

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)

(EMERGENCY)
(New Draft of S.P. 56, L.D. 75)
FIRST REGULAR SESSION

ONE HUNDRED AND TWELFTH LEGISLATURE

Legislative Document

No. 1599

S.P. 605

In Senate, May 24, 1985

Reported by Senator Shute of Waldo from the Committee on
Transportation and printed under Joint Rule 2. Original bill presented by
Senator Danton of York.

JOY J. O'BRIEN, Secretary of the Senate

STATE OF MAINE

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

AN ACT to Amend Certain Motor Vehicle Laws.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Supreme Judicial Court has recently interpreted the used car information law so as to prohibit the sale of so-called "mechanics' specials," that is, motor vehicles that cannot pass Maine inspection laws, to knowledgeable consumers who wish to rebuild or repair those vehicles themselves; and

Whereas, the result of this interpretation of the used car information law is to create a dilemma for dealers and consumers whereby any car taken in trade which cannot meet Maine's inspection standards must either be fixed to meet the inspection standards or be sold for parts or scrap; and

1 Whereas, the result of this interpretation of the
2 used car information law is to force many consumers
3 to pay more for used motor vehicles than they can af-
4 ford; and

5 Whereas, this problem with the used car informa-
6 tion law must be solved immediately and other changes
7 must be made to the motor vehicle laws; and

8 Whereas, in the judgment of the Legislature,
9 these facts create an emergency within the meaning of
10 the Constitution of Maine and require the following
11 legislation as immediately necessary for the preser-
12 vation of the public peace, health and safety; now,
13 therefore,

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

16 Sec. 1. 10 MRSA §1471, sub-§6-A is enacted to
17 read:

18 6-A. Reconstructable motor vehicle. "Reconstruc-
19 table motor vehicle" means a used motor vehicle which
20 does not meet the inspection standards as set forth
21 in Title 29, section 2502, and which is sold, offered
22 for sale or negotiated for sale to a person other
23 than another dealer for the purpose of transportation
24 after repair or rebuilding.

25 Sec. 2. 10 MRSA 1472, as enacted by PL 1975, c.
26 770, §57, is repealed and the following enacted in
27 its place:

28 §1472. Exclusions

29 Nothing in this chapter applies to motor vehicles
30 sold, offered for sale or transferred for parts or
31 scrap and not for transportation if that purpose is
32 conspicuously written in the contract as follows:
33 "This vehicle is sold for parts or scrap and not for
34 transportation." Evidence outside the contract will
35 be admissible to contradict such a contract provi-
36 sion.

1 Sec. 3. 10 MRSA §1474, sub-§1, as amended by PL
2 1977, c. 224, is repealed and the following enacted
3 in its place:

4 1. Warranty content. A dealer warrants that the
5 motor vehicle he sells, negotiates the sale of, of-
6 fers for sale or transfers to a person other than an-
7 other dealer has been inspected in accordance with
8 Title 29, section 2502, and with the rules promul-
9 gated under that section:

10 A. That the motor vehicle is in the condition
11 and meets the standards required by that law and
12 the rules; or

13 B. If the motor vehicle is a reconstructable mo-
14 tor vehicle, that the motor vehicle is in the
15 condition specified in the disclosure statement
16 affixed to the vehicle as required by subsection
17 4.

18 Sec. 4. 10 MRSA §1474, sub-§4 is enacted to
19 read:

20 4. Disclosure of information for the sale of
21 reconstructable motor vehicles. Disclosure of infor-
22 mation for the sale of reconstructable motor vehicles
23 shall be as follows.

