

MAINE STATE LEGISLATURE

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M
R.O.S.

L.D. 1706

DATE: 2/15/06

(Filing No. H-765)

TRANSPORTATION

Minutes

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "B" to H.P. 1213, L.D. 1706, Bill, "An Act To Prohibit Parking in Access Aisles"

Amend the bill in section 1 in subsection 9-A in the last line (page 1, line 36 in L.D.) by inserting after the following: "placard." the following: 'Notwithstanding section 2604, a person who violates this subsection is subject to a fine of not less than \$200 and not more than \$500.'

Further amend the bill by inserting after section 1 the following:

'Sec. 2. 29-A MRSA §521, sub-§9-B is enacted to read:

9-B. Registered owner's liability for vehicle illegally parked in disability parking space access aisle. A person who is a registered owner of a vehicle at the time that vehicle is involved in a violation of subsection 9-A commits a traffic infraction. For purposes of this subsection, "registered owner" includes a person issued a dealer or transporter registration plate.

A. Anyone who observes a violation of subsection 9-A may report the violation to a law enforcement officer. If a report is made, the observer shall report the time and the location of the violation and the registration plate number and a description of the vehicle involved. The officer shall initiate an investigation of the reported violation and, if possible, contact the registered owner of the motor vehicle involved and request that the registered owner supply information identifying the operator.

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "B" to H.P. 1213, L.D. 1706

2 B. The investigating officer may cause the registered owner
3 of the vehicle to be served with a summons for a violation
4 of this subsection.

6 C. Except as provided in paragraph D, it is not a defense
7 to a violation of this subsection that a registered owner
8 was not operating the vehicle at the time of the violation.

10 D. The following are defenses to a violation of this
11 subsection.

12 (1) If a person other than the owner is found to be
13 operating the vehicle at the time of the violation and
14 is adjudicated of violating subsection 9-A, then the
15 registered owner may not be found in violation of this
16 subsection.

18 (2) If the registered owner is a lessor of vehicles
19 and at the time of the violation the vehicle was in the
20 possession of a lessee, and the lessor provides the
21 investigating officer with a copy of the lease
22 agreement containing the information required by
23 section 254, then the lessee and not the lessor may be
24 charged under this subsection.

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

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

42 E. Notwithstanding section 2604, a person who violates this
43 subsection is subject to a fine of not less than \$200 and
44 not more than \$500.

46 **Sec. 3. 30-A MRSA §3009, sub-§1, ¶D,** as amended by PL 2003, c.
47 117, §1, is further amended to read:

50 D. The following provisions apply to the establishment and



122nd MAINE LEGISLATURE

LD 1706

LR 2621(03)

An Act to Prohibit Parking in Access Aisles

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

Committee: Transportation

Fiscal Note Required: Yes

Minority Report

Fiscal Note

Minor cost increase - General Fund
Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

Establishes a new traffic infraction.

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