

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND THIRTEEN

—
H.P. 899 - L.D. 1260

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

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

Sec. 1. 29-A MRSA §2411, sub-§5, ¶A, as amended by PL 2009, c. 447, §41, is further amended to read:

- A. For a person having no previous OUI offenses within a 10-year period:
- (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;
 - (2) A court-ordered suspension of a driver's license for a period of ~~90~~ 150 days; and
 - (3) A period of incarceration as follows:
 - (a) Not less than 48 hours when the person:
 - (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;
 - (ii) Was exceeding the speed limit by 30 miles per hour or more;
 - (iii) Eluded or attempted to elude an officer; or
 - (iv) Was operating with a passenger under 21 years of age; and
 - (b) Not less than 96 hours when the person failed to submit to a test at the request of a law enforcement officer;

Sec. 2. 29-A MRSA §2486, sub-§1-A, as amended by PL 2011, c. 654, §15, is further amended to read:

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, the reinstatement fee is \$100.

Sec. 3. 29-A MRSA §2508, sub-§1, as amended by PL 2011, c. 335, §13, is further amended to read:

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, except for a violation of section 2411, subsection 1-A, paragraph D, subparagraph (1-A), 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.

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 after 30 days of the suspension period has run if the person has installed for a period of 150 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.

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.

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

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

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

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

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

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

Sec. 6. Appropriations and allocations. The following appropriations and allocations are made.

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

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

HIGHWAY FUND	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$56,400	\$60,130
All Other	\$7,549	\$3,223
HIGHWAY FUND TOTAL	\$63,949	\$63,353

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