

HB

212

<TARGET><BILL>HB 212</BILL><SUBJECT>HB
212</SUBJECT><COMM>HTRA27</COMM></TARGET>

Alaska Legislature

Representative Charisse Millett

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Sponsor Statement - House Bill 212

"An Act relating to requirements for persons holding provisional drivers' licenses."

The Alaska Graduated License Program is a three-step program designed to develop safe driving habits as well as slowly introduce young drivers to the Alaskan road system. One of the steps in the program is graduating from an Instructional Permit to a Provisional License. There are some restrictions that follow having a Provisional License. Some examples are; You may not carry passengers unless one of the passengers is a person at least 21 years of age, You may carry passengers under the age of 21 only if they are your siblings, and you may not operate a motor vehicle between the hours of 1:00 a.m. and 5:00 a.m. unless accompanied by a person at least 21 years of age. Even though these restrictions are in place for young drivers, many choose to ignore these limitations that are there to provide safety to them and other Alaskans.

Every year, teen drivers account for about 20 percent of the fatalities and major injuries that occur on Alaskan roads and highways. Many teen drivers fail to comply with the rules of the Graduated License Program. This is a problem that many schools in Alaska's urban school districts face. Teen drivers with their provisional license will take other passengers from their schools and choose not to abide by this law. This is not only a problem in the schools', but across Alaska in general.

In order to reduce the number of accidents caused by teen drivers, and to provide safety to Alaskan roads, a solution to this problem would be to issue a sticker with each Provisional License and to place the sticker in the rear window of a motor vehicle that is being operated by a Provisional License driver. This sticker would make other drivers aware that there is a newly licensed driver on the road, and it would assist law enforcement officers with identifying teen drivers who are breaking the law. The House State Affairs Committee amended the bill to specify that failure to display the sticker is not a primary offense.

The Alaska Department of Motor Vehicles will determine the design of the sticker, and the licensee will pay the cost.

HB 212 was passed by the House State Affairs Committee on Tuesday, March 13, 2012. It now goes before the House Transportation and Finance Committees. For more information, contact Rep. Millett at (907) 465-3879.

Missouri

V.A.M.S. 302.130

302.130. Issuance of temporary instruction permit, when--requirements-- duration-- permit driver sticker or sign issued, when--rulemaking authority

1. Any person at least fifteen years of age who, except for age or lack of instruction in operating a motor vehicle, would otherwise be qualified to obtain a license pursuant to sections 302.010 to 302.340 may apply for and the director shall issue a temporary instruction permit entitling the applicant, while having such permit in the applicant's immediate possession, to drive a motor vehicle of the appropriate class upon the highways for a period of twelve months, but any such person, except when operating a motorcycle or motortricycle, must be accompanied by a licensed operator for the type of motor vehicle being operated who is actually occupying a seat beside the driver for the purpose of giving instruction in driving the motor vehicle, who is at least twenty-one years of age, and in the case of any driver under sixteen years of age, the licensed operator occupying the seat beside the driver shall be a grandparent, parent, guardian, a driver training instructor holding a valid driver education endorsement on a teaching certificate issued by the department of elementary and secondary education or a qualified instructor of a private drivers' education program who has a valid driver's license. An applicant for a temporary instruction permit shall successfully complete a vision test and a test of the applicant's ability to understand highway signs which regulate, warn or direct traffic and practical knowledge of the traffic laws of this state, pursuant to section 302.173. In addition, beginning January 1, 2007, no permit shall be granted pursuant to this subsection unless a parent or legal guardian gives written permission by signing the application and in so signing, state they, or their designee as set forth in subsection 2 of this section, will provide a minimum of forty hours of behind-the-wheel driving instruction, including a minimum of ten hours of behind-the-wheel driving instruction that occurs during the nighttime hours falling between sunset and sunrise. The forty hours of behind-the-wheel driving instruction that is completed pursuant to this subsection may include any time that the holder of an instruction permit has spent operating a motor vehicle in a driver training program taught by a driver training instructor holding a valid driver education endorsement on a teaching certificate issued by the department of elementary and secondary education or by a qualified instructor of a private drivers' education program. If the applicant for a permit is enrolled in a federal residential job training program, the instructor, as defined in subsection 5 of this section, is authorized to sign the application stating that the applicant will receive the behind-the-wheel driving instruction required by this section.

