

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 533

H. P. 445

House of Representatives, February 17, 1977

On Motion of Mr. Carroll of Limerick referred to the Committee on Transportation. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Carroll of Limerick.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT to Revise Certain Motor Vehicle Laws.

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

Sec. 1. 15 MRSA § 2606, last sentence is amended to read:

No record of, and no testimony concerning, any proceeding under chapters 401 to 409 shall be competent evidence in any proceeding other than proceedings under chapters 401 to 409, except that juvenile court records pertaining to motor vehicle violations by juveniles shall be transmitted by juvenile courts, together with a summary of the pertinent facts of the motor vehicle violation, to the Secretary of State, and shall be admissible in evidence in hearings conducted by the Secretary of State or any deputy Secretary of State regarding motor vehicle violations or motor vehicle licenses and registrations.

Sec. 2. 29 MRSA § 1, sub-§ 22 is enacted to read:

22. **Wrecker.** "Wrecker" shall mean a motor vehicle with hoisting apparatus and special equipment designed and used for towing wrecked or disabled vehicles or freeing vehicles stalled or stuck in snow, mud or sand but shall not include vehicles designed to carry one or more vehicles upon its own body.

Sec. 3. 29 MRSA § 52, as amended by PL 1971, c. 360, § 3, is amended to read:

§ 52. **Deputy**

The Secretary of State may appoint and deputize agents, examiners and inspectors, stationed at convenient places in the State, to receive applications

for registration and licenses for the operation of vehicles ~~and~~, to conduct examinations **and to perform any assigned duties pursuant to this Title** when ordered by the Secretary of State.

Sec. 4. 29 MRSA § 103, as amended by PL 1971, c. 360, § 9, is amended to read:

Upon the presentation of an application for registration **or title** of a vehicle, the engine or serial number or identification number of which has been omitted, altered, removed or defaced, the Secretary of State shall assign a special number. Said Secretary of State shall issue a return card to be filled in by the operator of an inspection station, **certifying** that the number has been embossed, stamped or entered on said vehicle. A record of the special number shall be maintained by the Secretary of State.

Sec. 5. 29 MRSA § 106, 3rd ¶ from the end, as repealed and replaced by PL 1973, c. 588, § 1, is repealed and the following enacted in its place:

Thereafter, automobile registrations shall expire annually on the last day of the same month. However, when application for reregistration of an automobile, truck or truck tractor, is made after the registration for the previous year has been expired for 2 months or more, the expiration date of the renewal shall be at the end of the month, one year from the month of issuance.

Sec. 6. 29 MRSA § 191, as last amended by PL 1975, c. 589, §§ 3 and 4, is repealed and the following enacted in its place:

§ 191. Reservation of same number

1. Plate issue year. Except in the case of automobiles, the Secretary of State shall reserve until November 1st preceding the year for which plates are issued the same registration number for the succeeding year for persons who shall, previous to the first day of November, pay for the registration of his vehicle for the succeeding year and otherwise comply with the motor vehicle law. In the case of automobiles, the same registration number shall be reserved until the first day of the 3rd month prior to their expiration. If a person wishes to retain his registration number and does not have a vehicle to register on November 1st, or on the first day of the 3rd month prior to the expiration month in the case of automobiles, he may hold his registration number for a maximum of 2 registration years by depositing with the Secretary of State the sum of \$10 for each year. These deposit fees shall not be applied as part payment of the registration fee when plates are issued.

All numbers other than those reserved shall be released and issued in rotation after November 1st, or after the first day of the 3rd month prior to expiration in the case of automobiles, except that a person wishing to select a number out of rotation may do so by paying his registration fee and a reserved number fee of \$5.

2. Nonplate issue year. When a person fails to reregister during a nonplate issue year and the registration remains expired for 12 consecutive months, then his reservation of the same number may cease and the number becomes available for reissuance or reassignment, or both.

The amount received from the fee charged for reserved numbers shall go into the General Highway Fund of the State.

Sec. 7. 29 MRSA § 245-A, as last amended by PL 1975, c. 770, §§ 140 and 141, is repealed and the following enacted in its place:

§ 245-A. Certain semitrailers

Any person, partnership or corporation, owning or leasing and applying for registration of a semitrailer, may make application upon a blank supplied by the Secretary of State for a semipermanent registration plate to be displayed on the rear of the semitrailer so owned or leased. The persons, partnerships or corporations shall be Maine residents, or if they are not, shall have a place of business and an address in Maine. The Secretary of State shall furnish the person, partnership or corporation with one semipermanent plate for each such semitrailer, which plate shall expire at the end of each 8-year semipermanent plate program. The fee for such plate shall be \$10 for each registration year, or portion thereof, for the number of years of valid use from the year of issue to the end of the current semipermanent plate issue; and there shall be no refund of payment of such fee, except that when such a plate is returned with an affidavit that the plate has never been used and the Secretary of State is satisfied that the plate has never been used, the pro rata amount, based upon the remaining years of validity at the time of surrender of plate and registration certificate, shall be refunded.

