

## 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

**Legislative Document** 

No. 711

H.P. 502

House of Representatives, February 28, 2017

An Act To Revise the Laws Governing Learner's Permits and Intermediate Driver's Licenses and Driver Education Textbook Requirements

Reference to the Committee on Transportation suggested and ordered printed.

ROBERT B. HUNT Clerk

R(+ B. Hunt

Presented by Representative KINNEY of Knox. Cosponsored by Senator MAKER of Washington and

Representatives: CRAIG of Brewer, HARRINGTON of Sanford, PICKETT of Dixfield,

Senator: ROSEN of Hancock.

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

- **Sec. 1. 29-A MRSA §101, sub-§28-A,** as amended by PL 2013, c. 381, Pt. B, §7, is repealed.
  - Sec. 2. 29-A MRSA §1256, first  $\P$ , as amended by PL 2015, c. 473, §12, is further amended to read:

A person who is 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, employment or medical need without the person's having held a permit for a period of 6 12 months as required by section 1304, subsection 1, paragraph H, subparagraph (1) as follows.

- **Sec. 3. 29-A MRSA §1304, sub-§1, ¶H,** as amended by PL 2013, c. 496, §13, is further amended to read:
  - H. A person under 21 years of age may not apply for a license unless:
    - (1) A period of  $6 \underline{12}$  months has passed from the date the person was issued a learner's permit; and
    - (2) The person 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. The parent, stepparent or 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. A parent, stepparent, guardian, spouse or employer who certifies a driving log pursuant to this subsection and was not the licensed driver accompanying the applicant must provide the name and address of the licensed driver who accompanied the applicant for the majority of the 70 hours of driving. The Secretary of State may complete the certification for an applicant at least 18 years of age and who has no parent, stepparent, guardian, spouse or employer if the applicant provides the name and address of the licensed driver who accompanied the applicant for the majority of the 70 hours of driving.

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

- **Sec. 4. 29-A MRSA §1311, sub-§1, ¶A,** as amended by PL 2011, c. 13, §1, is further amended to read:
  - A. Carry passengers other than immediate family members a parent or sibling unless accompanied by a licensed operator who meets the requirements of section 1304, subsection 1, paragraph E. For the purpose of this paragraph, "immediate family member" includes the following when living with the immediate family:
    - (1) A foreign exchange student;

1 2	(2) A person who is under court-appointed guardianship of an immediate family member; and
3 4 5 6	(3) A child whose parent is deployed for military service and is under guardianship of an immediate family member as provided on a United States Department of Defense Armed Forces Family Care Plan, DA Form 5305 or its successor form.
7 8 9 10 11 12	For the purpose of this paragraph, "deployed for military service" means assigned to active military duty with the state military forces, as defined in Title 37-B, section 102, or the United States Armed Forces, including the National Guard and Reserves, whether pursuant to orders of the Governor or the President of the United States, when the duty assignment is in a combat theater, in an area where armed conflict is taking place or in an area away from a person's normal duty station;
13 14	<b>Sec. 5. 29-A MRSA §1311, sub-§1, ¶B,</b> as enacted by PL 2003, c. 286, §4, is amended to read:
15 16 17	B. Operate a motor vehicle between the hours of 12 a.m. 9 p.m. and 5 a.m. except that if the person is employed and is working at night that person may not operate a motor vehicle between the hours of 10 p.m. and 5 a.m.; or
18 19	<b>Sec. 6. 29-A MRSA §1354, sub-§6, ¶A,</b> as amended by PL 2011, c. 556, §16, is further amended to read:
20 21 22 23 24	A. The Secretary of State shall establish the Technical Review Panel that includes representatives from the Department of Education, the Department of Public Safety, law enforcement agencies, the insurance industry and the motor carrier industry and 2 instructors. The Technical Review Panel shall assist the Secretary of State in developing eurriculum and instructor training and certification.
25 26	<b>Sec. 7. 29-A MRSA §1354, sub-§6, ¶B,</b> as amended by PL 2003, c. 394, §3 and affected by §6, is further amended to read:
27 28 29 30 31 32	B. The Secretary of State shall develop adopt and implement a standardized driver education curriculum that establishes minimum standards for instructional goals and learning objectives and require the use of textbooks developed by a nationwide automobile association. The Secretary of State shall require distribution of information on organ and tissue donation and the possibility of saving lives through organ donation.
33	SUMMARY
34 35 36 37 38 39	This bill increases from 6 to 12 months the amount of time a person under 21 years of age must hold a driver learner's permit. It restricts to parents and siblings the passengers a person under 18 years of age holding an intermediate driver's license may drive with and changes the hours such a person may drive from between the hours of 5 a.m. and 12 a.m. to between the hours of 5 a.m. and 9 p.m., except that it allows such a person working at night to drive until 10 p.m. It also amends the law regarding the Secretary of

State's duties to require the adoption of a driver education curriculum and the use of textbooks developed by a nationwide automobile association.