



STATE OF MAINE
Department of Public Safety
Maine State Police
42 State House Station
Augusta, Maine
04333-0020

JANET T MILLS
GOVERNOR
MICHAEL SAUSCHUCK
COMMISSIONER

COL. JOHN E COTE
CHIEF
LTC. WILLIAM S HARWOOD
DEPUTY CHIEF

Testimony of Lt. Bruce Scott

IN OPPOSITION TO LD 1479

An Act To Make Certain Traffic Infractions Secondary Offenses

Senator Deschambault, Rep. Warren and distinguished Members of the Joint Standing Committee on Criminal Justice and Public Safety. My name is Lt. Bruce Scott, and I am the Commanding Officer of the State Police Traffic Safety Unit. I am here today to testify on behalf of the Department of Public Safety and the Maine State Police in Opposition to LD 1479.

This bill, if passed, would create secondary offenses out of numerous Title 29-A violations. Some of the offenses that this bill seeks to create as secondary offenses would not be enforceable at all if an officer couldn't stop a motorist and take appropriate action for the violations in question. Some even pose an immediate safety hazard to the operator, other occupants in the vehicle and the general public, yet the bill would discourage an officer from stopping someone without witnessing some other qualifying event. The operation of a defective motor vehicle unless there is a clear visual imminent safety problem, operating with an obstructed view, operating with tinted windows (including the windshield), adults not wearing seatbelts, children, even babies, not secured in a safety seats and operating a vehicle in a turning lane all pose a substantial risk for safety. It is worth repeating, the use of seatbelts and child safety restraints would become a secondary offense if this bill were to pass. Children playing musical chairs in a motor vehicle while traveling down the road is a major safety concern and statute should never attempt to forbid a police officer from pulling that vehicle over to stop the activity immediately.

As this Criminal Justice and Public Safety Committee knows well, traffic laws are written in concert with one another in a manner to promote safer driving that reduces collisions. These laws should not be viewed by themselves in a vacuum as

they are most effective at saving lives if they are viewed and enforced in their totality. Arbitrarily selecting some of these laws and making them secondary offenses will certainly lead to a lack of compliance and become an overall threat to public safety. Selecting laws as secondary offenses sends a message to motorists and to police officers that the law is somehow less important, and that compliance is not necessary. The primary the goal of traffic enforcement is voluntary compliance. That compliance is greatly enhanced and directly proportional to the risk of getting caught. To allow motorists to engage in risky driving behavior without enforcement action will have catastrophic results. If this committee believes that these laws are not important then perhaps these laws should just be repealed.

Often times police officers stop a vehicle/operator for multiple violations and will typically select the violation with the lowest fine to summons the operator with. This allows a police officer to enforce the law while showing compassion and empathy for the operator. We care about the people that we serve, but if this bill were to pass, it would require that the operator be charged with both the primary and the newly formed secondary offense, thereby essentially removing the officer's discretion and forcing a much heavier fine on the driver and or owner of the vehicle. I would also like to point out the Maine State Police favors giving verbal and written warnings over tickets as do most agencies. As a matter of fact, 7 out of 10 stops initiated by our agency results in only a warning. The egregiousness of the offense and likelihood of voluntary compliance are factors considered when determining what action is best. If the goal of this bill is to reduce potential unpleasant police/offender contacts, it will likely do the opposite by requiring police officers to issue tickets to the violator even when in their opinion it isn't the most appropriate enforcement action. Furthermore, even if a district attorney or judge felt that the more appropriate charge was the secondary offense, they would be forced to levy a fine for the primary offense as well.

The harm created by this bill if it were to pass is worthy of taking a deeper dive and evaluating each change that this bill seeks to make. In an attempt to be succinct and respectful of your time here today, I have created a bulleted list below with the portion of the law this bill seeks to change, the offense and concerns beside it:

- A. OAS-** This pertains to a vehicle operated by a suspended driver for failure to pay a fine. Driver's that have been assessed a fine have either admitted to or been adjudicated of a previous offense. Allowing them to continue to drive while in arrears sends the wrong message that they need not worry about paying fines to the state. A person need only request time to pay their fine(s) in front of a judge to ensure that their license doesn't get suspended. In other words, people don't get their license suspended for not being able to afford to pay their fine, but rather refusing to take reasonable steps to make payment arrangements with the courts.

