

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 34

H.P. 33

House of Representatives, January 13, 2015

An Act To Address Suspension of an Operator's License for Negligent Operation Causing the Death of Another Person

Reported by Representative McLEAN of Gorham for the Criminal Law Advisory Commission pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2.

Reference to the Committee on Transportation suggested and ordered printed pursuant to Joint Rule 218.

A handwritten signature in cursive script that reads "R(t) B. Hunt".

ROBERT B. HUNT
Clerk

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

2 **Sec. 1. 29-A MRSA §2458, sub-§2-A**, as enacted by PL 2007, c. 486, §1, is
3 amended to read:

4 **2-A. Mandatory suspension for negligent operation causing death.** The
5 Secretary of State without preliminary hearing shall suspend a person's license for a
6 period of at least ~~3 years a person's license~~ 90 days but no more than 4 years if the
7 Secretary of State, based on the Secretary of State's records or other sufficient evidence,
8 finds that person to have ~~recklessly or~~ negligently operated a motor vehicle in a manner
9 so as to cause the death of another person. Prior to the determination and issuance of the
10 suspension, the Secretary of State shall notify any family of the victim and shall consider
11 written or oral statements received from the family in response to the notice. Upon
12 suspending the person's license, the Secretary of State shall notify that person of an
13 opportunity for hearing as provided in section 2483.

14 **SUMMARY**

15 Under current law, the Secretary of State is required to suspend without preliminary
16 hearing a person's license to drive for a period of at least 3 years if the Secretary of State
17 finds that person to have recklessly or negligently operated a motor vehicle so as to cause
18 the death of another person.

19 This bill reduces the mandatory minimum administrative license suspension from 3
20 years to 90 days, creates a maximum administrative license suspension period of 4 years
21 and removes reference to reckless operation as unnecessary since a suspension is
22 determined by the Secretary of State's application of the lesser civil standard of negligent
23 operation.