with the Maine Administrative Procedure Act. A person refused a license, or denied a
29 certificate of completion, or whose license is suspended or revoked may request a hearing
30 with the Secretary of State. A requested hearing must be conducted pursuant to chapter
31 23, subchapter 3, article 3.

32 **Sec. 6. 29-A MRSA §1354, sub-§6, ¶A,** as amended by PL 2011, c. 556, §16, is
33 further amended to read:

34 A. The Secretary of State shall establish the Technical Review Panel that includes
35 representatives from the Department of Education, the Department of Public Safety,
36 law enforcement agencies, the insurance industry and the motor carrier industry and 2
37 instructors licensed in the curriculum and training being reviewed. The Technical

1 Review Panel shall assist the Secretary of State in developing curriculum and
2 instructor training and certification.

3 **Sec. 7. 29-A MRSA §1354, sub-§7**, as amended by PL 2011, c. 556, §19, is
4 further amended to read:

5 **7. Penalties.** A person who conducts driver education, operates a driver education
6 school or acts as an instructor without a license is guilty of a Class E crime. ~~The State
7 may bring an action in Superior Court to enjoin any person from violating this chapter,
8 regardless of whether proceedings have been or may be instituted in the District Court or
9 whether criminal proceedings have been or may be instituted.~~

10 **SUMMARY**

11 This bill amends the motorcycle rider education laws to clarify that a person who
12 completes a motorcycle rider education course approved by the Secretary of State on a 2-
13 wheel motorcycle may operate a 2-wheel or 3-wheel motorcycle and that a person who
14 completes a motorcycle rider education course approved by the Secretary of State on a 3-
15 wheel motorcycle may only operate a 3-wheel motorcycle. A person who holds a
16 motorcycle learner's permit and who completes a motorcycle road test administered by
17 the Secretary of State on a 3-wheel motorcycle is also restricted to the operation of a 3-
18 wheel motorcycle. The bill requires motorcycle rider education schools to be licensed,
19 submit to inspections and establish a place of business.

20 The bill also amends the driver education program laws to require that the 2
21 instructors who serve on the Secretary of State's Technical Review Panel be licensed in
22 the curriculum and training being reviewed. The bill removes the authorization for the
23 State to bring an action in Superior Court to enjoin a person from violating the driver
24 education laws, as the penalties under those laws are administered by the District Courts.