

# 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)



# 114th MAINE LEGISLATURE

## FIRST REGULAR SESSION - 1989

Legislative Document

No. 1245

S.P. 460

In Senate, April 19, 1989

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator TWITCHELL of Oxford.

Cosponsored by Representative POULIOT of Lewiston, Representative STROUT of Corinth and Representative MACOMBER of South Portland.

---

STATE OF MAINE

---

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

---

An Act to Amend Commercial Driver License Laws.

---



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

3           **Sec. 1. 29 MRSA §1, sub-§1-E**, as amended by PL 1987, c. 415,  
5       §1, is further amended to read:

7           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.

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

11           1-J. Commercial driver's license. "Commercial driver's  
13       license" means a license issued by this State or other  
15       jurisdiction to an individual which authorizes the individual to  
operate a class of commercial motor vehicle.

17           1-K. Commercial motor vehicle. "Commercial motor vehicle"  
19       means a motor vehicle that:

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

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

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

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

33           3-H. Hazardous material. The term "hazardous material" has  
35       the same meaning as in the federal Hazardous Materials  
Transportation Act, Section 103, United States Code, Title 49,  
37       Section 1801 et. seq.

39           **Sec. 4. 29 MRSA §530, sub-§1-A** is enacted to read:

41           1-A. Commercial driver's license. It is declared to be the  
public policy of the State to:

43           A. Provide maximum safety for all persons who travel or  
45       otherwise use the public highways of the State;

47           B. Reduce and prevent commercial motor vehicle accidents,  
fatalities and injuries by:

49           (1) Permitting commercial drivers to hold only one  
51       license;

1           (2) Disqualifying commercial drivers who have  
3           committed serious traffic or other designated offenses  
              from operating commercial motor vehicles; and

5           (3) Strengthening commercial driver licensing and  
7           testing standards; and

9           C. Remove quickly from the public highways of this State  
              those commercial drivers who have shown themselves to be a  
11           safety hazard by operating or attempting to operate a  
              commercial motor vehicle;

13           (1) While having 0.04% or more by weight of alcohol in  
15           the blood; or

17           (2) Who refuse to submit to and complete a lawfully  
              requested test to determine the blood-alcohol level.

19           To implement this public policy, the State shall comply with  
21           the Commercial Motor Vehicle Safety Act of 1986, Public Law  
              99-570, Title XII, and any rules and regulations promulgated and  
23           adopted thereunder in the issuance and suspension of a commercial  
              driver's license. The Secretary of State shall adopt rules, as  
25           provided in the Maine Administrative Procedure Act, Title 5,  
              chapter 375, to assure compliance with the Commercial Motor  
27           Vehicle Safety Act of 1986 and to effectuate the public policy of  
              the State.

29           Sec. 5. 29 MRSA §530, sub-§2, ¶B, as amended by PL 1987, c.  
31           415, §19, is repealed and the following enacted in its place:

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

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

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

1           (3) Class C: any single vehicle less than 26,001  
3           pounds gross vehicle weight rating or registered weight  
5           or any such vehicle towing a vehicle not in excess of  
7           10,000 pounds gross vehicle weight rating. Holders of  
9           a Class C license may, with any appropriate  
11           endorsements, operate all vehicles in that class.

13           Classes of licenses issued prior to January 1, 1990, shall  
15           continue to be valid until their normal expiration, except  
17           that Class 1, Class 2 and Class 3 licenses and licenses  
19           endorsed for the operation of school buses shall not be  
21           valid for the operation of commercial vehicles as defined in  
23           this Title after December 31, 1991.

25           **Sec. 6. 29 MRSA §530, sub-§2, ¶C, as enacted by PL 1977, c.**  
27           **692, §3, is amended to read:**

29           C. ~~School~~ Effective January 1, 1990, buses, school buses,  
31           motorcycles ~~or~~, motor driven cycles, vehicles carrying  
33           hazardous materials requiring placarding by federal  
35           Department of Transportation standards, tank trucks  
37           requiring a commercial driver's license and double or triple  
39           trailers shall not be given a separate class, but their use  
41           shall be provided for by special endorsement on their  
43           operator's license, except that nonresident school bus  
45           drivers picking up and discharging school children or in  
47           conjunction with school-related activities in this State  
49           shall be issued a certificate by the Secretary of State.  
51           This endorsement or issuance of a school bus certificate  
          shall be made only after the applicant has successfully  
          passed the examination designed for the specific vehicle as  
          provided elsewhere in this Title.

