

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)

OK

1
3
5
7
9
11
13
15
17
19
21
23
25
27
29
31
33
35
37
39
41
43
45
47

L.D. 1245
(Filing No. S- 311)

STATE OF MAINE
SENATE
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " A " to S.P. 460, L.D. 1245, Bill, "An Act to Amend Commercial Driver License Laws"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 29 MRSA §1, sub-§1-E, as amended by PL 1987, c. 415, §1, is further amended to read:

1-E. Bus. "Bus" means every motor vehicle designed for carrying more than 15 passengers, including the operator, ~~and used for the transportation of passengers~~ driver.

Sec. 2. 29 MRSA §1, sub-§§1-J and 1-K are enacted to read:

1-J. Commercial driver's license. "Commercial driver's license" means a license issued by this State or other jurisdiction to an individual which authorizes the individual to operate a class of commercial motor vehicle.

1-K. Commercial motor vehicle. "Commercial motor vehicle" means a motor vehicle that:

A. Has a gross vehicle weight rating or a registered weight of 26,001 or more pounds;

B. Is designed to carry more than 15 passengers, including the driver; or

C. Is in any vehicle weight class and is used in the transportation of hazardous materials requiring placarding under the federal Hazardous Materials Transportation Act and related regulations in 49 Code of Federal Regulations, Part 172, Subpart F.

1
3
5
7
9
11
13
15
17
19
21
23
25
27
29
31
33
35
37
39
41
43
45
47
49
51

Sec. 3. 29 MRSA §1, sub-§3-H is enacted to read:

3-H. Hazardous material. The term "hazardous material" has the same meaning as in the federal Hazardous Materials Transportation Act, Section 103, United States Code, Title 49, Section 1801 et. seq.

Sec. 4. 29 MRSA §530, sub-§1, ¶C, as enacted by PL 1985, c. 539, §4, is amended to read:

C. No person may receive an operator's license unless and until he that person surrenders to the Secretary of State all valid licenses in his that person's possession issued to him that person by this or any other jurisdiction. No person may have more than one valid operator's license at any time unless specifically authorized by the Secretary of State. Notwithstanding the other provisions of this paragraph, no person is authorized to hold more than one valid commercial driver's license at any time.

Sec. 5. 29 MRSA §530, sub-§2, ¶B, as amended by PL 1987, c. 415, §19, is repealed and the following enacted in its place:

B. There shall be 3 classes of licenses to become effective January 1, 1990. Any operator's license issued by the Secretary of State shall be invalid for the operation of vehicles unless endorsed as follows:

(1) Class A: any combination of vehicles with a gross combination weight rating or registered weight of 26,001 or more pounds, provided the gross vehicle weight rating of the vehicle or vehicles being towed is in excess of 10,000 pounds. A Class A license is a commercial driver's license. Holders of a Class A license may, with any appropriate endorsements, operate all vehicles in Class B and Class C;

(2) Class B: any single vehicle with a gross vehicle weight rating or registered weight of 26,001 or more pounds or any such vehicle towing a vehicle not in excess of 10,000 pounds gross vehicle weight rating. A Class B license is a commercial driver's license. Holders of a Class B license may, with any appropriate endorsements, operate all vehicles in Class C; or

(3) Class C: any single vehicle with a gross vehicle weight rating or registered weight of less than 26,001 pounds or any such vehicle towing a vehicle not in excess of 10,000 pounds gross vehicle weight rating. A Class C license is a commercial driver's license only if it carries an endorsement under section 530-B,

COMMITTEE AMENDMENT "A" to S.P. 460, L.D. 1245

1 subsection 4. Holders of a Class C license may, with
2 any appropriate endorsements, operate all vehicles in
3 that class.

5 Classes of licenses issued prior to January 1, 1990, shall
6 continue to be valid until their normal expiration, except
7 that Class 1, Class 2 and Class 3 licenses and licenses
8 endorsed for the operation of school buses shall not be
9 valid for the operation of commercial vehicles as defined in
10 this Title after December 31, 1991.

