

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 187

H.P. 152

House of Representatives, January 21, 2009

**An Act To Require a Test for Operating Under the Influence for a
Driver Involved in an Accident That Caused Bodily Injury**

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative SCHATZ of Blue Hill.
Cosponsored by Representatives: BERRY of Bowdoinham, EATON of Sullivan.

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

2 **Sec. 1. 29-A MRSA §2522, sub-§1**, as amended by PL 2003, c. 565, §1, is
3 further amended to read:

4 **1. Mandatory submission to test.** If there is probable cause to believe that
5 death or apparent serious bodily injury has occurred or will occur as a result of an
6 accident, an operator of a motor vehicle involved in the motor vehicle accident shall
7 submit to a chemical test, as defined in section 2401, subsection 3, to determine
8 blood-alcohol level or drug concentration in the same manner as for OUI.

9 **Sec. 2. 29-A MRSA §2522, sub-§5**, as enacted by PL 1993, c. 683, Pt. A, §2
10 and affected by Pt. B, §5, is amended to read:

11 **5. Scope of hearing.** The scope of any hearing the Secretary of State holds
12 pursuant to section 2483 must include whether there was probable cause to believe
13 that the person was the operator of a motor vehicle involved in a motor vehicle
14 accident in which a death or apparent serious bodily injury occurred or will occur and
15 whether the person failed to submit to and complete the test. If a person shows, after
16 hearing, that the person was not under the influence of intoxicants or that the person
17 did not negligently cause the accident, then the suspension must be immediately
18 removed.

19 **Sec. 3. 29-A MRSA §2522, sub-§6** is enacted to read:

20 **6. Definition.** For purposes of this section, "serious bodily injury" has the same
21 meaning as in Title 17-A, section 2, subsection 23.

22 **SUMMARY**

23 This bill requires mandatory OUI testing for an operator of a motor vehicle
24 involved in an accident involving serious bodily injury, just as current law requires
25 for motor vehicle accidents involving death.