

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

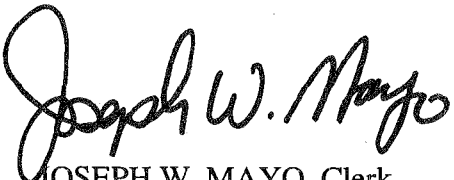
No. 914

H.P. 661

House of Representatives, February 6, 1997

**An Act Regarding Penalties for Failure to Yield the Right-of-way to an
Emergency Vehicle.**

Reference to the Committee on Transportation suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative FISHER of Brewer.

Cosponsored by Representatives: BRUNO of Raymond, DUNLAP of Old Town, GREEN of Monmouth, LEMAIRE of Lewiston, PERRY of Bangor, TESSIER of Fairfield, TUTTLE of Sanford, Senator: DAGGETT of Kennebec.

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

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4 **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:

6 **4. Right-of-way.** An authorized emergency vehicle operated
8 in response to, but not returning from, a call or fire alarm or
10 operated in pursuit of an actual or suspected violator of the law
12 has the right-of-way when emitting a visual signal using an
14 emergency light and an audible signal using a bell or siren. On
16 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.

18 A. A person who is a registered owner of a vehicle at the
20 time that vehicle is involved in a violation of this
22 subsection commits a traffic infraction. For purposes of
this paragraph, "registered owner" includes a person issued
a dealer or transporter registration plate.

24 (1) Except as provided in subparagraph (2), it is not
26 a defense to a violation of this paragraph that a
registered owner was not operating the vehicle at the
time of the violation.

28 (2) The following are defenses to a violation of this
30 paragraph.

32 (a) If a person other than the owner is convicted
34 of operating the vehicle at the time of the
violation in violation of this subsection, then
the registered owner may not be found in violation
of this paragraph.

36 (b) If the registered owner is a lessor of
38 vehicles and at the time of the violation the
vehicle was in the possession of a lessee, and the
lessor provides the investigating officer with a
copy of the lease agreement containing the
information required by section 254, then the
lessee and not the lessor may be charged under
this paragraph.

42 (c) If the vehicle is operated using a dealer or
44 transporter registration plate and at the time of
the violation the vehicle was operated by any
person other than the dealer or transporter, and
if the dealer or transporter provides the

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investigating officer with the name and address of the person who had control over the vehicle at the time of the violation, then that person and not the dealer or transporter may be charged under this paragraph.

(d) 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, then the registered owner may not be charged under this paragraph.

(3) Notwithstanding paragraph B, a person who violates this paragraph commits a traffic infraction.

B. A violation of this subsection is a Class E crime which, notwithstanding Title 17-A, section 1301, is punishable by a \$250 minimum fine for the first offense and a mandatory 30-day suspension of a driver's license for a 2nd offense occurring within 3 years of the first offense.

SUMMARY

This bill provides the following penalties for the failure to yield the right-of-way to an emergency vehicle.

1. It provides that the failure to yield the right-of-way to an emergency vehicle is a Class E crime punishable by a \$250 minimum fine for the first offense and a mandatory 30-day suspension of a driver's license for a 2nd offense occurring within 3 years of the first offense.

2. It provides that a person who is a registered owner of a vehicle at the time that vehicle fails to yield the right-of-way to an emergency vehicle commits a traffic infraction.