11 Sec. 6. 29 MRSA §530, sub-§2, ¶C, as enacted by PL 1977, c.
12 692, §3, is amended to read:

15 C. School buses, motorcycles or motor driven cycles shall
16 not be given a separate class, but their use shall be
17 provided for by special endorsement on their operator's
18 license, except that nonresident school bus drivers picking
19 up and discharging school children or driving in conjunction
20 with school-related activities in this State shall be issued
21 a certificate by the Secretary of State. This endorsement or
22 issuance of a school bus certificate shall be made only
23 after the applicant has successfully passed the examination
24 designed for the specific vehicle as provided elsewhere in
25 this Title.

27 Sec. 7. 29 MRSA §530, sub-§3, as enacted by PL 1977, c. 692,
28 §3, is amended to read:

29 3. Need for immediate examination. Any applicant who has
30 made application for a "Class 1 A" or "Class 2 B" license and
31 provides the Secretary of State with satisfactory evidence that
32 an immediate examination is needed for employment purposes shall
33 be examined as provided in this section within 7 days of such
34 notification.

37 Sec. 8. 29 MRSA §530, sub-§5, ¶A, as enacted by PL 1977, c.
38 692, §3, is amended to read:

39 A. ~~Nothing in this section shall~~ chapter may prevent a
40 full-time or volunteer member of an organized municipal or
41 volunteer, state or federal fire department from operating
42 any fire apparatus, or ~~any law enforcement officer from~~
43 ~~operating any motor vehicle or combination of vehicles in~~
44 ~~the performance of his law enforcement duties,~~ operators of
45 recreational vehicles for personal use, operators of
46 military vehicles including National Guard vehicles or
47 operators of registered farm motor trucks bearing the letter
48 "F" used within 150 miles of the registered owner's farm
49 from operating those vehicles on a "Class 3 C" operator's
50 license.

1 Sec. 9. 29 MRSA §530-B is enacted to read:

3 §530-B. Commercial driver's licenses

5 The following requirements apply to commercial drivers'
7 licenses.

9 1. Compliance with federal law. The State shall comply
11 with the federal Commercial Motor Vehicle Safety Act of 1986,
13 Public Law 99-570, Title XII, and any regulations adopted under
15 that Act in the issuance and suspension of a commercial driver's
17 license.

19 2. Rulemaking. The Secretary of State shall adopt rules,
21 as provided in the Maine Administrative Procedure Act, Title 5,
23 chapter 375, to ensure compliance with the federal Commercial
25 Motor Vehicle Safety Act of 1986, Public Law 99-570, Title XII.
27 These rules shall incorporate provisions to satisfy subsection
29 1, including, but not limited to, provisions that:

31 A. Strengthen commercial driver licensing and testing
33 standards;

35 B. Make the State a full participant in the national
37 commercial drivers license clearinghouse;

39 C. Continue to implement the requirement that commercial
41 drivers have a single license;

43 D. Reduce and prevent commercial motor vehicle accidents,
45 fatalities and injuries by disqualifying commercial drivers
47 who have committed serious traffic or other designated
49 offenses from operating commercial motor vehicles;

51 E. Remove quickly from the public highways of this State
 those commercial drivers who have shown themselves to be a
 safety hazard by:

(1) Operating or attempting to operate a commercial
 vehicle while having 0.04% or more by weight of alcohol
 in the blood;

(2) Refusing to submit to and complete a lawfully
 requested test to determine the blood-alcohol level; or

(3) By operating or attempting to operate a motor
 vehicle while under the influence of intoxicating
 liquor or drugs; and

F. Further implement the public policy of the State to
 provide maximum safety for all persons who travel or use the
 public highways of the State.

COMMITTEE AMENDMENT "A" to S.P. 460, L.D. 1245

1
3 3. Classifications. Class A or Class B licenses and Class
C licenses carrying any endorsement under subsection 4 are
commercial drivers' licenses and shall be prominently marked.

5
7 4. Endorsements for double or triple trailers, buses, tank
trucks or hazardous materials. Effective January 1, 1990, double
or triple trailers, buses, tank trucks requiring a commercial
9 driver's license and vehicles carrying hazardous materials
requiring placarding by the United States Department of
11 Transportation standards shall not be given a separate class, but
their use shall be provided for by special endorsement on the
13 commercial driver's license. This endorsement shall be made only
after the applicant has successfully passed the examination for
15 the specific vehicle as provided in this Title. In order for an
operator to retain a hazardous material endorsement at the time
17 of any renewal of a commercial driver's license, a reexamination
of the hazardous material written test shall be required.

