

MAINE STATE LEGISLATURE

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L.D. 1399
(Filing No. S-335)

STATE OF MAINE
SENATE
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A " to S.P. 511, L.D. 1399, Bill, "An Act to Amend Certain Motor Vehicle Laws"

Amend the bill by striking out everything after the title and inserting in its place the following:

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

Whereas, certain amendments to the motor vehicle laws are scheduled to take effect July 1, 1989; and

Whereas, the intent of this legislation is to repeal those amendments before they take effect; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

PART A

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

1-J. Antique motorcycle. "Antique motorcycle" means any motorcycle manufactured on or after model year 1916, which is over 25 years old, which is equipped with an engine manufactured either at the same time as the vehicle or to the specifications of the original engine of the vehicle, which is maintained primarily for use in exhibitions, club activities, parades and other functions of public interest, and which is not used as its owner's primary mode of transportation of passenger or goods.

1
3 Sec. 2. 29 MRSA §1, sub-§1-C, as repealed and replaced by PL
1975, c. 731, §19, is amended to read:

5 1-C. Automobile. "Automobile" ~~shall--mean~~ means a motor
7 vehicle designed for the conveyance of passengers with a seating
capacity of not more than ~~14 persons~~ 15 passengers including the
9 operator.

11 Sec. 3. 29 MRSA §1, sub-§5-B, as enacted by PL 1981, c. 344,
§4, is amended to read:

13 5-B. Motorized bicycle or tricycle. "Motorized bicycle or
15 tricycle" means a bicycle or tricycle which may have pedals to
17 permit muscular propulsion and a helper motor attached to the
front or rear wheel which is rated at no more than 1.5 brake
19 horsepower, a cylinder capacity not exceeding 50 cubic
centimeters and an automatic transmission.

21 Sec. 4. 29 MRSA §6, as amended by PL 1977, c. 696, §211, is
repealed.

23 Sec. 5. 29 MRSA §110-A is enacted to read:

25 §110-A. Commemorative motor vehicle registration plate

27 The Secretary of State may, in the secretary's sole
29 discretion, authorize a state, county or municipal government or
31 subdivision thereof to design, distribute and sell a
33 reflectorized, commemorative, simulated motor vehicle
35 registration plate in celebration of its centennial, bicentennial
37 or sesquicentennial. The plate may be displayed to replace the
front registration plate on any motor vehicle registered in this
State, except a truck tractor, from January 1st to December 31st
of the year celebrated. The plate may be displayed on a motor
vehicle, except a truck tractor, registered outside this State,
but operated within this State, in the same manner as provided
for vehicles registered in this State.

39 No such commemorative plates may be sold, distributed or
41 displayed without the approval of the state, county or municipal
43 government or subdivision and authorization by the Secretary of
State.

45 Sec. 6. 29 MRSA §114, 1st ¶, as amended by PL 1979, c. 607, §2,
is further amended to read:

47 The registration of an antique auto, antique motorcycle,
49 horseless carriage or street rod as defined in this Title shall
be upon a form prescribed by the Secretary of State. The
51 registration shall be accompanied by an affidavit, provided by
the Secretary of State, which shall include a statement of the

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1 age and intended use of the motor vehicle and that the applicant
2 is a resident of the State. Any person registering a street rod
3 shall furnish proof that the vehicle is a valid street rod as
4 provided in this section.

5
6 **Sec. 7. 29 MRSA §114, 2nd ¶**, as amended by PL 1989, c. 100,
7 is repealed and the following enacted in its place:

8 The Secretary of State is authorized to design and issue
9 registration plates for antique autos, horseless carriages,
10 street rods and antique motorcycles. These plates shall bear the
11 inscription "Maine" and the inscription "Antique Auto,"
12 "Horseless Carriage" or "Street Rod," or, for antique
13 motorcycles, the inscription "Antique." Present owners of
14 antique motor vehicles shall be permitted to keep their existing
15 registration plate numbers for the new registration plates issued
16 under this section. The Secretary of State shall allow the owner
17 of an antique motor vehicle to use registration plates which were
18 issued in the same year the antique motor vehicle was
19 manufactured, provided that the motor vehicle is over 25 years
20 old and registered as an antique motor vehicle under this
21 section. Any antique motor vehicle, including any antique auto
22 or horseless carriage, bearing registration plates with the year
23 of manufacture shall also carry within it a valid antique motor
24 vehicle registration certificate and the antique motor vehicle
25 registration plates matching the certificate. The registration
26 plates shall have matching plate numbers, shall be affixed to
27 both the front and rear of the antique motor vehicle and shall
28 conspicuously bear the year of manufacture. The fee for
29 registration of an antique auto, horseless carriage or antique
30 motorcycle shall be \$12. The fee for registration of a street
31 rod shall be \$27.

32
33 **Sec. 8. 29 MRSA §244, sub-§4**, as repealed and replaced by PL
34 1989, c. 107, is repealed and the following enacted in its place:

35
36 4. Maximum length limits. The following maximum length
37 limits shall apply.

38
39 A. No vehicle may exceed a length of 45 feet overall,
40 including all structural parts of the vehicle, permanent or
41 temporary, and any load carried on or in the vehicle.

42
43 B. A combination of truck tractor and full trailer or truck
44 tractor and semitrailer shall not exceed 65 feet in length,
45 including all structural parts of the vehicle, permanent or
46 temporary, and any load carried on or in the vehicle.
47 Trailers or semitrailers shall not exceed 48 feet in length,
48 including all structural parts of the vehicle, permanent or
49 temporary, and provided that for trailers or semitrailers in
50 excess of 45 feet the distance as measured between the
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center of the rearmost truck tractor axle and the center of the rearmost trailer axle shall not exceed 38 feet.

(1) The load on any vehicle combination utilized exclusively for the transportation of tree-length logs may extend rearward beyond the body of the vehicle by 8 1/2 feet, provided that not more than 25% of the length of the logs extends beyond the body of the vehicle combination.

(2) A combination of truck tractor and full trailer or semitrailer may be operated on the Interstate Highway System and those qualifying federal aid primary system highways designated by the Secretary of the United States Department of Transportation, pursuant to the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, Section 411, with an overall length in excess of 65 feet, provided that the trailer or semitrailer does not exceed 48 feet in length.

(3) A combination of truck tractor, semitrailer and full trailer, or a combination of truck tractor and 2 semitrailers, may be operated on the Interstate Highway System and those qualifying federal aid primary system highways designated by the Secretary of the United States Department of Transportation, pursuant to the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, Section 411, with an overall length in excess of 65 feet, provided that no semitrailer or trailer operating in either vehicle combination may exceed 28.5 feet in length.

(4) A stinger-steered autotransporter may be operated on the Interstate Highway System and those qualifying federal aid primary system highways designated by the Secretary of the United States Department of Transportation, pursuant to the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, Section 411, with an overall length not to exceed 75 feet.

Notwithstanding any other provision of law, combination vehicles designed for the transportation of automobiles shall be permitted a front overhang of not more than 3 feet and a rear overhang of not more than 4 feet. These overhangs shall be in addition to the length limits authorized in this section.

