

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1865

6
7 H.P. 1330 House of Representatives, January 15, 1986

8 Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 26.

9 Reference to the Committee on Transportation suggested and ordered
printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Randall of East Machias.

Cosponsored by Representative Cahill of Woolwich, Representative Mills
of Bethel and Representative Theriault of Fort Kent.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-SIX
16

17 AN ACT to Require Motorcycle Driver Education
18 for First-time Operators of
19 Motorcycles.
20

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

23 Sec. 1. 25 MRSA c. 333 is enacted to read:

24 CHAPTER 333

25 MOTORCYCLE SAFETY

26 §2731. Purpose

27 The Legislature finds that operator inexperience
28 is responsible, to a great extent, for many motorcy-
29 cle accidents and fatalities in the State. Despite
30 the requirement that new operators wear helmets, the
31 number of accidents and fatalities has increased con-
32 tinuously over the past several years. Since the mo-
33 torcycle riding season is short and confined primari-

1 ly to daytime riding in good weather, first-time
2 operator's gain very little experience in their ini-
3 tial years of operating motorcycles. The intent of
4 this chapter is to provide first-time operators of
5 motorcycles and any other interested person with a
6 comprehensive understanding of motorcycle operation,
7 safety and defensive driving before these persons are
8 licensed to operate on state roads.

9 §2732. Definitions

10 As used in this chapter, unless the context oth-
11 erwise indicates, the following terms have the fol-
12 lowing meanings.

13 1. Account. "Account" means the Motorcycle Op-
14 erator Safety Education Account of the General High-
15 way Budget.

16 2. Bureau. "Bureau" means the Maine Highway
17 Safety Committee.

18 3. Commissioner. "Commissioner" means the Com-
19 missioner of Public Safety.

20 4. Department. "Department" means the Depart-
21 ment of Public Safety.

22 5. Program. "Program" means the Motorcycle Op-
23 erator Safety Education Program.

24 6. Program coordinator. "Program coordinator"
25 means the coordinator of the Motorcycle Operator
26 Safety Education Program.

27 7. Training specialist. "Training specialist"
28 means a person certified by the Motorcycle Safety
29 Foundation to be an instructor in the Motorcycle Op-
30 erator Safety Education Program.

31 §2733. Program established

32 There is established the Motorcycle Operator
33 Safety Education Program which shall be located with-
34 in the Maine Highway Safety Committee. The program
35 shall be under the jurisdiction of the director of
36 the bureau. The program shall include the motorcycle

1 rider course developed by the Motorcycle Safety Foun-
2 ation.

3 §2734. Program coordinator; powers and duties

4 The commissioner may appoint a program coordina-
5 tor to implement the program throughout the State.
6 The program coordinator, with the approval of the di-
7 rector of the bureau, shall:

8 1. Establish course sites. Establish sites of
9 program instruction throughout the State. These
10 sites may include schools, public buildings and any
11 other facility that is deemed necessary for the con-
12 venience of the public;

13 2. Recruit instructors. Recruit instructors to
14 be certified in the instruction of the motorcycle
15 rider course and who shall be certified by the Motor-
16 cycle Safety Foundation as training specialists;

17 3. Monitor and evaluate courses. Monitor and
18 evaluate the courses offered under the program. The
19 program coordinator shall report his findings, twice
20 annually, to the director of the bureau and to the
21 commissioner;

22 4. Propose changes in and additions to the
23 courses. Propose changes in the courses of instruc-
24 tion or additions and deletions deemed necessary for
25 the purpose of this chapter;

26 5. Monitor and evaluate training specialists.
27 Monitor and evaluate the training specialists and
28 propose any changes in instruction deemed necessary
29 to achieve the purpose of this chapter;

30 6. Promote the program. Promote the program and
31 educate the general public with respect to the safe
32 operation of motorcycles;

33 7. Monitor motor vehicle accident reports. Mon-
34 itor motor vehicle accident reports and maintain sta-
35 tistics of motor vehicle accidents, including acci-
36 dents incurred by newly licensed operators; and

1 8. Report to the Maine Highway Safety Committee
2 and the commissioner. Report to the Maine Highway
3 Safety Committee and the commissioner the degree of
4 effectiveness of the program. The program coordina-
5 tor may recommend changes in the program to increase
6 the degree of effectiveness.

7 §2735. Supervision of endorsement and support

8 The commissioner may suspend the department's en-
9 endorsement and support of any or all motorcycle opera-
10 tor safety education courses conducted pursuant to
11 this chapter for the following reasons:

12 1. Fraud. The practice of fraud or deceit in
13 obtaining certification as a training specialist;

14 2. Misconduct. Any gross negligence, incompe-
15 tency or misconduct in the instruction of motorcycle
16 operator safety; or

17 3. Criminal conviction. The training specialist
18 is convicted of a Class A, Class B or Class C crime
19 or of a crime which, if committed in this State,
20 would be punishable by one year or more of imprison-
21 ment.

