

Impact of LD 1374 on Maine's Demerit Point System and Defensive Driving

LD 1374: An Act to Improve Driver Safety by Requiring the Completion of a Defensive Driving Course for Certain Violations

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Under the Bureau of Motor Vehicles' demerit point system, any conviction or adjudication for a moving motor vehicle violation (a violation related to driving behavior rather than to vehicle status such as equipment, registration, or insurance) results in either the addition of demerit points to the driver's record, or a mandatory suspension. Mandatory suspensions are reserved for only the most serious offenses. For routine traffic infractions, demerit points are assessed instead.

For each year that a driver has no traffic offenses, they accumulate a demerit point "credit" that reduces their demerit point total by one. A driver may have up to four credits at one time, so the lowest demerit point total a person can reach under ordinary circumstances is negative 4. Violations cause the demerit point total to increase. Most violations are worth between 2 and 6 points, though there is a single 8-point violation (the traffic infraction for operating after suspension). Points are assessed per violation, not per ticket, so multiple violations on a single ticket can result in substantial point increases.

Points for a given violation remain in effect for one year from the date the conviction or adjudication is added to the driver's record. When a person's demerit point total reaches 6, they are sent a statutorily required warning letter advising them of their accumulation of points and of the possibility of suspension. When a person's demerit point total reaches 12, they are suspended for 15 days. Drivers over 18 have a right to an administrative hearing with the Bureau of Motor Vehicles to show cause why they should not be suspended.

Each of the three violations discussed in this bill currently carries 2 demerit points. This bill proposes that a driver adjudicated of one of these traffic infractions must complete a defensive driving course within 90 days of the adjudication, or additional demerit points will be added to their record. The bill does not specify an amount of demerit points to be added, because exact demerit point totals have never previously been specified in statute. [If this bill becomes law, the Bureau anticipates adding 4 demerit points for failure to complete a defensive driving course under this requirement.]

This approach incentivizes drivers to complete a defensive driving course, which will include discussion of the perils of distracted driving, without levying an automatic suspension for failure to do so. While certain drivers will reach the demerit point limit based on the added points and will face a 15-day license suspension, that will only happen to drivers who have other recent violations on their record, and, as mentioned they will have a right to an administrative hearing with the Bureau of Motor Vehicles to show cause why they should not be suspended.

Under the current rules, completion of a defensive driving course by any person earns a three-point credit under the demerit point system. [The Bureau anticipates that its amendment to the rules as a result of this bill will remove that credit for those who complete the course pursuant to the requirement introduced in this bill, while leaving it in place for other drivers.]