

MAINE STATE LEGISLATURE

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1

L.D. 1981

2 Date: 3/12/2020

(Filing No. S-429)

3 **TRANSPORTATION**

4 Reproduced and distributed under the direction of the Secretary of the Senate.

5 **STATE OF MAINE**

6 **SENATE**

7 **129TH LEGISLATURE**

8 **SECOND REGULAR SESSION**

9 COMMITTEE AMENDMENT "A" to S.P. 683, L.D. 1981, Bill, "An Act
10 Regarding the Regulation of Tiny Houses"

11 Amend the bill by striking out the title and substituting the following:

12 **'An Act Regarding the Regulation of Tiny Homes'**

13 Amend the bill by striking out everything after the title and inserting the following:

14 **'Emergency preamble. Whereas,** acts and resolves of the Legislature do not
15 become effective until 90 days after adjournment unless enacted as emergencies; and

16 **Whereas,** the Secretary of State, industry and individuals have an urgent need to
17 clarify the regulatory landscape so that tiny homes can be registered and titled and the
18 industry may resume production; and

19 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
20 the meaning of the Constitution of Maine and require the following legislation as
21 immediately necessary for the preservation of the public peace, health and safety; now,
22 therefore,

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

24 **Sec. 1. 29-A MRSA §101, sub-§80-C** is enacted to read:

25 **80-C. Tiny home.** "Tiny home" means a living space permanently constructed on a
26 frame or chassis and designed for use as permanent living quarters that:

27 A. Complies with American National Standards Institute standard A 119.5 on
28 plumbing, propane, fire and life safety and construction or National Fire Protection
29 Association standard 1192 on plumbing, propane and fire and life safety for
30 recreational vehicles;

31 B. Does not exceed 400 square feet in size;

32 C. Does not exceed any dimension allowed for operation on a public way under this
33 Title; and

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D. Is a vehicle without motive power.

"Tiny home" does not include a trailer, semitrailer, camp trailer, recreational vehicle or manufactured housing.

Sec. 2. 29-A MRSA §501, sub-§7, as amended by PL 2011, c. 556, §4, is further amended to read:

7. Temporary registration permit. The Secretary of State may issue a temporary registration permit for the purpose of moving certain vehicles otherwise required to be registered or for a tiny home as follows.

A. A temporary registration permit is ~~for one trip only~~ limited in use for transportation of a vehicle after sale, transportation necessary for service or repairs of a vehicle, occasional seasonal relocation of a vehicle or transportation necessary for the relocation of a tiny home:

- (1) Between the points of origin and destination and intermediate points, as set forth in the permit; or
- (2) From the point of origin to the destination and back to the point of origin, including any intermediate points, as set forth in the permit.

B. A temporary registration permit is for the transit of the vehicle only. The vehicle may not be used for the transportation of passengers or property, for compensation or otherwise, unless specifically authorized on the temporary registration permit. If the vehicle is a chartered bus that is not covered by a reciprocity agreement with the state or country of registration, the Secretary of State may authorize transportation of passengers.

C. The Secretary of State may not issue a temporary registration permit that is valid for longer than 10 days from the effective date of the registration.

D. The fee for a temporary registration permit issued under paragraph A, subparagraph (1) is \$12. The fee for a temporary registration permit issued under paragraph A, subparagraph (2) is \$25.

E. The temporary registration permit must be carried in the vehicle at all times.

F. A person who operates or moves a vehicle outside the routes specified in the temporary registration permit commits a traffic infraction and may not be fined less than \$25 nor more than \$200.

G. The Secretary of State may issue unassigned temporary registration permits to a vehicle auction business licensed under section 1051 to allow the movement of a vehicle sold to a dealer.

Sec. 3. 29-A MRSA §603, sub-§1-A is enacted to read:

1-A. Fee of \$100. A fee of \$100 must be paid to the Secretary of State for the following:

- A. A certificate of title for a tiny home; or
- B. A certificate of title for manufactured housing.

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2 **Sec. 4. 29-A MRSA §651, sub-§7** is enacted to read:

3 7. Tiny homes. The Secretary of State shall issue certificates of title for new tiny
4 homes beginning with model year 2020. The Secretary of State shall issue a certificate of
5 title for a used tiny home of any model year that was previously issued a State of Maine
6 certificate of title. A certificate of title issued pursuant to this subsection remains in effect
7 unless cancelled pursuant to section 669.

