

29-A §1354. DRIVER EDUCATION PROGRAMS

29-A §1354. DRIVER EDUCATION PROGRAMS

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Applicant," as applied to a firm, partnership or association, includes the members of the firm, partnership or association and, as applied to a corporation, includes the officers and directors of the corporation. [1995, c. 505, §15 (NEW); 1995, c. 505, §22 (AFF).]

B. "Commercial driver education school" means a person engaged in teaching driver education for remuneration. Commercial driver education school does not include a noncommercial driver education school as defined in paragraph G. [1995, c. 505, §15 (NEW); 1995, c. 505, §22 (AFF).]

C. "Driver education" means any type of instruction or tutoring given to a person in the driving of a motor vehicle or in preparing for a driver examination in exchange for remuneration or course credit. [1995, c. 505, §15 (NEW); 1995, c. 505, §22 (AFF).]

D. "Driver education school" means a commercial driver education school or a noncommercial driver education school. [1995, c. 505, §15 (NEW); 1995, c. 505, §22 (AFF).]

E. "Driver education teacher" means a person certified as a teacher by the Commissioner of the Department of Education and employed by a public secondary school, approved private secondary school, career and technical education center, career and technical education region or adult education program, conducted pursuant to Title 20-A, chapter 315 and licensed by the Secretary of State to teach driver education. [1995, c. 505, §15 (NEW); 1995, c. 505, §22 (AFF); 2003, c. 545, §5 (REV).]

F. "Instructor" means a person engaged in teaching driver education in a commercial driver education school. [1995, c. 505, §15 (NEW); 1995, c. 505, §22 (AFF).]

G. "Noncommercial driver education school" means a public secondary school, an approved private secondary school, career and technical education center, career and technical education region or adult education program conducted pursuant to Title 20-A, chapter 315 that offers driver education. [1995, c. 505, §15 (NEW); 1995, c. 505, §22 (AFF); 2003, c. 545, §5 (REV).]

H. "Person" means an individual or individuals, firm, partnership, association or corporation. When used in any provision of this chapter that prescribes or imposes a fine or imprisonment, or both, "person," as applied to a corporation, includes the officers of the corporation. A firm, partnership, association or corporation may be subjected, as an entity, to the payment of a fine. [1995, c. 505, §15 (NEW); 1995, c. 505, §22 (AFF).]

[1995, c. 505, §15 (NEW); 1995, c. 505, §22 (AFF); 2003, c. 545, §5 (REV) .]

2. Licenses required. A person may not operate a driver education school, conduct driver education or act as an instructor or driver education teacher unless licensed by the Secretary of State.

A. A Class A driver education school license may be issued to a driver education school that employs Class A or Class B instructors or driver education teachers and that is authorized to teach both the classroom and behind-the-wheel phases of driver education. [1995, c. 505, §15 (NEW); 1995, c. 505, §22 (AFF).]

B. A Class A instructor or driver education teacher license authorizes the holder to teach both the classroom and behind-the-wheel phases of driver education as an employee or affiliate of a licensed driver education school. [1995, c. 505, §15 (NEW); 1995, c. 505, §22 (AFF).]

C. A Class B instructor or driver education teacher license authorizes the holder to teach only the behind-the-wheel phase of driver education as an employee or affiliate of a licensed driver education school. [1995, c. 505, §15 (NEW); 1995, c. 505, §22 (AFF).]

[1995, c. 505, §15 (NEW); 1995, c. 505, §22 (AFF) .]

3. Commercial driver education school license requirements. With assistance from the Technical Review Panel established in subsection 6, the Secretary of State shall adopt rules governing the curriculum, facilities, operations, including record-keeping requirements and issuance and renewal of licenses for noncommercial driver education schools and commercial driver education schools and for driver education teachers and instructors.

A. The Secretary of State may not issue a license for a driver education school until the applicant has filed with the Secretary of State a certificate showing that the applicant is covered by an automobile bodily injury and property damage liability insurance policy insuring against any legal liability in accordance with the terms of the policy for personal injury or death of any one person in the sum of \$100,000 and for any number of persons in the sum of \$300,000 and against property damage in the sum of \$100,000 arising from the operation of any vehicle being used in a commercial driver education school. In lieu of that insurance, the applicant may file with the Secretary of State a bond or bonds issued by a surety company authorized to do business in the State in the amount of at least \$100,000 on account of injury to or death of one person and subject to such limits as respects injury to or death of one person, of at least \$300,000 on account of any one accident resulting in injury to or death of more than one person and of at least \$100,000 for damage to property of others. Failure to comply with this subsection is grounds for suspension or revocation of a driver education school license. [1995, c. 505, §15 (NEW); 1995, c. 505, §22 (AFF).]

B. A vehicle used as a training vehicle must be maintained in safe mechanical condition at all times. Each vehicle must be equipped with dual-control foot brakes and, if the vehicle is not equipped with an automatic transmission, dual-control clutch pedals. While being used in actual instruction, a vehicle must be equipped with an identification sign listing the name of the school and a student driver sign.

The following vehicles are not required to have dual controls and an identification sign listing the name of the school and a student driver sign:

- (1) A vehicle that is being used to instruct a person with a disability and is specially equipped for use by a person with a disability; and
- (2) A vehicle that is being used to instruct a person in possession of a valid Maine driver's license or instruction permit when the vehicle is not provided by the driver education school. [1997, c. 776, §39 (AMD).]

[1997, c. 776, §39 (AMD) .]

4. Driver education teacher and instructor license requirements. With assistance from the Technical Review Panel established in subsection 6, the Secretary of State shall adopt rules governing the issuance and renewal of driver education teacher and instructor licenses. In addition to the requirements established by rule, each applicant must meet the following requirements:

[1995, c. 505, §15 (NEW); 1995, c. 505, §22 (AFF) .]

