

1 measurable alcohol in his or her system is subject to the
2 provisions of section two, article five, chapter seventeen-c of
3 this code and section two, article five-a of said chapter. Any
4 person under the age of eighteen, regardless of class or licensure
5 level, is subject to the mandatory school attendance and
6 satisfactory academic progress provisions of section eleven,
7 article eight, chapter eighteen of this code.

8 (c) *Level one instruction permit.* -- An applicant who is
9 fifteen years or older meeting all other requirements prescribed in
10 this code may be issued a level one instruction permit.

11 (1) *Eligibility.* -- The division shall not issue a level one
12 instruction permit unless the applicant:

13 (A) Presents a completed application, as prescribed by the
14 provisions of section six of this article, and which is accompanied
15 by a writing, duly acknowledged, consenting to the issuance of the
16 graduated driver's license and executed by a parent or guardian
17 entitled to custody of the applicant;

18 (B) Presents a ~~certified copy of a~~ birth certificate or a
19 certified copy of a birth certificate issued by a state or other
20 governmental entity responsible for vital records unexpired, or a
21 valid and unexpired passport issued by the United States government
22 evidencing that the applicant meets the minimum age requirement and
23 is of verifiable identity;

24 (C) Passes the vision and written knowledge examination and

1 completes the driving under the influence awareness program, as
2 prescribed in section seven of this article;

3 (D) Presents a driver's eligibility certificate or otherwise
4 shows compliance with the provisions of section eleven, article
5 eight, chapter eighteen of this code; and

6 (E) Pays a fee of \$5, which shall permit the applicant two
7 attempts at the written knowledge test.

8 (2) *Terms and conditions of instruction permit.* -- A level one
9 instruction permit issued under the provisions of this section is
10 valid until thirty days after the date the applicant attains the
11 age of eighteen and is not renewable. However, any permit holder
12 who allows his or her permit to expire prior to successfully
13 passing the road skills portion of the driver examination, and who
14 has not committed any offense which requires the suspension,
15 revocation or cancellation of the instruction permit, may reapply
16 for a new instruction permit under the provisions of section six of
17 this article. The division shall immediately revoke the permit
18 upon receipt of a second conviction for a moving violation of
19 traffic regulations and laws of the road or violation of the terms
20 and conditions of a level one instruction permit, which convictions
21 have become final unless a greater penalty is required by this
22 section or any other provision of this code. Any person whose
23 instruction permit has been revoked is disqualified from retesting
24 for a period of ninety days. However, after the expiration of

1 ninety days, the person may retest if otherwise eligible. In
2 addition to all other provisions of this code for which a driver's
3 license may be restricted, suspended, revoked or canceled, the
4 holder of a level one instruction permit may only operate a motor
5 vehicle under the following conditions:

6 (A) Under the direct supervision of a licensed driver, twenty-
7 one years of age or older, or a driver's education or driving
8 school instructor who is acting in an official capacity as an
9 instructor, who is fully alert and unimpaired, and the only other
10 occupant of the front seat. The vehicle may be operated with no
11 more than two additional passengers, unless the passengers are
12 family members;

13 (B) Between the hours of five a.m. and eleven p.m.;

14 (C) All occupants must use safety belts in accordance with the
15 provisions of section forty-nine, article fifteen, chapter
16 seventeen-c of this code;

17 (D) Without any measurable blood alcohol content, in
18 accordance with the provisions of subsection (h), section two,
19 article five, chapter seventeen-c of this code; and

20 (E) Maintains current school enrollment and is making
21 satisfactory academic progress or otherwise shows compliance with
22 the provisions of section eleven, article eight, chapter eighteen
23 of this code.

24 (F) A holder of a level one instruction permit who is under

1 the age of eighteen years may not use a wireless communication
2 device while operating a motor vehicle, unless the use of the
3 wireless communication device is for contacting a 9-1-1 system.
4 A law-enforcement officer may enforce the provisions of this
5 paragraph only as a secondary action when a law-enforcement officer
6 with probable cause detains a driver for a suspected violation of
7 another provision of this code. A person violating the provisions
8 of this paragraph is guilty of a misdemeanor and, upon conviction
9 thereof, shall for the first offense be fined \$25; for a second
10 offense be fined \$50; and for a third or subsequent offense be
11 fined \$75.

12 (d) *Level two intermediate driver's license.* -- An applicant
13 sixteen years of age or older, meeting all other requirements of
14 the code, may be issued a level two intermediate driver's license.

15 (1) *Eligibility.* -- The division shall not issue a level two
16 intermediate driver's license unless the applicant:

17 (A) Presents a completed application as prescribed in section
18 six of this article;

19 (B) Has held the level one instruction permit conviction-free
20 for the one hundred eighty days immediately preceding the date of
21 application for a level two intermediate license;

22 (C) Has completed either a driver's education course approved
23 by the state Department of Education or thirty hours of behind-the-
24 wheel driving experience certified by a parent or legal guardian or

1 other responsible adult over the age of twenty-one as indicated on
2 the form prescribed by the division: *Provided*, That nothing in
3 this paragraph shall be construed to require any school or any
4 county board of education to provide any particular number of
5 driver's education courses or to provide driver's education
6 training to any student;

7 (D) Presents a driver's eligibility certificate or otherwise
8 shows compliance with the provisions of section eleven, article
9 eight, chapter eighteen of this code;

10 (E) Passes the road skills examination as prescribed by
11 section seven of this article; and

12 (F) Pays a fee of \$5.