2. In the event the parent, grandparent or guardian of the person under sixteen years of

age has a physical disability which prohibits or disqualifies said parent, grandparent or guardian from being a qualified licensed operator pursuant to this section, said parent, grandparent or guardian may designate a maximum of two individuals authorized to accompany the applicant for the purpose of giving instruction in driving the motor vehicle. An authorized designee must be a licensed operator for the type of motor vehicle being operated and have attained twenty-one years of age. At least one of the designees must occupy the seat beside the applicant while giving instruction in driving the motor vehicle. The name of the authorized designees must be provided to the department of revenue by the parent, grandparent or guardian at the time of application for the temporary instruction permit. The name of each authorized designee shall be printed on the temporary instruction permit, however, the director may delay the time at which permits are printed bearing such names until the inventories of blank permits and related forms existing on August 28, 1998, are exhausted.

3. The director, upon proper application on a form prescribed by the director, in his or her discretion, may issue a restricted instruction permit effective for a school year or more restricted period to an applicant who is enrolled in a high school driver training program taught by a driver training instructor holding a valid driver education endorsement on a teaching certificate issued by the state department of elementary and secondary education even though the applicant has not reached the age of sixteen years but has passed the age of fifteen years. Such instruction permit shall entitle the applicant, when the applicant has such permit in his or her immediate possession, to operate a motor vehicle on the highways, but only when a driver training instructor holding a valid driver education endorsement on a teaching certificate issued by the state department of elementary and secondary education is occupying a seat beside the driver.

4. The director, in his or her discretion, may issue a temporary driver's permit to an applicant who is otherwise qualified for a license permitting the applicant to operate a motor vehicle while the director is completing the director's investigation and determination of all facts relative to such applicant's rights to receive a license. Such permit must be in the applicant's immediate possession while operating a motor vehicle, and it shall be invalid when the applicant's license has been issued or for good cause has been refused.

5. In the event that the applicant for a temporary instruction permit described in subsection 1 of this section is a participant in a federal residential job training program, the permittee may operate a motor vehicle accompanied by a driver training instructor who holds a valid driver education endorsement issued by the department of elementary and secondary education and a valid driver's license.

6. A person at least fifteen years of age may operate a motor vehicle as part of a driver training program taught by a driver training instructor holding a valid driver education

endorsement on a teaching certificate issued by the department of elementary and secondary education or a qualified instructor of a private drivers' education program.

7. Beginning January 1, 2003, the director shall issue with every temporary instruction permit issued pursuant to subsection 1 of this section a sticker or sign bearing the words "PERMIT DRIVER". The design and size of such sticker or sign shall be determined by the director by regulation. Every applicant issued a temporary instruction permit and sticker on or after January 1, 2003, may display or affix the sticker or sign on the rear window of the motor vehicle. Such sticker or sign may be displayed on the rear window of the motor vehicle whenever the holder of the instruction permit operates a motor vehicle during his or her temporary permit licensure period.

8. Beginning July 1, 2005, the director shall verify that an applicant for an instruction permit issued under this section is lawfully present in the United States before accepting the application. The director shall not issue an instruction permit for a period that exceeds an applicant's lawful presence in the United States. The director may establish procedures to verify the lawful presence of the applicant and establish the duration of any permit issued under this section.

