

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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Legislative Document

No. 1243

H.P. 862

House of Representatives, March 30, 2009

**An Act To Amend Operating After Suspension Laws by Creating an  
Infraction Alternative for Certain Kinds of Operating After  
Suspension**

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative HASKELL of Portland.

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

2 **Sec. 1. 29-A MRSA §2412-A, sub-§1-A**, as enacted by PL 2003, c. 452, Pt. Q,  
3 §85 and affected by Pt. X, §2, is amended to read:

4 **1-A. Offense; penalty.** A person commits operating while license suspended or  
5 revoked if that person:

6 A. Operates a motor vehicle on a public way or in a parking area when that person's  
7 license has been suspended or revoked, and that person:

8 (1) Has received written notice of a suspension or revocation from the Secretary  
9 of State or a court;

10 (2) Has been orally informed of the suspension or revocation by a law  
11 enforcement officer or a court;

12 (3) Has actual knowledge of the suspension or revocation;

13 (4) Has been sent written notice in accordance with section 2482 or former Title  
14 29, section 2241, subsection 4; or

15 (5) Has failed to answer or to appear in court pursuant to a notice or order  
16 specified in section 2605 or 2608;

17 B. Violates paragraph A and the suspension was for OUI or an OUI offense;

18 C. Violates paragraph A and the suspension was for OUI or an OUI offense, the  
19 person was subject to the mandatory minimum sentence and the person:

20 (1) Has one prior conviction for violating this section;

21 (2) Has 2 prior convictions for violating this section; or

22 (3) Has 3 or more prior convictions for violating this section; or

23 D. Violates paragraph A, the suspension was not for OUI or an OUI offense and the  
24 person has one or more prior convictions for violating this section.

25 Except for an offense under subsection 8 or as otherwise provided, operating while  
26 license suspended or revoked is a Class E crime, which is a strict liability crime as  
27 defined in Title 17-A, section 34, subsection 4-A.

28 **Sec. 2. 29-A MRSA §2412-A, sub-§8** is enacted to read:

29 **8. Traffic infraction.** A person commits a traffic infraction operating while license  
30 suspended or revoked if the person has not been convicted of a prior offense under this  
31 section and the sole basis for the suspension is:

32 A. Failure to pay a fine;

33 B. Failure to appear in court;

34 C. Failure to comply with a child support order;

35 D. Failure to pay a license reinstatement fee; or

1 E. Suspension for a dishonored check.

2 **SUMMARY**

3 This bill creates a two-tiered structure to the offense of operating while license  
4 suspended or revoked, making the offense a traffic infraction if the offense was a first  
5 offense and the sole basis for the suspension is for a dishonored check or the failure to  
6 pay a fine, appear in court, comply with a child support order or pay a reinstatement fee.  
7 Under this bill, operating while license suspended or revoked when the underlying  
8 offense requiring the suspension or revocation involved the operation of a motor vehicle  
9 remains a Class E crime.