

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 368

H.P. 266

House of Representatives, January 31, 1995

**An Act to Establish a Presumption That the Owner of a Motor Vehicle Is
the Driver If That Vehicle Is Involved in a High-speed Chase.**

Reference to the Committee on Criminal Justice suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative AIKMAN of Poland.

Cosponsored by Representatives: BAILEY of Township 27, CLUKEY of Houlton,
NICKERSON of Turner, Senators: BERUBE of Androscoggin, HALL of Piscataquis,
HANLEY of Oxford.

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

Sec. 1. 29-A MRSA §2414, sub-§7 is enacted to read:

7. 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 is 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.

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 254, subsection 1, 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.

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

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5 **STATEMENT OF FACT**

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7 Current law classifies the act of eluding a law enforcement
8 officer that results in a high-speed chase as a Class C crime.
9 This bill holds both the owner and the operator of the vehicle
10 liable for damages resulting from the high-speed chase. The
11 owner of a vehicle involved in a high-speed chase commits a
12 traffic infraction, although specific defenses apply. The owner
13 can not be adjudicated as having committed the traffic infraction
14 if:

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

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

19 3. The vehicle was operated using a dealer or transporter
20 registration plate and the operator was someone other than the
21 dealer or transporter; or

22 4. The vehicle was reported stolen before or soon after the
23 incident.
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