

MAINE STATE LEGISLATURE

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Authority of auto shops to certify gross weight of vehicles

SYLLABUS:

An auto body shop which alters the chassis of vehicles and is required to certify the vehicles as complying with the National Traffic and Motor Safety Act is not a manufacturer under 29 M.R.S.A. § 1652(1)(c) and thus is not authorized to certify the gross weight limit of the altered vehicle.

FACTS:

Persons purchasing motor trucks from dealers often request that additional axles be installed to increase the gross weight limit the motor truck can carry. Since many dealers are not equipped to add additional axles, the work is contracted out to an auto shop specializing in such work.

QUESTION AND ANSWER:

1. Under 29 M.R.S.A. § 1652(1)(c), is an auto shop which adds additional axles to motor trucks and is required to certify that the altered motor truck complies with federal safety standards, a "manufacturer" and authorized to certify the gross weight of the altered motor truck? No.

REASONS:

29 M.R.S.A. § 1652 was repealed and replaced by Chapter 237, Sec. 4, P.L. 1975. 29 M.R.S.A. § 1652(1)(c) now reads as follows:

C. Notwithstanding any other provisions of this Title, as amended, or as may be subsequently amended, beginning with the 1976 model year, no motor vehicle having a gross vehicle weight in excess of 10,000 pounds shall be operated, or caused to be operated, with a gross weight that exceeds the gross weights certified by the manufacturer. Only the manufacturer of a vehicle chassis that meets federal standards as they apply to their vehicles or their franchised dealer shall be authorized to certify the gross vehicle weight of a vehicle. Proof of such certified gross vehicle weight shall be permanently affixed to the vehicle or carried in or about the vehicle and displayed on demand of any police officer and such evidence of a certified gross vehicle weight shall contain the vehicle identification number to which it applies, if such is not permanently attached to the vehicle.

29 M.R.S.A. § 1652(1)(c) attempts to regulate gross weight limits of commercial vehicles having a gross weight in excess of 10,000 pounds in

part by prohibiting the operation of a motor vehicle with a gross weight in excess of the gross weight certified by the manufacturer or dealer as the maximum weight the vehicle is designed to hold. The purpose of the statute is to assure that motor vehicles carrying substantial loads are structurally sufficient to accommodate the weight of the load carried.

Motor trucks frequently arrive at a franchised dealer with a standard chassis and a manufacturer's certified maximum gross weight the motor truck can carry safely. Persons purchasing motor trucks from dealers often request that additional axles be installed on the chassis to meet their particular needs, thereby increasing the maximum gross weight the motor truck can carry. Specialized auto shops customarily add or subtract axles from vehicles to conform to the particular needs of a buyer when dealers are unable to do so.

When the legislature used the term "manufacturer of a vehicle chassis that meets federal standards," it may have been referencing, at least in part, a manufacturer regulated under the National Traffic and Motor Safety Act, 15 U.S.C. § 1391 et seq. That law defines "manufacturers" as "any person engaged in the manufacturing or assembly of motor vehicles or motor vehicle equipment, including any person importing motor vehicles or motor vehicle equipment for resale". 15 U.S.C. § 1391-5. Body shops which alter trucks to add axles are acting as the agent of either the dealer or the purchaser in the case described above. In fact, Federal regulations require such body shops modifying vehicles to affix a certification in addition to the manufacturer's certification. 49 C.F.R. § 567.7. Nor can the State law be construed to include body shops as "manufacturers" for the body shops are not equipped to perform the design and testing work of manufacturers to protect the public as the law intends. Dealers are authorized to provide the necessary certification, and as the body shops are often acting as the dealer's agent, the dealer should provide the certification required by 29 M.R.S.A. § 1652(1)(c) in the fact situation stated above.

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