

**29-250 DEPARTMENT OF SECRETARY OF STATE  
BUREAU OF MOTOR VEHICLES**

**Chapter 9: RULES GOVERNING DRIVER EDUCATION**

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**SUMMARY:** These rules govern the licensure of driver education providers and schools.

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**§1. Purpose.** The primary purposes of these rules are to: (1) establish the minimum qualifications, licensing standards, and procedures for the licensure of driver education schools, instructors and teachers, and (2) implement a standardized driver education curriculum. These rules repeal existing rules governing driver education in accordance with PL 1995, Chapter 505, §19.

**§2. Definitions.** For the purposes of these rules the following definitions apply.

1. Applicant means applicant as defined by 29-A MRSA § 1354.
2. Behind-the-wheel instruction means that portion of driver education during which a student actually manipulates the controls of a motor vehicle.
3. Class A driver education license means a license issued by the Secretary of State which authorizes the holder to teach both the classroom and behind-the-wheel phases of driver education.
4. Class A driver education school license means a license issued by the Secretary of State which authorizes the holder to provide both the classroom and behind-the-wheel phases of driver education and to employ Class A and Class B driver education instructors.
5. Class B driver education license means a license issued by the Secretary of State which authorizes the holder to teach only the behind-the-wheel phase of driver education.
6. Class B driver education school license means a license issued by the Secretary of State which authorizes the holder to teach only the behind-the-wheel phase of driver education and to employ Class A and Class B driver education instructors to provide behind-the-wheel instruction.
7. Classroom instruction means that portion of driver education during which a student is participating in instruction at an approved classroom facility.

8. Commercial driver's license means commercial driver's license as defined by 29-A MRSA § 101 (16).
9. Commercial motor vehicle means commercial motor vehicle as defined by 29-A MRSA § 101 (17).
10. Commercial motor vehicle driver education means any type of instruction or tutoring given to a person in the operation of a commercial motor vehicle or in preparing for a commercial driver examination, including endorsements, in exchange for remuneration or course credit.
11. Commercial motor vehicle driver education school license means a license issued by the Secretary of State which authorizes the holder to provide commercial driver education.
12. Commercial vehicle endorsement means an endorsement issued by the Secretary of State to a driver education instructor which authorizes the person to provide commercial motor vehicle driver education. A Class A commercial vehicle endorsement authorizes a person to teach both the classroom and behind-the-wheel phases of commercial motor vehicle driver education. A Class B commercial vehicle endorsement authorizes a person to teach only the behind-the-wheel phase of commercial motor vehicle driver education.
13. Driver education means driver education as defined by 29-A MRSA § 1354.
14. Driver education course means driver education provided to individuals who do not possess a valid permit or license for the operation of the class of vehicle for which driver education is provided.
15. Driver education school means driver education school as defined by 29-A MRSA § 1354.
16. Driver education instructor means driver education teacher and instructor as defined by 29-A MRSA § 1354.
17. Hour means 60 minutes.
18. Person means person as defined by 29-A MRSA § 1354.
19. Representative vehicle means a motor vehicle that represents the type and class of motor vehicle, including endorsements, in which the driver education school or instructor will provide the behind-the-wheel phase of driver education.
20. Simulator means electromechanical equipment and still moving films, the combination of which is designed to develop driving skills.

21. Student means a person enrolled in a driver education course.

### **§3. Application and Expiration for Driver Education Licenses**

1. Forms. The Secretary of State shall provide forms and general information to persons to apply for the issuance of driver education licenses.
2. License. The Secretary of State may issue a driver education license, with endorsements, to persons who meet applicable licensing standards and qualifications upon payment of the required fees. Driver education licenses are not transferable.
3. Expiration. Driver education licenses expire one year from the date of issuance. The Secretary of State may issue a temporary driver education license to an applicant for a period not to exceed 60 days. A person whose driver education license has expired for more than three years or who fails to meet the continuing education and training requirements listed in section 4, subsection 6 must meet all the requirements for an initial applicant for a driver education license.
4. Fees. The fee for a driver education license is established by 29-A MRSA § 1354.

