

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 750

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H.P. 556

House of Representatives, February 14, 2003

### An Act To Create Novice Incentive Licenses

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Reference to the Committee on Transportation suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative FAIRCLOTH of Bangor.  
Cosponsored by Senator DAMON of Hancock and  
Representatives: MARLEY of Portland, MARRACHÉ of Waterville, McNEIL of Rockland,  
PARADIS of Frenchville, SAMPSON of Auburn, Senator: HATCH of Somerset.

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

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 A license issued to a person at least 16 years of age but under  
12 18 years of age is a novice incentive license as provided in  
section 1302-A.

14 **Sec. 2. 29-A MRSA §1256, sub-§1, ¶B,** as amended by PL 2001, c.  
671, §21, is further amended to read:

16 B. This license only authorizes the holder to operate a  
18 motor vehicle between the holder's residence and school  
unless accompanied by a licensed driver who meets the  
20 requirements of section 1304, subsection 1, paragraph E,  
subparagraphs-(1)-to-(4).

22 **Sec. 3. 29-A MRSA §1256, sub-§2, ¶B,** as amended by PL 2001, c.  
24 671, §22, is further amended to read:

26 B. This license only authorizes the holder to operate a  
motor vehicle between the holder's residence, school and  
28 place of employment and other places necessary in direct  
connection with that employment unless accompanied by a  
30 licensed driver who meets the requirements of section 1304,  
subsection 1, paragraph E,--subparagraphs-(1)-to-(4).

32 **Sec. 4. 29-A MRSA §1302-A** is enacted to read:

34 **§1302-A. Novice incentive license**

36 An initial license issued to an applicant who is at least 16  
38 years of age but under 18 years of age is a novice incentive  
40 license. A novice incentive license becomes a juvenile  
42 provisional license under section 2472, subsection 1 upon the  
novice incentive licensee's completion of 12 consecutive months  
of operating a motor vehicle without being convicted of or  
adjudicated to have committed a motor vehicle violation.

44 A license issued pursuant to this section to a licensee must  
46 be revoked if the licensee fails to complete 12 consecutive  
48 months of operating a motor vehicle without being convicted of or  
adjudicated to have committed a motor vehicle violation.

2           1. Night incentive hours. Except as provided in subsection  
4           2, an operator with a novice incentive license may not operate a  
6           motor vehicle during night incentive hours unless accompanied by  
8           a parent or legal guardian or by a licensed operator who meets  
10           the requirements of section 1304, subsection 1, paragraph E. For  
12           purposes of this section, "night incentive hours" means the hours  
14           between 9:00 p.m. and 5:00 a.m.

16           2. Authorization to operate during restricted hours;  
18           contents of letter. When in possession of a notarized letter  
20           that meets the requirements of this subsection, a novice  
22           incentive licensee may operate during night incentive hours for  
24           the purposes authorized by the letter without an accompanying  
26           person as required by subsection 1.

28           The notarized letter must contain one of the following 2 sets of  
30           information:

32           A. A notarized letter authorizing operating during night  
34           incentive hours for a school activity must be signed by a  
36           teacher or school official and a parent or guardian and must  
38           contain the following sworn information: the work address,  
40           phone number and name of the teacher or school official  
42           conducting the school activity; the school activity that  
44           necessitates driving during the restricted hours; the  
46           duration of the activity; and the days and times for that  
48           school activity; or

B. A notarized letter authorizing operating during night  
          incentive hours for employment purposes must be signed by an  
          employer and a parent or guardian and must contain the  
          following sworn information: the employer's name, work  
          address and phone number; the work hours that necessitate  
          driving during night incentive hours; and the scheduled date  
          of termination of employment if applicable. A novice  
          incentive licensee may operate a motor vehicle during night  
          incentive hours for employment purposes only on nonschool  
          days.

3. Granting of waiver. The Secretary of State shall  
          consider a notarized letter submitted in accordance with  
          subsection 2 and may modify or waive the night incentive hours of  
          operation if the applicant has at least 6 months' driving  
          experience without a motor vehicle moving violation and if:

A. The novice incentive licensee's employment or  
          opportunity for employment is adversely affected by the  
          night incentive hours; or

2           B. The novice incentive licensee's participation in  
athletic events and related training is adversely affected  
4           by the night incentive hours.

6           For purposes of this subsection, the 6 months' driving experience  
must be immediately before the novice incentive licensee's  
8           application for the waiver and may include driving on an  
instruction permit described under section 1304.

10           4. Notice and conditions of waiver. Upon granting a waiver  
under subsection 3, the Secretary of State shall notify the  
12           novice incentive licensee in writing. The notification letter  
must state the hours that the novice incentive licensee is  
14           permitted to operate, the activity or employment for which the  
waiver is granted, the location of the activity or employment and  
16           the period of time for which the waiver is granted. A waiver  
granted to a student for employment purposes applies only on  
18           nonschool days. The granting of a waiver becomes part of the  
novice incentive licensee's driving record.

