

## 29-A §1304. INSTRUCTION PERMITS

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**1. Instruction permits.** The following provisions apply to instruction permits.

A. A person who is 15 years of age or older may apply for an instruction permit, except that a person who is 15 years of age or older and has not attained 18 years of age must complete a course in driver education before applying for an instruction permit. [1997, c. 737, §2 (AMD).]

B. After an applicant has successfully passed all parts of an examination other than the driving test, the Secretary of State may issue an instruction permit. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. The permit entitles the permittee to drive a motor vehicle on the public ways. The permittee must have the permit in immediate possession while driving on the public ways. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. The permit is valid for a period of 18 months. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

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

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

The accompanying operator must adhere to all restrictions applied to the license when functioning as the permittee's accompanying operator. [2009, c. 43, §1 (AMD).]

F. The Secretary of State may issue a restricted instruction permit to an applicant who is enrolled in a driver education program that includes practice driving. That permit is valid:

- (1) For a school year or other specified period; and
- (2) Only when the permittee is accompanied by a driver education teacher or a commercial driver education instructor, licensed by the Secretary of State under subchapter III. [1997, c. 393, Pt. A, §34 (AFF); 1997, c. 393, Pt. A, §33 (RPR).]

G. [1997, c. 737, §22 (AFF); 1997, c. 737, §4 (RP).]

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

- (1) A period of 6 months has passed from the date the person was issued an instruction permit; and
- (2) The person has completed a minimum of 35 hours of driving, including 5 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 35 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 35 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. [2007, c. 2, §1 (AMD).]

I. A person who has been issued an instruction permit may not operate a motor vehicle while using a mobile telephone. For the purpose of this paragraph, "mobile telephone" means a device used to access a wireless telephone service.

A person who violates this paragraph commits a traffic infraction. [2003, c. 286, §2 (NEW).]

[ 2007, c. 2, §1 (AMD); 2009, c. 43, §1 (AMD) .]

**2. Motorcycle and moped.** The following provisions apply to instruction permits for the operation of motorcycles or mopeds.

A. A person must be at least 16 years of age to apply for a motorcycle or moped instruction permit. [2005, c. 577, §19 (AMD).]

B. An applicant must pass a vision test and a knowledge test related specifically to the safe operation of a motorcycle or moped. [2005, c. 577, §19 (AMD).]

C. An applicant for a motorcycle permit must complete a motorcycle driver education program as required by section 1352. [2005, c. 577, §19 (AMD).]

D. An instruction permit is valid for 2 years. [2007, c. 383, §21 (AMD).]

E. Failure to complete the driving test within 2 years from the date of issuance of an instruction permit requires reexamination for a subsequent instruction permit to be issued. [2007, c. 383, §22 (AMD).]

F. [1995, c. 65, Pt. A, §153 (AFF); 1995, c. 65, Pt. C, §15 (AFF); 1995, c. 65, Pt. B, §12 (RP).]

G. An instruction permit allows the holder to operate a motorcycle or moped only during daylight hours. That permit does not allow the holder to carry a passenger. [2005, c. 577, §19 (AMD).]

H. The fee for a motorcycle or moped instruction permit and the first road test is \$10. The fee for a subsequent examination is \$5. [2005, c. 577, §19 (AMD).]

[ 2007, c. 383, §§21, 22 (AMD) .]

**3. Bus.** The following provisions apply to instruction permits for the operation of a bus.

A. A person must be at least 21 years of age to apply for a bus instruction permit. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. An applicant must pass a vision test and a knowledge test on the safe operation of a bus. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. The instruction permit entitles the permittee, as long as the permit is in the permittee's immediate possession, to drive a bus on a public way. The permit expires one year after the date of issuance.

The permittee must be accompanied by a licensed bus operator who has at least one year of bus driving experience and is at least 22 years of age.

The accompanying operator must occupy a seat in the immediate vicinity of the driver and no other passengers may be allowed on the bus. [1993, c. 2, §21 (COR).]

[ 1993, c. 2, §21 (COR) .]

**4. School bus.** The following provisions apply to instruction permits for the operation of school buses.

A. A person must be at least 21 years of age to apply for a school bus instruction permit to operate a school bus. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. An applicant must meet the school bus operator requirements of this Title and must pass a vision test and a knowledge test on the safe operation of a school bus. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. The instruction permit entitles the permittee, as long as the permit is in the permittee's immediate possession, to drive a school bus on a public way. The permit is valid for one year.

(1) The permittee must be accompanied by a licensed school bus operator who has at least one year of driving experience and is at least 22 years of age.

(2) The accompanying operator must occupy a seat in the immediate vicinity of the permittee and, except other persons who have been issued a school bus instruction permit, no other passengers may be allowed on the bus. [2001, c. 440, Pt. J, §1 (AMD).]

[ 2001, c. 440, Pt. J, §1 (AMD) .]

**5. Expiration.** Unless continuation is authorized by the Secretary of State, an instruction permit expires when the holder successfully passes a driving examination. An expired permit must immediately be surrendered to the Secretary of State.

[ 1995, c. 65, Pt. B, §13 (AMD); 1995, c. 65, Pt. A, §153 (AFF); 1995, c. 65, Pt. C, §15 (AFF) .]

**6. Criminal offense.** A person commits a Class E crime if that person accompanies a permittee who is operating a vehicle on a public way and that accompanying person has impaired mental or physical functioning as a result of the use of intoxicating liquor or drugs.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). RR 1993, c. 2, §21 (COR). 1995, c. 65, §§A100,B12, 13 (AMD). 1995, c. 402, §A47 (AMD). 1995, c. 505, §11 (AMD). 1995, c. 65, §§A153,C15 (AFF). 1995, c. 505, §22 (AFF). 1997, c. 393, §A33 (AMD). 1997, c. 737, §§2-5 (AMD). 1997, c. 776, §36 (AMD). 1997, c. 393, §A34 (AFF). 1997, c. 737, §22 (AFF). 1999, c. 127, §A43 (AMD). 1999, c. 470, §19 (AMD). 1999, c. 545, §1 (AMD). 2001, c. 440, §J1 (AMD). 2001, c. 671, §25 (AMD). 2001, c. 687, §15 (AMD). 2001, c. 710, §13 (AMD). 2001, c. 710, §14 (AFF). 2003, c. 286, §§1,2 (AMD). 2005, c. 577, §§18,19 (AMD). 2007, c. 2, §1 (AMD). 2007, c. 383, §§21,22 (AMD). 2009, c. 43, §1 (AMD).

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