

Legal Update

April, 2007

Detailed Summary of the New Junior Operator's Law

EFFECTIVE DATE:

The Junior Operator's Law took effect on **March 31, 2007**, except for the changes made to Chapter 90, § 8 – *minimum requirements to obtain a junior operator's license* - which take effect **September 1, 2007**.

Chapter 71, § 13D: *High Schools; required subjects; driver training*

The new law gives the Registry of Motor Vehicles (RMV) exclusive control over the content of driver education courses. Additionally, anyone conducting a driver education course must be certified by the registrar as a driving instructor.

Old Law

The content of the driver education courses shall be established by the commissioner of education in collaboration with the registrar of motor vehicles.

New Law

The content of driver education courses shall be established by the registrar of motor vehicles. No school committee and no high school, public or private, shall employ a person to conduct a driver education course unless the person is certified by the registrar as a driving instructor.

Chapter 90, §8: *Operator's licenses; applications; examinations*

The new law increases the minimum requirements before an individual can obtain a junior operator's license.

Old Law

Successfully complete a driver education and training course
No less than 12 hours of supervised driving

New Law

Successfully complete a driver education and training course
No less than 40 hours of supervised driving, or 30 hours if the applicant has successfully completed a driver skills development program pursuant to c.90, §32G ½

The current law restricts driving with a junior operator's license unless accompanied by a licensed driver 21 years or older with 1 year or more driving experience. The new law increases the duration of license suspensions for any violation of a passenger restriction.

Old Law

First offense – 30 day loss of license
Second offense – 60 day loss of license
Third or subsequent offense – 90 day loss of license

New Law

First offense – 60 day loss of license
Second offense – 180 day loss of license and completion of the attitudinal retraining course*
Third or subsequent offense – 1 year loss of license and completion of the attitudinal retraining course
Allows exemption for emancipated minors

The new law changes the night driving restrictions and creates license suspensions for any violation of a night driving restriction.

Old Law

Restricts driving from 12:00am – 5:00am for duration of junior operator licensure, unless accompanied by parent/guardian. Primary enforcement (only enforceable when stopped for another violation or offense) 1:00am – 4:00am
No loss of license indicated
No loss of license indicated
No loss of license indicated

New Law

Restricts driving from 12:30am – 5:00am
First offense – 60 day loss of license
Second offense – 180 day loss of license and completion of the attitudinal retraining course
Third or subsequent offense – 1 year loss of license and completion of the attitudinal retraining course
Allows exemption for emancipated minors

* The Attitudinal Retraining Course is put on by the National Safety Council.

The new law creates a requirement that the RMV send notice of suspension to a junior operator's licensee and parent or guardian.

<i>Old Law</i>	<i>New Law</i>
No notice required	RMV to send notice of suspension to licensee and parent or guardian.

Chapter 90, §8B: *Learner's Permits*

The current law restricts driving on a learner's permit unless accompanied by a licensed driver 21 years or older with 1 year or more driving experience. The new law creates permit suspensions for any violation of a passenger restriction.

<i>Old Law</i>	<i>New Law</i>
No loss of permit indicated	First offense – 60 day loss of permit
No loss of permit indicated	Second offense – 180 day loss of permit and completion of the attitudinal retraining course
No loss of permit indicated	Third or subsequent offense – 1 year loss of permit and completion of the attitudinal retraining course

The current law restricts driving on a learner's permit between the hours of 12:00am – 5:00am unless accompanied by a parent or legal guardian (exceptions made for emancipated minors) with primary enforcement (only enforceable when stopped for another violation or offense) from 1:00am – 4:00am. The new law creates permit suspensions for a violation of the night driving restrictions.

<i>Old Law</i>	<i>New Law</i>
No loss of permit indicated	First offense – 60 day loss of permit
No loss of permit indicated	Second offense – 180 day loss of permit and completion of the attitudinal retraining course
No loss of permit indicated	Third or subsequent offense – 1 year loss of permit and completion of the attitudinal retraining course

Chapter 90, § 17B: *Drag Racing; penalties*

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The new law increases penalties for a violation of the drag racing statute while operating on a junior operator's license or learner's permit.

<i>Old Law</i>	<i>New Law</i>
First offense – a fine of not less than \$100 nor more than \$500 and a 30 day loss of license or permit	First offense while operating on a junior operator's license or learner's permit – a fine of not less than \$250 fine, a 1 year loss of license or permit, completion of the SCARR program, attitudinal retraining course, second road test for junior operator's license/reapplication for learner's permit, and a \$500 reinstatement fee
Second offense – a fine of not less than \$200 nor more than \$1,000 and a 180 day loss of license or permit	Subsequent offense while operating on a junior operator's license or learner's permit – not less than \$500 fine, a 3 year loss of license or permit, completion of the SCARR program, attitudinal retraining course, second road test for junior operator's license/reapplication for learner's permit, and a \$1,000 reinstatement fee
Third – a fine of not less than \$200 nor more than \$1,000 with a 1 year loss of license or permit	

Chapter 90, §20: Penalties and punishments

The new law increases the maximum fine allowable for operating without a license.

<i>Old Law</i>	<i>New Law</i>
<i>Fine of not less than \$100 nor more than \$200</i>	<i>Fine of not less than \$100 nor more than \$1,000</i>

The new law increases the suspension periods for a speeding violation while operating with a junior operator's license or a learner's permit.

<i>Old Law</i>	<i>New Law</i>
First offense – no loss of license or permit	First offense – 90 day loss of license or permit *Additional penalties apply for junior operator's including completion of the SCARR program,

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	attitudinal retraining course, a second road test, and a \$500 reinstatement fee.
Second offense – 180 day loss of license * Junior operator's license only	Subsequent offense – 1 year loss of license or permit *Additional penalties apply for junior operator's including completion of the SCARR program, attitudinal retraining course, a second road test, and a \$500 reinstatement fee.
Third or subsequent offense within a 12 month period – 30 day permit suspension * Learner's permit only	

Chapter 90, § 24(2) (c): *Driving while under the influence of intoxicating liquor, etc.;*

The new law increases the license suspensions for operating a motor vehicle recklessly or negligently on a junior operator's license.

Old Law

New Law

First offense – 60 day loss of license	First offense – 180 loss of license
Subsequent offense within 3 years – up to 1 year loss of license	Subsequent offense within 3 years – 1 year loss of license

Note: There are other provisions in this new law including licensing of driver's education courses and instructors, etc. that are not included in this summary. Please refer to the law for details.

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