

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 841

S.P. 277

In Senate, March 9, 1993

An Act to Revise and Recodify the Maine Revised Statutes, Title 29.

Reported by the Committee on Transportation pursuant to Resolve 1987, chapter 33.
Reference to the Committee on Transportation suggested and ordered printed pursuant to
Joint Rule 20.

JOY J. O'BRIEN
Secretary of the Senate

S.P. 277 is a three-hundred and sixty-two page bill regarding the Recodification of the Transportation Statutes and is not of general interest. Because of the size and expense of printing this bill, a very limited quantity will be available (vs. 1200 copies of most L.D.'s). Because of the reduced printing, the normal distribution of Legislative Documents will not be followed on this L.D. The Committee on Transportation is expected to make extensive corrections and refinements to this document.

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

PART A

Sec. A-1. 29 MRSA, as amended, is repealed.

Sec. A-2. 29-A MRSA is enacted to read:

TITLE 29-A

MOTOR VEHICLES

CHAPTER 1

GENERAL PROVISIONS

§101. Definitions

As used in this Title, unless the context otherwise indicates, the following terms have the following meanings.

1. Adjudication. "Adjudication" means a finding by a court that a person has committed a traffic infraction and includes the acceptance by the clerk of the violations bureau or any judicial division of an answer of no contest.

2. Altered vehicle. "Altered vehicle" means a motor vehicle with a gross vehicle weight rating of 10,000 pounds or less that is modified so that the distance from the ground to the lowermost point on any part of the frame or body is different from the manufacturer's specifications, unless that difference is caused by:

A. The use of tires that are no more than 2 sizes larger than the manufacturer's recommended size;

B. The installation of a heavy duty suspension, including shock absorbers and overload springs; or

C. Normal wear of the suspension system that does not affect control of the vehicle.

3. Antique auto. "Antique auto" means an automobile manufactured in or after model year 1916 that is:

A. More than 25 years old;

B. Equipped with an engine manufactured either at the same time as the vehicle or to the specifications of the original engine;

2 C. Maintained primarily for use in exhibitions, club
4 activities, parades or other functions of public interest;
6 and

8 D. Not used as its owner's primary mode of transportation
10 of passengers or goods.

12 4. Antique motorcycle. "Antique motorcycle" means a
14 motorcycle or a motor-driven cycle that is:

16 A. More than 25 years old;

18 B. Equipped with an engine manufactured either at the same
20 time as the vehicle or to the specifications of the original
22 engine;

24 C. Maintained primarily for use in exhibitions, club
26 activities, parades or other functions of public interest;
28 and

30 D. Not used as its owner's primary mode of transportation
32 of passengers or goods.

34 5. Authorized emergency vehicle. "Authorized emergency
36 vehicle" means any one of the following vehicles:

38 A. An ambulance;

40 B. A Baxter State Park Authority vehicle operated by a
42 Baxter State Park ranger;

44 C. A Bureau of Marine Patrol vehicle operated by a coastal
46 warden;

48 D. A Department of Conservation vehicle operated by a
50 forest ranger;

52 E. A Department of Conservation vehicle used for forest
54 fire control;

56 F. A Department of Corrections vehicle used for responding
58 to the escape of or performing the high-security transfer of
60 a prisoner, juvenile client or juvenile detainee;

62 G. A Department of Inland Fisheries and Wildlife vehicle
64 operated by a warden;

66 H. A Department of Public Safety vehicle operated by a
68 liquor enforcement officer for the purpose of enforcing

2 section 2411 or Title 28-A, a state fire inspector or a
4 Maine Drug Enforcement Agency officer;

6 I. An emergency medical service vehicle;

8 J. A fire department vehicle;

10 K. A hazardous material response vehicle;

12 L. A railroad police vehicle;

14 M. A sheriff's department vehicle;

16 N. A State Police or municipal police department vehicle;

18 O. A vehicle operated by a chief of police, a sheriff or a
20 deputy sheriff when authorized by the sheriff;

22 P. A vehicle operated by a municipal fire inspector, a
24 municipal fire chief, an assistant or deputy chief or a town
26 forest fire warden;

28 Q. A vehicle operated by a qualified deputy sheriff or
30 other qualified individual to perform court security-related
32 functions and services as authorized by the State Court
34 Administrator pursuant to Title 4, section 17, subsection
36 15; or

38 R. A Federal Government vehicle operated by a federal law
40 enforcement officer.

42 6. Automobile. "Automobile" means a motor vehicle designed
44 for the conveyance of passengers that has a seating capacity of
46 not more than 15 persons, including the operator.

48 6-A. Axle. "Axle" means an assembly of a vehicle
50 consisting of 2 or more wheels whose centers are in one
52 horizontal plane and by which a portion of the weight of a
54 vehicle load may be transmitted to the roadway.

56 7. Bicycle. "Bicycle" means a device upon which a person
58 may ride that is propelled by human power and that has 2 tandem
60 wheels, either of which is more than 20 inches in diameter.

62 8. Bureau. "Bureau" means the Bureau of Motor Vehicles.

64 9. Bus. "Bus" means a motor vehicle designed for carrying
66 more than 15 persons, including the operator.

2 10. Business or residential district. "Business or
residential district" means the part of a municipality,
4 contiguous to a way, that is built up with structures that are
situated less than 150 feet apart for a distance of at least 1/4
6 of a mile.

8 11. Camp trailer. "Camp trailer" means a trailer or
semitrailer primarily designed and constructed to provide
10 temporary living quarters for recreational, camping, travel or
other use.

12 "Camp trailer" includes a manufactured or homemade tent trailer,
so called, that consists of a platform, shelf or box with means
14 of permanently or temporarily attaching a tent. "Camp trailer"
does not include a mobile home.

16 12. Certified reserve officer. "Certified reserve officer"
18 means an officer who has attended the 100-hour reserve training
program sponsored by the Maine Criminal Justice Academy and has
20 received the academy's certification as a reserve officer.

22 13. Classic vehicle. "Classic vehicle" means a motor
vehicle more than 10 years old but less than 25 years old that
24 the Secretary of State determines is of significance to vehicle
collectors because of its make, model and condition and is valued
26 at more than \$5,000.

28 14. Commercial driver's license. "Commercial driver's
license" means a license authorizing an individual to operate a
30 class of commercial motor vehicle.

32 15. Commercial motor vehicle. "Commercial motor vehicle"
means a motor vehicle that:

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

38 B. Is a bus; or

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

44 16. Crosswalk. "Crosswalk" means the portion of a way:

46 A. At an intersection that is included within extensions of
48 the lateral lines of the sidewalks on opposite sides of the
way beginning at the curbs or, in the absence of curbs, from
50 the edge of traversable roadways; or

2 B. At an intersection or elsewhere that is distinctly
4 indicated for pedestrian crossing by lines or other markings
on the way surface.

6 17. Curb. "Curb" means the edge of a sidewalk nearest to a
8 way or either edge of the wrought or usually traveled part of a
way.

10 18. Daytime. "Daytime" means any time from 1/2 hour before
12 sunrise to 1/2 hour after sunset.

14 19. Department. "Department" means the Department of
Transportation.

16 20. Farming. "Farming" means engaging in farming in all
its branches and the cultivation and tillage of the soil as a
18 livelihood and includes dairying; raising livestock, freshwater
fish, fur-bearing animals or poultry; producing, cultivating,
20 growing and harvesting fruit produce or floricultural or
horticultural commodities; or any practices on a farm that are
22 incident to or in conjunction with these farming operations. For
the purposes of this Title, "farming" does not include forestry,
24 the growing of timber or the operation of a farm for recreational
activity.

26 21. Fish truck. "Fish truck" means a 2-axle or 3-axle motor
28 truck used primarily to harvest and transport fish or marine
animals, including use in aquaculture.

30 22. For-hire transportation. "For-hire transportation"
32 means the transportation for compensation of passengers, freight
or merchandise not owned by the carrier.

34 23. Gross weight. "Gross weight" means the weight in
36 pounds of an empty vehicle or axle plus the weight of the maximum
load to be carried by the vehicle or axle.

38 24. Hazardous material. "Hazardous material" has the same
40 meaning as in the federal Hazardous Materials Transportation Act,
42 49 United States Code, Section 1801 et seq.

44 25. Horseless carriage. "Horseless carriage" means an
46 automobile manufactured before model year 1916 that is:

48 A. Equipped with an engine manufactured either at the same
time as the vehicle or to the specifications of the original
engine of the vehicle;

2 B. Maintained primarily for the use in exhibitions, club
4 activities, parades and other functions of public interest;
6 and

8 C. Not used as its owner's primary mode of transportation
10 of passengers or goods.

12 26. Intersection. "Intersection" means:

14 A. For ways joining each other at approximately right
16 angles, the area within the extension of the outside
18 boundary of the way or curb lines;

20 B. For other joining ways, the area at the junction within
22 which vehicles may come in contact; or

24 C. Where the opposite lanes of a divided highway are
26 separated by 30 feet or more, every crossing of each lane by
28 an intersecting highway.

30 27. Law enforcement officer. "Law enforcement officer"
32 means a state police officer, a sheriff, a sheriff's deputy or a
34 municipal police officer.

36 28. License. "License" means a driver's license or other
38 license, permit or privilege to operate a motor vehicle.
40 "License" includes, but is not limited to, a temporary license, a
42 provisional license, an instruction permit, a nonresident
44 operating privilege and the privilege of a person to operate a
46 motor vehicle without a license.

48 29. Limousine. "Limousine" means a vehicle for hire, with
a driver, that is used for the transportation of passengers and
that has a seating capacity of at least 5 and no more than 14
persons behind the driver.

30. Median strip. "Median strip" means a physical barrier
separating lanes of traffic moving in opposite directions.

31. Minor. "Minor" means a person who has not attained 18
years of age.

32. Mobile home. "Mobile home" means a structure,
transportable in one or more sections, that:

2 A. Is 8 feet or more in width and 32 feet or more in length;

4 B. Is built on a permanent chassis;

2 C. Is designed to be used as a dwelling, with or without a
4 permanent foundation, when connected to the required
6 utilities; and

8 D. Includes internal plumbing, heating or air conditioning
10 and electrical systems.

12 The term "mobile home" includes a mobile home when used: for the
14 advertising, sale, display or promotion of merchandise or
16 services; for a commercial purpose, except the transportation of
18 property; or as public school facilities.

20 33. Moped. "Moped" means a motor-driven cycle with 2 or 3
22 wheels that:

24 A. May have foot pedals to permit human propulsion;

26 B. Has a motor with a maximum of 2 brake horsepower and a
28 cylinder capacity not exceeding 50 cubic centimeters that is
30 capable of propelling the vehicle unassisted at a speed of
32 30 miles per hour or less on a level road surface; and

34 C. Is equipped with a power drive system that only
36 functions directly or automatically and does not require
38 clutching or shifting by the operator after the drive system
40 is engaged.

42 "Moped" does not include a motorized bicycle or tricycle.

44 34. Motor carrier. "Motor carrier" means a contract
46 carrier, a common carrier or a private carrier of property or
48 passengers by motor vehicle.

50 35. Motorcycle. "Motorcycle" means a motor vehicle that
has a seat or a saddle for the use of the rider and is designed
to travel with not more than 3 wheels in ground contact.
"Motorcycle" does not include a motorized bicycle or tricycle, a
tractor or a parking control vehicle.

36. Motor-driven cycle. "Motor-driven cycle" means a
motorcycle, including a motor scooter, with a motor that produces
less than 150 cubic centimeters displacement or that has 5 brake
horsepower or less. "Motor-driven cycle" does not include a
motorized bicycle or tricycle.

37. Motor home. "Motor home" means a motor vehicle that:

A. Is originally designed, reconstructed or permanently
altered to provide facilities for human habitation; or

2 B. Has a camper permanently attached to it.

4 "Motor home" does not include a mobile home.

6 38. Motorized bicycle or tricycle. "Motorized bicycle or tricycle" means a bicycle or tricycle that:

8 A. May have pedals to permit human propulsion;

10 B. Has a motor attached to a wheel that is rated at no more than 1.5 brake horsepower and has a cylinder capacity not exceeding 50 cubic centimeters; and

12 C. Has an automatic transmission.

14 39. Motor vehicle. "Motor vehicle" means a self-propelled vehicle not operated exclusively on tracks but does not include:

16 A. A snowmobile as defined in Title 12, section 7821; and

18 B. An all-terrain vehicle as defined in Title 12, section 7851, unless the all-terrain vehicle is registered for highway use.

20 40. Motor vehicle enforcement officer. "Motor vehicle enforcement officer" means an employee of the Department of the Secretary of State or the Department of Public Safety designated to enforce the provisions of this Title.

22 41. Motor vehicle violation. "Motor vehicle violation" means a violation of this Title.

24 42. Moving violation. "Moving violation" means a violation of this Title while a vehicle is actually in operation or motion.

26 43. Muffler. "Muffler" means a device consisting of a series of chambers or baffle plates or another mechanical design for receiving exhaust gas from an internal combustion engine and reducing noise.

28 44. Nighttime. "Nighttime" means a time other than daytime.

30 45. Nonresident. "Nonresident" means a person whose legal residence is not in the State of Maine.

32 46. Operator. "Operator" means an individual who drives or is in control of a vehicle or who is exercising control over or steering a towed vehicle.

2 47. Original registration. "Original registration" means a registration other than a renewal of registration by the same owner.

4 48. Owner. "Owner" means a person holding title to a vehicle or having exclusive right to the use of the vehicle for a period of 30 days or more.

6 49. Parking area. "Parking area" means an area designed for use as access or parking for patrons and customers of establishments to which the public is invited.

8 50. Parking control vehicle. "Parking control vehicle" means a 3-wheel vehicle of 25 horsepower or less that has a metal roof and is operated by a law enforcement officer to control parking and traffic.

10 51. Person. "Person" means an individual, corporation, firm, partnership, joint venture, association, fiduciary, trust, estate or any other legal or commercial entity.

12 51-A. Pick-up truck. "Pick-up truck" means a truck with a gross vehicle weight of 6,000 pounds or less.

14 52. Pilot vehicle. "Pilot vehicle" means a motor vehicle equipped and operated as required by rules adopted by the Secretary of State that accompanies a vehicle or combination of vehicles that have a length, width, height or weight greater than that specified in this Title.

16 53. Pneumatic tire. "Pneumatic tire" means a tire in which confined air supports the load.

18 54. Private way. "Private way" means a way privately owned and maintained over which the owner may restrict use or passage and includes a discontinued way even if a public recreation easement has been reserved.

20 55. Public way. "Public way" means a way, owned and maintained by the State, a county or a municipality, over which the general public has a right to pass.

22 56. Reconstructed vehicle. "Reconstructed vehicle" means a vehicle that has been reconstructed to change the original steering, braking system, suspension system or body design, including, but not limited to, a dune buggy, a street rod, a passenger car converted to a pickup truck or a manufactured vehicle body mounted on another manufactured chassis. Repair to a vehicle that replaces parts with similar parts is not reconstruction.

2 57. Registration. "Registration" means the registration
4 certificate, plates and renewal devices pertaining to the
6 registration of a vehicle, including temporary registered gross
8 weight increases.

10 58. Resident. "Resident" means a person who has declared
12 or established residency in this State or has been domiciled in
14 this State for a period of at least 30 days, except for persons
16 in compliance with section 108, subsection 1.

18 A nonresident who has a place of business in this State is deemed
20 to be a resident:

22 A. For all vehicles owned by that person that are garaged
24 or maintained in this State; or

26 B. If engaged in the business of renting you-drive or
28 you-haul vehicles for an apportioned share of all vehicles
30 based on the ratio of the mileage of vehicles operated in
32 this State to the total mileage of vehicles operated both
34 within and without the State.

36 59. Revocation of driver's license. "Revocation of
38 driver's license" means the termination of a license or privilege
40 to operate by formal action of the bureau or a court. A revoked
42 license may not be restored or renewed but may only be regained
44 by a new application.

46 60. Saddle mount vehicle transporter combination. "Saddle
48 mount vehicle transporter combination" means a combination
50 vehicle consisting of a truck or tractor towing one or more
trucks or tractors each of which is connected by a saddle to the
frame or 5th wheel of the vehicle in front of it. The saddle is
a mechanism that connects the front axle of the towed vehicle to
the frame or 5th wheel kingpin connection. This vehicle
combination may include a fullmount, which consists of a smaller
vehicle mounted completely on the frame of either the first or
the last vehicle in a saddle mount vehicle transporter
combination.

52 61. Sell. "Sell" means to sell, offer, negotiate or
54 advertise to sell, display for sale, exchange or otherwise
56 transfer for value.

58 62. Semitrailer. "Semitrailer" means a vehicle:

60 A. Without motive power;

62 B. Designed for being drawn by a motor vehicle; and

2 C. Designed so that some part of its weight and its load
4 rests upon or is carried by that motor vehicle.

6 "Semitrailer" includes, but is not limited to, so-called pole
8 dollies and pole dickeys and wheels commonly used as a support
10 for the ends of logs or other long articles. "Semitrailer"
12 excludes tow dollies.

14 63. Solid tires. "Solid tires" means tires of solid rubber
16 or other material that do not depend on confined air for the
18 support of the load.

20 64. Solid waste. "Solid waste" means useless, unwanted or
22 discarded solid material with insufficient liquid content to be
24 free-flowing, including, but not limited to, rubbish, garbage,
26 refuse-derived fuel, scrap materials, junk, refuse, inert fill
28 material and landscape refuse, but not including hazardous waste,
30 biomedical waste, septic tank sludge or agricultural wastes. The
32 fact that a solid waste or constituent of the waste may have
34 value or other use or may be sold or exchanged does not exclude
36 it from this definition.

38 65. Special equipment. "Special equipment" means equipment
40 that is drawn by a motor vehicle and that is not designed or used
42 to convey property other than hand tools or parts used in
44 connection with the operation of that equipment, including, but
46 not limited to, air compressors, conveyors, cement mixers, wood
splitting or sawing machines, sprayers, compactors, pumps, drills
and brush chippers.

48 66. Special mobile equipment. "Special mobile equipment"
50 means a self-propelled device operated over the highways that is
not designed or used primarily for the transportation of persons
or property, including, but not limited to, road construction or
maintenance machinery, ditch-digging apparatus, stone crushers,
air compressors, power shovels, cranes, graders, rollers, trucks
used only to plow snow and to carry sand for ballast, well
drillers and wood-sawing equipment used for hire or similar types
of equipment.

52 Special mobile equipment that makes frequent movement over public
54 ways, including, but not limited to, self-propelled well drillers
56 or air compressors, is considered Class A equipment. All other
58 special mobile equipment may be considered Class A or Class B
60 equipment at the option of the registrant.

62 67. Stinger-steered autotractor. "Stinger-steered
64 autotractor" means a combination vehicle consisting of a
66 tractor and semitrailer designed and used specifically for the
68 transport of motor vehicles that has the 5th wheel located on a
70 transport of motor vehicles that has the 5th wheel located on a

2 drop frame located behind and below the rearmost axle of the
3 power unit.

4 68. Stock race car. "Stock race car" means a
5 factory-produced motor vehicle that is equipped with roll bars or
6 bracing welded or attached to the frame in a permanent manner,
7 special safety belts and firewalls and that has part of the body
8 removed.

9 69. Stop. "Stop," when required, means complete cessation
10 of movement.

11 70. Stop or stopping. "Stop" or "stopping," when
12 prohibited, means halting, even momentarily, of a vehicle,
13 whether occupied or not, except when necessary to avoid conflict
14 with other traffic or in compliance with the directions of a
15 police officer or traffic control device.

16 71. Street or highway. "Street" or "highway" means a
17 public way.

18 72. Street rod. "Street rod" means a replica of or a
19 modified antique auto manufactured prior to 1949 that complies
20 with standards adopted by the Chief of the State Police.

21 73. Suspension of driver's license. "Suspension of
22 driver's license" means the temporary withdrawal of a license or
23 privilege to operate a motor vehicle by formal action of the
24 bureau or a court.

25 74. Sunrise and sunset. "Sunrise" and "sunset" are the
26 times given in the Maine Farmers' Almanac for sunrise and sunset
27 respectively on that particular day.

28 75. Taxicab. "Taxicab" means a sedan, station wagon or
29 minivan used for hire, with a driver, that has a seating capacity
30 of fewer than 5 persons behind the driver.

31 76. Team. "Team" means a conveyance for persons and for
32 property on a way, except a motor vehicle or a vehicle that is
33 propelled or drawn by human power or used exclusively on tracks.

34 77. Tow dolly. "Tow dolly" means a device towed by a motor
35 vehicle and designed and used exclusively to transport another
36 motor vehicle and on which the front or rear wheels of the towed
37 motor vehicle are mounted, while the other wheels of the towed
38 motor vehicle remain in contact with the ground.

39 78. Tractor. "Tractor" means a motor vehicle used
40 primarily off the highway for farming, forestry or other similar
41 types of activities.

42 79. Traffic. "Traffic" means pedestrians, ridden or herded
43 animals, vehicles and other conveyances either singly or together
44 using public way for travel.

45 80. Traffic control device. "Traffic control device" means
46 a sign, a signal, a marking or a device placed or erected by a
47 public body or official to regulate, warn or guide traffic.

48 81. Traffic infraction. "Traffic infraction" means any
49 violation of any provision of this Title, or of any rules
50 established under this Title, not expressly defined as a crime,
51 and otherwise not punishable by incarceration or, unless
52 specifically authorized, by a fine of more than \$500.

53 The term "traffic infraction" as used in any public or private
54 law of this State, or in any rule adopted pursuant to any law of
55 this State, or in any ordinance enacted by any political
56 subdivision of this State, has this same meaning and effect.

57 82. Trailer. "Trailer" means a vehicle without motive
58 power, designed to carry persons or property and to be drawn by a
59 motor vehicle, not operated on tracks, and so constructed that no
60 part of its weight rests upon the towing vehicle. "Trailer" does
61 not include tow dollies.

62 82-A. Truck. "Truck" means a motor vehicle with a
63 registered gross weight in excess of 6,000 pounds designed and
64 used primarily to carry property. A truck may be used to tow
65 trailers or semitrailers.

66 83. Truck camper. "Truck camper" means a slide-in camper
67 designed to be mounted on a truck body to provide temporary
68 living quarters for recreational, camping, travel or other use.

69 84. Truck tractor. "Truck tractor" means a motor vehicle
70 designed and used exclusively to draw other vehicles and not
71 constructed to carry a load other than a part of the weight of
72 the vehicle and the load drawn.

73 85. Vehicle. "Vehicle" means a device for conveyance of
74 persons or property on a way. "Vehicle" does not include
75 conveyances propelled or drawn by human power or used exclusively
76 on tracks or snowmobiles as defined in Title 12, section 7821.

2 86. Way. "Way" means the entire width between boundary
4 lines of a road, highway, parkway or street, whether public or
6 private, used for vehicular traffic.

8 87. Wrecker. "Wrecker" means a motor vehicle with hoisting
10 apparatus and special equipment designed and used for towing or
12 carrying wrecked or disabled vehicles or freeing vehicles stalled
14 or stuck in snow, mud or sand. "Wrecker" does not include a
16 vehicle designed to carry or tow more than one vehicle on its own
18 body.

20 §102. Public way use authorized

22 Any vehicle may be operated on a public way unless
24 prohibited or restricted by this Title, by special law or
26 municipal ordinance, or by rule of the department.

28 §103. Traffic infraction

30 1. Civil violation. A traffic infraction is not a crime,
32 but is a civil violation. The penalty for a traffic infraction
34 may not be deemed for any purpose a penal or criminal punishment.

36 2. Jury trial. There is no right to trial by jury for a
38 traffic infraction.

40 3. Exclusive penalty. The exclusive penalty for a traffic
42 infraction that is a violation of any public or private law of
44 this State, or of any rule adopted pursuant to any law of this
46 State, is a fine and suspension of license, permit, the right to
48 operate a motor vehicle in this State and the right to apply for
50 or obtain a license or permit, or both. The exclusive penalty
for a traffic infraction that is a violation of any ordinance
enacted by any political subdivision of this State is a fine.

§104. Penalty for violation of provisions of Title

Except as otherwise provided, a person who violates any
provision of this Title commits a Class E crime.

§105. Enforcement

All state, county and local law enforcement officers and all
investigators appointed by the Secretary of State pursuant to
section 152, subsection 2 shall expeditiously enforce the
provisions of chapter 9; section 1612; Title 10, chapter 217; and
Title 30-A, chapter 183, subchapter I as it relates to automobile
graveyards.

§106. Officers authorized to service process or notice

A person authorized to serve civil process may serve a
process or notice required by this Title.

§107. Service of process on nonresidents

This section applies to service of process on nonresidents.

1. Acceptance of jurisdiction. The acceptance by a
nonresident of the rights and privileges conferred by this Title
as evidenced by the nonresident's or the nonresident's agent's
operation of a motor vehicle on a public way in this State or of
aircraft in this State is:

A. An appointment of the Secretary of State to be the
nonresident's true and lawful attorney on whom may be served
a process in an action or proceeding against that
nonresident, growing out of an accident or collision in
which that person may be involved during that operation; and

B. Evidence of agreement that the process against the
nonresident that is so served is of the same legal force and
validity as if served on the nonresident personally.

2. Method of service. Service must be made by leaving a
copy of the process with a fee of \$2 in the office of the
Secretary of State. This service is sufficient if:

A. Notice of the service and a copy of the process are
personally served on the defendant and the return showing
that service is filed with the clerk of the court where the
action is pending; or

B. Notice of the service and a copy of the process are sent
by registered mail to the defendant and the defendant's
receipt for the registered mail and the plaintiff's
affidavit of compliance are filed with the clerk of the
court in which the action is pending.

3. Deceased defendant. If the defendant is deceased,
service may be made in the same manner on a personal
representative or, if there is no personal representative, on the
public administrator in the county in which the action is
pending. Notwithstanding other requirements for probate, when
service is made on the public administrator, the administrator
shall petition the Probate Court for probate of the defendant's
estate.

2 4. Continuances. The court may order a continuance if
3 necessary to afford the defendant or a personal representative
4 reasonable opportunity to defend the action.

5 5. Plaintiff's bond. The plaintiff shall file with the
6 return of service a bond to the defendant, with 2 or more
7 sureties approved by the judge or clerk of the court, or with a
8 surety company authorized to do business in this State, as surety
9 in the sum of \$100, conditioned that, if judgment is rendered
10 against the plaintiff, as much of the penalty of the bond
11 required to satisfy a judgment for costs awarded must be applied
12 to the judgment. The attorney for the plaintiff is liable to the
13 defendant for costs in the action for an amount not exceeding \$50
14 until the bond is filed.

15 6. Fee taxed in costs to prevailing plaintiff. The fee of
16 \$2, paid by the plaintiff to the Secretary of State, is taxed in
17 the plaintiff's costs, if the plaintiff prevails in the action.

18 7. Record of service. The Secretary of State shall keep a
19 record of the day and the hour of service.

20 8. Application to a resident who becomes a nonresident.
21 This section applies to a resident who becomes a nonresident
22 prior to the time that an action or proceeding has been brought.

