

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 427

S.P. 166

In Senate, February 6, 1995

An Act to Create an Intermediate License for Minors.

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS
Secretary of the Senate

Presented by Senator FAIRCLOTH of Penobscot.
Cosponsored by Senators: CASSIDY of Washington, PARADIS of Aroostook, STEVENS of
Androscoggin, Representatives: CHARTRAND of Rockland, O'GARA of Westbrook.

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

2
4 **Sec. 1. 29-A MRSA §1251, sub-§5**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

6 **5. Age limit.** A license, except a special restricted license under section 1256, may not be issued to a person who has
8 not attained 16 years of age.

10 An operator's license issued to a person at least 16 years of age but not more than 17 years of age is an intermediate license as provided in section 1302-A.

14 **Sec. 2. 29-A MRSA §1302-A** is enacted to read:

16 **§1302-A. Intermediate license**

18 An initial operator's license issued to an applicant who is at least 16 years of age but not more than 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 a motor vehicle without being convicted of or adjudicated to have committed a motor vehicle moving violation or on the intermediate licensee's 21st birthday.

26 **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:

32 A. A parent or legal guardian; or

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

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

38 (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 an habitual offender in section 2551.

44 **2. Application for waiver of restriction on hours of operation.** An operator with an intermediate license may apply in writing to the Secretary of State for a modification or waiver of the 12:00 midnight to 5:00 a.m. restriction. In the letter of application, the licensee shall state the reason the modification or waiver is requested. The letter must be cosigned by the

2 person giving authorization for the licensing of the minor in
3 accordance with section 1302. If the request is sought for
4 employment reasons, the licensee shall include a work schedule
5 and a notarized statement from the employer or potential
6 employer. If the request is sought for participation in athletic
7 events and related training, the licensee shall include a
8 probable schedule for the events and training and a notarized
9 statement from the coach or supervisor of that activity.

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

15 A. The licensee's employment or opportunity for employment
16 is adversely affected by the nighttime restriction; or

17 B. The licensee's participation in athletic events and
18 related training is adversely affected by the nighttime
19 restriction.

20 For purposes of this subsection, the 6 months' driving experience
21 must be immediately prior to the licensee's application for the
22 waiver and may include driving on an instruction permit.

23 **4. Notice and conditions of waiver.** Upon granting a
24 waiver, the Secretary of State shall notify the licensee in
25 writing. The notification letter must state the hours that the
26 licensee is permitted to operate, the activity or employment for
27 which the waiver is granted, the location of the activity or
28 employment and the period of time for which the waiver is
29 granted. A waiver granted to a student for employment purposes
30 applies only on nonschool days. The granting of a waiver becomes
31 part of the licensee's driving record.

32 **5. Cancellation of waiver; misuse of waiver.** Within 5
33 days of termination of the employment or activity for which a
34 waiver is granted, the licensee shall notify the Secretary of
35 State in writing and state the date of termination. The
36 Secretary of State shall cancel the licensee's waiver upon
37 receiving notification.

38 A licensee granted a waiver in accordance with subsections 3 and
39 4 who operates unsupervised between the hours of 12:00 midnight
40 and 5:00 a.m. for purposes other than those for which the waiver
41 is granted is in violation of subsection 1.

2 If an intermediate licensee granted a waiver is adjudicated of a
3 motor vehicle moving violation, the Secretary of State shall
4 cancel that licensee's waiver.

6 6. Violation. An intermediate licensee who violates
7 subsection 1 commits a traffic infraction. The Secretary of
8 State shall consider a violation of subsection 1 a moving
9 violation.

10 7. Provisional license. An intermediate license is a
11 provisional license subject to the provisions of section 2472 for
12 the first year from the date the intermediate license is issued.

14 8. Transition. A license issued prior to January 1, 1996
15 is a valid operator's license and is not subject to the
16 provisions of this section.

18 **Sec. 3. 29-A MRSA §1304, sub-§1, ¶E,** as enacted by PL 1993, c.
19 683, Pt. A, §2 and affected by Pt. B, §5, is repealed and the
20 following enacted in its place:

22 E. Unless the permittee is operating a motorcycle or
23 motor-driven cycle, the permittee must be accompanied by a
24 licensed operator who:

26 (1) Is the permittee's spouse, parent or legal
27 guardian or has been a licensed operator for the
28 preceding 2 years and during that period has not been
29 convicted of or adjudicated to have committed a motor
30 vehicle violation with a mandatory suspension or a
31 motor vehicle violation included as criteria for
32 determination of an habitual offender in section 2551;

34 (2) Is at least 18 years of age; and

36 (3) Is occupying a seat beside the driver.

38 **Sec. 4. Effective date.** This Act takes effect January 1, 1996.

40 STATEMENT OF FACT

42 This bill changes the restrictions on who may accompany a
44 person operating a motor vehicle on an instruction permit. A
45 person other than the permittee's spouse, parent or legal
46 guardian must have held a driver's license for the preceding 2
47 years and may not have had a "major" motor vehicle violation
48 during that 2-year period. Major motor vehicle violations

2 include violations with a mandatory license suspension and
violations that are used to define an habitual offender.

4 The bill establishes an intermediate license for 16-year
olds and 17-year olds. An intermediate licensee may not drive
6 between the hours of 12:00 midnight and 5:00 a.m. unless
accompanied by a parent, a legal guardian or a licensed driver 18
8 years of age or over with 2 years' driving experience and without
a "major" motor vehicle violation during that 2-year period.
10 Provisions for a waiver of the nighttime restriction are included
for solo driving when an activity or employment necessitates that
12 waiver. An intermediate license becomes an operator's license
upon completion of 12 months of driving without a motor vehicle
14 moving violation or upon the licensee's 21st birthday.