(5) The overall length of trailers and semitrailers shall not include the space occupied by refrigeration units or other nonload-carrying appurtenances which may be permitted by federal regulation.

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C. Fire department vehicles and disabled motor vehicles being towed to a repair facility are exempted from the length restrictions set out in this subsection.

D. The Commissioner of Transportation shall adopt rules, not inconsistent with the provisions of the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, to ensure reasonable access to vehicles, as set forth in paragraph B, subparagraphs (2), (3) and (4), between the Interstate Highway System and any other qualifying federal aid primary system highways, as designated by the Secretary of the United States Department of Transportation, and terminals, facilities for food, fuel, repairs and rest and points of loading and unloading for household goods carriers.

Any permits required pursuant to this paragraph shall be issued by the Commissioner of Transportation.

Sec. 9. 29 MRSA §252, first 2 ¶¶, as repealed and replaced by PL 1987, c. 298, §1, are amended to read:

On annual application to the Secretary of State, any handicapped person or the spouse, parents or legal guardian of a handicapped person who has registered a motor vehicle as the motor vehicle of principal use by the handicapped person shall be issued a set of special designating plates to be used in place of the regular registration plates ~~or placard to be fixed to the sun visor of a motor vehicle registered by such a person.~~ The placard shall be so affixed that the information thereon shall be clearly legible from outside the motor vehicle. ~~The placard issued under this section shall include the motor vehicle registration plate number of the vehicle registered in the name of the handicapped person or the spouse, parents or legal guardian of the handicapped person, the name of the handicapped person and the date of expiration of the placard.~~ A permanent placard may be issued under this section and shall be so affixed that the information on the placard shall be clearly legible from the outside of the the motor vehicle. The placard shall contain the name of the handicapped person. The Secretary of State shall establish by regulation a system of color coding for placards issued pursuant to this section for the purpose of facilitating the determination of validity of placards. When the Secretary of State deems it appropriate, a placard may be issued to any handicapped person who does not have a duly registered motor vehicle. In such cases, the placard may be displayed on any motor vehicle properly registered in this State, but it may only be so displayed during the time when the handicapped person is a passenger in the vehicle, when the driver of the vehicle is transporting the handicapped person or when the driver is waiting for a service to be rendered to the handicapped person. The

1 annual registration fee is as set forth in this subchapter for
2 the type of vehicle assigned the special designating plates or
3 placard. A \$1 fee shall be charged ~~in these cases where a placard~~
4 ~~is issued to a handicapped person who does not have a duly~~
5 ~~registered motor vehicle~~ for each placard issued.

7 On annual application to the Secretary of State, any
8 handicapped person who has registered a motorcycle shall be
9 issued a special designating plate to be used in place of the
10 regular registration plate.

11 **Sec. 10. 29 MRSA §252-E, first ¶**, as amended by PL 1989, c. 112,
12 is further amended to read:

15 The Secretary of State, on application and upon evidence of
16 payment of the excise tax required by Title 36, section 1482,
17 shall issue a registration certificate and set of special
18 designating plates to be used in lieu of regular registration
19 plates to any person who served in the United States Armed Forces
20 and who was a prisoner of war at any time during tenure of
21 service, or the surviving spouse of ~~that person~~ a former prisoner
22 of war who is deceased, when that application is accompanied by a
23 copy of the appropriate military form certifying that the person
24 is a former prisoner of war. This special license plate is issued
25 specifically to former prisoners of war and their spouses and the
26 privilege of using the special plate is transferable only on the
27 death of the former prisoner of war to the former prisoner's
28 spouse. Upon the death of the former prisoner of war, the
29 surviving spouse may retain and display the special license
30 plate. Upon remarriage, the surviving spouse may not use the
31 special license plate on a motor vehicle, but may retain it as a
32 keepsake. Upon the death of the surviving spouse, the family may
33 retain the special license plate, but not use it on a motor
34 vehicle.

35 **Sec. 11. 29 MRSA §347, first ¶**, as amended by PL 1985, c. 401,
36 §9, is further amended to read:

39 Except as provided in sections 357 and 358 provide, the
40 annual fee for every license shall be \$150, except those
41 businesses licensed by the Secretary of State as salvage vehicle
42 dealers pursuant to section 2448, will be exempt from an
43 additional \$150 fee. The annual fee for plates shall be \$20 per
44 plate, except that on application for additional plates applied
45 for during the period between the first day of September and the
46 31st day of December in any year, 1/2 of the plate fee shall be
47 charged. Dealer plates shall be valid from January 1st to
48 December 31st in any year. On and after December 25th of each
49 calendar year, it shall be lawful to use and display on motor
50 vehicles the number plates issued for the next succeeding year.
51 The dealer certificate of registration and license shall be
displayed at the dealer's place of business.

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Sec. 12. 29 MRSA §350-A, sub-§2 is enacted to read:

2. Penalties. Any person who continues to engage in the business of buying, selling, exchanging, offering to negotiate, negotiating or advertising a sale of any vehicle after suspension or revocation of the dealer license issued by the Secretary of State shall be guilty of a Class E crime, punishable by a fine of not less than \$200, and that fine shall not be suspended.

Any vehicle dealer who fails or refuses to surrender a dealer license, dealer plates or registration certificates or temporary plates upon demand of the Secretary of State following the suspension, revocation or nonrenewal of the dealer license shall be guilty of a Class E crime.

Sec. 13. 29 MRSA §354, sub-§3, as amended by PL 1981, c. 696, §4, is further amended to read:

3. Wreckers. ~~Anyone~~ Any person issued vehicle dealer or equipment dealer registration plates may operate a motor vehicle wrecker with a specially designed dealer plate attached to the wrecker if the wrecker is used only in direct connection with the service, ~~or repair or towing~~ or repair business of the dealer. Any wrecker to which a specially designed wrecker plate has been attached may not be used in connection with a commercial towing business nor exceed 24,000 pounds gross vehicle weight.

The fee for a specially designed dealer wrecker plate is \$50 per plate annually, except that on application for additional plates applied for during the period between the first day of September and the 31st day of December in any year, the fee is \$25 per plate. The specially designed dealer wrecker plate is valid from January 1st to December 31st in any year. On and after December 25th of each calendar year, it is lawful to use and display on motor vehicles the specially designed plates issued for the next succeeding year. The certificate of registration for the specially designed wrecker plate shall be displayed at the dealer's place of business.

The number of specially designed dealer wrecker plates issued to each dealer shall be determined by the Secretary of State.

Sec. 14. 29 MRSA §355, 2nd ¶, as amended by PL 1983, c. 455, §13, is further amended to read:

Such The records, vehicles and vehicle parts in the dealer's possession shall at-all-times be available for inspection during the dealer's normal business hours by the Secretary of State, or his the Secretary of State's duly authorized agents or duly

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1 authorized members of law enforcement agencies or representatives
2 of the Attorney General's office. A copy of the records, except
3 the information required by subsections 6 and 7, shall be filed
4 with the Secretary of State's office immediately following the
5 sale or disposition of the vehicle, on a form or forms prescribed
6 by the Secretary of State. Vehicle dealers shall comply with the
7 federal Truth in Mileage Act of 1986, Public Law 99-579, and the
8 regulations promulgated under 49 Code of Federal Regulations,
9 Part 580, in the keeping of records.

