

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

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No. 1268

H.P. 907

House of Representatives, March 28, 2013

An Act To Update Driver Education Requirements

Reference to the Committee on Transportation suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative PEOPLES of Westbrook.
Cosponsored by Representatives: GATTINE of Westbrook, GRAHAM of North Yarmouth,
MONAGHAN-DERRIG of Cape Elizabeth, VEROW of Brewer, Senator: MAZUREK of
Knox.

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

2 **Sec. 1. 29-A MRSA §1304, sub-§1, ¶B**, as enacted by PL 1993, c. 683, Pt. A, §2
3 and affected by Pt. B, §5, is amended to read:

4 B. After an applicant has successfully passed all parts of an examination other than
5 the driving test, the Secretary of State may issue an instruction permit. An instruction
6 permit under this section may be issued only by the Secretary of State.

7 **Sec. 2. 29-A MRSA §1304, sub-§1, ¶E**, as amended by PL 2009, c. 43, §1, is
8 further amended to read:

9 E. Unless the permittee is operating a motorcycle or moped, the permit requires the
10 permittee to be accompanied by a licensed operator who:

- 11 (1) Has held a valid license for at least 2 years;
- 12 (2) Is at least ~~20~~ 25 years of age;
- 13 (3) Is occupying a seat beside the driver; and
- 14 (4) Is licensed to operate the class vehicle operated by the permittee.

15 The accompanying operator must adhere to all restrictions applied to the license
16 when functioning as the permittee's accompanying operator.

17 **Sec. 3. 29-A MRSA §1304, sub-§1, ¶H**, as amended by PL 2007, c. 2, §1, is
18 further amended to read:

19 H. A person under 21 years of age may not apply for a license unless:

- 20 (1) A period of 6 months has passed from the date the person was issued an
21 instruction permit; and
- 22 (2) The person has completed a minimum of ~~35~~ 70 hours of driving, including ~~5~~
23 10 hours of night driving, while accompanied by a parent, guardian or licensed
24 driver at least ~~20~~ 25 years of age. The parent, stepparent or guardian, or a spouse
25 or employer pursuant to section 1302, subsection 1, paragraphs B and C, must
26 certify the person's driving time on a form prescribed by the Secretary of State.
27 A parent, stepparent, guardian, spouse or employer who certifies a driving log
28 pursuant to this subsection and was not the licensed driver accompanying the
29 applicant must provide the name and address of the licensed driver who
30 accompanied the applicant for the majority of the ~~35~~ 70 hours of driving. The
31 Secretary of State may complete the certification for an applicant at least 18 years
32 of age and who has no parent, stepparent, guardian, spouse or employer if the
33 applicant provides the name and address of the licensed driver who accompanied
34 the applicant for the majority of the ~~35~~ 70 hours of driving.

35 A person 21 years of age or older is not required to submit certification of driving
36 time to the Secretary of State.

37 **Sec. 4. 29-A MRSA §1311, sub-§1, ¶B**, as enacted by PL 2003, c. 286, §4, is
38 amended to read:

1 B. Operate a motor vehicle between the hours of ~~12 a.m.~~ 9 p.m. and 5 a.m.; or

2 **Sec. 5. 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 and intranet services.

7 **Sec. 6. 29-A MRSA §1354, sub-§3**, as amended by PL 2011, c. 556, §13, is
8 further amended to read:

9 **3. Commercial driver education school license requirements.** With assistance
10 from the Technical Review Panel established in subsection 6, the Secretary of State shall
11 adopt rules governing ~~the~~ curriculum, facilities, operations, including record-keeping
12 requirements, and issuance and renewal of licenses for noncommercial driver education
13 schools and commercial driver education schools and instructors. The rules must allow
14 that the portion of a course of training provided by a driver education school consisting of
15 classroom instruction may be taught interactively through the use of communications
16 technology so that a person taking the course need not be physically present in a
17 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. 7. 29-A MRSA §1354, sub-§10** is enacted to read:

5 **10. Performance bond.** The Secretary of State shall require a driver education
6 school licensed pursuant to subsection 2 to provide a performance bond to guarantee the
7 performance and discharge of the duties required under this subchapter.