9. The director may adopt rules and regulations necessary to carry out the provisions of this section.

New Jersey

Passed in 2009

N.J.S.A. 39:3-13.2a

New Jersey Statutes Annotated Currentness
39:3-13.2a. Special learner's permit; duration

a. Any person to whom a special learner's permit has been issued pursuant to section 1 of P.L.1950, c. 127 (C.39:3-13.1), upon successful completion of a State approved written examination, eye examination and an approved minimum six-hour behind-the-wheel driving course, shall be entitled to retain the special learner's permit in his own possession. The special learner's permit shall be validated by the commission for the purpose of driving a motor vehicle on a public highway in this State after the holder has successfully met the necessary examination requirements, and upon the successful

completion of a behind-the-wheel driving course. Such person may operate a motor vehicle of the class for which a basic driver's license is required except during the hours between 11:01 p.m. and 5:00 a.m. while in the company and under the supervision, from the front passenger seat, of a licensed motor vehicle driver of this State who is over 21 years of age and has been licensed to drive a passenger automobile for at least three years. Such special permit shall be valid until such person's seventeenth birthday or until he qualifies for a probationary license. Except during an instructional period of a behind-the-wheel driving course, the holder of a special permit shall operate a passenger automobile with only the following passengers: (1) the supervising passenger; (2) any parent, guardian, or dependent of the special permit holder; and (3) one additional passenger. The holder of the special learner's permit shall not use any hand-held or hands-free interactive wireless communication device, except in an emergency, while operating a moving passenger automobile on a public road or highway. "Use" shall include, but not be limited to, talking or listening on any hand-held or hands-free interactive wireless communication device or operating its keys, buttons, or other controls. All occupants of the automobile shall be secured in a properly adjusted and fastened seat belt or child restraint system.

The chief administrator shall provide the holder of a special learner's permit with two removable, transferable, highly visible, reflective decals indicating that the driver of the vehicle may be the holder of a special learner's permit. The decals shall be designed by the chief administrator, in consultation with the Division of Highway Traffic Safety in the Department of Law and Public Safety. The chief administrator may charge a fee for the decals not to exceed the actual cost of producing and distributing the decals. The decals shall be displayed in a manner prescribed by the chief administrator, in consultation with the Division of Highway Traffic Safety in the Department of Law and Public Safety, and shall be clearly visible to law enforcement officers. The holder of a special learner's permit shall not operate a vehicle unless the decals are displayed. The decal shall be removed once the driver's special learner's permit period has ended.

b. When notified by a court of competent jurisdiction that a special learner's permit holder has been convicted of a violation which causes the permit holder to accumulate more than two motor vehicle points or has been convicted of a violation of R.S.39:4-50; section 2 of P.L.1981, c. 512 (C.39:4-50.4a); P.L.1992, c. 189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5; subsection c. of N.J.S.2C:12-1; or any other motor vehicle-related law the chief administrator determines to be significant and applicable pursuant to regulation, and in addition to any other penalty that may be imposed, the chief administrator shall, without the exercise of discretion or a hearing, suspend the holder's special learner's permit for 90 days. The chief administrator shall restore the permit following the term of the permit suspension if the permit holder, regardless of age, satisfactorily completes a remedial training course of not less than four hours which may be given by the commission, a driving school licensed by the chief administrator pursuant to section 2 of P.L.1951, c. 216 (C.39:12-2), or any Statewide safety organization approved by the chief administrator. The course shall be administered pursuant to rules and regulations promulgated by the chief administrator and subject to oversight by the commission. The authority of the chief administrator to suspend, revoke, or deny

