

MAINE STATE LEGISLATURE

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EMERGENCY
FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 96

H. P. 66

House of Representatives, January 6, 1981

Submitted by the Department of Public Safety pursuant to Joint Rule 24.

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

EDWIN H. PERT, Clerk

Presented by Mr. McSweeney of Old Orchard Beach.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Amend the Motor Vehicle Statutes to Allow the Secretary of State to Enter into the Nonresident Violator Compact.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, reciprocal enforcement of motor vehicle statutes will allow law enforcement officials to devote more time to highway patrol, surveillance and apprehension since nonresidents will be treated as residents with respect to motor vehicle law violations; and

Whereas, reciprocal enforcement of motor vehicle statutes will allow nonresident violators to be treated as residents thereby decreasing motorist delay and inconvenience; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

29 MRSA § 2243-B is enacted to read:

§ 2243-B. Nonresident violator compacts

1. **Authorization to enter into compact.** The Secretary of State may execute all documents and may perform all other acts necessary to enter into and carry out the provisions of a nonresident violator compact. The Secretary of State may enter into a nonresident violator compact with any other state or province.

2. **Suspension of resident operator's license.** The Secretary of State may suspend a resident operator's license or registration if the resident has failed:

- A. **To respond to a traffic citation issued by any other state or province;**
- B. **To appear in court in any other state or province at the time specified by the court; or**
- C. **To comply with a court order issued by another state or province.**

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

The Nonresident Violator Compact, NRVC, is an agreement among states to assure the clearance of traffic court cases initiated against nonresidents. The NRVC will have the following results: The same privileges of later court appearance will be available to nonresidents that presently are offered to state residents; in criminal cases, summonses can be issued to nonresidents under most conditions instead of physical arrest and mandatory immediate court appearance; law enforcement personnel will have time, that is now devoted to arrest and arraignment of alleged traffic law offenders, available for other duties; and residents of jurisdictions participating in the compact will be encouraged to respond to citations for traffic infractions because sanctions will be available in their home jurisdictions. Procedures are established whereby a nonresident receiving a traffic citation in a party state must fulfill the terms of that citation or face the possibility of license or registration suspension in the motorist's home state until the terms of the citation are met. Safeguards are built into the compact so that a nonresident driver receiving a citation has due process protection.

This compact benefits the motorist, law enforcement and the courts. Motorist delay or inconvenience would become comparable for resident and nonresident violators. Law enforcement officers would be able to devote more time to highway patrol, surveillance and apprehension, since nonresidents will be treated as residents with respect to motor vehicle law violations. Court revenues would be increased since nonresidents will not be able to ignore another party state's citation without facing driving license penalty at home. There will also be a decrease in the number of "Failure to Appear" cases.