

# MAINE STATE LEGISLATURE

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3/11/14  
R. 03

L.D. 1862

Date: 5/1/14

(Filing No. H-852)

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**TRANSPORTATION**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
126TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1357, L.D. 1862, Bill, "An Act To Enhance the Availability of Special Restricted Licenses in Cases of Medical Need"

Amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting the following:

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

A person who has reached 15 years of age and who has successfully completed a driver education course and passed an examination for operation of a motor vehicle as provided in section 1301 may be issued a special restricted license based on educational or employment or medical need without the person's having held a permit for a period of 6 months as required by section 1304, subsection 1, paragraph H, subparagraph (1) as follows.

**Sec. 2. 29-A MRSA §1256, sub-§1**, as amended by PL 2001, c. 671, §21 and PL 2003, c. 545, §5, is further amended to read:

**1. Educational need.** A person seeking to qualify for a special restricted license based on educational need must file an application. If the applicant qualifies under paragraph A, after passing an examination for operation of a motor vehicle as provided in section 1301, and has completed a minimum of 70 hours of driving, including 10 hours of night driving, while accompanied by a parent, guardian or licensed driver at least 20 years of age, a special restricted license must be issued to the applicant.

A. An application must include:

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

- (a) No readily available alternative means of transportation exists; and
- (b) Use of a motor vehicle is necessary for transportation to and from a public secondary school, a private secondary school approved for attendance

**COMMITTEE AMENDMENT**

A.S.

COMMITTEE AMENDMENT "A" to H.P. 1357, L.D. 1862

1 purposes by the Commissioner of Education or a career and technical  
2 education center or region that the applicant is attending;

3 (2) A verification of school attendance; and

4 (3) A statement by the principal of the school of the lack of a readily available  
5 alternative means of transportation.

6 B. ~~This license~~ A special restricted license issued pursuant to this subsection only  
7 authorizes the holder to operate a motor vehicle between the holder's residence and  
8 school unless accompanied by a licensed driver who meets the requirements of  
9 section 1304, subsection 1, paragraph E, subparagraphs (1) to (4).

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

12 **2. Employment need.** A person seeking to qualify for a special restricted license  
13 based on employment need must file an application. If the applicant qualifies under  
14 paragraph A, ~~after passing an examination for operation of a motor vehicle as provided in~~  
15 ~~section 1304 and has completed a minimum of 70 hours of driving, including 10 hours of~~  
16 ~~night driving, while accompanied by a parent, guardian or licensed driver at least 20 years~~  
17 ~~of age, a special restricted license must be issued to the applicant.~~

18 A. An application must include:

19 (1) A signed, notarized statement from the applicant and the applicant's parent or  
20 guardian that:

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

22 (b) Use of a motor vehicle is necessary for transportation to, from or in  
23 connection with employment of the applicant; and

24 (2) A verification of employment by the employer.

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

30 **Sec. 4. 29-A MRSA §1256, sub-§2-A** is enacted to read:

31 **2-A. Medical need.** A person seeking to qualify for a special restricted license  
32 based on medical need must file an application. The Secretary of State may grant a  
33 person who has reached 15 years of age a special restricted license under circumstances  
34 of medical necessity that are experienced by the person or a member of the person's  
35 immediate family if the Secretary of State determines the circumstances to be exigent and  
36 not inconsistent with the interest of highway safety and if that person has completed a  
37 minimum of 35 hours of driving, including 5 hours of night driving, while accompanied  
38 by a parent, guardian or licensed driver at least 20 years of age. A person issued a special  
39 restricted license must complete a minimum of 35 additional hours of driving, including 5  
40 additional hours of night driving, while accompanied by a parent, guardian or licensed

1 driver at least 20 years of age in order to qualify for a provisional license without  
2 restriction.

3 A. An application must include:

4 (1) A signed, notarized statement from a physician attesting to the existence of  
5 circumstances of medical necessity; and

6 (2) A signed, notarized statement from the applicant or the applicant's parent or  
7 guardian that:

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

9 (b) Use of a motor vehicle is necessary for transportation in connection with  
10 circumstances of medical necessity that are experienced by the person or a  
11 member of the person's immediate family.

12 B. A special restricted license issued pursuant to this subsection only authorizes the  
13 holder to operate a motor vehicle between the holder's residence and school and  
14 locations necessitated by the circumstances of medical necessity unless accompanied  
15 by a licensed driver who meets the requirements of section 1304, subsection 1,  
16 paragraph E, subparagraphs (1) to (4).

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

19 B. The Secretary of State receives written notice from the holder, parent, guardian,  
20 physician, principal or employer that the holder no longer qualifies for a special  
21 restricted license.'

22 **SUMMARY**

23 This amendment makes the following changes to the bill.

24 1. It clarifies that a special restricted license based on educational need, employment  
25 need or medical need may only be issued after an applicant passes an examination for  
26 operation of a motor vehicle as provided in the Maine Revised Statutes, Title 29-A,  
27 section 1301.

28 2. It requires that in order for a person who is 15 years of age to receive a special  
29 restricted license based on educational need or employment need the person must have  
30 completed a minimum of 70 hours of driving, including 10 hours of night driving, while  
31 accompanied by a parent, guardian or licensed driver at least 20 years of age.

32 3. It requires that in order for a person who is 15 years of age to receive a special  
33 restricted license based on medical need the person must have completed a minimum of  
34 35 hours of driving, including 5 hours of night driving, while accompanied by a parent,  
35 guardian or licensed driver at least 20 years of age.

36 4. It requires that a person issued a special restricted license based on medical need  
37 must complete a minimum of 35 additional hours of driving, including 5 hours of night  
38 driving, while accompanied by a parent, guardian or licensed driver at least 20 years of  
39 age before qualifying for a provisional license without restriction.

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5. It requires that an application for a special restricted license based on medical need must include a signed, notarized statement from a physician attesting to the existence of circumstances of medical necessity.

6. It requires that, consistent with the restrictions placed on use of special restricted licenses based on educational need and employment need, a special restricted license based on medical need may be used only to operate a motor vehicle between the holder's residence and school and locations necessitated by the circumstances of medical necessity.

**FISCAL NOTE REQUIRED**

**(See attached)**

**COMMITTEE AMENDMENT**



Approved: 05/01/14 *MBC*

# 126th MAINE LEGISLATURE

LD 1862

LR 2911(03)

**An Act To Enhance the Availability of Special Restricted Licenses in Cases of Medical Need**

**Fiscal Note for Bill as Amended by Committee Amendment**

*"A" (H-852)*

**Committee: Transportation**

**Fiscal Note Required: Yes**

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## Fiscal Note

Minor cost increase - Highway Fund

### Fiscal Detail and Notes

Additional costs to the Department of the Secretary of State associated with this legislation can be absorbed within existing budgeted resources.