



115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2074

H.P. 1462

House of Representatives, January 7, 1992

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26. Reference to the Committee on Legal Affairs suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative STROUT of Corinth. Cosponsored by Senator THERIAULT of Aroostook and Representative HUSSEY of Milo.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND NINETY-TWO

An Act to Amend the Financial Responsibility Laws.

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

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29 MRSA §783, sub-§2, ¶**F**, as enacted by PL 1979, c. 430, §3, is amended to read:

6 F. Upon receipt by the Secretary of State of a copy of any judgment which that has been rendered against either the 8 owner or the operator of the motor vehicle involved in the accident, which judgment resulted from a cause of action that arose from that accident, the Secretary of State shall, 10 pursuant to chapter 17, immediately suspend the license, the 12 right to obtain a license, or the right to operate of any person operating who has thus become a judgment debtor, and the registration certificates and plates or the right to 14 register any vehicle of any person owning a motor vehicle, trailer or semitrailer involved in the accident who has thus 16 become a judgment debtor, unless the judgment is completely 18 satisfied or until the judgment debtor or debtors shall have secured a written release, in the form required by the Secretary of the State, from the judgment creditors. At the 20 time of suspension, notice must be provided to all judgment debtors subject to this paragraph that they may petition the 22 Secretary of State to restore any license, registration, right to obtain a license, right to operate or right to 24 register a vehicle suspended pursuant to this paragraph. The Secretary of State may restore, upon a showing of 26 hardship or necessity, any right or privilege suspended 28 pursuant to this paragraph on such conditions as the Secretary of State may determine.

STATEMENT OF FACT

Under current law there are several situations in which the 36 Secretary of State must suspend a driver's license. Under the habitual offender laws and the operating-under-the-influence 38 laws, the Secretary of State has discretion to grant a work-restricted license if the Secretary of State finds that 40 suspension imposes an extreme hardship for which there is no other practical remedy and the safety of the public will not be 42 impaired. In the case of a motorist with a civil judgment arising out of an accident, the Secretary of State is prohibited 44 from considering a hardship waiver and the only way the license may be restored is by full payment of the judgment, waiver by the 46 creditor or bankruptcy.

48 This bill grants the Secretary of State the discretion to grant a hardship waiver to a judgment debtor whose right to 50 operate or register a motor vehicle has been suspended.