

MAINE STATE LEGISLATURE

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REPORT OF
THE MOTORCYCLE DRIVER EDUCATION STUDY COMMITTEE

SUBMITTED TO THE 115th LEGISLATURE,
SECOND REGULAR SESSION

FEBRUARY 28, 1992

INTRODUCTION

Public Law 1991, c. 522, "An Act to Improve Motorcycle Driver Education" (Appendix A), required the Secretary of State to conduct a study of potential improvements to the Motorcycle Driver Education Program and to report to the Second Regular Session of the 115th Legislature. The Act mandated the following areas of study:

1. The feasibility of requiring a 15 hour hands on motorcycle course;
2. The feasibility of requiring a motorcycle course for first time motorcycle permit applicants of all ages;
3. The availability of facilities for an expanded program;
4. The fee structure of the current program and the costs of implementing an expanded program; and
5. Any other issues deemed appropriate.

The Motorcycle Driver Education Study Committee (Appendix B) developed an overview of motorcycling in Maine, as well as national trends, and studied each of the required areas. Having completed its work, the Committee respectfully submits this report to the Legislature.

OVERVIEW

To make motorcycle education recommendations, the Committee studied motorcycle statistics in Maine and the nation and the current process for motorcycle permit applicants.

Figure 1 shows driver license and motorcycle license endorsements in Maine for calendar year 1990.

Figure 1

Driver Licenses and Motorcycle Endorsements

Calendar Year 1990

Total driver licenses in Maine 902,367
Driver licenses by age groups (16-40)

	<u>16-20</u>	<u>21-25</u>	<u>26-30</u>	<u>31-35</u>	<u>36-40</u>
	66,294	90,558	105,058	108,461	102,438
(%)	(7.3)	(10.0)	(11.6)	(12.0)	(11.3)
[% of age group with motorcycle endorsement]					
	[1.5]	[7.1]	[13.1]	[16.8]	[16.7]

Total motorcycle endorsements in Maine 90,299
Motorcycle endorsements by age groups (16-40)

	974	6,393	13,776	17,974	17,092
(%)	(1.0)	(7.1)	(15.3)	(19.9)	(18.9)

Source: Motor Vehicle Division

Figure 2 gives Maine motorcycle accident data compared with all motor vehicle accidents.

Figure 3 reveals motorcycle accident information on the national level. Figure 4 shows motorcycle registrations for fiscal years 1987-91.

Figure 2

Accidents and Accident Drivers

Calendar Year 1990

Total motor vehicle accidents in Maine	37,468				
Total drivers involved in an accident	60,342				
Drivers involved in an accident by age groups (16-40)					
	<u>16-20</u>	<u>21-25</u>	<u>26-30</u>	<u>31-35</u>	<u>36-40</u>
	10,127	8,584	7,994	6,776	5,882
(%)	(16.8)	(14.2)	(13.2)	(11.2)	(9.7)
Total motorcycle accidents in Maine	667				
Motorcycle drivers involved in an accident	603 ¹				
Motorcycle accident drivers by age groups (16-40)					
	123	128	115	88	61
(%)	(20.4)	(21.2)	(19.1)	(14.6)	(10.1)

¹ Number of drivers for which age data is available

Source: Department of Public Safety

Under current Maine law, a person desiring to operate a motorcycle must obtain a motorcycle permit by passing a written test and a vision examination. Upon obtaining the permit, the person can ride a motorcycle during daylight hours without an accompanying licensed operator, but may not carry any passengers except persons holding a license with a motorcycle endorsement. The holder of a motorcycle permit must wear protective headgear when operating a motorcycle. Following receipt of the permit, a person may apply for a motorcycle road test. After successful completion of the road test, the Secretary of State issues the applicant a license with a motorcycle endorsement. The new motorcycle licensee must wear protective headgear for one year following successful completion of the road test, as must all passengers riding

Figure 3

National Motorcycle Accidents Statistics

1990 PRELIMINARY MOTORCYCLE ACCIDENT STATISTICS

		Registrations	Reported Accidents	Accidents Per 10,000 Registrations	Fatalities	Fatalities Per 10,000 Registrations	Fatalities Per 100 Accidents
National							
	1990	4,088,297	103,650	253.53	3,172	7.76	3.06
	1989	4,218,985	106,261	251.86	3,105	7.36	2.92
State Data - 1990							
Alabama	(1,3,7,9,15,20-22,26,27)	42,939	1,245	289.95	32	7.45	2.57
Alaska	(1,3,7,9,11,16,20-22,26,27)	11,542	143	123.90	10	8.66	6.99
Arizona	(1,3,5,7,12,16,20-22,26,27)	78,876	2,705	342.94	78	9.89	2.88
Arkansas	(1,7,9,11,15,20-22,26,27)	14,537	1,024*	704.41	36	24.76	3.52
California	(1,7,9,11,16,20-22,26,27)	640,745	20,386	318.16	569	8.88	2.79
Colorado	(1,7,8,11,17,20-22,26,27)	108,375	1,824	168.30	68	6.27	3.73
Connecticut	(1,7,8,11,17,20-22,26,27)	46,258	1,346	290.98	49	10.59	3.64
Delaware	(1,3,7,16,20-22,26,27)	6,949	250	374.15	10	14.39	3.85
Dist. of Col.	(1,3,7,11,15,20-22,26,27)	2,500*	362	1,448.00	4	16.00	1.10
Florida	(1,7,10,12,16,20-22,26,27)	195,507	6,584	336.59	214	10.94	3.25
Georgia	(1,4,7,8,11,16,20-22,26,27)	68,764	2,037	296.23	52	9.02	3.04
Hawaii	(1,7,17,20-22,26,27)	12,720	600*	471.70	16	12.58	2.67
Idaho	(1,3,7,9,15,20-22,26,27)	33,602	518	154.16	22	6.55	4.25
Illinois	(1,3,7,10,16,20-22,26,27)	205,449	4,500*	219.03	152*	7.40	3.38
Indiana	(1,7,9,11,17,20-22,26,28)	96,298	2,949	306.24	82	8.52	2.78
Iowa	(1,7,16,20-22,26,27)	133,313	1,575	118.14	37	2.78	2.35
Kansas	(1,7,8,11,16,20-22,26,27)	61,000*	1,066	174.75	35	5.74	3.28
Kentucky	(1,7,9,11,16,20-22,26,27)	31,595	1,132	358.28	38	12.03	3.36
Louisiana	(1,7,9,11,14,20-22,26,27)	71,750	1,000	139.37	45	6.27	4.50
Maine	(1,2,7,16,20-22,26,27)	33,932	667	196.57	19	5.60	2.85
Maryland	(1,7,8,11,16,20-22,26,27)	54,722	1,714	313.22	45	8.22	2.63
Massachusetts	(1,7,17,20-22,26,27)	71,624	1,750	244.33	54	7.54	3.09
Michigan	(1,7,16,20-22,26,27)	134,319	3,189	237.42	82	6.10	2.57
Minnesota	(1,2,7,8,11,16,20-22,26,27)	120,081	1,735	144.49	50	4.16	2.88
Mississippi	(1,7,9,15,20-22,26,27)	12,014	650*	541.04	20*	16.65	3.08
Missouri	(1,7,9,11,16,20-22,26,27)	85,582	1,728	201.91	49	5.73	2.84
Montana	(1,7,8,11,16,20-22,26,27)	21,094	389	184.41	15	7.11	3.86
Nebraska	(1,7,16,20-22,26,27)	22,375	496	221.68	6	2.68	1.21
Nevada	(1,3,7,15,20-22,26,27)	18,445	763	413.66	24	13.01	3.15
New Hampshire	(1,7,10,16,20-22,26,27)	35,802	675*	188.54	18	5.03	2.67
New Jersey	(1,7,9,11,16,20-22,26,27)	78,915	2,255*	285.75	59	7.48	2.62
New Mexico	(1,3,7,11,16,20-22,26,27)	34,166	1,158	338.93	44	12.88	3.80
New York	(1,7,17,20-22,26,27)	187,595	4,720	251.47	136	7.25	2.88
North Carolina	(1,7,16,20-22,26,27)	56,799	2,087	367.44	72	12.68	3.45
North Dakota	(1,3,7,9,11,17,20-22,26,27)	20,113	204	101.43	7	3.48	3.43
Ohio	(1,7,11,14,20-22,26,28)	216,133	4,796	221.90	165	7.63	3.44
Oklahoma	(1,7,10,15,20-22,24,26,27)	61,500*	1,340	217.89	39	6.34	2.91
Oregon	(1,3,7,8,11,16,20-22,26,27)	66,280	578	87.21	27	4.07	4.67
Pennsylvania	(1,7,9,19,20-22,26,27)	163,508	3,369	206.04	107	6.54	3.18
Rhode Island	(1,3,7,9,16,20-22,26,27)	25,945	188	72.46	14	5.40	7.45
South Carolina	(1,7,8,11,16,20-22,26,27)	29,715	1,612	542.49	50	16.83	3.10
South Dakota	(1,7,11,16,20-22,26,27)	23,719	492	207.43	23	9.70	4.67
Tennessee	(1,7,10,16,20-22,24,26,27)	80,299	1,500*	199.26	61	7.60	3.81
Texas	(1,3,7,15,20-22,26,27)	170,642	5,709	334.56	194	11.37	3.40
Utah	(1,3,7,9,16,20-22,26,28)	26,057	956	366.89	19	7.29	1.99
Vermont	(1,7,8,10,11,16,20-22,26,27)	15,199	164	107.90	7	4.61	4.27
Virginia	(1,3,7,11,16,20-22,26,27)	59,440	1,732	291.39	57	9.59	3.29
Washington	(1,7,9,17,20-22,26,27)	103,301	2,146	207.74	60	5.81	2.80
West Virginia	(1,3,7,15,20-22,26,27)	21,404	567	264.90	16	7.48	2.82
Wisconsin	(1,7,9,16,20-22,26,28)	160,642	2,713	168.88	57	4.17	2.47
Wyoming	(1,7,10,16,20-22,26,27)	14,016	252	179.79	7	4.99	2.78

