

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIRST LEGISLATURE

Legislative Document

No. 669

H. P. 465

House of Representatives, January 24, 1963

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Knight of Rockland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-THREE

AN ACT Providing for the Vehicle Equipment Safety Compact.

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

Sec. 1. R. S., c. 22-B, additional. The Revised Statutes are amended by adding a new chapter 22-B, to read as follows:

Chapter 22-B.

Vehicle Equipment Safety Compact.

Sec. 1. Vehicle Equipment Safety Compact. The Vehicle Equipment Safety Compact is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

Vehicle Equipment Safety Compact.

Article I. Findings and purposes.

I. Findings. The party states find that:

A. Accidents and deaths on their streets and highways present a very serious human and economic problem with a major deleterious effect on the public welfare.

B. There is vital need for the development of greater interjurisdictional cooperation to achieve the necessary uniformity in the laws, rules, regulations and codes relating to vehicle equipment, and to accomplish this by such means as will minimize the time between the development of demonstrably and scientifically sound safety features and their incorporation into vehicles.

II. Purposes. The purposes of this compact are to:

- A.** Promote uniformity in regulation of and standards for equipment;
- B.** Secure uniformity of law and administrative practice in vehicular regulation and related safety standards to permit incorporation of desirable changes in vehicles in the interest of greater traffic safety;
- C.** To provide means for the encouragement and utilization of research which will facilitate the achievement of the foregoing purposes, with due regard for the findings set forth in subsection I.

III. Intent. It is the intent of this compact to emphasize performance requirements and not to determine the specific detail of engineering in the manufacture of vehicles or equipment except to the extent necessary for the meeting of such performance requirements.

Article II. Definitions. As used in this compact:

I. Equipment. "Equipment" means any part of a vehicle or any accessory for use thereon which affects the safety of operation of such vehicle or the safety of the occupants.

II. State. "State" means a state, territory or possession of the United States, the District of Columbia or the Commonwealth of Puerto Rico.

III. Vehicle. "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

Article III. The commission.

I. Vehicle Equipment Safety Commission. There is created an agency of the party states to be known as the "Vehicle Equipment Safety Commission" hereinafter called the commission. The commission shall be composed of one commissioner from each party state who shall be appointed, serve and be subject to removal in accordance with the laws of the state which he represents. If authorized by the laws of his party state, a commissioner may provide for the discharge of his duties and the performance of his functions on the commission, either for the duration of his membership or for any lesser period of time, by an alternate. No such alternate shall be entitled to serve unless notification of his identity and appointment shall have been given to the commission in such form as the commission may require. Each commissioner, and each alternate, when serving in the place and stead of a commissioner, shall be entitled to be reimbursed by the commission for expenses actually incurred in attending commission meetings or while engaged in the business of the commission.

II. Vote and action. The commissioners shall be entitled to one vote each on the commission. No action of the commission shall be binding unless taken at a meeting at which a majority of the total number of votes on the commission are cast in favor thereof. Action of the commission shall be only at a

meeting at which a majority of the commissioners, or their alternates, are present.

III. Seal. The commission shall have a seal.

IV. Officers. The commission shall elect annually, from among its members, a chairman, a vice chairman and a treasurer. The commission may appoint an executive director and fix his duties and compensation. Such executive director shall serve at the pleasure of the commission, and together with the treasurer shall be bonded in such amount as the commission shall determine. The executive director shall serve as secretary. If there be no executive director, the commission shall elect a secretary in addition to the other officers provided by this subsection.

V. Personnel. Irrespective of the civil service, personnel or other merit system laws of any of the party states, the executive director with the approval of the commission, or the commission if there be no executive director, shall appoint, remove or discharge such personnel as may be necessary for the performance of the commission's functions, and shall fix the duties and compensation of such personnel.

VI. Retirement system. The commission may establish and maintain independently or in conjunction with any one or more of the party states, a suitable retirement system for its full time employees. Employees of the commission shall be eligible for social security coverage in respect of old age and survivor's insurance provided that the commission takes such steps as may be necessary pursuant to the laws of the United States, to participate in such program of insurance as a governmental agency or unit. The commission may establish and maintain or participate in such additional programs of employee benefits as may be appropriate.

VII. Services of other personnel. The commission may borrow, accept or contract for the services of personnel from any party state, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of 2 or more of the party states or their subdivisions.

VIII. Acceptance of money, equipment, etc. The commission may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any state, the United States or any other governmental agency and may receive, utilize and dispose of the same.

IX. Facilities. The commission may establish and maintain such facilities as may be necessary for the transacting of its business. The commission may acquire, hold and convey real and personal property and any interest therein.

X. Bylaws. The commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The commission shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the party states. The bylaws shall provide for appropriate notice to the commissioners of all commission meetings and hearings and the business to be transacted at such meetings or hearings. Such notice shall be

given to such agencies or officers of each party state as the laws of such party state may provide.

XI. Report. The commission annually shall make to the governor and legislature of each party state a report covering the activities of the commission for the preceding year, and embodying such recommendations as may have been issued by the commission. The commission may make such additional reports as it may deem desirable.