24 A. No dealer may sell, negotiate the sale of,
25 offer for sale or transfer any reconstructable
26 motor vehicle to a person other than another
27 dealer unless he affixes to the vehicle a con-
28 spicuous written statement that must:

29 (1) Appear under the following conspicuous
30 caption:

31 UNSAFE MOTOR VEHICLE

32 THIS CAR DOES NOT MEET MAINE'S INSPECTION
33 LAWS AND IS UNSAFE TO DRIVE ON THE ROAD.
34 THIS CAR WILL NEED TO BE REBUILT OR REPAIRED
35 IN ORDER TO MEET MAINE'S INSPECTION LAWS AND
36 BE SAFELY DRIVEN ON THE ROAD;

1 (2) Contain a statement of the components
2 of the motor vehicle which must be inspected
3 pursuant to Maine's inspection laws and the
4 specific components on this vehicle which do
5 not meet those laws;

6 (3) Contain the following information in
7 the form of an inspection report:

8 (a) The make, model, model year and
9 vehicle identification number of the
10 reconstructable motor vehicle;

11 (b) The signature and inspection li-
12 cence number of the inspection mechanic
13 licensed by the State of Maine who per-
14 formed the inspection; and

15 (c) The date the inspection was per-
16 formed; and

17 (4) A statement that this vehicle must be
18 towed from these premises.

19 B. The dealer shall present to the buyer of a
20 reconstructable motor vehicle a copy of the dis-
21 closure statement required under paragraph A and
22 obtain the buyer's signature and date on this
23 disclosure prior to the sale or transfer of the
24 reconstructable motor vehicle to the buyer. The
25 dealer shall furnish the buyer with a copy of the
26 signed and dated disclosure immediately after the
27 buyer signs the disclosure. The dealer shall re-
28 tain a copy of the signed and dated disclosure
29 for a period of 3 years from the date of sale or
30 transfer.

31 C. The inspection report shall be dated no more
32 than 60 days prior to the date of sale, negotia-
33 tion for sale, offer for sale or transfer of the
34 reconstructable motor vehicle.

35 D. Evidence outside the contract and written
36 disclosure will be admissible to contradict any
37 written provisions in the contract or disclosure.

1 E. The disclosure sticker affixed to the
2 reconstructable motor vehicle may not be removed
3 by the dealer.

4 F. The Division of Motor Vehicles may promulgate
5 rules related to this section including, but not
6 limited to, rules establishing uniform disclosure
7 forms and stickers.

8 G. In addition to the penalties described in
9 section 1477, any violation of subsection 1, par-
10 agraph B, and this subsection shall be a Class E
11 crime.

12 Sec. 5. 10 MRSA §1475, sub-§1, as repealed and
13 replaced by PL 1981, c. 296, §1, is amended to read:

14 1. Written disclosure statement. No dealer may
15 sell, negotiate the sale of, offer for sale or trans-
16 fer any used motor vehicle, including any used motor
17 vehicle transferred to another dealer, unless he af-
18 fixes to the vehicle a conspicuous written statement
19 containing the information required by subsection 2.

20 Sec. 6. 29 MRSA §1, sub-§1-E, as repealed and
21 replaced by PL 1975, c. 731, §19, is amended to
22 read:

23 1-E. Bus. "Bus" shall mean means every motor ve-
24 hicle designed for carrying more than 14 passengers
25 and used for the transportation of passengers; and
26 every motor vehicle, other than a taxicab, designed
27 and used for the transportation of persons for
28 compensation.

29 Sec. 7. 29 MRSA §1, sub-§1-I is enacted to read:

30 1-I. Taxi cab. "Taxi cab" means every motor ve-
31 hicle other than a bus designed and used for the
32 transportation of persons for compensation.

33 Sec. 8. 29 MRSA §102, last ¶, as amended by PL
34 1981, c. 299, §§2 and 3, is further amended to read:

35 No vehicle ~~shall~~ may be operated, or remain upon
36 any way, unless the same is registered and equipped
37 in accordance with this Title, excepting that any of-