19
21 5. Air brakes. If an applicant for a commercial driver's
license either fails the air brake component of the knowledge
test or performs the skills test in a vehicle not equipped with
23 air brakes, that person shall be restricted from operating a
commercial motor vehicle equipped with air brakes and the license
25 shall be endorsed accordingly.

27 6. Operation with a blood-alcohol level of 0.04% or more, or
under the influence of intoxicating liquor or drugs. The
29 Secretary of State shall suspend, without preliminary hearing,
the commercial driver's license of any person whom the Secretary
31 of State determines has operated or attempted to operate a
commercial motor vehicle while having 0.04% or more by weight of
33 alcohol in the blood or while under the influence of intoxicating
liquor or drugs. The period of suspension shall satisfy the
35 regulations adopted by the United States Secretary of
Transportation under the Commercial Motor Vehicle Safety Act of
37 1986, Public Law 99-570, Title XII, and the rules adopted by the
Secretary of State under subsection 2.

39 Sec. 10. 29 MRSA §532-A is enacted to read:

41 §532-A. Bus and school bus learners' permits

43
45 Any person who is at least 21 years of age may make
application to the Secretary of State for a bus learner's permit
47 to operate a bus. The Secretary of State shall require that,
before the bus learner's permit is issued, any applicant must
49 pass a knowledge test on the safe operation of a bus and a vision
test. The instruction permit shall entitle the applicant, while
51 having the permit in the applicant's immediate possession, to
drive a bus upon the public highways for a period of one year
when accompanied by a licensed bus operator who has at least one

COMMITTEE AMENDMENT "A" to S.P. 460, L.D. 1245

1 year of driving experience and is at least 22 years of age. The
2 accompanying operator must occupy a seat in the immediate
3 vicinity of the driver and no other passengers may be allowed on
4 the bus.

5
6 Any person who is at least 21 years of age may make
7 application to the Secretary of State for a school bus learner's
8 permit to operate a school bus. The Secretary of State shall
9 require that, before the school bus learner's permit is issued,
10 the applicant must meet the school bus operator requirements
11 found in this Title, and must pass a knowledge test on the safe
12 operation of a school bus and a vision test. The instruction
13 permit shall entitle the applicant, while having the permit in
14 the applicant's immediate possession, to drive a school bus upon
15 the public highways for a period of one year when accompanied by
16 a licensed school bus operator who has at least one year of
17 driving experience and is at least 22 years of age. The
18 accompanying operator must occupy a seat in the immediate
19 vicinity of the driver and no other passengers may be allowed on
20 the bus.

21
22 **Sec. 11. 29 MRSA §540, first ¶, as amended by PL 1985, c. 539,**
23 **§5, is further amended to read:**

24
25 Each license shall state the name, date of birth, place of
26 residence of the licensee, permanent number assigned him the
27 licensee, and may contain such other information as the Secretary
28 of State deems necessary. The license shall also bear a full-face
29 color photograph of the licensee for the purpose of
30 identification except that those persons who renew their licenses
31 on or after their 65th birthday, persons in active military
32 service stationed outside the State and temporary licenses issued
33 under section 533 may be exempt from the photograph requirement.
34 A license which does not contain a photograph of the licensee may
35 be issued as the Secretary of State deems necessary, except that
36 the holder of a commercial driver's license shall not be exempt
37 from the color photograph requirement.

38
39 **Sec. 12. 29 MRSA §582, sub-§§1 and 2, as repealed and replaced**
40 **by PL 1981, c. 492, Pt. E, §17, are amended to read:**

41
42 1. Class A or B license. The examination fee for a Class 1
43 A or 2 B license shall be ~~\$25~~ \$35, which shall include the first
44 road test. All subsequent examination fees shall be \$15.

45
46 2. Class C license. The examination fee for a Class 3 C
47 license shall be \$10, which shall include the first road test.
48 All subsequent examination fees shall be \$5.

49
50 **Sec. 13. 29 MRSA §582, sub-§2-A is enacted to read:**

51

COMMITTEE AMENDMENT "A" to S.P. 460, L.D. 1245

1 2-A. Examination fee for endorsements. The examination fee
2 for double or triple trailer, bus, tank truck or hazardous
3 materials endorsements shall be \$10. All subsequent examination
4 fees shall be \$5.