13 (2) *Terms and conditions of a level two intermediate driver's*
14 *license.* -- A level two intermediate driver's license issued under
15 the provisions of this section shall expire thirty days after the
16 applicant attains the age of eighteen, or until the licensee
17 qualifies for a level three full Class E license, whichever comes
18 first. In addition to all other provisions of this code for which
19 a driver's license may be restricted, suspended, revoked or
20 canceled, the holder of a level two intermediate driver's license
21 may only operate a motor vehicle under the following conditions:

22 (A) Unsupervised between the hours of five a.m. and eleven
23 p.m.;

24 (B) Only under the direct supervision of a licensed driver,

1 age twenty-one years or older, between the hours of eleven p.m. and
2 five a.m. except when the licensee is going to or returning from:

3 (i) Lawful employment;

4 (ii) A school-sanctioned activity;

5 (iii) A religious event; or

6 (iv) An emergency situation that requires the licensee to
7 operate a motor vehicle to prevent bodily injury or death of
8 another;

9 (C) All occupants shall use safety belts in accordance with
10 the provisions of section forty-nine, article fifteen, chapter
11 seventeen-c of this code;

12 (D) Operates the vehicle with no more than three passengers
13 under the age of nineteen, unless the passengers are family
14 members, in addition to the driver;

15 (E) Without any measurable blood alcohol content in accordance
16 with the provisions of subsection (h), section two, article five,
17 chapter seventeen-c of this code;

18 (F) Maintains current school enrollment and is making
19 satisfactory academic progress or otherwise shows compliance with
20 the provisions of section eleven, article eight, chapter eighteen
21 of this code;

22 (G) A holder of a level two intermediate driver's license who
23 is under the age of eighteen years may not use a wireless
24 communication device while operating a motor vehicle, unless the

1 use of the wireless communication device is for contacting a 9-1-1
2 system. A law-enforcement officer may enforce the provisions of
3 this paragraph only as a secondary action when a law-enforcement
4 officer with probable cause detains a driver for a suspected
5 violation of another provision of this code. A person violating
6 the provisions of this paragraph is guilty of a misdemeanor and,
7 upon conviction thereof, shall for the first offense be fined \$25;
8 for a second offense be fined \$50; and for a third or subsequent
9 offense be fined \$75.

10 (H) Upon the first conviction for a moving traffic violation
11 or a violation of paragraph (A), (B), (C), (D) or (G), subdivision
12 (1), subsection (d) of this section of the terms and conditions of
13 a level two intermediate driver's license, the licensee shall
14 enroll in an approved driver improvement program unless a greater
15 penalty is required by this section or by any other provision of
16 this code.

17 At the discretion of the commissioner, completion of an
18 approved driver improvement program may be used to negate the
19 effect of a minor traffic violation as defined by the commissioner
20 against the one year conviction-free driving criteria for early
21 eligibility for a level three driver's license; and

22 (I) Upon the second conviction for a moving traffic violation
23 or a violation of the terms and conditions of the level two
24 intermediate driver's license, the licensee's privilege to operate

1 a motor vehicle shall be revoked or suspended for the applicable
2 statutory period or until the licensee's eighteenth birthday,
3 whichever is longer unless a greater penalty is required by this
4 section or any other provision of this code. Any person whose
5 driver's license has been revoked as a level two intermediate
6 driver, upon reaching the age of eighteen years and if otherwise
7 eligible may reapply for an instruction permit, then a driver's
8 license in accordance with the provisions of sections five, six and
9 seven of this article.

10 (e) *Level three, full Class E license.* -- The level three
11 license is valid until thirty days after the date the licensee
12 attains his or her twenty-first birthday. Unless otherwise provided
13 in this section or any other section of this code, the holder of a
14 level three full Class E license is subject to the same terms and
15 conditions as the holder of a regular Class E driver's license.

16 A level two intermediate licensee whose privilege to operate
17 a motor vehicle has not been suspended, revoked or otherwise
18 canceled and who meets all other requirements of the code may be
19 issued a level three full Class E license without further
20 examination or road skills testing if the licensee:

21 (1) Has reached the age of seventeen years; and

22 (A) Presents a completed application as prescribed by the
23 provisions of section six of this article;

24 (B) Has held the level two intermediate license conviction

1 free for the twelve-month period immediately preceding the date of
2 the application;

3 (C) Has completed any driver improvement program required
4 under paragraph (G), subdivision (2), subsection (d) of this
5 section; and

6 (D) Pays a fee of \$2.50 for each year the license is valid.
7 An additional fee of \$.50 shall be collected to be deposited in the
8 Combined Voter Registration and Driver's Licensing Fund established
9 in section twelve, article two, chapter three of this code;

10 (E) Presents a driver's eligibility certificate or otherwise
11 shows compliance with the provisions of section eleven, article
12 eight, chapter eighteen of this code; or

13 (2) Reaches the age of eighteen years; and

14 (A) Presents a completed application as prescribed by the
15 provisions of section six of this article; and

16 (B) Pays a fee of \$2.50 for each year the license is valid.
17 An additional fee of \$.50 shall be collected to be deposited in the
18 Combined Voter Registration and Driver's Licensing Fund established
19 in section twelve, article two, chapter three of this code.

NOTE: The purpose of this bill is to require valid proof of
identity for a driver's license and permits an applicant two
attempts at the written test for a single fee.

Strike-throughs indicate language that would be stricken from
the present law, and underscoring indicates new language that would
be added.