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An Act To Amend the Laws Regarding the Unlawful Use of License or Identification Card

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

Sec. 1. 29-A MRSA §2069, sub-§3, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

3. Vehicle used in connection with a crime or operating after suspension traffic infraction. A law enforcement officer may cause the removal to a suitable parking place of a vehicle connected with the arrest of the operator or owner of a vehicle or with the issuance of a summons for a traffic infraction as described in section 2412-A, subsection 8 or used in connection with the commission of a crime.

Sec. 2. 29-A MRSA §2102, as amended by PL 2003, c. 452, Pt. Q, §§54 to 57 and affected by Pt. X, §2, is further amended to read:

§ 2102. Unlawful use of license or identification card; unlawful dissemination of protected information

A person commits a Class E crime if that person: The following provisions govern the unlawful use of a license or identification card and the unlawful dissemination of information that is protected by a state law or rule that implements the federal Driver's Privacy Protection Act of 1994, 18 United States Code, Sections 2721 to 2725 (2006).

1. Display revoked, mutilated, fictitious or fraudulently altered driver's license or identification card. DisplaysA person commits a Class E crime if that person displays a revoked, ~~suspended~~, mutilated, fictitious or fraudulently altered driver's license or identification card issued or represented to be issued by this State or any other state or province~~;~~.

1-A. Possess revoked, mutilated, fictitious or fraudulently altered driver's license or identification card. PossessesA person commits a Class E crime if that person possesses a revoked, ~~suspended~~, mutilated, fictitious or fraudulently altered driver's license or identification card issued or represented to be issued by this State or any other state or province~~;~~.

1-B. Display suspended driver's license; crime. A person commits a Class E crime if that person displays a suspended driver's license issued by this State or any other state or province when the operation of the motor vehicle by that person is punishable as a crime.

1-C. Display suspended driver's license; traffic infraction. A person commits a traffic infraction if that person displays a suspended driver's license issued by this State or any other state or province when the operation of the motor vehicle by that person is punishable as a traffic infraction.

1-D. Possess suspended driver's license; crime. A person commits a Class E crime if that person possesses a suspended driver's license issued by this State or any other state or province when the operation of the motor vehicle by that person is punishable as a crime.

1-E. Possess suspended driver's license; traffic infraction. A person commits a traffic infraction if that person possesses a suspended driver's license issued by this State or any other state or province when the operation of the motor vehicle by that person is punishable as a traffic infraction.

2. Loan. ~~Knowingly~~A person commits a Class E crime if that person knowingly permits another person to use that person's driver's license or identification card issued or represented to be issued by this State or any other state or province;

3. Representation. ~~Displays~~A person commits a Class E crime if that person displays or represents as one's that person's own a driver's license or identification card issued to another by this State or any other state or province;

4. Use. ~~Knowingly~~A person commits a Class E crime if that person knowingly permits an unlawful use of a driver's license or identification card issued or represented to be issued by this State or any other state or province; or

5. Privacy laws or rules; violation. ~~Knowingly~~A person commits a Class E crime if that person knowingly disseminates information that is protected by a state law or rule that implements the Federal federal Driver's Privacy Protection Act of 1994.

~~Violation of this section~~subsection 1, 1-A, 1-B, 1-D or 3 is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

Sec. 3. 29-A MRS §2412-A, sub-§8, as enacted by PL 2009, c. 297, §2, is amended to read:

8. Traffic infraction. A person commits a traffic infraction operating while license suspended as described in subsection 1-A, paragraph A if the person has not been convicted or adjudicated of a prior offense under this section and the sole basis for the suspension is:

- A. Failure to pay a fine;
- B. Failure to pay a license reinstatement fee; or
- C. Suspension for a dishonored check.

Effective 90 days following adjournment of the 124th
Legislature, Second Regular Session, unless otherwise indicated.