

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

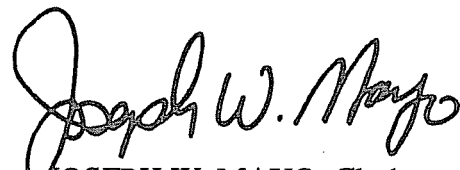
No. 832

H.P. 617

House of Representatives, March 9, 1993

**An Act to Decrease Traffic Accidents through Creation of an
Intermediate License for Minors.**

Reference to the Committee on Transportation suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative FAIRCLOTH of Bangor.
Cosponsored by Senator PARADIS of Aroostook and
Representatives: BAILEY of Township 27, CARROLL of Gray, DRISCOLL of Calais,
MELENDY of Rockland, O'GARA of Westbrook, RYDELL of Brunswick, Senators: AMERO
of Cumberland, SUMMERS of Cumberland.

Be it enacted by the People of the State of Maine as follows:

2
4 **Sec. 1. 29 MRSA §532, first ¶,** as amended by PL 1989, c. 700,
Pt. A, §118, is further amended to read:

6 Any person who is at least 15 years of age and has completed
8 a course in driver education as provided in section 583 may apply
to the Secretary of State for an instruction permit. The
10 Secretary of State may, in the Secretary of State's discretion,
after an applicant has successfully passed all parts of an
12 examination other than the driving test, issue to the applicant
an instruction permit ~~which shall entitle~~ that entitles the
14 applicant, while having the permit in the applicant's immediate
possession, to drive a motor vehicle upon the public highways for
16 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
18 preceding 3 years and during that period has not been convicted
or adjudicated to have committed a motor vehicle moving violation
20 and is at least ~~18~~ 21 years of age and who is occupying a seat
beside the driver, except in the event the permittee is operating
22 a motorcycle or motor driven cycle. If any such licensed
operator, while accompanying an applicant and occupying a seat
24 beside the driver while the vehicle is being operated on a public
way, has impaired mental or physical functioning as a result of
26 the use of intoxicating liquor or drugs, that licensed operator
is guilty of a Class E crime. The Secretary of State may, in the
28 Secretary of State's discretion, issue a restricted instruction
permit effective for a school year or for a restricted period to
30 an applicant who is enrolled in a driver education program ~~which~~
that includes practice driving. That instruction permit ~~shall~~ is
32 only be valid when the applicant is accompanied by an instructor
approved by the Commissioner of Education or a commercial driver
34 education instructor licensed by the Department of Professional
and Financial Regulation, Board of Commercial Driver Education.
36 Any person who has not held a Maine operator's license during one
of the 3 preceding years may apply for an instruction permit.

38
40 **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:

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

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

48 §538-B. Intermediate license

2 An initial operator's license issued to an applicant who is
4 16 or 17 years of age is an intermediate license. A holder of an
6 intermediate license may apply for an operator's license upon
8 completion of 12 consecutive months of operating as an
10 intermediate licensee without being convicted of or adjudicated
12 to have committed a motor vehicle moving violation.

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

22 A. A parent or legal guardian; or

24 B. An operator at least 21 years of age who:

26 (1) Has been licensed for the preceding 3 years; and

28 (2) During the preceding 3 years has not been
30 convicted of or adjudicated to have committed a motor
32 vehicle moving violation.

34 2. Application for waiver of restriction on hours of
36 operation. An operator with an intermediate license may apply in
38 writing to the Secretary of State for a modification or waiver of
40 the 12:00 midnight to 5:00 a.m. restriction. In the letter of
42 application, the licensee must state the reason the modification
44 or waiver is requested. The letter must be cosigned by the
46 person giving authorization for the licensing of the minor in
48 accordance with section 585. If the request is sought for
50 employment reasons, the licensee must include a work schedule and
a signed statement from the employer or potential employer. If
the request is sought for participation in an extracurricular
activity, the licensee must include a probable schedule for the
activity and a signed statement from the instructor or supervisor
of that activity.

3. Issuance of waiver. The Secretary of State shall
consider an application submitted in accordance with subsection 2
and may modify or waive the restricted hours of operation if the
Secretary of State determines the restrictions adversely affect
the following:

A. The licensee's employment or opportunity for employment;
or

B. The licensee's participation in a sport, musical
training, an academic pursuit or an organized volunteer
program.

2 Upon granting a waiver, the Secretary of State shall issue an
4 affidavit that states the hours that the licensee is permitted to
6 operate, the activity or employment for which the waiver was
8 granted, the location of the activity or employment and the
10 period of time for which the waiver is granted.

