

29 DEPARTMENT OF STATE

250 BUREAU OF MOTOR VEHICLES

DRIVER LICENSE EXAMINATION

Chapter 4: DRIVER LICENSE EXAMINATION RULES

SUMMARY: These rules describe the components of the examination used by the Secretary of State to determine a person's qualifications to obtain a license to operate a motor vehicle.

1. COMPONENTS OF THE DRIVER LICENSE EXAMINATION

Except as provided in section 2, the examination required by 29 MRSA Section 581 to determine a person's qualifications to operate a motor vehicle must consist of a road sign test, knowledge test, vision test and road test.

A. Road Sign Test

- (1) The road sign test is administered to applicants to determine their ability to identify and understand highway signs.
- (2) The road sign test must consist of at least 10 questions. The applicant must correctly answer eighty (80) percent to qualify for a license.

B. Knowledge Test

The knowledge test is administered to determine whether the applicant has acquired an understanding and knowledge of the traffic laws and regulations and safe driving practices established by the Driver Examination Manual and the Commercial Driver's Manual. Applicants must correctly answer eighty (80) percent of the questions on each knowledge test to qualify for a license.

C. Vision Test

The vision screening test is administered to determine whether the applicant's vision is adequate to permit the safe operation of a motor vehicle. The vision screening test may consist of the following parts:

- (1) Visual acuity examination. Applicants for a motor vehicle operator's license must meet the minimum visual acuity standards established by Chapter 3, Department of State, Motor Vehicle Division, Physical, Emotional And Mental Competence To Operate A Motor Vehicle,

Functional Ability Profiles Governing The Physical, Emotional and Mental Competence To Operate a Motor Vehicle (Functional Ability Profiles). Applicants for a school bus endorsement may be required to satisfy more stringent standards.

- (a) Applicants who fail to meet the minimum standard will be referred to an optometrist or ophthalmologist for a comprehensive vision examination. An applicant may be issued an operator's license following such an examination in accordance with the Functional Ability Profiles.
 - (b) If an applicant referred to a doctor declines to undergo a vision examination, an operator's license or instruction permit must not be issued.
- (2) Depth perception examination. The depth perception examination measures the ability to make a judgment of space, distance, and relative position of objects.
 - (3) Visual field examination. The field of vision examination measures the ability to detect objects to the right or left while looking straight ahead.

D. Road Test

The road test is administered to determine the applicant's actual ability safely to exercise ordinary and reasonable control in the operation of a motor vehicle as described in the Driver License Examination Manual and the Commercial Driver's Manual. The following requirements and restrictions apply to the road test:

- (1) The road test must not be given until the applicant has successfully completed all other required tests.
- (2) When appearing for the road test, the applicant must present the following items to the driver license examiner.
 - (a) The appointment form properly completed;
 - (b) A valid permit. An applicant with a valid operator's license is not required to present a permit provided the license does not prohibit operation of that vehicle;
 - (c) The accompanying operator's valid license. An applicant with a valid operator's license to operate that vehicle is not required to present an accompanying operator's license;

- (d) The current registration certificate or registrations of the vehicle or vehicles to be used.
- (3) Each applicant must furnish a properly equipped, safe vehicle within the class license for which application is made.
 - (a) If the driver license examiner finds the vehicle improperly equipped or unsafe for operation, the road test may be refused and will be rescheduled to a later date.
 - (b) If the vehicle is not in the class for which the application is made, the applicant may either be rescheduled or submit to the test. If the applicant submits to the test and qualifies, the license will be endorsed for the class of vehicle used.
 - (i) Applicants administered a commercial driver examination in a vehicle that has a gross vehicle weight rating of 26,000 pounds or less will be restricted to operation of vehicles of that weight rating.
- (4) Unless authorized by the Secretary of State no passenger other than the driver and the driver license examiner or examiners are permitted in the vehicle during the road test.
- (5) No pets are permitted in the vehicle during the road test.
- (6) Driver license examiners are prohibited from using tricks, asking the applicant to do anything unlawful, or attempting to confuse or hurry the applicant during the road test.

2. ADOPTION OF FEDERAL REGULATIONS AS STATE RULES

Except as specifically exempted, 49 Code of Federal Regulations Part 383, Subparts B, E, F, G and H, as amended from time to time, are hereby adopted as the Secretary of State's rules governing applicants for commercial drivers licenses and are incorporated by reference into these rules. Subpart G includes the examination requirements contained in the Maine Driver License Examination Manual and the Commercial Driver's Manual.

- (a) Exemptions. The following exemptions are made to 49 Code of Federal Regulations Part 383 and are not adopted as part of these rules.
 - (i) Part 383.71(a) (3);
 - (ii) Part 383.73(b)(4)(ii);

- (iii) Part 383.75; and
- (iv) Part 383.77 after March 31, 1992.

3. WAIVER

Unless in conflict with any state or federal statute, regulation or rule, any component of the driver license examination may be waived by the Secretary of State.

STATUTORY AUTHORITY: 29 MRSA §§ 51 and 530-B

EFFECTIVE DATE:

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