11 **Sec. 15. 29 MRSA §360, first ¶,** as amended by PL 1985, c. 401,
12 §14, is further amended to read:

13
14 Garage owners, body shops, finance companies, banks and
15 salvage dealers and repossession companies licensed by the Bureau
16 of Consumer Credit Protection may apply for a transporter
17 registration license and plates for the purpose of transportation
18 and delivery of vehicles owned or temporarily in their custody.
19 The holder of a transporter registration plate may transport or
20 deliver using this plate only if the vehicle is accompanied by
21 the owner or someone in his the owner's employ. In no event shall
22 may any transporter plate be used in lieu of registration plates
23 issued under this Title or be loaned to any person or be used by
24 the holder for personal reasons. Transporter plates shall not be
25 used on a towing vehicle.

27 **Sec. 16. 29 MRSA §364,** as amended by PL 1987, c. 415, §17, is
28 further amended to read:

29 **§364. Enforcement**

30
31 All state, county and local law enforcement officers, and
32 all inspectors appointed and deputized by the Secretary of State
33 pursuant to section 52, shall expeditiously enforce the
34 provisions of this subchapter,; section 832,; Title 10, chapter
35 217; and Title 30 30-A, chapter 215 183, subchapter I as it
36 relates they relate to automobile graveyards.

37
38 **Sec. 17. 29 MRSA §364-A,** as enacted by PL 1981, c. 470, Pt.
39 B, §§11 and 11-A, is repealed and the following enacted in its
40 place:

41 **§364-A. Odometers; transfer**

42
43 1. Information on transfer. At the time of transfer of a
44 motor vehicle, each transferor shall furnish to the transferee
45 the information required by this subsection in accordance with
46 the federal Truth in Mileage Act of 1986, Public Law 99-579, and
47 the rules promulgated under 49 Code of Federal Regulations, Part
48 580. The information shall be on the reverse of any title or
49 manufacturer's certificate of origin which complies with the
50 federal Truth in Mileage Act of 1986 and rules. If the reverse
51

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1 of the title or manufacturer's certificate of origin is filled or
2 is not in compliance, the disclosure shall be on a transfer form
3 prescribed by the Secretary of State. The information required
4 by this subsection shall also be provided on any other forms
5 prescribed by the Secretary of State which require odometer
6 information. The required information is as follows:

- 7
- 8 A. The date of the transfer;
- 9
- 10 B. The odometer reading at the time of transfer, not to
11 include 1/10th of miles;
- 12
- 13 C. The transferor's printed name and current address;
- 14
- 15 D. The transferee's printed name and current address;
- 16
- 17 E. The identity of the vehicle being transferred, including
18 its make, model, year and body type and its vehicle
19 identification number if on a form other than a title; and
- 20
- 21 F. In addition to the information in paragraphs A to E, the
22 transferor's certification that:

23

24 (1) To the best of the transferor's knowledge, the
25 odometer reading reflects the actual mileage;

26

27 (2) The odometer reading reflects the amount of
28 mileage in excess of its mechanical limit; or

29

30 (3) The odometer reading is not the actual mileage.
31 If the odometer reading is not the actual mileage, the
32 transferor shall give reasons for the discrepancy on a
33 form prescribed by the Secretary of State.

34

35 2. Signatures. The transferor shall sign the title or
36 transfer document to certify the odometer information required by
37 subsection 1. The transferee shall sign the title or transfer
38 document to acknowledge the transferor's odometer disclosure only
39 after the required information is completed and the transferor
40 has signed. No person may sign as both transferor and transferee
41 in the same transaction.

42

43 3. Violation. Any person, corporation, organization or
44 other legal entity that knowingly violates this section commits a
45 Class D crime. A violation of this section is a violation of
46 Title 5, chapter 10.

47

48 Sec. 18. 29 MRS 365, sub-§2, as enacted by PL 1981, c. 437,
49 §14, is amended to read:

50

51 2. Service and repair. Nothing in this section prevents
the service, repair or replacement of an odometer, provided the

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1 mileage indicated thereon is the same after the service, repair
2 or replacement as before. When the odometer is incapable of
3 registering the same mileage as ~~after~~ before the service, repair
4 or replacement, the odometer shall be adjusted to read zero and a
5 notice ~~in-writing~~ provided by the Secretary of State shall be
6 attached to the left door frame of the vehicle by the owner or
7 his the owner's agent specifying or by an authorized agent of the
8 Secretary of State. The notice shall specify the mileage prior
9 to repair or replacement of the odometer and the date on which it
10 was repaired or replaced. Any failure to attach such notice to
11 the left door frame or any removal or alteration of such notice
12 so affixed is a Class D crime.

13
14 **Sec. 19. 29 MRSA §366**, as enacted by PL 1981, c. 437, §14, is
15 amended to read:

16
17 **§366. Vehicle auction business license**

18 Notwithstanding any other provision of this Title, the
19 following requirements apply to vehicle ~~auctioneers~~ auction
20 businesses only.

21
22 1. License. No person may engage in the business of
23 auctioning vehicles without having first been issued a vehicle
24 ~~auctioneer's~~ auction business license by the Secretary of State
25 in accordance with this subchapter. No vehicle ~~auctioneer's~~
26 auction business license may be issued unless and until the
27 Secretary of State has caused to be made a thorough inspection of
28 the premises upon which the proposed business is to be conducted.
29 Prior to the issuance of a vehicle ~~auctioneer's~~ auction business
30 license, the Secretary of State shall be satisfied that the
31 proposed business has met all the requirements of this section
32 and that all other general conditions and proposed methods of
33 operation are suitable for carrying on the business.

34
35 2. Facilities. The vehicle ~~auctioneer~~ auction business
36 shall maintain proper facilities for display of vehicles being
37 auctioned. The Secretary of State may waive the requirements of
38 this section for auction businesses which do not auction vehicles
39 on their own premises, provided that the Secretary of State finds
40 that the facilities used by the auction business are proper for
41 the display of vehicles.

42
43 3. Records. The vehicle ~~auctioneer~~ auction business shall
44 maintain an office where books, records and files relating to the
45 business shall be kept.

46
47 4. Authority of Secretary of State. The Secretary of State
48 or ~~his~~ the Secretary of State's duly authorized agent shall at
49 all times have authority to:

- 50
51 A. Attend all ~~meter~~ vehicle auctions;

1 B. Inspect all books, records and files relating to the
3 vehicle auction business; and

5 C. Inspect all vehicles which are the subject of the
7 auction.

9 5. Fees. The annual fee for such a vehicle auction business
license shall be the same as for dealers.

11 6. Limitations on license. The following are limitations on
vehicle ~~auctioneer~~ auction business licenses.