23 §108. Reciprocity

24 1. Provisions not applicable to nonresidents. The
25 provisions of this Title on registration of vehicles and
26 operators' licenses do not apply to:

27 A. A nonresident owner or operator, if that person has
28 complied with the provisions of the laws on registration and
29 licensing of the jurisdiction of residence.

30 B. A nonresident student enrolled in a university, college
31 or school within this State as long as that student
32 possesses a valid registration and license issued by the
33 jurisdiction of legal residence.

34 The exemptions from registration of this subsection apply only to
35 the noncommercial use and operation of vehicles in this State.

36 2. Formal agreements. The Secretary of State, after
37 determining that like privileges are granted by a state or
38 province, shall enter into a written agreement with that state or
39 province setting forth the conditions under which residents of
40 that jurisdiction engaged in interstate commerce operations in

41 and through this State are exempt from the registration and
42 licensing laws of this State.

43 3. Limitation. A vehicle may not be operated commercially
44 at a site within this State or used for the transportation of
45 persons, merchandise or materials from one point in this State to
46 another point in this State unless registered in this State or
47 exempt from registration by a written reciprocity agreement as
48 provided in this section, except that a nonresident-owned
49 semitrailer drawn by a power unit registered in this State is
50 permitted to transport merchandise in intrastate commerce.

4. Weight. Nothing in this Title permits operation on a
public way of a vehicle not registered in this State with weight
that exceeds or equipment that does not meet that required of
similar resident vehicles.

5. Violation. A violation of this section is a Class E
crime.

§109. Application for license and registration by person establishing residency

A person establishing residency in this State must apply for
registration and a license in this State within 30 days of
establishing residency.

§110. Hearings; fees of witnesses; summary process

In the administration of the laws relative to vehicles and
to the operators and the operation thereof, the Secretary of
State or a deputy may conduct hearings, subpoena witnesses,
administer oaths, take testimony and order the production of
books and papers, and for the purposes mentioned in this Title
may issue all processes necessary for the performance of the
Secretary of State's duties. The fees for travel and attendance
of witnesses are the same as for witnesses before the Superior
Court and must be paid by the State out of vehicle registration
fees upon certificates of the Secretary of State filed with the
State Controller. The Superior Court, on the petition of the
Secretary of State, may issue summary process to enforce the
lawful orders of the Secretary of State in any matter. Hearings
conducted by the Secretary of State must be as provided by Title
5, chapter 375, subchapter IV.

§111. Notice of hearing

Notice of any hearing held by the Secretary of State or by
the Secretary of State's authority under this Title must be
consistent with Title 5, section 9052 and notify the licensee or

registrant that the licensee or registrant may then and there appear, in person or through counsel, to show cause why that license or certificate of registration should not be suspended or revoked. Service of that notice is sufficient if sent by regular mail to the address given by the licensee or registrant at least 10 days before the date set for hearing.

§112. Computer transcripts as evidence

1. Transcript. A properly certified transcript of entries of conviction, adjudication, suspension or revocation in official records stored within a computer or data processing device is admissible in evidence to show the truth of the facts stated in the transcript.

2. Certification. A transcript may be certified by:

A. A clerk or deputy clerk of any judicial division of the District Court or the violations bureau for records from a judicial division of the violations bureau;

B. A clerk or deputy clerk of a Superior Court for Superior Court records; or

C. The Secretary of State for any court's records.

3. Secretary of State's certification. Notwithstanding any other law or rule of evidence, the certificate of the Secretary of State or a deputy, under seal of the State, must be received in a judicial or administrative proceeding as prima facie evidence of any fact stated in the certificate or documents attached to the certificate.

CHAPTER 3

SECRETARY OF STATE

SUBCHAPTER I

ADMINISTRATION

§151. Duties of Secretary of State

The Secretary of State shall:

1. Forms; certificates; notices. Prescribe and provide suitable forms of applications, certificates of title, notices of security interests and all other notices and forms necessary to carry out the provisions of this Title;

2. Maintain offices. Maintain 13 full-time offices at convenient places to carry out duties related to applications for registration of and licenses for the operation of motor vehicles; and

3. Publish abstract of laws. Publish an abstract of statutes pertaining to vehicles and rules made by the Secretary of State and the Department of Transportation pertaining to this Title, together with other information related to public safety and regulation of traffic.

§152. Powers of Secretary of State

The Secretary of State may:

1. Investigation for information. Make necessary investigations for information required to carry out the provisions of this Title, including, but not limited to, review of records and investigations in the field;

2. Deputize agents, examiners and investigators. Appoint and deputize agents, examiners and motor vehicle investigators, stationed at convenient places, to receive applications for registration and licenses for the operation of vehicles, to conduct examinations and to perform assigned duties.

A motor vehicle investigator may enforce chapter 3, subchapter IV, chapters 5, 7, 9 and 11, chapter 19, subchapter II, chapter 23, subchapter III and those provisions of Title 17-A that relate to duties assigned under this Title with the powers throughout the State that a sheriff has in a county. Enforcement power does not include provisions under section 2054, subsection 2, paragraph D and does not include authority to make routine motor vehicle stops;

3. Central computer system. Notwithstanding any other provisions of law, purchase and maintain a central computer system for purposes of administering this Title and conducting departmental operations. All other uses must be approved by the Secretary of State. The Secretary of State shall adopt rules regarding the maintenance and use of data processing information files required to be kept confidential and shall distinguish those files from files available to the public;

4. Facsimile signature of Secretary of State. Use a facsimile signature, which has the same validity as the Secretary of State's written signature and is admissible in court;

2 5. Assign new identification number. Assign a new
4 identification number to a vehicle if it has none, or its
6 identification number is destroyed or obliterated, or its motor
is changed, and shall either issue a new certificate of title
showing the new identification number or make an appropriate
endorsement on the original certificate; and

8 6. Other data. Require data necessary on forms,
10 applications, certificates, licenses or other documents.

12 §153. Rules

14 The Secretary of State may adopt, amend or repeal rules
16 necessary to administer this Title, as provided in the Maine
18 Administrative Procedure Act.

20 §154. Collection of fees; report

22 1. Collection of fees. The Secretary of State shall
24 collect all fees required for registering vehicles and licensing
26 operators and all permit fees and transmit these fees to the
28 Treasurer of State.

30 2. Report. The Secretary of State, as required by the
32 Governor, shall make a report of the fees received for vehicle
34 registrations and issuances of licenses and from other sources,
with appropriate recommendations.

36 3. Collection costs. Whenever the payment of a fee results
38 in a protest or is returned by the bank upon which it was drawn
40 because of insufficient funds, closed account, no account or a
42 similar reason, the Secretary of State shall charge a service
44 collection fee of \$2 plus the cost of collection.

46 4. Recovery of fees or use taxes. Whenever the payment of
48 a fee or use tax required to be collected by the Secretary of
50 State results in a protest or is returned by the bank upon which
it was drawn because of insufficient funds, closed account, no
account or a similar reason, the Secretary of State may mail a
notice of dishonor, as defined in Title 11, section 3-508, to the
person liable, demanding payment and warning the person that if
the amount due is not paid within 10 days after the mailing of
the notice, suspension of the person's license and registration
will result. If the person fails to pay the required amount
within 10 days after the mailing of the notice, the Secretary of
State may suspend all licenses, permits, certificates and
registrations of the person liable for the fee, fees or tax.

5. Recovery of tax on vehicles. Upon receipt of
notification of the State Tax Assessor under Title 36, sections

1955-A or 1955-B, the Secretary of State shall mail a notice to
the person liable for the tax, warning that if the amount of tax
due is not paid within 10 days after the mailing of the notice,
suspension of the registration issued for the vehicle in question
will result. If the person fails to pay the required amount
within 10 days after the mailing of the notice, the Secretary of
State shall suspend the registration issued for the vehicle on
which the tax remains unpaid.

10 §155. Reciprocal taxes or fees

12 1. Authority to levy reciprocal fees or taxes. If another
14 jurisdiction imposes a tax or fee on a class of motor vehicles
16 registered in this State and traveling in that jurisdiction and
18 that tax or fee is additional to those imposed by this State upon
20 the same class of motor vehicles not registered in that
22 jurisdiction, the Secretary of State, the Commissioner of
Administrative and Financial Services and the Commissioner of
Transportation acting together shall levy the same or
substantially the same tax or fee upon the same class of motor
vehicles registered in that jurisdiction and traveling in this
State.

24 2. Adoption of rules. The Secretary of State, the
26 Commissioner of Administrative and Financial Services and the
28 Commissioner of Transportation shall jointly adopt or amend rules
for carrying out the purposes of this section.

30 3. Monitoring of fees and taxes. The Secretary of State
32 shall monitor taxes and fees assessed against motor vehicles
34 registered in this State by other jurisdictions to ensure
comparable treatment of motor vehicles registered elsewhere and
traveling in this State.

36 4. Accrual of revenue to Highway Fund. Revenue derived
38 from taxes or fees levied under this section accrue to the
Highway Fund.

40 5. Penalty. A person who fails to pay a tax or fee due
under this section commits a Class E crime.

42 §156. Reciprocal agreements with New Hampshire

44 Notwithstanding any law to the contrary, the Secretary of
46 State may make agreements with the duly authorized
48 representatives of the State of New Hampshire to provide that
50 buses, taxicabs, trucks, tractors, trailers, semitrailers or
double-bottoms owned by residents of that state and legally
registered in that state may be operated in this State, including
for purposes of intrastate commerce, within a zone not to exceed

10 miles from the border with that state. The agreements must provide that a resident of this State, when using the public ways of that adjoining state, is entitled to receive substantially equivalent benefits and privileges.

§157. Reciprocal and apportioned registrations; International Registration Plan

1. Authority for entering into agreement and International Registration Plan. Notwithstanding this Title, the Secretary of State, in concurrence with the Commissioner of Transportation, may enter into reciprocal agreements or plans with another jurisdiction providing for the registration of vehicles on an apportionment or allocation basis. In the exercise of this authority, the Secretary of State may enter into and become a member of the International Registration Plan.

2. Registration year. Fleets must be apportioned under the International Registration Plan on a staggered basis. The registrant shall elect a common registration expiration date for all apportioned vehicles in the fleet. For purposes of this section, "fleet" means one or more vehicles.

3. Application of plan. The International Registration Plan agreement prevails if in conflict with other laws or rules regarding registration of vehicles.

4. Rulemaking. The Secretary of State shall adopt rules to carry out provisions of the plan.

5. Registration transition. The registration of motor vehicles that are to be registered under the International Registration Plan issued in the 12 months prior to Maine's entry must be prorated on a monthly basis. Prorated registrations may be issued for any number of months necessary to provide for the consolidation of fleets of vehicles under a single expiration date.

6. Registration of fleet operated by nonresident owner. The Secretary of State may provide for the registration of a fleet of vehicles operated by a nonresident owner on an apportionment or allocation basis when those vehicles are regularly operated between points without the State to points within the State.

SUBCHAPTER II

MUNICIPAL AGENTS

§201. Municipal officials as agents

1. Appointment of agents by Secretary of State; scope of authority. With the approval of the municipal officers, the Secretary of State may appoint a municipal tax collector, or other persons designated by a municipality, to collect excise taxes on vehicles and to receive applications for licenses, license renewals, registrations and renewals of registrations of motor vehicles, trailers and semitrailers. The Secretary of State may authorize a municipal agent to issue licenses, registrations and renewals of licenses and registrations or may limit the agent's authority to the issuance of renewals only.

2. Issuance of registrations or renewals. An agent appointed in accordance with subsection 1 may:

A. Issue renewals of registration for school buses operated by school administrative units or private contractors;

B. Issue registration renewals for all motor vehicles and trailers, except for those required to be registered directly through the Bureau of Motor Vehicles as designated by the Secretary of State; and

C. If authorized to issue registrations and renewals of registrations, issue:

(1) Registrations for pick-up trucks registered for 6,000 pounds or less gross vehicular weight, automobiles, trailers, semitrailers and farm tractors; and

(2) Registrations for trucks of greater gross weight than provided in subparagraph (1), after the agent has satisfactorily participated in special training as prescribed by the Secretary of State.

3. Service fees. Municipal agents appointed in accordance with subsection 1 may charge service fees for licenses, registrations and renewals of licenses and registrations as follows.

A. A municipal agent may charge an applicant a fee not to exceed \$3 over the required fee for each renewal of license or registration issued and a fee not to exceed \$4 over the required fee for each new license or registration issued.

B. In a municipality in which agents are authorized to issue licenses, registrations or renewals of licenses or registrations for applicants from another municipality or from an unorganized territory, the agent may charge those

2 applicants \$1 in addition to the fees authorized by this
3 subsection for each license, registration or renewal.

4 C. A municipal agent authorized to issue temporary
5 registration permits may charge an applicant a fee not to
6 exceed \$1 over the required permit fee.

7 D. A municipal agent authorized to process permits and
8 decals for vehicles with gross vehicle weight in excess of
9 6,000 may charge a fee not to exceed \$1 over the required
10 fee for each permit or decal issued.

11 E. A municipal agent may charge a fee not to exceed \$1 over
12 the required fee for the issuance of a duplicate
13 registration.

14 F. A municipal agent may charge any applicant a fee not to
15 exceed \$1 over and above the required operators license fee
16 for each renewal issued.

17 The municipality may retain all service fees authorized in this
18 subsection.

19 4. Training. The Secretary of State shall provide
20 necessary training for municipal agents. A municipal agent may
21 not be appointed for specific duties unless the agent has
22 successfully completed the appropriate training program.

23 5. Duration of appointment; revocation of appointment.
24 Unless revoked, the appointment of an agent continues as long as
25 the agent holds that office or employment. An appointment may be
26 revoked:

27 A. If the municipal officers that approved the appointment
28 request that it be revoked; or

29 B. For cause by the Secretary of State.

30 §202. Disposal of fees; certain towns

31 Seventy-five percent of all fees received by the State from
32 the inhabitants of the towns of Cranberry Isles, Frenchboro,
33 Swan's Island, Isle au Haut, North Haven, Vinalhaven and
34 Islesboro for the registration of motor vehicles must be spent in
35 those towns, under the supervision of the Department of
36 Transportation, on the roads in each town according to the
37 proportion the amount paid by its inhabitants bears to the amount
38 paid by the inhabitants of all of these towns.

39 SUBCHAPTER III

41 RECORDS

42 §251. Records

43 1. Records required to be kept. The Secretary of State
44 shall keep record of applications for driver's licenses, motor
45 vehicle registrations and certificates of title, and of issued
46 driver's licenses, instruction permits, motor vehicle
47 registrations and certificates of title.

48 2. Public access to records. Records of the Secretary of
State pertaining to the applications, registrations and
certifications of vehicles and to driver's licenses must be open
to public inspection during office hours.

3. Complaints confidential. Written complaints and certain
control numbers used in the titling of motor vehicles may be kept
confidential.

49 §252. Reports of records

50 1. Reports furnished to commercial users; fee. The
51 Secretary of State shall furnish reports of records pertaining to
52 convictions, adjudications, accidents, suspensions, revocations
53 and other information to individuals for a fee of \$4 each.
54 Certified copies are an additional \$1.

55 2. Fee waived for official requests. There is no fee for
56 requests from other motor vehicle departments, state, county and
57 federal agencies and law enforcement agencies.

58 §253. Confidentiality of nongovernment vehicle records

59 Upon receiving a written request by an appropriate criminal
60 justice official and showing cause that it is in the best
61 interest of public safety, the Secretary of State may determine
62 that records of a nongovernment vehicle may be held confidential
63 for a specific period of time, which may not exceed the
64 expiration of the current registration.

65 SUBCHAPTER IV

66 MISCELLANEOUS

67 §301. Forging official documents

68 1. Definition. "Official motor vehicle document" means a
certificate of registration, driver's license or any other

2 certificate, permit, license or form used by the Secretary of
3 State in administering the provisions of this Title.

4 2. Offense. A person commits a Class D crime if that
5 person, without the written consent of the Secretary of State,
6 reproduces, prints, prepares, sells, distributes or transfers an
7 official motor vehicle document or a document in the form of an
8 official motor vehicle document.

10 §302. Ways requiring special protection; notice; jurisdiction

12 1. Ways requiring special protection; rules. The
13 Department of Transportation, county commissioners or municipal
14 officers may adopt rules to ensure proper use and prevent abuse
15 of public ways under their maintenance whenever those ways
16 require special protection.

18 2. Designation by Department of Transportation. The
19 Department of Transportation may designate state and state aid
20 highways and improved 3rd-class highways and bridges during
21 periods when restrictions on gross weight, speed, operation and
22 equipment apply.

24 3. Designation by counties and municipalities. County
25 commissioners and municipal officers may designate highways, ways
26 and bridges other than those in subsection 2 and impose
27 restrictions within their respective jurisdictions similar to
28 those made by the Department of Transportation under subsection 2.

30 4. Notice. A notice specifying the designated sections of
31 a highway, way or bridge, the periods of closing and prescribed
32 restrictions or exclusions must be conspicuously posted at each
33 end of that highway, way or bridge.

34 5. Enforcement. Municipal officers within their respective
35 municipalities have the same power as the State Police in the
36 enforcement of this section and of all rules of the Department of
37 Transportation, the county commissioners and the municipal
38 officers that pertain to this section. The municipal officers,
39 in such cases, serve without compensation.

42 6. Violation. A violation of this section is a traffic
43 infraction punishable by a fine, which may not be suspended, of
44 not less than \$250.

46 §303. Rented vehicles; records

48 1. Owner of vehicle to keep record. A person engaged in
49 the business of renting motor vehicles with or without a driver,
50 other than as a transaction involving the sale of the vehicle,

2 shall maintain a record of the identity of the person to whom the
3 vehicle is rented, including a record of the driver's license of
4 the person to whom the vehicle is rented and the exact time the
5 vehicle is subject to that rental or in the person's possession.

6 2. Records open to inspection. Records kept pursuant to
7 subsection 1 must be open to inspection by any law enforcement
8 officer.

10 3. Offense. A person commits a Class E crime if that
11 person fails to maintain, possess or permit an inspection of the
12 record required by subsection 1.

14 4. Form. If the Secretary of State prescribes a form for
15 the keeping of the record required in subsection 1, the owner
16 must use that form. The form must be carried in the vehicle
17 during the period of lease or hire.

18 CHAPTER 5

20 VEHICLE REGISTRATION

22 SUBCHAPTER I

24 REGISTRATION

26 Article 1

28 General Registration Requirements

30 §351. Registration required

32 1. Failure to register or equip. A person commits a Class
33 E crime if that person fails to register or equip a vehicle that
34 is operated or remains on a public way as provided by this Title.

36 2. Operating a motor vehicle with an expired registration.
37 The owner or operator of a vehicle stopped by a law enforcement
38 officer and having a registration that had expired within 30 days
39 must be issued a warning, rather than a summons, in a form
40 designated by the Chief of the State Police. This warning must
41 state that:

44 A. Within 2 business days, the owner or operator must
45 register the vehicle;

46 B. The renewed registration expires on the same month as
47 the previous registration; and

2 C. The registration fee is the same as for a full year
3 registration.

4 3. Temporary permit. A law enforcement officer, an
5 employee of the bureau designated by the Secretary of State or a
6 certified reserve officer while on duty, when necessary and not
7 detrimental to public safety, may issue a permit in writing to
8 allow:

10 A. An unregistered motor vehicle to be towed either by a
11 regular service wrecker or by the use of a towbar;

12 B. The operation of an unregistered motor vehicle only to
14 the owner's residence or to an office of the bureau for the
15 sole purpose of renewing the registration by the same owner;
16 or

18 C. An unregistered trailer or semitrailer with a gross
19 weight of 3,000 pounds or less to be towed, for one trip
20 only, between the points of origin and destination.

22 A permit may be issued under paragraphs A and B only when the
23 previous registration on the vehicle has expired within 30 days.
24 A permit issued under this subsection does not remain valid for
25 more than 3 consecutive days including the date of issuance.

26 §352. Minors

28 The Secretary of State may not approve the application of a
29 minor for registration of a vehicle unless the minor is at least
30 15 years old and the application is signed by:

32 1. Parent. A parent or guardian that has the custody of
33 the minor;

34 2. Employer. If the minor has no parent or guardian, the
35 minor's employer; or

36 3. Minor. If the minor is emancipated, the minor. In this
37 case, the application must be accompanied by an attested copy of
38 the court order of emancipation.

39 §353. Members of Armed Forces

40 A registration issued by the Armed Forces of the United
41 States in foreign countries for a vehicle owned by military
42 personnel is valid for 45 days after the owner has returned to
43 the United States.

44 Article 2

2 Certificates of Registration

3 §401. Application

4 1. Filing of application. Application for vehicle
5 registration may be made by mail or otherwise to the Secretary of
6 State.

7 2. Content of application. An application must contain
8 information requested by the Secretary of State, including name,
9 residence and address of the registrant, current mileage of the
10 vehicle, a brief description of the vehicle, the maker, the
11 vehicle identification number, the amount of motive power stated
12 in horsepower, the type of motor fuel and the actual gross weight
13 of the vehicle if intended for commercial use. The application
14 must be signed by the registered owner or legal representative.

15 3. Issuance of registration. The Secretary of State, on
16 approving the application, shall issue:

17 A. A registration number or other distinguishing mark; and

18 B. A certificate of registration that contains the name,
19 place of residence and address of the registered owner.

20 4. Refusal. The Secretary of State may refuse to register
21 the vehicle or to issue a certificate if the applicant has not
22 provided satisfactory information or if the Secretary of State
23 determines that the type of vehicle should not be permitted to be
24 on the highways of the State.

25 5. File. The Secretary of State shall maintain a file of
26 applications and registrations arranged alphabetically according
27 to the name of the applicant and numerically according to
28 registration number.

29 §402. Insurance required prior to registration

30 1. Insurance required. A person may not register a vehicle
31 unless the person satisfies the Secretary of State that the
32 vehicle is covered by a liability insurance policy.

33 2. Method of establishing evidence of insurance. A person
34 establishes insurance by showing the vehicle insurance
35 identification card, as defined by section 1551, subsection 4, to
36 either the municipal agent or the bureau, except that a person
37 registering the vehicle for the first time may establish
38 insurance by presenting a letter from an insurance company or

agent showing that the vehicle is covered by a liability insurance policy.

3. Alternative methods of establishing evidence of insurance. An individual is considered to comply with subsection 2 if the individual shows evidence of compliance with the provisions of section 1605, subsection 3, paragraph A, B or C.

4. Exceptions. The provisions of this section do not apply to:

A. Government vehicles as identified in section 517;

B. Vehicles owned or controlled by a dealer as defined by chapter 9;

C. Vehicles registered as vehicles for hire; or

D. Trailers and semitrailers.

§403. Carrying of registration

1. Requirement. A certificate of registration, except a dealer certificate, must be carried on the person of the operator or occupant, or kept in some easily accessible place in the vehicle.

2. Presentation. A court may not find that a person has committed the traffic infraction of failing to carry a registration, if that person produces in court a certificate of registration issued for the vehicle that was valid when the Uniform Summons and Complaint was issued. If the person charged exhibits to a law enforcement officer designated by the issuing officer the certificate of registration at least 24 hours before the time set for the court appearance, the traffic infraction proceeding must be dismissed.

§404. Expiration dates

The following provisions apply to registration periods.

1. Automobile, truck, truck tractor, motor home, motorcycle, moped, motor-driven cycle and camp trailer registration. Registration for an automobile, truck, truck tractor, motor home, motorcycle, moped, motor-driven cycle and camp trailer is as follows.

A. A registration expires on the last day of the month one year from the month of issuance.

B. When an application is made after the registration for the previous year has expired, the term of the renewal begins on the month of the issuance of the previous registration.

C. A person who has a fleet of 5 or more automobiles, trucks or truck tractors may petition the Secretary of State for a common expiration date of all vehicle registrations.

2. Other vehicles. All vehicles not governed by subsection 1 have registration periods from March 1st to the last day of February of the next calendar year.

3. Early display of plates. A number plate or suitable device furnished for the next registration period may be displayed on the first day of the month in which the current registration expires.

4. Emergency. The Secretary of State may extend the expiration date of a registration under emergency conditions.

§405. Nontransferability of certificate

A vehicle registration expires on the transfer of ownership except for a transfer to a surviving spouse.

1. Return of certificate. The person in whose name a transferred vehicle is registered shall return the certificate of registration to the Secretary of State with a written notice containing:

A. The date of the transfer;

B. The name, address and residence of the buyer;

C. A description of the vehicle, including its engine, serial or vehicle identification number; and

D. The odometer reading at the time of transfer.

2. Issuance of new registration. On surrender of the registration, the Secretary of State may not issue a new registration unless the information required under sections 2106 and 2107 has been provided on the surrendered registration form.

§406. Defaced or missing identification numbers

1. Assignment of special number. When an engine, serial or vehicle identification number has been omitted, altered, removed

2 or defaced, the Secretary of State shall assign and attach to the
vehicle a special number and maintain a record of the number.

4 2. Violation. A person commits a Class E crime if that
person sells, exchanges, offers to sell or exchange, transfers or
6 uses a manufacturer's vehicle identification or serial number
plate that has been removed from the vehicle to which it was
8 originally attached.

10 **§407. Vehicles reported stolen**

12 When the Secretary of State receives an application for
14 registration of a vehicle previously reported as stolen, the
Secretary of State shall notify the owner of that vehicle. The
16 Secretary of State may withhold registration for further
investigation.

18 **§408. Collection of taxes**

20 1. Collection of tax. The Secretary of State shall act at
the time and place of registration on behalf of the State Tax
22 Assessor to collect the sales or use tax due under Title 36, Part
3 for a vehicle or truck camper for which an original
24 registration is required.

26 2. Documentation; payment of tax. Registration may not be
issued, unless in addition to meeting the other registration
28 requirements of this Title, the applicant has:

30 A. Submitted a dealer's certificate in a form prescribed by
the State Tax Assessor, showing either that:

32 (1) The sales tax due has been collected by the
34 dealer; or

36 (2) The sale of the vehicle or truck camper is not
subject to tax; or

38 B. Properly signed a use tax certificate in a form
40 prescribed by the State Tax Assessor and:

42 (1) Paid the amount of tax due; or

44 (2) Shown that the sale or use of the vehicle or truck
camper is not subject to tax.

46 3. Collection fee. Each official shall retain from the use
48 taxes collected a fee of \$1.25 for each vehicle or truck camper,
even if a certificate indicates that no use tax is due.
50

Retained fees must be transmitted to the Treasurer of State and
credited to the Highway Fund.

4 Taxes collected must be transmitted to the Treasurer of State and
credited to the General Fund.

6 4. Forwarding certificates. Certificates submitted
8 pursuant to this section must be sent promptly to the State Tax
Assessor.

10 5. Other taxes. A motor vehicle, mobile home, camp trailer
12 or truck camper may not be registered until the excise tax or
personal property tax or real estate tax has been paid in
14 accordance with Title 36, sections 551, 602, 1482 and 1484.

16 6. Remedies cumulative. The provisions of this section are
in addition to other methods for the collection of the sales or
18 use tax.

