

Amendment to LD 644
An Act Regarding Motor Vehicle Registration Violations
Offered by Rep. Cloutier
April 12, 2021

Amend the bill in section 1 as follows:

Sec. 1. 29-A MRSA §351, sub-§1, as amended by PL 2013, c. 112, §6, is further amended to read:

1. Failure to register. A person who operates a vehicle that is not registered in accordance with this Title, fails to register a vehicle or permits a vehicle that is not registered to remain on a public way, ~~after a warning under subsection 2 has been issued~~, commits:

A. A traffic infraction for which a fine of not more than \$50 may be adjudged ~~for a first offense if the vehicle was registered and the registration has been expired for more than 30 days but less than 150 days; or for a first offense. For each subsequent offense, a fine of not more than \$500 may be adjudged.~~

~~B. A Class E crime if the vehicle was not registered or the registration has been expired for 150 days or more.~~

~~C. A traffic infraction for which a fine of not more than \$100 may be adjudged for a first offense if the vehicle was registered and the registration has been expired for 150 days or more;~~

~~D. A traffic infraction for which a fine of not more than \$500 may be adjudged for each subsequent offense; or~~

~~E. A class E crime if the vehicle has never been registered by the current owner of the vehicle.~~

~~A person served with a Violations Summons and Complaint charging a violation of this subsection may have the complaint dismissed if that person shows satisfactory evidence of registration that was in effect at the time of the alleged violation or that the person subsequently registered the vehicle prior to the date required for filing an answer to the complaint. The clerk of the District Court Violations Bureau must dismiss the complaint if, prior to the date required for filing an answer to the complaint, the person charged files a copy of the Violations Summons and Complaint with the bureau, together with satisfactory evidence of registration. If a person files a timely answer to a Violations Summons and Complaint alleging a violation of this subsection and that person presents to the court at the time of trial satisfactory evidence of registration, the court must dismiss the complaint.~~

Amend the bill in section 2 as follows:

Sec. 2. 29-A MRSA §351, sub-§1-A, as amended by PL 2005, c. 433, §5 and affected by §28, is further amended to read:

1-A. Residents required to register. An owner of a vehicle who becomes a resident of this State shall register that vehicle in this State within 30 days of establishing residency. A person who

operates or allows a vehicle that is not registered in accordance with this subsection to remain on a public way ~~after a warning under subsection 2 has been issued~~ commits:

A. A traffic infraction for which a fine of not more than \$50 may be adjudged ~~for a first offense if more than 30 days but less than 150 days has elapsed since establishing residency; or for a first offense. For each subsequent offense, a fine of not more than \$500 may be adjudged.~~

~~A-1. A traffic infraction for which a fine of not more than \$500 may be adjudged for each subsequent offense; or~~

B. A Class E crime if more than 150 days have elapsed since establishing residency.

No changes to section 3 of the bill.

Sec. 3. 29-A MRSA §351, sub-§2, as amended by PL 1999, c. 68, §1, is further amended to read:

2. Operating a vehicle with an expired registration. The owner or operator of a vehicle stopped by a law enforcement officer and having a registration that has expired ~~within the last 30 days~~ must be issued a warning, rather than a summons, in a form designated by the Chief of the State Police. This warning must state that:

A. Within ~~2~~ 10 business days, the owner or operator must register the vehicle;

B. The renewed registration expires on the same month as the previous registration; and

C. The registration fee is the same as for a full year's registration.

Amend the bill by striking out sections 4, 5 and 6 of the bill.

Sec. 4. ~~29-A MRSA §351, sub-§5, ¶A~~, as enacted by PL 2001, c. 671, §4, is amended to read:

A. A traffic infraction for which a forfeiture ~~fine~~ of not more than \$50 may be adjudged if the registration has been expired for less than 150 days; or ~~for a first offense. For each subsequent offense, a fine of not more than \$500 may be adjudged.~~

Sec. 5. ~~29-A MRSA §351, sub-§5, ¶B~~, as enacted by PL 2001, c. 671, §4, is repealed.

Sec. 6. ~~29-A MRSA §351, sub-§7~~ is enacted to read:

7. Notification. ~~The Secretary of State shall create a system to notify individuals with registrations that are to expire within the next 30 days. The notification must include:~~

A. ~~The date the vehicle's registration expires; and~~

B. ~~The available methods to obtain or renew the registration.~~

SUMMARY

This amendment strikes from the bill the requirement that a warning be issued for all traffic stops for expired registrations. The amendment also strikes the requirement that the Secretary of State establish a notification system to inform individuals of registrations that are going to expire within the next 30 days.

The amendment provides the following penalties for a violation of failure to register a vehicle:

1. A traffic infraction for which a fine of not more than \$50 may be adjudged for a first offense if the vehicle was registered and the registration has been expired more than 30 days but less than 150 days; or
2. A traffic infraction for which a fine of not more than \$100 may be adjudged for a first offense if the vehicle was registered and the registration has been expired for 150 days or more; or
3. A traffic infraction for which a fine of not more than \$500 may be adjudged for each subsequent offense; or
4. A Class E crime if the vehicle has never been registered by the current owner of the vehicle.

The amendment also provides that a person served with a Violations Summons and Complaint charging a violation of failure to register a vehicle may have the complaint dismissed if that person shows satisfactory evidence of: registration that was in effect at the time of the alleged violation, or that the person subsequently registered the vehicle prior to the date required for filing an answer to the complaint.

The amendment provides the following penalties for a violation of failure to change out-of-state registrations:

1. A traffic infraction for which a fine of not more than \$50 may be adjudged for a first offense if more than 30 days but less than 150 days has elapsed since establishing residency; or
2. A traffic infraction for which a fine of not more than \$500 may be adjudged for each subsequent offense.

The amendment strikes the provisions in the bill proposing to change the law relating to 14-day registration plates.

The bill requires registrations to be obtained or changed within 10 business days of a warning having been issued. The amendment does not change this.