### **§4. Driver Education Instructor Licensing Requirements**

1. Types of driver education licenses.
  - A. Class A driver education license. A Class A license authorizes the person to teach both the classroom and behind-the-wheel phases of driver education.
  - B. Class B driver education instructor license. A Class B license authorizes the person to teach only the behind-the-wheel phase of driver education.
  - C. Class A commercial vehicle endorsement. A Class A endorsement authorizes the person to teach both the classroom and behind-the-wheel phases of commercial motor vehicle driver education.
  - D. Class B commercial vehicle endorsement. A Class B endorsement authorizes the person to teach only the behind-the-wheel phase of commercial motor vehicle driver education.
2. General requirements. Any person who conducts driver education, operates a driver education school, acts as a driver education 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 any type of driver education unless the person meets the following requirements.

- A. The person is at least 21 years of age and has a high school diploma or its equivalent.
  - B. The person has at least four years of driving experience as a licensed operator and possesses a valid license.
  - C. The person has not been convicted for a moving criminal traffic offense within the last three years, except for operating without a license if the license was expired less than five years and operating with an expired registration.
  - D. The person has not been designated as an accident prone driver pursuant to 29-A MRSA § 1308 within the last year.
  - E. The person has not had a driver's license suspended or revoked within the last six years pursuant to 29-A MRSA §§ 2411, 2453, 2454, 2456, 2457, 2472, 2521, 2525, 2552, 2554, 2555 or 2557.
  - F. The person has not been convicted for any Class A, B or C crime or felony within the last ten years.
  - G. The person passes an examination administered by the Secretary of State, as described in section 4, subsection 7, consisting of a knowledge, vision and road test in a representative vehicle.
  - H. The person has completed a basic first aid course approved by the American Red Cross or National Safety Council within the last year.
  - I. The person has completed a driving dynamics or defensive driving course within the last year.
  - J. The person must not have any physical, emotional or mental impairment which 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.
3. Requirements for a Class A driver education license. In addition to the general requirements listed in section 4, subsection 2, a person applying for a Class A driver education license must meet the following requirements.
- A. Introductory course in driver education. The applicant must have completed an introductory course in driver education which includes peer teaching and curriculum delivery within the last three years. The Basic

Driver Education course, EDIS 433-51, offered through the University of Maine System fulfills this requirement. The Secretary of State may accept courses other than EDIS 433-51 to satisfy this requirement, if such courses are essentially equivalent to the EDIS 433-51 course.

B. Teaching methods course. The applicant must have completed a methods of instruction course, which includes an exceptionality component, or been employed as a certified teacher within the last three years. Acceptable college level courses include Preparation and Production of Instructional Materials (EDU 210, University of Maine, Farmington), The Teaching Process (EDB 204, University of Maine, Orono), Exploring Education in Contemporary America (EDU 150, University of Maine, Presque Isle), and Theoretical Foundations of Learning (EDU 210, Lewiston-Auburn College, University of Southern Maine). The Secretary of State may accept other courses, if such courses are essentially equivalent to a methods of instruction course.

4. Requirements for a Class B driver education license. In addition to the general requirements listed in section 4, subsection 2, a person applying for a Class B driver education license must have completed the introductory course in driver education for a Class B driver education license as described in section 4, subsection 8 within the last three years. The Secretary of State may accept other courses, including the Basic Driver Education course described in section 4, subsection 3(A), if such courses are essentially equivalent to the introductory course in driver education for a Class B driver education license.

5. Requirements for a commercial vehicle endorsement.

A. Class A commercial vehicle endorsement. In addition to the requirements listed in section 4, subsections 2 and 3, a person applying for a Class A commercial vehicle endorsement must meet the following requirements.

- (1) The person must have completed an introductory course in commercial vehicle driver education within the last three years. The Secretary of State must approve the courses which fulfill this requirement.
- (2) The person must possess a valid commercial driver's license and have at least two years experience in the last 10 years as a licensed driver in the actual operation of a representative commercial motor vehicle.
- (3) The person must not have had a driver's license suspended or revoked for operating a commercial motor vehicle with a blood-alcohol level of 0.04 percent or more or refusing to submit to a chemical test within the last six years.