13 A. A Except as provided in subsection 2, a vehicle
15 ~~auctioneer's~~ auction business license issued under this
17 subchapter shall authorize business at the licensed premises
19 only. The boundaries of the business shall be determined by
21 the map or plan submitted with the application and approved
by the Secretary of State, except any amended plan of
enlargement or reduction of the licensed premises shall be
approved by the Secretary of State.

23 B. No license issued under this section shall may be
25 transferable.

27 7. Penalty. Failure to obtain a vehicle ~~auctioneer's~~
auction business license ~~within the provisions of~~ as required by
29 this section is a Class E crime.

31 Sec. 20. 29 MRSA §367, as amended by PL 1989, c. 198, §§5 and
6, is repealed and the following enacted in its place:

33 §367. Record of transactions by vehicle auction business

35 1. Record of transactions. A vehicle auction business
37 shall complete and maintain a record for a period of not less
39 than 3 years after the date of sale or transfer of interest in
41 the vehicle. A copy of the information required by paragraphs A
43 to E shall be filed with the Secretary of State immediately
45 following the sale or transfer of interest in the vehicle. The
47 required record shall consist of, but not be limited to, the
49 following:

43 A. A description of the vehicle;

45 B. The name of the transferor and transferee;

47 C. The date of the transaction;

49 D. The odometer reading at the time of sale or transfer of
51 interest in the vehicle;

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E. Any additional information which may be required by the official form provided by the Secretary of State; and

F. A statement that a completed disclosure, as required by Title 10, section 1475, subsection 1, was affixed to the vehicle before it was sold or transferred at auction.

2. Availability of records. All books, records and files relating to the sale or transfer of interest in vehicles, as well as any vehicles or vehicle parts in the possession of the vehicle auction business, shall be available for inspection during the normal business hours of the business by the Secretary of State, the Secretary of State's duly authorized agents, duly authorized members of law enforcement agencies or representatives of the office of the Attorney General. The records shall be kept in compliance with the federal Truth in Mileage Act of 1986, United States Public Law 99-579 and regulations promulgated under 49 Code of Federal Regulations, Part 580.

3. Penalty. Any violation of this section is a Class E crime.

Sec. 21. 29 MRSA §547, sub-§3, as repealed and replaced by PL 1983, c. 162, is amended to read:

3. Nonliability. Members of the board or other persons making examinations who report their opinions, recommendations and advice to the office of the Secretary of State in good faith shall have immunity for any damages claimed as a result of so doing. Any physician or other person who becomes aware of a physical, mental or emotional impairment which appears to present an imminent threat to driving safety and reports this information to the office of the Secretary of State through its agents in good faith shall have immunity for any damages claimed as a result of so doing.

Sec. 22. 29 MRSA §832, first ¶, as amended by PL 1985, c. 685, §4, is further amended to read:

The Secretary of State shall not issue a chapter 5, subchapter III-A dealer, transporter, loaner, motorcycle dealer or boat trailer dealer license or registration plates, except these to any equipment dealers or dealers who are only licensed to sell trailers with a GVWR of 3,000 pounds or less, and which do not request dealer registration plates in conjunction with the license, until the applicant therefor shall have has procured and filed with the Secretary of State a certificate showing that the applicant is covered by an automobile bodily injury and property damage liability insurance policy providing coverage as set forth in this Title with respect to the plates issued, approved by the Superintendent of Insurance Superintendent, insuring against any legal liability in accordance with the terms of said that policy

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1 for personal injury or death of any one person in the sum of
2 \$20,000 and for any number of persons in the sum of \$40,000 and
3 against property damage in the sum of \$10,000 which injury, death
4 or damage may result from or have been caused by the operation of
5 any vehicle bearing such registration plates. In lieu of such
6 insurance, the applicant may file with said the Secretary of
7 State a bond or bonds issued by a surety company authorized to do
8 business in the State in the amount of at least \$20,000 on
9 account of injury to or death of any one person, and subject to
10 such limits as respects injury to or death of one person; of at
11 least \$40,000 on account of any one accident resulting in injury
12 to or death of more than one person, and of at least \$10,000 for
13 damage to property of others.

15 Sec. 23. 29 MRSA §1369, last ¶, as amended by PL 1983, c. 370,
16 §1, is further amended to read:

17
18 It is unlawful to operate on any highway any motor vehicle
19 which is registered in this State, if the front windshield or the
20 window at either end of the driver's seat or rear passenger's
21 seat is composed of or has attached to it any opaque substance,
22 semitransparent material or substance, such as signs, pictures or
23 advertising so as to obscure in any way the operator's vision of
24 the highway or any intersecting highway. When the glass in either
25 a window, other than the windshield, is broken, the operator may
26 make temporary repairs by placing an opaque substance therein
27 temporarily until a reasonable opportunity is afforded for the
28 replacement in accordance with this section. ~~The label attached~~
29 ~~to a window showing the price estimated mileage and other~~
30 ~~federally mandated information commonly known as the~~
31 ~~manufacturer's suggested retail price label is excepted from the~~
32 ~~limitation of this section.~~

33 Sec. 24. 29 MRSA §1369-A is enacted to read:

34 §1369-A. View outward and inward through windshield and windows;
35 obscuring prohibited

36
37 1. Windows to be unobscured. No person may operate any
38 motor vehicle registered or required to be registered in this
39 State and no vehicle may receive a certificate of inspection, if:

40
41 A. Any window is composed of, covered by or treated with
42 any material which is reflective;

43
44 B. The front windshield is composed of, covered by or
45 treated with any material which reduces the light
46 transmittance through the window more than the original
47 installation window or an original replacement window;
48
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1 C. Any side window or rear window is composed of, covered
3 by or treated with any material which has a light
transmittance of less than 50%; or

5 D. The front windshield, front door windows or windows at
7 either end of any rear passenger seats do not contain 2-way
9 glass that provides the occupants with a clear view of the
road and the people outside the vehicle with a clear view of
the occupants and the interior of the vehicle.

11 2. Exceptions. The following exceptions shall apply.

13 A. The provisions of subsection 1 do not apply to:

15 (1) A certificate or other paper required or allowed
17 to be displayed by statute;

19 (2) The label attached to a window showing the price,
21 estimated mileage and other federally mandated
information commonly known as the manufacturer's
suggested retail price label; or

23 (3) Sun-screening or window tinting material along a
25 4-inch strip at the top of the windshield in conformity
with the rules adopted under subsection 9.

27 B. The provisions of subsection 1, paragraphs C and D, do
29 not apply to side windows behind the operator's seat or the
31 rear window of the following motor vehicles, provided that
the vehicle is equipped with 2 outside rear view mirrors,
one on each side, adjusted so that the operator has a clear
view of the highway behind the vehicle:

33 (1) A bus operated for compensation; or

35 (2) A vehicle used to transport human remains by a
37 funeral establishment, as described in Title 32,
39 section 1501, or by a medical examiner, appointed
pursuant to Title 22, sections 3022 or 3023.

