

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND NINETEEN

H.P. 1267 - L.D. 1782

**An Act To Amend the Motorcycle Rider Education and Driver Education
Laws****Be it enacted by the People of the State of Maine as follows:****Sec. 1. 29-A MRSA §1352, sub-§2, ¶¶F to H** are enacted to read:

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

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

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

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

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

A. A licensed motorcycle rider education school shall:

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

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

(3) Provide confirmation to the Secretary of State of liability insurance coverage for motorcycle riders operating on the motorcycle rider education school's motorcycle riding range;

(4) Maintain a surety bond in the amount of \$10,000;

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

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

(7) Submit and retain copies of course forms provided by the Secretary of State. All records under this subparagraph must be retained by the motorcycle rider education school for 5 years; and

(8) Immediately notify the Secretary of State, in writing, whenever the location or mailing address of the motorcycle rider education school changes.

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

2-B. Penalty. Operating a motorcycle rider education school without a license is a Class E crime. A licensed motorcycle rider education school that fails to comply with the requirements of subsection 2-A, paragraph A commits a traffic infraction.

Sec. 3. 29-A MRSA §1352, sub-§3, ¶¶D and E are enacted to read:

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

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

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

3-A. Penalty. Providing motorcycle rider education instruction without a license is a Class E crime. A licensed motorcycle rider education instructor that fails to comply with the requirements of subsection 3, paragraph E or qualification standards and requirements established by the Secretary of State under subsection 3, paragraph B, subparagraph (2) commits a traffic infraction.

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

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

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

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

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

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