5 Sec. 14. 29 MRSA §582, sub-§4, as enacted by PL 1981, c. 437,
6 §15, is amended to read:

7 4. Fees and waivers. If a driver license examination
8 administered by the Department of Secretary of State requires an
9 appointment and that appointment is not kept, an additional \$5
10 \$20 fee for a Class A or Class B examination and \$5 for a bus,
11 school bus or Class C examination shall be assessed at the time
12 of reappointment for examination. Upon notification of
13 cancellation to the Department of Secretary of State, Division of
14 Motor Vehicles, Driver Examination Section, 48 hours prior to the
15 actual examination, the additional fee will be waived. This
16 subsection does not apply to persons required to take an
17 examination because of advanced age or physical disability.
18

19 Sec. 15. 29 MRSA §582, sub-§5, as reallocated by PL 1981, c.
20 698, §130, is repealed.

21 Sec. 16. 29 MRSA §1312, sub-§12 is enacted to read:

22 12. Implied consent to chemical tests for operators of
23 commercial motor vehicles. Any person who operates or attempts
24 to operate a commercial motor vehicle within the State shall have
25 the duty to submit to and complete a test to determine the
26 blood-alcohol level by analysis of blood or breath, if there is
27 probable cause to believe that the person has operated or
28 attempted to operate a commercial motor vehicle while having
29 0.04% or more by weight of alcohol in the blood. The provisions
30 of this section shall apply, except that in all cases probable
31 cause shall be to believe that the person was operating or
32 attempting to operate a commercial motor vehicle while having
33 0.04% or more by weight of alcohol in the blood and except that
34 the suspension for failing to comply with the duty to submit to
35 and complete the test shall be for a period of one year, unless
36 the person was operating or attempting to operate a commercial
37 motor vehicle containing hazardous materials, in which case the
38 suspension shall be for a period of 3 years or, in the case of a
39 2nd or subsequent failure to submit to a test, a permanent
40 suspension.

41 When a person's commercial driver's license is suspended under
42 this section and is also suspended after the person has been
43 adjudicated or convicted on charges arising out of the same
44 occurrence for a violation of section 1312-B, the period of time
45 that the person's commercial driver's license has been suspended
46 under this section prior to the adjudication or conviction shall

COMMITTEE AMENDMENT "A" to S.P. 460, L.D. 1245

1 be deducted from the period of time of any suspension of the
 2 commercial driver's license ordered by the court or imposed by
 3 the Secretary of State.

5 Sec. 17. 29 MRSA §1312-D, sub-§5, as amended by PL 1985, c.
 6 412, §6, is further amended to read:

7
 8 5. Restricted licenses for suspension for failure to comply
 9 with duty to submit to blood-alcohol test. The Secretary of State
 10 may issue a restricted license or permit to any person whose
 11 license or permit has been suspended for a first failure to
 12 comply with the duty to submit to a blood-alcohol test under
 13 section 1312, subsection 2, if the conditions of issuance
 14 following a conviction or adjudication under section 1312-B are
 15 met by the person and a period of suspension of not less than 90
 16 days has elapsed. This subsection does not apply to any
 17 suspension of a commercial motor vehicle driver's license or
 18 permit to operate for failure to submit to and complete a test to
 19 determine the blood-alcohol level pursuant to section 1312,
 20 subsection 12.

21 Sec. 18. 29 MRSA §2013, sub-§1, ¶A, as repealed and replaced by
 22 PL 1973, c. 780, §4, is amended to read:

23
 24 A. Hold a valid Maine operator's license for operation of
 25 the class vehicle to be operated and have at least one
 26 year's experience as a licensed motor vehicle operator in
 27 this or some other state;

28
 29 Sec. 19. 29 MRSA §2013, sub-§1, ¶E, as amended by PL 1987, c.
 30 676, §3, is further amended to read:

31
 32 E. Must pass an examination as the Secretary of State shall
 33 prescribe to determine his that person's ability to operate
 34 the specific vehicle which will be driven as a school bus or
 35 any comparable type vehicle. A fee of ~~\$8~~ \$10 shall accompany
 36 the initial application for the examination. The fee for
 37 subsequent examinations shall be \$5;