53           **Sec. 7. 29 MRSA §530, sub-§3, as enacted by PL 1977, c. 692,**  
55           **§3, is amended to read:**

57           **3. Need for immediate examination.** Any applicant who has  
59           made application for a "Class 1 A" or "Class 2 B" license and  
61           provides the Secretary of State with satisfactory evidence that  
63           an immediate examination is needed for employment purposes shall  
65           be examined as provided in this section within 7 days of such  
67           notification.

69           **Sec. 8. 29 MRSA §530, sub-§5, ¶A, as enacted by PL 1977, c.**  
71           **692, §3, is amended to read:**

73           A. Nothing in this section shall ~~may~~ prevent a full-time or  
75           volunteer member of an organized municipal ~~or~~ volunteer state or federal  
77           fire department from operating any fire  
79           apparatus, or ~~any law-enforcement officer from operating any~~  
81           ~~motor-vehicle or combination of vehicles in the performance~~  
83           ~~of his law-enforcement duties,~~ operators of recreational

1 vehicles for personal use, operators of military vehicles  
3 including National Guard vehicles or operators of registered  
5 farm motor trucks bearing the letter "F" used within 150  
7 miles of the registered owner's farm from operating those  
9 vehicles on a "Class 3 C" operator's license.

11 **Sec. 9. 29 MRSA §530, sub-§6 is enacted to read:**

13 6. Endorsement without full examination. For a specified  
15 period of time as determined by the Secretary of State, any  
17 person holding a valid Class 1 or Class 2 operator's license or  
19 school bus endorsement issued by the Secretary of State, provided  
21 such license is not suspended or revoked, may apply to the  
23 Secretary of State to have that license endorsed with a Class A  
25 or Class B, bus, tank vehicle, double trailer or hazardous  
27 material endorsement, without the payment of an additional fee  
29 and without examination other than the written test provided the  
31 following conditions have been met:

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

39 (1) Had more than one license except as provided for  
41 in the federal Commercial Motor Vehicle Safety Act of  
43 1986;

45 (2) Had any license suspended, revoked or cancelled;

47 (3) Had any conviction for any type of motor vehicle  
49 violation which is a disqualification offense contained  
51 in the federal Commercial Motor Vehicle Safety Act of  
1986; 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

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

(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

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

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

13           **Sec. 10. 29 MRSA §532**, as amended by PL 1983, c. 553, §46, is  
            further amended by inserting at the end 2 new paragraphs to read:

15           Any person who is at least 21 years of age may make  
17           application to the Secretary of State for a bus learner's permit  
19           to operate a bus. The Secretary of State shall require that,  
21           before the bus learner's permit is issued, any applicant shall  
23           have passed a knowledge test on the safe operation of a bus and a  
25           vision test. The instruction permit shall entitle the applicant,  
27           while 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  
            year of driving experience and is at least 22 years of age. The  
            accompanying operator must occupy a seat in the immediate  
            vicinity of the driver, and no other passengers may be allowed on  
            the bus.

29           Any person who is at least 21 years of age may make  
31           application to the Secretary of State for a school bus learner's  
33           permit to operate a school bus. The Secretary of State shall  
35           require that, before the school bus learner's permit is issued,  
37           the applicant shall meet the school bus operator requirements  
39           found in this Title, and shall pass a knowledge test on the safe  
41           operation of a school bus and a vision test. The instruction  
43           permit shall entitle the applicant, while having the permit in  
            the applicant's immediate possession, to drive a school bus upon  
            the public highways for a period of one year when accompanied by  
            a licensed school bus operator who has at least one year of  
            driving experience and is at least 22 years of age. The  
            accompanying operator must occupy a seat in the immediate  
            vicinity of the driver, and no other passengers may be allowed on  
            the bus.

45           **Sec. 11. 29 MRSA §540, first ¶**, as amended by PL 1985, c. 539,  
47           §5, is further amended to read:

49           Each license shall state the name, date of birth, place of  
51           residence of the licensee, permanent number assigned him the  
            licensee, and may contain such other information as the Secretary  
            of State deems necessary. The license shall also bear a full-face

1 photograph of the licensee for the purpose of identification  
2 except that those persons who renew their licenses on or after  
3 their 65th birthday, persons in active military service stationed  
4 outside the State and temporary licenses issued under section 533  
5 may be exempt from the photograph requirement. The holder of a  
6 commercial driver's license shall not be exempt from the  
7 photograph requirement. A license which does not contain a  
8 photograph of the licensee may be issued as the Secretary of  
9 State deems necessary.

