

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 1190

S.P. 438

In Senate, March 25, 2009

An Act To Amend the Motor Vehicle Laws

Submitted by the Secretary of State pursuant to Joint Rule 204.
Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator DAMON of Hancock.
Cosponsored by Senators: GOOLEY of Franklin, PERRY of Penobscot, Representatives:
BROWNE of Vassalboro, CAREY of Lewiston, HARLOW of Portland, HOGAN of Old
Orchard Beach, MAZUREK of Rockland, PEOPLES of Westbrook.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 29-A MRSA §101, sub-§32-A**, as affected by PL 2003, c. 614, §9 and
3 repealed and replaced by c. 688, Pt. B, §8 and affected by §9, is amended to read:

4 **32-A. Low-speed vehicle.** "Low-speed vehicle" means a 4-wheeled automobile that
5 is able to attain a speed of at least 20 miles per hour but not more than 25 miles per hour
6 and ~~does not exceed 1,800~~ is less than 3,000 pounds in unloaded weight. "Low-speed
7 vehicle" does not include an ATV as defined in Title 12, section 13001. A low-speed
8 vehicle must be originally manufactured and maintained in accordance with the Federal
9 Motor Vehicle Safety Standards as a low-speed vehicle pursuant to 49 Code of Federal
10 Regulations, Section 571.500, as amended.

11 **Sec. 2. 29-A MRSA §453, sub-§3-A**, as enacted by PL 2003, c. 434, §9 and
12 affected by §37, is amended to read:

13 **3-A. Restrictions.** The Secretary of State, in the Secretary of State's discretion, may
14 refuse to issue or may recall a vanity plate that:

- 15 A. Consists of or comprises language that is obscene, contemptuous, profane or
16 prejudicial;
- 17 B. Promotes abusive or unlawful activity;
- 18 C. Falsely suggests an association with public institutions; or
- 19 D. Is duplicative.

20 **Sec. 3. 29-A MRSA §456-A, sub-§1**, as enacted by PL 2001, c. 623, §4, is
21 amended to read:

22 **1. Lobster plates.** The Secretary of State, upon receiving an application and
23 evidence of payment of the excise tax required by Title 36, section 1482, the annual
24 motor vehicle registration fee required by section 501 and the contribution provided for in
25 subsection 2, shall issue a registration certificate and a set of lobster special registration
26 plates to be used in lieu of regular registration plates. These plates must bear
27 identification numbers and letters. The Secretary of State may issue lobster plates to
28 certain state-owned vehicles in accordance with section 517.

29 **Sec. 4. 29-A MRSA §456-F, sub-§1**, as enacted by PL 2007, c. 703, §10, is
30 amended to read:

31 **1. Agriculture education plates.** The Secretary of State, upon receiving an
32 application and evidence of payment of the excise tax required by Title 36, section 1482,
33 the annual motor vehicle registration fee required by section 501, section 504, subsection
34 1 or section 505 and the contribution provided for in subsection 2, shall issue a
35 registration certificate and a set of agriculture education special registration plates to be
36 used in lieu of regular registration plates. These plates must bear identification numbers
37 and letters. The Secretary of State may issue agricultural education plates to certain state-
38 owned vehicles in accordance with section 517.

1 **Sec. 5. 29-A MRSA §517, sub-§2**, as amended by PL 2003, c. 490, Pt. D, §2, is
2 further amended to read:

3 **2. Plates.** The Secretary of State shall issue distinctive plates that expire at the end
4 of a 6-year period for state plates and a 10-year period for municipal plates within the
5 semipermanent plate program. Notwithstanding section 501, subsection 11, the Secretary
6 of State shall issue distinctive municipal plates under this subsection to a low-speed
7 vehicle owned by a municipality or loaned by a dealer to a municipality. Vehicles owned
8 by the State may display a marker or insignia, approved by the Secretary of State, plainly
9 designating them as owned by the State.

