

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

No. 757

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H.P. 566

House of Representatives, February 4, 1997

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### An Act to Create Graduated Licenses.

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Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative JOYNER of Hollis.  
Cosponsored by Representatives: MURPHY of Kennebunk, NICKERSON of Turner and  
Senator BENNETT of Oxford and  
Representative OTT of York.

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

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4       **Sec. 1. 29-A MRSA §1256, sub-§3**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

6       **3. Suspension of provisional license.** A special restricted license is a provisional license. Notwithstanding chapter 23, subchapter III, article 2 ~~and--in--addition--to--section--1302, subsection--2,~~ the Secretary of State shall suspend a special restricted license when:

12       A. The holder is convicted of or adjudicated to have committed a violation of the license restriction or of a motor vehicle moving violation when holding a special restricted license. A person whose license is suspended pursuant to this paragraph is not entitled to another special restricted license; or

18       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.

22       **Sec. 2. 29-A MRSA §1302**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

26       **Sec. 3. 29-A MRSA §1310** is enacted to read:

28       **§1310. Graduated license**

30       **1. Special provisional card.** A driver's license issued to a person who is 17 years of age or less is valid only upon the issuance of a special provisional card.

34       **2. License provisions.** The Secretary of State shall designate graduated licensing provisions in a manner that clearly indicates that the person is subject to the appropriate provisions described in this section.

38       **3. Level one graduated licensing status.** A person who is 16 to 17 years of age must be issued a level one graduated licensing status to operate a motor vehicle if the person has met all of the following conditions:

44       A. Passed a vision test and met health standards as prescribed by the Secretary of State;

46       B. Successfully completed a driver education course pursuant to section 1351, including a minimum of 6 hours of on-the-road driving time with the instructor; and

48       C. Received written approval from a parent or legal guardian.

2           4. Restriction for operator of level one graduated  
4           licensing status. A person issued a level one graduated  
6           licensing status may operate a motor vehicle only when  
8           accompanied either by a parent or legal guardian licensed to  
10           operate a motor vehicle or, with the permission of the parent or  
          legal guardian, a licensed driver 21 years of age or older.  
          Except as otherwise provided in this section, a person is  
          restricted to operating a motor vehicle with a level one  
          graduated licensing status for not less than 6 months.

12           5. Level 2 graduated licensing status. A person must be  
14           issued a level 2 graduated licensing status to operate a motor  
          vehicle if the person has met all of the following conditions:

16           A. Possessed a level one graduated licensing status for not  
18           less than 6 months;

20           B. Had not incurred a moving violation resulting in a  
22           conviction or civil infraction determination or had not been  
24           involved in an accident for which the official police report  
          indicates a moving violation on the part of the person  
          during the 90-day period immediately preceding application;

26           C. Presented certification by the parent or legal guardian  
28           that the person has accumulated a total of not less than 50  
30           hours of behind-the-wheel experience, of which not less than  
32           10 hours must be at night, while accompanied by a parent or  
          legal guardian licensed to operate a motor vehicle or, with  
          the permission of the parent or legal guardian, any licensed  
          driver 21 years of age or older; and

34           D. Successfully completed a performance road test approved  
36           by the Secretary of State. The Secretary of State may enter  
38           into an agreement with another public or private person or  
40           agency, including a city, village or township, to conduct  
          this performance road test. This paragraph applies to a  
          person 16 years of age or older only if the person has met  
          the conditions under paragraphs A, B and C.

42           6. Restriction for operator of level 2 graduated licensing  
44           status. A person issued a level 2 graduated licensing status  
46           under subsection 5 remains at level 2 for not less than 6 months  
48           and may not operate a motor vehicle in this State from midnight  
          to 5 a.m. unless accompanied by a parent or legal guardian  
          licensed to operate a motor vehicle or a licensed driver 21 years  
          of age or older designated by the parent or guardian or when  
          going to and from employment.

50           7. Restrictions. The provisions and provisional period  
52           described in subsection 4 or 6 must be expanded or extended, or  
          both, if any of the following occur and are recorded on the

licensee's driving record during the provisional periods described in subsection 4 or 6 or any additional periods imposed under this subsection:

A. A moving violation resulting in a conviction, civil infraction determination or probate court disposition;

B. An accident for which the official police report indicates a moving violation on the part of the licensee;

C. A license suspension for a reason other than a mental or physical disability; or

D. A violation of subsection 4 or 6.

**8. Provisional period extended; level one graduated license.** The provisional period described in subsection 4 must be extended under subsection 7 until the licensee reaches 18 years of age or completes 90 consecutive days, whichever occurs first, without incurring the following infractions:

A. A moving violation;

B. An accident in which a moving violation resulted; or

C. A suspension or provisional period violation listed in subsection 7.

**9. Provisional period extended; level 2 graduated license.** The provisional period described in subsection 6 must be extended under subsection 7 until the licensee reaches 18 years of age or completes 12 consecutive months, whichever occurs first, without incurring the following infractions:

A. A moving violation;

B. An accident in which a moving violation resulted; or

C. A suspension or provisional period listed in subsection 7.

**10. Level 3 graduated licensing status.** A person who is 17 years of age or older may be issued a level 3 graduated licensing status under this subsection after that person has been issued a level 2 graduated licensing status under subsection 5 if the person has completed 12 consecutive months without incurring the following infractions:

A. A moving violation;

B. An accident in which a moving violation resulted; or

2           C. A suspension or restricted period violation listed in  
3           subsection 7.

4           11. Notice. Notice must be sent by first-class mail to the  
5           last known address of a licensee if the provisions are expanded  
6           or extended as described in subsection 7.

8           12. Violation. A person who violates subsection 4 or 6  
9           commits a civil infraction.

10           13. Notice to parent. If a person violates subsection 4 or  
11           6, the Secretary of State shall send written notification of any  
12           conviction of a civil infraction or moving violation to a parent  
13           or legal guardian of the person.

14           14. Dates for determining violations. For the purposes of  
15           this section. The following criteria are used as the dates for  
16           determining violations.

17           A. If a person is convicted of a moving violation, the date  
18           of the arrest for the violation is used in determining  
19           whether the conviction occurred within a provisional period  
20           under this section.

21           B. Upon entry of a civil infraction determination for a  
22           moving violation, the date of issuance of a citation for a  
23           civil infraction is used in determining whether the civil  
24           infraction determination occurred within a provisional  
25           period under this section.

26           C. The date of the official police report is used in  
27           determining whether a licensee was driving a motor vehicle  
28           involved in an accident for which the official police report  
29           indicates a moving violation on the part of the licensee or  
30           indicates the licensee had been under the influence of  
31           intoxicants or drinking intoxicating liquor.

32           15. Possession of graduated licensing status. A person  
33           must have that person's graduated licensing status in that  
34           person's immediate possession at all times when operating a motor  
35           vehicle and must display the card upon demand of a police  
36           officer. A person who violates this subsection commits a civil  
37           infraction.

38           16. Exempt. This section does not apply to a person 15  
39           years of age or older who is currently enrolled in but has not  
40           completed a driver education course by April 1, 1997 or who has  
41           completed a driver education course but has not acquired a  
42           driver's license by April 1, 1997.

43           17. Repeal. This section is repealed April 1, 2002.

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## SUMMARY

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This bill establishes graduated driver's licenses.