

## 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

**Legislative Document** 

No. 34

H.P. 33

House of Representatives, January 13, 2015

An Act To Address Suspension of an Operator's License for Negligent Operation Causing the Death of Another Person

Reported by Representative McLEAN of Gorham for the Criminal Law Advisory Commission pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2. Reference to the Committee on Transportation suggested and ordered printed pursuant to Joint Rule 218.

ROBERT B. HUNT

R(+ B. Hunt

Clerk

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

- **Sec. 1. 29-A MRSA §2458, sub-§2-A,** as enacted by PL 2007, c. 486, §1, is amended to read:
  - **2-A.** Mandatory suspension for negligent operation causing death. The Secretary of State without preliminary hearing shall suspend a person's license for a period of at least 3 years a person's license 90 days but no more than 4 years if the Secretary of State, based on the Secretary of State's records or other sufficient evidence, finds that person to have recklessly or negligently operated a motor vehicle in a manner so as to cause the death of another person. Prior to the determination and issuance of the suspension, the Secretary of State shall notify any family of the victim and shall consider written or oral statements received from the family in response to the notice. Upon suspending the person's license, the Secretary of State shall notify that person of an opportunity for hearing as provided in section 2483.

14 SUMMARY

 Under current law, the Secretary of State is required to suspend without preliminary hearing a person's license to drive for a period of at least 3 years if the Secretary of State finds that person to have recklessly or negligently operated a motor vehicle so as to cause the death of another person.

This bill reduces the mandatory minimum administrative license suspension from 3 years to 90 days, creates a maximum administrative license suspension period of 4 years and removes reference to reckless operation as unnecessary since a suspension is determined by the Secretary of State's application of the lesser civil standard of negligent operation.