

# MAINE STATE LEGISLATURE

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L.D. 816

(Filing No. S-124)

STATE OF MAINE  
SENATE  
114TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A " to S.P. 311, L.D. 816, Bill, "An Act to Increase Safety on Maine Roads and Protect the General Welfare"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 29 MRSA §532, first ¶, as amended by PL 1983, c. 553, §46, is further amended to read:

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

1 ~~Business, Occupational and Professional and Financial~~ Regulation,  
Board of Commercial Driver Education. Any person who has not  
3 held a Maine operator's license during one of the 3 preceding  
years may apply for an instruction permit.

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6 Sec. 2. 29 MRSA §532, as amended by PL 1983, c. 553, §46, is  
7 further amended by adding after the first paragraph a new  
paragraph to read:

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10 A person under the age of 17 years may not apply for an  
11 operator's license until 3 months after the date of issue of an  
12 instruction permit to that person.

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14 Sec. 3. 29 MRSA §538 is amended to read:

15 §538. Age limit

16  
17 No operator's license shall may be issued to any person  
18 under 15 16 years of age, except a special restricted license as  
19 provided in section 538-A.

20  
21 Sec. 4. 29 MRSA §538-A is enacted to read:

22  
23 §538-A. Special restricted license

24  
25 A person who has reached the age of 15 years and who has  
26 successfully completed a driver education course as provided in  
27 section 583 may apply to the Secretary of State for a special  
28 restricted license based on educational or employment need. The  
29 Secretary of State shall supply the application form. If the  
30 applicant qualifies under subsection 1 or 2, after passing an  
31 examination for operation of a motor vehicle as provided in  
32 section 581, a special restricted license shall be issued to the  
33 applicant.

34  
35 1. Educational need. A person qualifies for a special  
36 restricted license based on educational need by filing a  
37 notarized signed application including: a statement from the  
38 applicant and the applicant's parent or guardian that no readily  
39 available alternative means of transportation exists and that use  
40 of a motor vehicle is necessary for transportation to and from a  
41 public secondary school, a private secondary school approved for  
42 attendance purposes by the Commissioner of Educational and  
43 Cultural Services, a vocational center or a vocational region  
44 which the applicant is attending; a verification of school  
45 attendance; and the lack of a readily available alternative means  
46 of transportation by the principal of the school.

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48 Notwithstanding the first paragraph of this section, a person  
49 between the ages of 16 and 17 is not required to complete a  
50 driver education course in order to qualify for a restricted  
51 license based on educational need.

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A special restricted license issued under this subsection only authorizes the holder to operate a motor vehicle between the holder's residence and school.

2. Employment need. A person qualifies for a special restricted license based on employment need by filing a notarized signed application including: a statement from the applicant and the applicant's parent or guardian that no readily available alternative means of transportation exists and that use of a motor vehicle is necessary for transportation to, from or in connection with employment of the applicant; and a verification of employment by the employer.

A special restricted license issued under this subsection only authorizes the holder to operate a motor vehicle between the holder's residence, school, and place of employment and in other places if necessary in direct connection with that employment.

3. Provisional license. A special restricted license is a provisional license, but the provisions of subsection 4 shall apply in place of section 2241-G, subsection 2, paragraph A.

4. Cancellation. In addition to the provisions of section 586, the Secretary of State shall cancel a special restricted license issued under this section when:

A. The holder is convicted of or adjudicated to have committed any violation of the license restriction or of any motor vehicle moving violation during the time when the special restricted license is in force. In this case, the person shall not be entitled to any further special restricted license under this section; or

B. The Secretary of State receives written notice from the holder, parent, guardian, principal, or employer that the holder no longer qualifies for a special restricted license.

In case of cancellation under paragraph A or B, a hearing may be requested of the Secretary of State, and the Secretary of State shall afford the provisional licensee opportunity for hearing as soon as practicable after receipt of the request. Upon the hearing, the Secretary of State, for good cause shown, may continue, modify or rescind the cancellation. This paragraph shall not apply when a person is convicted of or adjudicated to have committed an offense which carries a suspension or revocation period greater than that prescribed in this paragraph.

Sec. 5. 29 MRSA §581, as amended by PL 1965, c. 369, §3-A, is further amended to read:

1       **§581. Examination required; reexamination**

3           Before the operator's license is granted, an applicant shall  
4       be required to pass such physical examination and such  
5       examination by actual demonstration or otherwise as to his the  
6       applicant's qualifications to operate a motor vehicle as the said  
7       Secretary of State shall require. Failure to complete the driving  
8       test within ~~one-year~~ 18 months of issue date of permit will  
9       require reexamination for the permit. ~~No such application for~~  
10      ~~reexamination shall be accepted until 6 months after the~~  
11      ~~expiration of said permit, except that the Secretary of State, in~~  
12      ~~his discretion, may waive such 6-month "waiting period."~~

13           Sec. 6. 29 MRSA §583, as amended by PL 1987, c. 415, §20, is  
14      repealed and the following enacted in its place:

15       **§583. Driver education required for minors**

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

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

36           Sec. 7. 32 MRSA §9601, sub-§3 is enacted to read:

37           3. Exclusion. No license under this chapter may be  
38      required of a certified teacher conducting a driver education  
39      course in a public secondary school, a private secondary school  
40      approved for attendance purposes by the Commissioner of  
41      Educational and Cultural Services, a vocational center or a  
42      vocational region.

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**FISCAL NOTE**

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Enactment of this legislation would result in a loss of Highway Fund revenue collected by the Division of Motor Vehicles in an amount of not more than \$26,532 for fiscal year 1989-90. This loss of revenue would be derived from the proposed increase of the minimum operator's license age from 15 to 16 and the loss of the revenue collected from 1,474 15-year-olds in the first year, less those who acquire a special restricted license.'

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**STATEMENT OF FACT**

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The amendment, like the original bill, increases from 15 to 16 the minimum age for obtaining a motor vehicle operator's license, with driver education, but it adds a provision for a special restricted license for 15-year-olds who need to drive to school, to work, or in connection with work. To obtain a restricted license for one of these purposes, the applicant must pass driver education, pass the regular motor vehicle license examination, and submit a notarized statement of need from the parent or guardian and the school or the employer. In present law, an applicant for a restricted license based on educational need is not required to complete driver education. That exemption is maintained for drivers between 16 and 17 who apply for a special restricted license based on educational need.

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The amendment extends the time of validity of an instruction permit from 12 months to 18 months, and adds a new requirement that persons under age 17 must have an instruction permit for 3 months before applying for an operator's license.

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The original bill would have raised the minimum age for obtaining a motor vehicle operator's license without driver education to age 18. The amendment leaves it at age 17.

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The amendment also makes technical changes in the Maine Revised Statutes, Title 29, section 583 and Title 32, section 9601.

Reported by Senator Twitchell for the Committee on Transportation  
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(5/17/89) (Filing No. S-124)