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Date: (Filing No. H-)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1094, L.D. 1479, “An Act To Make Certain Traffic Infractions Secondary Offenses”

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 29-A MRSA §2609 is enacted to read:

§2609. Secondary offenses

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

- A. "Primary violation" means a violation of a law other than a secondary offense.
- B. "Secondary offense" means a violation of any of the provisions of law identified in subsection 3.

2. Enforcement prohibited. Notwithstanding any provision of law to the contrary, a secondary offense may be enforced only if a law enforcement officer has detained the operator of a motor vehicle for a suspected primary violation. An operator of a motor vehicle is not subject to a penalty for a violation of the secondary offense unless the operator is required to pay a fine for the primary violation.

3. Secondary offenses. The following violations are secondary offenses for the purposes of this section:

- A. Operating after suspension for failure to pay a fine or fee under section 2412-A, subsection 8;
- B. Failing to register a vehicle, if the vehicle was registered and the registration has been expired for fewer than 150 days under section 351, subsection 1, paragraph A;
- C. Operating a defective vehicle under section 1768, subsection 5, paragraph A, if the inspection certificate has been expired for fewer than 7 months and if there is no imminent safety problem clearly visible;

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1 D. Operating a vehicle with an object placed in a manner that obstructs or interferes
2 with the view of the operator under section 2082, subsection 2, if the object is hanging
3 from the rearview mirror;

4 E. Operating a vehicle with windows or the windshield obscured under section 1916,
5 subsection 1;

6 F. Operating a vehicle that is not equipped with a muffler that prevents excessive or
7 unusual noise under section 1912, subsection 1;

8 G. Improperly displaying a registration plate under section 452, if the registration plate
9 is visible;

10 H. Improperly displaying a registration plate under section 452, subsection 4, if the
11 registration plate is visible but not legible due to mud, snow or inclement weather;

12 I. Operating a vehicle without a proper registration lamp under section 1909; and

13 J. Operating a vehicle in violation of the traffic lane requirements under section 2051.'

14 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
15 number to read consecutively.

16 **SUMMARY**

17 This amendment replaces the bill, which is a concept draft. The amendment designates
18 certain motor vehicle offenses as secondary offenses, stating that they may be enforced
19 only if a law enforcement officer has detained the operator of a motor vehicle for a
20 suspected violation of another law. An operator is not subject to a penalty for the secondary
21 offense unless the operator is required to pay a fine for the primary violation. The motor
22 vehicle offenses to which the amendment applies are: operating after suspension for
23 nonpayment of a fine; failing to register a vehicle if the vehicle was registered and the
24 registration has been expired for fewer than 150 days; operating a defective vehicle if the
25 inspection certificate has been expired for fewer than 7 months and there is no imminent
26 safety problem clearly visible; obstructing the view of the operator by hanging an object
27 from the rearview mirror; operating a vehicle with the windows or windshield obscured, as
28 by tinting or applying reflective material to the glass; operating a vehicle that is not
29 equipped with a muffler that prevents excessive or unusual noise; improperly displaying a
30 registration plate, if the registration plate is visible; improperly displaying a registration
31 plate, if the registration plate is visible but not legible due to mud, snow or inclement
32 weather; failing to have a proper registration lamp; and operating a vehicle in violation of
33 the traffic lane requirements.