- B. Class B commercial vehicle endorsement. In addition to the requirements listed in section 4, subsection 2, a person applying for a Class B commercial vehicle endorsement must meet the requirements listed in section 4, subsection 5(A)(2) and 5(A)(3).
6. Continuing education and training requirements for driver education license renewal. In addition to the requirements listed in section 4, subsection 2, a person applying for the renewal of a driver education license must meet the following requirements.
- A. Driver education refresher course. The person must complete a refresher course in driver education at least once in each three year period following the issuance of the initial driver education license granted after adoption of these rules. The Secretary of State may approve, on an individual basis, conferences, workshops or seminars, including a driving dynamics or defensive driving course, which satisfy this requirement.
  - B. Basic first aid course. The person must 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 driver education license granted after the adoption of these rules.
  - C. Driver education instruction. The person must provide driver education instruction or a driver education course at least once in each two year period following the issuance of the initial driver education license granted after the adoption of these rules. Other related teaching experience may satisfy this requirement if an applicant for license renewal can show good cause why driver education instruction was not provided during the two year period.
7. Knowledge, vision and road test for driver education instructors. Prior to the issuance of a driver education license an applicant must successfully complete a knowledge, vision and road test administered by the Secretary of State. The applicant must pay the applicable fee as established by 29-A MRSA Chapter 11.
- A. Knowledge test. A knowledge test consisting of at least 50 questions which measures an applicant's knowledge of traffic laws, safety, rules of the road, signs and other driver responsibilities. An applicant must score at least 80 percent to pass the knowledge test.
  - B. Vision test. An applicant must meet the vision standards established by Chapter 3, Secretary of State, Bureau of Motor Vehicles, Rules Governing the Physical, Emotional and Mental Competence to Operate a Motor Vehicle.

C. Road test. The road evaluation measures the applicant's ability to operate a representative vehicle in a safe and prudent manner while demonstrating the requisite skill, knowledge and judgment. The test must include, at a minimum, the following.

- (1) positioning of the vehicle on ways.
- (2) turns.
- (3) parking on a hill.
- (4) parallel parking.
- (5) backing.
- (6) lane changes.
- (7) adjusting to adverse conditions.
- (8) observance of signs and signals.
- (9) observance of road markings.
- (10) railroad grade crossing.

8. Authority to provide the introductory course in driver education to applicants for a Class B driver education license. A licensed Class A driver education instructor may be authorized by the Secretary of State to provide the introductory course in driver education for Class B driver education license applicants required by section 4, subsection 4.

A. Requirements. A person seeking authorization under subsection 8 must meet the following requirements.

- (1) The person must be a licensed Class A driver education instructor.
- (2) The person must not have violated any statute or rule governing driver education or any condition or restriction placed on any license issued pursuant to these rules within the last five years.
- (3) The person must complete an instructor preparation program as approved by the Secretary of State.

B. Curriculum. The introductory course in driver education for Class B driver education license applicants must be based on the standardized curriculum of the *Responsible Driving* textbook, provide a minimum of eight hours of



instruction and include behind-the-wheel training. The proposed curriculum must be submitted to the Secretary of State for review and approval.

- C. Location. The location where the course will be conducted must be inspected and approved by the Secretary of State.
9. Authority to provide written examination to non-students. The Secretary of State may authorize driver education instructors to administer written and vision tests to persons other than driver education students.

## **§5. Driver Education School Licensing Requirements**

1. License requirements. Any person who conducts driver education, operates a driver education school, acts as a driver education instructor or represents oneself as providing the same must be licensed by the Secretary of State. Except as provided by these rules, a license is required for each location where driver education is provided.
2. Types of driver education school licenses.
  - A. Class A driver education school license. A Class A license authorizes a person to provide both the classroom and behind-the-wheel phases of driver education and to employ Class A and Class B driver education instructors.
  - B. Class B driver education school license. A Class B license authorizes a person to provide only the behind-the-wheel phase of driver education and to employ Class A and Class B driver education instructors.
  - C. Commercial motor vehicle driver education school license. A commercial vehicle driver education school license authorizes a person to provide commercial motor vehicle driver education as follows.
    - (1) Class A commercial motor vehicle driver education school license. A Class A license authorizes a person to provide the classroom and behind-the-wheel phases of commercial motor vehicle driver education and to employ Class A and Class B driver education instructors with commercial vehicle endorsements.
    - (2) Class B commercial motor vehicle driver education school license. A Class B license authorizes a person to provide only the behind-the-wheel phase of commercial motor vehicle driver education and to employ Class A and Class B driver education instructors with commercial vehicle endorsements.

