

# MAINE STATE LEGISLATURE

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7/1/13  
H. 369

Date: 6/6/13

(Filing No. H-369)

**CRIMINAL JUSTICE AND PUBLIC SAFETY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
126TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 899, L.D. 1260, Bill, "An Act To Allow Ignition Interlock Devices on Vehicles Operated by First-time Offenders of Operating Under the Influence"

Amend the bill in section 1 in paragraph A in subparagraph (2) in the first line (page 1, line 7 in L.D.) by striking out the following: "180" and inserting the following: '150'

Amend the bill in section 2 in subsection 1-A in the last line (page 1, line 24 in L.D.) by striking out the following: "paragraph A-1,"

Amend the bill in section 3 in subsection 1 in the 3rd line (page 1, line 29 in L.D.) by inserting after the following: "2411" the following: ', except for a violation of section 2411, subsection 1-A, paragraph D, subparagraph (1-A).'

Amend the bill in section 3 in subsection 1 in paragraph A-1 in the first and 2nd lines (page 2, lines 1 and 2 in L.D.) by striking out the following: "immediately if the person has installed for 180" and inserting the following: 'after 30 days of the suspension period has run if the person has installed for a period of 150'

Amend the bill in section 3 in subsection 1 by inserting after paragraph C the following:

'D. The license of a person convicted of a violation of section 2411, subsection 1-A, paragraph D, subparagraph (1) or a person whose driver's license is suspended by the Secretary of State pursuant to section 2453 or 2453-A for a period specified by section 2411, subsection 5, paragraph D-1 may be reinstated after 3 years of the suspension period has run if the person has installed for a period of 3 years an ignition interlock device approved by the Secretary of State in the motor vehicle the person operates.

A person whose license is reinstated pursuant to this subsection shall pay an administrative fee of \$50 to the Secretary of State, in addition to the fee required by section 2486, subsection 1-A.'

Amend the bill by inserting after section 3 the following:

**COMMITTEE AMENDMENT**

R. d. S.

1           **Sec. 4. 29-A MRSA §2508, sub-§1-A** is enacted to read:

2           **1-A. Ignition interlock device; discount.** A person certified by the Secretary of  
3 State to install ignition interlock devices shall provide for a reduction of costs, inclusive  
4 of the total fees and charges assessed to the individual having the ignition interlock  
5 device installed, of at least 50% if the individual demonstrates, using the individual's  
6 most recent federal income tax return, that the individual has an adjusted gross household  
7 income of not more than 150% of the poverty guidelines for the relevant tax year as  
8 established by the United States Department of Health and Human Services for that  
9 individual's family size.

10           **Sec. 5. 29-A MRSA §2508, sub-§4,** as enacted by PL 2007, c. 531, §6 and  
11 affected by §10, is amended to read:

12           **4. Penalty.** Notwithstanding section 1251, a violation of subsection 3 is a traffic  
13 infraction. The Secretary of State shall suspend the license of any person reinstated  
14 pursuant to section 2412-A, subsection 7 or this section who is adjudicated of the traffic  
15 infraction described in this section or whom the Secretary of State determines has  
16 violated any condition or restriction of license reinstatement. The periods of license  
17 suspension are:

- 18           A. For a person reinstated pursuant to section 2412-A, subsection 7, one year; and
- 19           B. For a person reinstated pursuant to this section, one year if the person has one  
20 OUI offense, 2 years if the person has 2 OUI offenses, 4 years if the person has 3  
21 OUI offenses or is reinstated pursuant to subsection 1, paragraph D and 6 years if the  
22 person has 4 or more OUI offenses.

23           A person whose license is suspended as a result of a conviction or adjudication pursuant  
24 to this subsection is not entitled to the issuance of any type of license until the suspension  
25 period has expired.

26           **Sec. 6. Appropriations and allocations.** The following appropriations and  
27 allocations are made.

