**29-250 DEPARTMENT OF SECRETARY OF STATE**

 **BUREAU OF MOTOR VEHICLES**

**Chapter 11: RULES GOVERNING MOTORCYCLE RIDER EDUCATION**

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**29-250 DEPARTMENT OF THE SECRETARY OF STATE**

 **BUREAU OF MOTOR VEHICLES**

**Chapter 11: RULES GOVERNING MOTORCYCLE RIDER EDUCATION**

**Summary**: These rules govern the licensure of motorcycle rider education schools and instructors.

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

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

1. Instructor means a person licensed by the Secretary of State to conduct a motorcycle rider education program.
2. School owner means a person whose facility and range are licensed by the Secretary of State to conduct a motorcycle rider education program.
3. Motorcycle rider education means the programs of instruction entitled:
4. **Ecourse:** All required motorcycle training curricula shall include a 3‑hour on-line ecourse or equivalent. Course content shall include motorcycle types; controls, indicators and equipment; basic operation; riding preparation; risk associated with riding; strategies for basic street riding: strategies for common situations; emergency situations; special riding situations and rider impairments.
5. **Basic Motorcycle Rider Education Course**: A basic motorcycle rider education course approved by the Secretary of State must consist of classroom instruction and actual hands-on operation instruction provided in an approved classroom and range. Successful completion of the hands-on skill evaluation and written knowledge test of a basic hands-on motorcycle rider education course fulfills the requirement of 29-A MRS Section 1352 (6A and 6B).
6. **3-Wheel Basic Motorcycle Rider Education Course.** A 3-wheel basic motorcycle rider education course consisting of a minimum of 16 hours; 8 hours classroom instruction and 8 hours actual hands on instruction provided at a licensed motorcycle rider education school. Successful completion of the hands-on skill evaluation and written knowledge test of a 3-wheel motorcycle rider education course fulfills the requirement of 29-A MRS Section 1352 (6A and 6B).
7. **Experienced Motorcycle Rider Education Course**. A course for experienced motorcycle riders is limited to students who possess a motorcycle license or endorsement and have at least three (3) months of motorcycle riding experience. The course does not fulfill the requirement of 29-A MRS Section 1352 (6A and 6B).
8. **Advanced Motorcycle Rider Education Course**. This course consists of 2 hours of classroom discussion and 5 hours of riding exercises and is designed for riders who have basic skills and possess a current motorcycle learner’s permit or endorsement. Riders should use their own personal

street-legal motorcycle for this course. This course does not fulfill the requirement of 29-A MRS Section 1352 (6A and 6B).

 4. Motorcycle rider education school means a classroom and range licensed and approved by the Secretary of State for use in a motorcycle rider education program.

 5. MSF means the Motorcycle Safety Foundation.

 6. Secretary of State means the Secretary of State or an authorized agent.

 7. Student means a person who is at least sixteen (16) years of age and who is enrolled in a motorcycle rider education course.

 8. Hour means sixty (60) minutes.

 9. State of Maine, *Motorcycle Safety Program Manual*.This is a manual to further describe the policies and procedures required by the State of Maine which are not covered in Chapter 11: Rules Governing Motorcycle Rider Education and the curriculum provider publications.

10. Duration of course. All courses must be completed within 8 days from the start date.

 11. Proper Riding Gear. Helmet, long pants, long sleeves, over the ankle footwear, eye protection, and gloves.

**Section 3. Motorcycle training curricula provider’s requirements**

1. Approved Curricula Provider(s): Motorcycle Safety Foundation (MSF)-1987
2. The curricula provider shall submit all training and administrative materials to the Secretary of State for the vetting of their program.
3. The curricula provider shall allow the incorporation of Maine specific information and policies for the enhancement of the program.
4. The curricula provider shall recognize the State of Maine, Motorcycle Safety Program Coordinator, as the responsible party and final authority for all testing during all instructor certification courses.
5. Curricula provider shall have a system for monitoring quality assurance of the training and other administrative aspects.
6. Curricula provider will be responsible for training the Motorcycle Safety Program Coordinator, and all other state employees as appropriate, at no cost to the State of Maine, before all other instructors are trained and certified in that curriculum. This will include all levels of training necessary to certify and oversee instructors. This requirement must be fulfilled prior to use of the approved curriculum in the State of Maine.
7. The curricula shall incorporate a system of courses to include, but not limited to, hands-on training for obtaining a standard 2-wheel motorcycle endorsement and 3-wheel motorcycle endorsement.
8. The curricula provider shall adhere to Maine standards as listed in the State of Maine, *Motorcycle Safety Program Manual*.

