

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 1038

S.P. 341

In Senate, March 25, 1993

**An Act Clarifying Certain Traffic Infraction Provisions of the Motor
Vehicle Laws.**

Submitted by the Judicial Department pursuant to Joint Rule 24.
Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator CONLEY of Cumberland.

Be it enacted by the People of the State of Maine as follows:

2
3 **Sec. 1. 29 MRSA §1, sub-§17-C, first ¶,** as amended by PL 1991, c.
4 549, §10, and affected by §17, is further amended to read:

6 **17-C. Traffic infraction.** "Traffic infraction" means any
7 violation of any provision of this Title, or of any rules
8 established under this Title, not expressly defined as a felony,
9 misdemeanor or crime, and otherwise not punishable by
10 incarceration or, unless specifically authorized, by a fine of
11 more than \$500. A traffic infraction includes any offense
12 referred to in this Title as a civil violation and is not a
13 crime, but is a civil violation and the penalty therefor may not
14 be deemed for any purpose a penal or criminal punishment. There
15 is no right to trial by jury for a traffic infraction. The
16 exclusive penalty for a traffic infraction violation of any
17 public or private law of this State, or of any rule adopted
18 pursuant to any law of this State, is a fine and suspension of
19 license, permit, the right to operate a motor vehicle in this
20 State and the right to apply for or obtain a license or permit,
21 or both. The exclusive penalty for a traffic infraction
22 violation of any ordinance enacted by any political subdivision
23 of this State is a fine.

24
25 The term "traffic infraction" as used in any public or private
26 law of this State, or in any rule adopted pursuant to any law of
27 this State, or in any ordinance enacted by any political
28 subdivision of this State, has this same meaning and effect.

29
30 **Sec. 2. 29 MRSA §1312-F, sub-§3,** as enacted by PL 1987, c.
31 525, is amended to read:

32
33 **3. Penalty.** Any person who violates this section commits a
34 ~~civil-violation~~ traffic infraction for which a forfeiture of not
35 more than \$500 may be adjudged.

36
37 **Sec. 3. 29 MRSA §1368-B, sub-§4,** as enacted by PL 1983, c.
38 299, is repealed.

39
40 **Sec. 4. 29 MRSA §1368-B, sub-§6,** as enacted by PL 1983, c.
41 299, is amended to read:

42
43 **6. Penalty.** ~~Following the initial 6-month warning period,~~
44 ~~A violation of this section is a civil-violation-for-which-a~~
45 ~~forfeiture-of-\$25-for-the-first-violation-and-\$50-for-each~~
46 ~~subsequent-violation-may-be-adjudged~~ traffic infraction. The
47 court shall waive any ~~civil~~ fine or cost against a parent or
48 legal guardian who receives a ~~civil-violation~~ traffic infraction
49 citation for a first violation of this section if the parent or
50 legal guardian supplies the court with satisfactory evidence that

2 the parent or guardian has acquired or purchased a child safety
3 seat for continuous use by the child of the parent or guardian.
4 This child safety seat shall must comply with the standards
5 described in Federal Motor Vehicle Safety Standards, 49 Code of
6 Federal Regulations, Part 571, in effect January 1, 1981, within
7 30 days of the issuance of the ~~civil-violation~~ traffic infraction
8 citation.

9
10 **Sec. 5. 29 MRSA §1368-C, sub-§1**, as amended by PL 1991, c.
11 548, Pt. F, §1 and affected by §2, is further amended to read:

12 **1. Persons at least 4 but under 19 years of age.** When a
13 person 4 years of age or older, but less than 19 years of age, is
14 a passenger in a motor vehicle that is required by the United
15 States Department of Transportation to be equipped with seat
16 belts, the operator or passenger must be properly secured in a
17 seat belt or in a child safety seat that meets the requirements
18 set out in 49 Code of Federal Regulations, Part 571. The failure
19 by the operator of a motor vehicle to ensure that the operator
20 and any passengers are secured by a seat belt or a child safety
21 seat as required by this subsection while the vehicle is being
22 operated is a ~~civil-violation~~ traffic infraction punishable as
23 provided in subsection 4.

24
25 **Sec. 6. 29 MRSA §1368-C, sub-§3**, as amended by PL 1991, c.
26 470, is repealed.

27
28 **Sec. 7. 29 MRSA §1368-C, sub-§4**, as amended by PL 1991, c.
29 445, is amended to read:

30
31 **4. Penalty.** Violation of this section is a ~~civil-violation~~
32 ~~for which a forfeiture of \$25 for the first violation and \$200~~
33 ~~for each subsequent violation may be adjudged~~ traffic infraction.

34
35 **Sec. 8. 29 MRSA §1376, 7th ¶**, as enacted by PL 1979, c. 593,
36 is amended to read:

37
38 Violation of this section is a ~~civil-violation for which a~~
39 ~~forfeiture of \$25 for the first violation and \$50 for each~~
40 ~~subsequent violation shall be adjudged~~ traffic infraction.

41
42 **Sec. 9. 29 MRSA §2019, sub-§2-A**, as enacted by PL 1991, c.
43 273, is amended by amending the first ¶ to read:

44
45 **2-A. Registered owner's liability for vehicle illegally**
46 **passing a school bus.** A person who is a registered owner of a
47 vehicle at the time that vehicle is involved in a violation of
48 subsection 2 commits a ~~civil-violation~~ traffic infraction. For
49 purposes of this subsection, "registered owner" includes a person
50 issued a dealer or transporter registration plate.

2 D. The offense committed by a person less than 15 years of
age who fails to wear protective headgear while riding on a
motor cycle;

4 E. The offense committed by the registered owner of a motor
6 vehicle that passes a stopped school bus; and

8 F. The offense committed by a person who abandons a motor
vehicle on a public highway.

10
12 This bill also deletes the reference to fixed penalties for
the violations listed above because the Title 29, section 2303,
14 subsection 1, defines the minimum and maximum monetary penalties
for a traffic infraction. The limitations in the present law may
16 be interpreted as preventing the court from imposing a license
suspension in addition to a fine as permitted under Title 29,
section 2305.