

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIRST LEGISLATURE

Legislative Document

No. 1330

S. P. 478

In Senate, February 13, 1963

Referred to Committee on Legal Affairs. Sent up for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Stilphen of Knox.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-THREE

AN ACT to Establish and Regulate Commercial Driver Education Schools and
Instructors.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., c. 22, §§ 65-A - 65-I, additional. Chapter 22 of the Revised Statutes is amended by adding 9 new sections to be numbered 65-A to 65-I, to read as follows:

'Commercial Driver Education Schools.

Sec. 65-A. Definitions. The following terms when used in sections 65-A to 65-I shall have the meanings ascribed to them in this section unless context clearly indicates different meaning:

I. Commercial driver education. Commercial driver education means planned instruction given to an applicant preparing to secure his initial operator's license.

II. Commercial driver education school. Commercial driver education school means any person or persons engaged in teaching driver education for remuneration, except a public or private school approved by the State Board of Education.

III. Established place of business. Established place of business means a location approved by the Secretary of State at which the business of a commercial driver education school is transacted and at which its records are kept.

IV. Instructor. Instructor means any person engaged in teaching driver education.

V. Licensee and applicant. Licensee and applicant as applied to a firm, partnership or association include the members thereof and as applied to a corporation include the officers and directors thereof.

VI. Person. Person means any individual, combination of individuals, firm, partnership, association or corporation. Whenever used in any provision of sections 65-A to 65-I which prescribes or imposes a fine or imprisonment, or both, the term "person," as applied to a firm, partnership or association, shall include the members thereof and, as applied to a corporation, the officers thereof; a firm, partnership, association or corporation may be subjected as an entity to the payment of a fine.

Sec. 65-B. Commercial driver education school and commercial instructor's licenses. No person shall operate a commercial driver education school or act as an instructor unless a license therefor has been secured from the Secretary of State. Applications for such license may be filed with the Secretary of State and shall contain such information and shall be on such form as the Secretary of State may prescribe. Each application for a commercial driver education school license shall be accompanied by an application fee of \$10 which shall not be refunded. If such application is approved by the Secretary of State, the applicant upon payment of an additional fee of \$15 shall be granted a license which shall be valid during the calendar year of its issue unless sooner revoked as provided. The renewal fee shall be \$25.

Sec. 65-C. Possession of license. Each person granted a commercial driver education school license shall display the same conspicuously on the school premises. Each person granted a commercial instructor's license shall carry the same in his possession while engaged in giving commercial driver education instruction. In case of loss, mutilation or destruction of a license certificate, the Secretary of State shall issue a duplicate certificate upon payment of a fee of \$1.50.

Sec. 65-D. Powers of the Secretary of State. The Secretary of State may prescribe reasonable requirements, standards and qualifications for obtaining a commercial driver education school license and conduct of instructors. The fees charged for such commercial driver education shall be subject to the approval of the Secretary of State.

Sec. 65-E. Records required. Every commercial driver education school licensee shall keep a record on such forms as the Secretary of State may prescribe showing the name and address of each instructor, the instruction license number of such instructor, the particular type of instruction given and how much time was given to each type of instruction and such other information as the Secretary of State may require. Such records shall be open to the inspection of the Secretary of State at all reasonable times but shall be for the confidential use of the Secretary of State. Every commercial driver education school licensee shall maintain all vehicles used in commercial driver education in safe mechanical conditions at all times.

Sec. 65-F. Refusal to issue license. The Secretary of State may refuse to issue a license to any applicant for a commercial driver education school license

or commercial instructor's license when he is satisfied that the requirements of section 65-D have not been met.

Sec. 65-G. Suspension or revocation. The Secretary of State may at any time cancel, suspend, revoke or refuse to renew any commercial driver education school license or commercial instructor's license when he is satisfied that the requirements of section 65-D have not been maintained.

Sec. 65-H. Hearing and appeal. Each holder of a commercial driver education school license or commercial instructor's license, under this section, shall be entitled to notice and hearing prior to cancellation, suspension, revocation or failure by the Secretary of State to renew the license of such licensee. Hearings under this section shall be held in accordance with chapter 20-A.

Sec. 65-I. Penalties. Any person who operates a commercial driver education school or acts as a commercial instructor without a license therefor shall be punished by a fine of not less than \$50 nor more than \$500, or by imprisonment for not more than 90 days, or by both.'

Sec. 2. Effective date. This act shall take effect January 1, 1964.