**Section 4**. **Application and Expiration for Motorcycle Rider Education Licenses**

1. **Forms.** The Secretary of State shall provide forms and general information to persons who apply for the issuance of motorcycle rider education licenses. Such forms and general information are available at the website of the Secretary of State.
2. **License.** Upon application and payment of the required fees, the Secretary of State may issue a motorcycle rider education instructor and/or school license to persons who meet applicable licensing standards and qualifications. Motorcycle rider education licenses are not transferable.
3. **Expiration of motorcycle rider education licenses**
4. A motorcycle rider education school license expires on December 31, annually.

1. A motorcycle rider education instructor license expires one year from date of issue.
2. 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 their instructor license within 24 months of the expiration of their last license, may be licensed without further requirement upon submission of an application, valid first aid card, valid certification from an approved curricula provider, and payment of the license fee.
3. **Certification.** A person must maintain certification with an approved curriculum provider for instructor and school licensure.
4. **Fees.** The fee for a motorcycle rider education school and instructor license is established by 29-A MRS Section 1353.

**Section 5**. **Motorcycle Rider Education 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 shall not authorize a person to conduct motorcycle rider education unless the person meets the following requirements:

 A. The person is at least twenty (20) years of age;

 B. The person has a high school diploma or equivalent;

 C. The person has a valid operator’s license with an endorsement, or restriction, to operate a motorcycle as described in 29-A MRS Section 1254;

1. The person has at least two (2) years of riding experience as a licensed motorcycle operator in this state or another jurisdiction. If a person has not held a Maine license as required in this section, a certified copy of a driving record from all states in which a license was held in the preceding six years, must be provided with the instructor application. The record must provide the date of licensing or endorsement for operation of a motorcycle.

 E. The person has not been convicted of a moving criminal traffic offense within the last six (6) years, except for operating without an operator’s license if the operator’s license was expired less than 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 MRS 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 MRS Sections 2411, 2453, 2454, 2456, 2457, 2521, 2525, 2552, 2554, 2555 or 2557A;

 H. The person has not been convicted of any felony within the last ten (10) years;

I. The person has never been convicted of any crimes listed in 17-A MRS Sections 201, 202, 203, 208, 208B, 208C, 210A, 210B, 210C, 211, 211A, 213, 253, 254, 255A, 256, 258, 260, 261, 282, 283, 284, 301, 302, 303, 553, 554, 556, 854, 855. A person whose application (or renewal application) is denied based on conviction of a crime listed in 17-A MRS Sections 211, 211-A, 256, or 259-A may request a hearing with the Secretary of State to show cause why denial on those grounds is not appropriate;

 J. The person must provide valid, current proof of completion of a first aid course;

 K. The person pays the fee as established by 29-A MRS Section 1353;

 L. The person must not have any physical, emotional or mental impairment that would prevent driver licensure in accordance with 29-250, Chapter 3, Secretary of State, Bureau of Motor Vehicles, Rules Governing the Physical, Emotional and Mental Competence to Operate a Motor Vehicle. Any person under review for a reportable medical, physical, mental, or emotional condition may, at the Secretary of State’s discretion, be disqualified from possessing a motorcycle rider education instructor license until all medical requirements have been met;

 M. The person successfully completes a motorcycle rider education instructor preparation course approved by the Secretary of State;

 N. If the Instructor Preparation course is completed in another state, prior to a motorcycle rider education instructor license being issued, the individual shall attend a workshop with the Maine Motorcycle Safety Program Coordinator to ensure compliance with Maine rules and policies;

 O. Initial instructor licensing must be completed within two years of fulfilling the requirements of subsection 1M and 1N;

 P. Prior to enrollment in any instructor preparation course, the person must participate, as a student, in a hands-on basic motorcycle rider education course within the preceding year.