38
 39 Sec. 20. 29 MRSA §2241, sub-§1, as amended by PL 1987, c. 791,
 40 §§26 to 28, is further amended to read:

41
 42 1. Suspension or revocation. The Secretary of State or any
 43 deputy secretary of state may suspend or revoke any certificate
 44 of registration, certificate of title or any license or
 45 commercial driver's license issued to any person to operate a
 46 motor vehicle or right to operate a motor vehicle or right to
 47 obtain an operator's license after hearing for any cause ~~which~~-
 48 deems deemed sufficient. He The Secretary of State or any deputy
 49 secretary of state is also authorized to suspend or revoke any
 50 certificate of registration, certificate of title, any license or
 51 commercial driver's license or any fuel use decal issued to any

COMMITTEE AMENDMENT "A" to S.P. 460, L.D. 1245

1 person without preliminary hearing upon showing by his the
2 Secretary of State records or other sufficient evidence that the
3 driver person:

5 A. Has committed an offense for which mandatory suspension
6 or revocation of license or registration is required upon
7 conviction or adjudication;

9 B. Has been convicted or adjudicated with such frequency of
10 offenses against traffic regulations governing the movement
11 of vehicles as to indicate a disrespect for traffic laws and
12 disregard for the safety of other persons on the highways;

13 C. Is a reckless or negligent driver of a motor vehicle,
14 such fact being established by the point system, by a record
15 of accidents or by other evidence;

17 D. Is incompetent to drive a motor vehicle;

19 E. Has permitted an unlawful or fraudulent use of such
20 license;

23 F. Has committed an offense in another state which, if
24 committed in this State, would be grounds for suspension or
25 revocation;

27 G. Has been convicted of failing to stop for a police
28 officer;

29 H. Has been convicted of reckless driving or driving to
30 endanger;

33 I. Has failed to appear in court on the day specified,
34 either in person or by counsel, after being ordered to do so
35 to answer any violation of chapter 25.

37 J. Has failed to provide sufficient proof of ownership or
38 other documentation in support of his the person's title
39 claim;

41 K. Is subject to action of the Secretary of State pursuant
42 to section 55-B or section 2378, subsection 1;

43 M. Has failed to provide, pursuant to section 246, proof of
44 payment of the use tax imposed by the United States Internal
45 Revenue Code of 1954, Section 4481, within time periods
46 established by federal statute and regulations promulgated
47 pursuant to federal statute; or

49 N. Has failed to submit to or complete a test to determine
50 the blood-alcohol level pursuant to section 1312, subsection
51 11, paragraph D.

COMMITTEE AMENDMENT "A" to S.P. 460, L.D. 1245

1
3
5
7
9
11
13
15
17
19
21
23
25
27
29
31
33
35
37
39
41
43
45
47
49
51

O. Has violated any of the provisions of the Commercial Motor Vehicle Safety Act of 1986, Public Law 99-570, Title XII, and any rules and regulations promulgated and adopted under that Act; or

P. Has failed to surrender to the Secretary of State a commercial driver's license which has been suspended or revoked.

He The Secretary of State or any deputy secretary of state is also authorized to suspend any certificate of registration, certificate of title or any license issued to any person without preliminary hearing upon showing by his the Secretary of State's records or other sufficient evidence that the owner of a vehicle or holder of a title certificate fails has failed to deliver or assign the certificate of title upon the request of the Secretary of State.

Sec. 21. 29 MRSA §2243, sub-§1, as repealed and replaced by PL 1979, c. 210 is amended to read:

1. Provisions not applicable to nonresidents. The provisions of this Title, relative to registration of vehicles and the issuance of operators' licenses, shall not apply to any nonresident owner or operator, provided that the owner or operator has complied with the provisions of the laws of the country, state or province of his the owner or operator's residence relative to the registration of motor vehicles and the possession of operator licenses. A Maine registration and operator license shall be applied for within 30 days if residence in this State is declared or established.

A nonresident student enrolled in a university, college or school within this State shall be exempt from the registration and licensing requirements of this State as long as he that student possesses a valid registration and license issued by his the state or of legal residence.

