

MAINE STATE LEGISLATURE

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Motor Vehicle Division 129(2) M.R.S.A. 210211267 50 33 1

STATE OF MAINE

Inter-Departmental Memorandum Date June 18, 1976

To Lt. Col. Allan Weeks, Dep. Chief Dept. Maine State Police

From Michael D. Seitzinger, Ass't A.G. Dept. Attorney General

Subject Use of dealer plates on trucks, truck tractors or trailers

FACTS:

In an opinion dated May 20, 1965, this office advised the Secretary of State's Motor Vehicle Division that it would be unlawful for holders of dealer registration plates to use such plates on trucks or truck tractor-semitrailer combinations for the purpose of transporting motor vehicles from the point of purchase to the dealer's place of business. The statute which set out the uses for dealer registration plates and which was interpreted in the 1965 opinion (29 M.R.S.A. §336(1)) was repealed in 1973. You have asked this office to re-examine the lawfulness of the use of dealer plates on trucks for the transportation of vehicles to the dealer's place of business in light of 29 M.R.S.A. §354.

QUESTION:

May a new or used vehicle dealer holding a dealer registration plate use the plate on a truck or a truck tractor-semitrailer combination for the transportation of motor vehicles from the point of purchase to the dealer's place of business?

ANSWER:

A new or used vehicle dealer holding a dealer registration plate may not use the dealer plate on a truck or a truck tractor-semitrailer combination for the transportation of motor vehicles from the point of purchase to the dealer's place of business.

REASONING:

29 M.R.S.A. §354(1), which establishes the limitations upon the use of dealer registration plates, provides in pertinent part:

1. Vehicle manufacturers and new and used vehicle dealers. Vehicles owned or controlled by vehicle manufacturers and new and used vehicle dealers may be operated using dealer plates under the following conditions only:

* * *

B. For purposes directly connected with the business of buying, servicing, selling, demonstrating or exchanging of such vehicles; (emphasis added)

* * *

Although the transportation of vehicles from the point of purchase to the dealer's place of business may be directly connected with the business of buying and selling vehicles, the language of paragraph B makes clear that the use established by that paragraph does not apply to the trucks used by a new or used car dealer to transport the vehicles which he intends to sell. The word "such" limits the scope of the use prescribed by paragraph B by indicating that the vehicles owned or controlled by the dealer which may be operated with dealer plates are those vehicles which will be bought, serviced, sold, demonstrated or exchanged by the dealer. Trucks used to transport vehicles to the dealer's place of business do not fall within any of these five categories of vehicles.

Nor are the other purposes and uses authorized by §354(1) (A) (C) (D) and (E) applicable to the transportation of vehicles to the dealer's place of business. These remaining paragraphs permit the use of dealer plates for the testing and adjusting of the dealer's vehicles, for funerals and parades, and for the personal use of the dealer, his family and certain full-time employees of the dealer.

Therefore, because the transportation of vehicles from the point of purchase to the dealer's place of business does not fall within any of the use limitations established by §354(1), a dealer may not use dealer registration plates on a truck or truck tractor-semitrailer combination used to transport vehicles to the dealer's place of business.

MICHAEL D. SEITZINGER
Assistant Attorney General