1 ficer of the State Police, any sheriff or full-time
2 deputy sheriff or any full-time municipal police of-
3 ficer may, when in his opinion the same is necessary
4 and not detrimental to the public safety, grant a
5 permit in writing for an unregistered motor vehicle
6 to be towed either by a regular service wrecker or by
7 the use of a towbar. Further, any officer of the
8 State Police, any sheriff or full-time deputy sher-
9 iff, any full-time municipal police officer and cer-
10 tain employees of the Motor Vehicle Division so des-
11 ignated by the Secretary of State shall issue a per-
12 mit to allow the operation of an unregistered motor
13 vehicle only to the owner's residence or to an office
14 of the Motor Vehicle Division for the sole purpose of
15 renewing the registration of that vehicle by the same
16 owner as indicated on the expired registration cer-
17 tificate. The permit shall be issued only when the
18 previous registration on the vehicle has expired
19 within 30 days. The permit shall not remain valid for
20 more than 3 consecutive days including the date of
21 issuance. Application for such registration may be
22 made by mail or otherwise to the Secretary of State
23 upon blanks prepared under his authority. The appli-
24 cation shall be signed by the owner and shall contain
25 such particulars as may be required by the Secretary
26 of State, including the name, residence and address
27 of the owner, current mileage, with a brief descrip-
28 tion of the vehicle, the name of its maker, vehicle
29 identification number, the amount of motive power,
30 stated in figures of horsepower, the type of motor
31 fuel if other than gasoline as defined in Title 36,
32 section 2902, under the phrase "internal combustion
33 engine fuel" and the actual gross weight of the vehi-
34 cle if intended for commercial use.

35 Sec. 9. 29 MRSA §102, as amended by PL 1981, c.
36 346, §2, is further amended by adding at the end a
37 new paragraph to read:

38 The mileage requirement under this section shall
39 apply only to vehicles which are required titling
40 pursuant to chapter 21.

41 Sec. 10. 29 MRSA §242, sub-§1, ¶B is amended to
42 read:

1 B. Used for livery or hire, double the fee pro-
2 vided in paragraph A. Private automobiles occa-
3 sionally employed for use at funerals by a duly
4 registered or licensed undertaker and not other-
5 wise used for hire shall not be subject to such
6 double fee. Funeral coaches and funeral hearses
7 used by a duly registered or licensed undertaker
8 incident to the business of a mortician shall pay
9 in accordance with the fee provided in paragraph
10 A, but shall not be required to pay double. All
11 funeral coaches or funeral hearses used for hire
12 for any other purpose than that incident to the
13 business of a mortician shall pay the same regis-
14 tration fee as required for motor vehicles used
15 for livery or hire. Motor vehicles used for no
16 other passenger service or hire than for the
17 transportation of school children to and from
18 school are not subject to the double registration
19 fee.

20 Upon payment of a double registration fee, the
21 Secretary of State may, at his discretion, issue
22 a 2nd registration for the same vehicle or vehi-
23 cles at the request of the owner. When those re-
24 quests are granted, no additional fee will be
25 charged for the service.

26 Sec. 11. 29 MRSA §247 is amended to read:

27 §247. -- antique motor vehicles

28 The annual fees for the registration of antique
29 motor vehicles shall be in accordance with this sec-
30 tion and shall accompany the application for regis-
31 tration.

32 Antique motor vehicles ~~\$7-50~~ \$10 each.

33 Sec. 12. 29 MRSA §253, 2nd ¶ is amended to read:

34 The Secretary of State shall restrict the opera-
35 tion of such motorized ~~invalid chairs~~ wheelchairs to
36 those streets and highways and hours of the day as
37 will, in his judgment, minimize the danger of injury
38 to the operator. Section ~~2122~~ 2502 shall not apply to
39 such ~~invalid chairs~~ wheelchairs, but the Secretary of
40 State shall not issue such registration unless he is

1 satisfied that such chair is equipped with an ade-
2 quate stopping and holding device and means of giving
3 audible signal.

4 Sec. 13. 29 MRSA §256, sub-§1, as enacted by PL
5 1977, c. 142, is amended to read:

6 1. State vehicles. All state-owned vehicles
7 shall be registered by the Secretary of State, but
8 shall be exempt from this Title as to the payment of
9 registration fees, but shall not be exempt from the
10 inspection requirements of section ~~2122~~ 2502. Plates
11 for the vehicles shall be of a design determined by
12 the Secretary of State and shall expire at the end of
13 each 6-year semipermanent plate program. The vehicles
14 may, in addition, display a marker or insignia, ap-
15 proved by the Secretary of State, plainly designating
16 them as state-owned.

