

## 29-A §1352. MOTORCYCLE DRIVER EDUCATION

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**1. Motorcycle driver education required.** Notwithstanding any other provision of law, a motorcycle instruction permit, license or endorsement may not be issued to a person, unless that person presents a certificate of successful completion of a motorcycle driver education program and examination approved by the Secretary of State, except as provided in this subsection.

[ 2005, c. 577, §20 (AMD) .]

**2. Education program.** The following provisions apply to motorcycle driver education programs.

A. A motorcycle driver education program must consist of an 8-hour block of instruction directly related to the actual operation of motorcycles, emphasizing safety measures designed to ensure greater awareness of careful and skillful operation of motorcycles. [2005, c. 577, §21 (AMD).]

B. The program may be offered by a public secondary school, a private secondary school approved for attendance purposes by the Commissioner of Education, a career and technical education center or career and technical education region or adult education program conducted under Title 20-A, chapter 316. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF); 2003, c. 545, §5 (REV).]

C. A motorcycle program offered independently of an approved driver education course may not be offered for credit toward a high school diploma. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. A program may include instruction and riding experience on a motorcycle driving range. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

E. The Secretary of State must approve a motorcycle driver education program. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 2005, c. 577, §21 (AMD) .]

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

A. A person may not conduct a motorcycle driver education program unless certified by the Secretary of State as a qualified instructor. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. The Secretary of State shall:

(1) Conduct, or authorize other qualified persons to conduct, certification courses; and

(2) Establish reasonable qualification standards and requirements for certification. The requirements must include a provision to demonstrate proficiency in operating a motorcycle. [1997, c. 776, §38 (AMD).]

C. [1995, c. 505, §22 (AFF); 1995, c. 505, §14 (RP).]

[ 1997, c. 776, §38 (AMD) .]

**4. Instructor availability.** When a certified instructor is not available in a geographic area, the Secretary of State may assign a qualified instructor for the program subject to the following provisions.

A. The requesting authority must ensure a minimum class size of 6 students. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. The Secretary of State shall charge a program fee comparable to other motorcycle driver education programs. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. An instructor is not a "teacher" within the meaning of Title 5, section 17001, subsection 42 or Title 20-A. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Completion certificates.** An instructor shall issue a completion certificate to a student who has successfully completed the course.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**6. Waiver of examination.** The Secretary of State may waive the required:

A. Written examination on receipt of a completion certificate; and [1999, c. 470, §21 (NEW) .]

B. Road examination for the holder of a valid motor vehicle operator's license on receipt of a certificate demonstrating successful completion of the Basic Rider Course or other hands-on motorcycle rider course approved by the Secretary of State. An endorsement issued pursuant to this paragraph prohibits the holder from carrying a passenger for a period of 60 days following the date of issuance of the endorsement. [2007, c. 383, §23 (AMD) .]

[ 2007, c. 383, §23 (AMD) .]

**7. Suspension and revocation.** The Secretary of State may suspend, revoke or deny a certificate of completion or an instructor's certificate for just cause in accordance with the Maine Administrative Procedure Act.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 65, §B14 (AMD). 1995, c. 505, §14 (AMD). 1995, c. 65, §§A153,C15 (AFF). 1995, c. 505, §22 (AFF). 1997, c. 776, §38 (AMD). 1999, c. 470, §21 (AMD). 2001, c. 671, §26 (AMD). 2003, c. 545, §5 (REV). 2005, c. 411, §1 (AMD). 2005, c. 577, §§20,21 (AMD). 2007, c. 383, §23 (AMD).

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