

BUREAU OF MOTOR VEHICLES

Chapter 11: RULES GOVERNING MOTORCYCLE RIDER EDUCATION

Summary: These rules govern the licensure of motorcycle education instructors.

Section 1. Purpose. These rules describe qualification standards and requirements for the licensing motorcycle rider education instructors, define application procedures, establish instructor certification courses, define the motorcycle rider education program, and describe site requirements. These rules repeal existing rules governing motorcycle rider education.

Section 2. Definitions. For the purpose of these rules the following definitions apply.

1. Certification means a license issued by the Secretary of State to conduct a motorcycle rider education program as described in these rules.
2. Instructor means a person licensed by the Secretary of State to conduct a motorcycle rider education program.
3. Motorcycle rider education means the programs of instruction entitled:
 - A. The Maine Motorcycle Safety Education Course (MMSEC), a safety awareness program intended for novices that consists of an eight (8) hour block of classroom instruction. Successful completion fulfills the requirement of 29-A MRSA Section 1352(1).
 - B. Motorcycle Rider Course: Riding and Street Skills (MRC:RSS). The MRC:RSS is intended for novice riders and consists of a fifteen (15) hour block of instruction consisting of seven (7) hours of classroom instruction and eight (8) hours of actual hands on instruction provided on an approved riding range. Successful completion of the written knowledge test fulfills the requirement of 29-A MRSA Section 1352(1).
 - C. Experienced Rider Course (ERC). The ERC is limited to students who possess a motorcycle endorsement, and have at least three (3) months of riding experience. The ERC does not fulfill the

requirement of 29-A MRSA Section 1352 (1). The ERC is also used to maintain instructor certification.

4. Motorcycle site certification means a classroom or motorcycle range approved by the Secretary of State for use in a motorcycle rider education program.
5. Secretary of State means the Secretary of State or an authorized agent.
6. Senior Instructor means a person licensed by the Secretary of State to conduct the MMSEC Instructor Certification course, as well as MMSEC, MRC:RSS and ERC motorcycle rider education courses.
7. Student means a person who is at least sixteen (16) years of age and who is enrolled in the MMSEC, MRC:RSS or the ERC.

Section 3. Instructor Licensing Requirements

1. General requirements. Any person who conducts motorcycle rider education, acts as an instructor or represents oneself as providing the same must be licensed by the Secretary of State. The Secretary of State may not authorize a person to conduct motorcycle rider education unless the person meets the following requirements:
 - A. The person is least 21 years of age;
 - B. The person has a high school diploma or it's equivalent;
 - C. The person has a valid operator's license with an endorsement, or restriction, to operate a motorcycle as described in 29-A MRSA Section 1254;
 - D. The person has at least four (4) years of riding experience as a licensed motor cycle operator in this state or another jurisdiction;
 - E. The person has not been convicted of a moving criminal traffic offense within the last three (3) years, except for operating without an operator's license if the operator's license was expired less that five (5) years and operating with an expired registration;
 - F. The person has not been designated as an accident prone driver pursuant to 29-A MRSA Section 1308 within the last year;
 - G. The person has not had an operator's license suspended or revoked within the last six (6) years pursuant to 29-A MRSA Sections

2411, 2453, 2454, 2456, 2457, 2521, 2525, 2552, 2554, 2555 or 2557;

- H. The person has not been convicted of any Class A, B or C crime or felony within the last ten (10) years;
- I. The person has completed a basic first aid course approved by the American Red Cross or National Safety Council within the last year;
- J. The person pays the fee as established by 29-A MRSA Section 1353;
- K. The person must not have any physical, emotional or mental impairments that would prevent driver licensure in accordance with Chapter 3, Secretary of State, Bureau of Motor Vehicles, Rules Governing the Physical, Emotional and Mental Competence to Operate a Motor Vehicle (FAP-II).
- L. The person passes an examination as prescribed by the Secretary of State consisting of a knowledge, vision and road test.
 - (1) Motorcycle rider road test. An instructor shall successfully complete a motorcycle rider examination, as prescribed by the Secretary of State, within a reasonable time of issuance of the instructor certificate. The examination must demonstrate the applicant's proficiency to operate a motorcycle in actual traffic situations and must be at least 30 minutes in length.

2. Special additional requirements.

- A. MMSEC instructor. In addition to the general requirements listed in section 3, subsection 1, a person applying for a MMSEC certification must successfully complete an instructor certification course as set forth in the MMSEC instructor guide, including at least 24 hours of classroom instruction and completion of a written knowledge test;
- B. MRC:RSS and ERC instructors. In addition to the general requirements listed in section 3, subsection 1, a person applying for a MRC:RSS or ERC certification must submit proof of certification by the Motorcycle Safety Foundation (MSF);
- C. Senior Instructor. In addition to the general requirements listed in section 3, subsection 1, a person applying for Senior Instructor

status must submit proof of certification by the MSF and must have taught at least four (4) MRC:RSS courses. The person must also be licensed by the Secretary of State to teach MMSEC and that person must have taught at least twelve (12) MMSEC courses.