- B. Failure to register** – I should also point out that this bill seeks to discourage a police officer from stopping a vehicle if the registration is expired for more than 150 days citing section 351, subsection 1 paragraph B, yet paragraph B will be repealed on July 1st of this year because of LD 644 that passed last year. With that being said, if this bill passed it would not be effective until 90 days after adjournment, meaning that section of this bill is not necessary as it would not have an appropriate reference by the time the law became effective.
- C. Operating a defective motor vehicle**-The amended language of this bill seeks to discourage stopping a defective motor vehicle if it is displaying an expired sticker for more than 7 months, but what about prior to 7 months? The operation of a defective vehicle is a different violation than operating a motor vehicle while Failing to Display a Current Certificate on Inspection. Often times, significant safety defects are not clearly visible when passing a motor vehicle on the roadway.
- D. Operating with an obstructed view**-This law applies to driving while you don't have a clear view of the roadway. The amended language addresses objects that are hung from the rearview mirror, even if the object is as large as a kite that completely blocks the operator's view of the road.
- E. Obscuring a window by tinting the glass**- This is a safety concern for police officers and for the operator of the vehicle under low light conditions. Visibility is greatly reduced in a vehicle with extremely dark tinted windows and even worse when windshields are illegally tinted.
- F. Making excessive and unusual noise in section 1912**- This would allow vehicles to be operated with loud exhaust systems including operating without a muffler at all. The noise emitted by a loud exhaust can create a safety concern when motorists can no longer hear emergency sirens, car horns, train crossing warnings, etc. It also is a quality-of-life issue for those within earshot, forcing them to tolerate unreasonable noise pollution.
- G. Improper display of registration plates- (section 452)** This would allow a person to display a registration plate anywhere on the vehicle as long as it is visible. While a plate in the back or front window may be "visible" the plate may not be readable to the naked eye or even worse to toll cameras and surveillance cameras. The registration plate could even be displayed on the side of the vehicle, where it can't be seen at all until the vehicle is stopped and an officer makes an approach to the vehicle.
- H. Improper display of registration plates- (section 452-4)** This would pertain to a plate that is not legible due to mud, snow or inclement weather. This would allow someone to intentionally cover their registration plate with mud or snow in attempt to hide their plate for any number of reasons to include anonymity while committing crimes. Police understand the difficulty in keeping registration plates clean and legible during storms and immediately thereafter, but what about for days, weeks and even months after contamination.

- I. **Registration plate light**- Plate lights are needed to illuminate the plate for all the reason previously discussed.
- J. **Operating a vehicle in a turning lane**-The turning lane is for just that. Allowing motorists to continue driving in that lane would certainly create problems for oncoming traffic using that lane to turn. If this practice was allowed, we would undoubtedly see an increase in head on collisions. These lanes are built to allow turning traffic a place to stall and wait to turn without being struck from behind.

Seatbelts-NHTSA studies indicate front passengers in cars risk of a fatal injury in a crash is reduced by 45% when wearing a seatbelt and has a 50% reduction in moderate to severe injuries. The risk of fatal injuries for those wearing seatbelts in the back seat of cars is reduced by 49%. Light truck front passengers' risks of a fatal injury is reduced by 60% when wearing a seatbelt and have a 65% reduction in moderate to severe injuries. The rear passengers of vans and SUVs risk in fatal injuries by wearing a seatbelt is reduced by 73%. Seat belt saves lives. Studies also indicate that compliance goes up as enforcement efforts are increased. On average 50% of all fatalities in car crashes were unbelted. Also, NHTSA federal grant dollars to purchase car seats for families that meet income guidelines, funding for training, funding for education and funding for enforcement campaigns would be lost to the amount of \$339,000 a year, if this bill were to pass.

I would also like to point out that many crimes have been solved or even at times thwarted by a traffic stop for any of these given laws that this bill seeks to change. Some great police work can derive from a simple traffic stop. The majority of OUI arrests start with a traffic stop for one of these violations and not the obvious dangerous driving behaviors you would think of. A police officer usually, only has a few seconds to decide to whether to stop someone for a violation, so the opportunity to see erratic operation that would lead you to suspect impairment is often limited to only those times that you are actually following the motorist for a lengthy period of time. Let's not forget that Timothy McVeigh, the man responsible for the Oklahoma City Bombing that killed 168 people and injured an additional 680 back in 1995 was stopped for not having a registration plate.

For these reasons, we urge you to vote "Ought Not To Pass" on LD 1479.

On behalf of the Department of Public Safety and the Maine State Police, I thank you for your time and would be happy to try and answer any questions that you might have.