



## **LD 1268**

**Chairman SENATOR EDWARD MAZUREK, and Chairman  
Representative Charles Kenneth Theriault, and members  
of the Joint Standing Committee on Transportation**

The Maine Driver and Traffic Safety Education Association is in support of LD 1268 and wish to thank Representative Peoples for sponsoring and supporting this bill.

For the new members on the committee a quick review of previous legislative developments regarding on-line driver education and teen driving is in order. Online driver education has been discussed frequently over recent years, and was defeated in the last session as LD 201. After a work session on LD 201 several years ago Senator Mazurek strongly advised us as an association to prepare and seek sponsorship of our own bill dealing with online driver education if we wanted to have an impact on legislation which sooner or later might pass, even though the committee did vote to kill LD 201. With this advice in mind we have been directly involved in the development of LD 1268. While our enthusiasm for on-line education is tempered, we are comfortable that this bill if appropriately amended will address our major concerns.

Last year Secretary of State Charles Summers submitted LD 1912 (*An Act to Encourage Responsible Teen Driving*) to toughen teen driving laws in Maine. This committee understood at that time that this work was not finished and should be readdressed when more time could be devoted to the discussion. There are indeed areas we can strengthen in our Graduated Licensing System (GDL) with the goal of helping to reduce teen safety. Secretary of State Summer's bill was very heavily focused on punishment; now it is appropriate that we look at the broader scope and improve upon the work this committee has already started by addressing the (GDL) system in its entirety.

Ideally LD 1268 would have come out as two separate bills because they really are addressing two separate concerns. 1) improving the laws that driver education works under and 2) improving our (GDL) laws in Maine. I will address these areas one at a time.

Maine's (GDL) system goes back to laws this body enacted in 1998 which made substantial improvements to the delivery of driver education. In the past 15 years this committee has made several minor adjustments to the GDL system. Recent research, however, suggests several areas where Maine should strengthen its GDL laws:

- 1) It is widely acknowledged that risk for young drivers is substantially reduced at age 25. Insurance companies reduce the premiums an individual pays when they attain 25 years of age, assuming their driving record warrants it. Looking at the data it is clear crash rates plummet between the ages of 24 and 25. It only makes sense that we do not want the problem so to speak training our newest and highest risk drivers. And this change would have very little impact on most permitted drivers because most parents are well over 25 by the time their children reach 15 years of age. This simple but important change can help us improve the overall (GDL) system.
- 2) When Maine passed the current law in 1998 requiring 35 hours of supervised driving time we were leading the country in this requirement. Today we are sadly behind the times. Most states

require 50 to 70 hour of time on their learners permit before they may go for their road test. Only four require fewer than 40 hours. There is no clear evidence which supports a magical number that is sufficient for a new driver to master the skills needed. What we believe would yield the best outcome is as follows:

- 70 hours of total driving time of which:
- 10 are night time hours minimum
- 20 hours in an urban environment minimum
- 10 hours driving in winter conditions minimum

We realize that some parents will ignore these requirements just as some parents ignore the current law. But there are many parents who will follow the best practices and when it is presented to them will follow these rules. Many parents already realize that they want their young person to complete these goals, and by having them spelled out will encourage others to better prepare their new driver and not just log hours without thought to specific goals and outcomes. By extending hourly requirements and broadening mandated types of driving experiences, young drivers will be better prepared. An amendment to the proposed law would be in order here.

3) To further enhance the permit learning experience, and encourage the novice drivers under the age of 21 to log as many supervised practice hours as possible we should increase the time a permitted driver must hold their permit from six months to a year. Partial steps have already been taken to facilitate this when Secretary of State Summer's bill lengthened the period a permit was valid last year from 18 months to 24 months. Raising the driving age is politically unpopular even though there is substantial evidence to support it. Insurance companies like Allstate would like to see Maine raise our driving age. Here are just a few benefits:

- By lengthening the time a novice driver has to hold their permit we would in fact gain the additional benefit of

slightly increasing the age of licensure.

