



127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 682

H.P. 463

House of Representatives, March 3, 2015

An Act To Ensure the Administration of Written Driving Tests

(EMERGENCY)

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative GILLWAY of Searsport.
Cosponsored by Senator ROSEN of Hancock and
Representative: PARRY of Arundel, Senator: COLLINS of York.

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,** there is some confusion relating to the administration of the issuance of a
4 learner's permit and a driver's license; and

5 **Whereas,** it is in the best interests of the State to clarify the authority for these
6 duties as soon as possible; and

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

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

12 **Sec. 1. 29-A MRSA §1301, sub-§4,** as amended by PL 2013, c. 381, Pt. B, §15,
13 is further amended to read:

14 **4. Examination.** An applicant must pass a physical examination by actual
15 demonstration of ability to operate a motor vehicle and a written examination. Failure to
16 complete the driving test within the term of a learner's permit requires reexamination for
17 the permit. The Secretary of State may not waive any component of the requirements
18 under this subsection except for an applicant who possesses a valid driver's license issued
19 by another state or jurisdiction.

20 **Sec. 2. 29-A MRSA §1304, sub-§1-A,** as enacted by PL 2013, c. 493, §1, is
21 amended to read:

22 **1-A. Learner's permit; issuance.** The following provisions apply to the issuance of
23 a learner's permit. Duties in this subsection may not be delegated or assigned to another
24 party.

25 A. Fees for a learner's permit ~~may~~ must be collected ~~only~~ by the Secretary of State in
26 accordance with section 154, subsection 1.

27 B. Any required application materials for a learner's permit ~~may~~ must be collected
28 ~~only~~ by the Secretary of State.

29 C. Any ~~required~~ examination for a learner's permit ~~may~~ must be administered ~~only~~
30 by the Secretary of State.

31 D. A learner's permit ~~may~~ must be issued ~~only~~ by the Secretary of State upon an
32 applicant's meeting the requirements under this section.

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

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SUMMARY

This bill provides that the Secretary of State may not waive any component of the driver's license examination requirements except for an applicant who possesses a valid driver's license from another state or jurisdiction. The bill also clarifies that fees and any required application materials for a learner's permit must be collected by the Secretary of State, any examination for a learner's permit must be administered by the Secretary of State and a learner's permit must be issued by the Secretary of State.