* Estimated

Footnotes

Registrations: (vehicle types included)

1. Street-legal motorcycles (on-highway and dual purpose)
2. Off-highway motorcycles
3. Mopeds or motorized bicycles (50 cc or less)
4. 3 or 4-wheeled all-terrain vehicles (sometimes known as ATVs or ATCs)
5. Other types of vehicles
6. No description available

Accidents: (vehicle types included)

7. Street-legal motorcycles (on-highway and dual purpose)
8. Off-highway motorcycles
9. Mopeds and motorized bicycles (50 cc or less)
10. 3 or 4-wheeled all-terrain vehicles (sometimes known as ATVs or ATCs)

11. Vehicle types 8, 9 or 10 included only if accident or fatality occurs on public roads
12. Other types of vehicles
13. No description available

Criteria for Reporting Accidents:

14. \$0-\$199 property damage threshold
15. \$200-\$399 property damage threshold
16. \$400-\$599 property damage threshold
17. Over \$600 property damage threshold
18. When vehicle is towed
19. No description available/other

Accidents Include:

20. Motorcycle-related accident where property damage occurs (see reporting criteria above.)

21. Motorcycle-related accident where personal injury or fatality occurs
22. Motorcycle-related accidents occurring on public streets/highways
23. Motorcycle-related accidents occurring on nonpublic property
24. Motorcycle-related accidents occurring on public off-highway lands
25. No description available

Fatalities Include:

26. Motorcycle operators fatally injured in a motorcycle accident
27. Motorcycle passengers fatally injured in a motorcycle accident
28. Others fatally injured in a motorcycle accident, such as pedestrians, car occupants, bicyclists, etc.
29. No description available

Source: Compiled by Motorcycle Safety Foundation, Irvine, CA., as of July 26, 1991.

with the licensee during the same one year period. (See Appendix C for text of relevant laws.)

If a motorcycle permit applicant is between the ages of 16 and 20, the person must complete the Maine Motorcycle Safety Education Course (MMSEC), created by PL 1986, c.694, effective March 1, 1987. Upon completion of the course, the person receives a motorcycle permit without further testing by the Secretary of State until the road test. MMSEC is an eight hour classroom course taught by instructors certified by the Secretary of State. The Course uses a curriculum developed by the Motorcycle Safety Foundation (MSF), a national non-profit traffic safety organization funded by motorcycle manufacturers and related industries. MSF provides materials and consultation to MMSEC without charge.

MMSEC instructors must be Class A commercial driver instructors, Class B commercial driver instructors affiliated with Class A commercial driving schools, or driver education instructors approved by the Maine Department of Education. These individuals gain certification by completing a 24 hour course designed by MSF and given by the Secretary of State, who provides certification for no fee. Possession of a valid Maine driver's license with a motorcycle endorsement is a prerequisite to certification. The Secretary of State also conducts, without charge, continuing education courses required to maintain instructor certification and monitors instructors to ensure compliance with the MSF curriculum. A \$2 fee from each motorcycle registration provides funding

for the motorcycle program. Figure 4 shows the expenses and income for MMSEC. There are currently 36 civilian and 8 military instructors certified to conduct MMSEC throughout Maine. The Secretary of State does not regulate fees charged to students of the Course. Fees for the eight hour course vary by areas within the state and range from \$50 to \$120, with \$70 being the average. The average is not unreasonable in the Committee's view.

Figure 4

MMSEC Costs and Revenue

Costs			
<u>FY</u>	<u>Personal services</u>	<u>All other</u>	<u>Total</u>
91	\$121,395	\$ 14,845	\$136,240
92	\$139,836 ¹	\$ 16,214	\$156,050
Revenue			
<u>FY</u>	<u>Motorcycle registrations</u>	<u>Revenue²</u>	
87	37,965	\$ 75,930	
88	33,329	\$ 66,658	
89	36,510	\$ 73,020	
90	32,759	\$ 65,518	
91	32,100	\$ 64,200	

¹ Adjusted for savings from furlough and shutdown days

² \$2.00 per motorcycle registration

Source: Motor Vehicle Division

DISCUSSION

Figure 5 shows a comparison of motorcycle operators between the ages of 16 and 20 involved in motorcycle accidents before the creation of MMSEC and a similar group who had completed MMSEC. Given this information, the Motorcycle Driver Education Study Committee concludes that MMSEC has been effective in reducing motorcycle accidents among motorcycle operators between the ages of 16 and 20. Considering the large number of accidents involving motorcycle operators up to age 40, as shown in Figure 2, the Committee recommends that all motorcycle permit applicants be required to attend the motorcycle safety program prior to receiving a motorcycle permit. This recommendation stems from the Committee's belief that operating a motorcycle is substantially different from operating a four wheel passenger vehicle, and therefore special education as a prerequisite to a motorcycle permit is justified. The Committee believes that this recommendation will improve highway safety by exposing all potential motorcycle operators to information concerning safe operation. The Committee determined availability of this course to be adequate to meet demand.

Figure 5

Comparison of 16-20 Year Old Motorcycle Drivers

	<u>Trained</u> <u>(completed MMSEC)</u>	<u>Untrained</u> <u>(no MMSEC)</u>
Years	1988-89	1985-86
Sample size	2238 ¹	1331 ²
Persons from sample involved in motorcycle accidents	67 (2.9%)	68 (5.1%)

¹ 1988 and 1989 MMSEC graduates

² Random selection of persons 16-20 years old receiving
motorcycle endorsements in 1985 and 1986

Source: Motor Vehicle Division

The Committee also studied requiring a 15 hour hands on course prior to obtaining a permit. Such a course is available through MSF, which could certify instructors. The 15 hour course consists of eight classroom hours mingled with seven hours of riding time on a motorcycle range. Given that riding a motorcycle requires different skills than operating a car or truck, a hands on course which provides riding experience prior to operating on a permit with no accompanying driver is superior to a classroom only course. However, instructor certification involves 120 hours and a fee of several hundred dollars in addition to travel expenses to the few training sites available nationally, as well as meals and lodging. At this time there are not sufficient instructors available to teach this course statewide, and finding suitable range sites has been difficult. Funds are insufficient to initiate the hands on training as a state project. Not only are classrooms

necessary, but also small training motorcycles and large areas suitable for ranges. Concluding that the 15 hour course is desirable, the Committee recommends that if MSF hands on courses become available using MSF certified instructors, then completion of such a course should result in the issuance of a permit in the same manner as completion of the eight hour classroom course. (Note that an exception would be a person who applied for a motorcycle permit but did not already have a Maine driver's license. This person would not have been exposed to education concerning the rules of the road, since the 15 hour course does not cover Maine traffic rules. Therefore, the person would have to complete the written permit exam.) The Secretary of State should also certify and monitor hands on instructors and approve the classroom and range facilities to ensure compliance with the MSF curriculum and range safety practices.