- Another benefit of increasing the time to one full year on their learners permit would be that all novice drivers would have the benefit of supervised driving in all four seasons of Maine weather before confronting icy roads for the first time alone.
  - There is clear data which shows that risk is reduced with each month older a teen driver is when they become licensed.
  - Science tells us that brain development is not complete until 21 or even 22 years of age young drivers think differently especially when it comes to risk.
- 4) ) One of the most important steps we can take to reduce teen novice driver risk and improve our GDL system in Maine is to increase our night time restriction period from midnight—5 AM to 9:00 PM—5 AM. Robert D. Foss, Ph.D. Senior Research Scientist and Director, Center for the Study of Young Drivers at the University of North Carolina is a consultant for organizations like AAA and the National Safety Council and is a nationally recognized expert on this topic. He forwarded information to Representative Peoples emphasizing the importance of this issue. Pat Moody with AAA Northern New England brought this to your attention last year as a concern that was not addresses in LD 1912. We strongly support enactment of this earlier 9 PM restriction. We would ask however for one amendment: allow for an exemption from the night time restriction for Intermediate drivers who are driving directly home from work. According to Dr. Foss "Such an exemption does not undermine the benefit of the earlier limit"

We believe that if these laws are enacted they will have a positive impact on reducing teen fatalities in our State and better prepare our new young drivers to share the roadways with us.

The second half of LD 1268 addresses improvements to driver education. As we have testified previously, driver education done right is part of the solution; driver education done wrong is part of the problem. MEDTSEA has worked tirelessly on these suggestions and believes we have reached a well balanced approach to improving the delivery and professionalism of driver education, seeking what is best for both students and the profession.

- 1) For many years the Secretary of State's office has allowed driving schools to issue permits to driver education students enrolled in their programs. While schools are not technically required to participate in this program, for competitive reasons virtually all do. While this may be a convenience for students, it has resulted in many long uncompensated hours of clerical work for driving schools (with occasional errors that must be addressed by BMV). It has placed driving schools in the unwelcome position of being the gatekeeper for judging valid documentation for entry into the BMV data base. Some schools are thorough on following the guidelines established by the BMV for issuing a learners permit like viewing an original birth certificate. However we know that some schools are not following the required protocol and an ID which follows an individual for life is generated sometimes without the proper procedures being followed. We have addressed this concern with the BMV and the Secretary of State over the years and have been told they want to terminate this program and bring it back inside the Bureau of Motor Vehicles. But it never seems to come to fruition. We have been told six months to a year several times. We have many concerns about schools issuing and creating a State of Maine identity. This also places schools that do it right in a tough position with schools that do not follow the rules. We do not believe that this responsibility should be placed in the hands of driving schools. And by having driving schools physically issue permits, liability concerns are raised as well.

2) MEDTSEA is asking that LD 1268 require all schools to provide a surety bond. An unfortunate incident occurred in Portland several years ago when a driving school went out of business and left many students with money paid for a service but the service untendered. Had there been a surety bond in place the consumers would have been protected. Indeed, this specific situation resulted in LD 201 coming before this committee in the first place. MEDTSEA would like to see two bond levels established, one for businesses with 6 or less locations and one for businesses with over 6 locations. This would not place an undue burden on our profession and would ensure that this never happens again without recourse for the consumer.

3) Another real problem is with continuing education for driver education providers. When it has come up before this committee as a side discussion to other topics this committee was addressing we would cringe at how little is expected of us when it comes to continuing education. Currently Chapter 9 Rules §4 Driver Education Instructor Licensing Requirements states:

6. Continuing education and training requirements for driver education license renewal. In addition to the requirements listed in section 4, subsection 2, a person applying for the renewal of a driver education license must meet the following requirements.

A. Driver education refresher course. The person must complete a refresher course in driver education **at least once in each three year period** following the issuance of the initial driver education license granted after adoption of these rules. The Secretary of State may approve, on an individual basis, conferences, workshops or seminars, including a **driving dynamics or defensive driving course**, which satisfy this requirement.

The intention of the rules was for instructors and teachers to participate in continuing education unfortunately we have allowed the profession to by in large opt out by the inclusion of a defensive driving course to maintain their licenses. Far too many driving instructors in Maine for far too long have been subverting the intent of the current requirement for continuing education, simply retaking the same driving dynamics course on-line or in a classroom once every three years. The proposed changes will require instructors to participate in a significant number of the many meaningful professional growth opportunities currently offered in the state, and will help ensure that all instructors are up to date on current and best practices. Only schools that are committed to excellence get real continuing education at this time, and rarely do any class "B" instructors ever participate in continuing education they just take the same defensive driving course. We must eliminate the loop hole which allows for defensive driving as an opt out mechanism and thereby by-passing any real continuing education. We believe it is not unreasonable to expect at least one full day of training each year to maintain an instructors license whether they are a class "A" or "B" instructor or teacher. There are many opportunities for instructors to obtain continuing education, we have two State organizations MEDEA and MEDTSEA which provide annual training, there is also the Maine Transportation Safety Coalition, National Safety Council, and several regional associations which provide annual training as well as national organizations like AAA. The Novice Teen Driver Education and Training Standards under Instructor Qualifications states each State should ***require annual continuing education and professional development hours for instructors.***

