

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1090

S.P. 361

In Senate, March 21, 2017

An Act To Amend the Laws Governing Eluding an Officer

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator ROSEN of Hancock.

Cosponsored by Senators: CYRWAY of Kennebec, DAVIS of Piscataquis, Representatives:
GERRISH of Lebanon, NADEAU of Winslow.

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

2 **Sec. 1. 29-A MRSA §2414, sub-§8** is enacted to read:

3 **8. Registered owner's liability for vehicle involved in eluding an officer.** A
4 person who is a registered owner of a vehicle at the time that vehicle is involved in a
5 violation of subsection 3 commits a traffic infraction. For purposes of this subsection,
6 "registered owner" includes a person issued a dealer or transporter registration plate.

7 A. A law enforcement officer may cause the registered owner of the vehicle to be
8 served with a summons for a violation of this subsection.

9 B. Except as provided in paragraph C, it is not a defense to a violation of this
10 subsection that a registered owner was not operating the vehicle at the time of the
11 violation.

12 C. The following are defenses to a violation of this subsection.

13 (1) If a person other than the owner is convicted of operating the vehicle at the
14 time of the violation in violation of subsection 3, then the registered owner may
15 not be found in violation of this subsection.

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

21 (3) If the vehicle is operated using a dealer or transporter registration plate and at
22 the time of the violation the vehicle was operated by any person other than the
23 dealer or transporter, and if the dealer or transporter provides a law enforcement
24 officer with the name and address of the person who had control over the vehicle
25 at the time of the violation, then that person and not the dealer or transporter may
26 be charged under this subsection.

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

30 D. Notwithstanding subsection 3, a person who violates this subsection commits a
31 traffic infraction for which a fine of \$500 must be adjudged.

32 **SUMMARY**

33 This bill provides, with several specified exceptions, that a person who is a registered
34 owner of a vehicle at the time that vehicle is involved in eluding a law enforcement
35 officer commits a traffic infraction for which a fine of \$500 must be adjudged.