10 The Secretary of State may issue environmental registration plates to a state-owned
11 vehicle assigned to the Department of Inland Fisheries and Wildlife or the Department of
12 Conservation with authorization from the department's commissioner. The Secretary of
13 State may issue environmental registration plates to a state-owned vehicle assigned to the
14 Baxter State Park Authority with authorization from the Commissioner of Inland
15 Fisheries and Wildlife in the commissioner's capacity as a member of the Baxter State
16 Park Authority. A state-owned vehicle issued environmental registration plates must
17 display a marker or insignia designating the vehicle as state-owned and is exempt from
18 registration fees and the contribution under section 455, subsection 4.

19 The Secretary of State may issue agricultural education plates to a state-owned vehicle
20 assigned to the Department of Agriculture, Food and Rural Resources with authorization
21 from the Commissioner of Agriculture, Food and Rural Resources. A state-owned
22 vehicle issued agricultural education plates must display a marker or insignia designating
23 the vehicle as state-owned and is exempt from registration fees and the contribution under
24 section 456-F, subsection 2.

25 The Secretary of State may issue lobster plates to a state-owned vehicle assigned to the
26 Department of Marine Resources with authorization from the Commissioner of Marine
27 Resources. A state-owned vehicle issued lobster plates must display a marker or insignia
28 designating the vehicle as state-owned and is exempt from registration fees and the
29 contribution under section 456-A, subsection 2.

30 **Sec. 6. 29-A MRSA §517-B** is enacted to read:

31 **§517-B. Registration exemption for antique farm tractors used in demonstrations,**
32 **parades, ceremonies and organized charitable events**

33 Farm tractors or farm equipment at least 25 years old, as determined by the model
34 year, are exempt from registration requirements and registration fees when used for
35 demonstrations, ceremonies, parades or organized charitable events.

36 **Sec. 7. 29-A MRSA §533-A, sub-§3, ¶A**, as amended by PL 2001, c. 361, §15,
37 is further amended to read:

38 A. Between July 1st and October 31st, the Secretary of State shall disburse to a
39 participating municipality a sum equal to the difference in the amount of excise tax
40 that would have been collected by that municipality in the prior fiscal year on each
41 commercial motor vehicle 5 years old or less as determined by the model year under

1 Title 36, section 1482, subsection 1, paragraph C, subparagraph (3) using the
2 manufacturer's suggested retail price from the amount of that excise tax actually
3 collected by that municipality in the prior fiscal year based on the actual purchase
4 price. The Secretary of State shall provide supporting documentation to a
5 municipality regarding the disbursement that municipality receives under this section.

6 **Sec. 8. 29-A MRSA §651, sub-§6**, as amended by PL 2007, c. 466, Pt. A, §47
7 and affected by §49, is further amended to read:

8 **6. Manufactured housing.** Beginning October 1, 2007, the Secretary of State shall
9 issue certificates of title for new single-unit manufactured housing beginning with model
10 year 2007. Beginning October 1, 2007 and ending September 30, 2009, the Secretary of
11 State shall issue a certificate of title for used manufactured housing that was previously
12 issued a State of Maine certificate of title. Beginning October 1, 2009, the Secretary of
13 State may issue a certificate of title for used manufactured housing that was previously
14 issued a State of Maine certificate of title or a model year 2007 or later model that was
15 never issued a certificate of title. A certificate of title issued pursuant to this subsection
16 remains in effect unless cancelled pursuant to section 669.

17 **Sec. 9. 29-A MRSA §652, sub-§13**, as repealed and replaced by PL 1999, c. 470,
18 §9, is amended to read:

19 **13. Certain automobiles, commercial vehicles and vehicles.** Automobiles and all
20 over-the-road commercial vehicles ~~and vehicles that are more than 15 years old with a~~
21 model year prior to 1995, except when the Secretary of State determines it is in the best
22 interest of the State and the applicant to issue a title to a vehicle ~~more than 15 years old~~
23 with a model year prior to 1995;

24 **Sec. 10. 29-A MRSA §661, sub-§2**, as amended by PL 2001, c. 361, §22 and
25 affected by §38, is further amended to read:

26 **2. Time.** The Secretary of State is not required to issue ~~an additional a~~ duplicate
27 until 15 days after the previous ~~duplicate~~ title was issued.