17 A. Motor vehicles used by departments, commis-
18 sions or agencies charged by law with law en-
19 forcement or investigatory functions, if used for
20 those purposes by personnel who have full-time
21 law enforcement or investigatory duties, shall
22 not be required to display a special registration
23 plate if the Commissioner of Public Safety so au-
24 thorizes for he shall be the approving authority
25 for all unmarked vehicles except those used by
26 the Attorney General or members of his staff.
27 Records of all unmarked vehicles shall be desig-
28 nated and held confidential.

29 Sec. 14. 29 MRSA §256, sub-§2, as amended by PL
30 1977, c. 481, §9, is further amended to read:

31 2. Municipal vehicles. All county, municipal,
32 school and water district vehicles shall be regis-
33 tered with the Secretary of State who shall furnish
34 semipermanent plates for each vehicle which shall ex-
35 pire at the end of each 10-year semipermanent plate
36 program. The vehicles shall be exempt from this Title
37 as to payment of registration fees, but shall not be
38 exempt from the inspection requirements of section
39 ~~2122~~ 2502. The plate or plates shall be of a design
40 determined by the Secretary of State.

1 A municipal fire department or an organized volunteer
2 fire department may be exempt from this Title as to
3 registration and payment of registration fees, but
4 shall not be exempt from the inspection requirements
5 of section ~~2122~~ 2502.

6 All vehicles owned or used by any municipal corpora-
7 tion therein and all vehicles loaned by automobile
8 dealers to municipalities for use in driver education
9 in secondary schools and all motor vehicles loaned by
10 automobile dealers to private secondary schools for
11 use in driver education in the schools and all motor
12 vehicles used in volunteer ambulance and rescue squad
13 services in such municipalities shall be registered,
14 but shall be exempt from this Title as to the regis-
15 tration fees, except that when the vehicles are
16 leased or rented for commercial purposes they shall
17 be subject to payment of fees as provided in this Ti-
18 tle. All such vehicles shall display registration
19 plates as required by this Title or approved by the
20 Secretary of State.

21 Sec. 15. 29 MRSA §540, first ¶, as amended by PL
22 1983, c. 455, §18, is repealed and the following en-
23 acted in its place:

24 Each license shall state the name, date of birth
25 and place of residence of the licensee and the perman-
26 ent number assigned to him and may contain such oth-
27 er information as the Secretary of State deems neces-
28 sary. The license shall also bear a photograph of
29 the licensee for the purpose of identification. Per-
30 sons in active military service stationed outside the
31 United States and temporary licenses issued under
32 section 533 may be exempt from the photograph re-
33 quirement. A license which does not contain a photo-
34 graph of the licensee may be issued as the Secretary
35 of State deems necessary. This change will take ef-
36 fect on September 1, 1985.

37 Sec. 16. 29 MRSA §540, 5th ¶, as enacted by PL
38 1981, c. 639, §2, is amended to read:

39 The statement shall read as follows:

40 "ANATOMICAL GIFT

1 organ The decal affixed hereto indicates a
2 willingness on the part of the licensee
3 donor to make an anatomical gift upon his/her
4 death."

5 Sec. 17. 29 MRSA §582, first ¶, as repealed and
6 replaced by PL 1975, c. 589, §21, is amended to read:

7 The Secretary of State may waive examination in
8 the case of applicants who have been duly licensed by
9 this State to operate a motor vehicle during any one
10 of the 3 5 preceding calendar years without a lapse
11 of 3 5 years since date of expiration of last 4-year
12 license, or 3 preceding calendar years without a
13 lapse of 3 years since date of expiration of last
14 2-year license. Any person required to take an exam-
15 ination to qualify him to operate a motor vehicle
16 shall pay an examination fee to the Secretary of
17 State prior to such examination being given. Such fee
18 shall be for the purpose of defraying the expense of
19 giving such examination and shall be according to the
20 class of license for which application was made as
21 follows:

