

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1439

S.P. 477

In Senate, March 26, 2003

An Act To Protect Young Drivers and Passengers

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 SAVAGE of Knox.

Cosponsored by Representative USHER of Westbrook and

Senators: DAMON of Hancock, HATCH of Somerset, WOODCOCK of Franklin,

Representatives: JODREY of Bethel, McKENNEY of Cumberland, McNEIL of Rockland,

PARADIS of Frenchville, SNOWE-MELLO of Poland.

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

2
4 **Sec. 1. 29-A MRSA §1304, sub-§1, ¶H**, as amended by PL 1999, c. 545, §1, is further amended to read:

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

8 (1) A period of ~~3~~ 6 months has passed from the date
10 the person was issued an instruction permit; and

12 (2) The person has completed a minimum of 35 hours of
14 driving, including 5 hours of night driving, while
16 accompanied by a parent, guardian or licensed driver at
18 least 20 years of age. The parent, stepparent or
20 guardian, or a spouse or employer pursuant to section
 1302, subsection 1, paragraphs B and C, must certify
 the person's driving time on a form prescribed by the
 Secretary of State.

22 A person 21 years of age or older is not required to submit
 certification of driving time to the Secretary of State.

24 **Sec. 2. 29-A MRSA §1310**, as amended by PL 2001, c. 361, §29,
26 is repealed.

28 **Sec. 3. 29-A MRSA §1311** is enacted to read:

30 **§1311. Intermediate license**

32 **1. Restricted license.** A person under 18 years of age who
 has been issued a driver's license may not:

34 A. Carry passengers other than immediate family members
36 unless accompanied by a licensed operator who meets the
 requirements of section 1304, subsection 1, paragraph E; or

38 B. Operate a motor vehicle between the hours of 12 a.m. and
40 5 a.m.

42 **2. Period of restrictions.** Unless extended pursuant to
 subsection 3, the license restrictions in subsection 1 are in
44 effect for a period of 180 days from license issuance.

46 **3. Extension of restrictions.** A person who is adjudicated
 for violating this section must have the license restrictions in
48 subsection 1 extended for an additional period of 180 days. The
 additional period of license restrictions may extend beyond the
50 person's 18th birthday. Any violation of the license
 restrictions during the period of this extension must result in a

2 further extension of the license restrictions pursuant to this
3 section.

4 **4. Penalty.** A person who violates this section commits a
5 traffic infraction.

6
7 **Sec. 4. 29-A MRSA §2471, sub-§2,** as amended by PL 1997, c.
8 737, §14, is further amended to read:

10 **2. Suspension terms.** If a person is convicted or
11 adjudicated of a moving motor vehicle violation that occurred
12 during the period of the provisional license, the Secretary of
13 State shall suspend the license without right to hearing:

14 A. For 60 days on the 1st offense;

15 B. For 90 days on the 2nd offense; and

16 C. ~~To the 2nd birthday following the date of issue or for~~
17 For 120 days, ~~whichever is longer,~~ on the 3rd offense.

18
19 ~~A person whose provisional license is suspended may request a~~
20 ~~hearing pursuant to section 2483.~~

21
22 **Sec. 5. 29-A MRSA §2472, sub-§2,** as amended by PL 1997, c.
23 737, §16, is further amended to read:

24
25 **2. Suspension terms for moving violations.** If a person who
26 has not yet attained the age of 21 years is convicted or
27 adjudicated of a moving motor vehicle violation that occurred
28 within ~~the first year from the date of issue of a juvenile~~
29 ~~provisional license issued prior to August 1, 1998 or within~~ 2
30 years from the date of issue of a juvenile provisional license
31 ~~issued after July 31, 1998,~~ the Secretary of State shall suspend
32 the license without right to hearing:

33 A. For 60 days on the 1st offense;

34 B. For 90 days on the 2nd offense; and

35 C. ~~To the 2nd birthday following the date of issue or for~~
36 For 120 days, ~~whichever is longer,~~ on the 3rd offense.

37
38 ~~A person whose juvenile provisional license is suspended may~~
39 ~~request a hearing pursuant to section 2483.~~

SUMMARY

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4 This bill establishes a 3-step graduated licensing system
6 for new drivers under 21 years of age. The graduated licensing
8 system places certain driving restrictions at the first 2
10 levels. By successfully completing each level, the young driver
12 can graduate to the next, less restrictive phase of the licensing
14 process. The graduated licensing system consists of a supervised
16 instruction permit, an intermediate license and an unrestricted
18 license. This bill makes the following specific changes to
20 implement the graduated licensing system.

1. It extends the period a person under 21 years of age
14 must hold an instruction permit from 3 months to 6 months before
16 making application for a driver's license.

2. It repeals the existing interim license laws.

3. It enacts a new intermediate license law. The new
20 provisions prohibit a new licensee under 18 years of age from
22 carrying passengers, except designated individuals, and from
24 driving between the hours of 12 a.m. to 5 a.m. for a period of
26 180 days. The new provisions also require extension of the
intermediate license in cases of violations of the conditions by
the licensee.

4. It requires mandatory license suspensions for violations
28 occurring during the term of provisional licenses.