

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 803

H. P. 650

House of Representatives, February 27, 1979

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

EDWIN H. PERT, Clerk

Presented by Mr. Carroll of Limerick.

Cosponsors: Mr. E. Jacques of Lewiston, Mr. K. C. Brown of Mexico and Mr. Elias of Madison.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Provide Statutory Standards for Motor Vehicle Inspection

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

Sec. 1. 29 MRSA c. 13, as amended, is repealed.

Sec. 2. 29 MRSA c. 22, is enacted to read:

CHAPTER 22

**MOTOR VEHICLE EXAMINATIONS AND
INSPECTIONS**

§ 2501. Examination of vehicles by police officers

Any law enforcement officer in uniform whose duty it is to enforce the motor vehicle laws may stop and examine any motor vehicle for the purpose of ascertaining whether its equipment complies with the requirements of section 2502, and the officer may demand and inspect the operator's license, certificate of registration and permits. He may also examine the identification numbers of the motor vehicle and any marks thereon. The law enforcement officer, if in uniform and if he has probable cause to believe that a violation of law has taken or is taking

place, may, at any time, stop a motor vehicle for the purpose of arresting in the case of a criminal violation or issuing the appropriate written process in the case of a criminal or civil violation, or questioning the owner or occupant thereof.

It shall be unlawful for the operator of any motor vehicle to fail or refuse to stop that vehicle upon request or signal of any officer. Failure to comply with this requirement shall be a misdemeanor.

Whenever a motor vehicle is being operated by a person not having upon his person or in the vehicle the registration certificate covering that vehicle, or if it be operated by a person other than the person in whose name it is registered and the operator is unable to present reasonable evidence of his authority to operate that vehicle, the law enforcement officer, or any other law enforcement officer, may impound that vehicle and hold it until that vehicle is claimed and taken by the registered owner thereof, who shall be forthwith notified of the impounding, or until the registered owner shall verify the authority of the operator to so operate.

§ 2502. Motor vehicle inspection

All motor vehicles registered in Maine, except as herein provided, shall be subject to an annual inspection as provided in this chapter.

1. Equipment subject to inspection. The following equipment shall be subject to inspection:

- A. Body components, defined as bumpers, fenders, exhaust system, floor pans, gas tanks and gas lines, seats and frame;
- B. Brakes;
- C. Horn;
- D. Lights and directional signals;
- E. Safety seat belts on 1966 and subsequent models;
- F. Steering linkage;
- G. Tires;
- H. Windows; and
- I. Windshield wipers.

2. Inspection fee. The annual inspection fee shall be \$4.

§ 2503. Inspection standard

All motor vehicle equipment subject to inspection shall be in good working condition and shall not pose a safety hazard. In order to meet this general standard, motor vehicle equipment shall meet the specific standards set forth in this section and in rules and regulations approved by the Legislature.

1. Body components. Motor vehicles shall contain the same or similar body components as originally equipped. In order to protect the general public:

- A. Fenders, bumpers and doors shall be intact and doors shall be operative;**
- B. Floor pans shall prohibit the passage of exhaust fumes and gasses into the trunk and passenger compartment;**
- C. Gas tanks and gas lines shall be free from holes and properly secured to the body or chassis;**
- D. Seats shall be safely secured to the vehicle; and**
- E. The frame and exhaust system shall be free of holes and in sound condition.**

2. Brakes. The brakes of a 2-wheel brake vehicle shall be capable of stopping the vehicle traveling at a speed of 20 miles per hour within a distance of 45 feet. The brakes of a 4-wheel brake vehicle shall be capable of stopping the vehicle traveling at a speed of 20 miles per hour within a distance of 30 feet. Motorcycles and motor driven cycles shall have brakes capable of stopping these vehicles traveling at a speed of 20 miles per hour within a distance of 30 feet.

3. Parking brakes. Parking brakes shall be adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading, on a surface free from snow, ice or loose material.

4. Lights and directional signals. Headlights shall function with sufficient beam and intensity to provide clear vision. Lights shall not be broken or cracked. Motor vehicle lights shall not be less than 22 nor more than 54 inches above a level surface except for snow plows. Directional signals, as defined in Title 29, section 1192, and tail lights shall function properly.