28           **SECRETARY OF STATE, DEPARTMENT OF**  
29           **Administration - Motor Vehicles 0077**

30           Initiative: Provides funding for one Office Associate II position and related costs to  
31 process additional requests for ignition interlock devices.

| 32 | <b>HIGHWAY FUND</b>           | <b>2013-14</b>  | <b>2014-15</b>  |
|----|-------------------------------|-----------------|-----------------|
| 33 | POSITIONS - LEGISLATIVE COUNT | 1.000           | 1.000           |
| 34 | Personal Services             | \$56,400        | \$60,130        |
| 35 | All Other                     | \$7,549         | \$3,223         |
| 36 |                               |                 |                 |
| 37 | <b>HIGHWAY FUND TOTAL</b>     | <u>\$63,949</u> | <u>\$63,353</u> |

38           **Sec. 7. Effective date.** Those sections of this Act that amend the Maine Revised  
39 Statutes, Title 29-A, section 2411, subsection 5, paragraph A and section 2508,  
40 subsection 1 take effect on December 1, 2013.'

H. & S.

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**SUMMARY**

This amendment does the following.

1. The bill changes from 180 days to 150 days the driver's license suspension period for a person's first conviction of operating under the influence, or OUI.

2. It provides that the license of a first-time OUI offender may be reinstated 30 days after installing an ignition interlock device, instead of immediately upon installation as provided in the bill.

3. It also changes from 180 days to 150 days or the length of the suspension period the time a person who has one OUI offense must have an ignition interlock device installed before the Secretary of State may reinstate that person's driver's license.

4. It establishes a \$50 administrative fee for a person whose license is reinstated through the use of an ignition interlock device. The administrative fee is in addition to the license reinstatement fee.

5. It provides that if a person commits an OUI and it results in a fatality, that person is ineligible to receive an ignition interlock device.

6. It establishes penalties for a first-time OUI offender who violates the terms and conditions of license reinstatement with an ignition interlock device.

7. It requires a person certified by the Secretary of State to install ignition interlock devices to provide to a person whose adjusted gross household income is not more than 150% of the federal poverty level a discount of at least 50% of the costs associated with installing the ignition interlock device.

8. It delays the effective date of the provisions of the bill regarding the time period a first-time OUI offender's driver's license is suspended and may be reinstated through the use of an ignition interlock device until December 1, 2013.

**FISCAL NOTE REQUIRED**

**(See attached)**



# 126th MAINE LEGISLATURE

LD 1260

LR 945(02)

## An Act To Allow Ignition Interlock Devices on Vehicles Operated by First-time Offenders of Operating Under the Influence

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-369)  
 Committee: Criminal Justice and Public Safety  
 Fiscal Note Required: Yes

### Fiscal Note

|                                   | FY 2013-14 | FY 2014-15 | Projections<br>FY 2015-16 | Projections<br>FY 2016-17 |
|-----------------------------------|------------|------------|---------------------------|---------------------------|
| <b>Net Cost (Savings)</b>         |            |            |                           |                           |
| Highway Fund                      | (\$16,051) | (\$16,647) | (\$14,763)                | (\$12,822)                |
| <b>Appropriations/Allocations</b> |            |            |                           |                           |
| Highway Fund                      | \$63,949   | \$63,353   | \$65,237                  | \$67,178                  |
| <b>Revenue</b>                    |            |            |                           |                           |
| Highway Fund                      | \$80,000   | \$80,000   | \$80,000                  | \$80,000                  |

#### Fiscal Detail and Notes

This legislation increases the license suspension period for a first-time OUI offender from 90 to 150 days and allows the person's license to be reinstated 30 days after the person installs an ignition interlock device. It also assesses an administrative fee of \$50 in this circumstance. The Department of the Secretary of State would require a Highway Fund allocation of \$63,949 in fiscal year 2013-14 and \$63,353 in fiscal year 2014-15 for one Office Associate II position and related costs to process additional requests for ignition interlock devices and to monitor compliance. Highway Fund revenues would increase by \$80,000 beginning in fiscal year 2013-14 from the administrative fee.