

OFFICE OF POLICY AND LEGAL ANALYSIS

Date: April 13, 2020
To: Transportation Committee
From: Karen Nadeau, Legislative Analyst

LD 644 – An Act Regarding Motor Vehicle Registration Violations

- Removes the designation as a Class E crime of the following:
 - operating with expired motor vehicle registrations,
 - failure to change out-of-state registrations and
 - operating with expired 14-day registration plates.
- Requires a warning to be issued for all traffic stops for expired registrations.
- Requires registrations to be obtained or changed within 10 business days of a warning having been issued.
- Establishes a \$500 fine for 2nd and subsequent offenses.
- Requires the Secretary of State to establish a notification system to inform individuals of registrations that are going to expire within the next 30 days.

TESTIMONY:

Proponents: *American Civil Liberties (ACLU) of Maine*

Written only: Residents of Holden and Portland

- LD is a decisive step towards simplifying low-level traffic offenses; making it easier for everyday people to follow the law.
- People should not face consequences for a Class E crime merely for forgetting to register their vehicle.

Oppose: *Maine Municipal Association*

- There is currently no way for police agencies to communicate that an individual has been stopped and warned for a traffic infraction.
- Law enforcement officers have discretion when writing motor vehicle violations.
- Notification of expired registration is available to residents every day via the SOS stickers on your vehicle. Many communities already send out notification to their residents via email.

NFNA: *Secretary of State – Bureau of Motor Vehicles; Maine State Police*

- Registration notification would require substantial additional resources; SOS/BMV estimates it would cost more than \$600,000 to print and mail 1.4 million annual notices to Mainers.
- Electronic, or even telephonic, notification could be possible if the bureau had sufficient resources to upgrade current technology.
- SOS/BMV supports decriminalization of failure to register.
- The warning provision in the bill could have the unintended consequence of reducing compliance, registration fees and excise taxes collected by municipalities.
- Titles 29- and 36 provide that during the last 4 months of a registration period, fees are half-rated.
- W/o law enforcement access to information that someone has previously received a warning, a person who deliberately refuses to register might escape consequence for a significant period of time and benefit from paying reduced registration fees later in the year.

- LD 845 seeks to make any registration violation a secondary offense; if that is combined with this bill, the law would be nearly unenforceable.

NOTES:

- TRA Chairs asked sponsor of LD 644, Rep. Cloutier, to work with SOS/BMV and Maine State Police on a compromise amendment.
- Class E Crime:
Term of imprisonment – not to exceed 6 months
Maximum fine – natural persons \$1,000; organizations \$10,000

FISCAL IMPACT: *Not yet received.*