- 4) When we had the public hearings on increasing the length of an instructors license the discussion arose about annual background checks for driver education license renewals. Because it was not part of the bill being discussed you voted to write a letter to the Secretary of State asking him to reconsider this requirement and just require an initial background check. You received a letter

back from him stating that he was following recommended guide lines in the **Novice Teen Driver Education and Training Standards** and nothing was changed.

On page 15 of this report it says:

### 3.0 Instructor Qualifications

3.1 Each State should require the following prerequisites for instructors receiving **certification** and **recertification**:

- a) Possession of a valid driver's license, as recognized by the State.
- b) Have an acceptable driving record as determined by the State.
- c) Pass a Federal and State criminal background check.
- d) Meet health or physical requirements as determined by the State.
- e) Achieve a minimum academic education requirement as determined by the State.
- f) Meet a minimum age requirement as determined by the State.

Now e), and f) of these requirements clearly are not required for recertification. The Secretary of State has interpreted this section to mean that all these requirements are required for recertification when we can clearly see this was not the intent of the work of this group. It is obvious that some of these are meant to be required only on an initial license and some are for renewal and some are for both. Maine's current requirement that a state criminal background check be conducted at each renewal is an unnecessary burden. According to BMV, it has never screened out an offender on a renewal application. Here is the problem as we see it. We currently do not follow the guidelines in section c) and that is completing a Federal background check for the initial license. Right now someone could come from Montana who is a convicted sex offender and pass a State background check and be licensed to teach driver education. We have asked and are now seeking a law that will require the State to



do both a Federal and State background check on all instructors and teachers on their initial license application and also require current instructors / teachers to undergo a Federal background investigation with the cost to borne by the applicant. However we would appreciate once the initial background checks are complete any additional checks the BMV would seek would be paid for by the Secretary of State's Office.

- 5) Instructors are currently required to take a basic first aid course to renew their instructor's license. Most have taken this course so many times that they are no doubt qualified to teach it! This requirement should be mandated for an initial license only.
- 6) Online driver education has been discussed here several times over the last couple of sessions. With respect to online driver education, MEDTSEA's position continues to be that it will improve neither the delivery of driver education nor the safety of teen drivers, based on our own understanding and our knowledge of experiences in states where online education has been tried. In addition, its introduction in Maine has the potential of being an increased economic burden to students, schools, and the state. Furthermore, given the scale of investment involved, it is unlikely that any driving school in Maine (with the exception of AAA of Northern New England) will be able to offer online services. Potentially a considerable sum of money could be leaving the state. Nonetheless, we realize that there is interest at several levels to consider an online component to driver education. If online driver education comes to pass, we strongly recommend the inclusion of the following components:
  - a. Require the first 12 hours be completed in a traditional classroom.
  - b. Must use a curriculum approved by the Secretary of State and in use by driving schools for continuity.

- c. Must have a physical presence in the State of Maine with licenses, records and inspections the same as traditional Maine licensed schools (AAA Northern New England would meet this requirement for online driver education).
- d. Must be affiliated with a Maine based school.
- e. Students must take permit test at local BMV.
- f. If he/she fails permit test 3 times Bureau of Motor Vehicles would require the applicant to take the entire 30 hour course in a traditional setting.
- g. Online students must abide by same rules as traditional programs (cannot do more than 3 class hours a day or 10 hours per 7 day period).
- h. Student must choose a path and stay on that path: online hybrid or traditional classroom. May not jump back and forth between programs.
- i. License fee for conducting online driver education in Maine would be \$1,000.00

Incorporating the above into the bill it would be a workable compromise for online driver education that we believe will have the least negative impact on the desired outcome for driver education in Maine.

In summary, MEDTSEA supports LD 1268, although our support for online education is contingent on the adoption of proposed amendments.

We hope you can see we have worked diligently in an effort to improve our profession. We have upgraded standards and requirements where we need improvement and we have pointed out areas of waste and

inefficiency that we hope will be eliminated. Thank you for taking up these issues. We would be glad to answer any questions you might have at this time.

**Respectfully Submitted by the Maine Driver and Traffic  
Safety Education Association Board of Directors**

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