

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

SECOND REGULAR SESSION-1998

Legislative Document

No. 2109

S.P. 782

In Senate, January 15, 1998

An Act to Reduce Motor Vehicle Fatalities and Injuries among Young Drivers.

Submitted by the Secretary of State pursuant to Joint Rule 204.
Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator MURRAY of Penobscot.
Cosponsored by Representative JOYNER of Hollis and
Senators: AMERO of Cumberland, O'GARA of Cumberland, Representatives: DRISCOLL of
Calais, KONTOS of Windham, LINDAHL of Northport, McALEVEY of Waterboro,
POVICH of Ellsworth, SAXL of Portland.

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

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

6 **1. Educational need.** A person seeking to qualify for a
7 special restricted license based on educational need must file an
8 application. If the applicant qualifies under paragraph A, after
9 passing an examination for operation of a motor vehicle as
10 provided in section 1301, a special restricted license must be
11 issued to the applicant. ~~A person who is between the ages of 16~~
12 ~~and 17 is not required to complete a driver education course to~~
13 ~~qualify for a restricted license based on educational need.~~

14 A. An application must include:

15 (1) A signed notarized statement from the applicant
16 and the applicant's parent or guardian that:

17 (a) No readily available alternative means of
18 transportation exists; and

19 (b) Use of a motor vehicle is necessary for
20 transportation to and from a public secondary
21 school, a private secondary school approved for
22 attendance purposes by the Commissioner of
23 Education or an applied technology center or
24 region that the applicant is attending;

25 (2) A verification of school attendance; and

26 (3) A statement by the principal of the school of the
27 lack of a readily available alternative means of
28 transportation.

29 B. This license only authorizes the holder to operate a
30 motor vehicle between the holder's residence and school.

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32 **Sec. 2. 29-A MRSA §1304, sub-§1, ¶E**, as enacted by PL 1993, c.
33 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

34 E. Unless the permittee is operating a motorcycle or
35 motor-driven cycle, the permit requires the permittee to be
36 accompanied by a licensed operator who:

37 (1) Has at least one year of driving experience held a
38 valid license for 2 consecutive years;

39 (2) Is at least 18 20 years of age; and
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(3) Is occupying a seat beside the driver.

2
4 **Sec. 3. 29-A MRSA §1304, sub-§1, ¶H** is enacted to read:

6 H. A person under 21 years of age may not apply for a
8 license until 3 months after the date of issue of an
10 instruction permit, and the permittee must complete a
12 minimum of 35 hours of driving, including 5 hours of night
14 driving, while accompanied by a parent, guardian or licensed
16 driver at least 20 years of age. The accompanying licensed
18 driver shall certify the permittee's driving time on a form
20 prescribed by the Secretary of State.

22 **Sec. 4. 29-A MRSA §1351, sub-§1**, as enacted by PL 1993, c.
24 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

26 1. **Driver education required for certain minors.** Except to
28 operate a moped only, a license may not be issued to a person
30 under ~~17~~ 18 years of age unless that person presents a
32 certificate of successful completion of an approved driver
34 education course and examination.

36 **Sec. 5. 29-A MRSA §2081, sub-§4, ¶A**, as enacted by PL 1993, c.
38 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

40 A. The Unless the vehicle is operated by a person under 21
42 years of age, the requirements do not apply to a passenger
44 over one year of age when the number of passengers exceeds
46 the vehicle seating capacity and all of the seat belts are
48 in use.

50 **Sec. 6. 29-A MRSA §2411, sub-§5, ¶A**, as repealed and replaced
by PL 1995, c. 368, Pt. AAA, §8, is amended to read:

A. For a person having no previous OUI offenses within a
10-year period:

(1) A fine of not less than \$400, except that if the
person failed to submit to a test, a fine of not less
than \$500;

(2) A court-ordered suspension of a driver's license
for a period of 90 days; and

(3) A period of incarceration as follows:

(a) Not less than 48 hours when the person:

(i) Was tested as having a blood-alcohol
level of 0.15% or more;

2 (ii) Was exceeding the speed limit by 30
4 miles per hour or more;

6 (iii) Eluded or attempted to elude an
8 officer; or

10 (iv) Was operating with a passenger under 16
12 21 years of age; and

14 (b) Not less than 96 hours when the person failed
16 to submit to a test at the request of a law
18 enforcement officer;

20 **Sec. 7. 29-A MRSA §2411, sub-§5, ¶E**, as repealed and replaced
22 by PL 1995, c. 368, Pt. AAA, §8, is amended to read:

24 E. If a law enforcement officer failed to provide the
26 warnings required by section 2521, subsection 3, the
28 increase in minimum penalties required because of a refusal
30 to submit to a test is not mandatory; and

