

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
116TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 617, L.D. 832, Bill, "An Act to Decrease Traffic Accidents through Creation of an Intermediate License for Minors"

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 1989, c. 700, Pt. A, §118, is further amended to read:

Any A 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 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 that entitles the applicant, while having the permit in the applicant's immediate possession, to drive a motor vehicle upon the public highways for a period of 18 months when accompanied by a licensed operator who is the applicant's spouse, parent or legal guardian or who has at least one year of driving experience been licensed for the preceding 2 years and during that period has not been convicted of or adjudicated to have committed a motor vehicle violation with a mandatory suspension or a motor vehicle violation included as criteria for determination of a habitual offender in section 2292 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 impaired mental or physical

**COMMITTEE AMENDMENT**

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COMMITTEE AMENDMENT "A" to H.P. 617, L.D. 832

functioning as a result of the use of intoxicating liquor or drugs, that licensed operator is guilty of a Class E crime. The Secretary of State may, in 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 ~~which~~ that includes practice driving. That instruction permit shall ~~is~~ be valid when the applicant is accompanied by an instructor approved by the Commissioner of Education or a commercial driver education instructor licensed by the Department of Professional and Financial Regulation, Board of Commercial Driver Education. ~~Any~~ A person who has not held a Maine operator's license during one of the 3 preceding years may apply for an instruction permit.

Sec. 2. 29 MRSA §538, as amended by PL 1989, c. 597, is further amended by adding at the end a new paragraph to read:

An initial operator's license issued to a person 16 or 17 years of age is an intermediate license as provided in section 538-B.

Sec. 3. 29 MRSA §538-B is enacted to read:

**§538-B. Intermediate license**

An initial operator's license issued to an applicant who is 16 or 17 years of age is an intermediate license. An intermediate operator's license becomes an operator's license upon the intermediate licensee's completion of 12 consecutive months of operating without being convicted of or adjudicated to have committed a motor vehicle moving violation or on the intermediate licensee's 21st birthday, whichever comes first.

1. Restricted hours of operation. Except as provided in this section, an operator with an intermediate license may not operate a vehicle on a public way between the hours of 12:00 midnight and 5:00 a.m. unless accompanied by one of the following:

A. A parent or legal guardian; or

B. An operator at least 18 years of age who:

(1) Has been licensed for the preceding 2 years; and

(2) During the preceding 2 years has not been convicted of or adjudicated to have committed a motor vehicle violation with a mandatory suspension or a motor vehicle violation included as criteria for determination of a habitual offender in section 2292.

2 2. Application for waiver of restriction on hours of  
 4 operation. An operator with an intermediate license may apply in  
 6 writing to the Secretary of State for a modification or waiver of  
 8 the 12:00 midnight to 5:00 a.m. restriction. In the letter of  
 10 application, the licensee shall state the reason the modification  
 12 or waiver is requested. The letter must be cosigned by the  
 14 person giving authorization for the licensing of the minor in  
accordance with section 585. If the request is sought for  
employment reasons, the licensee must include a work schedule and  
a notarized statement from the employer or potential employer.  
If the request is sought for participation in athletic events and  
related training, the licensee must include a probable schedule  
for the events and training and a notarized statement from the  
coach or supervisor of that activity.

16 3. Granting of waiver. The Secretary of State shall  
 18 consider an application submitted in accordance with subsection 2  
 20 and may modify or waive the restricted hours of operation if the  
applicant has at least 6 months' driving experience without a  
motor vehicle moving violation and:

22 A. The licensee's employment or opportunity for employment  
 24 is adversely effected by the nighttime restrictions; or

26 B. The licensee's participation in athletic events and  
 28 related training is adversely effected by the nighttime  
restriction.

30 For purposes of this subsection, the 6 months of driving  
 32 experience must be immediately prior to applying for the waiver  
and may include driving on an instruction permit.

34 4. Notice and conditions of waiver. Upon granting a  
 36 waiver, the Secretary of State shall notify the licensee in  
 38 writing. The notification letter must state the hours that the  
 40 licensee is permitted to operate, the activity or employment for  
 42 which the waiver is granted, the location of the activity or  
employment and the period of time for which the waiver is  
granted. A waiver granted to a student for employment purposes  
applies only on nonschool days. The granting of a waiver becomes  
part of the licensee's driving record.

44 5. Cancellation of waiver; misuse of waiver. Within 5  
 46 days of termination of the employment or activity for which a  
 48 waiver was granted, the licensee shall notify the Secretary of  
State in writing and shall state the date of termination. The  
Secretary of State shall cancel the licensee's waiver upon  
receiving notification.

50 A licensee granted a waiver in accordance with subsections 3 and  
4 who operates unsupervised between the hours of 12:00 midnight

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2 and 5:00 a.m. for purposes other than those for which the waiver  
was granted is in violation of subsection 1.

4 If an intermediate licensee granted a waiver is adjudicated of a  
motor vehicle moving violation or files an answer of "Not  
6 contested" to a summons for a motor vehicle moving violation, the  
Secretary of State shall cancel that licensee's waiver.

8  
10 6. Violation. An intermediate licensee who violates this  
section commits a traffic infraction. The Secretary of State  
12 shall consider a violation of subsection 1 a moving violation.

14 7. Provisional license. An intermediate license is a  
provisional license subject to the provisions of section 2241-G,  
16 subsection 2 for the first year from the date the intermediate  
license was issued.

18 8. Transition. A license issued prior to January 1, 1994  
is a valid operator's license and is not subject to the  
20 provisions of this section.

22 **Sec. 4. Effective date.** This Act takes effect January 1, 1994.  
24

26 **FISCAL NOTE**

28 The Bureau of Motor Vehicles within the Department of the  
30 Secretary of State will incur some minor additional costs to  
32 administer an intermediate license for persons under the age of  
18. These costs can be absorbed within the bureau's existing  
budgeted resources.

34 The additional workload and administrative costs associated  
36 with the minimal number of new cases filed in the court system  
can be absorbed within the budgeted resources of the Judicial  
Department. The collection of additional fines may increase  
38 General Fund revenues by a minor amount.'

40 **STATEMENT OF FACT**

42 This amendment is the minority report. The amendment  
44 replaces the original bill. The amendment contains the following  
provisions:

- 46  
48 1. It changes the restrictions on who may accompany a  
person operating on an instruction permit. A person must have 2

COMMITTEE AMENDMENT "A" to H.P. 617, L.D. 832

years' experience as a licensed driver and may not have had any  
"major" motor vehicle violations during that 2-year period; and

2  
4       2. It establishes an intermediate license for persons under  
18 years of age. An intermediate licensee may not drive between  
6 12:00 midnight and 5:00 a.m. unless accompanied by a person  
meeting the criteria for a person accompanying a person operating  
8 on an instruction permit. Provisions for a waiver of the  
nighttime restriction are included for solo driving when an  
10 activity or employment necessitates that waiver. An intermediate  
license becomes an operator's license upon completion of 12  
12 months of driving without a violation or upon the licensee's 21st  
birthday.

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The amendment also adds a fiscal note.

Reported by the Minority of the Committee on Transportation  
Reproduced and distributed under the direction of the Clerk of the  
House  
5/20/93

(Filing No. H-391)

**COMMITTEE AMENDMENT**