3. Continuing education and recertification requirements. In addition to the requirements listed in subsections 1 and 2, a person applying for recertification must meet the following requirements.
 - A. Successfully complete a basic first aid course approved by the American Red Cross or National Safety Council at least once in each three year period following the issuance of the initial motorcycle rider education license
 - B. Attendance at continuing education programs or seminars at the request of the Secretary of State
 - C. The person must successfully complete the MSF's ERC at least once in each three year period from the date of initial licensure;
 - (1) Instructing an ERC program is considered completing an ERC for purposes of maintaining licensure;
 - (2) An ERC must be taught by an instructor certified by MSF and the Secretary of State in order to be credited toward maintaining certification.
 - D. MSF certification. If an MRC:RSS or ERC instructor, the person must maintain MSF certification.
4. License expiration and renewal.
 - A. All instructor licenses and site certifications expire one year from date of issue.
 - B. A licensed instructor shall, on or before the annual expiration of licensure, submit a renewal application and the prescribed renewal fee. A person who renews his/her instructor license within 24 months of the expiration of his/her last license may be licensed without further requirement upon application and payment of the license fee.

Section 4. Motorcycle Site Certification Requirements

1. Facilities. A motorcycle rider education instructor shall only conduct MMSEC, MMSEC Instructor Certification, MRC:RSS or ERC courses on sites certified by the Secretary of State. A person making application for a motorcycle site certification for a classroom shall provide a classroom that includes:
 - A. A minimum of 60 square feet of floor space for the instructor, equipment and any classroom motorcycle, plus a minimum of fifteen (15) square feet of floor space per student
 - B. Adequate seating and writing space for each student;
 - C. Adequate lighting, heat and ventilation;
 - D. Adequate rest room facilities that are readily accessible to students;
 - E. Appropriate teaching aids, literature and forms that must include:
 - (1) An instructor guide appropriate to the course being taught;
 - (2) The latest edition of the Maine Motor Vehicle Statutes (Title 29-A);
 - (3) A copy of the latest edition for each student of the Motorist Informational Study Guide as developed by the Secretary of State.
 - (4) A copy of the Motorcycle Rider Education Rules;
 - (5) Class start up reports;
 - (6) Class completion reports;
 - (7) Student course completion certificates; and
 - (8) Permit applications (MVE-64)
 - F. A person making application for a motorcycle site certification for a riding range shall provide:
 - (1) Facilities that meet the specifications for range layout and equipment as set forth in the MRC:RSS or ERC instructor guides, whichever is appropriate to the instructor's certification; and

- (2) Confirmation of insurance coverage issued by MSF for the riders on the range and equipment used on the range.
- G. Compliance with land use regulations. A report from a fire marshal or other proper official which demonstrates that the school premises comply with state and municipal requirements regarding public health, safety and access. The Secretary of State may accept a report already filed if the facility is also used as a driver education school, and no changes have been made.
- H. Inspections. The Secretary of State may at any reasonable time conduct on site inspections of records, facilities and equipment in order to determine compliance with these rules.
- I. Fees. Instructors or sponsors of motorcycle rider education courses shall submit an annual fee as established by 29-A MRSA Section 1353 for the inspection of each classroom location and an annual fee as established by 29-A MRSA Section 1353 for the inspection of each riding range location. Ranges temporarily marked must be inspected and an inspection fee paid before each use. A permanently marked range need only be inspected annually.

Section 5. Motorcycle Rider Education Program Requirements

- 1. Curriculum. An instructor shall comply with the course curriculum as set forth in the MMSEC, MRC:RSS or ERC instructor guides, whichever is appropriate to the course and instructor's license, while conducting a motorcycle rider education program. Senior instructors, while conducting a MMSEC Instructor Certification course, shall comply with course curriculum as set forth by the Secretary of State.
 - A. Curriculum hours. An instructor shall ensure that each student completes:
 - (1) At least eight (8) hours of actual classroom instruction, if enrolled in the MMSEC program, before a student may be issued a course completion certificate: or
 - (2) At least seven (7) hours of actual classroom instruction and eight (8) hours of actual riding range instruction, if enrolled in the MRC:RSS program, before a student may be issued a course completion certificate; or