The availability of certified instructors is a significant issue in requiring MMSEC of all motorcycle permit applicants. In reviewing the process of instructor certification, the Committee found a disparity in qualifications for the certification process. In establishing MMSEC, the Secretary of State responded to legislative intent in requiring driver education experience prior to teaching the motorcycle course. The addition of Class B commercial driving instructors, working under the supervision of a Class A school, effectively increased the instructor candidate population. However, the Class B instructor comes to MMSEC without the college level courses

required of the Class A commercial or public school driver education instructor. Someone wishing to teach the 15 hour MSF course would come to the Secretary of State without bearing the cost of licensing born by commercial instructors and without the courses required of Class A and public school instructors. The MMSEC program and the hands on course have very rigid curricula. Completion of the 24 hour certification program for MMSEC and the 120 hour program for the 15 hour course is sufficient, in the Committee's view, to teach the appropriate courses without further training.

The Committee believes that motorcycle riding experience is essential to proper teaching of the courses, and therefore recommends that MMSEC instructors complete the MSF Experienced Rider Course, an eight hour range course only for experienced riders, as part of their certification requirements. Completion of the Experienced Rider Course should take place at least once every three years to maintain certification. Persons certified by MSF to teach the 15 hour course are also certified to instruct the Experienced Rider Course and must recertify with MSF every three years, and so should be exempt from completing the range course. The Committee also recommends that prospective instructors complete an extended motorcycle road test to demonstrate their ability to operate a motorcycle in real traffic situations. In order to allow time for current MMSEC instructors to meet the additional requirement, the Committee recommends that current instructors must complete the Experienced Rider Course prior to December 31, 1994 in order to maintain certification beyond that date. There are

sufficient instructors in Maine to offer the Experienced Rider Course to all current instructors and to future applicants for certification.

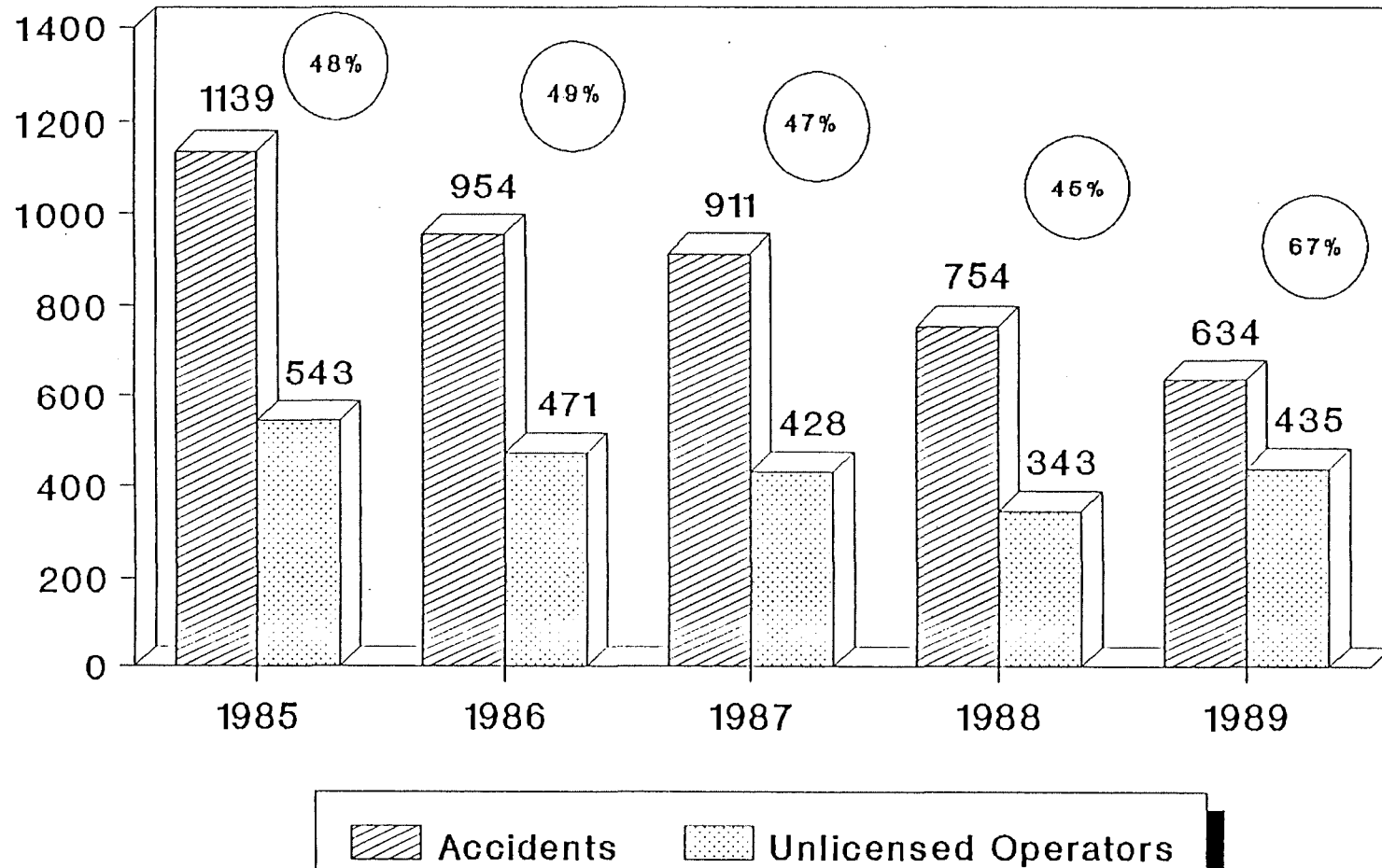
As Figure 4 indicates, the funds collected from motorcycle registrations do not cover the expenses of MMSEC. The Committee therefore recommends that the Secretary of State establish fees for certification of instructors and for inspection of classroom and range sites. The Committee recommends that an instructor pay an annual certification fee of \$100, and an additional fee of \$50 for inspection of each classroom site. An additional recommendation is a fee of \$50 for each range used in the 15 hour course or Experienced Rider Course. Inspection of classrooms ensures a safe location, proper space and equipment for the curriculum, and compliance with local land use ordinances. Range inspections determine the suitability of the range surface and whether or not the range markings comply with MSF requirements.

The Committee does not believe the average fees for completion of MMSEC are unreasonable. If the state limits fees charged by instructors of the current program or of a hands on program, it is inevitable that some state subsidization would occur or numerous instructors would terminate their involvement. Because such funds are not available, and because the Committee concludes that market forces are the best determinant of fees, especially if the course expands to all ages, the Committee recommends that the state take no action regarding fees for completion of the courses. The number of instructors available should

increase as demand for the program increases. If the 15 hour course becomes available, and if the public perceives the hands on training as valuable, more and more instructors will submit to the expensive and lengthy MSF certification process. The Committee acknowledges that the increased cost of the 15 hour course, both in terms of instructor certification and facilities required, may result in a higher fee for the hands on training than the classroom only course. Members of the private sector and public service groups may find it desirable to sponsor MSF certification and the 15 hour courses. The Committee therefore recommends that the state encourage such groups in ways which will not require public funds, such as acting as a coordinator for instructors and sponsors, providing information to members of the public interested in hands on training, and, as noted above, granting a permit upon completion of the 15 hour course.