8 **Sec. 5. 29-A MRSA §652, sub-§9-A** is enacted to read:

9 9-A. Tiny homes. A tiny home that is:

10 A. Sold before January 1, 2020; or

11 B. Model year 2019 or older;

12 **Sec. 6. 29-A MRSA §654, sub-§6** is enacted to read:

13 6. Tiny homes. The following provisions govern application for a certificate of title
14 for a tiny home.

15 A. An application for a tiny home must be submitted to the Secretary of State by the
16 retail seller. If the tiny home is purchased new out of state, the application must be
17 submitted by the lien holder or the owner. The application must be accompanied by
18 the manufacturer's certificate of origin.

19 B. An application for a used tiny home must be submitted by the retail seller. In the
20 absence of a retail seller located in this State, the application must be submitted by
21 the lienholder. In the absence of a retail seller and a lienholder, the application must
22 be submitted by the owner. The application must be accompanied by any previous
23 State of Maine certificate of title.

24 **Sec. 7. 29-A MRSA §667, sub-§7**, as enacted by PL 2005, c. 678, §9 and
25 affected by §13, is amended to read:

26 **7. Exemption.** Certificates of title issued for manufactured housing and tiny homes
27 are exempt from this section.

28 **Sec. 8. 29-A MRSA §669**, as enacted by PL 2005, c. 678, §10 and affected by
29 §13, is amended to read:

30 **§669. Cancellation of certificate of title to manufactured housing and tiny homes**

31 **1. Real property transactions.** This section governs cancellation of a certificate of
32 title to manufactured housing or a tiny home by the owner of the manufactured housing
33 or tiny home when the manufactured housing or tiny home becomes affixed to real
34 property owned by the owner of the manufactured housing or tiny home.

35 **2. Cancellation.** A certificate of title to manufactured housing or a tiny home may
36 be cancelled by the Secretary of State if the owner of the real property records the
37 following documents in the registry of deeds for the county in which the real property is
38 located:

 A. The original certificate of title to the manufactured housing or tiny home;

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1 B. A description of the manufactured housing or tiny home, including model year,
2 make, width, length and identification number, and a statement by any recorded
3 lienholder on the certificate of title that the security interest has been released or that
4 such security interest will be released upon cancellation of the certificate of title as
5 set forth in this section;

6 C. The legal description of the real property; and

7 D. A sworn statement by the owner of the real property, as shown on the real
8 property deed, that the owner of the real property is the owner of the manufactured
9 housing or tiny home and that the manufactured housing or tiny home is permanently
10 affixed to the real property in accordance with state law.

11 **3. Recording.** The register of deeds, upon receipt of the documents set forth in
12 subsection 2, shall record the documents.

13 **4. Request for cancellation.** An owner of manufactured housing or a tiny home
14 shall file a written request with the Secretary of State for cancellation of the certificate of
15 title to the manufactured housing or tiny home after completion of the requirements in
16 subsections 2 and 3 and by returning the recorded certificate of title. The Secretary of
17 State shall cancel the certificate of title upon receipt of the written request from the owner
18 of the manufactured housing or tiny home requesting cancellation of the certificate of
19 title, accompanied by the certificate of title and documents listed in subsection 2 that have
20 been recorded pursuant to subsection 3. Upon cancellation of the certificate of title, the
21 Secretary of State shall issue a document certifying that the certificate of title has been
22 cancelled.

23 **5. Liens.** For purposes of perfection, realization and foreclosure of security interests,
24 if a certificate of title has been cancelled pursuant to this section, a separate security
25 interest in the manufactured housing or tiny home does not exist, and the manufactured
26 housing or tiny home may be secured only as part of the real property through a mortgage
27 under Title 33.

28 **6. Applicability.** This section applies to manufactured housing or tiny homes
29 required to be titled under section 651 and to any person who voluntarily elects to cancel
30 a certificate of title to manufactured housing or a tiny home pursuant to this section.

31 **7. Taxation not affected.** Nothing in this section may be construed to affect the
32 taxation of manufactured housing or tiny homes.

33 **8. No change to common law.** Nothing in this section may be construed to modify
34 or change existing common law.

35 **Sec. 9. 29-A MRSA §705, sub-§5,** as enacted by PL 2009, c. 435, §13, is
36 amended to read:

37 **5. Manufactured housing or tiny home.** This subsection governs satisfaction of a
38 security interest in manufactured housing or a tiny home.