The exemptions from registration and ~~licensing~~ set forth in this subsection apply only to the noncommercial use and operation of vehicles in this State.

Sec. 22. Transitional provisions. The following transitional provisions shall apply to persons holding valid Class 1, 2 or 3 licenses as of January 1, 1990. This section is repealed December 31, 1991.

1. Any person holding a valid Class 1 or Class 2 operator's license or school bus endorsement issued by the Secretary of State, provided such license is not suspended or revoked, may apply to the Secretary of State to have that license endorsed

COMMITTEE AMENDMENT "A" to S.P. 460, L.D. 1245

1 with a Class A or Class B, double or triple trailer, bus, tank
 3 truck or hazardous material endorsement, without the payment of
 an additional fee and without examination other than the written
 test provided the following conditions have been met:

5
 7
 9

A. An applicant must certify that, during the 2-year period
 immediately prior to applying for a commercial driver's
 license, the applicant has not:

11
 13
 15
 17
 19
 21
 23
 25

(1) Had more than one license except as provided for
 in the federal Commercial Motor Vehicle Safety Act of
 1986, Public Law 99-570, Title XII;

(2) Had any license suspended, revoked or canceled;

(3) Had any conviction for any type of motor vehicle
 violation which is a disqualification offense contained
 in the federal Commercial Motor Vehicle Safety Act of
 1986, Public Law 99-570, Title XII; or

(4) Had any violation, other than a parking violation,
 of state or local law relating to motor vehicle traffic
 control arising in connection with any traffic accident
 and has no record of an accident in which the applicant
 was at fault; and

27
 29

B. An applicant must provide evidence and certify that the
 applicant:

31
 33
 35
 37
 39
 41
 43

(1) Is regularly employed in a job requiring operation
 of a commercial motor vehicle;

(2) Has previously taken and passed a skills test
 given by a state with a classified licensing and
 testing system, and that the test was behind the wheel
 of a representative vehicle for that applicant's
 driver's license classification; or

(3) Has operated, for at least 2 years immediately
 preceding application for a commercial driver's
 license, a vehicle representative of the commercial
 motor vehicle the applicant operates or expects to
 operate.

45
 47
 49

2. Any person holding a valid Class 3 operator's license
 issued by the Secretary of State, may, without the payment of an
 additional fee, be issued a Class C commercial driver's license
 endorsed to operate vehicles carrying hazardous material upon
 successful completion of the written examination.

51

3. The Secretary of State may waive the written test for
 any person holding a Class 1 or Class 2 operator's license who

COMMITTEE AMENDMENT "A" to S.P. 460, L.D. 1245

1 wishes to obtain a Class A or Class B commercial driver's license
 2 provided that authority has been granted by the United States
 3 Secretary of Transportation.

5 **Sec. 23. Allocation.** The following funds are allocated from
 6 the Transportation Safety Fund to carry out the purposes of this
 7 Act.

	1989-90	1990-91
9		
11	SECRETARY OF STATE,	
12	DEPARTMENT OF THE	
13	Administration - Motor Vehicles	
14		
15	Positions	(7)
16	Personal Services	\$89,075
17	All Other	144,946
18		(7)
19		\$166,235
20		72,122
21	Provides funds for 3 Driver	
22	License Examiner I positions,	
23	one Driver License Examiner	
24	II position, 2 Clerk Typist	
25	II positions, one Clerk	
26	Typist III position and	
27	general operating expenses to	
28	administer the commercial	
29	driver's license program.	
30		
31	DEPARTMENT OF THE SECRETARY	
32	OF STATE,	
33	TOTAL	
34	\$234,021	\$238,357

35 **Sec. 24. Allocation.** The following funds are allocated from
 36 the Highway Fund to carry out the purposes of this Act.

	1989-90	1990-91
37		
38	SECRETARY OF STATE,	
39	DEPARTMENT OF THE	
40	Administration - Motor Vehicles	
41		
42	All Other	\$75,000
43	Capital Expenditures	\$61,000
44		
45	Provides funds for 3	
46	automobiles and one van in	
47	fiscal year 1989-90 and	
48	general operating expenses	
49	for the commercial driver's	
50		
51		

COMMITTEE AMENDMENT "A" to S.P. 460, L.D. 1245

1 license program for fiscal
year 1990-91.