1. The person must be certified by an entity that has proprietary rights to a curriculum, approved by the Secretary of State, as a motorcycle rider education course, for the specific curriculum being taught.
2. Instructor applicants shall submit to State Bureau of Identification background check upon initial and renewal application. The Bureau of Motor Vehicles will request and receive the background check from the State Bureau of Identification. A fee will be assessed at time of initial and renewal application pursuant to Title 25 MRS Sec1541 (1).
3. State and federal criminal history record information shall be used 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.
4. A motorcycle rider education instructor must be in possession of a valid motorcycle rider education instructor license, reflecting the appropriate license type, when teaching in the classroom and on the range.
5. **Continuing education and training requirements**. In addition to the requirements listed in subsection 1, a person applying for instructor license renewal must:
6. Attend continuing education programs or seminars as required by the Secretary of State.
7. **Course delivery and safety.** Motorcycle rider education instructors shall ensure proper delivery and execution of course materials; effectively evaluate and coach; maintain student safety to the highest degree where applicable; demonstrate safe riding habits; and wear proper riding gear when riding to, from and during rider training activities.
8. **Change of name or address.** When a person, after applying for or receiving a motorcycle rider education instructor license, changes his or her name or moves from the address named on the application or on the motorcycle rider education instructor license issued, that person shall, within 30 days, notify the Secretary of State, in writing or by other means approved by the Secretary of State, of the old and new name/address.

**Section 6. Motorcycle Rider Education School Licensing Requirements**

1. **Licensing Requirements.** Any person, who conducts motorcycle rider education, operates a motorcycle rider education school or represents oneself as providing the same must be licensed by the Secretary of State. A license is required for each location where motorcycle rider education is provided.
2. **Application and General Requirements.** An applicant for a motorcycle rider 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.
3. **Ownership** **and Employee Information**.
4. **Identity of school owners.** The name, date of birth, address and title of each owner, including partners and shareholders. Prior to approval of an application, if a person applying for a motorcycle rider education school license is not licensed as a motorcycle rider education instructor, the person must submit to a criminal background check and pay the appropriate fee.This includes corporate owners and partners.
5. **Identity of motorcycle rider education instructors.** The names and date of births of motorcycle rider education instructors employed by the school. The school must ensure that all motorcycle rider education instructors employed by their school hold a valid certification from an approved curriculum provider, driver’s license and motorcycle instructor license.
6. **Identity and location of school.** The school name, mailing address, classroom location, range location, and the location where records will be maintained.
7. **School name.** If a motorcycle school does not renew its license within two years, the Secretary of State may grant a license to another school with the same operating name.
8. **School location.** A motorcycle rider education school may not be located in a facility where the Secretary of State conducts business at any location initially licensed after the effective date of these rules.
9. Must be in good standing with an approved curriculum provider as a motorcycle rider education school.
10. **Facilities and Equipment**. Motorcycle rider education courses shall only be conducted at a location licensed by the Secretary of State. Only one school may be licensed at any location where motorcycle rider education is conducted. The classroom must be used exclusively for motorcycle rider education instruction during classroom instruction. A person making application for a motorcycle

rider education school license shall provide a classroom in a permanent or temporary location, to include a range, that includes:

1. A minimum of 24 square feet of floor space for the instructor, plus a minimum of fifteen (15) square feet of floor space per student;
2. Adequate seating and writing space for each student;
3. Adequate lighting, heat and ventilation;
4. Adequate rest room facility that is accessible to students during the classroom and range portion of the course. A restroom facility must be located within a reasonable distance of a range, which will be determined at the time of inspection;
5. Currently inspected fire extinguishers; 5 lb. for the classroom and 10 lb. for the range;
6. Appropriate teaching aids, literature and forms that must include:
7. An instructor guide appropriate to the course being taught;
8. The latest edition of the State of Maine, *Motorcycle Safety Program Manual*;

 (3) The latest edition of the Maine Motor Vehicle Statutes (Title 29-A);

 (4) A copy for each student of the latest edition of the *Maine Motorist Handbook and Study Guide* as developed by the Secretary of State;

 (5) A copy for each student, of the latest edition of the curriculum provider student workbook, for the appropriate course being taught;

 (6) A copy of the Motorcycle Rider Education Rules;

 (7) New course reports;

 (8) Course completion reports;

 (9) Course completion certificates;

 (10) Incomplete student reports;

 (11) Skill evaluation score sheets;

 (12) Incident reports;

 (13) Course waiver/indemnification forms;

 (14) Learner’s permit applications; and

 (15) Organ donation pamphlets.

