

**§1352. Motorcycle rider education**

**1. Motorcycle rider education required.** Notwithstanding any other provision of law, a motorcycle learner's permit, license or endorsement may not be issued to a person, unless that person presents a certificate of successful completion of a motorcycle rider education course and examination approved by the Secretary of State.

[PL 2017, c. 229, §23 (AMD).]

**2. Education course.** The following provisions apply to motorcycle rider education courses.

A. A motorcycle rider education course must consist of classroom and hands-on instruction directly related to the actual operation of motorcycles, emphasizing safety measures designed to ensure greater awareness of careful and skillful operation of motorcycles. [PL 2017, c. 229, §23 (AMD).]

B. The course may be offered by a public secondary school, a private secondary school approved for attendance purposes by the Commissioner of Education, a career and technical education center or career and technical education region or adult education program conducted under Title 20-A, chapter 316. [PL 2017, c. 229, §23 (AMD).]

C. A motorcycle course offered independently of an approved driver education course may not be offered for credit toward a high school diploma. [PL 2017, c. 229, §23 (AMD).]

D. [PL 2015, c. 473, §16 (RP).]

E. The Secretary of State must approve a motorcycle rider education course. [PL 2017, c. 229, §23 (AMD).]

F. A person who successfully completes a motorcycle rider education course, approved by the Secretary of State, on a 2-wheel motorcycle may be licensed to operate a 2-wheel or 3-wheel motorcycle. [PL 2019, c. 337, §1 (NEW).]

G. A person who successfully completes a motorcycle rider education course, approved by the Secretary of State, on a 3-wheel motorcycle is restricted to the operation of a 3-wheel motorcycle. [PL 2019, c. 337, §1 (NEW).]

H. A person who holds a motorcycle learner's permit and who successfully completes the motorcycle road test, administered by the Secretary of State, on a 3-wheel motorcycle is restricted to the operation of a 3-wheel motorcycle. [PL 2019, c. 337, §1 (NEW).]

[PL 2019, c. 337, §1 (AMD).]

**2-A. Motorcycle rider education schools.** A person may not conduct a motorcycle rider education course unless the person is licensed as a motorcycle rider education school and employs instructors licensed by the Secretary of State.

A. A licensed motorcycle rider education school shall:

- (1) Provide a classroom, including a motorcycle riding range, in a permanent or temporary location approved by the Secretary of State;
- (2) Display a business sign at the licensed place of business;
- (3) Provide confirmation to the Secretary of State of liability insurance coverage for motorcycle riders operating on the motorcycle rider education school's motorcycle riding range;
- (4) Maintain a surety bond in the amount of \$10,000;
- (5) Ensure that each instructor employed by the motorcycle rider education school holds a valid motorcycle rider education instructor license;

(6) Ensure that each motorcycle owned, rented, leased or borrowed and used for any hands-on training course at the motorcycle rider education school is approved by the Secretary of State;

(7) Submit and retain copies of course forms provided by the Secretary of State. All records under this subparagraph must be retained by the motorcycle rider education school for 5 years; and

(8) Immediately notify the Secretary of State, in writing, whenever the location or mailing address of the motorcycle rider education school changes. [PL 2019, c. 337, §2 (NEW).]

B. The Secretary of State shall upon initial review or renewal of an application, and may at any other reasonable time, conduct an on-site inspection of a motorcycle rider education school's records, facilities and equipment to determine compliance with this subsection. [PL 2019, c. 337, §2 (NEW).]

[PL 2019, c. 337, §2 (NEW).]

**2-B. Penalty.** Operating a motorcycle rider education school without a license is a Class E crime. A licensed motorcycle rider education school that fails to comply with the requirements of subsection 2-A, paragraph A commits a traffic infraction.

[PL 2019, c. 337, §2 (NEW).]

**3. Instructors; instructor license requirements.** The Secretary of State shall adopt rules governing the issuance and renewal of instructor licenses. The following provisions apply to the licensing of instructors.

A. A person may not conduct a motorcycle rider education course unless licensed by the Secretary of State as a qualified instructor. [PL 2017, c. 229, §23 (AMD).]

B. The Secretary of State shall:

(1) Conduct, or authorize other qualified persons to conduct, instructor preparation courses; and

(2) Establish reasonable qualification standards and requirements for licensing. The requirements must include a provision to demonstrate proficiency in operating a motorcycle. [PL 2017, c. 229, §23 (AMD).]