A. The applicant must be at least 21 years of age and have a high school diploma or its equivalent; [1995, c. 505, §15 (NEW); 1995, c. 505, §22 (AFF).]

B. The applicant must have at least 4 years of driver experience as a licensed operator; [1995, c. 505, §15 (NEW); 1995, c. 505, §22 (AFF).]

C. The applicant may not have had a license revoked pursuant to chapter 23, subchapter V within the preceding 6-year period; [1995, c. 505, §15 (NEW); 1995, c. 505, §22 (AFF).]

D. The applicant may not have had an OUI as defined in section 2401, subsection 8 within the preceding 6-year period; [1995, c. 505, §15 (NEW); 1995, c. 505, §22 (AFF).]

E. The applicant must pass an examination consisting of a knowledge, vision and road test in the type of vehicle for which the license is to be used as prescribed by the Secretary of State; and [1995, c. 505, §15 (NEW); 1995, c. 505, §22 (AFF).]

F. The applicant must complete an educational program prescribed by the Secretary of State. [1995, c. 505, §15 (NEW); 1995, c. 505, §22 (AFF).]

5. License fees.

[T. 29-A, §1354, sub-§5 (RP) .]

5-A. License fees. License fees must be paid to the Secretary of State and deposited into the Highway Fund. The following fees apply.

A. The fee for a driver education school license is \$125. [1995, c. 505, §15 (NEW); 1995, c. 505, §22 (AFF).]

B. The fee for a driver education teacher or instructor license is \$80. [1995, c. 505, §15 (NEW); 1995, c. 505, §22 (AFF).]

C. Each license issued pursuant to this section expires one year from the date of issuance. The fee for the renewal of a driver education school license is \$125. The fee for the renewal of a driver education teacher or instructor license is \$80. [1995, c. 505, §15 (NEW); 1995, c. 505, §22 (AFF).]

D. A noncommercial driver education school that offers driver education for course credit and does not charge a fee for driver education is exempt from the license fees required in this subsection. A driver education teacher employed by and providing driver education only in a school exempt from license fees in accordance with this paragraph is also exempt from license fees required in this subsection. [1995, c. 505, §15 (NEW); 1995, c. 505, §22 (AFF).]

[2005, c. 411, §2 (AMD) .]

6. Secretary of State duties. The Secretary of State has the following duties.

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, the motor carrier industry and a driver education teacher and instructor. The Technical Review Panel shall assist the Secretary of State in developing curriculum and teacher and instructor training and certification. [2003, c. 652, Pt. B, §7 (AMD); 2003, c. 652, Pt. B, §8 (AFF).]

B. The Secretary of State shall develop and implement a standardized driver education curriculum that establishes minimum standards for instructional goals and learning objectives. The Secretary of State shall require distribution of information on organ and tissue donation and the possibility of saving lives through organ donation. [2003, c. 394, §3 (AMD); 2003, c. 394, §6 (AFF).]

C. The Secretary of State shall develop and implement training programs for the licensing and relicensing of driver education teachers and instructors. [1995, c. 505, §15 (NEW); 1995, c. 505, §22 (AFF).]

D. The Secretary of State shall monitor classroom and behind-the-wheel instruction for compliance with statutory and regulatory requirements. [1995, c. 505, §15 (NEW); 1995, c. 505, §22 (AFF).]

E. The Secretary of State shall develop and implement a system to monitor the driving records of individuals who complete a driver education program to assist in the evaluation of the effectiveness of driver education instruction and curriculum. [1995, c. 505, §15 (NEW); 1995, c. 505, §22 (AFF).]

F. The Secretary of State shall inspect driver education schools to review records, facilities, operating procedures, quality of instruction and compliance with statutory and regulatory requirements. [1995, c. 505, §15 (NEW); 1995, c. 505, §22 (AFF).]

G. The Secretary of State shall investigate written complaints regarding the activities of driver education schools and driver education teachers and instructors. [1995, c. 505, §15 (NEW); 1995, c. 505, §22 (AFF).]

[2003, c. 652, Pt. B, §7 (AMD); 2003, c. 652, Pt. B, §8 (AFF) .]

7. Penalties. A person who conducts driver education, operates a driver education school or acts as a driver education teacher or 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.

[1995, c. 505, §15 (NEW); 1995, c. 505, §22 (AFF); 1999, c. 547, Pt. B, §78 (AMD); 1999, c. 547, Pt. B, §80 (AFF) .]

8. Suspension or revocation of license; hearings. The Secretary of State may suspend, revoke or refuse to issue or renew a driver education school or driver education teacher or instructor license for noncompliance with statutory and regulatory requirements. A person refused a license 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 II, article 3.

[1995, c. 505, §15 (NEW); 1995, c. 505, §22 (AFF) .]

9. Insurance for graduates. Rating bureaus or independent insurers as recognized by the Superintendent of Insurance may grant an automobile insurance discount for driver education school graduates.

[1995, c. 505, §15 (NEW); 1995, c. 505, §22 (AFF) .]

SECTION HISTORY

1995, c. 505, §15 (NEW). 1995, c. 605, §2 (AMD). 1995, c. 505, §22 (AFF). 1997, c. 776, §39 (AMD). 1999, c. 547, §B78 (AMD). 1999, c. 668, §116 (AMD). 1999, c. 547, §B80 (AFF). 2003, c. 394, §3 (AMD). 2003, c. 652, §B7 (AMD). 2003, c. 394, §6 (AFF). 2003, c. 652, §B8 (AFF). 2003, c. 545, §5 (REV). 2005, c. 411, §2 (AMD). MRSA T.29A ., §1354/5 (AMD).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the First Special Session of the 124th Legislature, and is current through December 31, 2009, but is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.