

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 478

H.P. 362

House of Representatives, February 1, 2007

An Act Regarding the Certification of the Required Driving Time for a License for Certain Persons under 21 Years of Age

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Transportation suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative HANLEY of Gardiner.
Cosponsored by Senator McCORMICK of Kennebec and
Representatives: BLANCHARD of Old Town, CLARK of Millinocket, COTTA of China,
EBERLE of South Portland, KNIGHT of Livermore Falls, McKANE of Newcastle, SAVAGE
of Falmouth, SMITH of Monmouth.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** current law authorizes the parent, stepparent, guardian, spouse or
4 employer of a person under 21 years of age who is applying for a driver's license to
5 certify the driving log of the applicant; and

6 **Whereas,** current law makes no provision for a person under 21 years of age who is
7 without a parent, stepparent, guardian, spouse or employer to have a driving log certified;
8 and

9 **Whereas,** the bill authorizes the Secretary of State to accept certification from the
10 licensed driver who accompanied an applicant for a driver's license if the applicant is at
11 least 18 years of age and is without a parent, stepparent, guardian, spouse or employer;
12 and

13 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
14 the meaning of the Constitution of Maine and require the following legislation as
15 immediately necessary for the preservation of the public peace, health and safety; now,
16 therefore,

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

18 **Sec. 1. 29-A MRSA §1304, sub-§1, ¶H,** as amended by PL 2003, c. 286, §1, is
19 further amended to read:

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

21 (1) A period of 6 months has passed from the date the person was issued an
22 instruction permit; and

23 (2) The person has completed a minimum of 35 hours of driving, including 5
24 hours of night driving, while accompanied by a parent, guardian or licensed
25 driver at least 20 years of age. The parent, stepparent or guardian, or a spouse or
26 employer pursuant to section 1302, subsection 1, paragraphs B and C, must
27 certify the person's driving time on a form prescribed by the Secretary of State. If
28 the person is at least 18 years of age and has no parent, stepparent, guardian,
29 spouse or employer, the Secretary of State may accept the form if it is signed by
30 the licensed driver who accompanied the applicant for the majority of the 35
31 hours of driving.

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

34 **Emergency clause.** In view of the emergency cited in the preamble, this
35 legislation takes effect when approved.

SUMMARY

1

2 This bill authorizes the Secretary of State to accept the form certifying driving time
3 from the licensed driver who accompanied the applicant for a driver's license for the
4 majority of the required 35 hours of driving if the applicant is at least 18 years of age and
5 has no individual otherwise authorized to certify driving time.