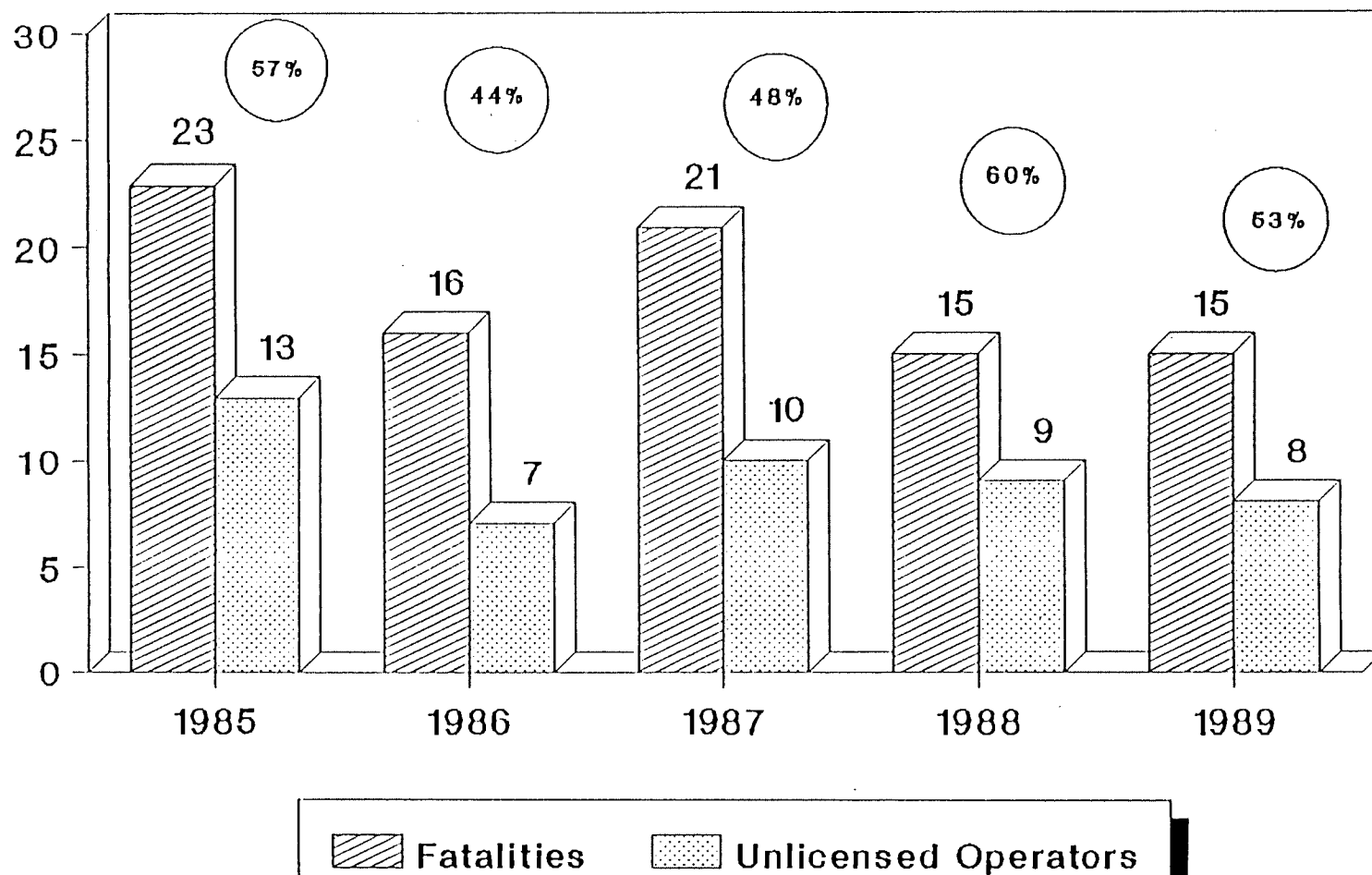
In conducting its work, it became apparent to the Committee that there are a significant number of motorcycle operators in Maine who have neither a permit nor a motorcycle endorsement on their licenses. A review of 1991 calendar year fatal motorcycle accidents revealed that 44 percent of the motorcycle drivers were not authorized to operate a motorcycle. (Appendix D) This is also a national problem, according to the Motorcycle Safety Foundation. The Committee determined that the problem of the unpermitted and unlicensed driver was an appropriate matter of study. Figures 6 and 7 show unlicensed operators in fatal and non-fatal motorcycle accidents in calendar years 1985-89.

MOTORCYCLE ACCIDENTS



Source: Department of Public Safety

MOTORCYCLISTS FATALITIES



Source: Department of Public Safety

The Committee considered and rejected the concept of requiring a motorcycle owner to have a motorcycle endorsement or permit prior to registering the vehicle. Because evidence of insurance is now required prior to registration of a vehicle, the Committee also studied the possibility of requiring insurance companies to demand proof of a motorcycle endorsement or permit before providing coverage to a motorcycle owner or authorized operators. Information from the Bureau of Insurance indicated such a requirement might raise insurance rates or cause the already limited number of motorcycle carriers to decline further. The Committee does recommend that the Bureau of Insurance, in conducting surveys of insurance carriers, gather information as to which companies offer a discount for completion of a motorcycle safety course and make that information available to consumers. (Appendix E contains current discount information.) Another recommendation is that the Motorcycle Safety Foundation work with the insurance industry to show the effectiveness of their programs and to encourage insurers to offer discounts for completion of the MSF programs. These considerations stem from the Committee's conclusion that a reduced insurance premium would be a strong incentive to complete a required program and obtain a motorcycle endorsement.

The Committee recommends that the Secretary of State make information concerning permission to operate a motorcycle readily available to insurance companies obtaining driver records. Also, the Committee recommends that the Secretary of State add information to passenger and

commercial vehicle drivers' manuals about safely sharing the road with motorcycles.

The Committee learned that many motorcycle operators renew their permits year after year without ever taking a road test and obtaining the motorcycle endorsement. The Committee believes it is important to take steps to break this cycle of getting a permit for the motorcycle riding season but never obtaining a motorcycle license endorsement. To that end, the Committee recommends that, once a motorcycle permit has expired, the Secretary of State require completion of another motorcycle course before issuing another permit.

Finally, the Committee recommends that a study of motorcycle education and its effectiveness be repeated in five years to determine if recommendations adopted have reduced motorcycle accidents or increased compliance with licensing laws. The Secretary of State and Department of Public Safety should proceed jointly to develop data gathering methods for studying motorcycle operators and motorcycle accidents in anticipation of a future study. If the study shows that the 15 hour course is effective in reducing motorcycle accidents, then a future Legislature should consider the feasibility and desirability of that course prior to obtaining a motorcycle permit.

SUMMARY OF RECOMMENDATIONS

Based on its study of numerous aspects of motorcycle operation in Maine and the motorcycle driver education programs available, the Motorcycle Driver Education Study Committee makes the following recommendations:

1. Require the eight hour Maine Motorcycle Safety Education Course of all first time motorcycle permit applicants;
2. Accept completion of the Motorcycle Safety Foundation's 15 hour hands on course in lieu of the eight hour program;
3. Eliminate the requirements of driver education experience prior to teaching the required course, provided the instructor has completed certification requirements of the Secretary of State;
4. Establish fees for instructor certification and site inspection;
5. Require a permit holder to complete a road test during the period of the permit or complete a course prior to receiving another permit;

6. Encourage completion of the hands on course;
7. Encourage insurers to offer discounts for completion of a motorcycle education course;
8. Repeat the study after five years and put data gathering tools in place in anticipation of that study.

Legislation Creating the Motorcycle
Driver Education Study Committee

APPROVED

JUN 30 '91

BY GOVERNOR

CHAPTER

522

PUBLIC LAW

STATE OF MAINE

—

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

—

H.P. 1026 - L.D. 1499

An Act to Improve Motorcycle Driver Education

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

Sec. 1. 29 MRSA §583-A, first ¶, as amended by PL 1987, c. 415, §21, is further amended to read:

Effective March 1, 1987, 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 shall must demonstrate his ability to safely operate a motorcycle in the examination. ~~All licenses expire on December 31st of the year of issue.~~

Sec. 2. Study. The Secretary of State shall conduct a study of potential improvements to the Motorcycle Driver Education Program.

1. To assist in conducting the study, the Secretary of State shall form a committee consisting of the following: four Legislators, one Senator appointed by the President of the Senate and 3 members of the House of Representatives appointed by the Speaker of the House of Representatives; 2 representatives from the Department of the Secretary of State appointed by the Secretary of State; 2 representatives of the Department of Public Safety, appointed by the Commissioner of Public Safety; 2 representatives of United Bikers of Maine who are licensed motorcycle operators appointed by the Secretary of State; one representative of the Maine Motorcycle Dealers Association

appointed by the Secretary of State; and one certified motorcycle safety instructor appointed by the Secretary of State.