41 3. Certificate of inspection. Any person who, for
43 compensation, installs a tinted replacement window in or tinting
45 material on the window of a motor vehicle shall provide the owner
47 with a certificate, approved by the Bureau of State Police, that
states that the motor vehicle meets the minimum standards for
light transmittance, provided that the motor vehicle meets the
standards specified in subsections 1 and 2. The certificate
shall be displayed by the owner or operator of the motor vehicle
to an inspection mechanic at the time of inspection to prove
compliance with section 2503, subsection 2, and this section.

51

1 4. Transition. The following transition provisions shall
2 apply.

3 A. Any window tinting material which is installed on a
4 motor vehicle and which fails to meet the standards of
5 subsections 1 and 2, shall be removed prior to March 1, 1990.

6 B. Motor vehicles with a model year prior to 1991, which
7 are equipped with original installation windows or original
8 replacement windows, originally installed or replaced in
9 conformance with Federal Motor Vehicle Safety Standard 205,
10 shall be exempt from the provisions of subsections 1 and 2.
11 Motor vehicles with a model year of 1991 or later shall meet
12 the requirements of this section.

13 5. Violations. It shall be a violation of this section for
14 any person to:

15 A. Install any replacement window in or window tinting
16 material on a vehicle that does not meet the standards of
17 subsections 1 and 2;

18 B. Fail to issue a certificate as required by subsection 3,
19 after having installed a tinted replacement window or window
20 tinting material for compensation;

21 C. Alter the window tinting materials after a certificate
22 has been issued pursuant to subsection 3, and then to
23 display the certificate as proof that the motor vehicle
24 windows are in compliance with this section;

25 D. Display or permit to be displayed any light
26 transmittance certificate, knowing the certificate to be
27 fictitious or issued to another vehicle or issued without
28 the vehicle meeting the standards of subsections 1 and 2;

29 E. Knowingly cause a certificate for light transmittance to
30 be issued for a vehicle which does not meet the minimum
31 standards for light transmittance pursuant to subsections 1
32 and 2; or

33 F. Operate or cause the operation of any motor vehicle
34 which does not meet the requirements of this section.

35 6. Presumption. If the operator of a motor vehicle with a
36 tinted replacement window or window tinting material installed
37 fails to produce a certificate as required by subsection 3 upon
38 the request of a law enforcement officer, it shall be presumed
39 that the vehicle does not meet the requirements of this section.
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1 7. Penalty. Any person who is adjudicated of a violation
2 of this section shall be guilty of a traffic infraction which
3 shall be punished by a fine of not less than \$100.

5 8. Warnings. No law enforcement officer may issue a
6 summons, but shall issue a warning, for a violation of this
7 section prior to March 1, 1990.

9 9. Rules. The Chief of the State Police shall adopt rules
10 as necessary to implement and administer this section and to
11 collect reasonable fees for that administration.

13 Sec. 25. 29 MRSA §2181, as amended by PL 1983, c. 455, §26,
14 is repealed and the following enacted in its place:

15 §2181. Fraud or falsity on applications and documents

17 1. Material misstatement of fact. No person may make any
18 material misstatement of fact upon any application or upon any
19 material submitted in support of an application for license to
20 operate a motor vehicle or for registration of a motor vehicle,
21 application for instruction permit, driver's examination,
22 application for identification card, application for any fuel use
23 or highway use decal or permit, application for a placard or any
24 application for action by the Secretary of State. No person may
25 deceive or substitute, or cause another to deceive or substitute,
26 in connection with any examination required or knowingly make use
27 of any registration certificate, number plate, operator's license
28 or permit, identification card, fuel use or highway use permit or
29 decal or any placard issued upon an application or documents
30 containing any material misstatement of fact. A violation of
31 this section is a Class E crime. Upon receipt of an attested
32 copy of the court record of the conviction or other sufficient
33 evidence, the Secretary of State shall immediately revoke every
34 document, number plate and decal issued and these shall be
35 surrendered to the Secretary of State upon demand and any money
36 paid for these shall be forfeited.

39 2. Printing or reproduction of motor vehicle document. Any
40 person who prints or otherwise prepares, or who causes to be
41 printed or otherwise prepared, or who sells or transfers a paper
42 or document in the form of a certificate of registration,
43 operator's license or any other certificate, permit, license or
44 form used by the Secretary of State in administering this Title
45 or who reproduces, or who causes to be reproduced, any
46 certificate, permit, license or other form, or any part thereof,
47 or who sells or transfers any reproduced certificate, permit,
48 license or other form, or any part thereof, used by the Secretary
49 of State in administering this Title, without the written consent
50 of the Secretary of State, shall be punished by a fine of not
51 more than \$1,000 or by imprisonment for not more than 11 months,
 or by both.

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Sec. 26. 29 MRSA §2241-G, sub-§1, as amended by PL 1985, c. 402, §8, is further amended to read:

1. Licensee 20 years of age and older. The original state license issued to a new applicant 21 years of age and older shall be a provisional license for a period of one year following the date of issue and shall remain in force as a nonprovisional license to the next normal expiration date. ~~If a person is convicted of or adjudicated to have committed a motor vehicle moving violation while in possession of a provisional license on the first offense, the license shall be suspended for 30 days.~~ If a person is convicted of or adjudicated to have committed a motor vehicle moving violation which violation occurred within the first year from the date of issue of the provisional license, the license shall be suspended for 30 days on the first offense. If he a person is convicted of or adjudicated to have committed a 2nd moving violation, his that person's license shall be suspended for 60 days and if he the person is convicted of or adjudicated to have committed a 3rd moving violation, the license shall be suspended to the 2nd birthday next following the date of issue or for 90 days, whichever shall be the longer period of time. In these cases, a hearing may be requested of the Secretary of State, and the Secretary of State shall afford the provisional licensee opportunity for hearing as soon as practicable after receipt of the request. Upon the hearing, the Secretary of State, for good cause shown, may continue, modify or rescind the suspension. This subsection shall not prevail when a person is convicted of or adjudicated to have committed an offense which carries a suspension or revocation period greater than that prescribed in this subsection.

Sec. 27. 29 MRSA §2241-G, sub-§2 ¶A, as amended by PL 1985, c. 402, §9, is further amended to read:

~~A. During the first year from the date of issue of the provisional license, if a person is convicted of or adjudicated to have committed a motor vehicle moving violation, on the first offense, the license shall be suspended for 30 days.~~ If a person is convicted of or adjudicated to have committed a motor vehicle moving violation which violation occurred within the first year from the date of issue of the provisional license, the license shall be suspended for 30 days on the first offense. If he a person is convicted of or adjudicated to have committed a 2nd moving violation, his that person's license shall be suspended for 60 days and if he the person is convicted of or adjudicated to have committed a 3rd moving violation, the license shall be suspended to the 2nd birthday next following the date of issue or for 90 days, whichever shall be the longer period of time. In these cases, a hearing may be requested of the Secretary of State,

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1 and the Secretary of State shall afford the provisional
licensee opportunity for hearing as soon as practicable
3 after receipt of the request. Upon the hearing, the
Secretary of State, for good cause shown, may continue,
5 modify or rescind the suspension. This paragraph shall not
prevail when a person is convicted of or adjudicated to have
7 committed an offense which carries a suspension or
revocation period greater than that prescribed in this
9 paragraph.