3. General Requirements. An applicant for a driver education school license must submit the following information to the Secretary of State, who will provide forms for this purpose, and meet the following requirements.
  - A. Ownership and employee information.
    - (1) Identity of school owners. The name, date of birth, address and title of each owner including partners and shareholders.
    - (2) Identity of driver education instructors. The name, date of birth and address of driver education instructors employed or otherwise used by the school.
    - (3) Identity and location of school. The school name, mailing address, actual school location and the location where records will be maintained.
    - (4) Other. The Secretary of State may request applicants to provide additional information.
  - B. Training vehicle information. A list of training vehicles including the year, make, registration plate number and vehicle identification number used by the school, its employees and others authorized by the school to provide behind-the-wheel instruction.
  - C. Insurance. A certificate of insurance or a bond providing the coverage in the amounts specified by 29-A MRSA § 1354, which insurance or bond must be maintained at all times.
  - D. 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 filed for a school previously licensed, provided conditions have not changed.
  - E. Facilities and equipment.
    - (1) Permanent and established place of business. A Class A driver education and commercial motor vehicle driver education school must maintain an established place of business which must contain all required books and records. The name of the school may be displayed at the established place of business. A Class B driver education school and commercial motor vehicle driver education school must keep all required records at a permanent location.

- (2) Classrooms. A Class A driver education school and commercial motor vehicle driver education school must provide an adequate classroom, which must be used exclusively for driver education instruction during classroom instruction.
  - (a) Requirements. The classroom must meet the following requirements.
    - (i) have 15 square feet of floor space per student plus 24 square feet for the instructor.
    - (ii) have seating and writing space for each student.
    - (iii) provide adequate heat, lighting and ventilation.
    - (iv) have a restroom which must be readily accessible to students.
    - (v) have vision screening equipment or a Snellen eye chart.
    - (vi) have a blackboard or other similar instructional device.
- (3) Publications. A driver education school or commercial motor vehicle driver education school must have the following publications available at the school.
  - (a) The most recent edition of the Maine Motor Vehicle Statutes, Title 29-A, Maine Revised Statutes.
  - (b) The most recent State of Maine Motorist Handbook and Study Guide.
  - (c) The *Responsible Driving* teacher and student textbooks which may not be more than two editions older than the most recent edition. The Secretary of State may authorize the use of older editions if the changes to the most recent edition are insignificant.
- (4) Training vehicle requirements. All vehicles used by a driver education school or commercial motor vehicle driver education school must meet the following requirements.

- (a) Compliance with motor vehicle statutes. The vehicle must at all times be in compliance with the provisions of Title 29-A, the Maine Motor Vehicle Statutes.
  - (b) Signs. The vehicle must be equipped with a sign listing the name of the school and a student driver sign which must be displayed during driving instruction. The signs must be in letters clearly visible from a minimum of 30 feet. Except for commercial motor vehicles, the signs must be removed or obscured if the vehicle is used for a driver license examination.
  - (c) Dual brake and clutch pedals. Except for commercial motor vehicles, the vehicle must be equipped with dual-control foot brakes and, if the vehicle is not equipped with an automatic transmission, dual-control clutch pedals. The brake pedal on the passenger side must be hydraulically or mechanically attached to the braking system of the vehicle to allow the driver education instructor to bring the vehicle to a stop.
  - (d) Exceptions. The following vehicles are exempt from the requirements of subparagraph 4 (b) and 4 (c).
    - (i) A vehicle that is used to instruct a person with a disability which is specially equipped for use by a person with a disability.
    - (ii) A vehicle, which is not provided by the driver education school, that is being used to instruct a person who possesses a valid license or permit.
  - (5) Inside mirror. Except for commercial motor vehicles, the vehicle must be equipped with an inside mirror that provides the driver education instructor with unobstructed vision to the rear of the vehicle.
  - (6) Approved by Secretary of State. The vehicle must be examined and approved as a training vehicle by the Secretary of State.
4. Recordkeeping Requirements. Driver education schools must record and transmit the following information.
- A. Class A driver education and commercial motor vehicle driver education school records. Class A schools must maintain the following records.