2. The study must evaluate the following:

A. The feasibility of adding 7 hours of actual riding instruction to the program's classroom instruction requirements and the feasibility of extending this requirement to drivers of all ages;

B. The availability of facilities for the expansion of the Motorcycle Driver Education Program;

C. The fee structure for the current program and projected costs for implementing the expanded riding portion of the program;

D. The feasibility of requiring all first-time recipients of a motorcycle operator's license or learner's permit to have successfully completed a motorcycle driver education program; and

E. Any other issues the Secretary of State determines appropriate.

3. The Secretary of State shall prepare and submit a report to the Second Regular Session of the 115th Legislature no later than March 1, 1992, containing specific findings, conclusions and recommendations for legislation. The Secretary of State shall provide copies of the report to the Executive Director of the Legislative Council.

4. Legislative members shall receive per diem reimbursement. Other members will be compensated for expenses.

Appendix B

Members of the Motorcycle Driver Education Study Committee

Appointed by the President of the Senate

Senator Raynold Theriault, Chair, Aroostook County

Appointed by the Speaker of the House

Representative Anne Larrivee, Vice-Chair, District 36
Representative Charles Heino, District 77
Representative Eldon McKeen, District 35.

Appointed by the Secretary of State

Gregory C. Hanscom, Deputy Secretary of State, Motor Vehicle Division.
Alton Judkins, Motorcycle Safety Coordinator, Motor Vehicle Division.

Appointed by the Commissioner of Public Safety

Michael Martin, Program Manager, Bureau of Highway Safety.
Trooper Kevin Conger, Maine State Police, Troop B, Gray.

Representing the United Bikers of Maine

Greig Perkins, President.
Mike Seaton, Vice President.

Representing the Maine Motorcycle Dealers Association

Duane Snow, President.

Representing the Certified Motorcycle Safety Instructors

James Fahey, Fahey's Driving Academy, Westbrook.

Committee Staff

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Statutes Relevant to Motorcycle Endorsements

530

CHAPTER 7
OPERATORS' LICENSES
SUBCHAPTER I
GENERAL PROVISIONS

§530. Motor vehicle licenses; classes; qualifications

1. License required.

A. A resident of the State may not operate a motor vehicle on any way or parking area unless licensed by the State to operate that motor vehicle. A license may not be issued until the Secretary of State is satisfied that the applicant is a proper person to receive it. For the purposes of this section, the term "parking area" means any area designed for use as access or parking for patrons and customers of establishments to which the public is invited.

B. Any person who operates a motor vehicle on any way or parking area without being duly licensed, without holding a valid instruction permit, or in violation of any condition or restriction placed on the use of an instruction permit or operator's license under the authority of this subchapter is guilty of a Class E crime, except that a person who operates a motor vehicle on a way or parking area and who possesses a license that has expired within the previous 30 days commits the traffic infraction of operating a motor vehicle with an expired license. Any person who operates a motor vehicle on a way or parking area and who possesses a license that has been expired more than 30 days is guilty of the Class E crime of operating without a license.

C. No person may receive an operator's license unless and until that person surrenders to the Secretary of State all valid licenses in that person's possession issued to that person by this or any other jurisdiction. No person may have more than one valid operator's license at any time unless specifically authorized by the Secretary of State. Notwithstanding the other provisions of this paragraph, no person is authorized to hold more than one valid commercial driver's license at any time.

2. License classes.

A. Each license issued by the Secretary of State shall indicate the class of license as described in paragraph B. The Secretary of State shall appropriately examine each applicant as provided in section 581, by examination or by such other means as the Secretary of State shall prescribe, according to the class for which the applicant applies. The Secretary of State shall appropriately endorse each applicant's license with respect to his qualifications to operate classes of vehicles.

B. There shall be 3 classes of licenses to become effective January 1, 1990. Any operator's license issued by the Secretary of State shall be invalid for the operation of vehicles unless endorsed as follows:

(1) Class A: any combination of vehicles with a gross combination weight rating or registered weight of 26,001 or more pounds, provided the gross vehicle weight rating of the vehicle or vehicles being towed is in excess of 10,000 pounds. A Class A license is a commercial driver's license. Holders of a Class A license may, with any appropriate endorsements, operate all vehicles in Class B and Class C;

(2) Class B: any single vehicle with a gross vehicle weight rating or registered weight of 26,001 or more pounds or any such vehicle towing a vehicle not in excess of 10,000 pounds gross vehicle weight rating. A Class B license is a commercial driver's license. Holders of a Class B license may, with any appropriate endorsements, operate all vehicles in Class C; or

(3) Class C: any single vehicle with a gross vehicle weight rating or registered weight of less than 26,001 pounds or any such vehicle towing a vehicle not in excess of 10,000 pounds gross vehicle weight rating. A Class C license is a commercial driver's license only if it carries an endorsement under section 530-B, subsection 4. Holders of a Class C license may, with any appropriate endorsements, operate all vehicles in that class.

Classes of licenses issued prior to January 1, 1990, continue to be valid until their normal expiration, except that Class 1, Class 2 and Class 3 licenses and licenses endorsed for the operation of school buses are not valid for the operation of commercial vehicles as defined in this Title after April 1, 1992. In the event the compliance date of April 1, 1992, mandated in the Federal Commercial Motor Vehicle Safety Act of 1986, Public Law 99-570, Title XII is extended, the Secretary of State may extend the April 1, 1992 date to coincide with any amended federal compliance date.

C. School buses, motorcycles or motor driven cycles shall not be given a separate class, but their use shall be provided for by special endorsement on their operator's license, except that nonresident school bus drivers picking up and discharging school children or driving in conjunction with school-related activities in this State shall be issued a certificate by the Secretary of State. This endorsement or issuance of a school bus certificate shall be made only after the applicant has successfully passed the examination designed for the specific vehicle as provided elsewhere in this Title.

D. Mopeds shall not be operated by any person who does not possess a valid operator's license of any class or who does not possess a license specially endorsed to operate a motorcycle, a motor driven cycle or a moped. Mopeds shall not be operated upon interstate highways or upon any way upon which a bicycle is prohibited.

3. Need for immediate examination. Any applicant who has made application for a "Class A" or "Class B" license and provides the Secretary of State with satisfactory evidence that an immediate examination is needed for employment purposes shall be examined as provided in this section within 7 days of such notification.

4. Operation of vehicle not within license class prohibited. Any person who operates a vehicle or combination of vehicles not included within the class of license issued to him is deemed to be operating a vehicle without being duly licensed.

5. Exceptions.

A. Nothing in this chapter may prevent a full-time or volunteer member of an organized municipal, state or federal fire department from operating any fire apparatus, or operators of recreational vehicles for personal use, operators of military vehicles including National Guard vehicles or operators of registered farm motor trucks bearing the letter "F" used within 150 miles of the registered owner's farm from operating those vehicles on a "Class C" operator's license.

B. Nothing in this section shall prevent any employer from imposing more stringent or additional qualifications, requirements, examinations or certificates than are imposed herein.

6. Transitional provisions. The following transitional provisions apply to persons holding valid Class 1, Class 2 or Class 3 licenses as of January 1, 1990.

A. Any person holding a valid Class 1 or Class 2 operator's license or school bus endorsement issued by the Secretary of State, as long as that license is not suspended or revoked, may apply to the Secretary of State to have that license endorsed with a Class A or Class B, double or triple trailer, bus, tank truck or hazardous material endorsement, without the payment of an additional fee and without examination other than the written test as long as the following conditions have been met.

(1) An applicant must certify that, during the 2-year period immediately prior to applying for a commercial driver's license, the applicant has not:

(a) Had more than one license except as provided for in the federal Commercial Motor Vehicle Safety Act of 1986, Public Law 99-570, Title XII;

(b) Had any license suspended, revoked or cancelled;

(c) Had any conviction for any type of motor vehicle violation that is a disqualification offense contained in the federal Commercial Motor Vehicle Safety Act of 1986, Public Law 99-570, Title XII; or

(d) Had any violation, other than a parking violation of a state or local law relating to motor vehicle traffic control arising in connection with any traffic accident and has no record of an accident in which the applicant was at fault.