G. **Range information.** A range must be within visual proximity of the classroom facility and meet specifications for range layout and equipment as set forth in the curriculum provider’s specifications.

1. **Insurance.** Confirmation of liability insurance coverage from the school owner for the motorcycle riders while operating on the range. Minimum liability insurance coverage of $2,000,000.

I. **Compliance with land use regulations**. A certificate of occupancy or a report from the local fire department or other proper official which demonstrates that the school premises comply with state and municipal requirements regarding public health, safety and access. Authorization to use the facility as a rider education school is required. If the classroom is located in a public or private school, a comparable letter from the superintendent, principal, dean or headmaster will fulfill this requirement. Mobile or portable classrooms are also subject to this requirement.

1. **Surety bond.** The surety bond shall be for the use and benefit of the Secretary of State, and for any person who may suffer a financial loss due to a motorcycle rider education school failing to provide motorcycle rider education as required in 29-A MRS subchapter 3, 1352 (1) and Department of Secretary of State, Bureau of Motor Vehicles, Chapter 11: *Rules Governing Motorcycle Rider Education* §4.
2. The surety bond shall be at least $10,000.
3. The surety bond shall become payable upon order of the court of competent jurisdiction or administrative rule by the Bureau of Consumer Credit Protection or the Secretary of State.

K. **Inspections**. Classrooms and ranges shall be inspected annually. The Secretary of State may at any reasonable time, with or without notice, conduct on-site inspections of records, facilities and equipment in order to determine compliance with these rules.

 L. **Fees**. Motorcycle rider education schools shall submit an annual fee as established by 29-A MRS Section 1353 (2).

 M. **Signs.** The name of the school may be displayed at the established place of business. “Motorcycle course” may be included on the sign; the sign cannot reference guarantee of a permit or license.

 N. **Motorcycles.** School owned, rented, leased, or borrowed motorcycles used for any hands-on training course must be approved by the Secretary of State and meet the following requirements:

(1) A motorcycle must be available for each student enrolled in the course, and two spare motorcycles must be made available for student use in the event of mechanical malfunction.

(2) Must be in safe operating condition.

(3) Must meet at least two of the following:

(a) An engine displacement of 500cc or less;

(b) An unladen weight of 440 pounds or less;

(c) A seat height of 30 inches or less;

(4) All primary controls including, but not limited to throttle, clutch lever, gear shift lever, front brake lever, rear brake pedal, and associated cables must be without defect and fully functional.

(5) The brake light must illuminate when slight pressure is applied to the front brake lever, and rear brake pedal independently.

(6) Tire tread depth must be at least 2/32 of an inch everywhere on the tread when measured with a tread depth gauge, or unless worn to the wear indicators.

(7) Chain guard must be securely mounted and provide shielding from the chain or drive belt.

(8) Exhaust system must prevent excessive noise and not be altered beyond manufacturer specifications.

(9) Battery cover must be securely in place and protect the battery terminals.

1. **Employees.** The school must immediately advise the Secretary of State, in writing, whenever a motorcycle rider education instructor is hired or leaves the school’s employ.
2. **Sale or closure of motorcycle rider education school.** A motorcycle rider education school owner must immediately advise the Secretary of State, in writing, of its sale or closure. A 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.