12 4. Carrying of affidavit. An intermediate licensee issued
14 a waiver in accordance with subsection 3 shall have the affidavit
16 from the Secretary of State in that licensee's immediate
18 possession at all times when the licensee is driving within the
20 hours of 12:00 midnight and 5:00 a.m.. The licensee shall hand
22 over the affidavit for inspection upon demand of a police officer.

24 5. Return of affidavit; misuse of affidavit. Upon
26 termination of the employment or activity for which an affidavit
28 was issued in accordance with subsection 3, the licensee shall
30 return the affidavit to the Secretary of State with a letter
32 stating the date of termination. A licensee issued an affidavit
34 in accordance with subsection 3 who operates unsupervised between
36 the hours of 12:00 midnight and 5:00 a.m. for purposes other than
38 those for which the waiver was granted is in violation of
40 subsection 1.

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

48 7. Provisional license. An intermediate license is a
50 provisional license subject to the provisions of section 2241-G,
52 subsection 2.

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

60 Sec. 4. 29 MRSA §540, first ¶, as amended by PL 1991, c. 758,
62 §10 and c. 823, §3 and as affected by §7, is further amended to
64 read:

66 Each license must state the name, date of birth and place of
68 residence, or mailing address if different from the residence, of
70 the licensee and permanent number assigned the licensee, and may
72 contain such other information as the Secretary of State
74 considers necessary. ~~The~~ For the purposes of identification, the
76 license must also bear a full-face color photograph of the
78 licensee ~~for the purpose of identification~~ if 21 years of age or
80 older or a profile color photograph of the licensee if under 21
82 years of age except that those persons who renew their licenses
84 on or after their 65th birthday, persons in active military
86 service stationed outside the State and temporary licenses issued

2 under section 533 may be exempt from the photograph requirement.
3 A license that does not contain a photograph of the licensee may
4 be issued as the Secretary of State determines necessary.

5 **Sec. 5. 29 MRSA §540-A, sub-§1**, as amended by PL 1989, c. 64,
6 is further amended to read:

7 **1. Under 21 years of age.** The Secretary of State shall
8 provide that licenses issued to persons under 21 years of age be
9 distinctive by bearing a profile color photograph of the licensee
10 and that intermediate licenses issued in accordance with section
11 538-B be distinctive by being printed with a different color code
12 than ~~these--issued--to--persons--21--years--of--age--or--older~~ other
13 operators' licenses.

14
15 **Sec. 6. 29 MRSA §2241-G, sub-§2, ¶A**, as amended by PL 1989, c.
16 481, Pt. A, §27, is further amended to read:

17
18 **A.** If a person is convicted of or adjudicated to have
19 committed a motor vehicle moving violation ~~which--violation~~
20 that occurred within the ~~first--year~~ 2 years from the date of
21 issue of the provisional license, the license shall must be
22 suspended for 30 days on the first offense. If a person is
23 convicted of or adjudicated to have committed a 2nd moving
24 violation, that person's license shall must be suspended for
25 60 days and if the person is convicted of or adjudicated to
26 have committed a 3rd moving violation, the license shall
27 must be suspended to the ~~2nd~~ 3rd birthday next following the
28 date of issue or for 90 days, ~~whichever shall--be~~ is the
29 longer period of time. In these cases, a hearing may be
30 requested of the Secretary of State, and the Secretary of
31 State shall afford the provisional licensee opportunity for
32 hearing as soon as practicable after receipt of the
33 request. Upon the hearing, the Secretary of State, for good
34 cause shown, may continue, modify or rescind the
35 suspension. This paragraph shall does not prevail when a
36 person is convicted of or adjudicated to have committed an
37 offense ~~which~~ that carries a suspension or revocation period
38 greater than that prescribed in this paragraph.

39
40 **Sec. 7. Effective date.** This Act takes effect January 1, 1994.
41

42 43 STATEMENT OF FACT

44
45 In order to decrease traffic accidents, this bill makes
46 several changes to Title 29. This bill raises the age and
47 experience requirements for a person accompanying someone
48 operating with an instruction permit. The bill provides for an

2 intermediate license to be issued to persons under 18 years of
age. An intermediate licensee may not drive between 12:00
4 midnight and 5:00 a.m. unless accompanied by an adult who has
been licensed for 3 years. Provisions are included for solo
6 driving when an activity or employment necessitates. A holder of
an intermediate license may apply for an operator's license when
8 the licensee has completed 12 consecutive months of driving
without a moving violation. This bill extends from 1 year to 2
10 years the period during which a minor's license can be
automatically suspended for a motor vehicle moving violation.
12 This bill also requires the Secretary of State to issue persons
under 21 years of age licenses with a profile photograph instead
of a full-face photograph and to color code intermediate licenses.
14