11 **Sec. 28. 29 MRSA §2351, sub-§5-B,** as enacted by PL 1983, c.
13 476, §1, is amended to read:

15 5-B. Recycler. "Recycler" means a person engaged in the
business of dismantling, destroying, scrapping or storing
17 vehicles for the purpose of reselling any of their usable parts
or acquiring vehicles for the benefit of their parts ~~or the~~
19 ~~materials in them, including the rebuilding of,~~ or a person who
repairs or rebuilds salvage vehicles for resale.

21 **Sec. 29. 29 MRSA §2352, sub-§1, ¶A,** as amended by PL 1985, c.
23 401, §16, is further amended to read:

25 A. \$10:

27 (1) For a certificate of search of the records of the
Motor Vehicle Division for each name or identification
29 number searched against; and

31 (2) For a certificate of title issued pursuant to
section 895-B and 2364;

33 **Sec. 30. 29 MRSA §2372, sub-§1,** as enacted by PL 1973, c. 586,
35 §1, is amended to read:

37 1. Transfer. If an owner transfers his interest in a
vehicle, other than by the creation of a security interest, he
39 the owner shall, at the time of delivery of the vehicle, execute
an assignment and warranty of title to the transferee in the
41 space provided therefor on the certificate or as the Secretary of
State prescribes, including the odometer information required by
43 section 364-A, and cause the certificate and assignment to be
mailed or delivered to the transferee or to the Secretary of
45 State.

47 **Sec. 31. 29 MRSA §2372, sub-§3,** as amended by PL 1981, c. 110,
§28, is further amended to read:

49 3. Retention. If a security interest is reserved or created
51 at the time of the transfer, the certificate of title or
certificate of salvage shall be retained by or delivered to the

COMMITTEE AMENDMENT "A" to S.P. 511, L.D. 1399

1 person who becomes the lienholder, and the parties shall comply
with ~~section~~ sections 364-A and 2403.

3
5 **Sec. 32. 29 MRSA §2442, sub-§1, ¶D**, as repealed and replaced by
PL 1981, c. 110, §39, is amended to read:

7 D. Uses a false or fictitious name or address, makes a
material false statement, fails to disclose a security
9 interest or conceals any other material fact in an
application for a certificate of title or certificate of
11 salvage or on any documents in support of that application;
or

13
15 **Sec. 33. 29 MRSA §2442, sub-§2**, as enacted by PL 1979, c. 673,
§12, is amended to read:

17 2. Examination of identification numbers; impounding of
vehicle. Any motor vehicle inspector employed within the
19 Department of the Secretary of State and whose duty it is to
enforce chapter 5, subchapter III-A, and chapter 21, may examine
21 the identification numbers of any vehicle or vehicle part. ~~It is~~
~~unlawful--for--any--person--to--fail--or--refuse--to--allow--the~~
23 ~~examination.~~ Failure to allow the examination is a Class E
crime.

25 When an inspector has reasonable grounds to believe that the
27 identification numbers are fictitious, removed or altered, or
that a violation of law involving any vehicle or any part has
29 taken place, ~~he~~ the inspector may at any time impound the vehicle
or any vehicle part and hold it ~~until~~ until the violation has
31 cleared.

33 **Sec. 34. 29 MRSA §2448**, as amended by PL 1987, c. 549, §4, is
further amended by adding at the end a new paragraph to read:

35 Any dealer licensed under this section who displays, sells,
37 exchanges, offers to negotiate, negotiates or advertises the sale
of rebuilt or repaired salvage vehicles must comply with chapter
39 5, subchapter III-A.

41 **Sec. 35. 29 MRSA §2449**, as repealed and replaced by PL 1983,
c. 818, §27, is amended by adding at the end a new paragraph to
43 read:

45 Towing businesses and garages which tow accident damaged
vehicles and store them awaiting disposition of an insurance
47 claim or which acquire vehicles pursuant to section 2610 are
exempt from this subchapter. This exemption applies only to
49 businesses which dispose of the vehicles through sale or transfer
immediately upon gaining ownership.

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1 Sec. 36. 29 MRSA §2452, as amended by PL 1985, c. 401, §23,
is further amended by adding at the end a new paragraph to read:

3 All branch or annex locations of a salvage dealer, recycler
5 or a scrap processor must be approved and licensed by the
7 Secretary of State. The annual fee for each branch or annex
 shall be \$75.

9 Sec. 37. 29 MRSA §2455, sub-§1, ¶B, as enacted by PL 1983, c.
11 476, §6, is amended to read:

13 B. Failure to comply with any provision of this subchapter
 or any lawful rule adopted by the Secretary of State or any
15 provision of Title 17-A or this Title as they relate to the
 sales of vehicles or parts;

17 Sec. 38. 29 MRSA §2455, sub-§3 is enacted to read:

19 3. Penalties. Any person who continues to engage in
21 business as a salvage vehicle dealer, recycler or as a scrap
 processor, after suspension or revocation of the license issued
23 by the Secretary of State, is guilty of a Class E crime,
 punishable by a fine of not less than \$200 and that fine shall
25 not be suspended.

27 Any salvage vehicle dealer, recycler or scrap processor who fails
 or refuses to surrender the license upon demand of the Secretary
29 of State, following the suspension or revocation of that license,
 is guilty of a Class E crime.

31 Sec. 39. 29 MRSA §2459, as enacted by PL 1983, c. 476, §6, is
33 amended to read:

35 §2459. Record of transactions

37 A Except for scrap processors, who shall be exempt from
 subsections 1 and 2, a licensee shall maintain business records
39 for 5 years, in the form the Secretary of State prescribes,
 including a record of:

41 1. Receipt or acquisition. Every vehicle or component part,
43 body,--chassis,--engine--or--transmission--of--or--for--a--vehiele
 received or acquired by him the licensee, its description and
45 identifying vehicle identification number and any other part
 identifying number, the date of its receipt or acquisition, and
47 the name and address of the person from whom received or acquired;

49 2. Disposal. Every vehicle or vehiele--body,--chassis--or
 engine component part disposed of by him the licensee, its
51 description and identifying vehicle identification number and any
 other part identifying number, the date of its disposition, and

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1 the name and address of the person ~~to whom disposed of~~ acquiring
2 the vehicle or component part; and

3
4 3. Destruction. Every vehicle wrecked scrapped, compressed,
5 shredded or dismantled by him, the licensee and the date of its
6 wrecking scrapping, compressing, shredding or dismantling.

7
8 The records shall at all times be available for inspection
9 by the Secretary of State, or his the Secretary of State's duly
10 authorized agents.

11
12 The records and the established place of business as well as
13 all vehicles and vehicle parts in the possession of the licensee
14 shall at--all--times be available for inspection during the
15 licensee's normal business hours by the Secretary of State, his
16 the duly authorized agent ~~or the Chief of the State Police or his~~
17 designee or the duly authorized members of law enforcement
18 agencies or representatives of the office of the Attorney General.