- (1) New class reports. A class report must be submitted to the Secretary of State on an approved form at least seven days prior to the start of a driver education course.
- (2) Class completion reports. A class completion report must be submitted to the Secretary of State on an approved form within seven days following the completion of a driver education course. A course is completed when at least 50 percent of the persons enrolled have satisfied all of the course requirements.
- (3) Student record sheets. A student record sheet must be kept for each student and maintained by the school for a period of at least three years from the date driver education was provided. The student record sheet must contain the following information.
  - (a) Student identity. The name, address and date of birth of the student and the number of the course completion certificate number issued to the student.
  - (b) Visual acuity. The visual acuity of the student.
  - (c) Instruction. The number of classroom and behind-the-wheel instruction hours provided to the student.
  - (d) Instructor and location. The name of the instructor who provided the classroom and behind-the-wheel instruction and the location where the classroom instruction was conducted.
- (4) Employees. The name and addresses of persons employed by the school. The school must immediately advise the Secretary of State, in writing, whenever a driver education instructor is hired or leaves the school's employ.
- (5) Location. The location and address of the school. The school owner must immediately advise the Secretary of State, in writing, whenever the location or address of the school changes.

B. Class B driver education and commercial motor vehicle driver education school records. Class B schools must maintain the records described in subsection 4 paragraph A(4) and A(5) and a record for each person given driver education that includes the person's name, date of birth, address, and the nature and extent of instruction provided. These records must be maintained for a period of at least three years from the date driver education was provided.

- C. Inspection of records. The Secretary of State may, with or without notice to the driver education school, inspect all school records. The school must make such records available to the Secretary of State for inspection.
  - D. Sale or closure of driver education school. A driver education school owner must immediately advise the Secretary of State, in writing, of its sale or closure. A driver education school that is closed or sold must immediately return all documents, forms and other related material issued by the Secretary of State and its license, if unexpired, to the Secretary of State.
  - E. Loss or destruction of records. The loss, mutilation or destruction of any records required to be filed or maintained in accordance with these rules must be reported immediately to the Secretary of State.
  - F. Exceptions for commercial motor vehicle driver education schools. A commercial motor vehicle driver education school is exempt from the requirements of subsection 4, paragraph A(1) and A(2).
5. Additional requirements for Class A commercial motor vehicle driver education schools. In addition to the requirements listed in section 4, subsection 3 and 4, a Class A commercial motor vehicle driver education school must meet the following requirements.
- A. Publications. The school must have the following publications and information available at the school.
    - (1) Range diagram. Overlay or transparent diagrams of the area used for off street training.
    - (2) Federal motor carrier safety regulations. The most recent edition of the United States Department of Transportation, Federal Highway Administration, Motor Carrier Safety Regulations.
    - (3) Commercial driver's manual. The most recent edition of the State of Maine Commercial Driver's Manual.
    - (4) Curriculum textbook. The Professional Truck Driver Institute of America tractor-trailer driver curriculum textbook which may not be more than two editions older than the most recent edition.
  - B. Off street driving range. The school must have an off street range area approved by the Secretary of State that measures at least 20,000 square feet and is sufficient for providing training on parallel parking, straight line backing, forward through an offset alley and alley docking.

**§6. Driver Education School Curriculum.** All driver education schools must adhere to the standardized curricula established by these rules.

1. Class A driver education school curriculum. A Class A driver education school providing a driver education course must follow the driver education curriculum based on the *Responsible Driving* teacher and student textbooks as published by McGraw-Hill (Francis Kenel et. al. *Responsible Driving* (1997). New York: Glenco/McGraw-Hill.). The textbooks and other materials necessary to deliver the curriculum may not be more than two editions older than the most recent edition or version. The Secretary of State may authorize the use of older editions if the changes to the most recent edition are insignificant. This curriculum requires 30 hours of classroom instruction and ten hours behind-the-wheel training. The curriculum is divided into three sections and provides a learning sequence which begins with the presentation of basic driver education concepts leading to the more difficult and complex concepts. A driver education instructor may not provide the instruction required by this curriculum until the person has completed training, approved by the Secretary of State, to deliver the curriculum.
  - A. Pre-driving instruction. The following classroom instruction must be provided in the order indicated to the student before the student operates a motor vehicle. All references are to the *Responsible Driving* teacher's textbook (1997).
    - (1) The Highway Transportation System & Risk Management (Chapter 1 Lesson 1)
    - (2) Understanding and Applying the SIPDE Process or Understanding and Using the Smith System (Chapter 1 Lesson 2 or Chapter 1 Lesson 3)
    - (3) Understanding Regulatory & Warning Signs (Chapter 4 Lesson 1)
    - (4) Guide & International Signs (Chapter 4 Lesson 2)
    - (5) Understanding the Purpose of Pavement Markings (Chapter 4 Lesson 3)
    - (6) Responding to Traffic Control Signals (Chapter 4 Lesson 4)
    - (7) Right-of-Way Rules Are Essential (Chapter 5 Lesson 2)
    - (8) Speed Limits Help in Reducing Risk (Chapter 5 Lesson 3)