20 **Article 3**

22 **Registration Plates**

24 **§451. Issuance and form of registration plates**

26 1. Authority to issue registration plates. The Secretary
of State shall provide a new general issue of registration plates
28 periodically as determined by the Legislature. Each new general
issue must be easily distinguishable by color from the preceding
30 general issue.

32 2. Furnishing registration plates. The Secretary of State
shall furnish registration plates, without charge, with each
34 registration except to dealers, manufacturers and holders of
transporter registration plates.

36 3. Annual registration plates or devices. The Secretary of
State shall issue new registration plates or a suitable device in
38 lieu of new registration plates each calendar year. The plate or
device must clearly indicate the year or period for which it is
40 issued. The Secretary of State may issue permanent registration
plates designed to provide for renewal by changing the expiration
42 date without issuing new registration plates. A device attached
44 to the appropriate vehicle or registration plate is proper
registration for the period specified.

46 4. Registration plate design. Registration plates must be
48 designed as follows.

2 A. Registration plates must bear the year of issue or the
3 last 2 numerals of that year and the word "Maine" or the
4 abbreviation "Me." in letters of at least 3/4 inch in height
5 centered at the top of the registration plate.

6 B. Except on motorcycle plates, registration plate numbers
7 may not be substantially less than 3 inches high.

8 C. On registration plates issued for private use and
9 trucks, the word "Vacationland" must be centered at the
10 bottom in letters not less than 3/4 inch in height.

11 D. A new registration plate must have:

12 (1) A white background;

13 (2) Identification numbers, letters and the border
14 distinctly navy blue; and

15 (3) An illustration of a lobster distinctly lobster
16 red.

17 5. Special classes of registration plates. A vehicle
18 required to be registered in a special class under this Title may
19 display only the number plates designed for that special class of
20 registration.

21 6. Plates to be manufactured at State Prison. The Secretary
22 of State or the duly designated official in charge of vehicle
23 registration shall purchase and cause to be installed at the
24 State Prison the necessary equipment and materials for the
25 production of all vehicle registration plates used in the State.
26 Only plates that can not be produced at the prison may be
27 purchased for state use.

28 The Warden of the State Prison shall have charge of operations at
29 the State Prison relative to the manufacture of all plates made
30 for the State. The Warden of the State Prison, with the consent
31 of the Secretary of State, may employ for limited periods of time
32 a supervisor for the purpose of instructing inmates in the
33 operation of making such plates.

34 7. Rules. The Secretary of State may adopt rules to
35 protect the integrity of registration plates or provide for the
36 issue of replacement plates.

37 §452. Manner of display

38 1. Position of registration plate. A registration plate
39 must be displayed horizontally. Only one set of Maine
40

41 registration plates may be displayed on one vehicle. A
42 registration plate must be attached to the front and the rear of
43 each vehicle except as follows.

44 A. A trailer and semitrailer registration plate may be
45 attached only to the rear of that trailer or semitrailer.

46 B. A motorcycle or motor-driven cycle registration plate
47 may not be attached to the front of that motorcycle or
48 motor-driven cycle.

49 C. A manufacturer, dealer or transporter registration plate
50 may be attached only to the rear of the vehicle.

51 D. A truck tractor registration plate may be attached only
52 to the front of that tractor.

53 2. Farm trucks. The registration plate for a farm truck or
54 vehicle used for hauling forest products may be attached by means
55 of a rigid or semirigid bracket that allows the plate to swing
56 freely.

57 3. Clean and visible. Registration plates, including the
58 numbers, letters and words must always be plainly visible and
59 legible.

60 §453. Vanity registration plates

61 1. Vanity registration plates. The Secretary of State may
62 issue registration plates that contain letters or a combination
63 of letters and numbers for automobiles, taxi cabs, limousines,
64 pickup trucks, motorcycles, motor homes or trailers not to exceed
65 2,000 pounds, whether semitrailers, 4-wheeled or camp trailers.
66 The number of characters appearing on such a plate may not exceed
67 7.

68 2. Fee. The annual service fee for a vanity registration
69 plate is \$15 in addition to the regular motor vehicle
70 registration fee. The service fee must be credited to the
71 General Highway Fund. A sum sufficient to defray the cost of
72 this program must be allocated annually from the General Highway
73 Fund.

74 3. Duplicate plates. The Secretary of State may not issue
75 duplicate vanity registration plates for trailers, until the
76 registrant has already been issued an identical vanity
77 registration plate for an automobile. The Secretary of State may
78 not issue duplicate vanity registration plates for taxicabs or
79 limousines that are issued to automobiles. The Secretary of
80

2 State may not issue duplicate vanity plates in the same class of
3 vehicles.

4 4. Radio plates. Vanity registration plates may be issued
5 inscribed with official amateur radio call letters. Applications
6 for radio plates must be accompanied by a notarized proof of
7 ownership of a valid amateur radio station license issued by the
8 Federal Communications Commission.

10 5. Facsimile plates. The Secretary of State may issue a
11 facsimile plate for a 60-day period during production of the
12 semipermanent plate. The facsimile plate must be attached to the
13 rear plate bracket.

14 **§454. Commemorative registration plates**

15 1. Commemorative registration plate authorized. The
16 Secretary of State may authorize a state, county or municipal
17 government or a subdivision of a state, county or municipal
18 government to design and sell a reflectorized, commemorative,
19 simulated registration plate in celebration of its centennial,
20 bicentennial or sesquicentennial.

21 2. Display. A commemorative plate may be displayed to
22 replace the front registration plate on a motor vehicle, except a
23 truck tractor, including a motor vehicle registered outside this
24 State and operated within it, from January 1st to December 31st
25 of the year celebrated.

26 3. Otherwise prohibited. A commemorative plate may not be
27 sold or displayed except as provided in this section.

28 **§455. Antique vehicle registration plates**

29 1. Antique vehicle registration plates authorized. The
30 Secretary of State may issue registration plates for antique
31 autos, horseless carriages, street rods or antique motorcycles.
32 These plates must bear the inscription "Maine" and the
33 inscription "Antique Auto," "Horseless Carriage" or "Street Rod"
34 or, for antique motorcycles, the inscription "Antique."

35 2. Existing number plates. An owner of an antique vehicle
36 may keep an existing registration plate number for the new
37 registration plates.

38 3. Contemporary plates. An owner of an antique auto,
39 horseless carriage, street rod or antique motorcycle may use
40 registration plates that were issued in the same year the antique
41 vehicle was manufactured, as long as the motor vehicle:

2 A. Is over 25 years old;

3 B. Is registered as an antique vehicle; and

4 C. Carries a valid antique motor vehicle registration
5 certificate and plates.

6 4. Display of contemporary plates. Contemporary
7 registration plates must have matching plate numbers, be affixed
8 to both the front and rear and conspicuously bear the year of
9 manufacture.

10 5. Street rod standards. The Chief of the State Police
11 shall establish standards to qualify vehicles as street rods.
12 These standards include:

13 A. The age of the vehicle;

14 B. The equipment and its condition;

15 C. Permissible modifications; and

16 D. Verification of membership in a qualified street rod
17 owners organization.

18 6. Application. An application for registration of a
19 vehicle under this section must be accompanied by an affidavit
20 that includes a statement of the age and intended use of the
21 motor vehicle and that the applicant is a resident. A person
22 registering a street rod must furnish verification that the
23 vehicle is a qualified street rod.

24 7. Registration fee. The fee for registration of an
25 antique auto, horseless carriage or antique motorcycle is \$12.
26 The fee for registration of a street rod is \$27.

27 **§456. Stock race cars**

28 1. Stock race car plates authorized. The Secretary of
29 State may issue a registration plate for stock race cars.

30 2. Fee. The fee for a registration plate under this
31 section is \$5.

32 3. Operation restricted. A stock race car may not be
33 operated under its own power on a public way.

34 **§457. Manufacturers, dealers and transporters**

1. Special plates. The Secretary of State may select and issue special distinguishing letters, marks or designs for number plates issued to manufacturers, dealers and holders of transporter registration certificates.

2. Special vanity plates. A new car dealer may apply for vanity registration plates that may bear letters or combinations of letters and numbers that are approved by the Secretary of State or a designee. A plate may not be duplicated by other licensed vehicle dealers. These special vanity plates may not be used to supplement existing registration numbers assigned.

The Secretary of State shall charge an additional \$30 fee per plate issued pursuant to this subsection.

§458. State officials

1. State official registration plates authorized. The Secretary of State, on payment of the fees required in section 408, subsection 5 and section 501, subsections 1 and 2 and upon application, shall issue one pair of specially designed number plates for one designated motor vehicle owned or controlled by each member of the United States Senate or the United States House of Representatives from this State, or members of the Legislature, Representatives of the Indian Tribes at the Legislature, the President of the Senate, the Speaker of the House of Representatives, the Secretary of the Senate and the Clerk of the House of Representatives. A specially designed plate and its registration certificate may be used in place of the regular plate and registration. The named official may attach to such a motor vehicle one of the valid registration plates issued under section 451 and one of the valid registration special registration plates issued under this section.

2. Additional plates. On request by a United States Senator or by a United States Representative, the Secretary of State, for a fee of \$2, shall issue an additional pair of specially designed number plates for a 2nd designated motor vehicle owned or controlled by that member.

3. Period of validity. An official plate is valid only while the member actually serves in the office for which the member is elected.

4. Design. The Secretary of State shall determine the color, shape, size, lettering and numbering of the official registration plates, except the plates issued to a member of the House of Representatives, other than the Speaker of the House of Representatives, must bear the number of that House District, and

plates issued to a member of the Senate, other than the President of the Senate, must bear the number of that Senatorial District.

§459. Reservation of same number

1. Plate issue year. In a year in which new registration plates are issued, the Secretary of State shall reserve until July 1st the same registration number for the succeeding registration year for a person who notifies in writing the Secretary of State prior to May 1st of that person's desire to retain that registration number. The fee for retention of the same registration number is \$5.

If a person does not have a vehicle to register on May 1st, a registration number may be held for a maximum of 2 registration years by depositing with the Secretary of State \$10 for each year; except that the registered owner of an antique vehicle may reserve the antique registration assigned to that person for 4 years by depositing the sum of \$12 for each registration year. These fees are not refundable and may not be applied against the registration fee.

All numbers other than those reserved must be released and issued in rotation after July 1st.

A person wishing to select a number out of rotation may do so by paying the registration fee and a reserved number fee of \$5.

A holder of vanity registration plates must pay the sum of \$15 to reserve those letters or combination of letters and numbers, which is credited toward the renewal fee.

2. Nonplate issue year. In other than a plate issue year, when a person fails to reregister and the registration remains expired for 6 consecutive months, the reservation of the same number ceases and the number becomes available for reissuance.

For a maximum of 2 registration years, a person may reserve the registration number assigned to that person by depositing with the Secretary of State the sum of \$10 for each year; except that the registered owner of an antique motor vehicle may reserve the antique registration assigned to that person for 4 years by depositing with the Secretary of State the sum of \$12 for each year.

§460. Temporary registration plates

1. Temporary plate attachment. Except a transporter licensee or loaner licensee, a person licensed as a dealer may, on the sale or exchange of a motor vehicle or trailer, attach to

its rear a temporary registration plate. For the purposes of this subsection, "loaner licensee" means a person to whom the Secretary of State has granted permission to use loaner plates on vehicles owned by that person for the purpose of loaning those vehicles to customers whose vehicles are being repaired at the licensee's business location.

2. Payment of fee for temporary registration plate. The fee for a temporary registration plate is \$1 per plate. A purchaser may operate the motor vehicle or trailer with a temporary registration plate for a period of 14 consecutive days without payment of a regular fee. If the purchaser is a nonresident member of the Armed Services, the purchaser may operate a motor vehicle or trailer for a period of 20 consecutive days without payment of a regular fee. At the end of this initial period, a resident who is unable to comply with the requirements of chapter 7 or a nonresident who has applied for but has not yet received a registration certificate from a home state may request the Secretary of State to extend this period without charge for an additional 20 days.

3. Trucks. A temporary registration plate may not be used on a loaded truck without a written permit from the Secretary of State.

4. Mobile homes. A temporary registration plate may not be used on a house trailer or mobile home unless the operator of the vehicle possesses the written certificate from the tax collector required by section 1002, subsection 9.

5. Motorcycle. A temporary registration plate for a motorcycle must be the same size as the regular motorcycle plate.

6. Notice of date of expiration. A person attaching a temporary registration plate to a vehicle sold or exchanged by that person, shall mark on the plate the date of expiration and immediately notify the Secretary of State of the sale or exchange, giving the name and address of the purchaser, the number of the temporary plate and other information as the Secretary of State may require. The date may not be less than one inch in height and must be written with indelible or waterproof ink.

7. Temporary registration certificate. When a temporary registration plate is attached to a vehicle, the Secretary of State must furnish the purchaser a certificate of temporary registration.

8. Trailer transit plate. Persons in the business of delivering or servicing mobile homes or storage trailers may

apply for a trailer transit license and plates for the purpose of transporting or servicing mobile homes or storage trailers temporarily in their custody. The holder of a trailer transit plate may not use the plate in lieu of registration plates issued under this Title and may not loan the plate to another person. If the trailer transit plate is used on a storage trailer, the storage trailer must be empty. Trailer transit plates may not be used on a towing vehicle.

Issuance of a trailer transit license and plate does not exempt the holder from compliance with any state law or municipal ordinance governing the movement of mobile homes or storage trailers over the highways of this State and does not exempt the holder from required permits or certificates prior to moving such vehicles.

Fees for trailer transit licenses and plates are established in section 852.

9. Unavailability. The Secretary of State, if unable to furnish immediately a plate or marker, may issue a temporary certificate with temporary plates. The certificate must be carried and plates displayed in the same manner as regular certificates and plates.

10. Prohibition; records. A person issued temporary registration plates may not attach a plate to a vehicle that the person did not sell, lease or transfer and may not provide the plates to another person other than by attachment to a vehicle as authorized by this section. A person issued temporary registration plates by the Secretary of State shall maintain a written record of the use or disposal of every plate. The record must be available for inspection by the Secretary of State at the person's place of business. A person who fails to comply with this subsection commits a civil violation.

§461. Disposition of registration plates

1. Property of State. Registration plates issued by the Secretary of State continue to be the property of the State.

2. Expiration upon transfer or assignment. When the owner of a vehicle transfers or assigns title or interest in a vehicle the registration expires.

3. Return of registration plate and registration certificate. When a certificate is suspended, revoked, canceled or has expired and the owner has no intention to renew or transfer within 6 months, the owner shall remove the registration

2 plates and forward them, along with the registration certificate,
to the Secretary of State.

4 4. Reassignment of registration number. The registrant may
request that plates and the registration number be assigned in
6 the registrant's name to another vehicle.

8 5. Unauthorized taking of registration plate. A person
commits a Class E crime if that person steals, takes or carries
10 away, without permission or authority, a registration plate from
another person entitled to possession of that plate.

12 §462. Unused registration plates

14 An owner that returns registration plates with an affidavit
16 stating that those plates have never been used must be refunded
the registration fee paid if:

18 1. Time limit. The plates are returned within 120 days of
20 issue; and

22 2. Registration plate unused. The Secretary of State is
24 satisfied that the plates have never been used.

26 §463. Loss of registration plates

28 1. Loss of registration plates. If a registration plate is
lost or the number becomes mutilated or illegible, the owner or
30 person in control of the vehicle shall immediately place a
temporary substitute number plate bearing the registration number
32 on the vehicle.

34 2. Conformity with registration plate required. A
temporary plate must conform to the registration plate and be
36 displayed as nearly as possible as a regular registration plate.

38 3. Report. Within 24 hours after loss or mutilation of
registration plates, a person shall notify the Secretary of State
40 and apply for new registration plates.

42 4. Reissue. If satisfied as to the truth of the facts
stated in the application, the Secretary of State shall supply
44 new registration plates on payment of a fee of \$5 for each plate.

46 5. One of a set. Whenever one of a set of registration
plates is lost and a new set is issued, the remaining plate must
48 be returned to the Secretary of State.

50 6. Registration plate lost in transit. If registration
plates are lost in transit and the applicant certifies in an

2 affidavit that the plates have not been received, and that if
they are received the applicant will return them, the Secretary
4 of State after investigation may furnish the applicant with a 2nd
set of plates without additional charge.

6 7. Applicability. This section does not apply to dealers
and transporters.

8 Article 4

10 Registration Provisions

12 §501. Fees for registration; motor vehicles

14 The annual fees for the registration of motor vehicles must
16 accompany the application for registration and are as follows.

18 1. Automobiles; pick-up trucks. The fee for an automobile
20 or pick-up truck used for the conveyance of passengers or
interchangeably for passengers or property is \$22.

22 An automobile used for the conveyance of passengers or property
24 is a "combination" vehicle and may be issued a special plate with
the word "combination" instead of "Vacationland." A passenger
26 vehicle used under contract with the State, a municipality or a
school district to transport students must be designated as
28 "combination." A vehicle owned or operated by parents or legal
guardians is exempt from this subsection.

30 Commercial plates may not be issued for or displayed on an
32 automobile.

34 2. Island vehicles. An automobile operated exclusively on
an island that has no roads maintained or supported by the State
36 may be registered for a fee of \$2. The municipality may collect
an additional \$4 fee to defray the cost of removing abandoned
38 vehicles.

40 3. Passenger vehicles for hire. The fee for a passenger
vehicle used for hire is double the fee provided in subsection
42 1. The Secretary of State may issue a 2nd registration for the
same vehicle at no additional fee.

44 4. Funeral coaches. The fee for a private automobile,
46 funeral coach or funeral hearse, used by a licensed practitioner
of funeral services under Title 32, chapter 21, is the fee
48 provided in subsection 1. The fee for a funeral coach or funeral
hearse used for hire for any other purpose is the same as the fee
50 provided in subsection 3.

2 5. School vehicles. The fee for a motor vehicle used only
4 to transport school children to and from school is the same as
6 the fee in subsection 1.

6 6. Buses. An owner or operator of interstate buses for
8 hire used to transport passengers, operating a fleet of 2 or more
10 buses under the authority of the Interstate Commerce Commission,
12 shall pay fees for that number of buses of the owner or operator
14 as the proportion that the mileage of all buses of the owner or
16 operator operated in this State bears to the total mileage of all
18 buses of the owner or operator operated both within and without
20 the State in the preceding year.

14 7. Temporary registration permit. The Secretary of State
16 may issue a temporary registration permit for the purpose of
18 moving certain vehicles otherwise required to be registered as
20 follows.

20 A. A temporary registration permit is for one trip only,
22 between the points of origin and destination and
24 intermediate points set forth in the permit.

24 B. A temporary registration permit is for the transit of
26 the vehicle only. The vehicle may not be used for the
28 transportation of passengers or property, for compensation
30 or otherwise, unless specifically authorized on the
32 temporary registration permit. If the vehicle is a
34 chartered bus that is not covered by a reciprocity agreement
36 with the state or country of registration, the Secretary of
38 State may authorize transportation of passengers.

34 C. The Secretary of State may not issue a temporary
36 registration permit that is valid for longer than 15 days
38 from the effective date of the registration.

36 D. The fee for the temporary registration permit is \$10.

38 E. The temporary registration permit must be carried in the
40 vehicle at all times.

42 F. A person who operates or moves a vehicle outside the
44 routes specified in the temporary registration permit
46 commits a civil infraction and may not be fined less than
48 \$25 nor more than \$200.

46 G. Special permit. The Secretary of State may issue, on
48 application and the payment of a fee of \$2, a special
50 registration permit authorizing the limited operation on the
highway of self-propelled golf carts, lawn mowers, ATV's and

2 other similar vehicles with restrictions and limitations of use
4 that minimize the danger to the operator. The following
6 provisions apply to special registration permits.

6 A. A special registration permit is valid until March 1st
8 of the next calendar year.

8 B. A driver's license is not required for operation under
10 this subsection.

10 C. Vehicles registered under this subsection are exempt
12 from the laws regulating the inspection of motor vehicles.

12 D. A person under the age of 15 years may not operate a
14 vehicle under this subsection on a public way.

14 E. Operation of an ATV is limited to agricultural purposes
16 in connection with a farm and to operation from or to the
18 premises where kept, from or to a farm lot or between farm
20 lots used for farm purposes by the ATV owner.

20 9. Attached vehicles. A deputy sheriff with a writ of
22 attachment may move the attached motor vehicle to a place of
24 storage without registration or registration permit as long as
26 the county has insurance as required by chapter 13.

26 10. Off-highway vehicles. The Secretary of State may
28 issue, on application and the payment of a fee of \$25, a special
30 registration permit authorizing the limited operation on a way of
32 trucks and truck tractors that are otherwise used exclusively for
34 off-highway purposes. The following provisions apply to
36 registration permits issued pursuant to this subsection.

34 A. A registration permit may not be granted unless the
36 applicant presents a written certificate from the tax
38 collector of the municipality from which the vehicle is
40 being moved identifying the vehicle and stating that all
42 personal property taxes applicable to the vehicle, including
44 those for the current year, have been paid or that the
46 vehicle is exempt from those taxes.

42 B. Highway use is limited to travel to and from garages for
44 the purpose of obtaining repairs or maintenance or travel
46 from one job site to another job site.

46 C. The registration permit may not authorize transporting
48 property or passengers.

48 D. A registration permit is valid until March 1st of the
50 next calendar year.

2 E. A vehicle issued a registration permit pursuant to this
3 subsection is exempt from inspection requirements.

4 F. The registration permit must be in the vehicle when the
5 vehicle is operated on the highway.

6
7 11. International Registration Plan. The following
8 provisions apply to the International Registration Plan:

9 A. The Secretary of State shall issue, on application and
10 payment of a \$5 fee, a single cab card for each vehicle.

11 B. If the person in whose name a vehicle is registered
12 fails to make timely payments of a fee or an installment,
13 the Secretary of State may suspend without preliminary
14 hearing the registration of the vehicle. If the vehicle has
15 been registered as part of a fleet and there has been
16 failure to make a payment, the Secretary of State may
17 suspend registrations for all vehicles in the fleet.

18 C. A vehicle is subject to a registration fee determined on
19 a monthly prorated basis if the registration period is less
20 than one year.

21 D. On application of a person before entering this State
22 and payment of a \$25 fee, the Secretary of State shall issue
23 a 72-hour trip permit for an out-of-state vehicle eligible
24 for apportioned registration, but not apportioned with this
25 State. This permit allows interstate and intrastate
26 operations.

27 §502. Transfer and return of registration

28 1. Transferring registration. A person who transfers the
29 ownership or discontinues the use of a registered motor vehicle,
30 trailer or semitrailer and applies for registration of another
31 motor vehicle, trailer or semitrailer in the same registration
32 year may use the same number plates on payment of a transfer fee
33 of \$8, as long as the registration fee is the same as that of the
34 former vehicle. If the fee for the vehicle to be registered is
35 greater than the fee for the vehicle first registered, that
36 person must also pay the difference. If application is made for
37 a trailer with a gross weight of 2,000 pounds or less, the
38 transfer fee is \$5.

39 2. Return of registration. The certificate issued for the
40 registration of the former vehicle must be returned to the
41 Secretary of State showing that ownership has been transferred or
42 use discontinued and that the registration has been canceled.
43

44 3. Refunds; credits. No portion of a fee is refundable,
45 but credits toward the registration of another vehicle may be
46 given. On registration by an owner or owner's surviving spouse,
47 a credit is allowed as follows.

48 A. For the first 8 months of a registration year, the full
49 fee may be credited toward the registration of another
50 vehicle.

51 B. For the last 4 months of a registration year, an amount
52 not to exceed 1/2 of the original fee may be credited toward
53 the registration of another vehicle.

54 §503. Miscellaneous registration fees

55 Fees for certain replacement plates, registration validation
56 devices and new registration plates are as follows.

57 1. Replacements. Replacement registration plates are
58 furnished to replace lost or mutilated plates or plates assigned
59 to the registrant that have not been expired for more than 8
60 months. The fee for each plate is \$5.

61 Replacement registration validation devices are furnished for 50¢
62 each.

63 2. New issues. For each new registration plate issued
64 pursuant to section 451, the Secretary of State shall collect a
65 fee of \$1 and the municipal agent shall collect another \$1 fee in
66 addition to any other registration fees.

67 §504. Registration of commercial motor vehicles

68 1. Truck or truck tractor. For a truck or truck tractor
69 equipped with pneumatic tires, the following annual registration
70 fee schedule applies.

71 A. For gross weight from 0 to 6,000 pounds, the fee is \$22.

72 B. For gross weight from 6,001 to 9,000 pounds, the fee is
73 \$28.

74 C. For gross weight from 9,001 to 12,000 pounds, the fee is
75 \$45.

76 D. For gross weight from 12,001 to 14,000 pounds, the fee
77 is \$78.

2 E. For gross weight from 14,001 to 16,000 pounds, the fee
is \$102.

4 F. For gross weight from 16,001 to 18,000 pounds, the fee
is \$127.

6 G. For gross weight from 18,001 to 20,000 pounds, the fee
is \$158.

8 H. For gross weight from 20,001 to 23,000 pounds, the fee
is \$185.

10 I. For gross weight from 23,001 to 26,000 pounds, the fee
is \$217.

12 J. For gross weight from 26,001 to 28,000 pounds, the fee
is \$262.

14 K. For gross weight from 28,001 to 32,000 pounds, the fee
is \$303.

16 L. For gross weight from 32,001 to 34,000 pounds, the fee
is \$337.

18 M. For gross weight from 34,001 to 38,000 pounds, the fee
is \$374.

20 N. For gross weight from 38,001 to 40,000 pounds, the fee
is \$398.

22 O. For gross weight from 40,001 to 42,000 pounds, the fee
is \$421.

24 P. For gross weight from 42,001 to 45,000 pounds, the fee
is \$445.

26 Q. For gross weight from 45,001 to 48,000 pounds, the fee
is \$492.

28 R. For gross weight from 48,001 to 51,000 pounds, the fee
is \$528.

30 S. For gross weight from 51,001 to 54,000 pounds, the fee
is \$563.

32 T. For gross weight from 54,001 to 55,000 pounds, the fee
is \$575.

34 U. For gross weight from 55,001 to 60,000 pounds, the fee
is \$635.

2 V. For gross weight from 60,001 to 65,000 pounds, the fee
is \$694.

4 W. For gross weight from 65,001 to 69,000 pounds, the fee
is \$757.

6 X. For gross weight from 69,001 to 72,000 pounds, the fee
is \$792.

8 Y. For gross weight from 72,001 to 75,000 pounds, the fee
is \$816.

10 Z. For gross weight from 75,001 to 78,000 pounds, the fee
is \$852.

12 AA. For gross weight from 78,001 to 80,000 pounds, the fee
is \$872.

14 BB. For gross weight from 80,001 to 90,000 pounds, the fee
is \$977.

16 [*246:1]

18 2. Credit for certain commercial vehicles. If a commercial
vehicle registered for a gross weight of 23,001 pounds or more is
operated only in the truck tractor-semitrailer configuration, a
credit of \$40 is allowed for the original annual registration
fee. The owner of the vehicle must be issued a truck tractor
registration plate which must be displayed on its front.