**Section 7. Motorcycle Rider Education Program Requirements**

* + - 1. **Curriculum**. An instructor shall comply with the approved course curriculum meeting national standards, approved by the Secretary of State, and the Maine *Motorcycle Safety Program Manual* while conducting a motorcycle rider education course.
1. **Curriculum hours**. An instructor shall ensure that each student completes:
2. Prior to any training course, all motorcycle rider education students shall complete a minimum of 3 hours on-line (ecourse) or an equivalent pre-course assignment that includes motorcycle safety related topics and rider responsibility aspects as required by the State of Maine standards.
3. At least 5 hours of actual classroom instruction and 10 hours of actual hands-on range instruction, as required in the basic

motorcycle rider education course instructor guide before a student may be issued a course completion certificate; or

1. At least 8 hours of actual classroom instruction and 8 hours of actual hands-on range instruction as required in the 3-wheel basic motorcycle rider education instructor guide before a student may be issued a course completion certificate; or

 (4) Classroom units and range exercises must be delivered as outlined in the approved curriculum and the *Maine Motorcycle Safety Program Manual*. Any exceptions must be approved by the Secretary of State.

1. For safety reasons, during any motorcycle course, a training day that exceeds 5 hours of instruction shall incorporate a 45-minute (minimum) meal/rest break for students and instructors, near the mid-way point of that training day. Other student breaks as prescribed by the curricula shall be completed.

 B. **Student eligibility**. An instructor shall ensure that each student:

 (1) Is at least sixteen (16) years of age at the start of any motorcycle rider education course;

 (2) A person under 18 years of age must have written permission from a person that meets the requirements of 29-A MRS Section 1302, subsection 1;

 (3) Furnishes proof of age when enrolling in a motorcycle rider education course 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 MRS, Section 1351, if under eighteen (18) years of age and not in possession of a valid Maine driver’s license.

 C. **Submission and retention of records**. A motorcycle rider education school shall:

* + - * 1. Submit a copy of all new course reports to the Secretary of State at least seven (7) days prior to the start of the course. School owner shall notify the Secretary of State, in writing, of any course cancellation or change within 48 hours of the course start

time. The motorcycle safety program coordinator shall be notified via cellphone of any last-minute course cancellations or changes, before the start of any course;

 (2) Submit a copy of all course completion reports to the Secretary of State within seven (7) days of completion of the course;

 (3) Retain a duplicate copy of all records for at least five (5) 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 school to the Secretary of State upon completion of the course.

1. **Course completion certificates**. For the purpose of obtaining a motorcycle license, endorsement or learner’s permit, as required by 29-A MRS, Section 1352(5):
2. A school shall issue a course completion certificate, provided by the Secretary of State, to a student who successfully completes all course requirements;
3. A student may not be issued a course completion certificate unless the student has received all the instruction required by the standardized curriculum of a motorcycle rider education course, and meets the minimum requirements established by these rules and applicable statute;
4. A student who begins but does not complete a basic motorcycle rider education course or 3-wheel basic motorcycle rider education course, must repeat a complete course to receive a course completion certificate.
5. A student who passes the written exam, but disqualifies on the skills evaluation of a basic or 3-wheel motorcycle rider education course, and otherwise meets requirements of 29-A MRS Section 1352, subsection 6B allowing waiver of a road test, may repeat the entire range portion and skills evaluation during the current riding season of the initial course in which they participated.
6. A motorcycle rider education school may not withhold the issuance of a course completion certificate solely because the student fails to pay any fee required by the school.

 E. **Duplicate course completion certificates**

 (1) A school 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.

1. The Bureau of Motor Vehicles may issue a certification of completion, upon each student’s request, provided it has received

 course completion report showing the completion of the student, and it is satisfied that such a request is justified.

 F. **Monitoring performance**. The Secretary of State may, at any reasonable time, monitor and evaluate an instructor’s performance to determine compliance with 29-A MRS Section 1352 and these rules.

1. **Refund and cancellation policy**. A motorcycle rider education school must have a written refund and cancellation policy which must be furnished to the student at the time of enrollment in a course. All fees related to the course must be disclosed in this policy. This policy must include a notice that motorcycle rider education is regulated by the Secretary of State.