22 Sec. 18. 29 MRSA §1655, 6th ¶, as enacted by PL
23 1983, c. 94, Pt. B, §17, is amended to read:

24 Commodity permits may be obtained upon payment of
25 the required fee, from any branch office of the Motor
26 Vehicle Division or from any agent of the Secretary
27 of State who has been appointed for that specific
28 purpose. These agents appointed by the Secretary of
29 State may charge any applicant for a commodity permit
30 \$1 over and above the required permit fee and may re-
31 tain the dollar as his compensation for performing
32 this function. A permit may be issued for a period of
33 12 months or less, provided that no permit may extend
34 beyond the expiration of the annual registration or
35 short-term registration permit. An annual commodity
36 permit purchased in conjunction with an annual regis-
37 tration shall expire with the registration. The ap-
38 pointment of these agents shall be limited to either
39 municipal tax collectors or town or city managers.
40 The fee shall be based upon the vehicle type and pe-
41 riod of validity.

42 Per Calendar

	Vehicle Type	Per Year	Month or portion thereof
1			
2			
3	2-axle vehicle	\$ 96	\$ 8
4	3-axle single unit truck	\$180	\$15
5	4-axle single unit truck	\$240	\$20
6	3-axle combination vehicle	\$120	\$10
7	4-axle combination vehicle	\$168	\$14
8	5 or more axle combination		
9	vehicle	\$216	\$18
10	6-axle combination vehicle-		
11	3 axle truck tractor with		
12	tri-axle semitrailer	\$216	\$18

13 Sec. 19. 29 MRSA §2362, sub-§§3 and 4, as en-
 14 acted by PL 1973, c. 586, §1, are amended to read:

15 3. Nonresident's vehicle. A vehicle owned by a
 16 nonresident of this State and not required by law to
 17 be registered in this State; Those vehicles re-
 18 quired to register under section 2243, subsection 3,
 19 shall be exempt from requirements to title, so long
 20 as a currently effective certificate of title has
 21 been issued in another state. Proof of title shall
 22 be in a manner prescribed by the Secretary of State;

23 4. Certain vehicles used in interstate or intra-
 24 state transportation. A vehicle regularly engaged in
 25 the interstate transportation of persons or property
 26 for which a currently effective certificate of title
 27 has been issued in another state; or engaged in in-
 28 trastate transportation of persons or property upon
 29 proof that a currently effective certificate of title
 30 has been issued in another state. Proof of title
 31 shall be in a manner prescribed by the Secretary of
 32 State;

33 Sec. 20. 29 MRSA §2442, sub-§3, as enacted by PL
 34 1983, c. 314, §5, is amended to read:

35 3. Vehicle identification numbers. Every manu-
 36 facturer or assembler of a vehicle sold in this State
 37 shall provide that vehicle with a vehicle identifica-
 38 tion number and shall upon request supply the Secre-
 39 tary of State, or his designee, and the Chief of
 40 State Police, or his designee, with all available in-
 41 formation concerning the location or locations of ev-
 42 ery vehicle identification number and other identify-

ing numbers on that vehicle. The Secretary of State may refuse to register or issue a certificate of title for any vehicle made by a manufacturer or assembler who fails to comply with this section. The content of the vehicle identification number shall conform with the requirements of the Federal Government.

