## MAINE STATE LEGISLATURE

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## 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

**Legislative Document** 

No. 819

H.P. 508

House of Representatives, February 21, 2023

An Act to Reduce the Penalty for Operating a Motor Vehicle Under a Suspended License in Certain Situations

Reference to the Committee on Transportation suggested and ordered printed.

ROBERT B. HUNT
Clerk

Presented by Representative ANKELES of Brunswick.
Cosponsored by Senator GROHOSKI of Hancock and
Representatives: BOYER of Poland, MILLIKEN of Blue Hill, PLUECKER of Warren,
RISEMAN of Harrison, STOVER of Boothbay, WARREN of Scarborough.

B. The issuance of a summons for a traffic infraction as described in section subsection 8 1-A, paragraph A;  Sec. 2. 29-A MRSA §2412-A, sub-§1-A, as amended by PL 2009, c. 2 further amended to read:  1-A. Offense; penalty. A person commits operating while license susy revoked if that person:  A. Operates a motor vehicle on a public way or in a parking area when the license has been suspended or revoked, and that person:  (1) Has received written notice of a suspension or revocation from the of State or a court;  (2) Has been orally informed of the suspension or revocation by a law en officer or a court;  (3) Has actual knowledge of the suspension or revocation by a law en officer or a court;  (4) Has been sent written notice in accordance with section 2482 or for 29, section 2241, subsection 4; or  (5) Has failed to answer or to appear in court pursuant to a notice or order in section 2605 or 2608;  Violation of this paragraph is a traffic infraction;  B. Violates paragraph A and the suspension was for OUI or an OUI offense, of this paragraph is a Class E crime, which is a strict liability crime as defined 17-A, section 34, subsection 4-A;  C. Violates paragraph A and the suspension was for OUI or an OUI offense, was subject to the mandatory minimum sentence and the person:  (1) Has one prior convictions for violating this section; or  (3) Has 3 or more prior convictions for violating this section; or  (4) Has 2 prior convictions for violating this section; or  D. Violates paragraph A, the suspension was not for OUI or an OUI offense, was subject to the mandatory minimum sentence and the person has one or more prior convictions for violating this section; or  20 D. Violates paragraph A, the suspension was not for OUI or an OUI offense person has one or more prior convictions for violating this section. Violating this section 34, subsection 4-A.  Except for an offense under subsection 8 or as otherwise provided, operating which is a strict liability crime as defined in 13 section 34, subsection 4-A.	e. 159, §4, is
further amended to read:  1-A. Offense; penalty. A person commits operating while license susprevoked if that person:  A. Operates a motor vehicle on a public way or in a parking area when that license has been suspended or revoked, and that person:  (1) Has received written notice of a suspension or revocation from the of State or a court;  (2) Has been orally informed of the suspension or revocation by a law en officer or a court;  (3) Has actual knowledge of the suspension or revocation;  (4) Has been sent written notice in accordance with section 2482 or for 29, section 2241, subsection 4; or  (5) Has failed to answer or to appear in court pursuant to a notice or order in section 2605 or 2608;  Violation of this paragraph is a traffic infraction;  B. Violates paragraph A and the suspension was for OUI or an OUI offense, of this paragraph is a Class E crime, which is a strict liability crime as defined this paragraph is a class in the person:  (1) Has one prior conviction for violating this section;  (2) Has 2 prior convictions for violating this section;  (3) Has 3 or more prior convictions for violating this section;  D. Violates paragraph A, the suspension was not for OUI or an OUI offense person has one or more prior convictions for violating this section. Violating this section as a class E crime, which is a strict liability crime in Title 17-A, section 34, subsection 4-A; or  D. Violates paragraph A, the suspension was not for OUI or an OUI offense person has one or more prior convictions for violating this section. Violating paragraph is a Class E crime, which is a strict liability crime as defined in T section 34, subsection 4-A.  Except for an offense under subsection 8 or as otherwise provided, operating which suspended or revoked is a Class E crime, which is a strict liability crime as defined in T section 34, subsection 4-A.	tion 2412-A
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license has been suspended or revoked, and that person:  (1) Has received written notice of a suspension or revocation from the of State or a court;  (2) Has been orally informed of the suspension or revocation by a law en officer or a court;  (3) Has actual knowledge of the suspension or revocation;  (4) Has been sent written notice in accordance with section 2482 or for 29, section 2241, subsection 4; or  (5) Has failed to answer or to appear in court pursuant to a notice or order in section 2605 or 2608;  Violation of this paragraph is a traffic infraction;  B. Violates paragraph A and the suspension was for OUI or an OUI offense, of this paragraph is a Class E crime, which is a strict liability crime as defined to the mandatory minimum sentence and the person:  (1) Has one prior conviction for violating this section;  (2) Has 2 prior convictions for violating this section;  (3) Has 3 or more prior convictions for violating this section;  Violation of this paragraph is a Class E crime, which is a strict liability crime in Title 17-A, section 34, subsection 4-A; or  D. Violates paragraph A, the suspension was not for OUI or an OUI offense person has one or more prior convictions for violating this section;  Except for an offense under subsection 8 or as otherwise provided, operating whas suspended or revoked is a Class E crime, which is a strict liability crime as defined in T section 34, subsection 4-A.	uspended or