20 3. On ways adjoining premises. A registration or license
is not required for the use of a truck, trailer or tractor on
that part of a way adjoining the premises of the vehicle's owner.

22 4. Federal heavy vehicle use tax: proof of payment
required. Except as provided by 26 Code of Federal Regulations,
Section 41.6001-2(b)(3), a registration certificate may not be
issued for a motor vehicle subject to the use tax imposed by the
United States Internal Revenue Code of 1954, Section 4481, until
the applicant has presented proof of payment as prescribed by the
Secretary of the United States Treasury.

24 The Secretary of State shall keep records and may issue evidence
to comply with 26 Code of Federal Regulations, Part 41, revised
as of May 23, 1985, and the United States Internal Revenue Code
of 1954, Sections 4481, 4482 and 4483.

26 Pursuant to rule, the Secretary of State may certify that a
vehicle qualifies for exemptions under 26 Code of Federal

2 Regulations, Section 41.4483-3(g) or Section 41.4483-6(b),
3 revised as of May 23, 1985.

4 5. Truck tractor and semi-trailer. In computing fees for a
5 combination of truck tractor and semitrailer, the vehicle to be
6 registered for gross weight is the truck tractor and the rate is
7 the same as for a truck of similar gross vehicle weight.

8 §505. Farm trucks

9 1. Definition. For purposes of this section, "farm truck"
10 means a truck equipped with axles other than dolly axles under
11 section 1902, subsection 4, or a farm truck towing a trailer or
12 semitrailer when that truck is used primarily for transportation
13 of agricultural commodities, supplies or equipment for a farm
14 owned, operated or occupied by the registrant. "Farm truck" does
15 not include a truck used for the retail delivery of milk or used
16 on a substantially daily delivery schedule on established routes.

17 2. Annual registration fee. For a farm truck, the following
18 annual registration fee schedule applies.

19 A. For gross weight from 0 to 6,000 pounds, the fee is \$18.

20 B. For gross weight from 6,001 to 9,000 pounds, the fee is
21 \$21.

22 C. For gross weight from 9,001 to 11,000 pounds, the fee is
23 \$24.

24 D. For gross weight from 11,001 to 14,000 pounds, the fee
25 is \$36.

26 E. For gross weight from 14,001 to 16,000 pounds, the fee
27 is \$47.

28 F. For gross weight from 16,001 to 18,000 pounds, the fee
29 is \$69.

30 G. For gross weight from 18,001 to 20,000 pounds, the fee
31 is \$81.

32 H. For gross weight from 20,001 to 23,000 pounds, the fee
33 is \$98.

34 I. For gross weight from 23,001 to 26,000 pounds, the fee
35 is \$116.

36 J. For gross weight from 26,001 to 29,000 pounds, the fee
37 is \$141.

38 K. For gross weight from 29,001 to 32,000 pounds, the fee
39 is \$161.

40 L. For gross weight from 32,001 to 35,000 pounds, the fee
41 is \$237.

42 M. For gross weight from 35,001 to 38,000 pounds, the fee
43 is \$260.

44 N. For gross weight from 38,001 to 42,000 pounds, the fee
45 is \$283.

46 O. For gross weight from 42,001 to 46,000 pounds, the fee
47 is \$306.

48 P. For gross weight from 46,001 to 50,000 pounds, the fee
49 is \$329.

50 Q. For gross weight from 50,001 to 54,000 pounds, the fee
51 is \$352.

52 [*246:2]

53 3. Maximum weight. The maximum registered weight of a farm
54 truck is 54,000 pounds. The fine for exceeding the registered
55 gross weight of a farm truck is the difference between the fee
56 for a farm truck and a commercially registered truck or truck
57 tractor within the category of the actual weight at the time of
58 the violation.

59 4. Special registration plates. The Secretary of State
60 shall issue registration plates to distinguish a farm truck from
61 a commercial vehicle. A farm truck may be driven with that
62 registration only if the vehicle is used primarily for the
63 transportation of agricultural products for a farm owned,
64 operated or occupied by the registrant and may not be used for
65 the transportation of firewood, unless that transportation is
66 incidental to other farm operations.

67 5. Violation. A person fraudulently obtaining or using a
68 farm truck registration for a purpose other than authorized by
69 this section commits a traffic infraction with a penalty of not
70 less than \$100 nor more than \$500.

71 6. Additional fee; tire type. The fee for registering a
72 farm truck equipped with 2 or more solid tires is 33 1/3% more
73 than the fee required for a vehicle equipped with pneumatic tires.

2 7. Prorated fee; transportation of owner's agricultural
3 produce. For a farm truck, 1/2 the registration fee must be
4 charged during the last 6 months of a registration year.

6 8. Temporary registered class weight increase. Farm trucks
7 registered under this section may receive a temporary registered
8 class weight increase by paying a percentage of the difference
9 between the amount paid for farm truck registration and the
10 annual fee for the desired gross weight in accordance with the
11 permit table contained in section 507.

12 **§506. Registration fee for motor homes**

14 The annual fee for registration of motor homes is the same
15 as for farm trucks.

16 The Secretary of State may select and issue a special
17 distinguishing letter, mark or design for registration plates
18 issued to motor homes.

20 **§507. Temporary registered gross weight increase**

22 When a truck is properly base registered in this State, the
23 registrant may increase the registered gross vehicle weight of
24 the truck upon application and payment of the proper fee.
25 Temporary registered gross weight increases may be issued by the
26 Bureau of Motor Vehicles, the Bureau of the State Police or by
27 any agent appointed by the Secretary of State who has been
28 appointed for that specific purpose. Agents must be either
29 municipal tax collectors or town or city managers.

31 Temporary registered gross weight increases must be issued
32 for at least one month and may not exceed 8 months. A temporary
33 registered gross weight increase may not extend beyond the
34 expiration of the regular registration.

35 The fee for a temporary registered gross weight increase is
36 the difference between the annual fee for the original
37 registration and the annual fee for the desired temporary
38 registered gross weight multiplied by the percentage in the
39 following table:

41	<u>1 month</u>	<u>20%</u>
42	<u>2 months</u>	<u>30%</u>
43	<u>3 months</u>	<u>40%</u>
44	<u>4 months</u>	<u>50%</u>
45	<u>5 months</u>	<u>60%</u>
46	<u>6 months</u>	<u>70%</u>
47	<u>7 months</u>	<u>75%</u>
48	<u>8 months</u>	<u>80%</u>

2 Vehicles base registered in this State pursuant to the
3 Internation Registration Plan may be issued a temporary
4 registered gross weight increase pursuant to this section. The
5 fee is not apportionable, and the temporary registered gross
6 weight increase is valid only in this State or in a jurisdiction
7 not a member of the Internation Registration Plan.

8 The Secretary of State is authorized to issue temporary
9 registered gross weight increases by facsimile means. The
10 Secretary of State may make such provisions as the Secretary of
11 State considers necessary to ensure the integrity of facsimile
12 documents.

16 **§508. Truck campers**

17 Upon receiving an application and the payment of a fee of
18 \$10, the Secretary of State may issue an annual registration
19 permit for truck campers.

21 Any resident person, firm or corporation, or owner as
22 defined in section 101, subsection 48, who fails to register a
23 truck camper is guilty of an infraction with a minimum fine of
24 \$100. Any person stopped for a violation of this section during
25 the initial 12 months after this section takes effect must be
26 issued a warning that a violation of this section has occurred.
27 Failure to register the truck camper within 5 work days following
28 the warning constitutes a violation of this section.

30 **§509. Tractors**

31 1. Tractors. The annual fee for the registration of a
32 tractor must accompany an application for registration and is as
33 follows.

34 Tractors equipped with:

35 A. Pneumatic tires, 25¢ per horsepower and 25¢ per 100
36 pounds of weight;

37 B. Solid rubber tires, 25¢ per horsepower and 50¢ per 100
38 pounds of weight; and

39 C. Iron, steel or other hard tires, 25¢ per horsepower and
40 80¢ per 100 pounds of weight.

41 The minimum fee is \$2.

2 2. Tractors used for farming. The fee for a tractor used
3 for agricultural purposes or not customarily used on public ways
4 is \$2, except as provided in section 510, subsection 1.

6 3. Caterpillar. The fee for a caterpillar tractor is \$15,
7 except that the fee for a caterpillar tractor constructed to
8 carry a load is the same as for a truck.

10 4. Old homemade tractors used for farming. The fee for a
11 homemade tractor used for agricultural purposes with motor and
12 chassis at least 10 years old that has a body capacity of not
13 more than 1 1/2 cubic yards and that is used exclusively for
14 agricultural purposes is \$2. Such a vehicle may not be operated
15 on the highway more than 10 miles from the place where the
16 vehicle is customarily kept.

17 §510. Exemption from registration

19 1. Tractors used for farming. Registration or a license is
20 not required for a tractor or trailer used solely for farming
21 purposes when operated to or from:

22 A. The premises where kept;

23 B. A farm lot and between farm lots, when used for farm
24 purposes by the owner; or

25 C. A filling station or garage for fuel or repairs.

27 2. Skidder. Registration is not required for a log skidder
28 used solely for logging purposes when operated to or from:

29 A. The premises where kept and a wood lot, or between wood
30 lots used for logging purposes by the owner of the log
31 skidder or the owner's employee; or

32 B. A filling station or garage for fuel or repairs.

33 Chains attached to the tires or wheels of the skidder must be
34 removed prior to operation on a paved way.

35 3. Tractors used for logging. Registration is not required
36 for a converted motor vehicle used as a tractor when used solely
37 for logging purposes when operated to or from:

38 A. The premises where the tractor is kept;

39 B. A wood lot and between wood lots used for logging
40 purposes by the owner; or

2 C. A filling station or garage for fuel or repairs.

4 §511. Trailers and semitrailers

6 1. Registration fees; trailers and semitrailers. The
7 following annual registration fee applies to trailers,
8 semitrailers and camp trailers.

9 A. The fee is \$8.50 for a:

10 (1) Trailer or semitrailer not exceeding 2,000 pounds
11 gross vehicle weight;

12 (2) Boat trailer not exceeding 4,000 pounds gross
13 vehicle weight;

14 (3) Mobile home; or

15 (4) Farm trailer, whether semitrailer or 4-wheeled
16 type, equipped with pneumatic tires, used for the sole
17 purpose of transporting a load:

18 (a) Of the owner's farm products, crops,
19 fertilizers or farm tools and utensils;

20 (b) Of no more than 4 tons; and

21 (c) For no more than 20 miles one way.

22 B. The fee is \$16 for a camp trailer exceeding 2,000 pounds.

23 C. The fee is \$16 for a semitrailer exceeding 2,000 pounds.

24 D. A trailer exceeding 2,000 pounds must be registered on
25 the basis of gross weight in accordance with the schedule
26 under section 504.

27 Fees paid under this section and section 512 are administrative
28 fees and nonapportionable. The Secretary of State may collect
29 apportionable fees for trailers and semitrailers pursuant to the
30 International Registration Plan.

31 Except for camp trailers, trailer and semitrailer registrations
32 under this section may be issued for 2 years for a fee twice that
33 of the annual registration fee.

34 2. Exemption for circus and carnival trailers. Circus and
35 carnival trailers or semitrailers unloaded from railroad cars at
36 the nearest railroad station or railroad siding and hauled to and

2 from circus or carnival grounds are exempt from fees for
3 registration and licensing.

4 **§512. Semipermanent registration plates for trailers and**
5 **semitrailers**

6 The Secretary of State may establish an 8-year and 12-year
7 semipermanent registration plate program for trailers and
8 semitrailers and a 20-year semipermanent registration plate
9 program for semitrailers and under these programs may issue
10 registration plates of a design determined by the Secretary of
11 State.

12
13
14 **1. Eight-year and 12-year semipermanent registration plate**
15 **program for trailers and semitrailers. Any person may apply on a**
16 **form supplied by the Secretary of State for a semipermanent**
17 **registration plate.**

18 A. To receive a registration plate, a person must be a
19 Maine resident, have a place of business and an address in
20 Maine, or have a designated agent or representative resident
21 in Maine.

22
23 The Secretary of State shall require the appointment of an
24 agent for a nonresident applicant receiving semitrailer or
25 trailer registration plates under this section. The agent
26 must be a Maine resident. Legal process served upon an
27 agent is deemed service on the registrant.

28
29 A corporation organized under the laws of this State is
30 deemed a resident of this State and a foreign corporation is
31 deemed a resident of this State if it is registered to do
32 business in this State.

33
34 B. The fee for each semitrailer is \$10 and the fee is \$5
35 for each trailer not more than 2,000 pounds gross vehicle
36 weight. The fee for a trailer registered for more than
37 2,000 pounds is the same as the annual registration fee in
38 section 511.

39
40 A pro rata amount of the fee must be refunded when a plate
41 is returned within 120 days of the effective date of that
42 year's registration with an affidavit stating that the
43 registration has never been used and the Secretary of State
44 is satisfied that the plate has never been used.

45
46 C. With the agreement of the Commissioner of
47 Transportation, the Secretary of State may adopt rules for
48 the payment of the fees in annual or biennial installments.
49 In adopting those rules, the Secretary of State shall
50

2 consider the financial effect of the registration fee on the
3 registrants, the benefit or burden of installment payment on
4 state revenues and the difficulty of administering this
5 subsection.

6 D. Notwithstanding section 401, an application for
7 registration must be signed by the owner or lessee applying
8 for registration, the person authorized by the applicant or
9 the applicant's designated agent.

10
11 E. On approval of an application, the Secretary of State
12 shall:

13
14 (1) Record the registration of the semitrailer or
15 trailer described in the application and assign a
16 distinguishing number or other mark;

17
18 (2) Issue a certificate of registration that contains
19 the name and address of the owner or lessee or the
20 address of its designated agent; and

21
22 (3) Furnish one semipermanent registration plate for
23 each trailer or semitrailer.

24
25 F. Semipermanent registration plates expire at the end of
26 the semipermanent plate program or, in the case of a new
27 semitrailer or new trailer, at the end of the 12th
28 registration year following the year of issuance. The
29 registration plates issued for the next program may be
30 displayed on and after December 1st of the preceding
31 calendar year. A registration plate issued after the
32 commencement of the plate program may be displayed either
33 beginning on the date of purchase or on the February 1st
34 following issuance, depending upon the number of paid
35 registration years.

36
37 **2. Twenty-year semipermanent semitrailer registration plate**
38 **program. Corporations applying for a minimum of 1,000**
39 **registrations in a registration year may apply for semipermanent**
40 **semitrailer registration plates which may be issued for periods**
41 **of up to 20 years.**

42
43 A. The fee for each registration is \$10 per year or portion
44 of a year. The Secretary of State shall establish a
45 procedure to bill each registrant using semipermanent
46 semitrailer registrations once annually except the billing
47 at the time of purchase of a full 20-year registration must
48 be for a 3-year period. Fees for the first 3 years are
49 nonrefundable. A fee for a registration of less than 20
50 years must be prorated accordingly. If any registrant fails

2 to remit the payment in a timely manner, the Secretary of
3 State shall suspend all registrations issued to that
4 registrant pursuant to this subsection.

6 B. A registrant must be a resident corporation or maintain
7 a resident agent authorized to serve as a legal
8 representative. A resident corporation may retain a
9 resident agent. For the purposes of this subsection, a
10 corporation organized under the laws of this State is a
11 resident of this State and a foreign corporation is a
12 resident of this State if it has registered to conduct
13 business in this State pursuant to Title 13-A, chapter 12.

14 C. The Secretary of State may authorize resident agents to
15 receive unassigned registration plates and registration
16 certificates on behalf of registrants. Resident agents are
17 responsible for all registration plates and registration
18 certificates in their possession pursuant to this subsection.

20 D. Registration plates issued pursuant to this subsection
21 are valid and may be displayed upon issue for renewal
22 purposes only. Registrations issued pursuant to this
23 subsection remain active unless canceled or reported lost.

24 E. All registration certificates issued pursuant to this
25 subsection must be signed by the owner, lessee, corporate
26 officer, resident agent or other authorized person.

28 §513. Special mobile equipment

30 1. Definition. For the purpose of this section, "special
31 mobile equipment" does not include a vehicle that may be used for
32 the conveyance of property except:

34 A. Conveying hand tools or parts used in connection with
35 the operation of that equipment; or

36 B. Road construction or maintenance machinery transporting
37 earth on that portion of the highway under construction.

38 2. Annual registration fee. The annual registration fee
39 for special mobile equipment that is permanently mounted on a
40 traction unit or motor chassis is as follows.

42 A. Class A special mobile equipment must be operated under
43 an annual registration. The fee for a Class A special
44 mobile equipment registration permit is as follows.

46 (1) For gross weight from 0 to 54,000 pounds, the fee
47 is as in section 505, subsection 2.

2 (2) For gross weight from 54,001 to 60,000 pounds, the
3 fee is \$382.

4 (3) For gross weight from 60,001 to 65,000 pounds, the
5 fee is \$412.

6 (4) For gross weight from 65,001 to 70,000 pounds, the
7 fee is \$442.

8 (5) For gross weight from 70,001 to 75,000 pounds, the
9 fee is \$472.

10 (6) For gross weight from 75,001 to 80,000 pounds, the
11 fee is \$502.

12 B. The fee for Class B special mobile equipment is \$17.

13 C. For Class B special motor equipment, if the gross weight
14 is in excess of 20,000 pounds, the registrant must obtain a
15 permit as required by section 2382, subsection 5.

16 D. Special mobile equipment may be operated unloaded
17 between construction projects and to or from the place where
18 the vehicle is customarily kept, if a permit is first
19 obtained under section 2382, subsection 5.

20 §514. Evasion of registration fees and excise taxes

21 A person required to register a vehicle in this State who
22 instead registers the vehicle in another state or province is
23 guilty of evasion of registration fees and excise taxes.
24 Violation of this section is a traffic infraction punishable by a
25 fine of not less than \$500 nor more than \$1,000.

26 The Secretary of State shall notify the State Tax Assessor
27 upon receipt of the court abstract so that the State Tax Assessor
28 may determine whether further investigation is necessary.

29 §515. Motorcycles and parking control vehicles

30 The annual fee for registering:

31 1. Motorcycle. A motorcycle or a parking control vehicle
32 is \$18; and

33 2. Moped. A moped is \$6.

34 §516. Stock car

2 The annual fee for registering a stock race car is \$5.

4 **§517. Government vehicles**

6 1. Exemption. The following vehicles are exempt from registration fees, but must be registered and are subject to inspection requirements:

8 A. Vehicles owned by the State;

10 B. Vehicles owned by a county;

12 C. Vehicles owned or used by a municipality;

14 D. Vehicles owned or used by an organized volunteer fire department;

16 E. Vehicles owned by a school district;

18 F. Vehicles owned by a water district;

20 G. Vehicles loaned by a dealer for use in driver education in a public school or private secondary school;

22 H. Vehicles loaned by a dealer to a municipality for use by a law enforcement agency for educational purposes;

24 I. Vehicles loaned to the University of Maine System and the Maine Technical College System and used in organized programs;

26 J. Vehicles owned by the University of Maine System;

28 K. School buses operated under a lease of at least 30 days to a municipality or school district; and

30 L. Vehicles used in volunteer ambulance or rescue squad services.

32 2. Plates. The Secretary of State shall issue distinctive plates that expire at the end of a 6-year period for state plates and a 10-year period for municipal plates within the semipermanent plate program. Vehicles owned by the State may display a marker or insignia, approved by the Secretary of State, plainly designating them as owned by the State.

34 3. Exception. If an exempt vehicle is leased or rented for commercial purposes, registration fees must be paid for that vehicle.

2 4. Unmarked law enforcement vehicles. An unmarked motor vehicle used primarily for law enforcement purposes, when authorized by the Secretary of State and upon approval from the appropriate requesting authority, is exempt from displaying a special registration plate. Records for all unmarked vehicle registrations are confidential.

4 Upon receipt of a written request by an appropriate criminal justice official showing cause that it is in the best interest of public safety, the Secretary of State may determine that records of a nongovernment vehicle may be held confidential for a specific period of time, which may not exceed the expiration of the current registration.

6 5. Municipal police vehicles. A vehicle owned by a municipality and used by a full-time law enforcement department may be issued special police registration plates at the request of the chief law enforcement official of that municipality.

8 6. Federal government vehicles. The Secretary of State may issue registration certificates and plates without fee to federal or other governmental agencies. Vehicles owned by the Federal Government used under lease to a Maine resident must be registered in this State.

10 **§518. Authorized emergency vehicles**

12 Emergency vehicles registered in another jurisdiction and operating in this State as a result of a declared emergency are exempt from further registration requirements.

14 **§519. Registration plates for firefighters**

16 1. Authority to issue special registration plate. Upon application by an active firefighter whose status is certified by the fire chief, assistant fire chief or acting fire chief, the Secretary of State shall issue a special firefighter registration plate.

18 2. Registration plate design. The Secretary of State may design a numerical registration plate with the letters "FF" as a suffix.

20 3. Use of registration plate. The registration plate may be used only on one motor vehicle with a registered gross weight of not more than 9,000 pounds.

22 4. Fee for registration plate. An additional one-time fee of \$5 is charged for a set of firefighter registration plates.

2 5. Recall of registration plate. If a firefighter ceases
3 to be an active firefighter, the fire chief shall notify the
4 Secretary of State and the Secretary of State shall recall the
5 registration plate.

6 **§520. Special equipment**

8 1. Registration fee. The annual registration fee for
9 special equipment, based on gross weight, is \$7 for equipment
10 weighing one to 2,000 pounds; \$12 for 2,001 to 5,000 pounds; and
11 \$17 for over 5,000 pounds.

12 2. Exception. Registration is not required when special
13 equipment is used solely:

14 A. On that part of a public way adjoining the premises of
15 the owner; or

16 B. For farm purposes, and public way use is limited to
17 travel from or to:

18 (1) The premises where the equipment is kept;

19 (2) A farm lot and between farm lots used for farm
20 purposes by the owner; or

21 (3) A filling station or garage for fuel or repairs.

22 **§521. Registration: handicapped people**

23 1. Definition. "Handicapped person" means a person who is
24 permanently confined to a wheelchair or otherwise handicapped so
25 that mobility is seriously restricted, necessitating the
26 permanent use of crutches or braces.

27 2. Special registration plates. A handicapped person, or
28 the spouse, parent or legal guardian of a handicapped person, who
29 has registered a motor vehicle as the motor vehicle of principal
30 use by the handicapped person may be issued a set of special
31 registration plates. The registration plates must bear the
32 International Handicap Symbol.

33 3. Permanent placards. A permanent placard may also be
34 issued. The following provisions apply to placards.

35 A. The placard must be affixed so that the information on
36 it is clearly legible from the outside of the motor
37 vehicle. The placard must contain the name of the
38 handicapped person.

39 B. The Secretary of State shall establish a system of color
40 coding placards that facilitates the determination of their
41 validity.

42 C. The Secretary of State may issue a placard to a
43 handicapped person who does not have a duly registered motor
44 vehicle. That placard may be displayed on a motor vehicle
45 properly registered in this State only when the handicapped
46 person is a passenger or when the driver of the vehicle is
47 waiting for a service to be rendered to the handicapped
48 person.

49 4. Motorcycle. A handicapped person who has registered a
50 motorcycle may be issued a designating plate as a registration
51 plate.

52 5. Application. An application must be accompanied by the
53 certificate of a physician as to that person's physical
54 disability. A person whom a physician certifies to have a
55 permanent handicap is not required to submit an annual
56 certificate.

57 6. Temporary placards. A temporary placard may be issued
58 to a person who is temporarily handicapped. The following
59 provisions apply to temporary placards.

60 A. An application for a temporary placard must be
61 accompanied by the certificate of a physician attesting to
62 that person's physical disability. The certificate must
63 bear the person's name and an assigned expiration date. The
64 bureau must give priority consideration to these requests.

65 B. Temporary placards must show the expiration date
66 specified by the physician.

67 C. During its term, a temporary placard has the effect of a
68 handicapped plate.

69 D. Any temporary placard issued under this section may be
70 displayed in any motor vehicle that the handicapped person
71 to whom the placard was provided is operating or in which
72 the handicapped person is a passenger, is being transported
73 or is waiting for a service to be rendered. The temporary
74 placard must be affixed so that the information on the
75 placard is clearly legible from outside the motor vehicle.

76 7. Registration and placard fees. The annual fee is the
77 same as the regular registration fee for the vehicle. The fee
78 for each permanent or temporary placard is \$1.

2 B. Violation. A person other than a handicapped person or
4 the spouse of a handicapped person using a set of special
6 designating plates or a placard commits a traffic infraction and
8 is subject to a \$100 penalty. The special designating plates or
10 placard may be suspended for improper use.

12 **§522. Hearing-impaired people**

14 1. Issuance of placard. The Secretary of State may issue a
16 placard for hearing-impaired people to a person who is hearing
18 impaired on receipt of a form from the Division of Deafness,
20 Bureau of Rehabilitation, certified by a physician or an
22 audiologist stating that the applicant is hearing impaired and
24 can not hear or understand normal speech.

26 2. Manner of display. The placard must be displayed in a
28 conspicuous location in the vehicle as near to the operator as
30 possible without obstructing the view of the operator.

32 3. Fee. The fee for a placard issued pursuant to this
34 section is \$1.

36 **§523. Certain veterans**

38 1. Amputee or blind veterans. On application to the
40 Secretary of State for registration of any motor vehicle of any
42 amputee or blind veteran who has received an automobile from the
44 United States Government under authority of P.L. 663, 79th
46 Congress, as amended, or P.L. 187, 82nd Congress, as amended, or
48 any amputee or blind veteran receiving compensation from the
50 Veterans Administration or any branch of the United States Armed
Forces for service-connected disability who has a specially
designed motor vehicle, that veteran is entitled to have that
automobile duly registered and a registration certificate
delivered to the veteran without the requirement of the payment
of any fee.

Any veteran who has lost both legs or the use of both legs and
who has registered a motor vehicle without the payment of a fee
as provided in this section upon certification by the Veterans
Administration or appropriate branch of the United States Armed
Forces must be issued special designating plates. Those
designating plates must be issued by the Secretary of State and
must bear the words "Disabled Veteran."

2. Disabled veterans: special free license plates. The
Secretary of State on application and upon evidence of payment of
the excise tax required by Title 36, section 1482, shall issue a
registration certificate and set of special designating plates to
be used in lieu of regular registration plates to any 100%

disabled veteran when that application is accompanied by
certification from the United States Veterans Administration or
any branch of the United States Armed Forces as to the veteran's
disability and receipt of 100% service-connected benefits and
that the veteran is permanently confined to a wheelchair or
restricted to the use of crutches or braces or otherwise
handicapped in such a way that mobility is seriously restricted.
A handicap placard is issued in addition to the disabled veteran
registration plate at no fee.

These special designating plates must bear the words "Disabled
Veteran," which indicate that the vehicle is owned by a disabled
veteran.

3. Special veterans registration plates. The Secretary of
State, on application and upon evidence of payment of the excise
tax required by Title 36, section 1482, the registration fee
required by section 501 and a one-time additional fee of \$5,
shall issue a registration certificate and a set of special
veterans registration plates to be used in lieu of regular
registration plates to any person who has served in the United
States Armed Forces and who has been honorably discharged.