32 **Sec. 8. 29-A MRSA §2411, sub-§5, ¶F**, as enacted by PL 1995, c.
34 368, Pt. AAA, §8, is amended to read:

36 F. For a person sentenced under paragraph B, C or D, the
38 court shall order the defendant to participate in the
40 alcohol and drug program for multiple offenders. The court
42 may waive the multiple offender intervention program under
44 Title 5, section 20073, subsections 4 and 5, if the court
46 finds that the defendant has completed a residential alcohol
48 or drug treatment program, or its equivalent, subsequent to
50 the date of the offense; and

Sec. 9. 29-A MRSA §2411, sub-§5, ¶G is enacted to read:

G. The court shall order an additional period of license
suspension of 275 days for a person sentenced under
paragraph A, B, C or D if the person was operating with a
passenger under 21 years of age.

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

5. Additional period of suspension for transporting
passengers under 21 years of age. Unless specifically provided
otherwise in this chapter, the Secretary of State shall impose an
additional suspension period of 275 days on an existing
suspension under this section for any failure to submit to a test
for OUI if the person operated the motor vehicle at the time of
the offense with a passenger under 21 years of age.

2 **Sec. 11. 29-A MRSA §2453, sub-§6, ¶B,** as enacted by PL 1993,
c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

4 **Sec. 12. 29-A MRSA §2471, sub-§2, ¶¶A to C,** as enacted by PL
6 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to
read:

8 A. For ~~30~~ 60 days on the 1st offense;

10 B. For ~~60~~ 90 days on the 2nd offense; and

12 C. To the 2nd birthday following the date of issue or for
14 90 120 days, whichever is longer, on the 3rd offense.

16 **Sec. 13. 29-A MRSA §2472, sub-§1,** as enacted by PL 1993, c.
683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

18 **1. Licensee not yet 21 years of age.** A license issued to a
20 person who has not yet attained the age of 21 years is a
22 provisional license for a period of ~~one-year~~ 2 years following
the date of issue or until the holder attains 21 years of age,
24 whichever occurs last. That license remains in force as a
nonprovisional license to the next normal expiration date. A
26 license issued by another jurisdiction to a person who has not
yet attained the age of 21 years is a provisional license for the
purpose of operating a motor vehicle within this State.

28 **Sec. 14. 29-A MRSA §2472, sub-§2,** as enacted by PL 1993, c.
30 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

32 **2. Suspension terms for moving violations.** If a person who
has not yet attained the age of 21 years is convicted or
34 adjudicated of a moving motor vehicle violation that occurred
within ~~the--first--year~~ 2 years from the date of issue of the
36 juvenile provisional license, the Secretary of State shall
suspend the license:

38 A. For ~~30~~ 60 days on the 1st offense;

40 B. For ~~60~~ 90 days on the 2nd offense; and

42 C. To the 2nd birthday following the date of issue or for
44 90 120 days, whichever is longer, on the 3rd offense.

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

48 **Sec. 15. 29-A MRSA §2472, sub-§3,** as amended by PL 1995, c.
50 26, §1, is further amended to read:

2 **3. Suspension for OUI conviction or certain blood-alcohol**
3 **level.** The Secretary of State shall suspend ~~for a period of at~~
4 **least one year,** without preliminary hearing, a juvenile
5 provisional license of a person who:

6 A. Receives an OUI conviction; or

7
8 B. Operates a motor vehicle with any amount of alcohol in
9 the blood.

10
11 **Sec. 16. 29-A MRSA §2472, sub-§3-A** is enacted to read:

12
13 **3-A. Juvenile provisional license; suspension for OUI**
14 **conviction or certain blood-alcohol level.** Unless a longer
15 **period of suspension applies, the Secretary of State shall**
16 **suspend, without a preliminary hearing, a juvenile provisional**
17 **license pursuant to subsection 3 for the following periods:**

18
19 A. One year for a first offense; and

20
21 B. Two years for a 2nd offense.

22
23 If the Secretary of State determines that the person operated the
24 motor vehicle at the time of the offense with a passenger under
25 21 years of age, an additional suspension period of 180 days must
26 be imposed.

27
28 **Sec. 17. 29-A MRSA §2472, sub-§4,** as amended by PL 1995, c.
29 26, §2, is further amended to read:

30
31 **4. Duty to submit to test.** A person under 21 years of age
32 who operates a motor vehicle shall submit to a chemical test if
33 there is probable cause to believe that person has operated a
34 motor vehicle with any amount of alcohol in the blood. The
35 provisions of subchapter IV apply, except the suspension ~~must be~~
36 ~~for a period of one year,~~ is:

37 A. Eighteen months for the first refusal; and

38
39 B. Thirty months for a 2nd or subsequent refusal.