With the concurrence of the Commissioner of Transportation, the Secretary of State is authorized to promulgate rules and regulations for the payment of the fees required under this section in annual or biennial installments. In promulgating such rules and regulations, the Secretary of State shall consider the financial impact of the registration fee on the registrants, the benefit or burden of such installment paying on the state revenues and the difficulty which the Motor Vehicle Division may encounter in administering this section.

The Secretary of State shall require the appointment of a true and lawful agent or representative for each and every carrier nonresident applicant. The agent or representative shall be a Maine resident and shall sign the registration certificate. Legal process served upon a registrant's designated agent or representative shall be deemed to be service upon the registrant. This applies only to nonresident individuals, partnerships or corporations applying for semitrailer plates.

For the purposes of this section, a foreign corporation shall be deemed a resident of this State if it has duly registered to do business in this State and is in fact doing some business in this State pursuant to Title 13-A, chapter 12 or predecessor or successor statutes thereto.

Sec. 8. 29 MRSA § 256, last ¶, 1st sentence, as enacted by PL 1973, c. 469, § 5, is amended to read:

The Secretary of State may furnish counties, municipalities, school districts and water districts with semipermanent plates for each vehicle, which plate shall expire at the end of each ~~6-year~~ 10-year semipermanent plate program.

Sec. 9. 29 MRSA § 341, sub-§ 1, as amended by PL 1975, c. 478, § 1, is repealed and the following enacted in its place:

1. Business location. "Business location" means a permanent enclosed building in which the business involving transporter licenses may be lawfully carried on in accordance with the terms of all applicable building codes and zoning and other land use regulatory ordinances. This location shall be located within the State of Maine, be easily accessible and open to the public at all reasonable times, have an office with suitable equipment for the business conducted and have an exterior sign indicating the business name.

1-A. Dealer. "Dealer" means every person engaged in the business of buying, selling, offering to negotiate a sale or exchanging vehicles who has an established place of business for such purpose in this State, and to whom current dealer registration plates have been issued by the Secretary of State.

Sec. 10. 29 MRSA § 349, sub-§ 1, ¶¶'s B and E, as enacted by PL 1973, c. 529, § 1, are amended to read:

B. ~~Willful failure~~ Failure to comply with any provision of this subchapter or any lawful rule or regulation promulgated by the Secretary of State under this subchapter;

E. ~~Willfully defrauding~~ Defrauding any retail buyer to the buyer's damage or any other person in the conduct of the licensee's business;

Sec. 11. 29 MRSA § 349, sub-§ 1, ¶ I is enacted to read:

I. Failure to appear at a hearing required by the Secretary of State.

Sec. 12. 29 MRSA § 354, sub-§ 1, ¶ F is enacted to read:

F. For use by customers for the purpose of demonstrating those vehicles for a time period not to exceed 7 days.

Sec. 13. 29 MRSA § 354, sub-§ 6 is enacted to read:

6. Loss of dealer plate. Upon the loss of a dealer plate, the dealer shall immediately notify the Secretary of State of that loss and only with the authorization of the Secretary of State shall the dealer be allowed to attach a temporary number plate bearing his register number.

Sec. 14. 29 MRSA § 382, 1st sentence is amended to read:

If any number plate is lost or the register number thereon becomes mutilated or illegible, the owner or person in control of the vehicle for which ~~said~~ the number plate was furnished shall immediately place a temporary number plate bearing his register upon ~~said~~ the vehicle with the exception of dealers and transporters as found in subchapter III-A.

Sec. 15. 29 MRSA § 532, last ¶, as enacted by PL 1975, c. 731, § 35, is repealed.

Sec. 16. 29 MRSA § 581-A, as amended by PL 1971, c. 360, § 29, is further amended to read:

§ 581-A. Proof of age

Every person between the ages of 15 and ~~25~~ 18 years shall supply to the department satisfactory proof of his date of birth before the department may accept his application for an examination prior to the issuance of a permit or original license.