 H. **Student to Instructor ratio**

1. **Basic Motorcycle Rider Education Course.** The maximum number allowed in the classroom shall not exceed 24 students and shall not exceed 12 students per instructor. The maximum number allowed on the range shall not exceed 12 students and shall not exceed 6 students per instructor.
2. **3-Wheel Basic Motorcycle Rider Education Course**. The maximum number allowed in the classroom shall not exceed 12 students. The maximum allowed on the range shall not exceed 6 students with two instructors. The maximum allowed on the range shall not exceed 4 students with one instructor. As ride sharing (half riding/half observing) is acceptable for the 3‑wheel basic motorcycle rider education course, an additional instructor shall be present when students are observing a group that is riding.
3. **Double Classes**. When two separate groups of students are sharing a training facility during the same period of time while conducting a Basic Motorcycle Rider Education Course or in combination with a 3-Wheel Basic Motorcycle Rider Education Course, the following will be adhered to:
4. When one group is on the range, an additional instructor will be required to assist when the second group arrives until the completion of all training;
5. All instructors and students will be provided a minimum 1-hour meal/rest break at the same time, at the transition between range and classroom or at the transition between the groups utilizing the range or;
6. Two additional instructors must be provided to train the second group on the range.
7. **Instructor Preparation Course.** The Maine Motorcycle Safety Program Coordinator or a certified curriculum instructor trainer, approved by the Secretary of State, will conduct Instructor Preparation Courses on an as needed basis.
8. The course shall be held at a licensed motorcycle rider education school.
9. If an approved certified curriculum instructor trainer is providing the Instructor Preparation Course, the Maine Motorcycle Safety Program Coordinator will conduct the final evaluation and scoring of each candidate and student.
10. The approved certified curriculum instructor trainer must provide, in writing to the Secretary of State, notification of an Instructor Preparation Course at least 60 days prior to the start of the course. A form will be provided by the Secretary of State for course reporting.

**Section 8. Monitoring and Inspection by Secretary of State**. The Secretary of State shall monitor, with or without notice, classroom and range instruction for compliance with statutory and regulatory requirements. A motorcycle rider education school and motorcycle rider education instructor must allow the Secretary of State access to facilities, vehicles and records necessary to monitor and inspect classroom and range instruction.

**Section 9. Complaint Processing Procedure for Complaints against Licensed Schools and Instructors.** All complaints regarding a motorcycle rider education school and/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 school, instructor or 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 10. Denying, Suspending or Revoking the Licensing of a School or Instructor**

 1. The Secretary of State may suspend, revoke or deny to issue or renew a motorcycle rider education instructor or school license for just cause in accordance with the Maine Administrative Procedure Act and 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 MRS, Chapter 23, Subchapter III Article 3.

 3. An instructor or school, 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.

1. An instructor or school whose license is denied, suspended or revoked, or who does not renew certification, for more than 24 months, must complete the licensing process described in Section 5 of these rules again in order to be relicensed.
2. If the Secretary of State is notified by a curriculum provider, that a school or instructor is ineligible to use their curriculum, a suspension shall be imposed

until such time that documentation is provided showing compliance with the curriculum provider.

1. If not in good standing with an approved curriculum provider, a request to use another approved curriculum or request to approve a new curriculum will not be permitted.

**Section 11. Prohibited Conduct.** A person may not engage in the following conduct or activities:

1. **Motorcycle rider education**. A person may not conduct motorcycle rider education, operate a motorcycle rider education school, act as a motorcycle rider education instructor or represent oneself as providing the same without being licensed by the Secretary of State.

2. **Solicitation and advertising**. A motorcycle rider education school, including employees and agents, and a motorcycle rider education instructor may not:

A. Solicit or advertise at a location where the Secretary of State conducts driver tests.

1. Advertise, imply or otherwise represent oneself to be an employee or agent of the Secretary of State.
2. Advertise, imply or otherwise represent or insinuate that the issuance of a motorcycle permit, license or endorsement is guaranteed or assured.

D. Make any false, misleading or deceitful claims, statements or representations in any advertisement or solicitation.

E. Advertise or solicit business for a new school, new location or expired school, without being licensed.

3. A motorcycle rider education instructor and student may not engage in the use of mobile telephones or other handheld electronic devices as defined in 29-A MRS Section 101 subsection 26-C, as well as any wireless communication devices while conducting classroom or hands-on instruction.

4. A motorcycle rider education school, including employees and agents, and a motorcycle rider education instructor may not interfere, harass or intimidate any person where the Secretary of State conducts business.

