

# MAINE STATE LEGISLATURE

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Motor Vehicles

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**Examination Fees for Accident-Prone Drivers**

SYLLABUS:

An examination fee of \$2.00 is required to be paid by an accident-prone driver before he can submit to a reexamination for a motor vehicle operator's license.

FACTS:

29 M.R.S.A. § 581-B requires an accident-prone driver to submit to an operator's examination.

QUESTION:

Is a fee required?

ANSWER:

Yes.

OPINION:

The requirements for payments and waivers of fees for examinations of applicants to operate motor vehicles are set forth in 29 M.R.S.A. § 582 as amended by the Public Laws of 1965, Chapter 129.

"§ 582. Fee; waiver

The Secretary of State may waive examination in the case of applicants who have been duly licensed by this State to operate a motor vehicle during any one of the 3 preceding calendar years without a lapse of 3 years since date of expiration of last license. Any person required to take an examination to qualify him to operate a motor vehicle shall pay a fee of \$3 to the Secretary of State, which fee shall be paid before the examination is given and shall be applied by him for defraying the expense of giving such examination, except that any person required

to take such examination because of advanced age or physical disability shall not be required to pay said examination fee of \$3. The fee for all permits shall be \$3, which shall include cost of first examination. The fee for all subsequent examinations shall be \$2."  
(Emphasis supplied.)

The only persons who are excepted from the payment of an examination fee are those who are required to take such examinations because of advanced age or physical disability. 29 M.R.S.A. § 581-B as enacted by the Public Laws of 1967, Chapter 320, provides in pertinent part:

"For purposes of this section, an accident-prone driver shall be any operator of a motor vehicle who, after hearing and in the opinion of the hearing officer, shall have contributed to the cause of 3 or more accidents in a period of 3 or less consecutive years.

"Any accident-prone driver shall be required to submit to an operator's examination as prescribed by the Secretary of State and must pass such examination to retain his license."

. . . .

While it is true that an accident-prone driver may also be a person of advanced age or physical disability, when an examination is given to an accident-prone driver, it is not because the accident-prone driver is of advanced age or has a physical disability; but instead, the examination is required to be given because in the opinion of a hearing officer the driver has contributed to the cause of 3 or more accidents in a period of 3 or less consecutive years.

As the examination of the accident-prone driver would be a reexamination, the fee would be \$2, as the last sentence of 29 M.R.S.A. § 582, provides: "The fee for all subsequent examinations shall be \$2."

JSM:H

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