39 A. Upon satisfaction of a security interest in manufactured housing or a tiny home,
40 the lienholder whose security interest is satisfied shall execute, within 60 days, a
41 release in the form the Secretary of State prescribes and mail or deliver the release to
42 the owner or any person who delivers to the lienholder an authorization from the

COMMITTEE AMENDMENT

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1 owner to receive that release. The lienholder shall also within 60 days of satisfaction
2 of its security interest notify the Secretary of State in the form the Secretary of State
3 prescribes that the lien has been satisfied.

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

7 **Sec. 10. 29-A MRSA §708**, as amended by PL 2013, c. 125, §4, is further
8 amended to read:

9 **§708. Manufactured housing or tiny home**

10 This subchapter applies to perfection of security interests in manufactured housing or
11 a tiny home that is not permanently affixed to real property that is owned by the owner of
12 the manufactured housing or tiny home.

13 **Sec. 11. 29-A MRSA §954, sub-§6**, as enacted by PL 2019, c. 397, §15, is
14 amended to read:

15 **6. Trailer transit plate.** A business that delivers or services mobile homes or tiny
16 homes, leases or transports storage trailers or transports light trailers, modular homes or
17 frames for transporting modular homes may apply for a trailer transit license and plate.
18 The transit plate may not be loaned, used in place of registration plates on another
19 vehicle, used for personal reasons or used on the towing vehicle. Issuance of a trailer
20 transit license and plate does not exempt the holder from compliance with any state law
21 or municipal ordinance governing the movement of mobile homes, tiny homes, storage
22 trailers, modular homes or frames for transporting modular homes or light trailers over
23 the highways of this State and does not exempt the holder from required permits or
24 certificates prior to moving the vehicles. Trailer transit plates issued pursuant to this
25 subsection may be used only subject to the following conditions.

- 26 A. A storage trailer must be empty during transportation.
- 27 B. A light trailer may be transported with a load appropriate for the light trailer, as
28 long as the load is owned by or in the custody of the transporting business.
- 29 C. A light trailer may be transported with a trailer transit plate only if the business
30 owner or an employee of the business accompanies the vehicle transporting the light
31 trailer.

32 Fees for trailer transit licenses and plates are established in section 852. Trailer transit
33 licenses are exempt from section 951, subsection 6.

34 For purposes of this subsection, "business" means a corporation, firm, partnership, joint
35 venture, sole proprietorship or other commercial entity. For the purposes of this
36 subsection, "modular home" has the same meaning as in Title 30-A, section 4358,
37 subsection 1, paragraph A, subparagraph (2).

38 A person who violates this subsection commits a traffic infraction.

39 **Sec. 12. 29-A MRSA §1902, sub-§4**, as amended by PL 1999, c. 183, §5, is
40 further amended to read:

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4. Trucks; specific requirements. Special mobile equipment or a truck, truck tractor, tiny home, trailer or semitrailer must be equipped with adequate brakes acting on all wheels of all axles, except that the following need not meet this requirement:

- A. A trailer or semitrailer not exceeding a gross weight of 3,000 pounds;
- B. A vehicle towed by use of a wrecker;
- C. A vehicle meeting braking requirements of the motor carrier safety regulations of the United States Department of Transportation;
- D. A semitrailer with a gross weight of semitrailer and load not to exceed 12,000 pounds, designed and used exclusively:
 - (1) For the dispensing of cable from attached reels, commonly called a reel trailer; or
 - (2) To support the end of poles while being transported, commonly called a pole dolly; and
- F. A dolly axle, so-called, on a farm truck transporting agricultural products and supplies.

A dolly axle may not be considered in determining the gross weight or axle limits permitted on the vehicle.

A 2-axle or 3-axle farm truck equipped with a dolly axle is considered a 2-axle or 3-axle vehicle.

Sec. 13. 29-A MRSA §1905, sub-§1, as amended by PL 2005, c. 314, §10, is further amended to read:

1. Requirement. Except as provided in subsection 3, a motor vehicle with 3 or more wheels or a tiny home, trailer or semitrailer must have on the rear 2 lights, one on each side of the axis, each capable of displaying a red light visible for a distance of at least 100 feet behind the vehicle.

Sec. 14. 29-A MRSA §1905-A, sub-§1, as enacted by PL 1995, c. 584, Pt. A, §2, is amended to read:

1. Requirement. Except as provided in subsection 3, a motor vehicle, tiny home, trailer or semitrailer must be equipped with electric flashing turn signal lamps. A motor vehicle must emit white or amber light from the turn signals to the front of the vehicle and a motor vehicle, trailer or semitrailer must emit amber or red light from the turn signals to the rear of the vehicle.