19
20 Licensees shall comply with the federal Truth in Mileage Act
21 of 1986, Public Law 99-579 and the regulations of the United
22 States Secretary of Transportation, 49 Code of Federal
23 Regulations, Part 580, in the keeping of records.

24 Any violation of this section is a Class E crime.

25
26 Sec. 40. 29 MRSA §2502, 1st ¶, as amended by PL 1987, c. 789,
27 §24, is further amended to read:

28
29 All motor vehicles registered in this State, except as
30 provided in this chapter, are subject to an annual inspection as
31 provided in this chapter or section 2017. The owner of any motor
32 vehicle subject to inspection may at any time and on a more
33 frequent basis than annually, if the owner so desires, have the
34 vehicle inspected.

35
36 Sec. 41. 29 MRSA §2502, sub-§3, as enacted by PL 1987, c. 397,
37 §§6 and 10, is repealed.

38
39 Sec. 42. 29 MRSA §2503, sub-§2, as amended by PL 1983, c. 370,
40 §5, is further amended to read:

41
42 2. Windows. In addition to the standards in subsection 1,
43 the-front-windshield,-front-door-windows-and-windows-at-either
44 end-of-the-rear-passenger's-seat-shall-contain-2-way-glass-that
45 provides-the-occupants-with-a-clear-view-of-the-road-and-provides
46 people-outside-the-vehicle-with-a-clear-view-of-the-interior-of
47 the-vehicle the windows shall meet the standards set forth in
48 section 1369-A.

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1 Sec. 43. 29 MRSA §2507-A, sub-§1, as amended by PL 1987, c.
397, §§8 and 10; c. 789, §§22 and 24; and PL 1989, c. 71, §§6, 8
3 and 9, is repealed and the following enacted in its place:

5 1. Motor vehicles required to meet standard. Except as provided
7 in section 2507 regarding vehicles requiring body repair, no
9 dealer or holder of a transporter registration certificate in new
11 or used motor vehicles may permit any vehicle under the dealer's
13 or holder's ownership or control to be sold or transferred to
15 another person or legal entity for operation upon the highways
17 unless the vehicle meets the inspection standards required by
19 section 2503 and the rules promulgated thereunder and has
21 displayed thereon a valid certificate of inspection issued during
23 the last 60 days prior to the date of sale or transfer.

25 Sec. 44. 29 MRSA §2508-A, as amended by PL 1989, c. 71, §§7
27 and 9, is repealed.

29 Sec. 45. 29 MRSA §2519-A, as enacted by PL 1983, c. 124, is
31 repealed.

33 Sec. 46. 29 MRSA §2519-B is enacted to read:

35 §2919-B. Inspection of commercial vehicles, trailers and
37 semitrailers

39 1. Vehicles required to be inspected. Except for farm
41 trucks and fish trucks, as defined in section 2506, any
43 commercial motor vehicle with a gross vehicle weight rating which
45 exceeds 10,000 pounds and any trailer or semitrailer used in
47 combination with such a vehicle, which is required to be
49 registered in this State, shall be subject to an annual
inspection as provided by this section.

2. Scope of inspection. The Chief of State Police shall
promulgate rules for the inspection of commercial vehicles,
trailers and semitrailers which meet the requirements of 49 Code
of Federal Regulations, Section 396.17.

3. Fee. The inspection fee for an inspection under this
section shall be based on the normal hourly labor charge, and is
payable whether the vehicle, trailer or semitrailer passes
inspection or not. Licensed inspection stations shall post the
rate in a conspicuous place.

4. Application of statutes and rules. All statutes and
rules, other than those preempted by this section, applying to
motor vehicle inspections, pertaining to the license holder,
inspection mechanic and the State Police, shall apply to the
inspections required by this section.

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Sec. 47. Effective dates. Sections 45 and 46 of this Act shall take effect December 7, 1989.

PART B

Sec. 1. 29 MRSA §242, sub-§1, ¶A, is repealed and replaced by PL 1987, c. 549, §1 and c. 789, §6, is repealed and the following enacted in its place:

A. Motor vehicles used for the conveyance of passengers shall pay a fee of \$22. Motor vehicles which are used interchangeably for the conveyance of passengers or property shall pay a fee of \$22. These vehicles shall be designated as "combinations" and may be issued a special plate with the word "Combination" in lieu of "Vacationland." Commercial plates shall not be issued to or displayed on automobiles.

Motor vehicles used for the conveyance of passengers which are operated exclusively on islands having no roads maintained or supported by the State shall be registered for a fee of \$2 and the municipality collecting excise tax for these vehicles may collect an additional fee of \$4 to defray the cost of removing abandoned vehicles.

For the purpose of registration only, a pickup truck may be registered as provided for automobiles, provided that at no time may the gross weight of a pickup truck so registered exceed 6,000 pounds when used as a motor truck or truck tractor. The owner of such a pickup truck desiring a gross weight of the truck in excess of 6,000 pounds shall register the truck as provided in section 246.

The registration fee for an electrically powered passenger vehicle with a gross vehicle weight of 6,000 pounds or less shall be \$10 greater than the registration fee for a similar vehicle powered by an internal combustion engine.

Emergency clause. In view of the emergency cited in the preamble, this Act, Part A, sections 40, 41, 43, and 44 shall take effect when approved, and the other sections of this Act shall take effect 90 days after the adjournment of the First Regular Session of the 114th Legislature.

FISCAL NOTE

Enactment of the is bill would basically result in no net fiscal impact on the Highway Fund for the biennium. Also, any costs to the Judicial Department from the potential of increased court filings throughout the State's court system would be absorbed by the judicial branch, utilizing existing resources.'

1
3 STATEMENT OF FACT

5 Section 1 defines antique motorcycle.

7 Section 2 corrects an inconsistency in the law. Currently,
9 "automobile" is defined as carrying no more than 14 persons.
11 Since the definition of "bus" means more than 15 passengers,
neither definition actually applies to a vehicle that can carry
15 passengers.

13 Section 3 allows a helper motor to be attached to the rear
15 wheel of a motorized bicycle or tricycle.

17 Section 4 repeals the Maine Revised Statutes, Title 29,
19 section 6, which deals with unauthorized reproduction of
documents and section 25 inserts the same language into Title 29,
section 2181, which deals with document fraud in general.

21 Section 5 provides that the Secretary of State may authorize
23 a state, county or municipal government or subdivision to design,
distribute and sell a commemorative registration plate in
25 celebration of its centennial, bicentennial or sesquicentennial.
The plate may replace the front registration plate on any motor
27 vehicle, except a truck tractor during the calendar year
celebrated.

29 Sections 6 and 7 allow for the issuance of antique plates on
31 motorcycles. Section 7 also repeals and reenacts Public Law
1989, chapter 100 in all other respects.

33 Section 8 replaces the provision that requires the Secretary
35 of State to issue reasonable access permits for oversized trucks
wishing to leave the Interstate Highway System with a provision
37 for the Department of Transportation to issue the permit. It
also repeals and reenacts Public Law 1989, chapter 107 in all
39 other respects.

