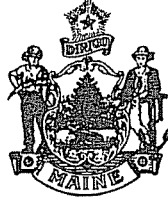


MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

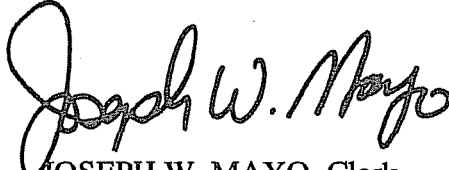
No. 619

H.P. 482

House of Representatives, February 23, 1993

An Act to Amend the Motor Vehicle Laws.

Submitted by the Department of Public Safety pursuant to Joint Rule 24.
Reference to the Committee on Transportation suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative STROUT of Corinth.
Cosponsored by Senator PARADIS of Aroostook and
Representatives: BAILEY of Farmington, MARTIN of Van Buren.

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

2
4 Sec. 1. 29 MRSA §530, sub-§2, ¶B, as amended by PL 1991, c.
597, §14, is further amended to read:

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

10 (1) Class A: any combination of vehicles with a gross
12 combination weight rating or registered weight of
14 26,001 or more pounds, provided the gross vehicle
16 weight rating or gross weight of the vehicle or
18 vehicles being towed is in excess of 10,000 pounds. A
Class A license is a commercial driver's license. Holders of a Class A license may, with any appropriate
endorsements, operate all vehicles in Class B and Class
C;

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

30 (3) Class C: any single vehicle with a gross vehicle
32 weight rating or registered weight of less than 26,001
34 pounds or any such vehicle towing a vehicle not in
36 excess of 10,000 pounds gross vehicle weight rating or
38 gross weight. A Class C license is a commercial
driver's license only if it carries an endorsement
under section 530-B, subsection 4. Holders of a Class
C license may, with any appropriate endorsements,
operate all vehicles in that class.

40 Classes of licenses issued prior to January 1, 1990,
42 continue to be valid until their normal expiration, except
44 that Class 1, Class 2 and Class 3 licenses and licenses
46 endorsed for the operation of school buses are not valid for
48 the operation of commercial vehicles as defined in this
Title after April 1, 1992. In the event the compliance date
of April 1, 1992, mandated in the Federal Commercial Motor
Vehicle Safety Act of 1986, Public Law 99-570, Title XII is
extended, the Secretary of State may extend the April 1,
1992 date to coincide with any amended federal compliance
50 date.

2 **Sec. 2. 29 MRSA §1072**, as amended by PL 1989, c. 65, §1, is
4 further amended to read:

6 **§1072. Dimming of lights on approaching vehicles**

8 Whenever the driver operator of a vehicle equipped with
10 multiple-beam road lighting equipment, during the times when
12 lighted lamps are required and at other times when they are
14 lighted, approaches an oncoming vehicle within 500 feet, or
follows a vehicle within 100 feet, the driver operator shall dim
the headlights or switch to a low beam ~~and shall turn off any fog
or auxiliary light allowed by section 1367-B, subsection 1, which
exceeds 20,000-candlepower.~~

16 **Sec. 3. 29 MRSA §1254, first ¶**, as amended by PL 1975, c. 731,
18 §50, is further amended to read:

20 The speed of any motor vehicle may be measured by the use of
22 radar or any other electronic device which that measures speed by
24 ~~radiomiere-waves~~ radio microwaves or otherwise, laser or by the
use of a device ~~mounted within a motor vehicle~~ operated by a law
enforcement officer which that measures ~~in--any--sequence--a
selected distance traversed by the motor vehicle operated by the
law enforcement officer and~~ the time required ~~by another~~ for a
26 motor vehicle to traverse ~~that--same~~ a specific distance, and
28 computes therefrom the average speed of ~~such--other~~ the motor
vehicle in traversing ~~such~~ the distance. The results of any such
30 measurements shall must be accepted as prima facie evidence of
32 the speed of the motor vehicle under surveillance in any court in
criminal or traffic infraction proceedings where the speed of the
motor vehicle under surveillance is at issue.

34 **Sec. 4. 29 MRSA §1310, sub-§3**, as enacted by PL 1989, c. 784,
36 §1, is amended to read:

38 **3. Drugs.** For purposes of this subchapter and chapter 17,
"drugs" means scheduled drugs as defined under Title 17-A,
40 section 1101. The term "drugs" includes any chemical substance,
natural or artificial, that, when taken into the human body, can
impair the ability of a person to safely operate a motor vehicle.

42 **Sec. 5. 29 MRSA §1312-B, sub-§5**, as enacted by PL 1989, c.
44 866, Pt. B, §11 and affected by §26, is amended to read:

46 **5. Surcharge.** A surcharge ~~of~~-\$30 must be added to every
48 fine or penalty imposed by any court in this State pursuant to
this section. The surcharge is \$30, except that, when the
defendant operates or attempts to operate a motor vehicle while
50 under the influence of drugs or a combination of liquor and

2 drugs, the surcharge is \$125. For the purposes of collection and
collection procedures, the surcharge is considered part of the
4 fine or penalty. Notwithstanding section 2302, all funds
collected as a result of this surcharge accrue to the Highway
6 Fund for the purpose of covering the costs associated with the
administration and analysis of ~~bleed-alcohol~~ chemical tests.