5. A motorcycle rider education school, including employees and agents, and a motorcycle rider education instructor may not engage in any verbal, physical or visual harassment of any employee of the Secretary of State.

6. A motorcycle rider education school, including employees and agents, and a motorcycle rider education instructor may not intimidate or harass an employee, student or other person receiving motorcycle rider education based on sex, color, race, religion, national origin, age, marital status, physical or mental disability or sexual orientation. For the purpose of this paragraph harassment includes the following, which may be a series of incidents or a single occurrence: unwelcome sexual advances, gestures, comments, or contact; threats; offensive jokes; subjecting employees, students or other persons receiving motorcycle rider education to ridicule, slurs, or derogatory actions. For the purpose of this paragraph, sexual-harassment includes the following, which may be a series of incidents or a single occurrence: verbal, nonverbal and physical behavior that is sexual in nature such as comments about a person’s looks, personal inquiries, sexual jokes, use of derogatory sexual stereotypes, uttering sexually suggestive sounds, writing sexual notes, use of the computer equipment to send or receive material of a sexual nature, looking someone up-and-down, staring or leering at someone’s body, deliberate blocking of a person’s path, displaying sexual visuals, making sexual gestures, massaging, touching, deliberate brushing up against someone, hugging, pinching, grabbing or other sexual touching, contact or act.

1. A motorcycle rider education instructor or school may not allow any marketing activities by a third party during a motorcycle rider education course. Such activities, if allowed by a school or instructor, may occur only prior to, or following any course. Third parties include, but are not limited to, motorcycle manufacturers, dealers, associations or insurance providers. A motorcycle rider education school or instructor may not withhold issuance of a course completion certificate to a person for nonparticipation in any such activities.
2. At no time will anyone involved in the motorcycle rider education course use or consume any intoxicating or mind-altering substance that would prevent them from legally operating a motor vehicle.

**Appendix A**

**Surety Bond**

**for**

**Motorcycle Rider Education School**

**BOND NUMBER:**

**KNOW ALL MEN BY THESE PRESENTS, That we\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **(Name of Motorcycle School)**

**of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **(Motorcycle School Address) (Surety Company)**

**as surety authorized to do business in the State of Maine are held and firmly bound unto the Secretary of State, State of Maine to ensure faithful compliance with Chapter 11, Rules Governing Motorcycle Rider Education and the terms and conditions of the certificate issued there under. This bond has been undertaken by the principal in the amount of ten thousand ($10,000) for the payment of which we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally.**

**Whereas the above bounden Principal has made application to the Secretary of State, State of Maine, Bureau of Motor Vehicles, for certification to engage in business as a motorcycle rider education school in accordance with rules promulgated by the Secretary of State, and if so certified, said Principal is required to furnish a surety bond pursuant to Chapter 11, Rules Governing Motorcycle Rider Education.**

**Now, therefore, the condition of this Obligation is such that if the said Principal shall faithfully observe the provisions of the rules promulgated relating to the business of motorcycle rider education school obligation shall be null and void, otherwise to remain in full force and effect.**

**It is further understood and agreed that:**

1. **This bond shall run from the date it is signed and dated and shall continue in full force and effect for a minimum of one (1) year after motorcycle rider education school license expiration.**
2. **This bond may be canceled by the Surety at any time by giving thirty (30) days written notice by registered or certified mail to the Secretary of State.**

**Principal and Surety agree to be bound by the laws of the State of Maine as to the interpretation of this instrument.**

**Signed, sealed and dated the \_\_\_\_\_\_\_day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Principal Surety Company**

 **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **Address of Surety Company**

**BY:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ BY:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Witness:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

There will be no fiscal impact to municipalities resulting from the adoption of these rules.

STATUTORY AUTHORITY:

 29-A MRS section 153

EFFECTIVE DATE:

 August 16, 1988 – filing 88-276

AMENDED:

 September 14, 1992 – filing 92-367

EFFECTIVE DATE (ELECTRONIC CONVERSION):

 May 4, 1996

REPEALED AND REPLACED:

 February 7, 1998 – filing 98-74

 June 13, 2017 – filing 2017-089

 July 4, 2020 – filing 2020-155