issuance of an initial or renewal license to operate a driving school or an instructor's license, and to assess fines, pursuant to P.L.1951, c. 216 (C.39:12-1 et seq.) shall apply to any violations related to the administration of a remedial training course. The permit holder shall also remit a course fee prior to the commencement of the course. If, after completion of the remedial training course, the chief administrator is notified by a court of competent jurisdiction that the special learner's permit holder has been convicted of any motor vehicle violation which results in the imposition of any motor vehicle points or has been convicted of a violation of R.S.39:4-50; section 2 of P.L.1981, c. 512 (C.39:4-50.4a); P.L.1992, c. 189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5; subsection c. of N.J.S.2C:12-1; or any other motor vehicle-related law the chief administrator deems significant and applicable pursuant to regulation, the chief administrator, without the exercise of discretion or a hearing, shall also postpone the issuance of a basic license for 90 days. When the chief administrator is notified by a court of competent jurisdiction that a special learner's permit holder has been convicted of any alcohol or drug-related offense unrelated to the operation of a motor vehicle and he is not otherwise subject to any other suspension penalty therefor, the chief administrator shall, without the exercise of discretion or a hearing, suspend the special learner's permit for six months.

N.J.S.A. 39:3-13.2a

Ohio

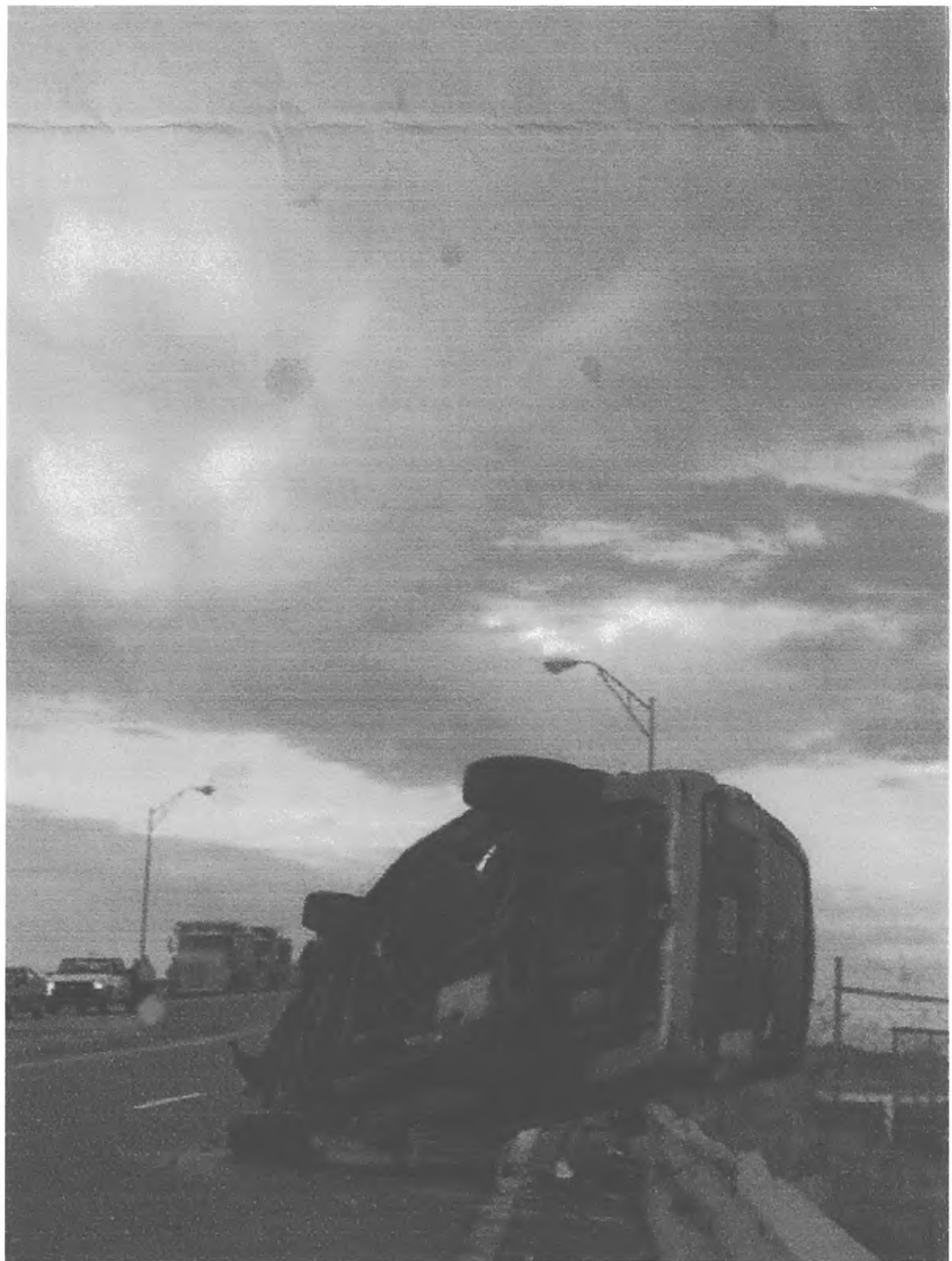
passed this in 2004

Sec. 4507.232. When the registrar of motor vehicles or a deputy registrar issues a temporary instruction permit under this chapter, the registrar or deputy registrar also shall issue to the applicant a sticker or banner that reads "student driver." When the holder of the temporary instruction permit operates a motor vehicle, the sticker or banner may be displayed on the motor vehicle to inform other motor vehicle operators that the motor vehicle is being operated by a holder of a temporary instruction permit, but such display is not required.

The sticker or banner may be displayed on a side window or the rear window of the motor vehicle notwithstanding section 4513.24 and division (F) of section 4513.241 of the Revised Code or any rule adopted thereunder.

