

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 553

S. P. 192

In Senate, February 4, 1971

Referred to Committee on Judiciary. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Katz of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT Relating to Suspension of Motor Vehicle Operator's
License and Registration.

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

Sec. 1. R. S., T. 29, § 2241, amended. The first paragraph of section 2241 of Title 29 of the Revised Statutes is repealed and the following enacted in place thereof:

1. **Suspension.** The Secretary of State or any Deputy Secretary of State is authorized to suspend any certificate of registration or any license issued to any person to operate a motor vehicle and privilege to operate a motor vehicle without preliminary hearing upon showing by his records or other sufficient evidence that the driver:

A. Has committed an offense for which mandatory suspension or revocation of license is required upon conviction;

B. Has been convicted with such frequency of serious offenses against traffic regulations governing the movement of vehicles as to indicate a disrespect for traffic laws and disregard for the safety of other persons on the highways;

C. Is an habitually reckless or negligent driver of a motor vehicle, such fact being established by the point system, by a record of accidents or by other evidence;

D. Is incompetent to drive a motor vehicle;

E. Has permitted an unlawful or fraudulent use of such license;

F. Has committed an offense in another state which, if committed in this State, would be grounds for suspension or revocation;

G. Has been convicted of failing to stop for a police officer; or

H. Has been convicted of reckless driving or driving to endanger.

2. Regulations. For the purpose of identifying habitually reckless or negligent drivers and habitually or frequent violators of traffic regulations governing the movement of vehicles, the Secretary of State shall adopt regulations establishing a uniform system of assigning demerit points for convictions of violations regulating the operation of motor vehicles. The regulations shall include a designated level of point accumulation which so identifies drivers. The Secretary of State may assess points for convictions in other states of offenses which, if committed in this State, would be grounds for such assessment. Notice of assessment of points shall be given when the point accumulation reaches 50% of the number at which suspension is authorized. No points shall be assessed for violating a provision of this Title or municipal ordinance regulating standing, parking, equipment, size or weight.

3. Hearing. Upon suspending the license of any person as provided in this section, the Secretary of State shall immediately notify the driver in writing and upon his request, shall afford him opportunity for a hearing as early as practicable after receipt of such request. Upon such hearing, the Secretary of State shall either rescind his order of suspension or, for good cause, may continue, modify or extend the suspension of such license and privilege to operate motor vehicles.

Sec. 2. R. S., T. 29, §§ 224I-A, 224I-B, and 224I-C, additional. Title 29 of the Revised Statutes is amended by adding three new sections 224I-A, 224I-B and 224I-C, to read as follows:

§ 224I-A. Secretary of State may require examination

The Secretary of State, having good cause to believe that a licensed driver is incompetent or otherwise not qualified to be licensed, may upon written notice of at least 5 days to the licensee require him to submit to an examination. Upon the conclusion of such examination, the Secretary of State shall take action as may be appropriate and may suspend the license of such person or permit him to retain such license, or may issue a license subject to restrictions as to the type or class of vehicles that may be driven. Refusal or neglect of the licensee to submit to such examination shall be grounds for suspension of his license.

§ 224I-B. Surrender and return of license

The Secretary of State, upon suspending or revoking a license, shall require that such license be surrendered to him.

Any person whose license has been suspended or revoked shall immediately return his license to the Secretary of State.

§ 224I-C. No operation under foreign license during suspension or revocation in this State

Any resident or nonresident, whose driver's license or privilege to operate a motor vehicle in this State has been suspended or revoked as provided

in this Title, shall not operate a motor vehicle in this State under a license or permit issued by any other jurisdiction during such suspension or revocation.

STATEMENT OF FACT

This bill will enable the Motor Vehicle Division to act expeditiously upon frequent motor vehicle violators. Presently there are 24 jurisdictions which may suspend without hearing. There are 13 jurisdictions that have the option of suspending prior to hearing or have statutory requirements that a hearing must be held before suspensions can be invoked.