- (9) Comfort & Control Systems & Risk Management (Chapter 6 Lesson 1)
- (10) The Visibility & Protective Systems of Your Car (Chapter 6 Lesson 2)
- (11) Information & Communication Systems (Chapter 6 Lesson 3)
- (12) Checks & Procedures to Use Before Driving (Chapter 6 Lesson 4)
- (13) Basic Operating Procedures: Auto Trans (Chapter 7 Lesson 1)
- (14) Basic Operating Procedures: Manual Trans (Chapter 7 Lesson 2)
- (15) Acceleration, Deceleration & Speed (Chapter 7 Lesson 3)
- (16) Learning How to Steer the Car (Chapter 7 Lesson 4)

B. Behind-the-wheel instruction. The following classroom instruction must be presented in conjunction with behind-the-wheel instruction in the order indicated.

- (1) Moving From a Curb into Traffic & Out of Traffic to a Curb (Chapter 8 Lesson 1)
- (2) How to Prepare for & Execute a Right Turn (Chapter 9 Lesson 1)
- (3) How to Prepare for & Execute a Left Turn (Chapter 9 Lesson 2)
- (4) Planning & Executing a Reverse in Direction (Chapter 9 Lesson 3)
- (5) Managing Power & Speed on Hills & Mountains (Chapter 8 Lesson 2)
- (6) Managing Visibility, Time & Space (Chapter 10 Lesson 1)
- (7) Visibility, Time & Space on Rural Roads (Chapter 10 Lesson 3)
- (8) Visibility, Time & Space on Urban Streets (Chapter 10 Lesson 2)
- (9) Visibility, Time & Space on Multiple-Lane Highways (Chapter 10 Lesson 4)
- (10) Managing Visibility, Time & Space When Changing Lanes (Chapter 8 Lesson 3)



- (11) Passing Another Vehicle & Being Passed (Chapter 8 Lesson 4)
- (12) How to Prepare for and Execute a Parking Maneuver (Chapter 9 Lesson 4)

C. Additional instruction. The following classroom instruction must be provided. The order of presentation is optional with the school.

- (1) Knowing Yourself (Chapter 2 Lessons 1, 2, 3 & 4)
- (2) Handling Social Pressures (Chapter 3 Lessons 1, 2, 3 & 4)
- (3) Administrative Laws and Accidents (Chapter 5 Lessons 1 & 4)
- (4) Light & Weather Conditions (Chapter 11 Lessons 1, 2, 3 & 4)
- (5) Sharing the Roadway (Chapter 12 Lessons 1, 2, 3 & 4)
- (6) Natural Laws & Driving (Chapter 13 Lessons 1, 2, 3 & 4)
- (7) Responding to An Emergency (Chapter 14 Lessons 1, 2, 3 & 4, Lesson 4 optional)
- (8) Buying a Car (Chapter 15 Lessons 1, 2, 3 & 4)
- (9) Car Systems & Maintenance (Chapter 16 Lessons 1, 2, 3 & 4)
- (10) Planning A Trip (Chapter 17 Lessons 1, 2, 3 & 4)
- (11) Getting Ready: Your State Driving Test (Chapter 18 Lessons 1, 2, 3 & 4)

D. Other related requirements.

- (1) Parent involvement. The curriculum includes a parental involvement component. The component must be approved by the Secretary of State and may be satisfied by the following non-exhaustive list of methods.
  - (a) Attendance during classroom instruction for at least two hours.
  - (b) Accompanying the student during behind-the-wheel training for at least 30 minutes.
  - (c) Attendance at a school orientation for at least one hour.