5. Steering linkage. The steering linkage shall be in adjustment and alignment as designed by the manufacturer.

6. Tires. Tire tread shall conform to the provisions of section 1371-A.

7. Windows, windshields and windshield wipers. Windows and windshields shall provide an unobstructed and clear view of the road. In vehicles manufactured with windows and windshields, this equipment shall contain the appropriate safety glass, as defined in Title 29, section 1369, and be free of any holes or cracks that pose a hazard to the occupants of the vehicle or obstruct the view of the operator. Windshield wipers shall provide clear vision of the road.

8. Wheels. Movement of ball joints shall meet the tolerances set forth by the manufacturer.

§ 2504. Standard for rejection

A motor vehicle shall be rejected for violation of the inspection standard for any one of the deficiencies set forth in this section:

1. **Nonfunctioning equipment.** Any equipment, as described in section 2503, that does not function, does not function sufficiently for the safety of the general public, or is loose and not securely attached to the vehicle;

2. **Altered vehicles.** Vehicles altered in any way that reduces the stability of the vehicle or increases the risk of an accident;

3. **Holes in vehicle.** Holes penetrating the frame, trunk, exhaust system, passenger compartment, gas tank or gas lines that threaten the safety of the occupants;

4. **Deficient windows and windshields.** Any window or windshield which obstructs the operator's vision; or

5. **Other equipment.** Equipment in violation of any rules and regulations approved by the Legislature.

§ 2505. Issuance of sticker

If, at the time of inspection, the motor vehicle conforms to the inspection standard, an official inspection sticker furnished by the Secretary of State shall be placed in the lower left-hand corner of the windshield or in the center of the windshield in back of the rearview mirror, as the owner or operator of the vehicle prefers.

If the vehicle is not normally equipped with a windshield, the certificate of inspection shall be kept with the registration certificate of the vehicle.

§ 2506. Motor vehicles exempt from inspection

The following types of motor vehicles shall be exempt from inspection:

1. **Out-of-state motor vehicles.** Motor vehicles owned and registered in another state;

2. **Vehicles operated under transporter registration.** New or used motor vehicles operated by dealers or holders of a transporter registration certificate or their authorized representatives from the point of distribution to the place of business;

3. **Farm tractors.** Farm tractors;

4. **Antique motor vehicles.** Motor vehicles that are 25 years or older that conform to the original mechanical condition of the vehicle and registered as antique motor vehicles;

5. **Farm trucks.** Farm trucks, as defined in section 246, that are operated within a 30-mile radius from the main entrance of the farm where the vehicle is customarily kept;

A. Any farm truck exempt from registration shall bear the name of the town in which the excise tax is paid in 4-inch letters on the left door of the cab of the truck; and

6. Motor vehicles purchased at auction or private sale. Motor vehicles purchased at auction or private sale operated by the owner from the place of sale to the owner's residence or place of business.

§ 2507. Unlawful to operate an uninspected or defective vehicle or to fail to display an inspection certificate

1. Operation of defective vehicle. It shall be unlawful for any person to knowingly operate a vehicle that is unsafe and poses a threat to the public safety.

A. Any person whose vehicle passes inspection and is altered following inspection so as not to comply with the inspection standard shall be in violation of this chapter and shall be subject to the penalty specified in section 2517.

2. Operation of vehicle without inspection sticker. It shall be unlawful for any owner or operator, or both, of any vehicle required to be inspected under section 2502 to operate or permit to be operated that vehicle without having displayed thereon a current and valid certificate of inspection or fail to produce the certificate on demand of any police officer.

§ 2508. Enforcement of inspection standard

The Chief of the State Police or any member of the State Police, or any sheriff or full-time deputy sheriff or any full-time municipal police officer, may, at any time upon reasonable grounds to believe that a vehicle is unsafe or not equipped as required by law or that its equipment does not conform to the inspection standard, require the driver of that vehicle to proceed to an official inspection station and submit that vehicle to an inspection and tests as may be appropriate.