Sec. 15. 29-A MRSA §1905-B, sub-§1, as enacted by PL 2015, c. 176, §2, is amended to read:

1. Requirement. All factory-installed brake lights or equivalent replacements on a motor vehicle, tiny home, trailer or semitrailer must be present and operating properly and must emit a steady red light when a slight pressure is placed on the brake pedal, and the light emitted must be visible for a distance of at least 100 feet behind the vehicle. For purposes of this section, "steady red light" means a red light that is either immediately constant and not pulsating or that pulsates for a short period and then becomes constant.

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Sec. 16. 29-A MRSA §1917, sub-§2, as amended by PL 2013, c. 30, §1, is further amended to read:

2. Safe tires required. A motor vehicle or tiny home may not be operated on a public way unless it is equipped with tires in safe operating condition. A tire mounted on a motor vehicle or tiny home is not considered to be in safe operating condition unless it meets the visual and tread depth requirements set forth in subsections 3 and 4 and the vehicle is in compliance with the frame height requirements provided in section 1920.

Sec. 17. 29-A MRSA §2061, sub-§1, as amended by PL 2015, c. 176, §4, is further amended to read:

1. Prohibition. A person commits a traffic infraction if that person occupies a camp trailer, mobile home, tiny home, semitrailer or trailer while it is being moved on a public way.

Sec. 18. 29-A MRSA §2385, sub-§4, as amended by PL 1999, c. 468, §4, is further amended to read:

4. Trailers and tiny homes. A trailer, tiny home or semitrailer that is wider than the vehicle towing it must be equipped with reflective material or a lamp on each front corner that is visible to oncoming traffic.

Sec. 19. 29-A MRSA §2389, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. Limitation on drawn trailers and tiny homes. Only one tiny home, trailer or semitrailer may be drawn by a motor vehicle, except that a combination of a truck tractor, semitrailer and full trailer may be operated on the Interstate Highway System and those qualifying federal aid primary system highways designated by the Secretary of the United States Department of Transportation, pursuant to the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, Section 411. "Driveaway" and "towaway" operations, as defined by the Secretary of State, may include a combination of saddlemount vehicles not to exceed 3 units in contact with the road.

Sec. 20. 29-A MRSA §2390, sub-§1, as amended by PL 2017, c. 165, §10 and c. 229, §34, is further amended by amending the first paragraph to read:

1. Trucks ~~Tiny homes, trucks,~~ trailers and recreational vehicles. The following maximum length limits apply to tiny homes, trucks, trailers and recreational vehicles and include permanent or temporary structural parts of the vehicle and load, but do not include refrigeration units or other nonload-carrying appurtenances permitted by federal regulation.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.'

SUMMARY

This amendment replaces the bill, which is a concept draft, and changes the title. The amendment also does the following.

- 1. It defines "tiny home."

COMMITTEE AMENDMENT

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COMMITTEE AMENDMENT "A" to S.P. 683, L.D. 1981 (S-429)

- 1 2. It amends the use of temporary registration permit provisions to allow
- 2 transportation of a vehicle after sale, transportation necessary for service or repairs of a
- 3 vehicle, occasional seasonal relocation of a vehicle or transportation necessary for the
- 4 relocation of a tiny home.

- 5 3. It provides that a temporary registration permit may not be issued for a vehicle
- 6 that is otherwise subject to registration.

- 7 4. It establishes a \$100 fee for the certificate of title of a tiny home or manufactured
- 8 housing.

- 9 5. It provides a process to apply for, issue and cancel certificates of title for tiny
- 10 homes.

- 11 6. It requires that tiny homes be equipped with safe tires and meet the equipment
- 12 requirements applicable to trailers.

- 13 7. It adds an emergency preamble and clause.

FISCAL NOTE REQUIRED
(See Attached)

COMMITTEE AMENDMENT



Approved: 03/05/20 *MAC*

129th MAINE LEGISLATURE

LD 1981

LR 2949(02)

An Act Regarding the Regulation of Tiny Houses

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-489)
Committee: Transportation
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Highway Fund
Minor revenue increase - Highway Fund

Fiscal Detail and Notes

Additional costs to the Department of Secretary of State associated with this legislation can be absorbed within existing budgeted resources. Additional revenue received is expected to be minor, not requiring any change to the budget.