(2) An applicant must provide evidence and certify that the applicant:

(a) Is regularly employed in a job requiring operation of a commercial motor vehicle;

530-A

(b) Has previously taken and passed a skills test given by a state with a classified licensing and testing system and that the test was behind the wheel of a representative vehicle for that applicant's driver's license classification; or

(c) Has operated, for at least 2 years immediately preceding application for a commercial driver's license, a vehicle representative of the commercial motor vehicle the applicant operates or expects to operate.

B. Any person holding a valid Class 3 operator's license issued by the Secretary of State may, without the payment of an additional fee, be issued a Class C commercial driver's license endorsed to operate vehicles carrying hazardous material upon successful completion of the written examination.

C. The Secretary of State may waive the written test for any person holding a Class 1 or Class 2 operator's license who wishes to obtain a Class A or Class B commercial driver's license provided that authority has been granted by the United States Secretary of Transportation.

D. This subsection is repealed April 1, 1992, except that the Secretary of State may extend the April 1, 1992 date to coincide with the federal compliance date.

§530-A. Motorized bicycle or tricycle operator

A motorized bicycle or tricycle shall not be operated by any person who does not possess a valid operator's license of any class or learner's permit or who does not possess a license specially endorsed to operate a motorcycle, motor driven cycle or moped.

§530-B. Commercial driver's licenses

The following requirements apply to commercial drivers' licenses.

1. **Compliance with federal law.** The State shall comply with the federal Commercial Motor Vehicle Safety Act of 1986, Public Law 99-570, Title XII, and any regulations adopted under that Act in the issuance and suspension of a commercial driver's license.

2. **Rulemaking.** The Secretary of State shall adopt rules, as provided in the Maine Administrative Procedure Act, Title 5, chapter 375, to ensure compliance with the federal Commercial Motor Vehicle Safety Act of 1986, Public Law 99-570, Title XII. These rules shall incorporate provisions to satisfy subsection 1, including, but not limited to, provisions that:

A. Strengthen commercial driver licensing and testing standards;

B. Make the State a full participant in the national commercial drivers license clearinghouse;

C. Continue to implement the requirement that commercial drivers have a single license;

D. Reduce and prevent commercial motor vehicle accidents, fatalities and injuries by disqualifying commercial drivers who have committed serious traffic or other designated offenses from operating commercial motor vehicles;

E. Remove quickly from the public highways of this State those commercial drivers who have shown themselves to be a safety hazard by:

(1) Operating or attempting to operate a commercial vehicle while having 0.04% or more by weight of alcohol in the blood;

(2) Refusing to submit to and complete a lawfully requested test to determine the blood-alcohol level; or

(3) By operating or attempting to operate a motor vehicle while under the influence of intoxicating liquor or drugs; and

F. Further implement the public policy of the State to provide maximum safety for all persons who travel or use the public highways of the State.

3. Classifications. Class A or Class B licenses and Class C licenses carrying any endorsement under subsection 4 are commercial drivers' licenses and shall be prominently marked.

4. Endorsements for double or triple trailers, buses, tank trucks or hazardous materials. Effective January 1, 1990, double or triple trailers, buses, tank trucks requiring a commercial driver's license and vehicles carrying hazardous materials requiring placarding by the United States Department of Transportation standards shall not be given a separate class, but their use shall be provided for by special endorsement on the commercial driver's license. This endorsement shall be made only after the applicant has successfully passed the examination for the specific vehicle as provided in this Title. In order for an operator to retain a hazardous material endorsement at the time of any renewal of a commercial driver's license, a reexamination of the hazardous material written test shall be required.

5. Air brakes. If an applicant for a commercial driver's license either fails the air brake component of the knowledge test or performs the skills test in a vehicle not equipped with air brakes, that person shall be restricted from operating a commercial motor vehicle equipped with air brakes and the license shall be endorsed accordingly.

6. Operation with a blood-alcohol level of 0.04% or more, or under the influence of intoxicating liquor or drugs. The Secretary of State shall suspend, without preliminary hearing, the commercial driver's license of any person whom the Secretary of State determines has operated or attempted to operate a commercial motor vehicle while having 0.04% or more by weight of alcohol in the blood or while under the influence of intoxicating liquor or drugs. The period of suspension shall satisfy the regulations adopted by the United States Secretary of Transportation under the Commercial Motor Vehicle Safety Act

of 1986, Public Law 99-570, Title XII, and the rules adopted by the Secretary of State under subsection 2.

§531. (Repealed)

§531-A. Persons exempt from license

The following persons are exempt from license under this chapter:

1. (Repealed)

2. **Certain nonresidents.** A nonresident who is at least 16 years of age and who has in his immediate possession a valid operator's license issued to him in his home state or country may operate a motor vehicle in this State only as an operator. Any nonresident who has not yet attained his 16th birthday may not operate a motor vehicle in this State.

§531-B. License or permit to be carried and exhibited on demand

Every licensee, including persons to whom a temporary driver's license has been issued, and every person to whom an instruction permit has been issued shall have his operator's license or instruction permit in his immediate possession at all times when operating a motor vehicle and shall hand over for inspection the same upon demand of a police officer. No person charged with violating this section shall be adjudicated to have committed a traffic infraction if he produces in court an operator's license or instruction permit theretofore issued to him and valid at the time of the issuance of the Uniform Traffic Ticket and Complaint. If the person charged shall exhibit to a law enforcement officer designated by the issuing officer such an operator's license or instruction permit, not later than 24 hours before the time set for the court appearance, then the traffic infraction proceeding shall be dismissed.

§532. Instruction permits

Any person who is at least 15 years of age and has completed a course in driver education as provided in section 583 may apply to the Secretary of State for an instruction permit. The Secretary of State may, in the Secretary of State's discretion, after an applicant has successfully passed all parts of an examination other than the driving test, issue to the applicant an instruction permit which shall entitle the applicant, while having the permit in the applicant's immediate possession, to drive a motor vehicle upon the public highways for a period of 18 months when accompanied by a licensed operator who has at least one year of driving experience and is at least 18 years of age and who is occupying a seat beside the driver, except in the event the permittee is operating a motorcycle or motor driven cycle. If any such licensed operator, while accompanying an applicant and occupying a seat beside the driver while the vehicle is being operated on a public way, has impaired mental or physical functioning as a result of the use of intoxicating liquor or drugs, that licensed operator is guilty of a Class E crime. The Secretary of State may, in the Secretary of State's discretion, issue a restricted instruction permit effective for a school year or for a restricted period to an applicant who is enrolled in a driver education program which includes practice driving. That instruction permit shall only be

valid when the applicant is accompanied by an instructor approved by the Commissioner of Education or a commercial driver education instructor licensed by the Department of Professional and Financial Regulation, Board of Commercial Driver Education. Any person who has not held a Maine operator's license during one of the 3 preceding years may apply for an instruction permit.

A person under the age of 17 years may not apply for an operator's license until 3 months after the date of issue of an instruction permit to that person, except as provided in section 538-A.

Any person, who is at least 16 years of age, may make application to the Secretary of State for a motorcycle, motor driven cycle or moped learner's permit to operate a motorcycle, motor driven cycle or moped, provided the requirements of section 583 have been met. The Secretary of State shall require that before the motorcycle, motor driven cycle or moped learner's permit is issued any applicant shall have passed a knowledge test relating specifically to the safe operation of a motorcycle, motor driven cycle or moped and a vision test. The knowledge test shall be in addition to the basic test of rules of the road and sign recognition required of all drivers applying for an original State of Maine operator's license.

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 be accepted until 60 days after expiration of said permit.

The fee for a motorcycle or motor driven cycle learner's permit shall be \$10, which shall include the first road test. The fee for all subsequent examinations shall be \$5.

All instruction permits shall automatically expire when the holder has successfully passed a complete examination. Such permits shall thereupon be surrendered to the Secretary of State.

No person to whom an instruction permit has been issued shall operate a motorcycle or motor driven cycle other than during daylight hours or carry any passenger on a motorcycle or motor driven cycle unless such passenger is the holder of a valid license to operate a motorcycle.