- (d) Review of instructional/informational video tapes provided by the school which last for at least one hour.
- (2) Classroom hours. Classroom instruction may not exceed ten hours in any seven day period and no more than three hours of classroom instruction may be provided in any 24 hour period.
- (3) Student-instructor ratio. The maximum student-instructor ratio is 35 to one.
- (4) Guest speakers. Unless authorized by the Secretary of State, no more than three hours of the 30 classroom hours may be devoted to guest speakers. A Class A driver education instructor must be present during a guest speaker's presentation. All speaker presentations must be directly related to the required curriculum.
- (5) Behind-the wheel hours. Behind-the-wheel instruction may not exceed two hours for a student in any 24 hour period. Unless authorized by the Secretary, no behind-the-wheel instruction may be provided before 5:00 a.m. or after 11:00 p.m.
- (6) Simulator experience. Simulator experience, approved by the Secretary of State, may be substituted for behind-the-wheel instruction on a 4-to-1 basis but may not replace more than two hours of behind-the-wheel instruction.
- (7) Behind-the-wheel instruction on road test routes. Behind-the-wheel instruction, including instruction provided to persons who are not enrolled in a driver education course, may not occur on routes used by the Secretary of State for driver examination road tests during normal business hours.
- (8) Vision screening for students. A school must screen each student's vision prior to conducting behind-the-wheel training. A student who does not have vision correctable by lenses of at least 20/40 in the best eye may not operate a motor vehicle until the student presents a statement from a doctor, optometrist, registered nurse or other person approved by the Secretary of State that shows vision of at least 20/40 in the best eye.
- (9) Evaluation. A driver education school providing a driver education course must have a plan for evaluating and recording student progress in meeting course objectives, which may include performance standards. A driver education school must also have a written policy, which must be provided to students prior to the start

of a driver education course, that defines satisfactory course completion standards.

- (10) Refund and cancellation policy. A driver education school must have a written refund and cancellation policy which must be furnished to the student at the time of enrollment in a driver education course.
- (11) Incomplete driver education course. A student, enrolled in a driver education course who fails to complete the course, is allowed to resume a similar course from the point which the student had completed if the student resumes within six months. Missed classes may be taken at any licensed driver education school provided the subject and topic area missed by the student are covered and the class is taken within two months.

- E. Written permit examination. A driver education school must administer a written examination to students who have completed all the requirements provided in these rules and any additional requirements imposed by the driver education school. The examination must consist of a minimum of 30 questions and the student must correctly answer 80 percent of the questions to pass the examination. The Secretary of State shall provide the questions by category which the school must use for the written examination. The Secretary of State may issue, or authorize a driver education school to issue, a driver's permit to a student who passes the written examination and who satisfies all other applicable requirements.
- F. Course completion certificate. A driver education school must 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 and meets the minimum requirements established by these rules and applicable statute. A driver education school may establish additional reasonable requirements, including performance standards, that a student must meet to obtain a course completion certificate. If a driver education school 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 driver education school may not withhold the issuance of a certificate solely because the student fails to pay any fee required by the school.

- 2. Commercial motor vehicle driver education curriculum.

- A. Commercial motor vehicle driver education course instructing students in the operation of vehicles which require a Class A driver's license. A commercial motor vehicle driver education school providing such a course must follow the Professional Truck Driver Institute of America's tractor-trailer driver curriculum (Professional Truck Drivers Institute of America, *Trucking: Tractor-Trailer Handbook/Workbook* (1996). California: Career Publishing.). The textbook and other materials necessary to deliver the curriculum may not be more than two editions older than the most recent edition or version. The Secretary of State may authorize the use of older editions if the changes to the most recent edition are insignificant. This curriculum requires 78 hours of classroom instruction, 25 ½ hours of laboratory instruction and 44 hours behind-the-wheel instruction. All behind-the-wheel instruction must occur under the direct supervision of a driver education instructor who has a commercial vehicle endorsement. A driver education instructor may not provide the instruction required by this curriculum until the person has completed training, approved by the Secretary of State, to deliver the curriculum.
- B. Commercial motor vehicle driver education course instructing students in the operation of vehicles which require a Class B driver's license. A commercial motor vehicle driver education school providing such a course must adhere to the following requirements and must submit the curriculum to the Secretary of State for approval before the start of a course.
- (1) Classroom and behind-the-wheel hours. The course must provide 42 hours of classroom instruction, 20 hours of behind-the-wheel instruction on an off-road range area or facility and 10 hours of behind-the-wheel instruction on-road in rural and urban traffic areas.
  - (2) Classroom instruction. Classroom instruction must include the following topics.
    - (a) Orientation.
    - (b) Safe operation regulations, including:
      - (i) Maine motor vehicle law (Title 29-A, Maine Revised Statutes).
      - (ii) Federal motor carrier safety regulations.
    - (c) Equipment introduction.
    - (d) Commercial motor vehicle safety control systems.