3

5 Sec. 25. Effective date. This Act shall take effect January 1,
1990, except that sections 16, 17 and 20, and the Maine Revised
Statutes, Title 29, section 530-B, subsection 6 in section 9 of
7 this Act shall take effect January 1, 1991.

9

FISCAL NOTE

11

Enactment of this bill would result in:

13

15 1. A Transportation Safety Fund allocation to the
Department of the Secretary of State, Division of Motor Vehicles,
in the amount of \$234,021 in fiscal year 1989-90 and \$238,357 in
17 fiscal year 1990-91;

19

21 2. A Highway Fund allocation to the Department of the
Secretary of State, Division of Motor Vehicles, in the amount of
\$61,000 for fiscal year 1989-90 and \$75,000 for fiscal year
1990-91; and

23

25 3. An increase in revenue to the Highway Fund of \$61,000
for fiscal year 1989-90 and \$75,000 for fiscal year 1990-91.
This increase in revenue would be derived from the proposed
27 increase in the current examination fee for Class A and Class B
licenses and from a \$10 fee for endorsement.

29

31 Finally, it should be understood that failure to pass
legislation to comply with the Commercial Motor Vehicle Safety
Act of 1986 could result in a loss of federal highway funds in an
33 amount which cannot be determined at this time.'

35

STATEMENT OF FACT

37

39 This amendment replaces the bill but maintains the same
central purpose: to bring the State into compliance with the
Federal Motor Vehicle Safety Act of 1986, Public Law 99-570,
41 Title XII, which established national standards for commercial
drivers' licenses. Failure to comply with the federal law will
43 result in the following:

45

47 1. Effective April 1, 1992, Maine-licensed commercial motor
vehicle operators will be prohibited from operating beyond the
state boundaries;

49

51 2. Effective October 1, 1993, the State will lose 5% of its
federal highway funds; and.

COMMITTEE AMENDMENT "A" to S.P. 460, L.D. 1245

1 3. Effective October 1, 1994, the State will lose 10% of
3 its federal highway funds.

5 The purpose of this amendment is to implement the public
7 policy of the State to provide maximum safety for all persons who
 travel or otherwise use the public highways of the State and
 reduce and prevent commercial motor vehicle accidents, fatalities
 and injuries by:

9 1. Disqualifying commercial drivers who have committed
11 serious traffic or other designated offenses;

13 2. Strengthening commercial driver licensing and testing
15 standards; and

17 3. Removing quickly from the public highways those
19 commercial drivers who have shown themselves to be safety hazards
21 by operating or attempting to operate a commercial vehicle while
23 having 0.04% or more by weight of alcohol in the blood or by
 refusing to submit to and complete a lawfully requested test to
 determine the blood-alcohol level or by operating or attempting
 to operate a motor vehicle while under the influence of
 intoxicating liquor or drugs.

25 Section 1 of the amendment amends a definition and sections
27 2 and 3 enact definitions.

29 Section 4 prohibits any person from holding more than one
31 commercial driver's license at a time, with no waiver permitted.
 Under present law, such a requirement applies to all licenses,
 but may be waived by the Secretary of State.

33 Section 5 conforms the state license categories to the
35 federal requirements, including the following license categories,
 based upon GVWR or registered weight, effective January 1, 1990:

37 1. Class A: Combination vehicles - Combination vehicles of
39 26,001 pounds or more with trailer exceeding 10,000 pounds;

41 2. Class B: Heavy straight vehicles - Single vehicles of
43 26,001 pounds or more, or towing a trailer of 10,000 pounds or
 less; and

45 3. Class C: Light vehicles - Single vehicles of 26,000
 pounds or less, or towing a trailer of 10,000 pounds or less.

47 Commercial driver's licenses include all Class A and Class B
49 licenses and any Class C license with a commercial endorsement.
51 Any Class C license without commercial endorsement authorizes
 driving private passenger automobiles, light trucks and farm
 trucks and may be endorsed for school buses, motorcycles or motor
 driven cycles or mopeds, as at present.

10 of 3
COMMITTEE AMENDMENT "A" to S.P. 460, L.D. 1245

1
3
5
7
9
11
13
15
17
19
21
23
25
27
29
31
33
35
37
39
41
43
45
47
49

Section 6 provides for a certificate for nonresident school bus operators.

