

**§1304. Learner's permits**

**1. Learner's permits.** The following provisions apply to learner's permits.

A. A person who is 15 years of age or older may apply for a learner's 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 a learner's permit. [PL 2013, c. 381, Pt. B, §16 (AMD).]

B. After an applicant has successfully passed all parts of an examination other than the driving test, the Secretary of State may issue a learner's permit. [PL 2013, c. 381, Pt. B, §16 (AMD).]

C. The learner's permit entitles the permittee to drive a motor vehicle on the public ways. The permittee must have the learner's permit in immediate possession while driving on the public ways. [PL 2013, c. 381, Pt. B, §16 (AMD).]

D. The learner's permit is valid for a period of 2 years. [PL 2013, c. 381, Pt. B, §16 (AMD).]

E. Unless the permittee is operating a motorcycle or moped, the learner's 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. [PL 2013, c. 381, Pt. B, §16 (AMD).]

F. The Secretary of State may issue a restricted learner's 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 3.

An applicant with a physical, mental or emotional condition that impairs the safe operation of a motor vehicle may operate on a restricted learner's permit without being enrolled in a driver education program for the purpose of an initial behind-the-wheel assessment. The driver education teacher or commercial driver education instructor must be licensed as an occupational or physical therapist with the Department of Professional and Financial Regulation. [PL 2013, c. 381, Pt. B, §16 (AMD).]

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

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 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. [PL 2013, c. 496, §13 (AMD).]

I. A person who has been issued a learner's permit may not operate a motor vehicle on a public way while using, manipulating, talking into or otherwise interacting with a handheld electronic device or mobile telephone, including but not limited to when the motor vehicle is temporarily stationary because of traffic, a traffic light or a stop sign.

A person who has been issued a learner's permit may use, manipulate, talk into or otherwise interact with a handheld electronic device or mobile telephone while in the operator's seat of a motor vehicle if the person has pulled the motor vehicle over to the side of, or off, a public way and has halted in a location where the motor vehicle can safely remain stationary.

A person who violates this paragraph commits a traffic infraction. [PL 2019, c. 486, §4 (AMD).]  
[PL 2019, c. 486, §4 (AMD).]

**1-A. Learner's permit; issuance.** The following provisions apply to the issuance of a learner's permit.

A. Fees for a learner's permit may be collected by the Secretary of State in accordance with section 154, subsection 1 or by the provider of a driver education course under section 1351, which shall deposit the fees with the Secretary of State. [PL 2017, c. 79, §1 (AMD).]

B. Any required application materials for a learner's permit may be collected by the Secretary of State or by the provider of a driver education course under section 1351, which shall forward the materials to the Secretary of State. [PL 2017, c. 79, §1 (AMD).]

C. Any required examination for a learner's permit may be administered only by the Secretary of State except that the Secretary of State may waive this requirement on receipt of a course completion certificate under section 1351, subsection 3. [PL 2015, c. 114, §1 (AMD).]

D. A learner's permit may be issued by the Secretary of State or by the provider of a driver education course under section 1351. [PL 2017, c. 79, §1 (AMD).]  
[PL 2017, c. 79, §1 (AMD).]

**2. Motorcycle and moped.** The following provisions apply to learner's 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 learner's permit. [PL 2013, c. 381, Pt. B, §16 (AMD).]

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

C. An applicant for a motorcycle permit must complete a motorcycle rider education course as required by section 1352. [PL 2017, c. 229, §21 (AMD).]

D. A learner's permit is valid for 2 years. [PL 2013, c. 381, Pt. B, §16 (AMD).]

E. If the holder of a learner's permit fails to complete the driving test within 2 years from the date of issuance of a learner's permit the holder must retake the motorcycle rider education course for a subsequent learner's permit to be issued. [PL 2017, c. 229, §22 (AMD).]

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

G. A learner's permit does not allow the holder to carry a passenger. [PL 2013, c. 381, Pt. B, §16 (AMD).]

H. The fee for a motorcycle or moped learner's permit and the first road test is \$35. The fee for a subsequent examination is \$35. [PL 2017, c. 283, Pt. C, §1 (AMD); PL 2017, c. 283, Pt. C, §6 (AFF).]

I. A learner's permit may be issued by the Secretary of State or by the provider of a motorcycle rider education course under section 1352. [PL 2021, c. 216, §37 (NEW).]  
[PL 2021, c. 216, §37 (AMD).]

### 3. Bus.

[PL 2013, c. 381, Pt. B, §16 (AMD); MRSA T. 29-A §1304, sub-§3 (RP).]

### 4. School bus.

[PL 2013, c. 381, Pt. B, §16 (AMD); MRSA T. 29-A §1304, sub-§4 (RP).]

**4-A. Commercial learner's permit.** The following provisions apply to commercial learner's permits.

A. The commercial learner's permit holder must be at all times accompanied in a commercial motor vehicle of the class sought for licensed operation by the holder of a valid commercial driver's license with the commercial driver's license class and endorsements necessary to operate the commercial motor vehicle. The commercial driver's license holder shall at all times be physically present in the front seat of the vehicle next to the commercial learner's permit holder or, in the case of a passenger vehicle, directly behind or in the first row behind the driver. [PL 2013, c. 381, Pt. B, §16 (NEW).]

B. The commercial learner's permit holder must hold a valid driver's license issued by the same state or jurisdiction of domicile that issued the commercial learner's permit. [PL 2013, c. 381, Pt. B, §16 (NEW).]