40
41 If the Secretary of State determines that the person operated the
42 motor vehicle at the time of the offense with a passenger under
43 21 years of age, an additional suspension period of 180 days must
44 be imposed.

45
46 **Sec. 18. 29-A MRSA §2472, sub-§6,** as enacted by PL 1993, c.
47 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

2 **6. Restoration of license.** If a person's license has been
4 suspended under subsection 3 for a first offense, the Secretary
of State may issue a license if:

6 A. One half of the suspension period has expired; and

8 B. The Secretary of State has received notice that the
10 person has completed the alcohol and drug program of the
Office of Substance Abuse as provided in Title 5, section
20071, subsection 4-B.

12 A 2nd or subsequent offender may be issued a license following
14 the completion of the period of suspension provided the Secretary
of State has received notice that the person has completed the
16 alcohol and drug program of the Office of Substance Abuse as
provided in Title 5, section 20071, subsection 4-B.

18 **Sec. 19. 29-A MRSA §2503, sub-§1**, as amended by PL 1995, c.
20 368, Pt. AAA, §25, is further amended to read:

22 **1. Administrative suspension; work-restricted license.** On
24 receipt of a petition for a work-restricted license from a person
under suspension pursuant to section 2453, ~~2457, subsection 1,~~
26 ~~paragraph B,~~ or section 2472, subsection 3 3-A, paragraph B A,
the Secretary of State may stay a suspension during the statutory
28 suspension period and issue a work-restricted license, if the
petitioner shows by clear and convincing evidence that:

30 A. As determined by the Secretary of State, a license is
32 necessary to operate a motor vehicle:

34 (1) Between the residence and a place of employment or
in the scope of employment, or both; or

36 (2) Between the residence and an educational facility
38 attended by the petitioner if the suspension is under
section 2472, subsection 3 3-A, paragraph B A;

40 B. No alternative means of transportation is available;
42 and

44 C. The petitioner has not, within 10 years, been under
suspension for an OUI offense or pursuant to section 2453.

46 **Sec. 20. Application.** That section of this Act that enacts
48 the Maine Revised Statutes, Title 29-A, section 1304, subsection
1, paragraph H applies to permits that are issued after July 1,
1998. That section of this Act that amends Title 29-A, section
50 1351, subsection 1 applies to persons who have not attained 18

2 years of age before July 1, 1998. Those sections of this Act
that repeal Title 29-A, section 2453, subsection 6, paragraph B
4 and amend Title 29-A, section 2471, subsection 2 and Title 29-A,
section 2472, subsection 1 apply to persons issued a license on
6 or after July 1, 1998.

8 SUMMARY

10 This bill is the result of a study conducted by the Task
Force on Young Drivers, established by the Secretary of State, to
12 propose recommendations to reduce the disproportionately high
number of motor vehicle fatalities and injuries suffered by young
14 drivers and their passengers in the 16 to 24 age category. This
bill proposes:

16 1. To increase from 16 years to 17 years the age for which
18 driver education is necessary to obtain a license;

20 2. To raise from 18 years to 20 years the minimum age of
the licensed driver who may supervise the permittee during the
22 permit period;

24 3. To require a permittee to drive a minimum of 35 hours
with a licensed operator, 20 years or older, during the permit
26 period in order to obtain the experience needed to safely operate
a vehicle. At least 5 of the 35 hours must be night driving.
28 Licensed operators must certify the number of hours of driving
the permittee operated the vehicle with the licensed operator. A
30 parent or guardian must certify the permittee's completion of the
additional 35 hours of required driving time;

32 4. To limit the number of passengers in a vehicle operated
34 by a person under 21 years of age to the number of seatbelts in
the vehicle;

36 5. An increased penalty of 275 days for a license
38 suspension for persons 21 years old or older who operate a motor
vehicle under the influence with juveniles under the age of 21
40 years;

42 6. An increased penalty of 180 days for a license
suspension for drivers under 21 years of age who operate a
44 vehicle with passengers under 21 years of age while under the
influence;

46 7. An increased penalty of 275 days for a license
48 suspension for persons who appear to be operating a motor vehicle
under the influence with passengers under 21 years of age and who
50 refuse to submit to an OUI test; and

2 8. An increase from one year to 2 years of the term for
4 which a provisional license is issued to new drivers under 21
6 years of age with respect to moving violations. With respect to
 operating under the influence, the provisional license will
 continue to remain in effect until the driver is 21 years of age.