Article IV. Research and testing. The commission shall have power to:

I. Information. Collect, correlate, analyze and evaluate information resulting or derivable from research and testing activities in equipment and related fields.

II. Research and testing. Recommend and encourage the undertaking of research and testing in any aspect of equipment or related matters when, in its judgment, appropriate or sufficient research or testing has not been undertaken.

III. Contract for equipment research and testing. Contract for such equipment research and testing as one or more governmental agencies may agree to have contracted for by the commission, provided that such governmental agency or agencies shall make available the funds necessary for such research and testing.

IV. Recommendations. Recommend to the party states changes in law or policy with emphasis on uniformity of laws and administrative rules, regulations or codes which would promote effective governmental action or coordination in the prevention of equipment-related highway accidents or the mitigation of equipment-related highway safety problems.

Article V. Vehicular equipment.

I. Studies. In the interest of vehicular and public safety, the commission may study the need for or desirability of the establishment of or changes in performance requirements or restrictions for any item of equipment. As a result of such study, the commission may publish a report relating to any item or items of equipment, and the issuance of such a report shall be a condition precedent to any proceedings or other action provided or authorized by this article. No less than 60 days after the publication of a report containing the results of such study, the commission upon due notice shall hold a hearing or hearings at such place or places as it may determine.

II. Rules, regulations or codes. Following the hearing or hearings provided for in subsection I, and with due regard for standards recommended by appropriate professional and technical associations and agencies, the commission may issue rules, regulations or codes embodying performance requirements or restrictions for any item or items of equipment covered in the report, which in the opinion of the commission will be fair and equitable and effectuate the purposes of this compact.

III. Promotion of uniformity. Each party state obligates itself to give due consideration to any and all rules, regulations and codes issued by the com-

mission and hereby declares its policy and intent to be the promotion of uniformity in the laws of the several party states relating to equipment.

IV. Notification of action. The commission shall send prompt notice of its action in issuing any rule, regulation or code pursuant to this article to the appropriate motor vehicle agency of each party state and such notice shall contain the complete text of the rule, regulation or code.

V. Legislative approval. If the constitution of a party state requires, or if its statutes provide, the approval of the legislature by appropriate resolution or act may be made a condition precedent to the taking effect in such party state of any rule, regulation or code. In such event, the commissioner of such party state shall submit any commission rule, regulation or code to the legislature as promptly as may be in lieu of administrative acceptance or rejection thereof by the party state.

VI. Adoption of rule, regulation or code. Except as otherwise specifically provided in or pursuant to subsections V and VII, the appropriate motor vehicle agency of a party state shall in accordance with its constitution or procedural laws adopt the rule, regulation or code within 6 months of the sending of the notice, and, upon such adoption, the rule, regulation or code shall have the force and effect of law therein.

VII. Declining to adopt rule, regulation or code. The appropriate motor vehicle agency of a party state may decline to adopt a rule, regulation or code issued by the commission pursuant to this article if such agency specifically finds, after public hearing on due notice, that a variation from the commission's rule, regulation or code is necessary to the public safety, and incorporates in such finding the reasons upon which it is based. Any such finding shall be subject to review by such procedure for review of administrative determinations as may be applicable pursuant to the laws of the party state. Upon request, the commission shall be furnished with a copy of the transcript of any hearings held pursuant to this subsection.

Article VI. Finance.

I. Budget. The commission shall submit to the executive head or designated officer or officers of each party state a budget of its estimated expenditures for such period as may be required by the laws of that party state for presentation to the legislature thereof.

II. Apportionment. Each of the commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states. The total amount of appropriations under any such budget shall be apportioned among the party states as follows: $\frac{1}{3}$ in equal shares; and the remainder in proportion to the number of motor vehicles registered in each party state. In determining the number of such registrations, the commission may employ such source or sources of information as, in its judgment present the most equitable and accurate comparisons among the party states. Each of the commission's budgets of estimated expenditures and requests for appropriations shall indicate the source or sources used in obtaining information concerning vehicular registrations.

III. Credit of states not pledged. The commission shall not pledge the credit of any party state. The commission may meet any of its obligations in whole or in part with funds available to it under article III, subsection VIII, provided that the commission takes specific action setting aside such funds prior to incurring any obligation to be met in whole or in part in such manner. Except where the commission makes use of funds available to it under article III, subsection VIII, the commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.

IV. Accurate accounts; audit. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its rules. All receipts and disbursements of funds handled by the commission shall be audited yearly by a qualified public accountant and the report of the audit shall be included in and become part of the annual reports of the commission.

V. Accounts open for inspection. The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the commission.

VI. Nothing contained herein shall be construed to prevent commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the commission.

Article VII. Conflict of interest.