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officer or a court;  (3) Has actual knowledge of the suspension or revocation;  (4) Has been sent written notice in accordance with section 2482 or for 29, section 2241, subsection 4; or  (5) Has failed to answer or to appear in court pursuant to a notice or order in section 2605 or 2608;  Violation of this paragraph is a traffic infraction;  B. Violates paragraph A and the suspension was for OUI or an OUI offense, of this paragraph is a Class E crime, which is a strict liability crime as defined 17-A, section 34, subsection 4-A;  C. Violates paragraph A and the suspension was for OUI or an OUI offense, was subject to the mandatory minimum sentence and the person:  (1) Has one prior conviction for violating this section;  (2) Has 2 prior convictions for violating this section; or  (3) Has 3 or more prior convictions for violating this section; or  Violation of this paragraph is a Class E crime, which is a strict liability crime in Title 17-A, section 34, subsection 4-A; or  D. Violates paragraph A, the suspension was not for OUI or an OUI offense person has one or more prior convictions for violating this section. Violating paragraph is a Class E crime, which is a strict liability crime as defined in T section 34, subsection 4-A.  Except for an offense under subsection 8 or as otherwise provided, operating whas suspended or revoked is a Class E crime, which is a strict liability crime as defined in T section 34, subsection 4-A.	he Secretary
(4) Has been sent written notice in accordance with section 2482 or for 29, section 2241, subsection 4; or  (5) Has failed to answer or to appear in court pursuant to a notice or order in section 2605 or 26085.  Violation of this paragraph is a traffic infraction;  B. Violates paragraph A and the suspension was for OUI or an OUI offense, of this paragraph is a Class E crime, which is a strict liability crime as defined 17-A, section 34, subsection 4-A;  C. Violates paragraph A and the suspension was for OUI or an OUI offense, was subject to the mandatory minimum sentence and the person:  (1) Has one prior conviction for violating this section;  (2) Has 2 prior convictions for violating this section;  (3) Has 3 or more prior convictions for violating this section;  Violation of this paragraph is a Class E crime, which is a strict liability crime in Title 17-A, section 34, subsection 4-A; or  D. Violates paragraph A, the suspension was not for OUI or an OUI offense person has one or more prior convictions for violating this section. Violating paragraph is a Class E crime, which is a strict liability crime as defined in T section 34, subsection 4-A.  Except for an offense under subsection 8 or as otherwise provided, operating whas suspended or revoked is a Class E crime, which is a strict liability crime as defined in T section 34, subsection 4-A.	enforcemen
18 (5) Has failed to answer or to appear in court pursuant to a notice or order in section 2605 or 2608; 2  19 Violation of this paragraph is a traffic infraction;  20 B. Violates paragraph A and the suspension was for OUI or an OUI offense, of this paragraph is a Class E crime, which is a strict liability crime as defined 17-A, section 34, subsection 4-A;  25 C. Violates paragraph A and the suspension was for OUI or an OUI offense, was subject to the mandatory minimum sentence and the person:  27 (1) Has one prior conviction for violating this section;  28 (2) Has 2 prior convictions for violating this section;  29 (3) Has 3 or more prior convictions for violating this section; or  29 Violation of this paragraph is a Class E crime, which is a strict liability crime in Title 17-A, section 34, subsection 4-A; or  20 D. Violates paragraph A, the suspension was not for OUI or an OUI offense person has one or more prior convictions for violating this section. Violating paragraph is a Class E crime, which is a strict liability crime as defined in T section 34, subsection 4-A.  21 Except for an offense under subsection 8 or as otherwise provided, operating whas suspended or revoked is a Class E crime, which is a strict liability crime as defined in T section 34, subsection 4-A.	
<ul> <li>in section 2605 or 26085.</li> <li>Violation of this paragraph is a traffic infraction;</li> <li>B. Violates paragraph A and the suspension was for OUI or an OUI offense. of this paragraph is a Class E crime, which is a strict liability crime as defined 17-A, section 34, subsection 4-A;</li> <li>C. Violates paragraph A and the suspension was for OUI or an OUI offense, was subject to the mandatory minimum sentence and the person:         <ul> <li>(1) Has one prior conviction for violating this section;</li> <li>(2) Has 2 prior convictions for violating this section; or</li> <li>(3) Has 3 or more prior convictions for violating this section; or</li> <li>Violation of this paragraph is a Class E crime, which is a strict liability crime in Title 17-A, section 34, subsection 4-A; or</li> </ul> </li> <li>D. Violates paragraph A, the suspension was not for OUI or an OUI offens person has one or more prior convictions for violating this section. Violating paragraph is a Class E crime, which is a strict liability crime as defined in T section 34, subsection 4-A.</li> <li>Except for an offense under subsection 8 or as otherwise provided, operating whas suspended or revoked is a Class E crime, which is a strict liability crime as defined.</li> </ul>	former Title
