

1 H.117

2 Introduced by Representatives Pugh of South Burlington and Grad of

3 Moretown

4 Referred to Committee on

5 Date:

6 Subject: Motor vehicles; junior operators; learner's permits; nighttime

7 operation restrictions

8 Statement of purpose: This bill proposes to prohibit junior operators from
9 operating between the hours of midnight and 5:00 a.m. for the first year
10 operating under a junior operator's license, except when the operator is
11 traveling on a direct route between work and home or traveling for a
12 school-related activity, and to prohibit unlicensed persons under age 18
13 operating under a learner's permit from operating between the hours of
14 midnight and 5:00 a.m. under any circumstances.

15 An act relating to restrictions on nighttime operation of motor vehicles by
16 junior operators and holders of learner's permits

17 It is hereby enacted by the General Assembly of the State of Vermont:

1 Sec. 1. 23 V.S.A. § 614 is amended to read:

2 § 614. RIGHTS UNDER LICENSE

3 (a) An operator's license shall entitle the holder to operate a registered
4 motor vehicle with the consent of the owner whether employed to do so or not.
5 A junior operator's license shall entitle the holder to operate a registered motor
6 vehicle, with the consent of the owner, but shall not entitle him or her to
7 operate a motor vehicle in the course of his or her employment or for direct or
8 indirect compensation for one year following issuance of the license. A junior
9 operator's license shall not entitle the holder to carry passengers for hire.
10 During the first three months of operation, the holder of a junior operator's
11 license is restricted to driving alone or with a licensed parent or guardian,
12 licensed or certified driver education instructor, or licensed person at least 25
13 years of age. During the following three months, a junior operator may
14 additionally transport family members. ~~No person operating with a junior
15 operator's license shall transport more passengers than there are safety belts
16 unless he or she is operating a vehicle that has not been manufactured with a
17 federally approved safety belt system~~ During the first year of operation, a
18 junior operator shall not operate a motor vehicle between 12 midnight and
19 5:00 a.m. except when the operator is traveling on a direct route between work
20 and home, or traveling for a school-related activity.

1 (b) This section shall not prohibit a holder of a junior operator's license
2 from operating a farm tractor with or without compensation upon a public
3 highway in going to and from different parts of a farm of the owner of such
4 tractor and for repair purposes to any repair shop.

5 (c) No person operating with a junior operator's license shall transport
6 more passengers than there are safety belts unless he or she is operating a
7 vehicle that has not been manufactured with a federally approved safety belt
8 system.

9 (d) A person in violation of subsection (a) of this section shall be allowed
10 to drive home, on a direct route, following issuance of a traffic ticket by a law
11 enforcement officer, and shall be subject to the penalties prescribed in section
12 678 of this title.

13 Sec. 2. 23 V.S.A. § 615 is amended to read:

14 § 615. UNLICENSED OPERATORS

15 (a)(1) An unlicensed person 15 years of age or older, may operate a motor
16 vehicle, if he or she has in possession, a valid learner's permit issued to him or
17 her by the commissioner and if ~~their~~ his or her licensed parent or guardian,
18 licensed or certified driver education instructor, or licensed person at least 25
19 years of age rides beside him or her. However, an unlicensed person under age
20 18 operating under a learner's permit shall not operate a motor vehicle under
21 any circumstances between 12 midnight and 5:00 a.m. Nothing in this section

1 shall be construed to permit a person against whom a revocation or suspension
2 of license is in force, or a person less than 15 years of age, or a person who has
3 been refused a license by the commissioner, to operate a motor vehicle.

4 (2) A licensed person who does not possess a valid motorcycle
5 endorsement may operate a motorcycle, with no passengers, only during
6 daylight hours and then only if he or she has upon his or her person a valid
7 motorcycle learner's permit issued to him or her by the commissioner.

8 (b) ~~The commissioner, in his or her discretion, may recall a learner's permit~~
9 ~~in the same circumstances as he or she may recall a provisional license~~ A
10 person in violation of subsection (a) of this section shall be allowed to drive
11 home, on a direct route, following issuance of a traffic ticket by a law
12 enforcement officer, and shall be subject to the penalties prescribed in section
13 678 of this title.

14 Sec. 3. 23 V.S.A. § 678 is amended to read:

15 § 678. UNAUTHORIZED OPERATION

16 A person who may operate a motor vehicle by virtue of either a learner's
17 permit or junior operator's license who is convicted of operating a motor
18 vehicle ~~while unaccompanied~~ in violation of subsection 614(a) or 615(a) of
19 this title shall be subject to a penalty of not more than \$50.00 and his or her
20 learner's permit or junior operator's license shall be recalled for a period of 90
21 days. No person may be issued traffic complaints alleging a violation of this

1 section and a violation of section 676 of this title from the same incident. The
2 provisions of this section may be enforced only if a law enforcement officer
3 has detained the operator of a motor vehicle for a suspected violation of
4 another traffic offense.

5 Sec. 4. EFFECTIVE DATE

6 This act shall take effect on July 1, 2011.