

MAINE STATE LEGISLATURE

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Reps

L.D. 1220

DATE: *5/9/04*

(Filing No. H-*288*)

INLAND FISHERIES AND WILDLIFE

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to H.P. 838, L.D. 1220, Bill, "An Act To Improve the Process for Reporting Accidents Involving Off-road Vehicles"

Amend the bill by striking out the title and substituting the following:

'An Act To Improve the Process for Reporting Accidents Involving Recreational Vehicles'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 12 MRSA §10501, sub-§11, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §57 and affected by §422, is further amended to read:

11. Failure to give notice of snowmobile accident. Failure of a person who is required to give notice of a snowmobile accident under ~~section 13106-A, subsection 23~~ sections 13069-C and 13106-B to give that notice to the available law enforcement officer nearest to the place where the accident occurred is prima facie evidence that the accident was not reported.

Sec. 2. 12 MRSA §13052, sub-§6, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

6. Information to federal officials or agencies. The commissioner shall transmit any information compiled or otherwise available to the commissioner pursuant to ~~section 13069,~~

COMMITTEE AMENDMENT

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COMMITTEE AMENDMENT "A" to H.P. 838, L.D. 1220

2 ~~subsections 1 and 2~~ sections 13069-A, 13069-B and 13069-C to an
authorized official or agency of the United States, in accordance
with any request duly made by that official or agency.

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6 **Sec. 3. 12 MRSA §13069**, as amended by PL 2003, c. 655, Pt. B,
§381 and affected by §422, is repealed.

8 **Sec. 4. 12 MRSA §§13069-A, 13069-B and 13069-C** are enacted to
read:

10 **§13069-A. Watercraft accidents involving personal injury**
12 **or death**

14 The following provisions govern accidents involving
watercraft that result in personal injury or death of a person.

16 **1. Law enforcement officer notification.** The operator of a
18 watercraft involved in an accident that results in personal
20 injury or death of a person or results in the disappearance of a
22 person indicating death or injury shall immediately report the
accident, by the quickest means of communication, to the
available law enforcement officer nearest to the place where the
accident occurred.

24 **A.** The owner of a watercraft who knows that that watercraft
26 was involved in an accident as described in this subsection
28 shall report the accident as provided in this subsection if
the operator of the watercraft is unknown.

30 **2. Provide information to injured party.** The operator or a
32 person acting on behalf of the operator of a watercraft involved
in an accident shall provide to an injured person or the operator
or an occupant of any other watercraft involved in the accident:

34 **A.** The operator's name and address; and

36 **B.** The registration number of the operator's watercraft.

38 **3. Render assistance.** The operator of a watercraft
40 involved in an accident shall render reasonable assistance to an
injured person.

42 **4. Penalties.** A person who violates this section commits a
44 Class E crime.

46 **5. Aggravated punishment category.** Notwithstanding
48 subsection 4, a person who intentionally, knowingly or recklessly
fails to comply with this section when the accident resulted in
serious bodily injury, as defined in Title 17-A, section 2,
50 subsection 23, or death, commits a Class C crime.

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2 **§13069-B. Watercraft accidents involving property damage**

4 The following provisions govern accidents involving
6 watercraft that result in property damage only.

8 1. Provide information. The operator of a watercraft
10 involved in a collision or accident that results in property
12 damage estimated to be in an amount of \$1,000 or more shall
14 provide the owner or operator of that property:

16 A. The operator's name and address; and

18 B. The registration number of the operator's watercraft.

20 2. Render assistance. The operator of a watercraft
22 involved in an accident shall render reasonable assistance to all
24 persons involved in the accident as far as the operator can
26 without serious damage to the operator's watercraft or serious
28 risk to crew or passengers.

30 3. Violation. A person who violates this section commits a
32 Class E crime.

34 **§13069-C. Watercraft accident reports**

36 A person shall report a watercraft accident to the
38 commissioner in accordance with this section.

40 1. Injury to person. An operator or owner of a watercraft
42 involved in a collision, accident or other casualty while using
44 the watercraft that results in the death of a person, a person's
46 losing consciousness or receiving medical treatment, a person's
48 becoming disabled for more than 24 hours or the disappearance of
50 a person from a watercraft under circumstances indicating death
or injury shall file a written report on forms provided by the
commissioner containing the information as required by the
commissioner within 24 hours of the occurrence.

2. Damage to watercraft. Accidents involving only damage
to watercraft or other property to the estimated amount of \$1,000
or more must be reported within 72 hours on forms provided by the
commissioner.

3. Penalties. The following penalties apply to violations
of this section.

A. A person who violates this section commits a civil
violation for which a fine of not less than \$100 nor more
than \$500 may be adjudged.

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2 B. A person who violates this section after having been
3 adjudicated as having committed 3 or more civil violations
4 under this Part within the previous 5-year period commits a
5 Class E crime.

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7 **Sec. 5. 12 MRSA §13106-A, sub-§23**, as enacted by PL 2003, c.
8 655, Pt. B, §394 and affected by §422, is repealed.

9 **Sec. 6. 12 MRSA §§13106-B and 13106-C** are enacted to read:

10 §13106-B. Snowmobile accidents involving personal injury or death

11 The following provisions govern snowmobile accidents that
12 result in personal injury or death of a person.

13 1. Law enforcement officer notification. The operator of a
14 snowmobile involved in an accident that results in personal
15 injury or death of a person shall immediately report the
16 accident, by the quickest means of communication, to the
17 available law enforcement officer nearest to the place where the
18 accident occurred.