C. The commercial learner's permit holder must have taken and passed a general knowledge test for the commercial motor vehicle class that the person expects to operate. [PL 2013, c. 381, Pt. B, §16 (NEW).]

D. [PL 2015, c. 46, §1 (RP).]

E. A commercial learner's permit holder is limited to the following endorsements.

(1) In order to receive a passenger endorsement, in accordance with the requirements of the federal Commercial Motor Vehicle Safety Act of 1986, a commercial learner's permit holder must have taken and passed the passenger endorsement knowledge test. A commercial learner's permit holder testing for a passenger endorsement is prohibited from operating a commercial motor vehicle carrying passengers other than the test examiners and the commercial driver's license holder accompanying the commercial learner's permit holder pursuant to paragraph A. The passenger endorsement must be specific to a commercial motor vehicle class. A commercial learner's permit holder must be at least 21 years of age to apply. The commercial learner's permit holder must be accompanied by a commercial driver's license holder with a passenger endorsement who has at least one year of driving experience and is at least 22 years of age.

(2) In order to receive a school bus endorsement, in accordance with the requirements of the federal Commercial Motor Vehicle Safety Act of 1986, a commercial learner's permit holder must have taken and passed the school bus endorsement knowledge test. A commercial learner's permit holder testing for a school bus endorsement is prohibited from operating a school bus with passengers other than test examiners and the commercial driver's license holder accompanying the commercial learner's permit holder pursuant to paragraph A. A commercial learner's permit holder must be at least 21 years of age to apply. The commercial learner's

permit holder must be accompanied by a commercial driver's license holder with a passenger endorsement who has at least one year of driving experience and is at least 22 years of age.

(3) In order to receive a tank vehicle endorsement, in accordance with the requirements of the federal Commercial Motor Vehicle Safety Act of 1986, a commercial learner's permit holder must have taken and passed the tank vehicle endorsement knowledge test. A commercial learner's permit holder testing for a tank vehicle endorsement may only operate an empty tank vehicle and is prohibited from operating any tank vehicle that previously contained hazardous materials that has not been purged of any residue. [PL 2013, c. 381, Pt. B, §16 (NEW).]

F. The commercial learner's permit holder may not operate a commercial motor vehicle transporting hazardous materials as defined in 49 Code of Federal Regulations, Section 383.5. [PL 2013, c. 381, Pt. B, §16 (NEW).]

G. The commercial learner's permit is valid for no more than one year from the date of issuance. [PL 2019, c. 397, §19 (AMD).]

H. The issuance of a commercial learner's permit is a precondition to the initial issuance of a commercial driver's license. The issuance of a commercial learner's permit is a precondition to the upgrade of a commercial driver's license if the upgrade requires a skills test. [PL 2013, c. 381, Pt. B, §16 (NEW).]

I. The commercial learner's permit holder is not eligible to take the commercial driver's license skills test in the first 14 days after the initial issuance of the commercial learner's permit. [PL 2013, c. 381, Pt. B, §16 (NEW).]

This subsection takes effect July 8, 2015.

[PL 2019, c. 397, §19 (AMD).]

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

[PL 2013, c. 381, Pt. B, §16 (AMD).]

**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.

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

#### SECTION HISTORY

RR 1993, c. 2, §21 (COR). PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 65, §§A100,B12, 13 (AMD). PL 1995, c. 65, §§A153,C15 (AFF). PL 1995, c. 402, §A47 (AMD). PL 1995, c. 505, §11 (AMD). PL 1995, c. 505, §22 (AFF). PL 1997, c. 393, §A33 (AMD). PL 1997, c. 393, §A34 (AFF). PL 1997, c. 737, §§2-5 (AMD). PL 1997, c. 737, §22 (AFF). PL 1997, c. 776, §36 (AMD). PL 1999, c. 127, §A43 (AMD). PL 1999, c. 470, §19 (AMD). PL 1999, c. 545, §1 (AMD). PL 2001, c. 440, §J1 (AMD). PL 2001, c. 671, §25 (AMD). PL 2001, c. 687, §15 (AMD). PL 2001, c. 710, §13 (AMD). PL 2001, c. 710, §14 (AFF). PL 2003, c. 286, §§1,2 (AMD). PL 2005, c. 577, §§18,19 (AMD). PL 2007, c. 2, §1 (AMD). PL 2007, c. 383, §§21,22 (AMD). PL 2009, c. 43, §1 (AMD). PL 2011, c. 356, §18 (AMD). PL 2011, c. 654, §2 (AMD). PL 2013, c. 77, §1 (AMD). PL 2013, c. 381, Pt. B, §16 (AMD). PL 2013, c. 493, §§1, 2 (AMD). PL 2013, c. 496, §13 (AMD). PL 2015, c. 46, §1 (AMD). PL 2015, c. 113, §1 (AMD). PL 2015, c. 114, §1 (AMD). PL 2015, c. 473, §14 (AMD). PL 2017, c. 79, §1 (AMD). PL 2017, c. 229, §§21, 22 (AMD). PL 2017, c. 283, Pt. C, §1 (AMD). PL 2017, c. 283, Pt. C, §6 (AFF). PL 2019, c. 397, §19 (AMD). PL 2019, c. 486, §4 (AMD). PL 2021, c. 216, §37 (AMD).

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