

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 201

H.P. 178

House of Representatives, January 27, 2011

An Act To Modernize and Reduce the Cost of Driver Education

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative HINCK of Portland.
Cosponsored by Senator ALFOND of Cumberland and
Representatives: CEBRA of Naples, CRAY of Palmyra, KAENRATH of South Portland,
MAZUREK of Rockland, ROSEN of Bucksport, WAGNER of Lewiston, Senators:
THIBODEAU of Waldo, THOMAS of Somerset.

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

2 **Sec. 1. 29-A MRSA §1354, sub-§1, ¶B-1** is enacted to read:

3 B-1. "Communications technology" means any method or component, or both, that is
4 used for driver education by a driver education school to carry out or facilitate the
5 transmission of information and reception of information by computer data networks,
6 including, but not limited to, the Internet or its successor and intranet services.

7 **Sec. 2. 29-A MRSA §1354, sub-§3,** as amended by PL 1997, c. 776, §39, is
8 further amended to read:

9 **3. Driver education school license requirements.** With assistance from the
10 Technical Review Panel established in subsection 6, the Secretary of State shall adopt
11 rules governing ~~the~~ curriculum, facilities, and operations, including record-keeping
12 requirements and issuance and renewal of licenses, for noncommercial driver education
13 schools and commercial driver education schools and for driver education teachers and
14 instructors. These rules must allow that the portion of a course of training provided by a
15 driver education school that would consist of classroom instruction may be taught
16 interactively through the use of communications technology so that persons taking the
17 course need not be physically present in a classroom.

18 A. The Secretary of State may not issue a license for a driver education school until
19 the applicant has filed with the Secretary of State a certificate showing that the
20 applicant is covered by an automobile bodily injury and property damage liability
21 insurance policy insuring against any legal liability in accordance with the terms of
22 the policy for personal injury or death of any one person in the sum of \$100,000 and
23 for any number of persons in the sum of \$300,000 and against property damage in the
24 sum of \$100,000 arising from the operation of any vehicle being used in a
25 commercial driver education school. In lieu of that insurance, the applicant may file
26 with the Secretary of State a bond or bonds issued by a surety company authorized to
27 do business in the State in the amount of at least \$100,000 on account of injury to or
28 death of one person and subject to such limits as respects injury to or death of one
29 person, of at least \$300,000 on account of any one accident resulting in injury to or
30 death of more than one person and of at least \$100,000 for damage to property of
31 others. Failure to comply with this subsection is grounds for suspension or
32 revocation of a driver education school license.

33 B. A vehicle used as a training vehicle must be maintained in safe mechanical
34 condition at all times. Each vehicle must be equipped with dual-control foot brakes
35 and, if the vehicle is not equipped with an automatic transmission, dual-control clutch
36 pedals. While being used in actual instruction, a vehicle must be equipped with an
37 identification sign listing the name of the school and a student driver sign.

38 The following vehicles are not required to have dual controls and an identification
39 sign listing the name of the school and a student driver sign:

- 40 (1) A vehicle that is being used to instruct a person with a disability and is
41 specially equipped for use by a person with a disability; and

1 (2) A vehicle that is being used to instruct a person in possession of a valid
2 Maine driver's license or instruction permit when the vehicle is not provided by
3 the driver education school.

4 **Sec. 3. Secretary of State directed to amend rules governing driver**
5 **education.** Before July 1, 2012, the Secretary of State shall amend rules authorized by
6 the Maine Revised Statutes, Title 29-A, section 153 and section 1354, subsection 3
7 governing minimum qualifications, standards and procedures for the licensure of driver
8 education schools to permit the use of communications technology for driver education
9 instruction.

10 **Sec. 4. Effective date.** Those sections of this Act that amend the Maine Revised
11 Statutes, Title 29-A, section 1354 take effect July 1, 2012.

12 **SUMMARY**

13 This bill provides that classroom instruction provided by a driver education school
14 licensed in this State may be taught interactively through the use of communications
15 technology, including the Internet, so that persons taking the classroom portion of the
16 driver education requirement need not be physically present in a classroom. The effective
17 date for this change in law is July 1, 2012. This bill does not alter current requirements in
18 rule for behind-the-wheel instruction.

19 This bill directs the Secretary of State, before July 1, 2012, to amend current rules
20 governing the licensure of driver education schools to permit the use of communications
21 technology for driver education instruction.