19 A. The owner of a snowmobile who knows that that snowmobile
20 was involved in an accident as described in this subsection
21 shall report the accident as provided in this subsection if
22 the operator of the snowmobile is unknown.

23 2. Provide information to injured party. The operator or a
24 person acting on behalf of the operator of a snowmobile involved
25 in an accident shall provide to an injured person or the operator
26 or an occupant of any other snowmobile involved in the accident:

27 A. The operator's name and address; and

28 B. The registration number of the operator's snowmobile.

29 3. Render assistance. The operator of a snowmobile
30 involved in an accident shall render reasonable assistance to an
31 injured person.

32 4. Penalties. A person who violates this section commits a
33 Class E crime.

34 5. Aggravated punishment category. Notwithstanding
35 subsection 4, a person who intentionally, knowingly or recklessly
36 fails to comply with this section when the accident resulted in
37 serious bodily injury, as defined in Title 17-A, section 2,
38 subsection 23, or death, commits a Class C crime.

2 **§13106-C. Snowmobile accident reports**

4 **1. Report requirements.** A person shall give notice of a
6 snowmobile accident within 72 hours to the commissioner on forms
provided by the commissioner if the person is:

8 A. The operator of a snowmobile involved in an accident
10 that does not result in injuries requiring the services of a
physician or in the death of a person but involves property
12 damage estimated to cost \$1,000 or more;

14 B. A person acting for the operator of a snowmobile
described in paragraph A; or

16 C. The owner of a snowmobile described in paragraph A
18 having knowledge of the accident, if the operator of the
snowmobile is unknown.

20 **2. Penalties.** The following penalties apply to violations
22 of this section.

24 A. A person who violates this section commits a civil
violation for which a fine of not less than \$100 nor more
26 than \$500 may be adjudged.

28 B. A person who violates this section after having been
adjudicated as having committed 3 or more civil violations
30 under this Part within the previous 5-year period commits a
Class E crime.

32 **Sec. 7. 12 MRSA §13157-A, sub-§20,** as enacted by PL 2003, c.
34 655, Pt. B, §414 and affected §422, is repealed.

36 **Sec. 8. 12 MRSA §§13157-B and 13157-C** are enacted to read:

38 **§13157-B. ATV accidents involving personal injury or death**

40 **1. Law enforcement officer notification.** The operator of
an ATV involved in an accident that results in personal injury or
42 death of a person shall immediately report the accident, by the
quickest means of communication, to the available law enforcement
44 officer nearest to the place where the accident occurred.

46 A. The owner of an ATV who knows that that ATV was involved
in an accident as described in this subsection shall report
48 the accident as provided in this subsection if the operator
of the ATV is unknown.

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2 2. Provide information to injured party. The operator or a
person acting on behalf of the operator of an ATV involved in an
4 accident shall provide to an injured person or the operator or an
occupant of any other ATV involved in the accident:

6 A. The operator's name and address; and

8 B. The registration number of the operator's ATV.

10 3. Render assistance. The operator of an ATV involved in
an accident shall render reasonable assistance to an injured
12 person.

14 4. Penalties. A person who violates this section commits a
Class E crime.

16 5. Aggravated punishment category. Notwithstanding
18 subsection 4, a person who intentionally, knowingly or recklessly
fails to comply with this section when the accident resulted in
20 serious bodily injury, as defined in Title 17-A, section 2,
subsection 23, or death, commits a Class C crime.

22 §13157-C. ATV accident reports

24 1. Report requirements. A person shall give notice of an
26 ATV accident within 72 hours to the commissioner on forms
provided by the commissioner if the person is:

28 A. The operator of an ATV involved in an accident that does
30 not result in injuries requiring the services of a physician
or in the death of a person but involves property damage
32 estimated to cost \$1,000 or more;

34 B. A person acting for the operator of an ATV described in
paragraph A; or

36 C. The owner of an ATV described in paragraph A having
38 knowledge of the accident if the operator of the ATV is
unknown.

40 2. Penalties. The following penalties apply to violations
42 of this section.

44 A. A person who violates this section commits a civil
violation for which a fine of not less than \$100 nor more
46 than \$500 may be adjudged.

48 B. A person who violates this section after having been
adjudicated as having committed 3 or more civil violations

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COMMITTEE AMENDMENT "A" to H.P. 838, L.D. 1220

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under this Part within the previous 5-year period commits a Class E crime.'

SUMMARY

This amendment replaces the bill and provides that an operator involved in a watercraft, snowmobile or ATV accident who intentionally, knowingly or recklessly fails to provide that operator's name, address and the registration number of that operator's recreational vehicle or fails to render reasonable aid to injured persons commits a Class C crime. The amendment also corrects several cross-references and repeals certain provisions of current law and enacts substantially similar provisions in reorganized form.

FISCAL NOTE REQUIRED
(See attached)



Approved: 04/21/05 *MAC*

122nd MAINE LEGISLATURE

LD 1220

LR 0752(02)

An Act To Improve the Process for Reporting Accidents Involving Off-road Vehicles

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Inland Fisheries and Wildlife

Fiscal Note Required: Yes

Fiscal Note

Current biennium cost increase - General Fund

Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

Establishes a new Class C aggravated crime; increases correctional and judicial costs.

The collection of additional fines may increase General Fund revenue by minor amounts.