

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2412

H.P. 1723

House of Representatives, March 10, 1992

Reported by Representative MACOMBER for the Joint Standing Committee on Transportation pursuant to Public Law 1991, chapter 522.

Reference to the Joint Standing Committee on Transportation suggested and printing ordered under Joint Rule 18.

A handwritten signature in cursive script, reading "Ed Pert".

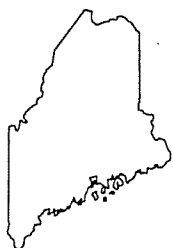
EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-TWO

**An Act to Implement the Recommendations of the Motorcycle Driver
Education Study Committee.**

(EMERGENCY)



Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the motorcycle riding season will begin prior to 90 days after the Legislature will adjourn; and

Whereas, a committee to study motorcycle driver education has recommended steps to improve motorcycle safety on highways of the State; and

Whereas, the recommended improvements will not begin until a significant number of permits for the 1992 motorcycle riding season have been issued by the Secretary of State; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 29 MRSA §532, 4th ¶, as amended by PL 1981, c. 696, §§6 and 7, is further amended to read:

The motorcycle, motor driven cycle or moped learner's permit, when issued, will be valid for a period of one year. Failure to complete the driving test within one year from issue date of permit will require reexamination for the permit. No such application for reexamination shall may be accepted until 60 days after expiration of said the permit. In the case of a motorcycle or motor driven cycle learner's permit, failure to complete the driving test within one year from issue date of permit requires another completion of the motorcycle driver education course required by section 583-A before a subsequent permit is issued.

Sec. 2. 29 MRSA §583-A, as amended by PL 1991, c. 522, §1, is further amended to read:

§583-A. Motorcycle driver education

~~Effective March 1, 1987, notwithstanding~~ Notwithstanding any other provisions of law, no motorcycle or motor driven cycle learner's permit or permission or restriction to operate a motorcycle or motor driven cycle may be issued to any person ~~under 21 years of age~~, unless that person presents a certificate

of successful completion of a prescribed motorcycle driver education program and examination approved by the Secretary of State and given by a certified instructor, ~~the person must demonstrate ability to safely operate a motorcycle in the examination.~~

Any person ~~between the ages of 16 and 21 years,~~ who satisfies the Secretary of State that no readily available means of transportation exists to and from a public secondary school, a private secondary school approved for attendance purposes by the Commissioner of Education, a vocational center or a vocational region which that person is attending, may be issued, upon passing the motorcycle or motor driven cycle driver's examination as provided in section 581, a special motorcycle or motor driven cycle permit authorizing that person to drive to and from the school.

Sec. 3. 29 MRSA §583-B, first ¶, as amended by PL 1987, c. 415, §22, is further amended to read:

A motorcycle driver education program shall must consist of at least an 8-hour block of instruction directly related to the actual operation of motorcycles and motor driven cycles, emphasizing safety measures designed to ~~insure~~ ensure greater awareness of careful and skillful operation of cycles. A program may also include instruction and riding experience on a motorcycle driving range. The Secretary of State may ~~promulgate~~ adopt rules to prescribe the instructional program and shall approve all the programs.

Sec. 4. 29 MRSA §583-C, as amended by PL 1987, c. 415, §23, is further amended to read:

§583-C. Instructors

No A person may not conduct a motorcycle driver education program unless that person has been certified by the Secretary of State as a qualified instructor.

The Secretary of State ~~shall be~~ is responsible for conducting certification courses for instructors of motorcycle driver education. By rule, the Secretary of State shall establish reasonable qualification standards and requirements for certification of instructors of motorcycle driver education. The requirements must include a provision to demonstrate proficiency in operating a motorcycle.

2 A person may conduct or sponsor a motorcycle driver
3 education program for remuneration without the commercial driver
4 education school or instructor license required by Title 32,
5 chapter 95, as long as the program and the instructors are
6 certified by the Secretary of State.

7 **Sec. 5. 29 MRSA §583-G** is enacted to read:

8
9 **§583-G. Fees**

10 The annual fee for instructor certification is \$100. The
11 annual fee for inspection of a motorcycle education classroom is
12 \$50. The fee for inspection of a motorcycle driving range is \$50.

13 **Emergency clause.** In view of the emergency cited in the
14 preamble, this Act takes effect when approved.

15
16
17 **STATEMENT OF FACT**

18
19 This bill implements the recommendations of the motorcycle
20 driver education study pursuant to Public Law 1991, chapter 522.
21 The bill makes motorcycle driver education mandatory for all
22 motorcycle permit applicants regardless of age. The bill also
23 requires a person who lets a motorcycle permit expire without
24 completing a road test to retake a motorcycle driver education
25 course before receiving another permit. The bill allows persons
26 not licensed by the Board of Commercial Driver Education to teach
27 a motorcycle driver education program for remuneration if they
28 are certified by the Secretary of State. The bill also requires
29 instructors to show proficiency in operating a motorcycle and
30 sets fees for instructor certification and site inspections.
31
32