Each application must be accompanied by the applicant's Armed
Forces Report of Transfer or Discharge, DD Form 214, or
certification from the United States Veterans Administration or
the appropriate branch of the United States Armed Forces
verifying the applicant's military service and honorable
discharge.

All surplus revenue collected for issuance of the special
registration plates is retained by the Secretary of State to
maintain and support this program.

§524. Other special veterans registration plates

1. United States Medal of Honor recipients: special license
plates. The Secretary of State, on application and upon evidence
of payment of the excise tax required by Title 36, section 1482,
shall issue a registration certificate and set of special
designating plates, to be used in lieu of regular registration
plates, to any Maine resident who has been awarded the Medal of
Honor by the Congress of the United States when the application
is accompanied by a copy of the military orders awarding the
Medal of Honor.

These special designating plates must be of a design as
determined by the Secretary of State.

2 2. Former prisoners of war; special license plates. The
3 Secretary of State, on application and upon evidence of payment
4 of the excise tax required by Title 36, section 1482, shall issue
5 a registration certificate and set of special designating plates
6 to be used in lieu of regular registration plates to any person
7 who served in the United States Armed Forces and who was a
8 prisoner of war at any time during tenure of service, or the
9 surviving spouse of a former prisoner of war who is deceased,
10 when that application is accompanied by a copy of the appropriate
11 military form certifying that the person is a former prisoner of
12 war. This special license plate is issued specifically to former
13 prisoners of war and their spouses and the privilege of using the
14 special plate is transferable only on the death of the former
15 prisoner of war to the former prisoner's spouse. Upon the death
16 of the former prisoner of war, the surviving spouse may retain
17 and display the special license plate. Upon remarriage, the
18 surviving spouse may not use the special license plate on a motor
19 vehicle, but may retain it as a keepsake. Upon the death of the
20 surviving spouse, the family may retain the special license
21 plate, but not use it on a motor vehicle.

22 These special designating plates must be of a design as
23 determined by the Secretary of State that is unique and not
24 duplicated by any other design.

25 3. Pearl Harbor survivors; special license plates. The
26 Secretary of State, on application and upon evidence of payment
27 of the excise tax required by Title 36, section 1482, shall issue
28 a registration certificate and set of special designating plates
29 to be used in lieu of regular registration plates to any person
30 who served in the United States Armed Forces and who was
31 stationed at Pearl Harbor, Oahu, Hawaii during the attack by
32 Japanese forces on December 7, 1941, when that application is
33 accompanied by appropriate military certification verifying the
34 applicant's service at Pearl Harbor during the attack. This
35 special license plate is issued specifically to Pearl Harbor
36 survivors and the privilege of using the special plate is not
37 transferable.

38 These special designating plates must be of a design as
39 determined by the Secretary of State.

40 §524-A. United States flag plates

41 The Secretary of State is authorized to design and issue a
42 special plate depicting the United States flag. A person may
43 display the United States flag plate on a vehicle registered up
44 to 9,000 pounds or on a motor home by covering, but not removing,
45 the normal front registration plate. The Secretary of State
46 shall charge a fee of \$5 for each United States flag plate

47 issued. Municipal agents appointed pursuant to section 201 may
48 charge \$1 in addition to the fee required by this section for
49 each United States flag plate issued, the service charge to be
50 retained by the municipality. The authorization to display the
United States flag plate on a registered vehicle expires March
30, 1993.

A person who displays the United States flag plate in place
of the normal registration plate after March 30, 1992 violates
section 2104.

51 §525. Fuel tax licensing

52 1. Vehicles required to be licensed. A person operating a
53 vehicle using fuel other than gasoline must obtain a license for
54 fuel use reporting if that vehicle:

55 A. Is registered for a gross vehicle weight in excess of
56 25,000 pounds; or

57 B. Is designed to carry 20 or more passengers.

58 2. Exceptions. A person operating a vehicle on a public
59 way, subject to Title 36, chapter 457, 459 or 463-A, must obtain
60 a fuel use identification decal for that vehicle, except for:

61 A. A vehicle owned and operated by government agencies;

62 B. A vehicle bearing dealer registration plates;

63 C. A recreational vehicle; or

64 D. An authorized emergency vehicle registered in another
65 jurisdiction and operating in response to a declared
66 emergency.

67 3. Interstate fleets. Interstate bus and one-way rental
68 vehicle operators must obtain a license on the same prorated
69 basis as is used to determine fuel used and vehicles registered
70 within the State.

71 A. The number of buses that the state mileage factor
72 represents of the entire fleet mileage is required to
73 display the fuel use identification decal or a certified
74 statement issued by the Secretary of State that the
75 appropriate fee has been paid.

76 B. The number of one-way rental vehicles that this
77 registration factor represents of the entire one-way rental

2 fleet is required to display the fuel use identification
3 decal.

4 4. Exception. A farm vehicle or farm truck subject to
5 limited inspection under section 1752, subsections 2 and 4 is not
6 required to have a license.

7 5. Fee. The decal fee for each vehicle is \$5.

8 6. Issuance; display; expiration. The Secretary of State
9 shall issue identification decals and shall specify the location
10 on the exterior of a vehicle to which a decal must be affixed
11 permanently. A decal must be visible and legible.

12 A. A fuel use identification decal expires on December 31st.

13 B. A cab card, issued by the Secretary of State, must be
14 carried in the vehicle at all times.

15 C. A person transferring ownership of a vehicle bearing a
16 valid fuel use identification decal must disfigure the decal.

17 D. A person acquiring a vehicle with an unexpired fuel use
18 identification decal may not operate that vehicle without a
19 valid trip permit or a license issued to that person.

20 7. Trip permits. In lieu of fuel tax licensing and
21 reporting, the Secretary of State may issue a trip permit that
22 authorizes for a period not to exceed 3 consecutive days a
23 specific vehicle to be operated without a fuel use identification
24 decal. The permit must accompany the vehicle at all times. The
25 fee for a permit is \$50.

26 8. Enforcement. A state police officer or any member of
27 the Department of Public Safety designated by the Commissioner of
28 Public Safety may enforce this section.

29 A person in violation of the requirements for reporting fuel use
30 taxes under Title 36 may be required to fully comply before being
31 allowed to proceed.

32 9. Violation. A person commits a Class D crime if that
33 person displays, causes or permits to be displayed a false decal
34 or permit or a decal or permit issued to another person.

35 An owner or operator stopped for violating this section and
36 against whom enforcement action has been taken does not commit a
37 subsequent violation of this section involving the same vehicle
38 until after the close of business on the next business day
39 following the date of the violation.

2 Notwithstanding Title 17-A, a person convicted of violating this
3 section is subject to a forfeiture of at least \$250, which may
4 not be suspended.

5 10. Suspension. On certification by the State Tax Assessor
6 to the Secretary of State that a person is in violation of Title
7 36, chapter 457, 459 or 463-A, the Secretary of State shall
8 suspend all fuel use identification decals issued to that
9 person. The Secretary of State shall promptly notify the
10 Department of Public Safety of a suspension, revocation or
11 reinstatement.

12 Until the State Tax Assessor certifies to the Secretary of State
13 that a person is in compliance, a person who has had decals
14 revoked may not operate a vehicle requiring a decal. To have the
15 right to operate reinstated, a person must pay a fee of \$25 to
16 the Secretary of State.

17 11. Cooperation. The State Tax Assessor, the Department of
18 Public Safety and the Secretary of State shall cooperate in the
19 issuance of decals, licenses and permits, enforcement of this
20 section and to ensure that timely information is readily
21 available to all enforcement personnel of the status of those in
22 noncompliance with the fuel use tax laws, intrastate and
23 interstate for-hire operating authority permit requirements and
24 motor vehicle registration laws.

25 12. Funds. All fees, fines and forfeitures accrue to the
26 Highway Fund.

27 SUBCHAPTER II

28 MAINE HIGHWAY TRANSPORTATION REFORM ACT

29 §551. Short title

30 This subchapter may be known and cited as the "Maine Highway
31 Transportation Reform Act."

32 §552. Operating authority license required

33 1. License required. A person transporting freight,
34 merchandise, household goods or passengers by motor vehicle for
35 hire on public ways between points within this State, or points
36 within and without the State, must obtain an operating authority
37 license.

2 2. Fee. The initial application fee for an operating
4 authority license is \$25. For a passenger carrier, the annual
6 renewal fee is \$15.

8 3. Transfer. A license may not be transferred except, if
10 the holder incorporates, the holder may transfer a license to the
12 corporation upon the payment of a transfer fee and the filing of
14 written notice of intent to transfer with the Secretary of State.

16 4. Effect. A license is not a termination, restriction in
18 scope or suspension of a prior intrastate certificate of public
20 convenience and necessity as defined in 49 United States Code,
22 Section 306(6).

24 5. Passenger vehicles. A motor vehicle licensed to
26 transport passengers for hire is not required to obtain a
28 separate license as a freight and merchandise carrier.

30 6. One permit. Only one interstate or intrastate license
32 is required.

34 7. Deemed to hold permit. Notwithstanding any other
36 provision of this section, any person, firm or corporation
38 transporting freight, merchandise, household goods or passengers
40 by motor vehicle for hire in this State, on the effective date of
42 this Act, pursuant to a certificate, permit or a license issued
44 by the Public Utilities Commission or the Department of
46 Transportation, as the case may be, is deemed to hold an
48 operating permit as required by this section.

30 §553. Identification device

32 1. Identification device required. Unless the primary
34 purpose is to transport passengers in the motor vehicle for hire,
36 a motor vehicle for which a license is required under this
38 subchapter must display an identification device.

40 2. Fee. The annual fee for the device is \$8 for each motor
42 vehicle. The fee for each transfer of that device is \$2.

44 3. Permit. The Secretary of State may refuse to furnish
46 identification for a motor vehicle not registered in the name of
48 the holder of a license.

50 4. Temporary authority. The Secretary of State may issue
temporary authority for transportation for hire pending issuance
of a device. The temporary authority may not exceed that already
granted by the United States Interstate Commerce Commission or
the Secretary of State. The cost of the temporary authority must
be paid by the requesting carrier.

2 §554. Lapse of license

4 If the holder of the license fails to obtain an
6 identification device within one year of obtaining a license or
8 fails to renew an identification device for one year, the license
10 lapses.

10 §555. Bureau of State Police; enforcement

12 1. Rulemaking authority. The Bureau of State Police, in
14 this section referred to as "the bureau," may, in accordance with
16 the Maine Administrative Procedure Act, modify or decline to
18 adopt any of the federal regulations or amendments referenced in
20 this section, adopt rules to ensure proper enforcement of this
22 subchapter and to promote the safety of the operation of motor
24 carriers over the highways. This authority includes the right to
26 make rules related to the length of duty of drivers.

28 2. Adoption of federal regulations. The bureau may adopt
30 rules to incorporate by reference federal regulations in 49 Code
32 of Federal Regulations, Parts 40, 390, 391, 392, 393, 395 and
34 396, as amended, and may adopt amendments to those federal
36 regulations. The following provisions apply to the adoption of
38 federal regulations under this section.

40 A. The Maine Administrative Procedure Act does not apply to
42 the adoption by reference of federal regulations under this
44 subsection.

46 B. A rule adopted under this subsection must contain a
48 brief description of the substance of the federal regulation
or amendment and instructions for obtaining a copy or a
certified copy of that federal regulation or amendment from
the appropriate federal agency.

C. For every rule adopted under this subsection:

(1) The bureau shall file with the Secretary of State:

(a) A certified copy of the rule;

(b) A published copy of the federal regulation or
amendment as printed in the Federal Register; and

(c) Annually, a published copy of the updated
volume of the Code of Federal Regulations
containing the federal regulation; and

2 (2) The bureau shall supply, without cost or at actual
4 cost, copies of each rule to a person who has filed
6 within the past year a written request to be supplied
8 with copies of rules, and to any other person on
request. The bureau shall also make available for
inspection at no charge, and for copying at actual
cost, a current published copy of the referenced
federal regulations.

10 D. The Secretary of State shall publish, pursuant to Title
12 5, section 8053, subsection 5, a notice containing the
following information:

14 (1) A statement that the rule has been adopted and its
16 effective date;

18 (2) A brief description of the substance of the rule
and the referenced federal regulation or amendment; and

20 (3) The addresses at which copies of the rule and the
22 federal regulation or amendment may be obtained;

24 E. The Secretary of State shall maintain and make available
26 at the Secretary of State's office for inspection at no
28 charge, and for copying or purchase at actual cost, current
30 copies of these rules and include them within the
32 compilations subject to Title 5, section 8056, subsection 3,
paragraphs A-1 and B. The Secretary of State shall also
make available for inspection at no charge and for copying
at actual cost a current published copy of the referenced
federal regulations and amendments; and

34 F. A rule adopted under this section may not take effect
36 until at least 5 days after filing with the Secretary of
38 State, except that, if the bureau finds that immediate
40 adoption of the rule is necessary to avoid an immediate
threat to public health, safety or general welfare, the
bureau may adopt the rule as an emergency rule in accordance
with Title 5, section 8054, and that rule takes effect
immediately.

42 2. Agreement. The bureau may make cooperative agreements
44 with the Interstate Commerce Commission and the United States
46 Department of Transportation to enforce the laws and regulations
of the United States and this State concerning highway
transportation.

48 3. Precedence of rules. For vehicles to which this chapter
applies, if a conflict exists between these safety rules adopted

2 pursuant to this section and other laws requiring safety
4 equipment, rules adopted pursuant to this section control.

6 4. Enforcement. The Secretary of State upon request of the
8 bureau may refuse to reissue an identification device for a
willful or continued violation of this chapter or a regulation of
the United States Department of Transportation. Enforcement is
as follows.

10 A. The bureau may file a complaint in the Administrative
12 Court seeking revocation or suspension of an operating
permit.

14 B. Notwithstanding Title 5, section 10051, the Secretary of
16 State may suspend a license for lack of sufficient insurance.

18 A suspension continues until the Secretary of State is
satisfied that the carrier has obtained adequate insurance.

20 Notice and an opportunity for hearing are as provided the
22 Maine Administrative Procedure Act.

24 C. A law enforcement officer must investigate an alleged
26 violation of this subchapter or a rule adopted by the bureau
28 or by the United States Department of Transportation,
prosecute violators and aid in the enforcement of the
provisions of this subchapter.

30 §556. Exemptions

32 A motor vehicle is exempt from this subchapter, except
34 sections 555, 558 and 560, as follows:

36 1. Exclusive use. A vehicle engaged exclusively in:

38 A. The transportation of freight or merchandise of the
40 owner in the course of a primary business;

42 B. The transportation of the United States mail;

44 C. The transportation during the harvesting season, within
46 100 highway miles, of fresh fruits and fresh vegetables or
products of vining and cutting plants from farms to
processing plants or freezing plants, places of storage or
places of shipment;

48 D. The hauling of wood, pulpwood, logs, sawed lumber, wood
50 chips, bark, hogged fuel or sawdust within 100 highway miles
from the wood lot or forest area where cut, sawed or chipped;

2 E. The hauling of sawlogs and pulpwood harvested on lands
4 owned by the State beyond the 100-mile limitation if, for
6 lands administered by the Department of Conservation, the
8 Commissioner of Conservation consents or, for lands
10 administered by the Baxter State Park Authority, the
12 authority consents to the transport. Consent must be given
14 to avoid severe economic hardship or disruption of land
16 management plans;

18 F. The hauling, within 100 highway miles, of lumber horses,
20 crew, equipment and supplies to or from a wood lot or forest
22 area;

24 G. The transportation of livestock, including race horses,
26 for exhibition purposes, to and from agricultural fairs,
28 race tracks and other exhibits;

30 H. The hauling, within 100 highway miles, of milk and cream
32 to receiving stations;

34 I. The transportation of Christmas trees, wreaths and
36 greens;

38 J. The transportation, within 100 highway miles of the
40 carrier's regular place of business, of disabled, collision
42 damaged, wrecked or repossessed motor vehicles;

44 K. The transportation of refuse, garbage and trash;

46 L. The transportation of sand, gravel, loam, rocks, crushed
48 rock, hot top, cold top or bituminous mixes;

50 M. The transportation of buildings, houses and similar
permanent structures being relocated, but not including
trailers and mobile homes; and

N. The transportation of newspapers and newspaper inserts;

2. Single municipality. A vehicle used within 15 highway
miles of the limits of a municipality in which the vehicle is
registered or in which the owner maintains an established place
of business when the property is received or delivered there.

Property originating or terminating beyond the 15-mile limit may
only be delivered to or received from a carrier operating under
a permit issued by the Secretary of State, a railway, railway
express or water common carrier.

A carrier may deliver and pick up with an exempt motor vehicle,
in a municipality in which the carrier has a terminal, freight

and merchandise to be transported through territory for which a
permit is required;

3. Government. A vehicle engaged, directly or through a
contractor, exclusively in construction or maintenance work for
the Federal Government, the State, a county or a municipality;

4. Agricultural cooperatives. A vehicle of an agricultural
cooperative association transporting property exclusively for its
members on a nonprofit basis, or of an independent contractor
transporting property exclusively for the association;

5. Farm. A vehicle of an independent contractor while
engaged exclusively in the transportation of;

A. Seed, feed, fertilizer and livestock for an owner or
operator of a farm directly from the place of purchase to
the farm; or

B. Agricultural products for an owner or operator of a
farm, directly from the farm on which the products were
grown to a place of storage, processing or shipment within
100 highway miles; and

6. Passenger vehicles. While transporting passengers as
follows:

A. The operation of a motor vehicle under contract with the
State, a municipality or a school district used in
transporting students;

B. Motor vehicles having a capacity of not more than 6
passengers operated over irregular routes and without a
fixed schedule;

C. Motor vehicles owned or operated by or on behalf of
hotels and used exclusively for the transportation of
patrons between hotels and public transportation;

D. Motor vehicles owned or operated by or on behalf of
growers, processors and manufacturers of fruit, vegetable or
fish products and used in the transportation of workers
between their homes and places of employment; and

E. Motor carriers transporting passengers that receive
state, municipal or federal subsidies are required to submit
their operating name and list of equipment to the bureau and
are subject to the rules of the bureau pertaining to safety
promulgated under section 555. For the purpose of this
section, the term "subsidies" includes assistance that is

2 provided by the State Government, municipal government or
3 Federal Government that is used for purposes of planning to
4 offset operating losses or to acquire capital equipment.

5 "Cooperative use transportation" means the collective use of
6 privately owned vehicles by 2 or more people where the providing
7 of transportation is not the primary business of the owner or
8 driver of the vehicle, or both, but is incidental to their
9 livelihood. Cooperative use includes, but is not limited to,
10 shared driving, shared expense car pools, station wagon pools or
11 van pools, employer-owned or leased vehicles, including buses
12 that are operated for convenience of the employees, commuter
13 services organized and arranged by employee cooperatives, labor
14 unions, credit unions and neighborhood groups that are operated
15 for the convenience of their members and vehicles operated under
16 the auspices of government-sponsored commuter matching services
17 and brokerage programs and individuals or groups providing
18 nonprofit matching and other brokerage type services;

19 "For-profit brokerage and matching services" means that the
20 provider of the service neither sets the rates for the service,
21 provides backup transportation, passes upon the qualifications of
22 the drivers of their vehicles, establishes the routes nor
23 collects the fees paid for the service. The business of matching
24 drivers with passengers and the rendering of technical assistance
25 in support of cooperative use transportation is exempt from rules
26 under this chapter;

27 "For-profit car pooling and van pooling" means the business of
28 organizing and operating a car pooling or van pooling system. In
29 this context, "car pools and van pools" means any vehicle used in
30 a continuing form of prearranged commuter transportation by a
31 relatively fixed group of 15 persons or fewer for travel between
32 their places of residence and their places of employment. The
33 operation of for-profit car pools and van pools must be
34 incidental to the livelihood or employment of the owner or
35 operators. The business of organizing and operating a car
36 pooling or van pooling system, including the selection and
37 approval of cars, vans and drivers, the fixing and collection of
38 fees, the establishment of routes and the provision of backup
39 transportation, is exempt from rules under this chapter, except
40 for sections 555, 558 and 560, provided that the owner's name,
41 the list of equipment and proof of adequate insurance coverage,
42 as determined by the Secretary of State, is filed with the
43 Secretary of State prior to commencing operation.

44 This section applies to a nonresident owner or operator to
45 the extent that the jurisdiction of residence grants the same or
46 similar privileges as identified by the Secretary of State.

1 If a foreign jurisdiction requires a permit or charges
2 residents of this State a fee for transportation exempted under
3 this section, this section's exemptions do not apply to owners or
4 operators resident in that jurisdiction.

5 If a foreign jurisdiction prohibits the transportation of
6 wood, pulpwood or logs from that jurisdiction to this State, or
7 requires a citizen of this State to establish citizenship, a
8 residence or place of business or to register a business in that
9 jurisdiction in order to transport wood, pulpwood or logs from
10 that jurisdiction to this State, similar provisions must apply to
11 residents of that jurisdiction who transport wood, pulpwood or
12 logs from this State to that jurisdiction. This paragraph does
13 not apply to the sale of sawlogs and pulpwood.

14 **§557. Municipal authority**

15 This subchapter does not restrict the authority of a
16 municipality to enact ordinances to regulate and control the
17 routing, parking, speed or safety of operation of motor vehicles;
18 to exercise general police power over its public ways; or to
19 require compliance with certain conditions before a motor vehicle
20 is operated within that municipality.

21 **§558. Violation of provisions of this subchapter**

22 1. Violation. A person commits a Class E crime if that
23 person violates or knowingly permits a violation of this
24 subchapter.

25 2. Failure to appear. If a person, after being ordered to
26 appear to answer a violation, fails to appear, the court shall
27 suspend that person's license and registration. The suspension
28 must continue in effect until that person appears in court as
29 ordered.

30 3. Failure to comply. If a carrier holding a license fails
31 to comply with an order of a court issued pursuant to this
32 subchapter, the court shall suspend the license held by the
33 carrier until the carrier complies with the order.

34 **§559. Agents for service of process**

35 1. Appointment of agent. A holder of a license issued
36 under this subchapter shall file with the Secretary of State, in
37 writing, an appointment of a resident of this State to be its
38 representative on whom all lawful processes may be served, and
39 who may be required to appear in court on behalf of the carrier
40 as if the carrier were in court.

2 2. Assent. The written assent of the resident
3 representative must be filed with the Secretary of State and is
4 valid until revoked.

5 3. Failure to file. If a carrier fails to file an
6 appointment of a resident representative, the Secretary of State
7 may not issue a license until the carrier files that appointment.

8 **§560. Certificate of Chief of State Police; Secretary of State**

9 The certificate of the Chief of the State Police must be
10 received in any court of law in this State as prima facie
11 evidence of the making or issuing by the Bureau of State Police
12 of any rule authorized by this chapter. The certificate of the
13 Secretary of State or the Secretary of State's deputy, under seal
14 of the State, must be received in any court of law in this State
15 or in any proceeding pursuant to this chapter as prima facie
16 evidence of the issuance, suspension, revocation or restoration
17 of any driver's license, or the issuance, suspension, annulment
18 or restoration of any motor vehicle.

19 **§561. Transportation Safety Fund**

20 1. Fund established. Fees and fines authorized by this
21 subchapter must be deposited with the Treasurer of State in a
22 separate account to be known as the Transportation Safety Fund
23 otherwise known in this section as the "fund."

24 2. Legislative approval of budget. Expenditures from the
25 fund are subject to legislative approval in the same manner as
26 allocations from the Highway Fund.

27 3. Use of funds. Subject to the Civil Service Law, the fund
28 may be used to hire employees and to defray other costs as
29 follows.

30 A. There must be allocated to the Department of Public
31 Safety for the State Police no more than \$2,400,000 in
32 fiscal year 1991-92 and \$2,400,000 in fiscal year 1992-93
33 for duties imposed by this chapter and Title 35-A and for
34 related activities.

35 B. There must be allocated to the Department of the
36 Secretary of State for the Bureau of Motor Vehicles no more
37 than \$650,000 annually for enforcement of commercial driver
38 license law.

39 C. Any balance in excess of that required for paragraph A
40 may be allocated in the same manner and for the same
41 purposes as money in the Highway Fund, but with special

2 emphasis on matters related to transportation safety. An
3 allocation of this balance must be identified as to source.

4 4. Unexpended funds. Funds not expended at the end of a
5 fiscal year do not lapse, but are carried forward.

6 **CHAPTER 7**

7 **TITLE TO VEHICLES**

8 **SUBCHAPTER I**

9 **GENERAL PROVISIONS**

10 **§601. Short title; construction**

11 This chapter may be cited as the "Maine Motor Vehicle
12 Certificate of Title and Antitheft Act."

13 This chapter must be construed to effectuate its general
14 purpose and to make it uniform with similar laws of other states.

15 **§602. Definitions**

16 As used in this chapter, unless the context otherwise
17 indicates, the following terms have the following meanings.

18 1. Certificate of origin. "Certificate of origin" means
19 the original written instrument or document required to be
20 executed and delivered by the manufacturer or an importer to the
21 manufacturer's or importer's agent or dealer or a person
22 purchasing directly from the manufacturer or importer certifying
23 the origin of the vehicle.

24 2. Component part. "Component part" means one of the
25 following parts of a vehicle:

26 A. Engine or motor;

27 B. Transmission;

28 C. Chassis, frame or equivalent part;

29 D. Door;

30 E. Hood;

31 F. Tailgate, deck lid or hatchback;

32 G. Quarter panel or fender;

2 H. Front fork or crankcase of a motorcycle; or
4 I. Cargo bed, transfer case or sleeper of a truck.
6 3. Dealer. "Dealer" means a person engaged in the business
8 of buying, selling, exchanging or offering to negotiate,
10 negotiating or advertising the sale of, a vehicle and who has:
12 A. An established place of business for those purposes in
14 this State; and
16 B. A current dealer license issued by the Secretary of
18 State.
20 4. Dismantled vehicle. "Dismantled vehicle" means a vehicle
22 with a component part removed.
24 5. Identification number. "Identification number" means the
26 vehicle identification number and any other identifying numbers
28 or letters on a vehicle designated by a manufacturer, the
30 Secretary of State or equivalent authority in another state.
32 6. Insurance salvage pool. "Insurance salvage pool" means
34 a person engaged in the business of storing salvage vehicles on
36 behalf of an insurer and disposing of the salvage vehicles
38 through a system of bidding or sales, regardless of whether the
40 insurer or the insurance salvage pool is considered the seller.
42 7. Lienholder. "Lienholder" means a person holding a
44 security interest in a vehicle.
46 8. Owner. "Owner" means a person, other than a lienholder,
48 that has control or title to a vehicle. "Owner" includes, but is
50 not limited to, a person entitled to use and possess a vehicle
subject to a security interest in another person, but excludes a
lessee under a lease not intended as security.
9. Perfected security interest. "Perfected security
interest" means security interest that is valid against 3rd
parties generally, subject only to specific statutory exceptions.
10. Rebuild. "Rebuild" means to replace any component part
of a vehicle.
11. Recycler. "Recycler" means a person engaged in the
business of purchasing or acquiring salvage vehicles for the
purpose of:
A. Reselling the vehicle or its component parts;

2 B. Rebuilding or repairing the vehicle for the purpose of
4 resale;
6 C. Selling the vehicle's basic materials;
8 D. Permitting the display or storage of the vehicle or its
10 parts; or
12 E. Acting as a scrap processor.
14 12. Repair. "Repair" means to remedy structural or other
16 damage without replacing component parts of a vehicle.
18 13. Salvage vehicle. "Salvage vehicle" means a vehicle
20 that, by reason of its condition or circumstance, is declared a
22 total loss by an insurer or owner, or a vehicle for which a
24 certificate of salvage has been issued.
26 14. Scrap. "Scrap," the verb, means to compress, shred or
28 destroy.
30 15. Scrap processor. "Scrap processor" means a person that
32 is engaged in the business of scrapping salvage vehicles for the
34 basic material in them but that is not engaged in the business of
36 selling parts or rebuilding or repairing salvage vehicles.
38 16. Security agreement. "Security agreement" means a
40 written agreement that reserves or creates a security interest.
42 17. Security interest. "Security interest" means an
44 interest in a vehicle reserved or created by agreement and that
46 secures payment or performance of an obligation, including, but
48 not limited to, the interest of a lessor under a lease intended
50 as security.
18. State. "State" means a state, territory or possession
of the United States, the District of Columbia, the Commonwealth
of Puerto Rico or a province of the Dominion of Canada.
19. Total loss. "Total loss" means a vehicle that is
transferred to an insurer due to damage, destruction or theft, or
a vehicle determined by an owner to have no marketable value
other than the value of the basic material and parts used in the
construction of the vehicle.
20. Vehicle. "Vehicle" means a vehicle, as defined in
section 101, or the body or chassis of any vehicle that is to be
dismantled, scrapped or rebuilt.

