

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1132

H. P. 956

House of Representatives, March 5, 1981

Submitted by the Department of Public Safety pursuant to Joint Rule 24.

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

EDWIN H. PERT, Clerk

Presented by Representative Pouliot of Lewiston.

Cosponsors: Representative Gwadosky of Fairfield and Representative Reeves of Pittston.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Require the Licensing of Escort Vehicles.

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

29 MRSA c. 11, sub-c. VIII, Art. 6 is enacted to read:

ARTICLE 6. ESCORT VEHICLES

§ 1821. Definitions

As used in this subchapter, unless the content indicates otherwise, the following terms have the following meanings.

1. **Escort services.** "Escort services" means the use of motor vehicles as pilot cars which precede or follow, or both, such overdimensional vehicles which require permits under section 1703; and includes persons who operate their own vehicle for hire, persons who rent out vehicles for that use and the operators of vehicles used in this service.

2. **Established place of business.** "Established place of business" means a location within the State at which the business of escort services is transacted and at which its records are kept.

3. Licensee and applicant. "Licensee" and "applicant" when a firm, partnership or association, includes the members thereof, and when a corporation, includes the officers and directors thereof.

4. Motor carrier. "Motor carrier" means a person, firm, copartnership, association or corporation which maintains commercial vehicles for the transportation of property, and offers that service to the public.

5. Person. "Person" means every natural person, firm, copartnership, association or corporation, and the members or officials thereof. A firm, copartnership, association or corporation may be subjected as an entity to the payment of a fine.

6. Private carrier. "Private carrier" means a person, firm, copartnership, association or corporation which maintains commercial vehicles to transport its own property and does not offer that service to the public.

§ 1822. License.

1. Requirement; application; fees; exceptions. Effective January 1, 1982 and thereafter, no person, copartnership, association, firm or corporation may operate an escort service unless a license for the service has been obtained from the Secretary of State. Application for the license shall be filed with the Secretary of State and shall contain such information and be on such form as the Secretary of State may prescribe. Each application for escort service license shall be accompanied by an application fee of \$10, which shall not be refunded. If the application is approved by the Secretary of State, the applicant, upon payment of an additional fee of \$15, shall be issued a license which expires at midnight on December 31st unless revoked as provided. The renewal fee for any subsequent licenses is \$25.

2. Exceptions. Motor carriers and private carriers, as defined in section 1821, are exempt from this section when those vehicles that are used in an escort service are owned by that motor carrier or private carrier.

§ 1823. Insurance for vehicles used by an escort service

The Secretary of State shall not register any motor vehicle rented or leased nor any motor vehicle used for the escorting of overdimensional loads for hire, and no person, firm, copartnership or corporation may operate or cause to be operated upon any public highway in this State any such motor vehicle, until the owner or owners thereof have procured insurance or a bond through a surety company authorized to transact business in this State or 2 individuals as sureties thereon, in the amount of \$200,000 because of bodily injury or death to any one person, and subject to the limit respecting one person, in the amount of \$400,000 because of bodily injury or death to 2 or more persons in any one accident, and in the amount of \$100,000 because of injury to and destruction of property in any one accident. The insurance or bond must be approved by the Secretary of State and must indemnify the insured against any legal liability for personal injury, death or

damage which may result from or may have been caused by the operation of the motor vehicle described in the contract insurance or bond. The Secretary of State shall not approve the policy or bond unless it provides primary coverage for the operator, as well as the owner.

§ 1824. Possession of license

Each person granted an escort service license shall display the license conspicuously in the place of his established business. Each vehicle licensed as an escort vehicle shall be provided with a license and that license shall be available for inspection upon request of a law enforcement officer. In case of loss, mutilation or destruction of a license certificate, the Secretary of State shall issue a duplicate certificate upon payment of \$2.

§ 1825. Rules and regulations

The Secretary of State may adopt rules and regulations prescribing reasonable requirements for obtaining escort services licenses.

§ 1826. Records

The Secretary of State may request records of activity regarding the operation of escort service vehicles on forms such as the Secretary of State may provide.

§ 1827. Action on application

1. Initial application. The Secretary of State shall act upon an application for an initial escort service license within 90 days of compliance by granting or refusing to grant the license. If the Secretary of State refuses to grant an initial escort service license, notice shall be given to that applicant and an opportunity for a hearing before the Secretary of State or his deputy shall be provided, upon request, to show cause why that license should be granted.

2. Renewal application. The Secretary of State, after a thorough investigation, shall act upon an application for renewal of an escort service license within 90 days after receipt thereof by renewing that license or by filing a written complaint initiating an action before the Administrative Court as provided in Title 4, chapter 25.

§ 1828. Registration of escort vehicles

The annual fee for the registration of escort vehicles is \$20 for passenger vehicles and trucks registered for not more than 6,000 pounds gross vehicle weight. Trucks registered as escort vehicles above 6,000 pounds shall pay the commercial truck fees set forth in section 246. The registration of all escort vehicles expires annually at midnight on December 31st.

§ 1829. Suspension or revocation

The Secretary of State may file a written complaint initiating an action before the Administrative Court. After hearing, the Administrative Court may suspend or revoke any escort services vehicle licenses if not satisfied that the

requirements or any rules and regulations promulgated by this subchapter have been met, except that upon notification of cancellation or a failure to renew the insurance required by section 1822, the Secretary of State shall immediately suspend the license.

§ 1830. Penalties

Any person who operates an escort service without a license therefor is guilty of a Class E crime.

Account	FISCAL NOTE		Explanation
	FY 1982	FY 1983	
20400 Highway Fund	(\$4,285)	(\$4,285)	Revenue loss from discontinuing the issuance of permits for State Police escorts
20400 Highway Fund	\$5,000	\$5,000	Revenue gain from issuing escort licenses to an estimated 200 firms annually at \$25 per license
Net Gain	\$ 715	\$ 715	

STATEMENT OF FACT

This bill establishes a system whereby responsible companies can be licensed to provide escort vehicles for oversized loads and substantially reduce the need for escorting by the State Police.