22 §2736. Course fees; deposit of revenues

23 The commissioner may establish fees to cover the
24 costs of providing the program as required by this
25 chapter. The fees shall be deposited with the Trea-
26 surer of State in a special account to be expended in
27 accordance with this chapter.

28 §2737. Interested participants

29 Any person who pays the required course fees may
30 participate in the program. The program is mandatory
31 for first-time operators of motorcycles or motor
32 driven cycles.

33 §2738. Financial support program

34 The program shall be financed from the Highway
35 Fund and from student course fees. One dollar from
36 every motorcycle registration fee and motorcycle

1 learner's permit fee shall be dedicated to the Motor-
2 cycle Operator Safety Education Account in the Gener-
3 al Highway Budget.

4 §2739. Advisory committee

5 The Maine Highway Safety Committee shall act as
6 an advisory committee to the commissioner with re-
7 spect to this program. The commissioner shall also
8 appoint 3 licensed motorcycle operators to serve with
9 the Maine Highway Safety Committee when the committee
10 conducts business relating to the Motorcycle Operator
11 Safety Education Program.

12 Sec. 2. 29 MRSA §249, as amended by PL 1981, c.
13 492, Pt. E, §12, is further amended to read:

14 §249. Motorcycles

15 The annual fees for the registration of motorcy-
16 cles shall be in accordance with this section and
17 shall accompany the application for registration.

18 Motorcycles ~~§15~~ §16 each.

19 Mopeds 5 each.

20 Sec. 3. 29 MRSA §532, 2nd ¶, as amended by PL
21 1983, c. 455, §17, is further amended to read:

22 Any person, who is at least 16 years of age, may
23 make application to the Secretary of State for a mo-
24 torcycle, motor driven cycle or moped learner's per-
25 mit to operate a motorcycle, motor driven cycle or
26 moped, provided the requirements of section 583 have
27 been met. The Secretary of State shall require that
28 before the motorcycle, motor driven cycle or moped
29 learner's permit is issued any applicant shall have
30 passed a knowledge test relating specifically to the
31 safe operation of a motorcycle, motor driven cycle or
32 moped and a vision test. The knowledge test shall be
33 in addition to the basic test of rules of the road
34 and sign recognition required of all drivers applying
35 for an original State of Maine operator's license. A
36 learner's permit may not be issued to any person for
37 the operation of a motorcycle who is a first-time op-
38 erator of a motorcycle and who has not successfully

1 completed the Motorcycle Operator Safety Education
2 Program as required in Title 25, chapter 333.

3 Sec. 4. 29 MRSA §532, 4th ¶, as repealed and re-
4 placed by PL 1981, c. 492, §13, is amended to read:

5 The fee for a motorcycle or motor driven cycle
6 learner's permit shall be ~~\$10~~ \$11, which shall in-
7 clude the first road test. The fee for all subsequent
8 examinations shall be \$5.

9 Sec. 5. 29 MRSA §583, 3rd ¶, as amended by PL
10 1977, c. 696, §379, is repealed and the following
11 enacted in its place:

12 No motorcycle or motor driven cycle learner's
13 permit, permission or restriction to operate a motor-
14 cycle or motor driven cycle may be issued to any per-
15 son unless that person presents a certificate of suc-
16 cessful completion of a motorcycle driver education
17 course as defined in Title 25, chapter 333.

18 Sec. 6. Allocation. The following funds are al-
19 located from the Highway Fund to carry out the pur-
20 poses of this Act.

21 1986-87

22 PUBLIC SAFETY, DEPARTMENT OF

23	Maine Highway Safety Committee	
24	Positions	(1)
25	Personal Services	\$25,000
26	All Other	<u>20,000</u>
27	Total	\$45,000

28 Sec. 7. Effective date. Sections 3 and 5 of this
29 Act shall take effect January 1, 1988.

1

STATEMENT OF FACT

2 The purpose of this bill is to reduce the number
3 of motorcycle accidents and fatalities, a significant
4 proportion of which are the result of inexperience.
5 Despite recent helmet requirements and other mea-
6 sures, the number of motorcycle accidents has in-
7 creased by roughly 11% in the past 4 years.

8 This bill establishes a mandatory Motorcycle Op-
9 erator Safety Education Program for all first-time
10 operators of motorcycles. Any other interested per-
11 son may participate in the program.

12 The program is the same comprehensive program de-
13 veloped by the Motorcycle Safety Foundation which al-
14 so trains instructors for the program.

15 The program is administered through the Depart-
16 ment of Public Safety by the Maine Highway Safety
17 Committee. The commissioner may appoint a program
18 coordinator who will establish course sites for in-
19 struction, secure instructors to be trained by the
20 Motorcycle Safety Foundation and monitor the program.

21 User fees will be charged to defray the costs of
22 hiring instructors, furnishing books and materials
23 and the use of public facilities in which the program
24 is offered. A one dollar increase in the motorcycle
25 registration fee and the motorcycle learner's permit
26 fee will pay for the costs of an additional person in
27 the Department of Public Safety to coordinate the
28 program, as well as the costs of travel and promotion
29 of the program.

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