

A Mag	
-•	L.D. 555
2	DATE: 5/9/05 (Filing No. H-289)
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б	TRANSPORTATION
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10	Reproduced and distributed under the direction of the Clerk of the House.
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14	STATE OF MAINE HOUSE OF REPRESENTATIVES 122ND LEGISLATURE
16	FIRST SPECIAL SESSION
18	COMMITTEE AMENDMENT " A " to H.P. 410, L.D. 555, Bill, "Am
20	Act To Enhance Driver Education and Safety"
22	Amend the bill by striking out all of section 1 and inserting in its place the following:
24	'Sec.1. 29-A MRSA §1357 is enacted to read:
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2.0	<u>§1357. Advanced driver education</u>
28	1. Definitions. As used in this section, unless the
30	context otherwise indicates, the following terms have the following meanings.
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34	A. "Advanced driver education" means any type of classroom instruction in the driving of an automobile, excluding a motorcycle, given for remuneration or course credit to an
36	individual who possesses or who previously possessed a valid driver's license.
38	B. "Instructor" means a person engaged in teaching advanced
40	driver education.
42	2. Advanced driver education course authorized.
44	Notwithstanding sections 1351, 1352, 1353 and 1354, a person may provide advanced driver education in accordance with the following provisions
46	following provisions.

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2	A. A person may not provide advanced driver education unless
2	<u>licensed by the Secretary of State. An instructor license</u> is valid for 3 years from the date of issuance. An
4	applicant for an instructor license must meet the following requirements.
6	
8	(1) The person is at least 21 years of age and has a high school diploma or its equivalent.
10	(2) The person has at least 4 years of driving
12	<u>experience as a licensed operator and possesses a valid</u> <u>driver's license.</u>
14	(3) The person has not been convicted for a moving criminal traffic offense within the last 3 years,
16	except for operating without a driver's license if the
18	<u>license was expired less than 5 years and operating</u> with an expired registration.
20	(4) The person has not been designated as an
22	<u>accident-prone driver pursuant to section 1308 within</u> the last year.
24	(5) The person has not had a driver's license suspended or revoked within the last 6 years pursuant
26	to sections 2411, 2453, 2454, 2456, 2457, 2472, 2521, 2525, 2554, 2555 or 2557.
28	
	(6) The person has not been convicted within the last
30	10 years for any crimes for which more than one year of
32	incarceration may be ordered.
52	(7) The person must have at least one year of
34	training, education or experience in driver education, driver evaluation, assessment or testing or teaching
36	defensive driving.
38	B. An advanced driver education course must include instruction that imparts the understanding and skills
40	necessary to operate a motor vehicle safely. An instructor is responsible for the facilities, operation and curriculum
42	of an advanced driver education course. The curriculum must be filed with the Secretary of State annually.
44	<u>De illed with the Secretary of State ammually.</u>
	C. A student record sheet must be kept for each student and
46	maintained for a period of at least 3 years from the date advanced driver education was provided. The student record
48	sheet must contain the following information:
50	(1) The name and address of the student; and

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	(2) The name of the instructor who provided the
2	instruction and the location where the instruction was
	provided.
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	D. An instructor must, prior to the start of the course,
6	advise students in writing of the following:
Ŭ	WITTO DOMONICO IN WITCHING OF CAS TOTIOWING.
8	(1) The refund policy of the instructor;
0	<u>11/ The letand policy of the institution</u> ,
10	(2) That completion of the course will not entitle
10	(2) That completion of the course will not entitle
	students to an insurance discount; and
12	
	(3) That completion of the course will not provide
14	point credits on driver's licenses.
16	E. An instructor shall allow the Secretary of State access
	to records to ensure compliance with statutory requirements.
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	F. An instructor may not make any false, misleading or
20	deceitful claims, statements or representations in any
	advertisement or solicitation.
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	G. The fee for issuance and renewal of an instructor license
24	under subsection 2, paragraph A is \$40.
26	3. Penalties. A person who conducts advanced driver
	education without a valid instructor license commits a Class E
28	crime.
30	4. Suspension or revocation of license; hearings. The
	Secretary of State may suspend, revoke or refuse to issue or
32	renew an instructor license for noncompliance with statutory
52	requirements. A person refused a license or whose license is
34	suspended or revoked may request a hearing with the Secretary of
24	
36	State. A requested hearing must be conducted pursuant to chapter
36	23, subchapter 2, article 3.
20	
38	SUMMARY
40	SUMMAR I
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4.0	This amendment replaces the bill. The amendment authorizes
42	an advanced driver education course, establishes instructor
	licensing and curriculum requirements and provides penalties for
44	noncompliance with the statutory provisions governing advanced
	driver education.
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	FISCAL NOTE REQUIRED
	(See attached)

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COMMITTEE AMENDMENT



Approved: 05/05/05 mac

122nd MAINE LEGISLATURE

LD 555

LR 0972(02)

An Act To Enhance Driver Education and Safety

Fiscal Note for Bill as Amended by Committee Amendment "A" Committee: Transportation Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund Minor revenue increase - General Fund Minor cost increase - Highway Fund Minor revenue increase - Highway Fund

Correctional and Judicial Impact Statements:

Establishes a new Class E crime.

The collection of additional fines may increase General Fund revenue by minor amounts.

Fiscal Detail and Notes

The Bureau of Motor Vehicles will incur minor costs to process advanced driver education licenses and will receive minor amounts of revenue for the Highway Fund for license fees.