The registrar shall determine the size of the sticker or banner, which shall not exceed four inches in height by twelve inches in length, and the material and all other properties of the sticker or banner, but shall select a material so that the sticker or banner can be transferred readily from one motor vehicle to another.







Alaska State Legislature

Representative Peggy Wilson
House District 2
Putting Alaska's Families First

FAX TRANSMITTAL SHEET

TO: Leg Legal FAX# 2029

DATE: 4-3-12 FROM: Becky (465 4858)

SUBJECT: 21-LS0738\B

Total Pages (including cover sheet) 7

HB 212 (STA) moved from House TRA today w/ 6 amendments. They are attached. If you have questions please call because this bill is up in HFIN tomorrow pending referral.

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AMENDMENT |

OFFERED IN THE HOUSE

TO: CSHB 212(STA)

1 Page 1, line 5, following "each ":

2 Insert "motor" *OK*

3

4 Page 1, line 7, following "sticker.":

5 Insert "The department may by regulation exempt the operation of certain types of
6 motor vehicles from the requirement to display a sticker under this subsection." *OK*

Passed

Conceptual Amendment 2

To CSHB 212 (STA)

By Gruenberg

Page 1, line 6, after "licensee."

Insert "If the DMV chooses a location other than the rear window to display the sticker, it shall do so by regulation."



Passed

AMENDMENT

3

OFFERED IN THE HOUSE
TO: CSHB 212(STA)

BY REPRESENTATIVE GRUENBERG

1 Page 2, following line 4:

2 Insert a new subsection to read:

3 "(d) The requirement in (b) of this section does not apply to

4 (1) provisional licenses issued to persons to operate motor vehicles in
5 areas of the state off the road system when operating motor vehicles in those areas; ~~or~~ and

6 (2) a person holding a provisional license when the person is operating
7 a motor vehicle in a municipality with a population of less than 500."



AMENDMENT 4

OFFERED IN THE HOUSE
TO: CSHB 212(STA)

BY REPRESENTATIVE GRUENBERG

1 Page 1, line 1, following "licenses":

2 Insert "; and providing for an effective date"

3

4 Page 2, following line 4:

5 Insert new bill sections to read:

6 "** Sec. 2. AS 28.15.055(b) and 28.15.055(c) are repealed December 31, 2016.

7 * Sec. 3. This Act takes effect January 1, 2013."

