

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 1121

H.P. 774

House of Representatives, March 1, 2005

An Act To Establish Owner Liability for Failure To Stop for a Police Officer

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative FISCHER of Presque Isle.

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

Sec. 1. 29-A MRS §2414-A is enacted to read:

§2414-A. Owner liability for failure to stop for law enforcement officer

1. Refusing to stop for law enforcement officer. A person who is a registered owner of a vehicle at the time that vehicle is operated by another person in a violation under section 2414, subsection 2 commits a traffic infraction.

2. Eluding officer. A person who is a registered owner of a vehicle at the time that vehicle is operated by another person in a violation under section 2414, subsection 3 commits a Class D crime.

3. Passing roadblock. A person who is a registered owner of a vehicle at the time that vehicle is operated by another person in a violation under section 2414, subsection 4 commits a Class D crime.

4. Aggravating factor. A person who is a registered owner of a vehicle at the time that vehicle is operated by another person and is involved in a violation under section 2414, subsection 3 or 4, and a person other than the operator suffers serious bodily injury, as defined in Title 17-A, section 2, subsection 23, as a result, commits a Class C crime.

5. Owner not operator of vehicle. Except as provided in subsection 6, it is not a defense to a violation under this section that a registered owner was not operating a vehicle at the time of a violation under subsection 1, 2, 3 or 4.

6. Defenses. The following are defenses to a violation of this section.

A. If a person other than the registered owner is convicted of operating a vehicle at the time of a violation under section 2414, subsection 2, 3, 4, 5, 6 or 7, then the registered owner may not be found in violation under this section.

B. If the registered owner is a lessor of vehicles and at the time of a violation a vehicle was in the possession of a lessee, and if the lessor provides the investigating officer with a copy of the lease agreement containing the information required by section 254, then the lessee, not the lessor, must be charged under this section.