- (e) Safe vehicle control, including:
  - (i) control systems.
  - (ii) basic control.
  - (iii) shifting.
  - (iv) backing.
  - (v) visual search.
  - (vi) communication.
  - (vii) speed and space management.
  - (viii) driver fatigue.
  - (ix) night operation.
  - (x) extreme driving conditions.
  - (xi) hazard perceptions.
  - (xii) emergency maneuvers.
  - (xiii) skid control and recovery.
- (f) Relationship of cargo to vehicle control.
- (g) Vehicle inspections.
- (h) Hazardous materials knowledge.
- (i) Air brake knowledge.
- (j) First Aid.
- (k) Accident procedures.
- (l) Defensive driving principles.
- (m) Enforcement agencies and regulations.
- (n) Drugs, alcohol and driver fitness.

(3) Behind-the-wheel instruction. All behind-the-wheel instruction must occur under the direct supervision of a driver education instructor who has a commercial motor vehicle endorsement and must include the following skills and topics.

(a) Basic safe vehicle control, including:

(i) ability to start.

(ii) ability to stop.

(iii) ability to move the vehicle forward and backward.

(b) Basic vehicle inspection and operation of air brakes.

(c) Safe driving, including:

(i) visual search methods.

(ii) use of signals.

(iii) speed control for weather, traffic and cargo conditions.

(iv) ability to choose a safe gap and correctly position the vehicle when changing lanes or turning.

C. Other requirements. The requirements of subsection 1, paragraph D, subparagraphs (7) through (11) apply to the commercial motor vehicle driver education curriculum.

3. Transitional provision for standardized curriculum. The requirements established by subsection 1, paragraphs A, B, C and D, subparagraph (1) and subsection 2, paragraph A do not become mandatory until July 1, 1998.

**§7. Monitoring and Inspection by Secretary of State.** The Secretary of State shall monitor classroom and behind-the-wheel instruction for compliance with statutory and regulatory requirements. A driver education school and driver education instructor must allow the Secretary of State access to facilities, vehicles and records necessary to monitor and inspect classroom and behind-the-wheel instruction.

**§8. Prohibited conduct.** A person may not engage in the following conduct or activities.

1. Driver education. A person may not conduct driver education, operate a driver education school, act as a driver education instructor or represent oneself as providing the same without being licensed by the Secretary of State.
2. Solicitation and advertising. A driver education school, including employees and agents, and a driver education instructor may not:
  - A. solicit or advertise business at a location where the Secretary of State conducts driver tests.
  - B. advertise, imply or otherwise represent oneself to be an employee or agent of the Secretary of State.
  - C. advertise, imply or otherwise represent or insinuate that the issuance of a driver's license is guaranteed or assured.
  - D. make any false, misleading or deceitful claims, statements or representations in any advertisement or solicitation.

**§9. Complaints.** All complaints regarding a driver education school or 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.

**§10. Suspension and revocation of licenses.** The Secretary of State may suspend, revoke or refuse to issue or renew a driver education school or instructor license for noncompliance with statutory and regulatory requirements. 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 M.R.S.A, Chapter 23, Subchapter III, Article 3.

There may be a minor fiscal impact to a small number of municipalities resulting from the adoption of these rules.

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STATUTORY AUTHORITY: 29-A MRSA § 153

EFFECTIVE DATE:

November 3, 1997 except for Section 6, sub-section 1 paragraphs A, B, C, D, subparagraph (1), and subsection 2 paragraphs A and B, which become effective July 1, 1998. In the interval, older curricula language originally adopted by the

Department of Education and by the former Board of Commercial Driver Education remain effective.

NON-SUBSTANTIVE CORRECTIONS:

December 20, 2000 - the expired curricula language was removed.

AMENDED:

September 1, 2003 - Section 6, sub-section 1, paragraph D, subparagraph (2) - filing 2003-163