

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

SECOND REGULAR SESSION-1994

Legislative Document

No. 1742

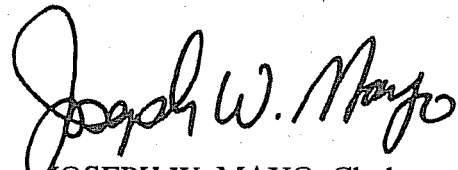
H.P. 1294

House of Representatives, January 19, 1994

An Act Concerning High-speed Chases.

(EMERGENCY)

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


JOSEPH W. MAYO, Clerk

Presented by Representative BAILEY of Township 27.
Cosponsored by Representatives: JACQUES of Waterville, JALBERT of Lisbon, KNEELAND of Easton, LIBBY of Kennebunk, PLOWMAN of Hampden, REED of Dexter, STEVENS of Sabattus, VIGUE of Winslow.

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

Whereas, innocent persons can be injured and their property
damaged when drivers eluding law enforcement officers drive
recklessly and with great speed; and

Whereas, the drivers causing the damage by engaging in the
high-speed chases should be responsible for the costs created; 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:

Sec. 1. 29 MRSA §2501-A, sub-§3, as amended by PL 1989, c.
262, is further amended to read:

3. Eluding an officer; written policies. Whoever, after
being requested or signaled to stop, attempts to elude a law
enforcement officer by driving a vehicle at a reckless rate of
speed which results in a high-speed chase between the operator's
vehicle and any law enforcement vehicle using a blue light and
siren is guilty of a Class C crime. If any person suffers any
serious bodily injury, as defined in Title 17-A, section 2,
subsection 23, as a result of the operator's attempt to elude a
law enforcement officer as described in this section, that
operator commits a Class B crime. The operator is liable for all
damages resulting from the high-speed chase.

All state, county and municipal law enforcement agencies shall
adopt written policies on the use of high-speed chases.

Sec. 2. 29 MRSA §2501-A, sub-§5 is enacted to read:

5. Registered owner's liability for vehicle involved in
high-speed chase. A person who is a registered owner of a
vehicle at the time that vehicle is involved in a violation of
subsection 3 commits a traffic infraction and is liable for all
damages resulting from the high-speed chase. For purposes of
this subsection, "registered owner" includes a person issued a
dealer or transporter registration plate.

A. Except as provided in paragraph B, it not a defense to a
violation of this subsection or the liability established by
this subsection that a registered owner was not operating
the vehicle at the time of the violation.

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B. The following are defenses to a violation of this subsection and to the liability established by this subsection.

(1) If a person other than the owner is convicted of operating the vehicle at the time of the violation in violation of subsection 3, then the registered owner may not be found in violation of this subsection.

(2) If the registered owner is a lessor of vehicles and at the time of the violation the vehicle was in the possession of a lessee, and the lessor provides the investigating officer with a copy of the lease agreement containing the information required by section 901, then the lessee and not the lessor may be charged under this subsection.

(3) If the vehicle is operated using a dealer or transporter registration plate and at the time of the violation the vehicle was operated by any person other than the dealer or transporter, and if the dealer or transporter provides the investigating officer with the name and address of the person who had control over the vehicle at the time of the violation, then that person and not the dealer or transporter may be charged under this subsection.

(4) If a report that the vehicle was stolen is given to a law enforcement officer or agency before the violation occurs or within a reasonable time after the violation occurs, then the registered owner may not be charged under this subsection.

C. Notwithstanding subsection 3, a person who violates this subsection commits a traffic infraction.

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

STATEMENT OF FACT

Current law classifies the act of eluding a law enforcement officer that results in a high-speed chase as a Class C crime. This bill holds both the owner and the operator of the vehicle liable for damages resulting from the high-speed chase. The owner of a vehicle involved in a high-speed chase commits a

2 traffic infraction, although specific defenses apply. The owner
3 can not be adjudicated as having committed the traffic infraction
4 if:

5 1. A person other than the owner is convicted of eluding an
6 officer and engaging in the high-speed chase;

7 2. The owner is a lessor of the vehicle and the vehicle was
8 in the possession of a lessee;

9 3. The vehicle was operated using a dealer or transporter
10 registration plate and the operator was someone other than the
11 dealer or transporter; or

12 4. The vehicle was reported stolen before or soon after the
13 incident.

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19 This document has not yet been reviewed to determine the
20 need for cross-reference, stylistic and other technical
21 amendments to conform existing law to current drafting standards.
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