B. Violates paragraph A and the suspension was for OUI or an OUI offense. of this paragraph is a Class E crime, which is a strict liability crime as define 17-A, section 34, subsection 4-A;  C. Violates paragraph A and the suspension was for OUI or an OUI offense, was subject to the mandatory minimum sentence and the person:  (1) Has one prior conviction for violating this section;  (2) Has 2 prior convictions for violating this section; or (3) Has 3 or more prior convictions for violating this section; or Violation of this paragraph is a Class E crime, which is a strict liability crime in Title 17-A, section 34, subsection 4-A; or  D. Violates paragraph A, the suspension was not for OUI or an OUI offense person has one or more prior convictions for violating this section. Violating paragraph is a Class E crime, which is a strict liability crime as defined in T section 34, subsection 4-A.  Except for an offense under subsection 8 or as otherwise provided, operating wh suspended or revoked is a Class E crime, which is a strict liability crime as defined in T section 34, subsection 4-A.	der specified
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<ul> <li>(2) Has 2 prior convictions for violating this section; or</li> <li>(3) Has 3 or more prior convictions for violating this section; or.</li> <li>Violation of this paragraph is a Class E crime, which is a strict liability crime in Title 17-A, section 34, subsection 4-A; or</li> <li>D. Violates paragraph A, the suspension was not for OUI or an OUI offension person has one or more prior convictions for violating this section. Violating paragraph is a Class E crime, which is a strict liability crime as defined in T section 34, subsection 4-A.</li> <li>Except for an offense under subsection 8 or as otherwise provided, operating who suspended or revoked is a Class E crime, which is a strict liability crime as defined</li> </ul>	e, the person
29 (3) Has 3 or more prior convictions for violating this section; or.  Violation of this paragraph is a Class E crime, which is a strict liability crime in Title 17-A, section 34, subsection 4-A; or  D. Violates paragraph A, the suspension was not for OUI or an OUI offension person has one or more prior convictions for violating this section. Violating paragraph is a Class E crime, which is a strict liability crime as defined in T section 34, subsection 4-A.  Except for an offense under subsection 8 or as otherwise provided, operating who suspended or revoked is a Class E crime, which is a strict liability crime as defined in T section 34.	
<ul> <li>Violation of this paragraph is a Class E crime, which is a strict liability crime in Title 17-A, section 34, subsection 4-A; or</li> <li>D. Violates paragraph A, the suspension was not for OUI or an OUI offension person has one or more prior convictions for violating this section. Violating paragraph is a Class E crime, which is a strict liability crime as defined in T section 34, subsection 4-A.</li> <li>Except for an offense under subsection 8 or as otherwise provided, operating who suspended or revoked is a Class E crime, which is a strict liability crime as defined.</li> </ul>	
<ul> <li>in Title 17-A, section 34, subsection 4-A; or</li> <li>D. Violates paragraph A, the suspension was not for OUI or an OUI offension person has one or more prior convictions for violating this section. Violating paragraph is a Class E crime, which is a strict liability crime as defined in T section 34, subsection 4-A.</li> <li>Except for an offense under subsection 8 or as otherwise provided, operating who suspended or revoked is a Class E crime, which is a strict liability crime as defined.</li> </ul>	
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37 suspended or revoked is a Class E crime, which is a strict liability crime as define	lation of this

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

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1 2	<b>Sec. 3. 29-A MRSA §2412-A, sub-§8,</b> as amended by PL 2009, c. 493, §3, is repealed.
3 4	<b>Sec. 4. 29-A MRSA §2551-A, sub-§3, ¶D,</b> as enacted by PL 2009, c. 297, §3, is amended to read:
5 6	D. An adjudication for the traffic infraction of operating after suspension under section 2412-A, subsection $\frac{8}{1-A}$ , paragraph A.
7	SUMMARY
8	Current law provides that a person commits a traffic infraction when that person
9	operates a motor vehicle after suspension or revocation and the person has not been
10	convicted or adjudicated of a prior operating after suspension offense and the sole basis for
11	the suspension is either failure to pay a fine, failure to pay a license reinstatement fee or
12	suspension for a dishonored check

13 14 This bill makes the default penalty for operating while license suspended or revoked a traffic infraction unless the person's license was suspended as a result of an OUI.