- (3) At least three and one half (3 1/2) hours of actual classroom instruction and three and one half (3 1/2) hours of actual riding range instruction if enrolled in the ERC program; or
 - (4) At least 24 hours of classroom instruction if enrolled in a MMSEC Instructor Certification course.
- B. Student eligibility. An instructor shall ensure that each student:
- (1) Is at least sixteen (16) years of age at the start of a MMSEC, MRC:RSS or ERC motorcycle rider program;
 - (2) Is at least 21 years of age if enrolled in a MMSEC instructor certification program;
 - (3) Furnishes proof of age when enrolling in a motorcycle rider education program if not in possession of a valid State of Maine driver's license; and
 - (4) Furnishes proof of completion of an approved program of driver education, as described in 29-A MRSA, Section 1351, if sixteen (16) years of age and not in possession of a valid Maine driver's license.
 - (5) Meets the minimum visual acuity standard in accordance with Chapter 3, Secretary of State, Bureau of Motor Vehicles, Rules Governing the Physical, Emotional and Mental Competence to Operate a Motor Vehicle (FAP-II).
- C. Record keeping. An instructor shall complete a course start up and course completion report on forms prescribed by the Secretary of State, which must be signed by the instructor, for each class.
- D. Submission and retention of records. An instructor shall:
- (1) Submit an original copy of all class start up reports to be in the possession of the Secretary of State at least seven (7) days prior to the start of the course;
 - (2) Submit an original copy of all class completion reports to be in the possession of the Secretary of State within seven (7) days of completion of course;
 - (3) Retain a duplicate copy of all records for at least three (3) years;

- (4) Report the loss, mutilation or destruction of any records to the Secretary of State within ten (10) days, stating the date and circumstances involved;
 - (5) Keep records current and available for inspection by the Secretary of State at all reasonable times; and
 - (6) Return all course completion certificates voided by the instructor to the Secretary of State with the course completion report of that class.
- E. Course completion certificates. For the purpose of obtaining an instruction permit, as required by 29-A MRSA, Section 1352(5), an instructor shall issue a course completion certificate, provided by the Secretary of State, to a student who successfully completes all of the course requirements. A student may not be issued a completion certificate unless the student has received all the instruction required by the standardized curriculum of the MMSEC or the MRC:RSS, whichever is applicable, and meets the minimum requirements established by these rules and applicable statute. A rider education instructor may establish additional reasonable requirements, including performance standards, that a student must meet to obtain a course completion certificate. If a rider education instructor establishes additional requirements, the student must be advised, in writing, prior to enrolling in the course of all the requirements necessary to earn a course completion certificate. A rider education instructor may not withhold the issuance of a certificate solely because the student fails to pay any fee required by the instructor.
- F. Duplicate course completion certificates.
- (1) An instructor may not issue a duplicate course completion certificate, but shall instead refer each student's request to the Secretary of State, Bureau of Motor Vehicles.
 - (2) A request for a certification of course completion due to the loss of an original certificate must be submitted in writing to the Secretary of State.
 - (3) The Bureau of Motor Vehicles may issue a certification of completion, upon each student's request, provided it has received a class completion report showing the completion of the student, and it is satisfied that such a request is justified.

- G. Monitoring performance. The Secretary of State may, at any reasonable time, monitor and evaluate an instructor's performance to determine compliance with 29-A MRSA Section 1352 and these rules.
- H. Refund and cancellation policy. An instructor must have a written refund and cancellation policy that must be furnished to the student at the time of enrollment in any rider education program, including MMSEC Instructor Certification course.
- I. Student to Instructor ratio. The maximum student to instructor ratio for any motorcycle rider education course is 24 to one (1).

Section 6. Complaint Processing Procedure for Complaints Against Licensed Instructors

All complaints regarding a motorcycle rider education instructor must be signed by the complainant and submitted to the Secretary of State in writing. The Secretary of State shall acknowledge receipt of the complaint and notify the complainant of the final action taken. The Secretary of State shall advise the person, against whom a complaint has been registered, of the nature of the claim. The Secretary of State may investigate complaints as deemed appropriate.

Section 7. Denying, Suspending or Revoking the Licensing of an Instructor

1. The Secretary of State may suspend, revoke or deny to issue or renew a rider education program instructor's license for noncompliance with statutory and regulatory requirements.
 2. A person refused a license or whose license is suspended or revoked may request a hearing with the Secretary of State. Administrative hearings are conducted in accordance with 29-A MRSA, Chapter 23, Subchapter III Article 3.
 3. An instructor, upon denial, suspension or revocation of licensure shall at once return all materials issued by the Secretary of State to the Bureau of Motor Vehicles.
 4. An instructor whose license is denied, suspended or revoked, or who does not renew certification, for more than 24 months, must complete the certification process described in Section 3 of these rules again in order to be relicensed.
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There will be no fiscal impact to municipalities resulting from the adoption of these rules.

STATUTORY AUTHORITY: 29-A MRSA section 153

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