Sec. 21. 29 MRSA §2504, sub-§2, as repealed and replaced by PL 1983, c. 358, is repealed and the following enacted in its place:

2. Altered vehicles. No person may operate any vehicle required to be registered in this State upon any highway or street and no vehicle may receive a certificate of inspection, as required by this chapter, if that vehicle has a frame height of less than 10 inches or a height in excess of the maximum as set by this subsection. Maximum frame height shall be based on the manufacturers' gross vehicle weight rating. Measurements shall be taken from a level surface to any point on the lowermost frame. No vehicle may be modified to cause the vehicle body or chassis to come into contact with the ground, expose the fuel tank to damage from collision or cause the wheels to come in contact with the body under normal operation nor may any part of the original suspension system be disconnected. Nothing in this section prevents the installation of heavy duty equipment to include shock absorbers and overload springs or prevents a person from operating a motor vehicle on a public way with normal wear of the suspension system if normal wear does not affect the control of the vehicle. This section does not apply to motor vehicles that are being lawfully towed on the highways of this State. Maximum frame heights are as follows:

	<u>FRONT</u>	<u>REAR</u>
<u>Automobile</u>	<u>22 inches</u>	<u>22 inches</u>
<u>Vehicles 4,500 lbs. and under GVWR</u>	<u>24 inches</u>	<u>26 inches</u>
<u>Vehicles 4,501 lbs. to 7,500 lbs. GVWR</u>	<u>27 inches</u>	<u>29 inches</u>

1 Vehicles 7,501 lbs. to
2 10,000 lbs. GVWR 28 inches 30 inches

3 Sec. 22. 29 MRSA §2510, sub-§1, as enacted by PL
4 1979, c. 464, §5, is amended to read:

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 an owner of a motor vehicle which is not inspected to enable him to operate the vehicle to an inspection station for the purpose of complying with this law. This section does not apply to reconstructable motor vehicles as defined in Title 10, section 1471.

16 Emergency clause. In view of the emergency
17 cited in the preamble, this Act shall take effect
18 when approved.

19 STATEMENT OF FACT

20 The first 5 sections of this new draft create a
21 new category of used cars which are sold for trans-
22 portation purposes. This new category, defined as
23 "reconstructable motor vehicles," is created to per-
24 mit used care dealers to sell so-called "mechanics
25 specials" to consumers without an inspection sticker
26 or warranty of inspectability. Consumers would then
27 be required to repair the vehicle and have it in-
28 spected prior to driving it on the road. In order to
29 assure consumers have all the material facts neces-
30 sary to make a reasoned decision at a time when the
31 information is most useful and, to protect consumers
32 from unwittingly purchasing an unsafe car, this new
33 draft provides for the following:

1. A separate disclosure statement affixed to the vehicle which states that a motor vehicle is currently uninspectable and unsafe and, in addition, provides the consumer with a report that lists the specific components on the motor vehicle that fail to meet the State's inspection standards;

1 2. A requirement that a copy of the disclosure
2 be signed by the consumer and that a copy be given to
3 the consumer and retained by the dealer;

4 3. A requirement that the motor vehicle must be
5 towed from the dealer's premises; and

6 4. A separate penalty section for violations as-
7 sociated with the sale of reconstructable motor vehi-
8 cles. This is intended to place dealers on notice
9 that this limited exception is not to be used to cir-
10 cumvent the intent of the used car information law.

11 This new draft clarifies that there is no warran-
12 ty of inspectability with respect to transfers of
13 used motor vehicles from one dealer to another deal-
14 er. Nothing in this new draft alters the responsi-
15 bility of dealers under the used car information law
16 to provide the disclosure set forth in the Maine Re-
17 vised Statutes, Title 10, section 1475, to all pur-
18 chasers of used motor vehicles including other deal-
19 ers.

20 Sections 6 and 7 clarify distinctions between
21 definitions of means of public transport.

22 Section 9 refers again to titling requirements.

23 Section 10 authorizes the Secretary of State to
24 issue a 2nd registration for payment of a double reg-
25 istration.

26 Section 11 changes the fee to register an antique
27 motor vehicle from \$7.50 to \$10.

28 Section 12 removes the inspection requirement for
29 a motorized wheelchair.

30 Sections 13 and 14 place state vehicle inspection
31 requirements under the appropriate section in the in-
32 spection law, and place municipally-owned fire de-
33 partment vehicles under the appropriate section of
34 the inspection law.

35 Section 15 clarifies provisions of the law relat-
36 ed to operators' licenses.