Sec. 17. 29 MRSA § 721, sub-§ 1, as amended by PL 1971, c. 394, § 6, is repealed and the following enacted in its place:

1. Commercial driver education. Commercial driver education means any type of instruction or tutoring given to any person for remuneration in the driving of a motor vehicle or in the preparing of any person for a driver examination.

Sec. 18. 29 MRSA § 721, sub-§ 4 is amended to read:

4. Instructor. Instructor means any person engaged in teaching commercial driver education.

Sec. 19. 29 MRSA § 783, sub-§ 2, ¶ A, 1st ¶, as amended by PL 1971, c. 183, § 2, is further amended to read:

A. Upon receipt by him of the report of an accident, which has resulted in death, bodily injury or property damage to an apparent extent of \$200 or more, the Secretary of State shall, 30 days following the date of request for compliance with the 2 following requirements, suspend the license or the right to obtain a license, or revoke the right to operate of any person operating, and the registration certificates and registration plates of any person owning a motor vehicle, trailer or semitrailer in any manner involved in such accident, or the right to register the same unless such operator ~~or~~ and owner ~~or both~~:

Sec. 20. 29 MRSA § 783, sub-§ 4, 1st ¶, 2nd sentence, as repealed and replaced by PL 1971, c. 200, is amended to read:

Such deposit or any balance thereof, after the expiration of such one-year period, shall be returned to the depositor or his personal representative unless the Secretary of State shall have received a written ~~notice~~ proof from the aggrieved person or his representative that suit has been brought.

Sec. 21. 29 MRSA § 1312, sub-§ 10, ¶ A, 8th and 9th ¶¶'s, as last repealed and replaced by PL 1971, c. 547, are repealed and the following enacted in their places:

For the purposes of this section, prior convictions of operating or attempting to operate while under the influence of intoxicating liquor or drugs, operating or attempting to operate while impaired by the use of intoxicating liquor or drugs, or operating or attempting to operate while intoxicated by the use of intoxicating liquor or drugs, shall be considered prior convictions of operating or attempting to operate under the influence of intoxicating liquor or drugs, provided that the prior conviction is within a 6-year period of the date of the last offense.

Sec. 22. Effective date. Sections 7 and 8 become effective with plate reissuance in 1980. All other sections of this Act shall become effective 90 days after adjournment of the Legislature.

STATEMENT OF FACT

The purpose of this bill is to revise certain provisions, to correct inconsistencies and inequities and to create further uniformity in Title 29.

Section one allows any deputy Secretary of State to conduct hearings regarding motor vehicle violations, licensing and registration. Previously, these powers were exclusively held by the Secretary of State.

Section 2 establishes the definition of wrecker.

Section 3 grants the Secretary of State the authority to assign to his agents, examiners and inspectors certain duties which are not specifically mentioned under Title 29, but are necessary to effectively administer provisions under this Title.

Section 4 requires vehicle identification numbers to be assigned upon application for certificate of title anytime the identification number has been omitted, altered, removed or defaced.

Section 5 provides an applicant a new registration expiration date if the applicant fails to reregister for 2 months or more.

Section 6 clarifies reservation privileges of the same plate number during a plate issue year and during a nonplate issue year.

Section 7 establishes a 8-year semipermanent plate program for semi-trailers.

Section 8 establishes a 10-year semipermanent plate program for county, municipal, school district and water district vehicles.

Section 9 establishes the definition of a "business location."

Sections 10 and 11 establish further grounds for denying, suspending or revoking licenses.

Section 12 establishes another condition under which dealer registration plates may be used.

Section 13 establishes a new section which addresses the loss of dealer plates.

Section 14 excludes dealers and transporters from producing their own number plates when loss has occurred.

Section 15 repeals the 2-month waiting period an individual must delay before applying for an operator license examination once the instruction permit has been issued.

Section 16 eliminates the requirement of applicants between the ages of 19 and 25 to furnish proof of date of birth prior to issuance of permit or original license.

Section 17 clarifies the definition of "commercial driver education" to include any type of such instruction.

Section 18 clarifies the definition of instructor.

Section 19 clarifies the requirements concerning security and proof of financial responsibility of both operator and owner in uninsured accidents.

Section 20 provides that notice of action at law was begun not later than one year after the date of the accident and must be in the form of written proof that suit has been brought.

Section 21 establishes a 6-year period during which an individual must maintain a record free of any operating under the influence convictions in order to treat a new operating under the influence conviction as a first offense. Previously, the time period was 10 years for the expungement of records in this regard; however, under this new time period operating under the influence will be in accordance with the common statute of limitations affecting most crimes.