41 The amendment deletes from the bill that section which would
43 extend to all government vehicles, including state, provincial
and municipal vehicles, the exemption from licensing under the
45 hazardous materials licensing program. The current exemption
applies only to vehicles owned by the Federal Government.

47 Section 9 eliminates the annual handicap placard leaving
49 only permanent placards or temporary placards. The permanent
placard will contain the name of the handicapped person on the
reverse side and may be used in any vehicle in which the
51 handicapped person drives or is a passenger.

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1 Section 10 corrects technical errors in Public Law 1989,
chapter 112.

3
5 Section 11 allows an already licensed salvage dealer to
obtain a vehicle dealer license without paying an additional
7 fee. The initial \$150 application fee will still be required. A
similar fee exemption exists for vehicle dealers who wish to
obtain a salvage dealer license.

9
11 Section 12 makes operating as a vehicle dealer after the
dealer's license is suspended by the Secretary of State or
13 refusing or failing to surrender the dealer license and dealer
plates after suspension or nonrenewal a Class E crime.

15 Section 13 clarifies that a dealer with dealer wrecker
17 plates can only tow the dealer's own customers and not offer
commercial towing service using those plates.

19 Section 14 clarifies that inspections may be conducted
during normal business hours instead of at all times. This
21 section also requires dealers to be in compliance with the
federal Truth in Mileage Act of 1986, Public Law 99-579, and
23 regulations promulgated under it in 49 Code of Federal
Regulations, Part 580.

25
27 This amendment deletes that section of the original bill
which made the language relating to trailer and mobile home
29 dealers consistent with language concerning boat and snowmobile
trailer dealers and which gave the Secretary of State authority
to limit the use of the trailer and mobile home dealer plates
31 because this issue is addressed in LD 1058.

33 Section 15 adds repossession companies to the list of
persons who may obtain transporter plates.

35
37 Section 16 changes a reference regarding automobile
graveyards from Title 30 to Title 30-A which has replaced it.

39 Section 17 replaces Title 29, section 364-A, with language
that complies with the federal Truth in Mileage Act of 1986,
41 including certain required information in subsection 1. In
addition, subsection 3 changes an "intentional" violation to a
43 "knowing" violation.

45 Section 18 calls for the Secretary of State to provide the
door sticker used when an odometer has been changed. It also
47 gives investigators authority to affix the sticker.

49 Section 19 eliminates the licensing of auctioneers and
specifies that the Secretary of State shall license auction
51 businesses.

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COMMITTEE AMENDMENT "A" to S.P. 511, L.D. 1399

1 Section 20 applies the statutory requirements for records of
2 vehicle auctioneers to auction businesses instead. This section
3 also repeals and reenacts Public Law 1989, chapter 198, section 6
4 in all other respects.

5 Section 21 extends members the same exemptions from
6 liability that now apply to physicians who advise the Secretary
7 of State to members of the Medical Advisory Board.

8 Section 22 allows small trailer dealers and equipment
9 dealers to be exempt from the automobile liability insurance
10 requirement if they do not want dealer plates.

11 Sections 23 and 24 establish standards for the tinting of
12 windows in motor vehicles which require a light transmittance of
13 at least 50 percent.

14 This amendment deletes from the original bill that section
15 which changed the name of the Department of Professional and
16 Financial Regulation, since this was corrected in a separate
17 amendment.

18 Section 25 establishes a Class E crime for any material
19 misstatement or fraud on documents submitted to the Secretary of
20 State. The section retains the offense of substituting on an
21 exam or knowingly using any document fraudulently issued. Any
22 license, permit, registration or decal issued due to a
23 misstatement of fact will continue to be revoked.

24 Sections 26 and 27 clarify the terms of the provisional
25 license law by making it plain that it is the date of commission,
26 rather than the date of conviction or adjudication, for a motor
27 vehicle moving violation which must fall during the term of a
28 provisional license in order to bring a license suspension.

29 Section 28 amends the definition of a recycler and makes it
30 clear that anyone who repairs or rebuilds salvage vehicles for
31 resale is a recycler.

32 Section 29 removes a reference to Title 29, section 895-B,
33 which has been repealed.

34 Sections 30 and 31 require compliance with Title 29, section
35 364-A, on odometers when a vehicle is transferred.

36 Section 32 makes falsity on documents used to support a
37 title application a Class D crime.

38 Section 33 adds vehicle parts as an item which a Motor
39 Vehicle Division inspector may inspect and impound and makes

COMMITTEE AMENDMENT "A" to S.P. 511, L.D. 1399

1 refusal to allow an inspection of a vehicle or part a Class E
crime.

3

5 Section 34 makes clear that anyone who rebuilds or repairs
salvage vehicles for resale must obtain a used vehicle dealer
license in addition to the salvage vehicle dealer license.

7

9 Section 35 exempts towing companies and garages which tow
accident-damaged vehicles and store them awaiting disposition of
an insurance claim from the requirements of a salvage dealer
license.

13 Section 36 allows annexes for salvage dealers in the same
manner as annexes are allowed for new and used car dealers.

15

17 Section 37 adds violations of Title 17-A as they relate to
the sales of vehicles or parts as grounds for denying, suspending
or revoking a salvage dealer license.

19

21 Section 38 makes Class E crimes of operating as a salvage
dealer after the dealer's license is suspended by the Secretary
of State or refusing or failing to surrender the dealer license
after suspension or nonrenewal.

23

25 Section 39 exempts scrap processors from the necessity of
accounting for every vehicle part received, since the vehicles
they receive are normally completely dismantled prior to
arrival. But, if a whole vehicle arrives, the scrap processor
must keep the records. This section also applies the federal
Truth in Mileage Act of 1986 to salvage dealers.

31

33 Section 40 makes it clear that the owner of a motor vehicle
may have the vehicle inspected more frequently than on an annual
basis. The owner can therefore have the inspections and
registration expirations coincide if the owner chooses.

35

37 Section 42 increases to 60 days the time that a dealer may
have a vehicle on the lot before having to have it reinspected
prior to sale.

39

41 Sections 41, 43 and 44 repeal the statutes which would
create a mandatory common expiration date for a motor vehicle
certificate of inspection and registration certificate. Under
present law, an owner may choose this result voluntarily.

45

47 Sections 45 and 46 repeal the section under the motor
vehicle inspection laws which allows for voluntary inspection of
semitrailers and trailers and replaces this with a mandatory
inspection for commercial motor vehicles exceeding 10,000 pounds
registered weight or gross vehicle weight rating (GVWR), except
for farm or fish trucks. The effective date is December 7, 1989,
the same as the new federal regulations. The fee for such

51

COMMITTEE AMENDMENT "A" to S.P. 511, L.D. 1399

1 inspections would be the normal hourly labor rate of the station
performing the service.

3

5 Part B, section 1 resolves a conflict between 2 inconsistent
public laws, retaining the later enactment.

7

Reported by Senator Twitchell for the Committee on Transportation
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