

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Reduce Drunk Driving**

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

**Sec. 1. 29-A MRSA §2401, sub-§5-A,** as repealed by PL 1999, c. 470, §27, is reenacted to read:

**5-A. Ignition interlock device.** "Ignition interlock device" means a device that connects a breath analyzer to a motor vehicle's ignition system. The analyzer monitors the concentration of alcohol in the breath of any person who attempts to start the motor vehicle by using the ignition system. The device prevents the vehicle from starting unless the person provides a breath sample with a concentration of alcohol that is below a preset level.

**Sec. 2. 29-A MRSA §2412-A, sub-§7** is enacted to read:

**7. Ignition interlock device.** As a condition of license reinstatement the Secretary of State, pursuant to section 2508, may require a person subject to the minimum mandatory sentencing provisions of subsection 3 to install in the motor vehicle the person operates for a period of up to 2 years an ignition interlock device approved by the Secretary of State.

**Sec. 3. 29-A MRSA §2508** is enacted to read:

### **§ 2508. Ignition interlock device**

**1. Installation of ignition interlock device.** The Secretary of State may reinstate the license of a person convicted of more than one violation of section 2411 prior to the expiration of the total period of suspension 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, convictions or adjudications may be reinstated after one year if the person installs for a period of 6 months 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, convictions or adjudications may be reinstated after 2 years if the person installs for a period of 2 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, convictions or adjudications may be reinstated after 4 years if the person installs for a period of 4 years an ignition interlock device approved by the Secretary of State in the motor vehicle the person operates.

**2. Increased liability insurance requirement.** A person seeking early reinstatement of a driver's license under this section must furnish proof of financial responsibility demonstrating that the person has secured and will maintain an automobile liability policy with the following limits:

- A. Three hundred thousand dollars for damage to property;
- B. Three hundred thousand dollars for injury to or death of any one person; and
- C. Three hundred thousand dollars for an accident resulting in injury to or death of more than one person.

A person is ineligible to participate in the ignition interlock device program if that person fails to comply with the insurance requirement of this subsection.

**3. Restrictions on offender.** A person whose license is reinstated pursuant to section 2412-A, subsection 7 or this section may not:

- A. Operate a motor vehicle without an ignition interlock device;
- B. Request or solicit another person to blow into or otherwise activate an ignition interlock device for the purpose of providing the person with an operable motor vehicle; or
- C. Tamper with or circumvent the operation of an ignition interlock device.

**4. Other restrictions.** A person may not:

- A. Rent, lease or lend a motor vehicle without an ignition interlock device to another person the person knows or should know is restricted to the operation of a motor vehicle with an ignition interlock device;
- B. Blow into or otherwise activate an ignition interlock device for the purpose of providing a person restricted to the operation of a motor vehicle with an ignition interlock device with an operable motor vehicle; or
- C. Tamper with or circumvent the operation of an ignition interlock device.

**5. Penalty.** Notwithstanding section 1251, a violation of this section 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 as follows:

- A. For a person reinstated pursuant to section 2412-A, subsection 7, suspension is 6 months; and
- B. For a person reinstated pursuant to this section, suspension is 6 months if the person has 2 OUI offenses, 2 years if the person has 3 OUI offenses and 4 years if the person has 4 OUI offenses.

A person whose license is suspended pursuant to this section is not entitled to the issuance of any type of license until the suspension period has expired.

## **SUMMARY**

This bill allows the Secretary of State to reinstate the license of a person convicted of more than one violation of the operating under the influence laws if the person installs an approved ignition interlock device. An ignition interlock device is a device that connects a breath analyzer to a motor vehicle's ignition system. The analyzer monitors the concentration of alcohol in the breath of any person who attempts to start the motor vehicle by using the ignition system. The device prevents the vehicle from starting unless the person provides a breath sample with a concentration of alcohol that is below a preset level.