28 **Sec. 11. 29-A MRSA §701, sub-§3**, as enacted by PL 1993, c. 683, Pt. A, §2 and
29 affected by Pt. B, §5, is amended to read:

30 **3. Additional.** Upon request of the owner or subordinate lienholder, and receipt of
31 an owner's application and fee, a lienholder in possession of the certificate of title shall
32 deliver the certificate to the subordinate lienholder for delivery to the Secretary of State.
33 ~~Upon receipt from the subordinate lienholder of an owner's application and fee, the~~
34 ~~lienholder shall deliver them to the Secretary of State with the certificate. The Secretary~~
35 of State shall record the subordinate lien and reissue the title to the first lienholder. The
36 delivery of the certificate does not affect the rights of the first lienholder under that
37 lienholder's security agreement.

38 **Sec. 12. 29-A MRSA §705, sub-§5** is enacted to read:

1 **5. Manufactured housing.** This subsection governs satisfaction of a security
2 interest in manufactured housing.

3 A. Upon satisfaction of a security interest in manufactured housing, the lienholder
4 whose security interest is satisfied shall execute, within 60 days, a release in the form
5 the Secretary of State prescribes and mail or deliver the release to the owner or any
6 person who delivers to the lienholder an authorization from the owner to receive that
7 release. The lienholder shall also within 60 days of satisfaction of its security interest
8 notify the Secretary of State in the form the Secretary of State prescribes that the lien
9 has been satisfied.

10 B. The owner and subordinate lienholder, if any, may each recover \$1,000 from a
11 lienholder who fails to release the security interest and notify the Secretary of State
12 that the lien has been satisfied within the 60-day time period under paragraph A.

13 **Sec. 13. 29-A MRSA §903, sub-§3,** as amended by PL 2005, c. 433, §12 and
14 affected by §28, is further amended to read:

15 **3. Plate reduction.** Upon renewal of a dealer license, the number of plates allowed
16 a motor vehicle dealer who fails to sell ~~a minimum of one vehicle per month or at least~~
17 12 vehicles within a 12-month period must be reduced to ~~one~~ 2 dealer plate plates, and
18 the motor vehicle dealer may not be issued a dealer plate under section 1002, subsection
19 1, paragraph B. Upon a 2nd application for renewal of a dealer license, a motor vehicle
20 dealer must be denied renewal if the Secretary of State determines that the dealer sold
21 fewer than 4 vehicles in the previous license year, at which time all dealer credentials
22 issued previously must be returned to the Secretary of State.

23 A motor vehicle dealer who is denied a license renewal under this subsection may not
24 reapply until the license has been expired at least one year.

25 A motor vehicle dealer who holds a vehicle auction business license under section 1051 is
26 exempt from this subsection.

27 A motor vehicle dealer who engages primarily in the sale of vehicles more than 15 years
28 old, emergency vehicles or industrial or farm equipment or who sells only trucks with a
29 gross vehicle weight rating of more than 26,000 pounds is exempt from this subsection.

30 Sales of vehicles to dealerships under the same ownership must be excluded when
31 determining total sales.

32 **Sec. 14. 29-A MRSA §957, sub-§3,** as amended by PL 2007, c. 5, §1, is further
33 amended to read:

34 **3. Attended sales promotion.** The Secretary of State may issue to a dealer a ~~90-day~~
35 permit for up to 90 days to operate an attended sales promotion at one or more locations
36 inside this State. A request for an attended sales promotion must be submitted to the
37 Secretary of State at least 48 hours before the proposed promotion and must contain the
38 proposed promotion dates. The promotion must comply with applicable building codes
39 and zoning and land use ordinances. A new vehicle dealer who requests a permit under
40 this subsection for a promotion involving new vehicles may not locate the promotion
41 outside that dealer's area of responsibility as defined by the dealer's franchise agreement.