OK

OK

Conceptual / Passed

for provisional licenses issued after

is the provisional licenses small town stuff

Passed #4

Conceptual Amendment #1

By Representative Gruenberg

To CSHB 212(STA)

Page 1, line 5 following "a"

Insert "moveable"

*Passed
OK*

Conceptual Amendment #3

By Representative Gruenberg

To CSHB 212(STA)

Page 2, following line 4:

Insert a new subsection to read:

“(d) The requirements of (b) of this section do not apply to provisional licenses issued to persons to operate motor vehicles in areas of the state off the road system when operating motor vehicles in those areas, or with a population of less than 500.”

and exempt under 28.10.011

*removed
not offered*

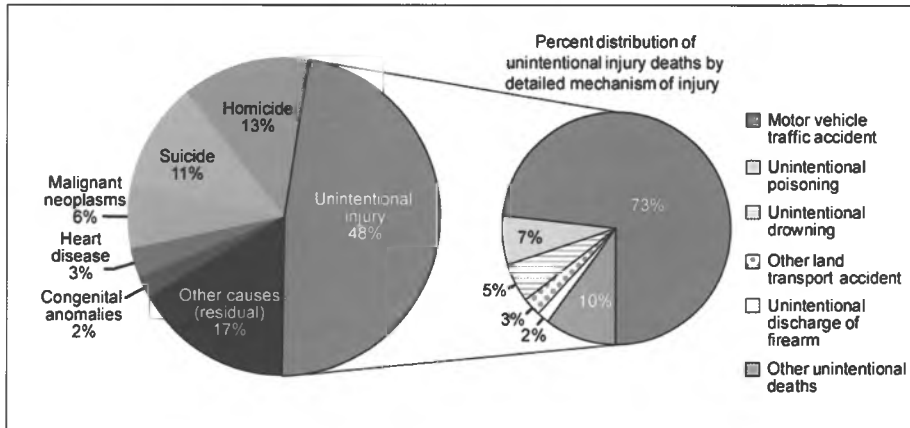
Novice Driver Safety



Safer Alaskan Roads for Alaskan
Drivers

Cause of death among teenagers between 1999-2006

Figure 2. Percent distribution of all deaths to teenagers 12-19 years, by cause of death: United States, 1999-2006



SOURCE: National Vital Statistics System, Mortality.

Alaska Statistics for Drivers 14-16 2004-2008

Motor Vehicle Traffic Crashes Involving Drivers age 14-16, 2004-2008

	2004	2005	2006	2007	2008
Crashes	692	592	477	441	437
Property Damage Only	428	377	307	270	288
Minor Injury Crashes	222	191	146	137	127
Major Injury Crashes	37	22	19	28	15
Fatal Crashes	5	2	5	6	7
Non-Fatal Injuries	398	321	256	264	223
Minor injuries	348	296	228	230	201
Major Injuries	50	25	28	34	22
Fatal Injuries	5	2	5	7	8
Occupants Not Injured	1830	1361	1195	987	1070

Source: State of Alaska, Department of Transportation and Public Facilities, Highway Analysis System (HAS)

Provisional Licensed Drivers

- Provisional Licensed Drivers are hazardous due to:
 - Apprehension
 - Lack of experience
 - Weather conditions
 - No drivers education requirement
 - Alaska's diversity from other states



Why This Solution?

- This is a simple solution to benefit Alaskan drivers.
- It will impress other driver's to be more cautious driving around the novice teen driver
- It will provide other drivers the information necessary to understand the Provisional Licensee's position
- This will assist law enforcement officers in implementing the law

Procedures

- The state of Alaska will supply the Department of Motor Vehicles with stickers to distribute to those persons acquiring an Provisional License
- Those acquiring a Provisional License will pay for the sticker as part of the permitting process.
- Sticker will be placed on the rear window of the operating vehicle

Summary

- Teen drivers with Provisional License are statistically more hazardous to themselves and other Alaskans
- Require Provisional drivers to identify their status
- Reduce the number of accidents and infractions in Alaska, and help save Alaskan lives





