

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

C. "Driver education" means any type of instruction or tutoring given to a person in preparation to obtain a learner's permit or in preparing for an examination to obtain a driver's license in exchange for remuneration or course credit. [PL 2013, c. 381, Pt. B, §20 (AMD).]

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

E. [PL 2011, c. 556, §10 (RP).]

F. "Instructor" means a person engaged in teaching driver education. [PL 2011, c. 556, §11 (AMD).]

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. [PL 1995, c. 505, §15 (NEW); PL 1995, c. 505, §22 (AFF); PL 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. [PL 1995, c. 505, §15 (NEW); PL 1995, c. 505, §22 (AFF).]
[PL 2013, c. 381, Pt. B, §20 (AMD).]

2. Licenses required. A person may not operate a driver education school, conduct driver education or act as an instructor 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 instructors and that is authorized to teach both the classroom and behind-the-wheel phases of driver education and behind-the-wheel private lessons to individuals who hold a valid learner's permit, driver's license or temporary driver's license. A driver education school licensed under this paragraph may also employ Class B instructors to provide the behind-the-wheel phase of driver education and behind-the-wheel private lessons. A driver education school licensed under this paragraph may teach both the classroom and behind-the-wheel phases of driver education and behind-the-wheel private lessons. [PL 2021, c. 216, §42 (AMD).]

B. A Class A instructor 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. [PL 2011, c. 556, §12 (AMD).]

C. A Class B instructor 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. [PL 2011, c. 556, §12 (AMD).]

D. A Class B driver education school license may be issued to a driver education school that employs a Class A or Class B instructor. A driver education school licensed under this paragraph may provide only behind-the-wheel private lessons to individuals who hold a valid learner's permit, driver's license or temporary driver's license. [PL 2021, c. 216, §43 (NEW).]
[PL 2021, c. 216, §§42, 43 (AMD).]

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 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. [PL 1995, c. 505, §15 (NEW); PL 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 learner's permit when the vehicle is not provided by the driver education school. [PL 2013, c. 381, Pt. B, §21 (AMD).]

[PL 2013, c. 381, Pt. B, §21 (AMD).]

4. 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 instructor licenses. In addition to the requirements established by rule, each applicant must meet the following requirements:

- A. The applicant must be at least 21 years of age and have a high school diploma or its equivalent; [PL 1995, c. 505, §15 (NEW); PL 1995, c. 505, §22 (AFF).]
- B. The applicant must have at least 4 years of driver experience as a licensed operator and possess a valid driver's license; [PL 2021, c. 216, §44 (AMD).]
- C. The applicant may not have had a license revoked pursuant to chapter 23, subchapter 5 within the preceding 6-year period; [PL 2011, c. 556, §14 (AMD).]

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

E. The applicant must pass a knowledge test prescribed by the Secretary of State; [PL 2021, c. 216, §44 (AMD).]

F. The applicant must complete an educational program prescribed by the Secretary of State; [PL 2021, c. 216, §44 (AMD).]

G. The applicant shall submit to a Department of Public Safety, State Bureau of Identification background check upon initial and renewal application. The Bureau of Motor Vehicles shall request the background check from the State Bureau of Identification. A fee must be assessed at the time of initial and renewal application pursuant to Title 25, section 1541, subsection 6; [PL 2021, c. 216, §44 (NEW).]

H. The Secretary of State shall use state and federal criminal history record information for the purpose of screening driver education instructors in order to determine whether issuance of a driver education instructor license is granted or maintained; and [PL 2021, c. 216, §44 (NEW).]

I. The applicant shall submit to having fingerprints taken. The Bureau of Motor Vehicles shall make available an approved list of agencies providing fingerprinting. Upon payment to an approved agency by the applicant and after the approved agency takes or causes to be taken the applicant's fingerprints and forwards the fingerprints to the State Bureau of Identification, the State Bureau of Identification shall conduct state and national criminal history record checks. Fingerprinting is required upon initial application and every 5 years thereafter. [PL 2021, c. 216, §44 (NEW).]

[PL 2021, c. 216, §44 (AMD).]

5. License fees.

[PL 1995, c. 505, §15 (NEW); PL 1995, c. 505, §22 (AFF); MRSA 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 \$150. [PL 2019, c. 352, §4 (AMD).]

B. The fee for an instructor license is \$200. [PL 2019, c. 352, §5 (AMD).]

C. A driver education school license expires one year from the date of issuance. The fee for the renewal of a driver education school license is \$150. An instructor license expires 2 years from the date of issuance. The fee for the renewal of an instructor license is \$200. [PL 2019, c. 352, §5 (AMD).]

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. An instructor 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. [PL 2011, c. 556, §15 (AMD).]

[PL 2019, c. 352, §§4, 5 (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 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. [PL 2019, c. 337, §6 (AMD).]

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. [PL 2003, c. 394, §3 (AMD); PL 2003, c. 394, §6 (AFF).]

C. The Secretary of State shall develop and implement training programs for the licensing and relicensing of instructors. [PL 2011, c. 556, §17 (AMD).]

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

G. The Secretary of State shall investigate written complaints regarding the activities of driver education schools and instructors. [PL 2011, c. 556, §18 (AMD).]

[PL 2019, c. 337, §6 (AMD).]

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.

[PL 2019, c. 337, §7 (AMD).]

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 instructor license or deny a certificate of completion 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.

[PL 2019, c. 397, §20 (AMD).]

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.

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

10. Surety bond. Except for a noncommercial driver education school exempt from license fees under subsection 5-A, paragraph D, the Secretary of State shall require a driver education school licensed pursuant to subsection 2 to provide a surety bond to guarantee the discharge of the duties required under this subchapter.

[PL 2015, c. 473, §17 (AMD).]

SECTION HISTORY

PL 1995, c. 505, §15 (NEW). PL 1995, c. 505, §22 (AFF). PL 1995, c. 605, §2 (AMD). PL 1997, c. 776, §39 (AMD). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 1999, c. 668, §116 (AMD). PL 2003, c. 394, §3 (AMD). PL 2003, c. 394, §6 (AFF). PL 2003, c. 545, §5 (REV). PL 2003, c. 652, §B7 (AMD). PL 2003, c. 652, §B8 (AFF). PL 2005, c. 411, §2 (AMD). PL 2011, c. 442, §§1, 2 (AMD). PL 2011, c. 556, §§10-20 (AMD). PL 2013, c. 381, Pt. B, §§20, 21 (AMD). PL 2013, c. 381, Pt. C, §3 (AMD). PL 2015, c. 473, §17 (AMD). PL

2019, c. 337, §§6, 7 (AMD). PL 2019, c. 352, §§4, 5 (AMD). PL 2019, c. 397, §20 (AMD). PL 2021, c. 216, §§42-44 (AMD).

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