2 §603. Fees

4 1. Fee of \$10. A fee of \$10 must be paid to the Secretary of State for the following:

6 A. A report of a search of the records of the Bureau of Motor Vehicles for each name or identification number:

8 B. Filing an application for a first certificate of title, including security interest:

12 C. Filing notice of a security interest after the first certificate of title has been issued:

14 D. A certificate of title after a transfer:

16 E. A certificate of salvage:

18 F. A corrected certificate of title or salvage:

20 G. A duplicate certificate: or

22 H. Assignment of a new vehicle identification number.

24 2. Fee of \$2.50. A fee of \$2.50 must be paid to the Secretary of State for the following:

26 A. A second or subsequent security interest noted on an application for certificate of title:

28 B. Filing an assignment of a security interest: or

30 C. An ordinary certificate of title issued on surrender of a distinctive certificate.

32 3. Dealer charges. A vehicle dealer may not charge fees for titling purposes in excess of those in this section.

34 Other fees charged for document processing must be disclosed to a purchaser prior to final sale and be clearly posted on a vehicle to which the charge applies.

36 Violation of this subsection is a Class E crime.

38 4. Penalty. If an application, certificate of title or other document required to be delivered to the Secretary of State is not delivered to the Secretary of State within 20 days, the Secretary of State shall collect, as a penalty, an amount equal to the fee required for the transaction.

2 5. Exemption from title fees. Owners exempt from registration fees are also exempt from title fees.

4 SUBCHAPTER II

6 CERTIFICATE OF TITLE AND
8 CERTIFICATE OF SALVAGE

10 §651. Certificate of title required

12 1. Application of subchapter. Except as provided in section 652, this subchapter applies to a vehicle at first registration or when a change of registration is required by reason of a sale for consideration.

14 2. Renewal. The Secretary of State may not require an application for a certificate of title upon renewal of registration.

16 3. Warranty title; antique auto; horseless carriage; classic vehicle. The Secretary of State may, on documented and notarized evidence of ownership and payment of a \$40 fee, issue a warranty title to a Maine resident owner of an antique auto, horseless carriage or classic vehicle. A warranty title denotes that there are no known liens or encumbrances against the vehicle.

18 4. Certificate of salvage. The Secretary of State may issue a certificate of salvage upon surrender of a certificate of title and evidence that a vehicle was declared a total loss by an owner or an insurance company.

20 5. Certificate of lien. The Secretary of State shall issue a certificate of lien to the first named lienholder, when a certificate of title or a certificate of salvage names a lienholder.

22 §652. Exempted vehicles

24 A certificate of title or a certificate of salvage is not required for:

26 1. United States' vehicle. A vehicle owned by the Federal Government, unless it is registered in this State:

28 2. Manufacturer's or dealer's vehicle. A vehicle owned by a manufacturer or dealer and held for sale, even though incidentally moved on the highway or used for purposes of testing or demonstration, or a vehicle used by a manufacturer solely for testing:

2 3. Nonresident's vehicle. A vehicle owned by a nonresident
and not required to be registered in this State, unless it is
4 registered in this State;

6 4. Vehicles used in interstate or intrastate
transportation. A vehicle regularly engaged in interstate or
8 intrastate transportation of persons or property, for which a
current certificate of title has been issued in another state;

10 5. Self-propelled wheelchair. A self-propelled wheelchair;

12 6. Trailers under 3,000 pounds. A trailer with an unladen
14 weight of 3,000 pounds or less;

16 7. Motorcycle of less than 300 cubic centimeters. A
motorcycle, motor-driven cycle or a moped with an engine
18 displacement of less than 300 cubic centimeters;

20 8. Resident's vehicle registered in another state. A
vehicle owned by a resident but registered in another state;

22 9. Mobile home. A mobile home;

24 10. Certain driver's education vehicles. A vehicle loaned
26 by a dealer to a municipality or a private secondary school for
use in driver education in a secondary school;

28 11. Special mobile equipment. Special mobile equipment;

30 12. Special equipment. Special equipment;

32 13. Automobiles and commercial vehicles. Automobiles or
34 commercial vehicles more than 10 years old;

36 14. Salvage vehicle. A salvage vehicle with a certificate
of salvage or other comparable document from another state; and

38 15. Other vehicles. A vehicle required to be registered
40 under section 108, subsection 3 for which a current certificate
of title has been issued in another state.

42 **§653. Certificate of origin**

44 1. Execution upon delivery. When a new vehicle is
46 delivered by a manufacturer or importer to an agent or a
franchised dealer, the manufacturer or the importer shall execute
48 and deliver a certificate of origin.

2 2. Certificate of origin required. A person may not bring
4 into this State a new vehicle, unless that person possesses the
certificate of origin.

6 3. Information contained in certificate. The certificate
of origin must contain:

8 A. The manufacturer's vehicle identification number;

10 B. The name of the manufacturer;

12 C. The number of cylinders;

14 D. A general description of the body;

16 E. The model year designation; and

18 F. The type of model.

20 4. Sale. When a new vehicle is sold, the seller shall
22 execute and deliver to the purchaser an assignment of the
certificate of origin with the names and the business or
24 residence addresses of both. The seller shall certify that the
assignment was executed with full knowledge of the contents by
26 and with the consent of both purchaser and seller.

28 5. Penalty. Violation of this section is a Class E crime.

30 **§654. Application for certificate of title and certificate**
of salvage

32 1. Contents. An application to the Secretary of State for
34 a certificate of title or a certificate of salvage must be made
on a form prescribed by the Secretary of State, be signed by the
36 owner of the vehicle and contain the following information:

38 A. The name, residence and mailing address of the owner;

40 B. A description of the vehicle, including, as far as data
exists, its make, model, model year, vehicle identification
42 number, type of body, number of cylinders, current mileage
and whether new or used;

44 C. The date of purchase by the applicant, the name and
address of the person from whom the vehicle was acquired;

46 D. If for a certificate of title, the names and addresses
48 of lienholders in the order of their priority and the dates
of their liens;

2 E. If for a new vehicle, a certificate of origin;

4 F. If for a used vehicle, a previous certificate of title;

6 G. Any further information that the Secretary of State requires to identify the vehicle and to enable determination of whether the owner is entitled to a certificate and the existence of security interests in the vehicle; and

8 H. The required fee.

10
12 2. Purchased from the dealer. If the application is for a vehicle purchased from a dealer, in addition to the requirement set forth in subsection 1, the application must be signed by the dealer and must contain the name and the address of any lienholder or assignee holding an interest created or reserved at the time of sale and the date of the lien. The dealer shall, within 20 days after the sale, deliver the application to the Secretary of State. The dealer must deliver a copy of the application to the lienholder.

22 3. Registered in another state. If the application is for a vehicle last registered in another jurisdiction, in addition to the requirements set forth in subsection 1, the application must include:

24 A. A certificate of title or a certificate of salvage issued by that jurisdiction; and

26 B. The certificate of a person authorized by the Secretary of State that the identification number of the vehicle has been inspected and found to conform to the description given in the application, or other proof of the identity of the vehicle required by the Secretary of State.

32 4. Vehicle declared total loss. If a vehicle is declared a total loss by an owner or insurer, the owner or insurer shall file an application for a certificate of salvage pursuant to section 667. The application must be on a form prescribed by the Secretary of State and, in addition to the requirements set forth in subsection 1, must include:

34 A. A certificate of title or a certificate of origin; and

36 B. Any other information or documents the Secretary of State requires to administer the provisions of this section.

2 The Secretary of State shall act on an application for a certificate of salvage within 20 days of receipt of the application.

4 §655. Missing ownership documents or assignments

6 1. Application for certificate. The owner of a vehicle who is unable to obtain a certificate of origin, certificate of title, certificate of salvage or an assignment of these documents showing sale to the owner may file with the Secretary of State an application for a certificate in the owner's name. The application must be accompanied by the required fee.

8 2. Evidence. The owner shall provide evidence that:

10 A. The applicant is the true owner of the vehicle;

12 B. There are no prior outstanding liens against the vehicle; and

14 C. The applicant has been unsuccessful in an attempt to have the certificate or other documents transferred or assigned because the prior owner can not be located, has ignored the request or refuses to transfer or assign the documents to the applicant.

16 3. Review of application and evidence. The Secretary of State shall review the application, examine the evidence and investigate the ownership of the vehicle. As part of that investigation, the Secretary of State shall:

18 A. Request the prior owner or holder of the certificate or other document to remit the document to the Secretary of State or make the necessary assignments; or

20 B. Notify the prior owner, at the prior owner's last known address, of the Secretary of State's intent to issue a certificate of title or a certificate of salvage to the new owner.

22 4. Issuance of certificate of title or certificate of salvage to new owner. The Secretary of State shall issue a certificate of title or certificate of salvage to the new owner:

24 A. If the prior owner or holder of the document remits the document and properly assigns it to the new owner; or

26 B. When the prior owner or holder fails to provide the document or make the necessary assignment, if:

2 (1) The prior owner or holder does not contest, within
4 15 days of receiving notice, the intent to issue a
6 certificate to the new owner;

8 (2) There is satisfactory proof of ownership; and

10 (3) The certificate includes the statement: "This
12 certificate may be subject to the rights of a prior
14 owner."

16 5. Delivery. The certificate of title or certificate of
18 salvage must be sent to the owner named on the certificate. If a
20 lienholder is named on the certificate, the Secretary of State
22 shall send a certificate of lien to the first named lienholder.

24 6. Ordinary certificate. If the Secretary of State does
26 not receive a notice of interest of a prior owner within 6 months
28 from the issuance of the certificate, the holder may be issued a
30 certificate in ordinary form to replace the one issued as
32 described in subsection 4, paragraph B, subparagraph (3).

34 §656. Secretary of State to check identification number

36 Upon receiving an application for a certificate of title or
38 certificate of salvage, the Secretary of State shall check the
40 identification number in the application against the records of
42 certificates issued and of stolen or converted vehicles.

44 §657. Issuance of certificate

46 The Secretary of State shall issue a certificate of title or
48 certificate of salvage as provided in this section.

1 1. Original certificate. When satisfied of an
3 application's genuineness and regularity and that the applicant
5 is entitled to a certificate, the Secretary of State shall issue
7 an original certificate of title or certificate of salvage.

9 2. Assignment of title. The Secretary of State, upon
11 receipt of a properly assigned certificate of title or
13 certificate of salvage with an application for a new certificate,
15 the required fee and any other documents required by law, shall
17 issue a new certificate of title or certificate of salvage in the
19 name of the transferee as owner and mail that certificate to the
21 owner. If a lienholder is named on the certificate of title or
23 certificate of salvage, the Secretary of State must mail a
25 certificate of lien to the first named lienholder.

2 3. New certificate. The Secretary of State may issue a new
4 certificate of title or certificate of salvage as provided in
6 section 655.

8 4. Involuntary transfer. The Secretary of State, upon
10 receipt of an application for a new certificate of title by a
12 transferee other than by voluntary transfer, with proof of the
14 transfer, the required fee and any other documents required by
16 law, shall issue a new certificate of title in the name of the
18 transferee as owner. If the outstanding certificate of title is
20 not delivered to the Secretary of State, the Secretary of State
22 shall demand the outstanding certificate of title from the holder.

24 5. Records. The Secretary of State shall maintain a record
26 of issued certificates of title and salvage, which must be
28 recorded:

30 A. Under a distinctive title number assigned to the vehicle;

32 B. Under the identification number of the vehicle;

34 C. Alphabetically, under the name of the owner; and

36 D. By any other method.

38 6. Inspection. Before a certificate of title or a
40 certificate of salvage is issued, the Secretary of State may
42 require that a vehicle be inspected for conformity to the
44 description given in the application.

46 7. Mailing of certificate. The Secretary of State shall
48 mail a certificate of title or certificate of salvage to the
1 owner named on the certificate. The Secretary of State shall
3 also mail a certificate of lien to the first lienholder named on
5 the certificate. The certificate of lien must contain the same
7 information required to be on the certificate of title by section
9 658, subsection 1, and a place for the release of each lien.

11 §658. Information contained on certificates

13 1. Contents. A certificate of title or salvage must
15 contain the following information:

17 A. The date issued;

19 B. The name and address of the owner;

21 C. The names and addresses of lienholders, in the order of
23 priority as shown on the application or prior certificate;

2 D. The title number assigned to the vehicle;

4 E. A description of the vehicle, including its make, model,
6 model year designation, identification number, type of body,
8 number of cylinders, whether new or used, current mileage
10 and, if a new vehicle, the date of the first sale of the
12 vehicle for use; or

14 F. Any other data the Secretary of State prescribes to
16 administer this section.

18 2. Distinctive certificate of title. Unless a bond is
20 filed as provided in section 659, a distinctive certificate of
22 title must be issued for a vehicle that was last registered in
24 another jurisdiction that does not require that lienholders be
26 named on a certificate of title.

28 The certificate of title must contain the statement: "This
30 vehicle may be subject to an undisclosed lien."

32 If no notice of a security interest in the vehicle is received
34 within 4 months from the issuance of the distinctive certificate of
36 title, the Secretary of State shall, on application and
38 surrender of the distinctive certificate of title, issue a
40 certificate of title in ordinary form.

42 3. Forms. The certificate of title or certificate of
44 salvage must contain forms for assignment and warranty of title
46 by the owner or a dealer and may contain forms for an application
48 for a certificate of title by a transferee, the naming of a
50 lienholder or the assignment or release of the security interest.

4. Prima facie evidence. A certificate of title or
certificate of salvage is prima facie evidence of the information
appearing on it.

5. Levies. A certificate of title or certificate of
salvage is not subject to garnishment, attachment, execution or
other judicial process. This does not prevent a lawful levy upon
the vehicle.

§659. Withholding of certificate of title or certificate of
salvage; bond required

If the Secretary of State is not satisfied as to ownership
of the vehicle or the absence of security interests, the
Secretary of State may register the vehicle but must either:

1. Withholding. Withhold a certificate of title or
certificate of salvage until the applicant presents documents to

satisfy the Secretary of State as to ownership and the absence of
undisclosed security interests; or

2. Bond. Require the applicant to file a bond executed by
the applicant that is:

A. Either accompanied by a deposit of cash or executed by a
person authorized to conduct a surety business in this State;

B. In an amount equal to 1 1/2 times the value of the
vehicle as determined by the Secretary of State; and

C. Conditioned to indemnify a prior or subsequent owner or
lienholder against any expense, loss or damage, including
reasonable attorney's fees, by reason of the issuance of the
certificate or on account of any defect in or undisclosed
security interest in the interest of the applicant to the
vehicle.

3. Recovery of bond for breach. An interested person may
recover on a bond required under this section for a breach of its
conditions, but the aggregate liability of the surety to all
persons may not exceed the amount of the bond.

4. Return of bond or deposit. Unless the Secretary of
State has been notified of the pendency of an action to recover
against the bond, a bond or deposit required under this section
must be returned at the end of 3 years or earlier, if the vehicle
is no longer registered in this State and the current certificate
of title or salvage is surrendered to the Secretary of State.

§660. Refusal of certificate of title or salvage

The Secretary of State shall refuse to issue a certificate
of title or salvage if the required fee is not paid or if the
Secretary of State has reason to believe that:

1. Applicant not owner. The applicant is not the owner of
the vehicle;

2. False statement. The application contains a false or
fraudulent statement; or

3. Insufficient information. The application fails to
furnish required information or documents or additional
information the Secretary of State reasonably requires.

§661. Duplicate certificate of title, certificate of salvage
or certificate of lien

2 1. Application. If a certificate of title or certificate
4 of salvage is lost, stolen, mutilated or destroyed or becomes
6 illegible, the owner or legal representative of the owner named
8 in the certificate, as shown by the records of the Secretary of
10 State, shall promptly make application for and may obtain a
12 duplicate upon furnishing information satisfactory to the
14 Secretary of State. A duplicate certificate of title or
16 certificate of salvage must contain the legend, "This is a
18 duplicate certificate and may be subject to the rights of a
20 person under the original certificate." It must be mailed to the
22 owner named on the certificate unless that owner gives written
24 authorization to mail the certificate to another person. If a
26 certificate of lien has been lost, stolen, mutilated or destroyed
28 or becomes illegible, the first lienholder shown on the
30 certificate may apply for and obtain a duplicate upon furnishing
32 information satisfactory to the Secretary of State.

34 2. Time. The Secretary of State may not issue a duplicate
36 until 15 days after receipt of the application.

38 3. Surrender of original. A person recovering an original
40 certificate for which a duplicate has been issued shall promptly
42 surrender the original to the Secretary of State. Violation of
44 this subsection is a Class E crime.

46 §662. Transfer of interest in vehicle

48 1. Transfer of interest by owner. If an owner transfers an
2 interest in a vehicle, other than by the creation of a security
4 interest, at the time of delivery of the vehicle, the owner shall
6 execute an assignment and warranty of title to the transferee in
8 the space provided on the certificate or as the Secretary of
10 State prescribes. The warranty must include the odometer
12 information required by section 2107.

14 The owner shall deliver the certificate and assignment to the
16 transferee or to the Secretary of State.

18 Except as provided in section 664, an owner must provide the
20 transferee with a properly released certificate of lien if one
22 was issued to a lienholder.

24 2. Delivery of certificate by lienholder. Unless the
26 transfer was a breach of the security agreement, upon request of
28 the owner or transferee, a lienholder in possession of the
30 certificate of title, certificate of salvage or certificate of
32 lien shall deliver a certificate to the transferee or, upon
34 receipt of the assignment, the application for a new certificate
36 and the fee, the lienholder shall deliver them to the Secretary

38 of State. The delivery of the certificate does not affect the
40 rights of a lienholder.

42 3. Retention. If a security interest is reserved or
44 created at the time of the transfer, the certificate must be
46 retained by or delivered to the lienholder. The parties shall
48 comply with sections 701 and 2107.

50 4. Transfer effective. Except as provided in section 664
2 and as between the parties, a transfer by an owner is not
4 effective until the provisions of this section and section 665
6 have been fulfilled and the required fees have been paid. An
8 owner who has delivered possession of the vehicle and has
10 complied with this section and section 665 is not liable
12 thereafter as owner for damages resulting from operation of the
14 vehicle.

16 §663. Transfer on death of spouse

18 On the death of a married resident owner of a motor vehicle
20 registered in this State, ownership of the motor vehicle passes
22 to the surviving spouse if no will provides otherwise and
24 permission is granted by a lienholder. Registration and title of
26 the vehicle must be transferred to the surviving spouse at no fee
28 and is exempt from the purchase and use tax.

30 §664. Resale by dealer

32 1. Vehicle held by dealer. If a dealer holds a vehicle for
34 resale and obtains the certificate of title or certificate of
36 salvage, the dealer is not required to deliver the certificate to
38 the Secretary of State.

40 2. Transfer. When transferring a vehicle held for resale
42 to a retail purchaser, a dealer shall comply with section 654.

44 3. Unreleased security interest. If a certificate of title
46 shows an unreleased security interest, a dealer may not transfer
48 the vehicle unless the dealer possesses a properly released
50 certificate of lien or a certificate is forthcoming from a
2 lienholder.

4 4. Sold or displayed for sale at auction. A vehicle being
6 sold or displayed for sale at an auction must be accompanied by a
8 valid certificate of title at the time of its sale or display. A
10 salvage vehicle sold or displayed for sale at an auction or
12 insurance salvage pool must be accompanied by a valid certificate
14 of salvage at the time of its sale or display for sale, unless it
16 is accompanied by a certificate of title from a jurisdiction that
18 does not issue certificates of salvage.

2 5. Exemption. A vehicle exempt under section 652 or a
4 vehicle coming from a jurisdiction that does not issue
6 certificates of title must be accompanied by information and
8 documents to establish the ownership of the vehicle and the
10 existence or nonexistence of a security interest in it.

12 6. Penalty. Violation of this section is a Class E crime.

14 §665. Involuntary transfers of interest in motor vehicle

16 1. Other than voluntary transfer. If the interest of an
18 owner in a vehicle passes to another, other than by voluntary
20 transfer, the owner shall immediately surrender the certificate
22 of title or certificate of salvage to the transferee or the
24 Secretary of State. Except as otherwise provided in this
26 section, the transferee shall promptly deliver to the Secretary
28 of State the last certificate, if available, proof of the
30 transfer and an application for a new certificate.

32 2. Interest terminated by lienholder. If the interest of
34 the owner is terminated or the vehicle is sold under a security
36 agreement by a lienholder named in the certificate of title or
38 salvage, the following provisions apply.

40 A. If the owner has the certificate of title or certificate
42 of salvage, the owner shall immediately surrender the
44 certificate to the lienholder or the Secretary of State.

46 B. The transferee shall promptly deliver to the Secretary
48 of State the last certificate of title or certificate of
50 salvage, an application for a new certificate and an
affidavit made on behalf of the lienholder that the vehicle
was repossessed and the interest of the owner was lawfully
terminated or sold pursuant to the terms of the security
agreement.

C. If the last certificate of title or certificate of
salvage is not available, the lienholder may execute an
assignment in the space provided on the certificate of lien.

D. The lienholder may apply for a certificate of title or
certificate of salvage in the lienholder's name and execute
an assignment in the space provided on the certificate of
title or certificate of salvage.

E. If the lienholder holds the vehicle for resale, the
lienholder need not apply for a new certificate. Upon
transfer to another person, the lienholder shall promptly
mail or deliver to the transferee or to the Secretary of

2 State the certificate showing the lien to be released and
4 the affidavit and other documents required to be sent to the
6 Secretary of State by the transferee.

8 3. Interest transferred. A person who holds a certificate
10 of title or certificate of salvage and whose interest has been
12 extinguished or transferred other than by voluntary transfer
14 shall deliver the certificate to the Secretary of State on
16 request.

18 The delivery of the certificate does not affect the rights of a
20 person surrendering it.

22 The issuance of a new certificate is not conclusive of the rights
24 of an owner or lienholder named in the old certificate.

26 4. Forfeiture of interest. If the interest of an owner is
28 forfeited to the State under Title 15, chapter 517, the following
30 provisions apply.

32 A. The owner shall promptly deliver to the Secretary of
34 State the certificate of title.

36 B. If the owner is unknown, the State may proceed to
38 perfect title.

40 C. If the forfeited vehicle is resold, the Secretary of
42 State shall issue a new certificate of title to the
44 purchaser.

46 D. If the forfeiting owner fails to comply with this
48 subsection, the Secretary of State shall revoke the owner's
50 certificate of title and issue a new certificate of title to
the purchaser.

5. Divorce. When a divorce decree awards a vehicle to an
individual, the following provisions apply.

A. Ownership of the vehicle passes to that individual and
the ownership of the vehicle by any other person named on a
certificate of title, certificate of salvage, certificate of
lien or certificate of registration for the vehicle is
extinguished.

B. The person whose ownership is extinguished shall
surrender the certificate of title or salvage to the
individual awarded the vehicle by the divorce decree.

C. If there is a lien on the vehicle, the lienholder shall
surrender a certificate of title or salvage or certificate

of lien for the vehicle to the Secretary of State. The delivery of the certificate to the Secretary of State does not affect the rights of the lienholder.

D. The individual awarded the vehicle shall apply for a certificate of title or certificate of salvage and, if there was an unsatisfied lien at the time of the divorce decree, shall state the lien on the application. Upon receipt of the application, the required fee, the certificate of title or salvage and proof of the award of the vehicle in a divorce, the Secretary of State shall issue a title in the name of the individual awarded the vehicle and, if there is a lien on the vehicle, shall issue a certificate of lien to the lienholder.

§666. Records of surrendered certificates of title

The Secretary of State shall maintain a file for 5 years of every surrendered certificate for tracing title of vehicles.

§667. Salvage

1. Certificate of salvage. When, by reason of its condition or circumstance, a vehicle for which a certificate of title has been issued by this State is declared a salvage vehicle:

A. By an insurer, the insurer or its designee shall surrender the certificate of title to the Secretary of State and apply for a certificate of salvage, in accordance with section 654, within 20 days of the settlement of the insurance claim; or

B. By the owner of the vehicle, the owner shall surrender the certificate of title to the Secretary of State and apply for a certificate of salvage in accordance with section 654 prior to the transfer of the vehicle, unless the owner transfers the vehicle to a recycler licensed under this chapter.

2. Assignment of ownership. At the time the salvage vehicle is transferred, the insurer, the insurer's designee or the owner shall endorse the assignment of ownership on the certificate of salvage and surrender it to the transferee of the salvage vehicle. If a vehicle owner retains a salvage vehicle as part of a settlement with an insurer, the insurer shall comply with this section and endorse the assignment of ownership on the certificate of salvage and surrender it to the vehicle owner.

3. Surrender and cancellation of certificate. Surrender and cancellation of a certificate of title or certificate of salvage must be as follows.

A. An owner who scraps or dismantles a vehicle shall immediately surrender the certificate of title or certificate of salvage to the Secretary of State for cancellation.

B. A person who acquires a vehicle to be scrapped or dismantled shall immediately surrender the certificate to the Secretary of State. If an owner transfers a vehicle for which a certificate of salvage has not been issued to a salvage dealer or recycler licensed under this chapter, the vehicle is deemed declared by the owner to be a salvage vehicle, and the salvage dealer or recycler shall immediately apply for a certificate of salvage for the vehicle in accordance with section 654, unless the vehicle's certificate of title is surrendered in compliance with this subsection.