C. [PL 1995, c. 505, §14 (RP); PL 1995, c. 505, §22 (AFF).]

D. The Secretary of State may, at any reasonable time, monitor and evaluate an instructor's performance to determine compliance with this section. [PL 2019, c. 337, §3 (NEW).]

E. The instructor shall immediately notify the Secretary of State, in writing, whenever the instructor's mailing address or name changes. [PL 2019, c. 337, §3 (NEW).]

F. An applicant for a license under this subsection shall submit to a Department of Public Safety, State Bureau of Identification background check upon initial and renewal application. The Bureau of Motor Vehicles shall request the background check from the State Bureau of Identification. A fee must be assessed at the time of initial and renewal application pursuant to Title 25, section 1541, subsection 6. [PL 2021, c. 216, §39 (NEW).]

G. The Secretary of State shall use state and federal criminal history record information for the purpose of screening motorcycle rider education instructors in order to determine whether issuance of a motorcycle rider education instructor license is granted or maintained. [PL 2021, c. 216, §39 (NEW).]

[PL 2021, c. 216, §39 (AMD).]

**3-A. Penalty.** Providing motorcycle rider education instruction without a license is a Class E crime. A licensed motorcycle rider education instructor that fails to comply with the requirements of

subsection 3, paragraph E or qualification standards and requirements established by the Secretary of State under subsection 3, paragraph B, subparagraph (2) commits a traffic infraction.

[PL 2019, c. 337, §4 (NEW).]

**4. Instructor availability.** When a licensed instructor is not available in a geographic area, the Secretary of State may assign a qualified instructor for the course subject to the following provisions.

A. The requesting authority must ensure a minimum class size of 6 students. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. The Secretary of State shall charge a course fee comparable to other motorcycle rider education courses. [PL 2017, c. 229, §23 (AMD).]

C. An instructor is not a "teacher" within the meaning of Title 5, section 17001, subsection 42 or Title 20-A. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

[PL 2017, c. 229, §23 (AMD).]

**5. Completion certificates.** An instructor shall issue a completion certificate to a student who has successfully completed the course. The certificate may be used as a temporary motorcycle permit for the operation of a motorcycle for 60 days from the course completion date displayed on the front of the certificate. The individual must be in possession of the certificate while operating a motorcycle, must wear a helmet and cannot carry passengers while operating a motorcycle. If "passed 3-Wheel BRC" is stamped on the front of the certificate, the individual is restricted to the operation of a 3-wheel motorcycle.

[PL 2021, c. 216, §40 (AMD).]

**6. Waiver of examination.** The Secretary of State may waive the required:

A. Written examination on receipt of a completion certificate; and [PL 1999, c. 470, §21 (NEW).]

B. Road examination on receipt of a certificate demonstrating successful completion of a motorcycle rider education course approved by the Secretary of State. An endorsement issued pursuant to this paragraph prohibits the holder from carrying a passenger for a period of 60 days following the date of issuance of the endorsement. [PL 2021, c. 216, §41 (AMD).]

[PL 2021, c. 216, §41 (AMD).]

**7. Suspension and revocation of license; hearings.** The Secretary of State may suspend, revoke or refuse to issue or renew a motorcycle rider education school or instructor license, or deny a certificate of completion, for just cause or for noncompliance with statutory and regulatory requirements in accordance with the Maine Administrative Procedure Act. A person refused a license, or denied a certificate of completion, or whose license is suspended or revoked may request a hearing with the Secretary of State. A requested hearing must be conducted pursuant to chapter 23, subchapter 3, article 3.

[PL 2019, c. 337, §5 (AMD).]

#### SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 65, §§A153,C15 (AFF). PL 1995, c. 65, §B14 (AMD). PL 1995, c. 505, §14 (AMD). PL 1995, c. 505, §22 (AFF). PL 1997, c. 776, §38 (AMD). PL 1999, c. 470, §21 (AMD). PL 2001, c. 671, §26 (AMD). PL 2003, c. 545, §5 (REV). PL 2005, c. 411, §1 (AMD). PL 2005, c. 577, §§20,21 (AMD). PL 2007, c. 383, §23 (AMD). PL 2013, c. 381, Pt. B, §§18, 19 (AMD). PL 2015, c. 473, §§15, 16 (AMD). PL 2017, c. 229, §23 (AMD). PL 2019, c. 337, §§1-5 (AMD). PL 2021, c. 216, §§39-41 (AMD).

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