



Roles in Implementing the Graduated Driver License (GDL)

MTEA Conference Panel. Great Falls, April 23, 2007



The GDL panel included a city police officer, prosecutor, parent representative, Montana Highway Patrol and Motor Vehicle Division (MVD) staff. Here are notes on their discussion of GDL enforcement, authority, responsibility and discretion.

Driving Permits

Are Traffic Education Learner Licenses (TELL) and Instruction Permits (IP) valid for one year?

Traffic Education Learner Licenses (**TELL**) and Instruction Permits (**IP**)/Learner Licenses are valid for one year from the date of the first written test. When parents determine their students need additional practice time or if the permit expires, students will need to fill out a new application which requires:

- Payment of driver license fees - \$5 for each year up to age 21;
- Re-check documents – birth certificate, social security card, mail with current address;
- Take all required tests; new photo; and Parental consent for minors. (Updated 2008)

What happens to the TELL when a student fails or doesn't complete Traffic Education (TE)?

The TELL will not be valid after the TE class ends if a student fails to complete the class. This should be noted on the TE04 Student List. Students who fail will need to wait until they are 16 years old to retake the written test and apply for an Instruction Permit/ Learner License. The required six months of supervised driving practice will start over. It is not required, but it is helpful if the teacher is able to retrieve the TELL.

What are the restriction differences between the TELL and Instruction Permit/Learner License?

The TELL allows only the traffic education teacher, or parent, or legal guardian to supervise the required six months of driving practice. If parents or legal guardians want their student to drive with other adults during the GDL permit phase, students must obtain an Instruction Permit/Learner License at the Driver Exam Office.

Can a student who is 14 ½ convert their TELL to an Instruction Permit/Learner License after successfully completing TE?

NO. Students need to be age 15 after successful completion of an approved traffic education course; or age 16 without traffic education to apply for an Instruction Permit/ Learner License at the Driver Exam Office.

When do you restart the six months of supervised driving practice?

The required six months of supervised driving practice will start over **during the Instruction Permit phase** if a student fails to complete TE or if they have a traffic violation or alcohol/drug offense.

With a GDL Restricted License the penalty for a first offense is community service and with a second offense the driver license is suspended for six months.

Why should traffic education teachers test and issue TELL permits?

The Cooperative Driver Testing Program (CDTP) developed with the Department of Justice, Motor Vehicle Division (MVD) to save time for parents and teens. In some regions, the distance to a Driver Exam Office and the limited hours make access difficult for families. TE teachers can waive the driving tests for students and 10% of exempt students will be retested. (Additional note: Funding for driver education was saved in 1995 by the CDTP. This partnership meets a needed state service that convinced legislators to continue funding traffic education.)



When can students apply for a one-year GDL Restricted License?

Students are eligible for a restricted license after holding any instruction permit for six months and meeting the GDL requirements:

- Students need to be age 15 after successful completion of an approved traffic education course; or age 16 without traffic education to apply;
- Students must have any combination of Traffic Education Permit (TEP), TELL or IP at least **six months and** while holding the permit(s), the student has completed **50 hours** of supervised driving practice – 10 hours must be at night; and
- Parents or legal guardians must certify the student has remained **free from traffic violations and alcohol/drug offenses.**

What parent tools are available with GDL?

Parents have the privilege to take their teen's driver license away at any time for any reason. The MVD relies on parent certification to progress to a restricted license. Parents can revoke their permission and withdraw their acceptance of liability for teens under 18. The law provides leverage for parents to set night driving restrictions and curfews. Exceptions to GDL night driving restrictions include emergencies, travel to and from school, church, or work and farm related activities.

Enforcement and Citations

Can a student get a ticket while in the Driver Education car?

YES. The driver will get the citation. Police officers have discretion to determine if a moving violation receives a warning. Citations are likely when any crash causes property damage.

Can students get tickets in parking lots and on private property?

Citations are possible in school parking lots because they are public property. Parents can be cited for allowing an unlicensed minor to drive.

Police officers have limited jurisdiction for traffic violations on commercial property and private land but they can issue citations for violations of state law, blocking a fire lane and parking in a handicapped spot.

Does the GDL influence a police officer's decision to pull over a young driver?

Young drivers will only be stopped for probable cause. For example:

If a young driver is 3 mph over the speed limit, officers use discretion and warnings. Several teens driving over 100 mph on the interstate between Helena and Butte were recently stopped for reckless driving. Any GDL considerations were secondary to safety. Parents were called and GDL could be part of the adjudication.

Do driver records indicate Minor In Possession (MIP) citations?

NO. Convictions for MIP violations are not on driver records. Parents have the responsibility to certify six months free of traffic violations and any alcohol/drug offense before a teen is eligible for a GDL Restricted License. Judges can suspend driver privileges by court order.

When there is a connection to driving, a Blood Alcohol Concentration (BAC) of 0.02% or more for anyone under age 21 can result in a DUI conviction and driver license suspension on the driver's record. The under 21 limit of 0.02% BAC is the minimum level tested with certainty. A 13 year old can have a DUI conviction listed on their driver record even without a driver license.

What happens when a driver with a GDL restricted license has a crash?

Drivers should stay at the crash site and report the accident to the police if there is any injury or property damage over \$1,000. When there is a multiple vehicle crash, take pictures and record the license plate numbers and types of cars. Ask crash witnesses what they saw before, during and after the crash. It has been difficult to locate a driver involved in a crash who has a suspended license or no insurance who promised to pay for the crash damage and left the scene.

What options do prosecutors and judges have with GDL?

Prosecutors and judges have another layer of discretion when evaluating sufficient evidence. They look at "what we know and what we can prove". For example: A 16 year old claimed to be driving the vehicle which hit 18 parked cars. She was attempting to cover for the 20 year old who had a suspended driver license.

With moving violations and property damage, the level of responsibility taken by a driver makes a difference. Sentencing recommendations can be affected when parents impose significant consequences. Fines are set according to statutes. Last year in Great Falls 14,000 citations resulted in deferred prosecution agreements where a driver who paid the fees and met a specified time of good behavior received no points on their driver record. Driving without a driver license is treated differently.

Instruction Permits include:

TEP – Traffic Education Permit

Valid only during approved Traffic Education (TE) course to drive only with the instructor during Driver Education class.

TELL – Traffic Education Learner License

Valid for one year to drive only with TE instructor, or licensed parent, or legal guardian during and after successful completion of approved TE course.

Instruction Permit/Learner License

Valid for one year to drive with licensed parent, or legal guardian, or licensed driver age 18 or older.