I. Conflict of interest. The commission shall adopt rules and regulations with respect to conflict of interest for the commissioners of the party states, and their alternates, if any, and for the staff of the commission and contractors with the commission to the end that no member or employee or contractor shall have a pecuniary or other incompatible interest in the manufacture, sale or distribution of motor vehicles or vehicular equipment or in any facility or enterprise employed by the commission or on its behalf for testing, conduct of investigations or research. In addition to any penalty for violation of such rules and regulations as may be applicable under the laws of the violator's jurisdiction of residence, employment or business, any violation of a commission rule or regulation adopted pursuant to this article shall require the immediate discharge of any violating employee and the immediate vacating of membership, or relinquishing of status as a member on the commission by any commissioner or alternate. In the case of a contractor, any violation of any such rule or regulation shall make any contract of the violator with the commission subject to cancellation by the commission.

II. Contractors. Nothing contained in this article shall be deemed to prevent a contractor for the commission from using any facilities subject to his control in the performance of the contract even though such facilities are not devoted solely to work of or done on behalf of the commission; nor to prevent such a contractor from receiving remuneration or profit from the use of such facilities.

Article VIII. Advisory and technical committees. The commission may establish such advisory and technical committees as it may deem necessary, mem-

bership on which may include private citizens and public officials, and may cooperate with and use the services of any such committees and the organizations which the members represent in furthering any of its activities.

Article IX. Entry into force and withdrawal. This compact shall enter into force when enacted into law by any 6 or more states. Thereafter, this compact shall become effective as to any other state upon its enactment thereof.

Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the executive head of the withdrawing state has given notice in writing of the withdrawal to the executive heads of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

Article X. Construction and severability. This compact shall be liberally construed so as to effectuate the purposes thereof. This compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating herein, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the state affected as to all severable matters.

Sec. 2. Findings. The Legislature finds that: The public safety necessitates the continuous development, modernization and implementation of standards and requirements of law relating to vehicle equipment, in accordance with expert knowledge and opinion.

The public safety further requires that such standards and requirements be uniform from jurisdiction to jurisdiction, except to the extent that specific and compelling evidence supports variation.

The Secretary of State, acting upon recommendations of the Vehicle Equipment Safety Commission and pursuant to the Vehicle Equipment Safety Compact provides a just, equitable and orderly means of promoting the public safety in the manner and within the scope contemplated by this chapter.

Sec. 3. Effect of rule, regulation or code. A provision of chapter 22 shall continue to be of force and effect only until superseded by a rule, regulation or code adopted by the Secretary of State pursuant to the Vehicle Equipment Safety Compact. Any such rule, regulation or code shall specify the provision or provisions of existing statute being superseded in accordance with and as required by this chapter. Any such provision or provisions are repealed, effective on the date when the rule, regulation or code superseding such provision or provisions becomes effective pursuant to the Vehicle Equipment Safety Compact.

Sec. 4. Commissioner and alternate. The commissioner of this State on the Vehicle Equipment Safety Commission shall be the Secretary of State who shall

serve during his continuance as such officer. The commissioner of this State appointed pursuant to this section may designate an alternate from among the officers and employees of his agency to serve in his place and stead on the Vehicle Equipment Safety Commission. Subject to the compact and bylaws of the Vehicle Equipment Safety Commission, the authority and responsibility of such alternate shall be as determined by the commissioner designating such alternate.

Sec. 5. Agreement with retirement system. The Maine State Retirement System may make an agreement with the Vehicle Equipment Safety Commission for the coverage of said commission's employees pursuant to article III, subsection VI of the compact. Any such agreement, as nearly as may be shall provide for arrangements similar to those available to the employees of this State and shall be subject to amendment or termination in accordance with its terms.

Sec. 6. Departmental cooperation. Within appropriations available therefor, the departments, agencies and officers of the government of this State may cooperate with and assist the Vehicle Equipment Safety Commission within the scope contemplated by article III, subsection VIII of the compact. The departments, agencies and officers of the government of this State are authorized generally to cooperate with said commission.

Sec. 7. Filing and notices. Filing of documents as required by article III, subsection X of the compact shall be with the Secretary of State. Any and all notices required by commission bylaws to be given pursuant to article III, subsection X of the compact shall be given to the Secretary of State or his alternate, if any.

Sec. 8. Review. Any action of the Secretary of State in adopting or declining to adopt a recommended rule, regulation or code pursuant to article V of the compact shall be reviewable at the instance of any aggrieved person by the Superior Court.

Sec. 9. Budget. Pursuant to article VI, subsection I of the compact, the Vehicle Equipment Safety Commission shall submit its budgets to the Secretary of State.

Sec. 10. Inspection of accounts. Pursuant to article VI, subsection V of the compact, the State Auditor is empowered and authorized to inspect the accounts of the Vehicle Equipment Safety Commission.

Sec. 11. Definition. The term "executive head" as used in article IX of the compact shall, with reference to this State, mean the Governor.'

Sec. 2. Appropriation. There is appropriated from the General Fund to the Vehicle Equipment Safety Commission the sum of \$750 for the fiscal year ending June 30, 1964 and \$750 for the fiscal year ending June 30, 1965, to carry out the purposes of this act.