

Proposed Friendly Amendment to LD 96

An Act to Amend the Motor Vehicle and Traffic Law Governing Driver's License Suspensions for Refusing Testing for Alcohol, Drugs or a Combination of Drugs and Alcohol

The current LD 96 is to be replaced in its entirety with the following:

Sec. 1. 29-A MRS §2401(5), is amended to read:

5. Failure to submit to a test, fails to submit to a test or failed to submit to a test. "Failure to submit to a test," "fails to submit to a test" or "failed to submit to a test" means failure to comply with a the duty to submit to and complete a ~~chemical~~ test or tests to determine any presence or level of alcohol, to determine any presence or level of any drug or drug metabolite, or to determine any combination of alcohol, drugs, and drug metabolites. ~~under section 2521 or 2525.~~

Sec. 2. 29-A MRS §252(5) is amended to read:

5. Suspension for refusal. Suspension for refusal. The Secretary of State shall immediately suspend the license of a person who had a duty to submit to and complete a test or tests to determine any presence or level of alcohol, to determine any presence or level of any drug or drug metabolite, or to determine any combination of alcohol, drugs, and drug metabolites and who fails to submit to and complete such a test or tests.

SUMMARY

This bill amends the provision of the motor vehicles and traffic law governing administrative suspension of driver's licenses upon the failure of the driver to submit to and complete testing when the duty to do so is present. A driver has a duty to submit to and complete a test to determine an alcohol level and the presence of a drug or drug metabolite when a law enforcement officer has probable cause that the driver has operated a motor vehicle under the influence of intoxicants. Depending on the specific probable cause of impairment, the duty to submit to and complete testing may involve alcohol, drugs or a combination of alcohol and drugs. Depending on the specific probable cause of impairment and the circumstances of any incident, the duty to submit to and complete testing may involve testing the driver's blood, breath or urine. This bill clarifies that any driver

who has a duty to submit to and complete such testing who fails to submit to and complete such testing must immediately have their license suspended by the Secretary of State.