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An Act To Authorize a Person Whose Operator's License Is Suspended Due to Failure To Pay Child Support To Drive to and from a Place of Employment

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

Sec. 1. 29-A MRSA §2459, sub-§4, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5 and amended by PL 2003, c. 689, Pt. B, §7, is further amended to read:

4. Temporary license. Upon being presented with a conditional release issued by the Commissioner of Health and Human Services and at the request of an individual whose operator's license, permit or privilege to operate has been suspended under this section, the Secretary of State may issue the individual a temporary license valid for a period not to exceed 120 days. This subsection does not apply to a work-restricted license issued pursuant to subsection 4-A.

Sec. 2. 29-A MRSA §2459, sub-§4-A is enacted to read:

4-A. Work-restricted license. The Commissioner of Health and Human Services, at the request of an individual whose operator's license, permit or privilege to operate has been suspended under this section, may issue a conditional release to the individual for a work-restricted license and the Secretary of State may stay a suspension during the statutory suspension period and issue a work-restricted license if the individual shows by clear and convincing evidence, as determined by the commissioner, that:

- A. The individual needs a license to operate a motor vehicle between the residence and a place of employment or in the scope of employment, or both;
- B. The individual has no alternative means of transportation between the residence and a place of employment; and
- C. The individual's operating license has not, within 10 years, been under suspension for an OUI offense or pursuant to section 2453 or 2453-A.

The Secretary of State shall suspend, without preliminary hearing, the work-restricted license of a person who is adjudicated or convicted of any violation of the provisions of this Title committed during the period when a work-restricted license has been issued or who violates any restriction or condition of the license.

SUMMARY

Current law requires the Secretary of State to suspend the driver's license of a person who violates a court order of financial support upon certification of that violation by the Commissioner of Health and Human Services. A person may request the commissioner issue a conditional release to the Secretary of State, who may provide the person with a temporary license valid for a period not to exceed 120 days.

HP1030, LD 1507, item 1, 127th Maine State Legislature
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This bill allows a person to request a work-restricted license, similar to that issued when a person has been convicted of operating under the influence, to allow the person to operate a motor vehicle between the person's residence and a place of employment or in the scope of employment, or both. The work-restricted license may be issued only if there is no other means of transportation available to the person and the person's license to operate has not been suspended for operating under the influence within the prior 10-year period.