

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

DATE: 4-14-97

(Filing No. H-198)

TRANSPORTATION

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 661, L.D. 914, Bill, "An Act Regarding Penalties for Failure to Yield the Right-of-way to an Emergency Vehicle"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 29-A MRSA §2054, sub-§4, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

4. Right-of-way. An authorized emergency vehicle operated in response to, but not returning from, a call or fire alarm or operated in pursuit of an actual or suspected violator of the law has the right-of-way when emitting a visual signal using an emergency light and an audible signal using a bell or siren. On the approach of any such vehicle, the operator of every other vehicle shall immediately draw that vehicle as near as practicable to the right-hand curb, parallel to the curb and clear of any intersection and bring it to a standstill until the authorized emergency vehicle has passed. A violation of this subsection is a Class E crime that, notwithstanding Title 17-A, section 1301, is punishable by a minimum fine of \$250 for the first offense and for a 2nd offense occurring within 3 years of the first offense a mandatory 30-day suspension of a driver's license.

Sec. 2. 29-A MRSA §2054, sub-§4-A is enacted to read:

4-A. Registered owner's liability for vehicle failing to yield right-of-way. A person who is a registered owner of a vehicle at the time that vehicle is involved in a violation of

COMMITTEE AMENDMENT

2 subsection 4 commits a traffic infraction unless a defense
3 applies pursuant to paragraph D. For purposes of this
4 subsection, "registered owner" includes a person issued a dealer
5 or transporter registration plate.

6 A. The operator of an authorized emergency vehicle who
7 observes a violation of subsection 4 may report the
8 violation to a law enforcement officer. If a report is
9 made, the operator shall report the time and the location of
10 the violation and the registration plate number and a
11 description of the vehicle involved. The officer shall
12 initiate an investigation of the reported violation and, if
13 possible, contact the registered owner of the motor vehicle
14 involved and request that the registered owner supply
15 information identifying the operator of the registered
16 owner's motor vehicle.

17 B. The investigating officer may cause the registered owner
18 of the vehicle to be served with a summons for a violation
19 of this subsection.

20 C. Except as provided in paragraph D, it is not a defense
21 to a violation of this subsection that a registered owner
22 was not operating the vehicle at the time of the violation.

23 D. The following are defenses to a violation of this
24 subsection.

25 (1) If a person other than the registered owner is
26 operating the vehicle at the time of the violation of
27 subsection 4 and is convicted of that violation, the
28 registered owner may not be found in violation of this
29 subsection.

30 (2) If the registered owner is a lessor of vehicles
31 and at the time of the violation the vehicle was in the
32 possession of a lessee and the lessor provides the
33 investigation officer with a copy of the lease
34 agreement containing the information required by
35 section 254, the lessee, not the lessor, may be charged
36 under this subsection.

37 (3) If the vehicle is operated using a dealer or
38 transporter registration plate and at the time of the
39 violation the vehicle was operated by any person other
40 than the dealer or transporter and if the dealer or
41 transporter provides the investigating officer with the
42 name and address of the person who had control over the
43 vehicle at the time of the violation, that person, not
44 the dealer or transporter, may be charged under this
45 subsection.

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48
50

the dealer or transporter, may be charged under this subsection.

(4) If a report that the vehicle was stolen is given to a law enforcement officer or agency before the violation occurs or within a reasonable time after the violation occurs and an investigation determines the vehicle was stolen, the registered owner may not be charged under this subsection.'

Further amend the bill by inserting at the end before the summary the following:

FISCAL NOTE

This bill may increase prosecutions for Class E crimes. If a jail sentence is imposed, the additional costs to the counties are estimated to be \$83.78 per day per prisoner. These costs are not reimbursed by the State. The number of prosecutions that may result in a jail sentence and the resulting costs to the county jail system are expected to be insignificant.

The additional workload and administrative costs associated with the minimal number of new cases filed in the court system can be absorbed within the budgeted resources of the Judicial Department. The collection of additional fines may increase General Fund revenue by minor amounts.

The collection of reinstatement fees from additional motor vehicle license suspensions may increase Highway Fund revenue by minor amounts.'

SUMMARY

The amendment replaces the bill. It makes failing to yield the right-of-way to an emergency vehicle engaged in an emergency response a Class E crime. It also provides that the operator of an emergency vehicle that is engaged in an emergency response may report the license plate number of a vehicle that fails to yield the right-of-way to that emergency vehicle. The registered owner of that vehicle is considered to have committed a traffic infraction unless the registered owner provides one of 4 defenses:

1. A person other than the owner is convicted of failing to yield the right-of-way;

2. The registered owner is a lessor of vehicles and a lessee was driving the vehicle;

2 3. The vehicle is operated using a dealer or transporter
3 registration plate and at the time of the violation the vehicle
4 was operated by any person other than the dealer of transporter;
5 or

6
7 4. A report that the vehicle was stolen is given to a law
8 enforcement officer or agency before the violation occurs or
9 within a reasonable time after the violation occurs and an
10 investigation determines the vehicle was stolen.