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STATE OF MAINE
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126TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT " " 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

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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.