11 **Sec. 12. 29 MRSA §542, first ¶**, as amended by PL 1985, c. 37, is  
12 further amended to read:

13  
14 All new and renewal licenses to operate motor vehicles shall  
15 expire at midnight on the license holder's 4th birthday next  
16 following the date of issuance of license. The fee for such  
17 license shall be ~~\$16~~ \$33 for Class A and Class B and \$16 for  
18 Class C.

19  
20 **Sec. 13. 29 MRSA §582, sub-§§1 and 2**, as repealed and replaced  
21 by PL 1981, c. 492, Pt. E, §17, are amended to read:

22  
23 1. **Class A or B license.** The examination fee for a Class ~~1~~  
24 A or ~~2~~ B license shall be ~~\$25~~ \$35, which shall include the first  
25 road test. All subsequent examination fees shall be \$15.

26  
27 2. **Class C license.** The examination fee for a Class ~~3~~ C  
28 license shall be \$10, which shall include the first road test.  
29 All subsequent examination fees shall be \$5.

30  
31 **Sec. 14. 29 MRSA §582, sub-§2-A** is enacted to read:

32  
33 2-A. Examination fee for endorsements. The examination fee  
34 for hazardous materials, bus, tank truck or double or triple  
35 trailer endorsements shall be \$10. All subsequent examination  
36 fees shall be \$5.

37  
38 **Sec. 15. 29 MRSA §582, sub-§4**, as enacted by PL 1981, c. 437,  
39 §15, is amended to read:

40  
41 4. **Fees and waivers.** If a driver license examination  
42 administered by the Department of Secretary of State requires an  
43 appointment and that appointment is not kept, an additional \$5  
44 \$20 fee for a Class A or Class B examination and \$5 for a bus,  
45 school bus or Class C examination shall be assessed at the time  
46 of reappointment for examination. Upon notification of  
47 cancellation to the Department of Secretary of State, Division of  
48 Motor Vehicles, Driver Examination Section, 48 hours prior to the  
49 actual examination, the additional fee will be waived. This  
50 subsection does not apply to persons required to take an  
51 examination because of advanced age or physical disability.



1           **Sec. 16. 29 MRSA §582, sub-§5**, as reallocated by PL 1981, c.  
2 698, §130, is repealed.

3           **Sec. 17. 29 MRSA §1312, sub-§12** is enacted to read:

4  
5           12. Implied consent to chemical tests for operators of  
6 commercial motor vehicles. Any person who operates or attempts  
7 to operate a commercial motor vehicle within the State shall have  
8 the duty to submit to a test to determine the blood-alcohol level  
9 by analysis of blood or breath, if there is probable cause to  
10 believe that the person has operated or attempted to operate a  
11 commercial motor vehicle while having 0.04% or more by weight of  
12 alcohol in the blood. The provisions of this section shall  
13 apply, except that in all cases probable cause shall be to  
14 believe that the person was operating or attempting to operate a  
15 commercial motor vehicle while having 0.04% or more by weight of  
16 alcohol in the blood and except that the suspension for failing  
17 to comply with the duty to submit to the test shall be for a  
18 period of 18 months, unless the person was operating or  
19 attempting to operate a commercial motor vehicle containing  
20 hazardous materials, in which case the suspension shall be for a  
21 period of 3 years or, in the case of a 2nd or subsequent failure  
22 to submit to a test, a permanent suspension.

23  
24           When a person's commercial driver's license is suspended under  
25 this section and is also suspended after the person has been  
26 adjudicated or convicted on charges arising out of the same  
27 occurrence for a violation of section 1312-B, the period of time  
28 that the person's commercial driver's license has been suspended  
29 under this section prior to the adjudication or conviction shall  
30 be deducted from the period of time of any suspension of the  
31 commercial driver's license ordered by the court or imposed by  
32 the Secretary of State.

33  
34           **Sec. 18. 29 MRSA §1312-D, sub-§5**, as amended by PL 1985, c.  
35 412, §6, is further amended to read:

36  
37           **5. Restricted licenses for suspension for failure to comply**  
38 **with duty to submit to blood-alcohol test.** The Secretary of State  
39 may issue a restricted license or permit to any person whose  
40 license or permit has been suspended for a first failure to  
41 comply with the duty to submit to a blood-alcohol test under  
42 section 1312, subsection 2, if the conditions of issuance  
43 following a conviction or adjudication under section 1312-B are  
44 met by the person and a period of suspension of not less than 90  
45 days has elapsed. This subsection does not apply to any  
46 suspension of a commercial motor vehicle driver's license or  
47 permit to operate for failure to submit to and complete a test to  
48 determine the blood-alcohol level issued pursuant to section  
49 1312, subsection 12.