Section 7 makes technical changes.

Section 8 provides exemptions from the commercial driver's license requirement for farm vehicles, firefighting equipment and military vehicles.

Section 9 enacts a new section in the Maine Revised Statutes, Title 29 to establish the requirements for commercial drivers' licenses. The section requires the State to comply with the federal law and the Secretary of State to adopt rules to ensure compliance. This section also provides for endorsements of commercial drivers' licenses for double or triple trailers, buses, tank trucks, hazardous materials and air brakes.

Section 9 also requires the Secretary of State to suspend the commercial driver's license of anyone who operates a commercial motor vehicle while under the influence of intoxicating liquor or drugs, or with 0.04% or more by weight of alcohol in the operator's blood. The period of suspension will be set by the Secretary of State by rule and shall satisfy the federal regulations, which currently require a suspension of one year, and in some cases longer.

Section 10 provides for bus learners' permits and school bus learners' permits.

Section 11 prohibits exemption of commercial driver's licenses from the color photograph requirement. The Secretary of State may waive the requirement for other licenses as in present law.

Section 12 increases the fee for Class A and Class B license examinations from \$25 to \$35. The Class C examination fee remains at \$10.

Section 13 sets a fee of \$10 for double or triple trailer, bus, tank truck or hazardous material endorsements.

Section 14 increases the fee for a missed appointment for a Class A or Class B examination from \$5 to \$20. For other classes that fee remains at \$5.

Section 15 repeals an outdated provision that provided a credit for licenses issued between July 1, 1980, and February 28, 1981.

COMMITTEE AMENDMENT "A" to S.P. 460, L.D. 1245

1 Section 16 establishes implied consent and corresponding
3 suspension provisions for operators of commercial motor vehicles
for failure to submit to a test to determine blood-alcohol level.

5 Section 17 excludes commercial drivers' licenses from a
7 provision of present law which authorizes issuance of a
restricted license to a person whose license has been suspended
9 for failure to submit to a test to determine blood-alcohol level.

11 Section 18 allows operation of a school bus by a person who
has a school bus operator's license from another state and who
13 meets the other requirements of Maine law.

15 Section 19 increases the fee for a school bus driver's
examination from \$8 to \$10.

17 Section 20 authorizes the Secretary of State to suspend or
19 revoke a commercial driver's license with or without a
preliminary hearing for any violation of the federal Commercial
21 Motor Vehicle Safety Act of 1986 or for failure to surrender a
suspended license.

23 Section 21 modifies the present reciprocity law to provide
25 recognition of commercial driver's licenses from other states.

27 Section 22 contains 3 transitional provisions for the period
January 1, 1990, through December 31, 1991, which:

29 1. Allow present holders of a Class 1 or Class 2 license
31 with a clean driving record to obtain a Class A or Class B
license with no fee or road test. Commercial endorsements would
33 be treated similarly;

35 2. Allow a present holder of a Class 3 license to obtain a
Class C license with a hazardous material endorsement with only a
37 written examination; or

39 3. Authorize the Secretary of State to waive the written
test for a holder of a Class 1 or Class 2 license who wishes to
41 obtain a Class A or Class B endorsement, provided that authority
is granted by the United States Secretary of Transportation.

43 Section 23 allocates \$234,021 in fiscal year 1989-90 and
45 \$238,357 in fiscal year 1990-91 from the Transportation Safety
Fund to fund 7 positions and cover other costs of the commercial
47 driver's license program.

49 Section 24 allocates \$61,000 in fiscal year 1989-90 and
51 \$75,000 in fiscal year 1990-91 from the Highway Fund to provide
funds for 4 vehicles and general operating expenses of the
commercial driver's license program.

COMMITTEE AMENDMENT " A" to S.P. 460, L.D. 1245

1
3
5
7

Section 25 sets an effective date of January 1, 1990 for all provisions except the blood-alcohol and license suspension provisions, which take effect January 1, 1991.

The amendment also adds a fiscal note.

Reported by Senator Twitchell for the Committee on Transportation
Reproduced and Distributed Pursuant to Senate Rule 12.
(6/16/89) (Filing No. S-311)