§ 2509. Temporary permits and warnings

1. Temporary permits. The Chief of the State Police, the sheriff of each county or his deputy, a State Police officer, employees of the Division of Motor Vehicles designated by the Deputy Secretary of State and any municipal police officer may issue a permit to owners of motor vehicles which are not inspected to enable them to operate the vehicles to an inspection station for the purpose of complying with this law.

2. Warnings. The owner or operator of a vehicle operated with an expired inspection sticker in violation of section 2507 during the first month immediately after the expiration of the inspection sticker shall not be issued a summons to court but shall be issued a warning in a form to be designated by the Chief of the State Police. This warning shall state that the owner or operator shall within 2 business days therefrom cause the vehicle to be inspected in accordance with this chapter and that the person inspecting the vehicle shall sign the warning notice and forward it to the Chief of the State Police. Failure to comply with the provisions of this warning issued pursuant to this subsection shall constitute a violation of this section punishable in accordance with section 2517.

§ 2510. Official inspection stations

The Secretary of State may license garages as official inspection stations that meet the criteria approved by the Legislature. In order to qualify as an official inspection station, a garage shall meet the requirements of this section and the rules and regulations of the Secretary of State that have been approved by the Legislature.

1. **Dimensions and structure.** The buildings shall be structurally sound with a level floor and shall be of sufficient width and length to perform inspections. Doors shall be of sufficient size to accommodate the class of vehicles indicated in the station license.

2. **Tools and equipment.** Inspection stations shall possess the following tools and equipment.

- A. Ball joint gauge;
- B. Gauges suitable for measuring brake linings and pads;
- C. Headlight testing device to measure the aim of all headlight systems;
- D. Jack or lift;
- E. Portable lights;
- F. Repair manual;
- G. Socket sets, open end and pipe wrench;
- H. Tire depth gauge calibrated in 1/32 inches;
- I. Tire pressure gauge;
- J. Wheel puller;
- K. Work bench and vise; and
- L. Hydraulic brake fluid.

3. **Certified mechanic.** Every inspection station shall employ a certified mechanic who has passed an initial examination, written or oral, pertaining to motor vehicle inspection. The examination shall test the applicant's knowledge of the motor vehicle inspection law and the method of inspecting motor vehicles.

A. Any mechanic who has his certificate suspended or revoked shall be required to pass an examination as required by this section prior to recertification of the mechanic.

4. **Character of licensee.** The licensee of an official inspection station shall be a person of honesty, integrity and reliability. The licensee shall provide the Secretary of State with letters of reference from 3 reliable people testifying to the applicant's character.

§ 2511. Examination fee

The Secretary of State shall receive a fee of \$1 with each application requesting examination for the purpose of qualifying for a motor vehicle inspection mechanic's certificate.

§ 2512. Appeal of decision of the Secretary of State

Before a license as an official inspection station is granted, the premises shall be examined by a representative of the Secretary of State and the operator investigated as to his reliability and fitness for that appointment. If any person is aggrieved by the decision of the Secretary of State in refusing approval, he may within 30 days thereafter request a hearing before the Secretary of State. If the applicant is aggrieved by the decision at the hearing, the applicant may appeal the decision in accordance with the Administrative Procedure Act, Title 5, chapter 375.

§ 2513. Performance of inspection

No person other than the holder of a valid inspection mechanic's certificate issued by the Secretary of State shall issue or sign a certificate of inspection. A mechanic's helper may assist the certified inspector, but the helper shall not make any decision about the sufficiency or suitability of motor vehicle equipment.

§ 2514. Licenses not transferable

No license for an official inspection station shall be assigned or transferred or used at any location other than therein designated. Every license shall be posted in a conspicuous place at the location designated.

§ 2515. Purchase of inspection stickers

Each official inspection station shall stock a sufficient number of stickers to meet its demands at all times. The stickers shall be furnished by the Secretary of State at 40¢ each. The stickers shall be made of such material and quality of adhesive as prescribed by the Secretary of State. At the end of the calendar year, or if the station license is suspended, any unused or expired stickers shall, within 30 days, be returned to the Secretary of State and the purchase price refunded, except that refunds shall not be made for an amount less than \$1.