8 **Sec. 8. 29-A MRSA §2119, sub-§3**, as amended by PL 2011, c. 654, §7, is
9 repealed.

10 **Sec. 9. 29-A MRSA §2119, sub-§4** is enacted to read:

11 **4. Penalty.** Violation of this section is a Class E crime.

12 **Sec. 10. Secretary of State directed to amend rules governing driver**
13 **education instructor licensing requirements.** Before January 1, 2014, the
14 Secretary of State shall amend rules authorized by the Maine Revised Statutes, Title
15 29-A, section 153 and section 1354, subsection 3 governing driver education instructor
16 licensing requirements to clarify that a criminal background check must be conducted for
17 a driver education instructor before a license is issued and a criminal background check
18 may not be conducted for a driver education instructor when a license is renewed. Before
19 January 1, 2014, the Secretary of State shall amend rules governing driver education
20 instructor licensing requirements to clarify that completion of a basic first aid course
21 approved by the American Red Cross or National Safety Council is required only for
22 issuance of a license and not upon renewal of a license.

23 **Sec. 11. Secretary of State directed to amend rules governing driver**
24 **education.** Before July 1, 2014, the Secretary of State shall amend rules authorized by
25 the Maine Revised Statutes, Title 29-A, section 153 and section 1354, subsection 3
26 governing minimum qualifications, standards and procedures for the licensure of driver
27 education schools to permit the use of communications technology as defined in Title
28 29-A, section 1354, subsection 1, paragraph B-1 for driver education instruction.

29 **Sec. 12. Effective date.** Those sections of this Act that enact the Maine Revised
30 Statutes, Title 29-A, section 1354, subsection 1, paragraph B-1; amend section 1354,
31 subsection 3; and enact section 1354, subsection 10 take effect July 1, 2014.

32 **SUMMARY**

33 This bill does the following.

34 1. Current law provides that a person who is 15 years of age or older may apply for a
35 driving instruction permit, except that a person who has not attained 18 years of age must
36 complete a course in driver education before applying for an instruction permit. The bill
37 clarifies that an instruction permit may be issued only by the Secretary of State and not by
38 a driver education school or instructor.

1 2. Under current law, the permit requires the permittee to be accompanied by a
2 licensed operator who is at least 20 years of age. The bill requires that the accompanying
3 driver be at least 25 years of age.

4 3. The bill provides that a person under 21 years of age may not apply for a license
5 unless the person has completed 70 hours of driving, including 10 hours of night driving,
6 while accompanied by a parent, guardian or licensed driver at least 25 years of age.

7 4. The bill provides that an intermediate license holder may not operate a motor
8 vehicle between the hours of 9 p.m. and 5 a.m.

9 5. The bill provides that classroom instruction provided by a driver education school
10 licensed in this State may be taught interactively through the use of communications
11 technology, including the Internet, so that persons taking the classroom portion of the
12 driver education requirement need not be physically present in a classroom. The effective
13 date for this change in law is July 1, 2014. The bill directs the Secretary of State, before
14 July 1, 2014, to amend current rules governing the licensure of driver education schools
15 to permit the use of communications technology for driver education instruction.

16 6. The bill requires a driver education school to provide a performance bond to
17 guarantee its performance and discharge of duties.

18 7. The bill changes a violation of the prohibition against engaging in text messaging
19 while driving from a traffic infraction to a Class E crime, formerly known as a
20 misdemeanor.

21 8. The bill directs the Secretary of State to amend current rules governing driver
22 education instructor licensing requirements before January 1, 2014 to clarify that a
23 criminal background check must be conducted for a driver education instructor before a
24 license is issued and not when a license is renewed and that the completion of a basic first
25 aid course is required only for issuance of a license and not upon renewal.