C. A person who repairs or rebuilds for operation on public ways a salvage vehicle shall comply with subsection 4 and shall:

(1) If the vehicle was not insured, obtain the certificate of title from the owner; or

(2) If the vehicle was insured, obtain a certificate of salvage or a certificate of title from the insurer and apply for a certificate of salvage.

4. Repaired or rebuilt vehicle. If a salvage vehicle is repaired or rebuilt for operation on a public way, the vehicle may only be titled or registered for operation or offered for sale in this State if:

A. The identification number of the vehicle and its component parts are inspected and verified;

B. The vehicle passes a motor vehicle inspection under section 1751; and

C. If necessary, a new vehicle identification number is assigned.

Upon demand of the Secretary of State or a transferee, a repairer or rebuilder shall produce receipts of purchase of the vehicle or for component parts used in the repairing or rebuilding process, or both. If new parts are not used to rebuild a salvage vehicle,

2 the rebuilder shall produce the vehicle identification number of
4 the vehicles from which the parts were taken and the certificates
6 of title or the certificates of salvage for the vehicles if not
8 already surrendered. The repairer or rebuilder shall disclose,
10 in writing, to the transferee of a repaired or rebuilt salvage
12 vehicle the fact that the vehicle was a salvage vehicle and shall
14 disclose what repairs were made to the vehicle.

16 5. Distinctive. The following legends apply to
18 certificates of title issued subsequent to issuance of
20 certificates of salvage for vehicles.

22 A. The legend "salvage" must appear on a certificate of
24 title if:

26 (1) A vehicle has no marketable value other than the
28 value of the basic materials or parts used in the
30 construction of the vehicle;

32 (2) A vehicle is sold with a stipulation that it is
34 only to be used for the benefit of its parts; or

36 (3) A certificate of title previously issued by the
38 Secretary of State or by any other jurisdiction bearing
40 the legend "salvage" accompanies an application to the
42 State for a subsequent certificate of title.

44 B. The legend "rebuilt salvage" must appear on a
46 certificate of title for a rebuilt salvage vehicle if:

48 (1) Two or more vehicles with different frames are
joined;

(2) A salvage vehicle has 5 or more component parts
replaced; or

(3) A certificate of title with the legend "rebuilt
salvage" issued by the Secretary of State or by any
other jurisdiction accompanies an application to the
State for a subsequent certificate of title.

C. The legend "rebuilt" must appear on a certificate of
title for a rebuilt salvage vehicle if:

(1) A salvage vehicle has at least one, but less than
5, component parts replaced; or

(2) A certificate of title with the legend "rebuilt"
issued by the Secretary of State or by any other

jurisdiction accompanies an application to the State
for a subsequent certificate of title.

D. If a salvage vehicle for which a certificate of title
has been issued by this State with any of the legends
described in this section is subsequently titled in another
jurisdiction and later retitled in this State, any
subsequent certificate of title from this State must also
contain the legends appearing on the previous certificate of
title from this State.

6. Violation. A person who violates this section commits a
Class D crime.

§668. Suspension or revocation of certificate of title or
certificate of salvage

1. Findings. The Secretary of State shall suspend or
revoke a certificate of title, certificate of salvage or
certificate of registration on notice and reasonable opportunity
to be heard, if the Secretary of State finds:

A. A certificate of title or certificate of salvage was
fraudulently procured or erroneously issued;

B. A vehicle has been scrapped or dismantled;

C. A person failed to deliver a certificate of title or
certificate of salvage or an application for certificate of
title or certificate of salvage or fails to furnish
information the Secretary of State requests within 10 days
after the time required; or

D. A person failed to mail or deliver a certificate of
title or certificate of salvage to the Secretary of State
following the creation of a security interest by court order
or other governmental action or following an involuntary
transfer.

2. Validity. Suspension or revocation of a certificate
does not affect the validity of a security interest noted on it.

3. Certificate delivered. When the Secretary of State
suspends or revokes a certificate of title, certificate of
salvage or certificate of registration, the owner or person in
possession of that document, immediately upon receiving notice of
the suspension or revocation, shall deliver the document and
registration plates to the Secretary of State.

2 4. Seizure. The Secretary of State may seize the
4 certificate, registration document or registration plate that has
6 been suspended or revoked.

8 **SUBCHAPTER III**

10 **SECURITY INTEREST**

12 **§701. Creation of security interests**

14 1. Application. If an owner creates a security interest in
16 a vehicle, the owner shall:

18 A. Complete an application that provides the name and
20 address of the lienholder and the date of the lien; and

22 B. Immediately deliver the certificate of title,
24 application and fee to the lienholder.

26 2. Delivery by lienholder. The lienholder shall
28 immediately deliver the certificate, application and fee to the
30 Secretary of State.

32 3. Additional. Upon request of the owner or subordinate
34 lienholder, a lienholder in possession of the certificate of
36 title shall deliver the certificate to the subordinate lienholder
38 for delivery to the Secretary of State. Upon receipt from the
40 subordinate lienholder of an owner's application and fee, the
42 lienholder shall deliver them to the Secretary of State with the
44 certificate. The delivery of the certificate does not affect the
46 rights of the first lienholder under that lienholder's security
48 agreement.

50 4. New certificate. Upon receipt of the certificate, the
application and fee, the Secretary of State shall issue a new
certificate containing the name and address of the new
lienholders and mail the certificate of title to the owner. The
Secretary of State shall also mail a certificate of lien to the
first lienholder.

§702. Perfecting security interest

1. Valid against creditors, transferees and lienholders. A
security interest in a vehicle for which a certificate of title
is issued is not valid against creditors of the owner or
subsequent transferees or lienholders unless perfected as
provided in this subchapter.

2. Method. A security interest is perfected by the
delivery to the Secretary of State of:

A. The certificate of origin or existing certificate of
title or certificate of salvage;

B. An application for a certificate of title containing the
name and address of the lienholder and the date of the
security agreement; and

C. The required fee.

3. Date. A security interest is perfected as of the date
of its creation, if delivery is completed within 20 days after
its creation; otherwise, a security interest is perfected as of
the time of the delivery.

A. Vehicle brought into State. If a vehicle is subject to a
security interest when brought into this State, the validity of
the security interest is determined by the law of the
jurisdiction in which the vehicle was located when the security
interest attached, subject to the following.

A. If the parties understood at the time the security
interest attached that the vehicle would be kept in this
State and the vehicle was brought into this State within 30
days thereafter, for purposes other than transportation
through this State, the validity of the security interest is
determined by the law of this State.

B. If the security interest was perfected under the law of
the jurisdiction in which the vehicle was located when the
security interest attached, the following provisions apply.

(1) If the name of the lienholder is shown on an
existing certificate of title issued by that
jurisdiction, the security interest continues perfected
in this State.

(2) If the name of the lienholder is not shown on an
existing certificate of title issued by that
jurisdiction, the security interest continues perfected
in this State for 4 months after a first certificate of
title is issued in this State, and also thereafter if,
within the 4-month period, the security interest is
perfected in this State. If the security interest is
perfected after the 4-month period, perfection dates
from the time of perfection in this State.

C. If the security interest was not perfected under the law
of the jurisdiction in which the vehicle was located when
the security interest attached, that interest may be

perfected in this State and perfection dates from the time of perfection in this State.

D. A security interest may also be perfected by the lienholder delivering to the Secretary of State a notice of security interest and the required fee.

4. Vehicles located outside the State and registered in this State. If a vehicle is located outside this State and is not the subject of a valid certificate of title issued by another jurisdiction, upon registration of the vehicle in this State, the provisions of this chapter on perfection of a security interest apply. Notwithstanding Title 11, Article 9, Part 1, perfection under this subchapter remains valid until:

A. The certificate issued by this State is surrendered for retitling in another jurisdiction; or

B. Registration plates issued by this State are removed from the vehicle, the registration issued by this State is surrendered and the vehicle is reregistered in another jurisdiction.

§703. Exemptions

This subchapter does not affect:

1. Liens for services or materials. A lien given by statute or rule of law to a supplier of services or materials for the vehicle;

2. Government lien. A lien given by statute to the United States, this State or a political subdivision of this State;

3. Salvage lien. A lien given for a salvage vehicle, except when the vehicle is repaired or rebuilt for operation on a public way; or

4. Manufacturer's lien. A security interest created by a manufacturer or dealer who holds the vehicle for sale. A buyer in the ordinary course of trade from the manufacturer or dealer takes free of this security interest.

§704. Assignment of security interest

1. Assignment. A lienholder may assign a security interest to a person other than the owner without affecting the interest of the owner or the validity of the security interest.

2. Obligations continue. A person without notice of an assignment is protected in dealing with the lienholder as the holder of the security interest.

3. Liability. The lienholder remains liable for an obligation as lienholder until the assignee is named as lienholder on the certificate of title or certificate of salvage.

4. Endorsement. The assignee may, but need not to perfect the assignment, have a certificate of title or certificate of salvage issued with the assignee named as lienholder, upon delivering to the Secretary of State the certificate and an assignment by the lienholder named in the certificate in the form the Secretary of State prescribes, together with an application and the required fee.

§705. Release of security interest

1. Release on satisfaction. Upon satisfaction of the security interest of the lienholder, the lienholder shall, within 10 days after demand or, in any event, within 20 days, execute a release of the security interest in the space provided on the certificate. The lienholder shall:

A. Release the certificate of title, certificate of salvage or certificate of lien to the subordinate lienholder if one is named;

B. If the lien was satisfied in conjunction with the sale of the vehicle and there is no subordinate lienholder, release the certificate of title, certificate of salvage or certificate of lien to the owner or to a person who delivers to the lienholder an authorization from the owner to receive the certificate; or

C. Deliver the certificate to the owner and notify the Secretary of State that the lien has been satisfied.

2. Prior lienholder. If the certificate of title, certificate of salvage or certificate of lien is in the possession of a prior lienholder, the satisfied lienholder shall execute a release and deliver it to the owner or to a person who delivers to the lienholder an authorization from the owner to receive the release.

Upon the satisfaction of a subordinate security interest in a vehicle for which the certificate of title, certificate of salvage or certificate of lien is in the possession of a prior lienholder, the lienholder whose security interest is satisfied shall execute, within 10 days after demand and, in any event,

2 within 20 days, a release in the form the Secretary of State
3 prescribes and mail or deliver the release to the owner or any
4 person who delivers to the lienholder an authorization from the
5 owner to receive that release. The subordinate lienholder whose
6 security interest is satisfied shall mail or deliver a copy of
7 the release to the first lienholder named in the certificate of
8 title or certificate of salvage for the vehicle and shall notify
9 the Secretary of State that the lien has been satisfied in a
10 manner prescribed by the Secretary of State.

11 **§706. Lienholder to furnish information**

12 Upon request of the owner, another lienholder named on the
13 certificate of title or certificate of salvage or a dealer to
14 which the vehicle has been transferred, a lienholder shall
15 disclose pertinent information as to the security agreement, the
16 indebtedness secured by that agreement and certificate of title
17 or certificate of salvage numbers.

18 **§707. Method of perfecting security interest exclusive**

19 This subchapter provides the exclusive method for perfecting
20 and giving notice of security interests subject to this
21 subchapter. These security interests are exempt from other
22 provisions of law concerning the filing of instruments creating
23 or evidencing security interests.

24 **SUBCHAPTER IV**

25 **ANTITHEFT PROVISIONS AND PENALTIES**

26 **§751. Altering, forging or counterfeiting certificates**

27 A person is guilty of a Class D crime if that person:

28 1. Certificate. Alters, forges or counterfeits a
29 certificate of title, certificate of salvage or certificate of
30 lien;

31 2. Assignment. Alters or forges an assignment of a
32 certificate of title or certificate of salvage or an assignment
33 or release of a security interest on a certificate of title,
34 certificate of salvage, certificate of lien or an official form
35 of the Secretary of State;

36 3. Possession of forgery. Has possession of or uses a
37 certificate knowing that the certificate of title, certificate of
38 salvage or certificate of lien had been altered, forged or
39 counterfeited;

40 4. False statement. Uses a false or fictitious name or
41 address, makes a material false statement, fails to disclose a
42 security interest or conceals any other material fact in an
43 application for a certificate of title, certificate of salvage,
44 certificate of lien or on any documents in support of that
45 application; or

46 5. Sale. Sells or exchanges, offers to sell or exchange or
47 gives away a certificate of title, certificate of salvage,
48 certificate of lien or vehicle identification number plate.

49 **§752. Other offenses**

50 A person commits a Class E crime if that person:

51 1. Use. Permits another person, without authority, to use
52 or possess a certificate of title or certificate of salvage;

53 2. Delivery to Secretary of State. Fails to deliver a
54 certificate of title or certificate of salvage or application for
55 a certificate of title or certificate of salvage to the Secretary
56 of State within 10 days after the time required;

57 3. Delivery to transferee. Fails to deliver to a
58 transferee a certificate of title or certificate of salvage
59 within 10 days after the time required;

60 4. Assigned. Fails to have a correctly assigned clear
61 title to a vehicle as required by section 664;

62 5. False report. Knowingly makes a false report of the
63 theft or conversion of a vehicle to a law enforcement officer or
64 to the Secretary of State; or

65 6. Other. Violates a provision of this chapter that,
66 notwithstanding section 104, is not expressly declared a civil
67 violation or another class of crime.

68 **§753. Examination and impoundment of vehicle**

69 1. Examination of identification numbers. A State Police
70 officer or a motor vehicle investigator may examine the vehicle
71 identification numbers of a vehicle or vehicle part. Failure to
72 allow the examination is a Class E crime.

73 2. Impoundment. When a State Police officer or an
74 investigator has reasonable grounds to believe that a vehicle
75 identification number is fictitious, removed or altered, or that
76 a violation of law involving a vehicle or vehicle part has taken
77 place, the police officer or investigator may impound the vehicle

2 or vehicle part and hold the vehicle or part until the violation
3 is cleared.

4 3. Vehicle identification numbers. A manufacturer or
5 assembler of a vehicle shall provide that vehicle with a vehicle
6 identification number and on request shall supply the Secretary
7 of State and the Chief of the State Police with all available
8 information concerning the location of vehicle identification
9 numbers and other identifying numbers on that vehicle.

10 The Secretary of State may refuse to register or issue a
11 certificate of title for a vehicle made by a manufacturer or
12 assembler who fails to comply with this section.

13 The vehicle identification number for a motor vehicle must
14 conform with the requirements of the Federal Government.

15 4. Vehicle disposal. Impounded vehicles that are
16 unclaimed, recovered after theft or unidentifiable become the
17 property of the State. The Secretary of State shall dispose of
18 those vehicles in the following manner:

19 A. Within 10 days after impoundment, the Secretary of State
20 shall notify by registered or certified mail, return receipt
21 requested, the last known owner and all lienholders of
22 record. The notice must describe the year, make, model and
23 vehicle identification number, if known. The notice must
24 state that failure of the owner or lienholder to exercise
25 the owner's or the lienholder's right to reclaim the vehicle
26 within 30 days from receipt of notice means the vehicle is
27 abandoned.

28 B. After expiration of the 30-day notice period, the
29 Secretary of State may dispose of the vehicle at public
30 auction or report the vehicle as abandoned under Title 33,
31 chapter 37.

32 **§754. Report of theft; recovery of unclaimed vehicle**

33 1. Enforcement officers. A law enforcement officer who
34 learns of the theft of a vehicle not since recovered or of the
35 recovery of a vehicle whose theft or conversion the officer knows
36 or has reason to believe has been reported to the Secretary of
37 State shall report the theft or recovery of a motor vehicle to
38 the Secretary of State.

39 2. Owner or lienholder. An owner or a lienholder may
40 report the theft or conversion of a vehicle to the Secretary of
41 State.

2 The Secretary of State may disregard the report of a conversion
3 unless a warrant has been issued for the arrest of a person
4 charged with the conversion.

5 A person who has reported the theft or conversion, after learning
6 of the vehicle's recovery, shall report the recovery to the
7 Secretary of State.

8 3. Suspension. The Secretary of State may suspend the
9 certificate of registration of a vehicle reported stolen or
10 converted. Until the Secretary of State learns of that vehicle's
11 recovery or that the report of theft or conversion was erroneous,
12 the Secretary of State may not issue a certificate of title or
13 certificate of salvage for the vehicle.

14 **§755. Impeachment of defendant**

15 In a prosecution for a crime under this subchapter, a
16 certified copy of a conviction under section 751 is admissible to
17 impeach the credibility of the defendant.

18 **CHAPTER 9**

19 **DEALERS**

20 **SUBCHAPTER I**

21 **GENERAL PROVISIONS**

22 **§851. Definitions**

23 As used in this chapter, unless the context otherwise
24 indicates, the following terms have the following meanings.

25 1. Business location. "Business location" means a permanent
26 enclosed building in which the business involving transporter or
27 loaner licenses may be lawfully carried on in accordance with the
28 terms of all applicable building codes and zoning and other land
29 use regulatory ordinances. This location must be located within
30 the State of Maine, be easily accessible and open to the public
31 at all reasonable times, have an office with suitable equipment
32 for the business conducted and have an exterior sign indicating
33 the business name.

34 2. Dealer. "Dealer" means a person engaged in the business
35 of buying, selling, exchanging or offering to negotiate,
36 negotiating or advertising the sale of a vehicle or industrial
37 equipment and who has:

2 A. An established place of business for those purposes in
3 this State; and

4 B. A current dealer license issued by the Secretary of
5 State.

6 "Dealer" does not include the State when selling state-owned
7 vehicles.

10 3. Equipment dealer. "Equipment dealer" means a dealer
11 whose primary business is the buying or selling of new or used
12 industrial equipment or both, or farm equipment, or both.

14 4. Established place of business. "Established place of
15 business" means a permanent, enclosed building:

16 A. Located within the State;

18 B. Easily accessible and open to the public at all
19 reasonable times;

22 C. With an improved display area of not less than 5,000
23 square feet in or immediately adjoining it;

24 D. In which the business of a dealer, including the display
25 and repair of motor vehicles, may be lawfully carried on in
26 accordance with building codes and zoning or land-use
27 ordinances;

30 E. In which the public may contact the dealer at all
31 reasonable times;

32 F. In which is kept and maintained the equipment, books,
33 records and files necessary to conduct the business; and

36 G. Displaying an exterior sign, permanently affixed to the
37 land or building, that indicates the business name.

38 4-A. Full-time employee. "Full-time employee" means any
39 person who is employed and works at least 30 hours per week.

42 5. Full-time sales representative. "Full-time sales
43 representative" means an employee who is employed by a dealer
44 who, under any form of contract, sells, offers for sale or
45 attempts to negotiate a sale or exchange of an interest in a
46 vehicle.

48 6. Immediate family. "Immediate family" means a spouse or
child residing in the same household as the dealer.

2 7. Motorcycle dealer. "Motorcycle dealer" means a dealer
3 whose primary business is the buying or selling of new or used
4 motorcycles, or both or motor-driven cycles, or both.

6 8. New vehicle dealer. "New vehicle dealer" means a dealer
7 whose primary business is the buying and selling of new motor
8 vehicles and who has a franchise from a distributor or
9 manufacturer.

10 9. Trailer dealer. "Trailer dealer" means a dealer whose
11 primary business is the buying and selling of new or used
12 trailers or semitrailers, or both.

14 10. Used car dealer. "Used car dealer" means a dealer
15 whose primary business is the buying and selling of used motor
16 vehicles.

18 11. Used motor vehicle. "Used motor vehicle" means a motor
19 vehicle that has been registered at least once or is not covered
20 by a manufacturer's new car warranty.

22 12. Vehicle auction. "Vehicle auction" means selling a
23 vehicle by bidding at a public or private sale.

24 13. Vehicle auction business. "Vehicle auction business"
25 means a business that operates a vehicle auction for gain or
26 compensation.

28 **\$852. Fees**

30 1. Initial application fee. The fee for an initial
31 application for a license under this subchapter is \$150. The fee
32 is not refundable.

34 2. Dealer licenses. The annual fee for a dealer license or
35 renewal is:

36 A. For a motorcycle dealer, \$50;

37 B. For a light trailer dealer, \$50; and

38 C. For any other vehicle dealer, \$150.

39 A licensed recycler is exempt from an additional license fee if
40 already licensed as a used vehicle dealer.

41 3. Dealer plates. The annual fee for each dealer plate is:

A. For a motorcycle dealer, \$5;

B. For a light trailer dealer, \$5; and

C. For any other vehicle dealer, \$20.

The fee for an additional plate issued to a dealer other than a motorcycle dealer or a light trailer dealer after September 1st is a 1/2 of the annual plate fee.

For a fee of \$5 per plate, the Secretary of State shall furnish dealer plates to motorcycle dealer and light trailer dealer to replace lost or mutilated dealer plates.

4. Branch or annex location. The annual license fee for each branch or annex location is \$75.

5. Vehicle auction business license. The annual fee for a vehicle auction business license is \$150.

§853. Suspension and revocation

Notwithstanding Title 4, section 1151, subsection 2 and Title 5, sections 10003 and 10051, the Secretary of State may suspend, revoke or deny any license, registration or renewal issued pursuant to this chapter.

SUBCHAPTER II

APPLICATION FOR DEALER LICENSE

§901. Application

1. Application. A dealer shall apply for a license by filing with the Secretary of State an application in the form prescribed by the Secretary of State and by paying the necessary fee.

2. Contents. An application must contain the following:

A. The applicant's name, type of business organization and place of business;

B. The qualifications and business history of the applicant and the same information for each partner, officer or director;

C. Whether the applicant has been found guilty of a criminal offense involving fraud or conversion within the past 5 years or has been held liable for a judgment

involving fraud, misrepresentation or conversion. For a corporation or partnership, the same information must be provided for each director, officer or partner; and

D. Any other information required by the Secretary of State.

3. New or used vehicle dealer. If the applicant is a new or used vehicle dealer, information on the type of business also must be provided, including:

A. Whether the applicant intends to sell used motor vehicles and, if so, whether there is space for servicing and repairs;

B. A certificate by a state police officer or a representative of the Secretary of State that the applicant has an established place of business at each business location in the State;

C. For a new vehicle dealer, a copy of a current service agreement with a manufacturer or distributor requiring the applicant, on demand of a customer receiving a new vehicle warranty, to perform or arrange for, within a reasonable distance of the established place of business, the service, repair and replacement work required by warranty; and

D. Any other information the Secretary of State requires.

4. Surety bonds. A dealer other than an equipment and light trailer dealer shall file with the Secretary of State and maintain a surety bond in the following amount, based on the prior year's sales:

A. For 0 to 50 sales, \$5,000;

B. For 51 to 100 sales, \$10,000;

C. For 101 to 150 sales, \$15,000;

D. For 151 to 200 sales, \$20,000; or

E. For 201 sales and over, \$25,000.

Initial licensees shall file a bond based on projected sales.

Persons beginning in the business as a licensed vehicle dealer are subject to review after initial bonding depending on volume.

All licensees must be reviewed annually by the Secretary of State to determine compliance with the correct amount of the bonds.

2 Failure to maintain such a bond is grounds for immediate
3 suspension of the dealer license.

4 Any persons with a claim against the bond required by this
5 subsection must file the claim within 3 years from the date of
6 sale.

8 **§902. Action on application for dealer license**

10 The Secretary of State shall act on an application for an
11 initial dealer license or a renewal of such a license within 90
12 days of receipt of the application.

14 If the Secretary of State refuses to grant or renew a
15 license, notice must be given to the applicant that an
16 opportunity for hearing before the Secretary of State will be
17 provided on request to show cause why that license should be
18 granted or renewed.

20 **§903. Grounds for denying, suspending, revoking or modifying**
21 **dealer license**

22 1. Grounds. The Secretary of State may deny, suspend,
23 revoke or modify a dealer license for any of the following
24 reasons:

25 A. A material misstatement in the application for a license:

26 B. Failure to comply with this subchapter, a rule of the
27 Secretary of State, a provision of this Title related to
28 sales or service of a motor vehicle, or a violation of Title
29 17-A or this Title:

30 C. For a dealer licensed under this chapter, failure to
31 have an established place of business:

32 D. Failure to notify the Secretary of State in writing at
33 least 30 days prior to moving location of established place
34 of business:

35 E. Failure to maintain a surety bond:

36 F. Defraud of a retail buyer to the buyer's or another's
37 damage:

38 G. Conviction of any fraudulent act in connection with the
39 business of selling motor vehicles or parts or being held
40 liable by a civil judgment involving fraud,
41 misrepresentation or conversion:

2 H. Violation of the Maine Unfair Trade Practices Act, or
3 Title 17, section 3203:

4 I. Submission of a check, draft or money order to the
5 Secretary of State that is dishonored or refused upon
6 presentation:

7 J. Certification by the State Tax Assessor that a tax,
8 other than property tax, deemed final under Title 36 remains
9 unpaid in an amount exceeding \$1,000 for a period greater
10 than 60 days after notice of the finality of the tax and
11 that the person has refused to cooperate with the Bureau of
12 Taxation in complying with a reasonable plan for meeting
13 that liability:

14 K. Failure to appear at a hearing required by the Secretary
15 of State or failure to appear in court to answer a summons:
16 or

17 L. Failure to comply or to maintain compliance with section
18 1612.

19 2. Procedures. The procedures of chapter 23, subchapter
20 III apply to a suspension.

21 3. Plate reduction. The number of plates allowed a motor
22 vehicle dealer who fails to sell a minimum of one vehicle per
23 month or 12 vehicles within a 12-month period must be reduced to
24 one dealer plate unless the Secretary of State determines that
25 the reduction is not warranted.

26 4. Continuing business. A person may not continue to
27 engage in the business of buying or selling of vehicles after
28 suspension or revocation of the dealer license. A person is
29 guilty of a Class E crime if that person continues in business
30 after suspension or revocation. That crime is punishable by a
31 fine of not less than \$200, which may not be suspended.

32 5. Refusal to surrender. A dealer who fails or refuses to
33 surrender a license, plates, registration certificates or
34 temporary plates on demand of the Secretary of State following
35 the suspension, revocation or nonrenewal of a dealer license
36 commits a Class E crime.

37 **§904. Vicarious liability**

38 1. Acts of officers, directors, trustees or partners.
39 There is sufficient cause for the denial, suspension or
40 revocation of the license of a partnership or corporation if an
41 officer, director, trustee or partner of the partnership or corporation
42 is guilty of a Class E crime.

officer, director, trustee or partner has committed an act or omitted a duty that would be cause for denying, suspending or revoking a license to the party as an individual.

2. Acts of sales representative. A licensee is responsible for the acts of a sales representative acting as the licensee's agent, if the licensee approved of or had knowledge of the acts or other similar acts and, after such approval or knowledge, retained the benefit, proceeds, profits or advantages accruing from those acts or otherwise ratified those acts.

SUBCHAPTER III

LICENSING OF DEALERS

§951. Licensing of dealers

1. Definition. A person is "engaged in the business of buying, selling, exchanging, offering to negotiate, negotiating or advertising a sale of vehicles" if that person:

A. Buys vehicles for the purpose of resale;

B. Sells more than 5 vehicles in any 12-month period; or

C. Displays 3 or more vehicles for sale within a 30-day period on premises controlled by that person.

Vehicles owned and registered by that person for at least 6 months are not included for purposes of this definition.

