

# HOUSE . . . . . No. 6103

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVE, April 29, 1982.

The committee on Public Safety to whom were referred the petition (accompanied by bill, House, No. 532) of Marie J. Parente for legislation to require written examinations for licenses to operate motor vehicles, the petition (accompanied by bill, House, No. 2315) of William E. Moriarty and other members of the House for legislation to prohibit the renewal of motorcycle learner's permits, the petition (accompanied by bill, House, No. 4392) of Mary O'Hanley for legislation to require written examinations for licenses to operate motor vehicles, the petition (accompanied by bill, House, No. 5274) of Lawrence R. Alexander, Steven Angelo, Susan D. Schur, Philip W. Johnston and Michael W. Morrissey relative to written examinations for licenses to operate motor vehicles, and the petition, (accompanied by bill, House, No. 5285) of Paul J. Cavanaugh relative to further regulating the examination for a license to operate a motor vehicle, reports recommending that the accompanying bill (House, No. 6103) ought to pass.

For the committee,

THOMAS P. WHITE.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Two.

### AN ACT RELATIVE TO THE ISSUANCE OF A LEARNER'S PERMIT.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Section 8B of chapter 90 of the General Laws, as most recently  
2 amended by section 5 of chapter 261 of the acts of 1976 is hereby  
3 further amended by striking out said section, and inserting in place  
4 thereof the following new section: —

5 Any person who is at least sixteen years of age, excepting per-  
6 sons who have been licensed and whose licenses are not in force  
7 because of revocation or suspension, and persons whose right to  
8 operate is suspended by the registrar, may apply to the registrar for  
9 a learner's permit. Each applicant shall submit with his application  
10 a birth, baptismal or school certificate or such other satisfactory  
11 evidence of his age as the registrar may require. The registrar in his  
12 discretion, after the applicant has successfully passed all parts of a  
13 written examination may issue to the applicant a learner's permit  
14 which shall entitle him, while having such permit in his immediate  
15 possession, to drive a motor vehicle upon any way when accompa-  
16 nied by an operator, licensed by the registrar, who is eighteen years  
17 of age or over, who has had at least one year of driving experience  
18 and who is occupying a seat beside the driver; provided, however,  
19 that in the case of a motorized bicycle no such accompanying  
20 operator shall be required; and provided, further, that if the appli-  
21 cant has been issued a learner's permit restricted to the operation of  
22 a motorcycle, said learner's permit shall not entitle him to carry any  
23 passenger while operating such motorcycle upon any way or to  
24 operate a motorcycle upon any way at any time after sunset or  
25 before sunrise. No learner's permit restricted to the operation of  
26 motorcycles, which has expired shall be renewed unless the appli-  
27 cant successfully passes a written examination and unless the  
28 applicant has taken at least one driving test during the period when

29 the learner's permit was valid. Such licensed operator shall be  
30 liable for the violation of any provision of this chapter, or of any  
31 regulation made in accordance herewith, committed by such per-  
32 sons with a learner's permit; provided, that the examiners of opera-  
33 tors in the employ of the registrar, when engaged in their official  
34 duty, shall not be liable for the acts of any person who is being  
35 examined. Any such learner's permit shall be valid for one year  
36 from the date of issue or until the holder shall have received a  
37 license to operate, whichever first occurs.

38 If the applicant is under eighteen years of age, said learner's  
39 permit shall not entitle him to operate a motor vehicle between the  
40 hours of one o'clock ante meridian and five o'clock ante meridian,  
41 unless he is accompanied by his parent or legal guardian who is a  
42 licensed operator with at least one year of driving experience and  
43 whose license or right to operate is not revoked or suspended.

44 Each application for a learner's permit shall be made upon a  
45 form furnished by the registrar and the fee as prescribed in section  
46 thirty-three shall be paid at the time the appointment is made for  
47 the examination. The registrar, for reasons he deems sufficient,  
48 may authorize an applicant to be examined without payment of an  
49 additional fee when the applicant has been unable to take the  
50 examination at the time originally scheduled. Each holder of a  
51 learner's permit, may take not more than six driving tests within  
52 the aforesaid period of twelve months, upon payment of the fee for  
53 examination of an applicant for an operator's license, as required  
54 in said section, for each such driving test.