1 A dealer who operates an attended sales promotion at an agricultural fair or other
2 agricultural event is exempt from this subsection. An equipment dealer or trailer dealer is
3 exempt from this subsection if the sales promotion does not include motor vehicles and
4 does not exceed 90 continuous days. ~~The fee for a 90 day attended sales promotion~~
5 ~~permit is \$150. The permit may be renewed. The fee for an attended sales promotion is:~~

6 A. Fifty dollars if the promotion runs for 7 or fewer days;

7 B. One hundred dollars if the promotion runs for more than 7 but no more than 60
8 days; and

9 C. One hundred fifty dollars if the promotion runs for more than 60 days but no more
10 than 90 days.

11 **Sec. 15. 29-A MRSA §1002, sub-§6, ¶C,** as amended by PL 1999, c. 470, §15,
12 is further amended to read:

13 C. The annual fee for a dealer wrecker plate is \$50 per plate for attachment to a
14 wrecker that does not exceed ~~24,000~~ 26,000 pounds gross vehicle weight and \$200
15 for attachment to a wrecker that does not exceed 80,000 pounds gross vehicle weight.

16 **Sec. 16. 29-A MRSA §1102-A** is enacted to read:

17 **§1102-A. Mobile crushers**

18 A person operating a mobile crusher in this State, whether based in or outside of the
19 State, is subject to the provisions of this subchapter except the provisions of section 1103.
20 The Secretary of State may adopt rules for the permitting of mobile crushers. For
21 purposes of this section, "mobile crusher" means a transportable device that is used to
22 crush motor vehicles.

23 **Sec. 17. 29-A MRSA §1110, sub-§2,** as enacted by PL 1993, c. 683, Pt. A, §2
24 and affected by Pt. B, §5, is amended to read:

25 **2. Availability.** The records, the place of business and the vehicles and vehicle parts
26 in the possession of the licensee must be available for inspection during normal business
27 hours by the Secretary of State, a law enforcement officer or representatives of the office
28 of the Attorney General.

29 The operator of a mobile crusher as defined in section 1102-A shall make that operator's
30 records available in this State during normal business hours or in accordance with rules
31 adopted by the Secretary of State.

32 **Sec. 18. 29-A MRSA §1407,** as amended by PL 1995, c. 645, Pt. B, §15, is
33 further amended to read:

34 **§1407. Change of location or status**

35 When a person, after applying for or receiving a driver's license or registration,
36 moves from the address named in the application or on the license or registration issued
37 or changes name, that person shall, within ~~10~~ 20 days, notify the Secretary of State, in
38 writing or by other means approved by the Secretary of State, of the old and new

1 addresses or former and new names and of the number of the licenses and registrations
2 held.

3 **Sec. 19. 29-A MRSA §2081, sub-§3-A**, as amended by PL 2007, c. 60, §1, is
4 further amended to read:

5 **3-A. Other passengers 18 years of age and older; operators.** When a person 18
6 years of age or older is a passenger in a vehicle that is required by the United States
7 Department of Transportation to be equipped with seat belts, the passenger must be
8 properly secured in a seat belt. Each such passenger is responsible for wearing a seat belt
9 as required by this subsection, and a passenger that fails to wear a seat belt as required by
10 this subsection is subject to the enforcement provisions of subsection 4. The operator of a
11 vehicle that is required by the United States Department of Transportation to be equipped
12 with seat belts must be properly secured in the operator's seat belt. Violation of this
13 subsection is a traffic infraction for which a fine of \$50 for the first offense, \$125 for the
14 2nd offense and \$250 for the 3rd and subsequent offenses must be imposed. A fine
15 imposed under this subsection may not be suspended by the court. A vehicle, the contents
16 of a vehicle, or the driver of or a passenger in a vehicle may not be inspected or searched
17 solely because of a violation of this subsection.