§ 2516. Unlawful acts

It shall be unlawful for any person to commit the acts specified in this section.

1. **Display of fictitious certificate.** No person shall display or cause or permit to be displayed upon any vehicle any certificate of inspection knowing the certificate to be fictitious or issued to another vehicle or issued without an inspection having been made.

2. **Use of counterfeit certificate of inspection.** No person shall make, have in his possession, issue or knowingly use any imitation or counterfeit of an official certificate of inspection or have in his possession, issue or knowingly use a

certificate of inspection that was not issued by an official inspection station in accordance with this Title or the rules and regulations promulgated by the Secretary of State governing motor vehicle inspection.

3. **Misrepresentation of vehicle inspection station.** No person shall in any manner represent any place as an official inspection station unless that station is operating under a valid license issued by the Secretary of State.

§ 2517. Penalties

Notwithstanding the provisions of Title 17-A, section 4, whoever violates or fails to comply with the provisions of section 1369, the provisions of this chapter or any rules and regulations approved by the Legislature shall be punished by a fine of not less than \$10 nor more than \$500, or by imprisonment for not more than 90 days, or both.

§ 2518. Rules and regulations

The Secretary of State is empowered to promulgate rules and regulations that have been approved by the Legislature in order to administer the provisions in this chapter.

§ 2519. Supervision of inspection stations

The Secretary of State shall provide for the periodic supervision of official inspection stations to ensure that motor vehicle inspection is performed according to this chapter. Any certified mechanic or any owner of an inspection station who fails to perform the inspection as required by this chapter shall be subject to section 2510 and a fine of not less than \$10 nor more than \$100 for the first offense and a fine of not less than \$500 nor more than \$1,000 for subsequent offenses. In supervising official inspection stations, the Secretary of State shall not use disguised inspectors or vehicles.

§ 2520. Suspension or revocation of license

After hearing, as provided in Title 5, chapters 375, the Administrative Court Judge may suspend or revoke the license issued to any official inspection station or the inspection certificate issued to any inspecting mechanic and may refuse the right of relicensing or recertifying for a period not to exceed 6 months.

§ 2521. Disposition of fees

The revenues generated by this chapter shall be used by the Secretary of State for the administration and enforcement of this chapter. Any balance of these funds shall not lapse, but shall be carried forward to be expended for the same purposes in the following fiscal year.

STATEMENT OF FACT

The purpose of this bill is to provide for an annual motor vehicle inspection conducted according to statutory standards rather than rules and regulations

promulgated by the Chief of the State Police. The Secretary of State is designated as the administrator of the provisions of this chapter, and the State Police are authorized to enforce the law. The Secretary of State was initially designated as the administrator until 1961 when the responsibility was transferred to the Chief of the State Police. Since the law has not been implemented in a reasonable way, it is necessary to change the administrative responsibility.

The standards in this bill either refer to existing statutory standards or are reasonable standards for inspection. In addition, this bill simplifies the requirements for inspection station owners and mechanics.

The fee for the annual inspection is \$4 which produces no change in the inspection fee that the public now pays. In addition, the fee is sufficient to enable inspection licensees to conduct the inspection without incurring a loss.

This bill will remove roughly \$300,000 from the General Highway Fund, of which \$200,000 is currently used to fund the motor vehicle inspection law.

In 1978, roughly \$150,000 from the State Police budget was appropriated for the motor vehicle inspection program for a total program cost of \$350,000.

This bill requires the motor vehicle inspection program to be funded exclusively from inspection sticker revenues. The revenues will be used by the Secretary of State to administer the program. Following the initial year, the cost of the motor vehicle inspection program is expected to cost roughly \$75,000 a year less than current program costs.

This bill will not only reduce motor vehicle inspection program costs, it will provide an initial \$150,000 to the State Police that is currently allocated from the State Police budget for vehicle inspection. In addition, 10 state troopers and 2 Bureau of State Police clerical people may be assigned to other important areas of law enforcement that are now undermanned.