

MAINE STATE LEGISLATURE

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L.D. 2109

DATE: MARCH 19, 1998

(Filing No. S- 563)

TRANSPORTATION

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STATE OF MAINE
SENATE
118TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 782, L.D. 2109, Bill, "An Act to Reduce Motor Vehicle Fatalities and Injuries among Young Drivers"

Amend the bill by inserting after section 1 the following:

'Sec. 2. 29-A MRSA §1304, sub-§1, ¶ A, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

A. A person who is 15 years of age or older and ~~has completed a course in driver education~~ may apply for an instruction permit, except that a person who is 15 years of age or older and has not attained 18 years of age must complete a course in driver education before applying for an instruction permit.

Further amend the bill by striking out all of section 3 and inserting in its place the following:

'Sec. 3. 29-A MRSA §1304, sub-§1, ¶G, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

Sec. 4. 29-A MRSA §1304, sub-§1, ¶H is enacted to read:

H. A person under 21 years of age may not apply for a license unless:

(1) A period of 3 months has passed from the date the person was issued an instruction permit; and

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2 (2) The person has completed a minimum of 35 hours of
4 driving, including 5 hours of night driving, while
6 accompanied by a parent, guardian or licensed driver at
8 least 20 years of age. The parent or guardian or a
10 person authorized by section 1302, subsection 1 to sign
 the application for the minor must certify the
 permittee's driving time on a form prescribed by the
 Secretary of State.'

12 Further amend the bill in section 9 in paragraph G in the
14 3rd line (page 3, line 39 in L.D.) by inserting after the
 following: "operating" the following: 'the motor vehicle at the
 time of the offense'

16 Further amend the bill by striking out all of section 10 and
18 inserting in its place the following:

20 '**Sec. 10. 29-A MRSA §2451, sub-§5** is enacted to read:

22 5. Additional period of suspension for transporting
24 passengers under 21 years of age. Unless a court orders an
26 additional period of license suspension of 275 days pursuant to
28 section 2411, subsection 5, paragraph G, the Secretary of State
 shall impose an additional suspension period of 275 days for any
 failure to submit to a chemical test or for OUI if the person was
 operating the motor vehicle at the time of the offense with a
 passenger under 21 years of age.'

30 Further amend the bill by striking out all of section 14 and
32 inserting in its place the following:

34 '**Sec. 14. 29-A MRSA §2472, sub-§2**, as enacted by PL 1993, c.
 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

36 **2. Suspension terms for moving violations.** If a person who
38 has not yet attained the age of 21 years is convicted or
40 adjudicated of a moving motor vehicle violation that occurred
42 within the first year from the date of issue of the a juvenile
 provisional license issued prior to August 1, 1998 or within 2
 years from the date of issue of a juvenile provisional license
 issued after July 31, 1998, the Secretary of State shall suspend
 the license:

- 44 A. For 30 60 days on the 1st offense;
- 46 B. For 60 90 days on the 2nd offense; and
- 48 C. To the 2nd birthday following the date of issue or for
- 50 90 120 days, whichever is longer, on the 3rd offense.

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2 A person whose juvenile provisional license is suspended may
request a hearing pursuant to section 2483.'

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6 Further amend the bill in section 19 in subsection 1 in the
4th line (page 6, line 25 in L.D.) by striking out the
following: "subsection 3 3-A, paragraph B A" and inserting in
8 its place the following: 'subsection 3, paragraph B for a first
offense'

10

12 Further amend the bill in section 19 in subsection 1 in
paragraph A in subparagraph (2) in the last line (page 6, line 38
in L.D.) by striking out the following: "subsection 3 3-A,
14 paragraph B A" and inserting in its place the following:
'subsection 3, paragraph B for a first offense'

16

18 Further amend the bill by striking out all of section 20 and
inserting in its place the following:

20 **'Sec. 20. Application.** That section of this Act that repeals
the Maine Revised Statutes, Title 29-A, section 1304, subsection
22 1, paragraph G applies to permits that are issued after August 1,
1998. A person who filed an application for an instruction
24 permit or driver's license with the Secretary of State before
August 1, 1998, was 17 years of age at the time of application
and had not completed an approved driver education course may be
26 issued a license by the Secretary of State. That section of this
Act that amends Title 29-A, section 2472, subsection 1 applies to
28 licenses issued on or after August 1, 1998. Provisional licenses
issued under Title 29-A, section 2472, subsection 1 prior to July
30 1, 1998 are provisional licenses for a period of one year.'

32

34 Further amend the bill by relettering or renumbering any
nonconsecutive Part letter or section number to read
36 consecutively.

38 Further amend the bill by inserting at the end before the
summary the following:

40

42 **'FISCAL NOTE**

44 Increasing the time periods of license suspensions will
result in a delay in the collection of reinstatement fees by the
46 Bureau of Motor Vehicles within the Department of the Secretary
of State. The resulting one-time Highway Fund revenue reduction
48 can not be estimated at this time.

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2 This bill may increase the number of jail sentences imposed
4 for certain motor vehicle infractions. When a jail sentence is
6 imposed, the additional costs to the counties are estimated to be
8 \$86.45 per day per prisoner. These costs are not reimbursed by
10 the State.

12 The additional workload and administrative costs associated
14 with the minimal number of new cases filed in the court system
16 can be absorbed within the budgeted resources of the Judicial
18 Department. The collection of additional fines may increase
20 General Fund revenue by minor amounts.'

22 **SUMMARY**

24 This is the majority report of the Committee on
26 Transportation.

28 The amendment clarifies that a person 18 years of age or
30 older is not required to complete a course in driver education to
32 obtain an instruction permit. It clarifies who may certify
instruction driving time under the hours proposed in the bill.
It provides that a 275-day additional suspension applies to an
OUI violation that occurs when there is a passenger under 21
years of age in the vehicle. It changes the application date of
certain provisions in the bill relating to licenses from July 1,
1998 to August 1, 1998. It also allows a work-restricted license
to be issued to a person who violates a juvenile provisional
license by operating a vehicle with any level of blood alcohol,
but only if the violation is a first offense. Current law allows
the work-restricted license but does not specify the violation to
be a first offense.

The amendment also adds a fiscal note to the bill.