18 **Sec. 20. 36 MRSA §1482, sub-§1, ¶C**, as amended by PL 2001, c. 671, §32, is
19 further amended to read:

20 C. For the privilege of operating a motor vehicle or camper trailer on the public
21 ways, each motor vehicle, other than a stock race car, or each camper trailer to be so
22 operated is subject to excise tax as follows, except as specified in subparagraph (3): a
23 sum equal to 24 mills on each dollar of the maker's list price for the first or current
24 year of model, 17 1/2 mills for the 2nd year, 13 1/2 mills for the 3rd year, 10 mills for
25 the 4th year, 6 1/2 mills for the 5th year and 4 mills for the 6th and succeeding years.
26 The minimum tax is \$5 for a motor vehicle other than a bicycle with motor attached,
27 \$2.50 for a bicycle with motor attached, \$15 for a camper trailer other than a tent
28 trailer and \$5 for a tent trailer. The excise tax on a stock race car is \$5.

29 (1) On new registrations of automobiles, trucks and truck tractors, the excise tax
30 payment must be made prior to registration and is for a one-year period from the
31 date of registration.

32 (2) Vehicles registered under the International Registration Plan are subject to
33 an excise tax determined on a monthly proration basis if their registration period
34 is less than 12 months.

35 (3) ~~For commercial vehicles manufactured in model year 1996 and after~~ the first
36 5 model years, the amount of excise tax due for trucks or truck tractors registered
37 for more than 26,000 pounds and for Class A special mobile equipment, as
38 defined in Title 29-A, section 101, subsection 70, is based on the purchase price
39 in the original year of title rather than on the list price. For the 6th and
40 subsequent model years, the excise tax is based on the maker's list price.
41 Verification of purchase price for the application of excise tax is determined by
42 the initial bill of sale or the state sales tax document provided at point of

1 purchase. The initial bill of sale is that issued by the dealer to the initial
2 purchaser of a new vehicle.

3 For motor vehicles being registered pursuant to Title 29-A, section 405, subsection 1,
4 paragraph C, the excise tax must be prorated for the number of months in the
5 registration.

6 **Sec. 21. Effective date.** Those sections of this Act that amend the Maine Revised
7 Statutes, Title 29-A, section 533-A, subsection 3, paragraph A and Title 36, section 1482,
8 subsection 1, paragraph C take effect January 1, 2010.

9 SUMMARY

10 This bill makes several changes to the motor vehicle laws. The bill:

- 11 1. Amends the weight limitation for a low-speed vehicle;
- 12 2. Allows the Secretary of State to issue agricultural education plates to Department
13 of Agriculture, Food and Rural Resources vehicles and lobster plates to Department of
14 Marine Resources vehicles;
- 15 3. Exempts antique farm tractors from registration requirements when used in
16 parades and charitable events;
- 17 4. Makes adjustments to the commercial vehicle excise tax reimbursement laws;
- 18 5. Clarifies that a title issued for manufactured housing remains in effect unless
19 cancelled, allows a manufactured housing title to be cancelled if the home is permanently
20 affixed to real property and allows rather than requires the Secretary of State to issue a
21 title on used manufactured housing;
- 22 6. Allows the Secretary of State to recall an offensive vanity plate;
- 23 7. Extends titling requirements to most motor vehicles and trailers to vehicles
24 manufactured in 1995 and after. Currently, only vehicles less than 15 years old are
25 required to be titled;
- 26 8. Provides that a duplicate title is not required to be issued until 15 days after the
27 previous title was issued;
- 28 9. Clarifies the process for managing additional security interests;
- 29 10. Modifies the release of lien process for manufactured housing;
- 30 11. Makes adjustments to the dealer plate reduction law;
- 31 12. Modifies the attended sales promotion procedures to provide for shorter permit
32 periods at a reduced fee;

1 13. Increases the maximum weight of a light wrecker from 24,000 to 26,000 pounds
2 for the purpose of determining the dealer plate fee to coincide with commercial driver's
3 license limits;

4 14. Defines mobile crushers and requires them to be licensed;

5 15. Increases the time within which a person is obligated to notify the Secretary of
6 State of an address or name change from 10 to 20 days; and

7 16. Makes a technical correction to the seatbelt requirements.