§532-A. Bus and school bus learners' permits

Any person who is at least 21 years of age may make application to the Secretary of State for a bus learner's permit to operate a bus. The Secretary of State shall require that, before the bus learner's permit is issued, any applicant must pass a knowledge test on the safe operation of a bus and a vision test. The instruction permit shall entitle the applicant, while having the permit in the applicant's immediate possession, to drive a bus upon the public highways for a period of one year when accompanied by a licensed bus operator who has at least one year of driving experience and is at least 22 years of age. The

§542. Expiration

All new and renewal licenses to operate motor vehicles expire at midnight on the license holder's 4th birthday next following the date of issuance of license. The fee for such license is \$18.

A person born on February 29th is, for the purposes of this section, considered as born on March 1st.

Section 542 as amended by PL 1991, c. 597, §18 took effect on October 17, 1991 and reads as follows:

§542. Expiration

All new and renewal licenses to operate motor vehicles expire at midnight on the license holder's 4th birthday next following the date of issuance of license. The fee for such license is \$16; except that, effective October 1, 1991, a fee of \$23 must be charged for each new and renewal commercial driver's license.

A person born on February 29th shall, for the purposes of this section, be considered as born on March 1st.

§542-A. Renewals

Prior to the expiration of a license to operate a motor vehicle, the Secretary of State shall send to the holder of such license a renewal application.

§543. Record to be kept by Secretary of State

A record of all applications for license and of all licenses and instruction permits issued shall be kept by the said Secretary of State.

§544. Special license for motorcycles or motor driven cycles

The Secretary of State shall prepare suitable blanks for applicants for a license to operate motorcycles or motor driven cycles and he shall issue licenses to competent persons to operate motorcycles or motor driven cycles, subject to the same general requirements with respect to a license to operate a motor vehicle.

A license to operate a motor vehicle shall not authorize the licensee to operate a motorcycle or motor driven cycle, unless the license shall so specify. Licensees to operate a motor vehicle may on application be granted a license to operate a motorcycle or motor driven cycle without paying an additional fee.

§544-A. Moped license

The Secretary of State shall prepare suitable blanks for applicants for a license to operate a moped. Applicants shall be at least 16 years of age. Before a moped license is granted, the applicant shall be required to pass such examination as the Secretary of State may require to determine his qualification to operate a moped.

The examination fee and license fee for a moped license shall be the same as for a Class 3 license.

§582. Fee; waiver

The Secretary of State may waive examination in the case of applicants who have been duly licensed by this State to operate a motor vehicle during any one of the 5 preceding calendar years without a lapse of 5 years since date of expiration of last 4-year license, or 3 preceding calendar years without a lapse of 3 years since date of expiration of last 2-year license. Any person required to take an examination to qualify him to operate a motor vehicle shall pay an examination fee to the Secretary of State prior to such examination being given. Such fee shall be for the purpose of defraying the expense of giving such examination and shall be according to the class of license for which application was made as follows:

1. Class A or B license. The examination fee for a Class A or B license shall be \$35, which shall include the first road test. All subsequent examination fees shall be \$15.

2. Class C license. The examination fee for a Class C license shall be \$10, which shall include the first road test. All subsequent examination fees shall be \$5.

2-A. Examination fee for endorsements. The examination fee for double or triple trailer, bus, tank truck or hazardous materials endorsements shall be \$10. All subsequent examination fees shall be \$5.

3. Exception. Any person required to take such examination because of advanced age or physical disability shall not be required to pay said examination fee.

4. Fees and waivers. If a driver license examination administered by the Department of Secretary of State requires an appointment and that appointment is not kept, an additional \$20 fee for a Class A or Class B examination and \$5 for a bus, school bus or Class C examination shall be assessed at the time of reappointment for examination. Upon notification of cancellation to the Department of Secretary of State, Division of Motor Vehicles, Driver Examination Section, 48 hours prior to the actual examination, the additional fee will be waived. This subsection does not apply to persons required to take an examination because of advanced age or physical disability.

5. (Repealed)

§583. Driver education required for minors

No operator's license, except to operate a moped only, may be issued to any person under 17 years of age unless that person presents a certificate of successful completion of a driver education course and examination given by a public secondary school, a private secondary school approved for attendance purposes by the Commissioner of Education, a vocational center or a vocational region; or a certificate of successful completion of a driver education course and examination given by a person or persons licensed by the Department of Professional and Financial Regulation, Board of Commercial Driver Education.

583-A

A successful course completion certificate may be issued to any person permitted by law to have an operator's license or a special restricted license provided the course meets the standards adopted by the Commissioner of Education, or, if applicable, the commercial driver education school licensing requirements under Title 32, chapter 95. A successful course completion certificate shall not be issued to any person who was not at least 15 years of age at the commencement of the driver education course.

§583-A. Motorcycle driver education

Effective March 1, 1987, 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.

§583-B. Motorcycle driver education program

A motorcycle driver education program shall consist of an 8-hour block of instruction directly related to the actual operation of motorcycles and motor driven cycles, emphasizing safety measures designed to insure greater awareness of careful and skillful operation of cycles. The Secretary of State may promulgate rules to prescribe the instructional program and shall approve all the programs.

An approved motorcycle driver education program may be offered by a public secondary school, a private secondary school approved for attendance purposes by the Commissioner of Education, a vocational center or a vocational region and adult education program conducted pursuant to Title 20-A, chapter 315, as a component of a driver education course approved pursuant to Title 20-A, chapter 316. Any motorcycle program offered independently of an approved driver education course may not be offered for credit toward a high school diploma.

§583-C. Instructors

No person may 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 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.

§583-D. Completion certificates

Each certified instructor shall issue to students who have successfully completed the prescribed motorcycle driver education course a completion certificate. When applying for a motorcycle or a motor driven cycle learner's permit, the applicant who has successfully completed the motorcycle driver education course may present the completion certificate to the Secretary of State who may then waive the required written examination to qualify for a motorcycle instruction permit.

§583-E. Instructor availability

When a certified instructor is not available to teach an approved motorcycle driver education program in a given geographic area of the State, the Secretary of State may assign a qualified instructor who shall be responsible for conducting the instructional program, provided that the requesting authority insures a minimum class size of 6 students wishing to complete the motorcycle driver education program. The Secretary of State shall charge a program fee comparable to other motorcycle driver education programs.

No instructor provided pursuant to this section may be considered a "teacher" within the meaning of Title 5, section 1001, subsection 25 or Title 20-A.

§583-F. Suspension and revocation

The Secretary of State may suspend, revoke or deny any certificate of completion of the motorcycle driver education program for just cause in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375.

The Secretary of State may suspend, revoke or deny any instructor's certificate for just cause in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375.

§584. (Repealed)

§585. Minors under 18; authorization

The Secretary of State shall not accept the application of any minor for an operator's license or instruction permit, unless:

1. Parent or guardian; signature. The application is signed by a parent or guardian having the custody of the minor or by the spouse of the minor, provided that the spouse is of the age of 18 years or over;
2. Employer; signature. In the event a minor has no father, mother, guardian or spouse who has attained the age of 18 years, the application is signed by the employer of the minor, provided that the employer has attained the age of 18 years; or

1. Information on sign. Any illuminated sign displayed on a truck tractor, semitrailer or motor truck shall bear the name or name and address of the owner of the vehicle, the lessee of the vehicle or the firm or corporation for which the operator is transporting property or goods. The Commissioner of Public Safety may authorize an illuminated sign to identify the cargo in transit.

2. Location of sign. Illuminated signs shall be displayed as follows.

A. On truck tractors, the illuminated sign shall be placed on the wind deflector on the roof of the truck tractor.

B. On a semitrailer, the illuminated sign shall be placed on the front portion of the semitrailer.

C. On a motor truck, the illuminated sign shall be placed on the front portion of the storage compartment above and behind that part of the vehicle referred to as the "cab."

3. Types of lights prohibited. Any illuminated sign authorized by this section shall not be lighted by a flashing, blinking or neon light.

4. Form, size and light of sign. Any illuminated sign shall be in a form, size and light so as not to distract or impair the vision of the operator of any other vehicle approaching, next to or departing from the motor vehicle with the illuminated sign.

