MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1260

H.P. 899

House of Representatives, March 28, 2013

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

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

Millient M. Macfarland MILLICENT M. MacFARLAND Clerk

Presented by Representative NUTTING of Oakland.

Cosponsored by Representative MALABY of Hancock, Senator PLUMMER of Cumberland and Representatives: CASAVANT of Biddeford, DION of Portland, PEASE of Morrill, TYLER of Windham.

1	Be it enacted by the People of the State of Maine as follows:
2 3	Sec. 1. 29-A MRSA §2411, sub-§5, ¶A, as amended by PL 2009, c. 447, §41, is further amended to read:
4	A. For a person having no previous OUI offenses within a 10-year period:
5 6	(1) A fine of not less than \$500, except that if the person failed to submit to a test, a fine of not less than \$600;
7 8	(2) A court-ordered suspension of a driver's license for a period of $\frac{90}{180}$ days; and
9	(3) A period of incarceration as follows:
10	(a) Not less than 48 hours when the person:
11 12	(i) Was tested as having an alcohol level of 0.15 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath;
13	(ii) Was exceeding the speed limit by 30 miles per hour or more;
14	(iii) Eluded or attempted to elude an officer; or
15	(iv) Was operating with a passenger under 21 years of age; and
16 17	(b) Not less than 96 hours when the person failed to submit to a test at the request of a law enforcement officer;
18 19	Sec. 2. 29-A MRSA §2486, sub-§1-A, as amended by PL 2011, c. 654, §15, is further amended to read:
20 21 22 23 24	1-A. Reinstatement fee for suspensions for OUI or failure to submit to a test. Except as provided in section 2472, subsection 7, before a suspension for OUI or failure to submit to a test is terminated and a license or certificate reinstated, a fee of \$50 must be paid to the Secretary of State. If a license is reinstated pursuant to section 2508, subsection 1, paragraph A-1, the reinstatement fee is \$100.
25 26	Sec. 3. 29-A MRSA §2508, sub-§1, as amended by PL 2011, c. 335, §13, is further amended to read:
27 28 29 30 31 32 33	1. Installation of ignition interlock device. Notwithstanding the periods of suspension pursuant to section 2411 or 2451, subsection 3, the Secretary of State may reinstate the license of a person convicted of more than one a violation of section 2411 or whose license is suspended by the Secretary of State pursuant to section 2453 or 2453-A if the person satisfies all other conditions for license reinstatement and installs an ignition interlock device approved by the Secretary of State in the motor vehicle the person operates, under the following conditions.
34 35 36 37	A. The license of a person with 2 OUI offenses may be reinstated after 9 months of the suspension period has run if the person has installed for a period of 2 years an ignition interlock device approved by the Secretary of State in the motor vehicle the person operates.

- A-1. The license of a person with one OUI offense may be reinstated immediately if the person has installed for 180 days or the length of time remaining for a suspension imposed pursuant to section 2411, subsection 5, paragraph A, subparagraph (2), whichever is shorter, an ignition interlock device approved by the Secretary of State in the motor vehicle the person operates.
 - B. The license of a person with 3 OUI offenses 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.
 - C. The license of a person with 4 or more OUI offenses may be reinstated after the expiration of the period of suspension if the person has installed for a period of 4 years an ignition interlock device approved by the Secretary of State in the motor vehicle the person operates. This paragraph applies only to 4th or subsequent offenses committed after August 31, 2008.

15 SUMMARY

Current law requires the license of a person convicted of operating under the influence, or OUI, to be suspended for 90 days if it is the person's first OUI conviction within 10 years. At the end of the suspension, the person must pay a license reinstatement fee of \$50.

This bill amends the OUI laws for a first-time offender to:

- 1. Increase the license suspension period to 180 days;
- 2. Allow the license of a person to be reinstated immediately if the person has an ignition interlock device installed in the motor vehicle that person operates. The device must remain installed for 180 days or the number of days remaining in the suspension period, whichever is shorter; and
- 3. Increase the reinstatement fee to \$100 if the person chooses to have an ignition interlock device installed in the motor vehicle the person operates.