

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)



127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 737

S.P. 267

In Senate, March 5, 2015

An Act To Amend the Laws Regarding Learner's Permits and Intermediate Licenses

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script, reading 'Heather J.R. Priest'.

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator ROSEN of Hancock.
Cosponsored by Representative McLEAN of Gorham and
Senators: DIAMOND of Cumberland, President THIBODEAU of Waldo, VALENTINO of
York, Representatives: FOWLE of Vassalboro, FREDETTE of Newport, GILLWAY of
Searsport, LUCHINI of Ellsworth, O'CONNOR of Berwick.

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

2 **Sec. 1. 29-A MRSA §1304, sub-§1, ¶E,** as amended by PL 2013, c. 381, Pt. B,
3 §16, is further amended to read:

4 E. Unless the permittee is operating a motorcycle or moped, the learner's permit
5 requires the permittee to be accompanied by a licensed operator who:

- 6 (1) Has held a valid license for at least ~~2~~ 3 years;
- 7 (2) Is at least ~~20~~ 25 years of age;
- 8 (3) Is occupying a seat beside the driver; and
- 9 (4) Is licensed to operate the class vehicle operated by the permittee.

10 The accompanying operator must adhere to all restrictions applied to the license
11 when functioning as the permittee's accompanying operator.

12 **Sec. 2. 29-A MRSA §1304, sub-§1, ¶H,** as amended by PL 2013, c. 496, §13, is
13 further amended to read:

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

- 15 (1) A period of ~~6~~ 12 months has passed from the date the person was issued a
16 learner's permit; and
- 17 (2) The person has completed a minimum of 70 hours of driving, including 10
18 hours of night driving, while accompanied by a parent, guardian or licensed
19 driver at least ~~20~~ 25 years of age who has held a valid license for at least 3 years.
20 The parent, stepparent or guardian, or a spouse or employer pursuant to section
21 1302, subsection 1, paragraphs B and C, must certify the person's driving time on
22 a form prescribed by the Secretary of State. A parent, stepparent, guardian,
23 spouse or employer who certifies a driving log pursuant to this subsection and
24 was not the licensed driver accompanying the applicant must provide the name
25 and address of the licensed driver who accompanied the applicant for the
26 majority of the 70 hours of driving. The Secretary of State may complete the
27 certification for an applicant at least 18 years of age and who has no parent,
28 stepparent, guardian, spouse or employer if the applicant provides the name and
29 address of the licensed driver who accompanied the applicant for the majority of
30 the 70 hours of driving.

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

33 **Sec. 3. 29-A MRSA §1304, sub-§1, ¶I,** as amended by PL 2013, c. 381, Pt. B,
34 §16, is further amended to read:

35 I. A person who has been issued a learner's permit may not operate a motor vehicle
36 while using a mobile telephone. For the purpose of this paragraph, "mobile
37 telephone" means a device used to access a wireless ~~telephone—service~~
38 telecommunications network for voice, text messaging or Internet service.

39 A person who violates this paragraph commits a traffic infraction.

1 **Sec. 4. 29-A MRSA §1311, sub-§1**, as amended by PL 2011, c. 13, §1, is further
2 amended to read:

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

5 A. Carry passengers ~~other than immediate family members~~ unless accompanied by a
6 licensed operator who meets the requirements of section 1304, subsection 1,
7 paragraph E. ~~For the purpose of this paragraph, "immediate family member" includes~~
8 ~~the following when living with the immediate family:~~

9 (1) ~~A foreign exchange student;~~

10 (2) ~~A person who is under court appointed guardianship of an immediate family~~
11 ~~member; and~~

12 (3) ~~A child whose parent is deployed for military service and is under~~
13 ~~guardianship of an immediate family member as provided on a United States~~
14 ~~Department of Defense Armed Forces Family Care Plan, DA Form 5305 or its~~
15 ~~successor form.~~

16 ~~For the purpose of this paragraph, "deployed for military service" means assigned to~~
17 ~~active military duty with the state military forces, as defined in Title 37 B, section~~
18 ~~102, or the United States Armed Forces, including the National Guard and Reserves,~~
19 ~~whether pursuant to orders of the Governor or the President of the United States,~~
20 ~~when the duty assignment is in a combat theater, in an area where armed conflict is~~
21 ~~taking place or in an area away from a person's normal duty station;~~

22 B. Operate a motor vehicle between the hours of ~~42 a.m.~~ 10 p.m. and 5 a.m. unless
23 traveling directly between the driver's place of employment and residence; or

24 C. Operate a motor vehicle while using a mobile telephone.

25 For the purpose of this paragraph, "mobile telephone" means a device used to access
26 a wireless ~~telephone service~~ telecommunications network for voice, text messaging or
27 Internet service.

28 **Sec. 5. 29-A MRSA §1311, sub-§3-A** is enacted to read:

29 **3-A. Restricted license reflective decal.** The Secretary of State shall provide to a
30 licensee under subsection 1 a set of 2 highly visible reflective decals to place in the motor
31 vehicle driven by the licensee that indicates that the driver of the motor vehicle may be a
32 holder of a restricted license under subsection 1. The decals must be displayed in the
33 motor vehicle in a manner clearly visible to a law enforcement officer and as prescribed
34 by the Chief of the State Police in consultation with the Secretary of State. A licensee
35 under subsection 1 may not operate a motor vehicle without the decals displayed in the
36 motor vehicle as required by this subsection. The decals must be removed from a motor
37 vehicle that is no longer used by a licensee under subsection 1 or when the periods of
38 restrictions under subsections 2 and 3 have ended. The Secretary of State may charge a
39 fee for the decals that may not exceed the cost of producing and distributing the decals.

1 **Sec. 6. 29-A MRSA §1311, sub-§4,** as amended by PL 2011, c. 654, §5, is
2 further amended to read:

3 **4. Penalty.** A person who violates this section commits a traffic infraction for which
4 a fine of not less than \$250 and not more than \$500 may be adjudged, except for a
5 violation of subsection 1, paragraph C, for which a fine of \$500 must be adjudged, and
6 for a violation of subsection 3-A, for which a fine of \$100 must be adjudged.

7 **SUMMARY**

8 This bill strengthens the restrictions on a driver of a motor vehicle under a learner's
9 permit by increasing the requirements regarding the age of the accompanying licensed
10 driver and the length of time that driver has held a driver's license and increasing the
11 length of time a permit holder is required to have a learner's permit before obtaining a
12 driver's license. The bill also expands the definition of "mobile telephone" to include
13 devices providing access to voice, text messaging or Internet service as it applies to a
14 driver with a learner's permit or a driver operating under a restricted license. This bill
15 also strengthens the restrictions on a driver of a motor vehicle who is under 18 years of
16 age operating under a restricted license by prohibiting the driver from carrying immediate
17 family members without an accompanying licensed driver, decreasing the time period
18 during which a driver with a restricted license may operate a motor vehicle unless
19 traveling to and from work and requiring the driver to display decals in the motor vehicle
20 indicating that the driver may be a holder of a restricted license. Finally, the bill changes
21 the fine for using a mobile telephone while driving under a restricted license to \$500 and
22 sets the fine for failing to display a restricted license reflective decal at \$100.