8 **Sec. 6. 29 MRSA §1361**, as amended by PL 1981, c. 98, §7, is
further amended to read:

10 **§1361. Lights and brakes; certain lighting devices forbidden**

12 ~~The Commissioner of Public Safety shall prepare~~ Chief of the
14 State Police may adopt rules and regulations ~~from time to time~~
governing the adjustment, use and operation of lights on vehicles
16 and governing the sufficiency and adjustment of brakes, ~~and may~~
~~from time to time alter, rescind or add to any rules and~~
18 ~~regulations previously made.~~

20 No person shall ~~may~~ equip his a vehicle with, use or sell,
22 any lens, muffler, reflector ~~or,~~ lighting device, window tinting
material or other aftermarket equipment designed for use on
24 vehicles on public ways contrary to this Title or contrary to the
rules ~~and regulations of the Commissioner of Public Safety~~
26 adopted by the Chief of the State Police pursuant to this Title.

28 **Sec. 7. 29 MRSA §1369-A, sub-§3, ¶¶A and B** are enacted to read:

30 A. Light transmittance certificates issued by the Bureau of
State Police remain the property of the State.

32 B. A commercial installer shall return all unused issued
34 light transmittance certificates to the Bureau of State
Police within 10 days of being adjudicated of a violation of
36 this section. The commercial installer may request
reissuance 6 months from the date of the adjudication.

38 **Sec. 8. 29 MRSA §1369-A, sub-§5, ¶¶E and F**, as enacted by PL
1989, c. 481, Pt. A, §24, are amended to read:

40 E. Knowingly cause a certificate for light transmittance to
42 be issued for a vehicle ~~which~~ that does not meet the minimum
standards for light transmittance pursuant to subsections 1
44 and 2; ~~or~~

46 F. Operate or cause the operation of any motor vehicle
48 ~~which~~ that does not meet the requirements of this section;
or

2 **Sec. 9. 29 MRSA §1369-A, sub-§5, ¶G** is enacted to read:

4 G. Fail to return all unused issued light transmittance
6 certificates to the Bureau of State Police within 10 days
8 following an adjudication of a violation of this section.

10 **Sec. 10. 29 MRSA §2012, sub-§1, ¶B**, as repealed and replaced
12 by PL 1973, c. 780, §4, is amended to read:

14 B. ~~Shall~~ Must be painted national school bus glossy yellow,
16 except that the hood ~~shall~~ may be that color or lusterless
18 black.

20 (1) A school bus may have reflective material of
22 national school bus yellow that meets an initial
24 reflective value of 200 candlepower and retains at
26 least 50% of that value for a minimum of 6 years,
28 except on bumpers where the material must be of
30 automotive engineering grade, in the following
32 locations:

34 (a) The front and rear bumpers may be marked
36 diagonally 45° down to the centerline of the
38 pavement with 2-inch-wide strips of reflective
40 material with a 2-inch-wide strip of nonreflective
42 material between each strip of reflective material;

44 (b) The rear may be marked with reflective
46 material no greater than 2 inches in width from
48 the left lower corner of the illuminated "School
50 Bus" sign, horizontally across to the left side of
 the bus, vertically down to the top of the bumper,
 horizontally and immediately above the bumper to
 the right side of the bus, vertically up to the
 point even with the strip placement on the left
 side, and then horizontally to the right lower
 corner of the illuminated "School Bus" sign; and

(c) The sides may be marked with reflective
 material 2 inches in width extending horizontally
 the length of the bus body and located as close to
 the beltline as practicable;

Sec. 11. 29 MRSA §2511, sub-§3, ¶A, as enacted by PL 1979, c.
464, §5, is amended to read:

 A. For the purpose of this section, a full-time inspection
station is a business open to the general public for 35
hours or more per week and that offers motor vehicle
inspection service. A part-time inspection station is a

2 business open to the general public for at least 16, but
less than 35 hours per week and that offers motor vehicle
4 inspection service. Every motor vehicle inspection station
shall perform vehicle inspections while it is open to the
6 general public.

8 **Sec. 12. 29 MRSA §2523**, as repealed and replaced by PL 1991,
c. 388, §14, is amended by adding at the end a new paragraph to
10 read:

12 As a prerequisite to reinstatement following a license
suspension or revocation, an inspection mechanic may be required
14 to satisfactorily complete an inspection mechanic examination.

16 STATEMENT OF FACT

18 This bill makes the following changes to the motor vehicle
laws.

20 1. The bill makes the class of license that a person must
22 have to operate certain combination vehicles dependent on the
actual gross weight or the gross vehicle weight rating of the
24 trailer.

26 2. The bill deletes the requirement that an operator must
turn off fog lamps with an intensity greater than 20,000
28 candlepower when approaching an oncoming vehicle within 500 feet
or following another vehicle within 100 feet.

30 3. The bill makes it clear that speed measured by a laser
32 or a skytimer device is prima facie evidence of the speed of a
vehicle.

34 4. The bill expands the definition of drugs under the
operating-under-the-influence laws to include any substance that
36 can impair safe motor vehicle operation.

38 5. The bill raises the surcharge of a person convicted of
operating under the influence of drugs or a combination of drugs
40 and alcohol from \$30 to \$125. The increase reflects the
42 additional cost of laboratory analysis of specimens taken from
those individuals.

44 6. The bill changes the person responsible for adopting
46 rules governing lights and brakes on motor vehicles from the
Commissioner of Public Safety to the Chief of the State Police.
48 Further, it prohibits equipping a vehicle with, using or selling
any aftermarket equipment that is contrary to the Maine Revised

Statutes, Title 29 or rules adopted by the Chief of the State
Police.

7. The bill makes it clear that light transmittance
certificates issued to a commercial installer of window-tinting
material remain the property of the State and must be returned if
the installer is adjudicated to have violated the law governing
window-tinting material. The installer may apply for reissuance
6 months after the date of adjudication.

8. The bill allows the installation of reflective material
on school buses.

9. The bill clarifies the definition of a part-time
inspection station.