1           **Sec. 19. 29 MRSA §2013, sub-§1, ¶A**, as repealed and replaced by  
3 PL 1973, c. 780, §4, is amended to read:

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

13           **Sec. 20. 29 MRSA §2013, sub-§1, ¶E**, as amended by PL 1987, c.  
15 676, §3, is further amended to read:

17           E. Must pass an examination as the Secretary of State shall  
19 prescribe to determine his that person's ability to operate  
21 the specific vehicle which will be driven as a school bus or  
23 any comparable type vehicle. A fee of \$8 \$10 shall accompany  
25 the initial application for the examination. The fee for  
27 subsequent examinations shall be \$5;

29           **Sec. 21. 29 MRSA §2241, sub-§1**, as amended by PL 1987, c. 791,  
31 §§26 to 28, is further amended to read:

33           1. Suspension or revocation. The Secretary of State or any  
35 deputy secretary of state may suspend or revoke any certificate  
37 of registration, certificate of title or any license or  
39 commercial driver's license issued to any person to operate a  
41 motor vehicle or right to operate a motor vehicle or right to  
43 obtain an operator's license after hearing for any cause which he  
45 deems deemed sufficient. He The Secretary of State or any deputy  
47 secretary of state is also authorized to suspend or revoke any  
49 certificate of registration, certificate of title, any license or  
51 commercial driver's license or any fuel use decal issued to any  
person without preliminary hearing upon showing by his the  
Secretary of State's records or other sufficient evidence that  
the driver person:

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

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

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

D. Is incompetent to drive a motor vehicle;

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

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

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

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

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

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

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

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

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

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

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 thereunder; 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 to deliver or assign the certificate of title upon the request of the Secretary of State.



1 Section 9 also provides for grandfathering of  
2 behind-the-wheel testing for current Class 1, Class 2 and school  
3 bus operators who meet the grandfathering requirements of the  
4 federal law.

5  
6 Section 10 provides for instruction permits for the  
7 operation of buses and school buses.

8  
9 Section 11 requires a photograph on all commercial drivers'  
10 licenses.

11  
12 Section 12 increases the fee for Class A and B drivers'  
13 licenses to help absorb the costs of the commercial driver  
14 license program.

15  
16 Section 13 increases the fee for Class A and Class B  
17 examinations to help offset the costs of the commercial driver  
18 license program.

19  
20 Section 14 sets an examination fee for hazardous material,  
21 bus, tank truck and double trailer endorsements.

22  
23 Section 15 increases the fee for failure to notify the  
24 Secretary of State of cancellation of a Class A or Class B  
25 examination.

26  
27 Section 16 repeals a section of law that provided a credit  
28 for licenses issued between July 1, 1980 and February 29, 1981.

29  
30 Section 17 makes the implied consent provisions applicable  
31 to the operator of a commercial motor vehicle if there is  
32 probable cause to believe the driver operated or attempted to  
33 operate a commercial motor vehicle while having 0.04% or more by  
34 weight of alcohol in the blood and establishes a suspension for  
35 failure to comply with that duty.

36  
37 Section 18 provides that no restricted license may be issued  
38 during the minimum suspension period for failure to comply with  
39 the duty to submit to a chemical test if the operator was driving  
40 a commercial motor vehicle.

41  
42 Section 19 allows a nonresident to operate a school bus in  
43 this State provided the nonresident operator meets the school bus  
44 requirements in this State.

45  
46 Section 20 increases the examination fee for a school bus  
47 license.

48  
49 Section 21 allows the Secretary of State to suspend or  
50 revoke a commercial driver's license with or without a  
51 preliminary hearing if the driver has violated any of the  
52 provisions of the Commercial Motor Vehicle Safety Act of 1986 or  
53 for failing to surrender a commercial driver's license.

1

Section 22 allocates money for this program.

3

Section 23 provides effective dates for the Act.

5

7

This bill will bring the State into compliance with the Commercial Motor Vehicle Safety Act of 1986. Failure to comply with the federal law will result in the following.

9

11

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

13

15

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

17

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