20           5. Violation. A novice incentive licensee who violates  
subsection 1 commits a traffic infraction. The Secretary of  
22           State shall consider a violation of subsection 1 a moving  
violation. It is a valid defense to a violation of subsection 1  
24           if the novice incentive licensee establishes the following:

26                   A. The novice incentive licensee was in possession of a  
28                   notarized letter containing the specified information as  
required by subsection 2 at the time the novice incentive  
30                   licensee was cited for a violation of subsection 1;

32                   B. The facts alleged in the notarized letter as required by  
34                   subsection 2 were true at the time the novice incentive  
licensee was cited; and

36                   C. The novice incentive licensee was en route to or from the  
38                   activity or employment authorized by the letter pursuant to  
subsection 2.

40           6. Transition. A license issued before January 1, 2004 is  
not subject to the provisions of this section.

42           Sec. 5. 29-A MRSA §1304, sub-§1, ¶E, as repealed and replaced  
44           by PL 2001, c. 710, §13 and affected by §14, is amended to read:

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

2           (1) Has held a valid license for the immediately  
preceding-2-consecutive-years;

4           (2)--Is-at-least-20-years-of-age;

6           (3) Is occupying a seat beside the driver; and

8           (4) Is licensed to operate the class vehicle operated  
by the permittee, driver;

10           (5) Is at least 21 years of age and has held a valid  
12           license for the immediately preceding 2 consecutive  
14           years; and

16           (6) If younger than 25 years of age, has not been  
18           convicted of or adjudicated of a moving violation  
during the preceding one year.

20           The accompanying operator must adhere to all restrictions  
22           applied to the license when functioning as the permittee's  
24           accompanying operator. A person who meets the conditions of  
26           subparagraphs (2), (3) and (4) to (6) whose license was  
canceled or suspended for physical, mental or emotional  
reasons within the immediately preceding 2 consecutive years  
may act as an accompanying operator pursuant to this  
paragraph with the approval of the Secretary of State.

28           **Sec. 6. 29-A MRSA §1310**, as amended by PL 2001, c. 361, §29,  
is further amended to read:

30           **§1310. Interim license**

32           A person under 18 years of age who has been issued a  
34           driver's license may not carry passengers other than immediate  
36           family members unless accompanied by a licensed operator who  
38           meets the requirements of section 1304, subsection 1, paragraph  
40           E. This restriction is in effect for a period of 90 days 6  
months from license issuance. A person who violates this section  
commits a traffic infraction.

42           **Sec. 7. 29-A MRSA §2472, sub-§1**, as amended by PL 1997, c.  
737, §15 and affected by §22, is further amended to read:

44           **1. Licensee between 18 and 21 years of age.** A license  
46           issued to a person who is at least 18 years of age but who has  
48           not yet attained the age of 21 years is a provisional license for  
50           a period of 2 years following the date of issue or until the  
holder attains 21 years of age, whichever occurs last. That  
license remains in force as a nonprovisional license to the next  
normal expiration date. A license issued by another jurisdiction

2 to a person who has not yet attained the age of 21 years is a  
3 provisional license for the purpose of operating a motor vehicle  
4 within this State. Notwithstanding the age limit imposed by this  
5 subsection, a person under 18 years of age who has been issued a  
6 novice incentive license pursuant to section 1302-A and who  
7 successfully completes 12 consecutive months of operating a motor  
8 vehicle without being convicted of or adjudicated to have  
9 committed a motor vehicle violation may be issued a provisional  
10 license.

11 **Sec. 8. Effective date.** This Act takes effect January 1, 2004.  
12

### 13 SUMMARY

14  
15 This bill establishes a novice incentive license for  
16 16-year-olds and 17-year-olds. A novice incentive licensee may  
17 not drive between the hours of 9:00 p.m. and 5:00 a.m. without  
18 being accompanied by either a parent or legal guardian or a  
19 person who meets the requirements for an accompanying operator.  
20 The bill provides an exemption to the night incentive hours  
21 through a notarized letter to authorize operation during those  
22 hours.  
23

24  
25 This bill also changes the restrictions on who may be an  
26 accompanying operator for all categories of licenses that require  
27 an accompanying operator by increasing the minimum age of the  
28 accompanying operator from 20 years of age to 21 years of age and  
29 by requiring that if the accompanying operator is under 25 years  
30 of age that person may not have had any moving violations within  
31 the preceding year. The bill retains provisions in current law  
32 requiring that accompanying operators must occupy the seat beside  
33 the driver, must be licensed to operate the class of vehicle  
34 operated by the driver and must have held a valid license for the  
35 previous 2 years.  
36

37 This bill also increases from 90 days to 6 months the period  
38 of time for which newly licensed persons under 18 years of age  
must operate under the provisions of an interim license.