This section shall not apply to the illuminated name and telephone number identification affixed to vehicles for the conveyance of passengers.

§1375. Studded tires

It shall be unlawful to operate a motor vehicle or combination of vehicles, except for fire department vehicles and except for school buses during the months school is in regular session, with tires having any metal studs, wires or spikes protruding from the tire tread or any other metal protuberance from the tire tread upon any public highway during the period from the first day of May to the first day of October. The Department of Transportation may extend the lawful use of studded tires. Notice of such extension shall be as determined by the Commissioner of Transportation.

The Commissioner of Transportation may, in special cases, grant permits, covering stated periods of time and upon proper application in writing, to permit the use of studded tires other than during the period of lawful use. The fee for such permits shall be not less than \$3, nor more than \$15, to be determined by the commissioner. The permit shall always be carried on the person of the operator or occupant, or in some easily accessible place in or about the vehicle therein described.

§1376. Protective headgear for motorcycle riders and motor driven cycle riders

Every person under the age of 15 years who rides as a passenger on a motorcycle or motor driven cycle or in a sidecar attached to a motorcycle or motor driven cycle or who operates an off-road motorcycle or motor driven cycle shall wear protective headgear.

No operator of a motorcycle or motor driven cycle nor parent nor guardian may allow a passenger under the age of 15 years to ride in violation of this section.

No operator of an off-road motorcycle or motor driven cycle under the age of 15 years may ride in violation of this section.

Every person who operates a motorcycle or motor driven cycle under the authority of a motorcycle or motor driven cycle learner's permit shall wear protective headgear.

Every person who operates a motorcycle or motor driven cycle for a period of one year following successful completion of the motorcycle or motor driven cycle driving test shall wear protective headgear.

Every person who rides as a passenger on a motorcycle or motor driven cycle or in a sidecar attached to a motorcycle or motor driven cycle which is operated by a driver within a period of one year following successful completion of the motorcycle or motor driven cycle driving test shall wear protective headgear. All protective headgear prescribed in this section shall conform with minimum standards of construction and performance as prescribed by the American National Standards Institute specification Z90.1 or by the Federal Motor Vehicle Safety Standard No. 218.

Violation of this section is a civil violation for which a forfeiture of \$25 for the first violation and \$50 for each subsequent violation shall be adjudged.

In furtherance of reasonable protective public policies, the Department of Public Safety, Bureau of Safety shall develop and implement a public information and education program designed to encourage helmet utilization by all motorcycle, motor driven cycle and moped riders.

The Bureau of Safety shall conduct a study to ascertain the nature and extent of any reduction in the number and rate of injury and death of riders relating to head injuries in motorcycle, motor driven cycle and moped accidents.

The Bureau of Safety shall prepare and submit a report to the 112th Legislature, no later than March 1, 1985, containing specific findings and conclusions regarding helmet usage, injuries, death and include any necessary implementing legislation.

ARTICLE 2.

TRUCKS AND TRAILERS

§1401. Trucks 15,000 pounds and over to carry flares

No person shall operate or cause to be operated upon the highways of the State any motor truck or truck tractor having a registration or short-term permit in excess of 15,000 pounds unless equipped with 2 red flags, and in addition thereto 3 flares, 3 red lanterns or 3 red emergency reflectors; except

Appendix D

1991 Fatal Motorcycle Accidents

FATAL LOCATION		OPERATOR	DATE	TIME	AGE	D.O.B.	LICENSE	CAUSE	1991 M/C Fatais	2AC	HELMET	U/R	K	O/P	Comment	Deceased
Honda	25	Wincham	3/16	11:37	30	07/25/60	Permit	2 Inexperience	Pen	Yes	R	1	0		Head-on	Operator
Suzuki	17	Athens	4/18	17:40	52	02/23/39	1	1 Alcohol & speed	No		R	1	0		Passenger survived	Operator
Harley	41	Parminston	4/27	16:26	30	09/20/60	1	2 Other failed to yield	No		R	1	2		Drinking MC driver	
Honda	47	Eddington	5/12	18:35	21	12/19/69	Active	3 1 Speed & Alcohol	No		R	1	0		No MC endorsement	Operator
Honda	45	Acton	5/18	10:10	21	12/24/69	Active	3 2 Other failed to yield	No		R	1	0		No MC endorsement	Operator (drinking)
Harley	50	Arundel	5/25	20:55	37	07/02/53	Mass.	1 Alcohol	No		R	1	0		Improper pass	Operator
Harley	57	Newcastle	6/10	16:40	31	02/01/60	1	2 Other crossed center	Pen	No	R	1	0		Head-on	Operator
Kawasaki	63	Westbrook	6/20	20:45	20	12/03/70	1	1 Speed & Alcohol	No		R	1	0		Lost control (curve	Operator
Honda	64	Wincham	6/22	12:33	21	02/04/70	Active	3 3 Other failed to yield	Pen	Yes	R	1	0		3 vehicles involved	Operator
Honda	65	Barpswell	6/26	17:28	32	01/29/59	1	2 Speed & Inexperience	No		R	1	0		Drinking MC driver	Operator
Honda	70	Naples	7/4	14:15	56	07/21/34	1	1 Speed	Yes		R	1	0		Lost control	Operator
Harley	72	Bolton	7/6	00:20	49	06/25/42	1	2 Other failed to yield	No		R	1	0		Other dr. drinking	Operator
Honda	76	Jay	7/12	15:00	18	05/03/73	1	1 Braked-skidded-ditch	Pen	No	R	1	0		Excess Speed	Operator
Honda	77	Blaine	7/13	13:00	50	04/20/41	1	1 Speed & Alcohol	No		R	1	0		Missed curve	Operator
Honda	82	Baring	7/18	19:55	17	10/07/73	Permit	2 Operator distracted	Pen	Yes	R	1	0		Head-on with pickup	Operator
Honda	83	Scarboro	7/23	01:35	23	01/02/68	Auto only	1 Speed & Alcohol	No		R	1	0		Quebec licence	Operator
Honda	89	Union	7/23	21:50	19	07/13/72	Active	3 2 Other Failed to yield	Pen	No	R	1	0		Under investigation	Operator
Kawasaki	90	Kennebunk	7/23	20:35	35	10/17/54	Active	3 1 Speed & Inexperience	No		R	1	0		Had been drinking	Operator
Honda	96	Greene	7/27	00:55	18	12/09/72	Permit	2 Lights didn't work	Pen	No	R	1	0		ATV Light didn't work	Operator (See
Honda	96	Greene	7/27	00:55	14	01/15/77	None	2 Lights didn't work	Pen	No	R	1	0		MC Light didn't work	Operator (See
Honda	104	Millinocket	8/4	03:36	21	06/07/70	Active	3 1 Alcohol, Speed & Inexpe	No		R	1	0		Massive head injuries	Operator
Honda		West Ather	8/7	16:20	26	11/16/64	N Availibl	Under investigation	Pen	No	R	2	0/?			6/23/73 Both O & P AT
Not	107	Greenville	8/9	00:16	26	11/02/60	Suspended	2 Speed & alcohol	No		R	1	0		Two Motorcyclists	Operator
Regist		Greenville	8/9	00:16	27	01/21/64	Suspended	2 Speed & alcohol	No		R	1	0		Two Motorcyclists	Operator
Honda	110	Bangor	8/9	02:14	19	08/25/71	Active	2 Speed & alcohol	Pen	No	R	2	0/?			(Pass) Both O & P
Harley	109	Rose	8/9	15:40	29	07/21/62	1	2 Other failed to yield	Pen	No	R	1	0		Passing line of cars	Operator
ATV		Glenburn	8/16	19:45	10	11/22/60	None	1 Cable on private road	None	No	R	1	0		Inexperience	Operator ATV
Kawasaki	115	Madawaska	8/17	20:15	33	09/20/57	1	2 Speed	Pen	No	R	1	0		Massive head injuries	Operator
Suzuki	106	Ellsworth	8/29	13:45	35	09/18/55	1	1 Pedestrian error	Pen	Yes	R	1	0			01/02/12 Pedestrian
Honda		Valdiboro	9/3	10:35	45	04/02/46	Active	2 Other inattention	PTX Pen	No	R	1	0		Other Lic. Suspended	Operator