2. Dealers must be licensed. A person may not engage in the business of buying, selling, exchanging, offering to negotiate, negotiating or advertising a sale of vehicles unless that person has been issued a license under this subchapter. Violation of this subsection is a Class E crime.

3. Term. The term of a license is from the date of issuance to the 31st day of December.

4. Exemption. Financial institutions, as defined in Title 9-B, section 131, subsections 17 and 17-A, are exempt from the requirements of this section when selling vehicles repossessed and sold by full-time employees of the institution. Financial institutions that do not use full-time employees to repossess and sell vehicles must use dealers licensed pursuant to this chapter.

5. Approval of location. All branch and annex locations must be approved and licensed. The annual fee for each branch or

annex location is \$75. Violation of this subsection is a Class E crime.

§952. Requirements

1. Facilities. To qualify for a dealer license, an applicant must maintain the following facilities and personnel:

A. Facilities for the display of vehicles being handled;

B. A repair department for repair of 2 vehicles simultaneously;

C. Sufficient tools and equipment for servicing of the vehicles handled;

D. A suitable office in which business is conducted and records of the business are kept;

E. At least one mechanic, who may be the owner, who has a thorough knowledge of the vehicles being handled; and

F. On all used motor vehicles offered for sale, the written vehicle history statement required to be conspicuously affixed to the vehicle pursuant to Title 10, section 1475.

2. Exemption. A person who held used car registration plates on January 1, 1964 is exempt from subsection 1, paragraphs B and E. This exemption expires if that person sells or discontinues that business and subsequently becomes licensed again on or after January 1, 1985.

3. Penalty. A person who fails to comply with this section commits a Class E crime.

4. Display. The dealer must display the license at the dealer's place of business.

§953. License to deal in new vehicle

1. License; new vehicle dealer. A person may not have on a licensed facility at any one time more than 5 new vehicles unless the person is licensed as a new vehicle dealer.

2. Requirements. A new vehicle dealer license may be issued only to:

A. A sales branch or agency of a manufacturer of vehicles;

2 B. A distributor of new vehicles who holds an unexpired
4 appointment in writing from the manufacturer of such
6 vehicles; or

8 C. A dealer in new vehicles who holds an unexpired
10 appointment in writing from the manufacturer of such
12 vehicles or from an authorized distributor of such vehicles.

14 3. Copy of appointment. An applicant for a license to deal
16 in new vehicles shall submit with the application a certification
18 of franchise from the manufacturer of the new vehicles to be sold.

20 4. License. The make of the new vehicle in which the
22 licensee is authorized to deal must be stated on the license.

24 5. Additional charges. A new vehicle dealer may not charge
26 an extra charge for preparation service or optional equipment
28 unless that charge is described and clearly posted on the motor
30 vehicle to which it applies. For purposes of this subsection,
32 the following terms have the following meanings.

34 A. "Extra charge" means a consumer charge that is not
36 included in the manufacturer's suggested retail price.

38 B. "Preparation service" means an adjustment, inspection,
40 test, repair, replacement of parts, cleaning, polishing or
42 other labor performed by the dealer without prior written
44 authorization of the purchaser.

46 C. "Optional equipment" means equipment, protective
48 coating, special feature, appliance, part or accessory added
to a vehicle and not included in the manufacturer's
suggested retail price.

§954. Special dealer licenses and plates

1. Equipment. Equipment dealer plates and a license may be
issued to a person engaged in the manufacturing or buying and
selling of:

A. Farm tractors with engines in excess of 40 horsepower;

B. Farm equipment;

C. Construction vehicles or equipment; or

D. Industrial vehicles or equipment.

2. Motorcycle. Motorcycle dealer plates and a license may
be issued to a person engaged in the manufacturing or buying and
selling of new or used motorcycles or motor-driven cycles.

3. Light trailer. Light trailer dealer plates and a
license may be issued to a person engaged in the manufacturing or
buying and selling of trailers or semitrailers with an unladen
gross weight of 3,000 pounds or less.

4. Trailer. Heavy trailer dealer plates and a license may
be issued to a person engaged in the manufacturing or buying and
selling of mobile homes or of trailers or semitrailers with an
unladen weight of more than 3,000 pounds.

5. Transporter. A garage owner, body shop, finance
company, bank, recycler or repossession company licensed by the
Bureau of Consumer Credit Protection may be issued transporter
plates and a license to transport a vehicle owned by or in the
custody of that owner or business.

A. The holder may use this plate only if the vehicle is
accompanied by the owner or the owner's employee.

B. A transporter plate may not be:

(1) Used in lieu of registration plates;

(2) Loaned to another;

(3) Used for personal reasons; or

(4) Used on a towing vehicle.

§955. Change in status of dealership

1. Termination of new vehicle dealership. A new vehicle
dealer whose franchise is terminated or changed immediately shall
surrender the dealer plates and license to the Secretary of
State. If business is to be continued, the Secretary of State
shall issue the appropriate class of plates.

2. Used vehicle dealer obtaining a new vehicle franchise. A
used vehicle dealer who obtains a new vehicle franchise from a
manufacturer or distributor shall immediately surrender the used
vehicle plates and certificates and the Secretary of State shall
issue the appropriate class of plates.

§956. Record of transactions

2 1. Record of vehicles. A dealer shall complete and
maintain for a period of not less than 3 years after the date of
4 transaction a record of the purchase or sale of a vehicle and the
following:

6 A. A description of the vehicle, including make, model,
model year, body type, vehicle identification number, color
8 and whether the vehicle is new or used;

10 B. The name and address of the person from whom purchased;

12 C. The name of the legal owner, if different from the name
from whom purchased in paragraph B;

14 D. The name and address of the purchaser;

16 E. The mileage of the vehicle when received and sold;

18 F. Copies of the warranty and of the disclosure statement,
pursuant to Title 10, section 1474, received and issued by
20 the dealer with the sale;

22 G. An invoice disclosing from whom the vehicle was
obtained, if the vehicle was obtained from another dealer,
24 the dealer's name must be disclosed; and

26 H. On a used motor vehicle offered for sale, the written
vehicle history statement required by Title 10, section 1475.

30 2. Inspection. The records, vehicles and vehicle parts in
the dealer's possession must be available for inspection during
32 the dealer's normal business hours by the Secretary of State, law
enforcement officers or representatives of the office of the
34 Attorney General.

36 3. Filing. A copy of the records, except the information
required by subsection 1, paragraphs F, G and H, must be filed
38 with the Secretary of State on a form prescribed by the Secretary
of State, immediately following the sale or disposition of the
40 vehicle.

42 4. Federal requirements. A dealer shall comply with the
federal Truth in Mileage Act of 1986, Public Law 99-579, as
44 amended, and the regulations promulgated under 49 Code of Federal
Regulations, Part 580, as amended, in keeping of records.

46 5. Personnel. The dealer shall maintain a current record
of all sales representatives and full-time employees employed by
48 the dealer. Those records must be available for inspection by

the Secretary of State, the Attorney General and by law
enforcement officers.

4 6. Penalty. Violation of this section is a Class E crime.

SUBCHAPTER IV

DISPLAY

§1001. Display and content of license

12 1. Specify place of business. A dealer license must
specify the location of each place of business occupied by the
14 licensee in conducting business.

16 2. Specify vehicle types. A dealer license must state the
types of vehicle that the licensee may deal and the location in
18 which each particular type of vehicle is dealt.

20 3. Display. A license must be conspicuously displayed at
each location.

§1002. Vehicle and equipment dealer plates

26 1. Limitations on use. A person using a dealer plate may
not operate or permit to be operated a vehicle owned or
28 controlled by a manufacturer or dealer except for:

30 A. Purposes directly connected with the business of buying,
selling, testing, adjusting, servicing, demonstrating or
32 exchanging the vehicle, including use of that vehicle by a
full-time employee to attend schools and seminars designed
34 to assist the employee in the testing, adjusting or
servicing of vehicles;

36 B. Personal use by a manufacturer or dealer. There may be
no more than one dealer plate for the personal use of the
38 manufacturer or dealer and one dealer plate for the personal
use of the immediate family of the dealer;

40 C. Use of the vehicle in a funeral or public parade when no
charge is made for that use;

44 D. Use by a full-time sales representative, general
manager, sales manager or service manager who is on the
46 dealer's payroll but not in the dealer's immediate family or
members of that person's household;

48 E. Use by customers for not more than 7 days to demonstrate
the vehicle; or

2 F. Use by the manufacturer or dealer when the combined
4 weight of the vehicle and the load does not exceed 10,000
6 pounds unless the vehicle, by design, exceeds 10,000 pounds
8 without a load.

10 2. Term. Dealer plates are valid for the calendar year.
12 On and after December 25th, dealer plates issued for the next
14 year may be displayed. The Secretary of State may determine the
16 number and conditions of use of dealer plates.

18 3. Penalty. A violation of subsection 1 is a civil
20 infraction for which a minimum penalty of \$200 must be adjudged
22 for each infraction. That penalty may not be suspended.

24 4. Service vehicle. A dealer may attach to that dealer's
26 service vehicle specially designed service vehicle plate. That
28 plate may be used only in direct connection with the licensee's
30 business.

32 A. A dealer is not entitled to more than 3 service vehicle
34 plates.

36 B. The weight limit for a service vehicle, including the
38 combined weight of vehicle and load, may not exceed 24,000
40 pounds. This weight limit does not apply to service vehicles
42 of equipment dealers.

44 C. The fee for a service vehicle plate is \$50 annually per
46 plate, except that on application for additional plates
48 between September 1st and December 31st in any year, the fee
50 is \$25 per plate.

5. Equipment dealers. Unless otherwise prohibited,
equipment dealer plates may be attached only for demonstration,
emergency and service purposes to the following:

A. Motorized graders;

B. Power shovels;

C. Front-end loaders;

D. Backhoes;

E. Rubber-tired bulldozers;

F. Large 4-wheel drive trucks and snowplows;

G. Motor cranes;

H. Road sweepers;

I. Sidewalk cleaners;

J. Log skidders;

K. Other related heavy equipment;

L. Farm tractors;

M. Self-propelled combines;

N. Harvesters;

O. Other related farm machinery; or

P. Equipment or a motor vehicle taken in trade.

A specially designed equipment dealer plate may be attached to a
motor truck used for service in direct connection with the
equipment dealer business. Any motor truck to which a specially
designed equipment dealer plate has been attached may not be used
for any purpose except in the service of equipment directly
connected with the business of the equipment dealer. An
equipment dealer business may not be provided with more than 3
specially designed equipment dealer plates.

6. Wreckers. The following provisions apply to the
operation of wreckers and to dealer wrecker plates.

A. A vehicle dealer or equipment dealer may operate a
wrecker with a dealer wrecker plate if the wrecker is used
only in direct connection with the service or repair
business of the dealer.

B. A wrecker on which a dealer wrecker plate is attached
may not be used in commercial towing.

C. The annual fee for a dealer wrecker plate is \$50 per
plate for attachment to a wrecker that does not exceed
24,000 pounds gross vehicle weight and \$200 for attachment
to a wrecker that does not exceed 80,000 pounds gross
vehicle weight. For additional plates applied for after
September 1st and before December 31st, the fee is 1/2 the
plate fee.

D. The dealer wrecker plate is valid from the date of issue
to December 31st. On and after December 25th, a person may
display the plates issued for the next year.

2 E. The certificate of registration for the dealer wrecker
4 plate must be displayed at the dealer's established place of
6 business.

8 F. The Secretary of State shall determine the number of
10 dealer wrecker plates that may be issued to a dealer.

12 7. Demonstrating a loaded truck. A dealer must obtain a
14 written permit from the Secretary of State to demonstrate a
16 loaded truck, truck tractor, trailer, semitrailer or combination
18 of vehicles bearing dealer plates.

20 A permit is not required to demonstrate a vehicle or combination
22 of vehicles without a load.

24 A permit may be issued to a nonresident dealer when reciprocity
26 has been established.

28 A permit may not be issued to allow demonstration for a period
30 longer than 7 days.

32 8. Vehicle weighing more than 10,000 pounds. A dealer must
34 obtain written permit from the Secretary of State for any vehicle
36 weighing more than 10,000 pounds unladen to carry a load.

38 9. Mobile homes. A mobile home may not be moved over a
40 public way unless the operator of the vehicle hauling it has in
42 possession a written certificate from the tax collector of the
44 municipality in which the mobile home is situated on the day of
46 the move, identifying the mobile home and stating that all
48 applicable property taxes, including those for the current tax
50 year, have been paid or that the mobile home is exempt from
taxes. The tax year is the period from April 1st to March 31st.

10. Loss of dealer plate. Upon the loss of a dealer plate,
the dealer immediately shall notify the Secretary of State. If a
dealer has written authorization from the Secretary of State, a
dealer may use a temporary number plate bearing the registration
number issued to that dealer.

§1003. Loaner registration certificate and plates

1. Application for certificate and plates. A dealer or an
owner of a body shop, transmission shop or garage may apply for a
loaner license and plates.

2. Permissible use. A loaner plate may be used on a
vehicle owned by the licensee for the sole purpose of loaning the
vehicle to a customer when the customer's vehicle is disabled and

in the garage for repairs. The limit on the use of the loaned
vehicle is 7 consecutive days. The Secretary of State may extend
the period to no more than 30 days.

3. Disabled vehicle registration; restrictions;
permissions. The registration certificate assigned to the
disabled vehicle must be carried in the loaner vehicle and
produced upon demand of a law enforcement officer. Restrictions
imposed on or permissions granted to the disabled vehicle apply
to the loaner vehicle.

4. Record. A complete record must be kept at the
licensee's established place of business, stating the hour and
date the vehicle is loaned and returned, the serial number of the
vehicle loaned, the loaner plate number and the registration
number of the customer's vehicle. Failure to keep this record is
a Class E crime.

5. Operator license. Before releasing a vehicle to an
operator, the licensee must see that the operator has a current
operator license and record that operator's name and address.

6. Personal use. A loaner plate may not be used by the
licensee for personal use or pleasure, in lieu of registration.

7. Special initial registration plates. A new car dealer
holding special initial registration plates issued pursuant to
section 457 may apply for special loaner plates bearing the same
combination of letters and numbers as appears on the initial
registration plates. Special loaner plates may not be used to
supplement existing loaner registration numbers assigned. The
Secretary of State shall charge an additional \$30 fee per special
loaner registration plate.

§1004. Transit placard

A transit placard may be issued upon application to the
Secretary of State by any person involved in the business of
importing new motor vehicles to facilitate the movement over the
highway of the motor vehicles from the port of entry to a storage
yard within a 10-mile radius of the port.

A transit placard must be displayed in or on any
unregistered motor vehicle that is being operated or towed from
the port to a storage yard. In no event may any transit placard
be used for any purpose other than that is permitted under this
section. Transit placards may not be used on a towing vehicle.

Transit placards expire at the end of the month one year
from the month of issue.

LICENSING OF RECYCLERS

§1101. Recycler license required

1. Recycler. A person may not engage in business as a recycler without a recycler license issued under this subchapter.

2. Insurance salvage pool. A person may not engage in business as an insurance salvage pool without a license issued under this subchapter or under section 1051.

3. Dealer registration. A person licensed under this section who displays, sells, exchanges, offers to negotiate, negotiates or advertises the sale of rebuilt or repaired salvage vehicles must comply with chapter 9, subchapter III.

4. Term. The term of a license is from the date of issuance to December 31st.

5. Penalty. Violation of this section is a Class E crime.

§1102. Exemptions

The following are exempt from this subchapter:

1. Financial institutions. A financial institution, as defined in Title 9-B, section 131, subsections 17 and 17-A;

2. Insurance companies. An insurance company licensed to do business in this State;

3. Persons performing repairs to own vehicles. A person performing repairs to a vehicle registered in that person's name;

4. Certain retail businesses. A retail business that primarily sells new or rebuilt auto parts and does not buy salvage vehicles to dismantle for inventory; and

5. Towing businesses. A towing business or garage that tows accident-damaged vehicles and stores them while awaiting disposition or that acquires vehicles pursuant to chapter 15, subchapter III, if the vehicles are disposed of through sale or transfer immediately upon gaining ownership.

§1103. License requirements

To qualify for a license, an applicant must:

1. Established place of business. Have an established place of business that is a permanent commercial location within the State:

A. That is easily accessible and open to the public at all reasonable times;

B. At which the business of a recycler may be carried on in accordance with all applicable laws, codes, zoning and land use regulations;

C. At which the public may contact the recycler at all reasonable times; and

D. At which the books, records and files necessary to conduct business at that place are kept and maintained;

2. Sign. Display an exterior sign permanently affixed to the land or buildings;

3. Storage and display facilities. Have proper facilities for storage and display of vehicles being handled; and

4. Office. Have a suitable office from which business is conducted and in which records of the business are kept.

§1104. Application for license

An application for a recycler license must contain the following information in such form as the Secretary of State may prescribe:

1. Identification. The applicant's name, type of business organization and place of organization;

2. History. The qualifications and business history of the applicant and any partner, officer or director;

3. Criminal and civil record. Whether the applicant has been found guilty of any criminal offense within the past 5 years involving fraud or conversion or has had a judgment of liability in a civil action involving fraud, misrepresentation or conversion. For a corporation or partnership, the application must provide the information required in this subsection for all directors, officers or partners;

4. Place of business. A satisfactory report from a representative of the Secretary of State that the applicant has an established place of business at each business location in the State; and

2 5. Additional information. Any other information that the
3 Secretary of State requires to implement this section.

4 **§1105. License fees**

5 1. Application fee. The fee for an initial application for
6 a license under this subchapter is \$150 and is nonrefundable.

7 2. License fee. The fee for the issuance or renewal of a
8 license is \$150. A business licensed under chapter 9, subchapter
9 III is exempt from this fee.

10 3. Branches. Each branch or annex location of a recycler
11 must be approved and licensed by the Secretary of State. The
12 annual fee for each branch or annex is \$75.

13 **§1106. Action on application for license or renewal**

14 The Secretary of State shall act on an application for a
15 recycler license or its renewal within 90 days of receipt.

16 If the Secretary of State refuses to grant or to renew a
17 license, notice must be given to the applicant that an
18 opportunity for hearing before the Secretary of State will be
19 provided on request to show cause why that license should be
20 granted or renewed.

21 **§1107. Display and content of license**

22 1. Content. A recycler license must specify:

23 A. The location of each established place of business and
24 other locations occupied in conducting business;

25 B. The effective and expiration dates of the license; and

26 C. Any other information the Secretary of State considers
27 necessary to implement this section.

28 2. Display. The license must be conspicuously displayed at
29 each established place of business or other location occupied in
30 conducting business.

31 **§1108. Denial, suspension or revocation of a recycler license**

32 1. Grounds. The Secretary of State may deny, suspend or
33 revoke a recycler license on the following grounds:

34 A. A material misstatement in an application for a license;

35 B. Failure to comply with a provision of this subchapter,
36 any lawful rule adopted by the Secretary of State or any
37 provision of Title 17-A or this Title as they relate to the
38 sales of vehicles or parts;

39 C. Failure to maintain an established place of business;

40 D. Failure to notify the Secretary of State in writing 30
41 days prior to moving or ceasing operation;

42 E. The defrauding of a buyer, to the buyer's or another's
43 damage, in the conduct of the licensee's business;

44 F. Conviction of a fraudulent act in connection with the
45 business of selling motor vehicles or parts or being held
46 liable by a civil judgment involving fraud,
47 misrepresentation or conversion;

48 G. Violation of Title 5, sections 206 to 212; Title 17,
49 section 3203; or Title 30-A, sections 3751 to 3760;

50 H. Submission of a check, draft or money order to the
51 Secretary of State that is dishonored or refused upon
52 presentation;

53 I. Certification by the State Tax Assessor that a tax,
54 other than property tax, considered final under Title 36,
55 remained unpaid in an amount exceeding \$1,000 for a period
56 greater than 60 days after notice of finality and that the
57 licensee or applicant refused to cooperate with the Bureau
58 of Taxation in establishing and remaining in compliance with
59 a reasonable plan for meeting that liability; or

60 J. Failure to appear at a hearing required by the Secretary
61 of State or failure to appear in court pursuant to a lawful
62 summons.

63 2. Proximity to veterans' cemetery. A license may be
64 denied if a place of business is within one mile of a federally
65 owned or state veterans' cemetery, unless the Secretary of State
66 finds that:

67 A. The conduct of the business will not unduly interfere or
68 degrade the purposes of the cemetery;

69 B. The business and location will be adequately screened
70 for sight and noise; and

2 C. There is adequate distance, not less than 1,500 feet,
3 between the cemetery and place of business.

4 3. Refusal to surrender license. Any recycler who fails or
5 refuses to surrender the license upon demand of the Secretary of
6 State following the suspension or revocation of that license,
7 commits a Class E crime.

8 4. Penalties. Any person who continues to engage in
9 business as a salvage vehicle dealer, recycler or as a scrap
10 processor, after suspension or revocation of the license issued
11 by the Secretary of State, is guilty of a Class E crime,
12 punishable by a fine of not less than \$200 and that fine may not
13 be suspended.

14 **§1109. Vicarious liability**

15 1. Corporators or partners. If a licensee is a partnership
16 or corporation, it is sufficient cause for denial, suspension or
17 revocation of a license if an officer, director, trustee or
18 partner of the partnership or corporation has committed an act or
19 omitted a duty that would be cause for denying, suspending or
20 revoking a license.

21 2. Employees. A licensee is responsible for the acts of
22 employees if that licensee approved of or had knowledge of the
23 acts or other similar acts and after that approval or knowledge
24 retained the benefit, proceeds, profits or advantages accruing
25 from the acts or otherwise ratified the acts.

26 **§1110. Records of transactions**

27 1. Record keeping. A licensee shall maintain business
28 records for 5 years, including a record of:

29 A. Every vehicle or component part received or disposed of;
30 its make, model, model year, vehicle identification number
31 and any other part identifying number; the date of its
32 receipt or disposition; and the name and address of the
33 person from whom received or to whom given; and

34 B. Every vehicle scrapped or dismantled by the licensee,
35 the date of that action and the vehicle's make, model, model
36 year and vehicle identification number.

37 A scrap processor is exempt from the requirements set forth in
38 paragraph A for vehicles received that are already dismantled.

39 2. Availability. The records, the place of business and
40 the vehicles and vehicle parts in the possession of the licensee

41 must be available for inspection during normal business hours by
42 the Secretary of State, a law enforcement officer or
43 representatives of the Office of the Attorney General.

44 3. Compliance with federal law. In the keeping of records,
45 a licensee shall comply with the federal Truth in Mileage Act of
46 1986, Public Law 99-579, as amended, and the regulations of the
47 United States Secretary of Transportation, 49 Code of Federal
48 Regulations, Part 580.

49 4. Penalty. Violation of this section is a Class E crime.

50 **§1111. Surrendering certificate**

A recycler who scraps or dismantles a vehicle shall deliver
the certificate of title or certificate of salvage to the
Secretary of State for cancellation. Except for a dismantled
vehicle that has been repaired or rebuilt, a certificate of title
or registration to the vehicle may not be issued again.
Violation of this section is a Class E crime.

§1112. Identification number

A recycler may not possess or exercise control over a
vehicle or vehicle part that has had the vehicle identification
number removed. It is not a defense that the recycler did not
know that the vehicle identification number had been removed.
Violation of this section is a Class E crime.

CHAPTER 11

DRIVER'S LICENSE

SUBCHAPTER I

GENERAL PROVISIONS

§1251. License required

1. Violation. A person commits an offense of operating a
motor vehicle without a license if that person operates a motor
vehicle on a way or parking area without being licensed or in
violation of a condition or restriction on the license. For a
resident, that license must be issued by this State.

2. Penalty. Operating without a license is a Class E
crime, except that if the license has expired within 30 days, the
offense is a traffic infraction.

2 3. Issue restrictions. A person may not receive a license
3 unless:

4 A. That person surrenders all valid licenses in that
5 person's possession issued by any jurisdiction; and

6 B. The Secretary of State is satisfied that the applicant
7 is a proper person to receive a license.

8 4. Number limited. A person may not have more than one
9 valid license, unless authorized by the Secretary of State. A
10 person may not have more than one commercial license. *[530]

11 5. Age limit. A license, except a special restricted
12 license under section 1256, may not be issued to a person who has
13 not attained 16 years of age.

14 6. Exemptions. The following people are exempt from the
15 license requirements of this chapter:

16 A. A nonresident who is 16 years of age or older and who
17 has in that person's possession a valid license issued by
18 that person's state or country of domicile. A nonresident
19 who is not yet 16 years of age may not operate a motor
20 vehicle;

21 B. A person on active duty in the United States Armed
22 Forces, if that person possesses:

23 (1) A valid license issued by that person's state of
24 domicile; or

25 (2) For a period of 45 days after return from duty
26 outside the United States, a valid license issued by
27 the United States Armed Forces in foreign countries; and

28 C. A spouse of a member of the United States Armed Forces
29 while accompanying that member on active duty assignment to
30 this State, and who is not a resident of this State and who
31 has a valid license issued by another jurisdiction.

32 **§1252. Classes**

33 A license is not valid for the operation of a vehicle unless
34 a class or restriction is indicated on the license.

35 1. Classes. There are 3 classes of licenses as follows:

36 A. A Class A license may be issued for the operation of a
37 combination of vehicles with a gross vehicle weight rating

38 or registered weight of 26,001 or more pounds, if the gross
39 vehicle weight rating of the vehicles being towed is in
40 excess of 10,000 pounds.

41 A holder of a Class A license may, with an appropriate
42 endorsement, operate a vehicle in Class B or C;

43 B. A Class B license may be issued for the operation of a
44 single motor vehicle with a gross vehicle weight rating or
45 registered weight of 26,001 or more pounds or such a vehicle
46 towing a vehicle with a gross vehicle weight rating not in
47 excess of 10,000 pounds.

48 A holder of a Class B license may, with an appropriate
49 endorsement, operate a vehicle in Class C; and

50 C. A Class C license may be issued for the operation of a
51 single vehicle with a gross vehicle weight rating or
52 registered weight of less than 26,001 pounds or such a
53 vehicle towing a vehicle with a gross vehicle weight rating
54 not in excess of 10,000 pounds.

55 A holder of a Class C license may, with an appropriate
56 endorsement, operate all vehicles in that class.

57 A Class C license authorizes:

58 (1) A full-time or volunteer member of an organized
59 municipal, state or federal fire department to operate
60 fire apparatus;

61 (2) A person to operate recreational vehicles for
62 personal use;

63 (3) A person to operate military vehicles including
64 National Guard vehicles; or

65 (4) A person to operate registered farm motor trucks
66 bearing the letter "F," on the registration plate
67 within 150 miles of the registered owner's farm.

68 2. School bus, motorcycle or motor-driven cycle. Operation
69 of a school bus, motorcycle or motor-driven cycle requires a
70 special endorsement on a license.

71 A nonresident school bus driver picking up and discharging school
72 children or driving in conjunction with school-related activities
73 may operate a vehicle with a certificate issued by the Secretary
74 of State.

A school bus certificate may be issued only after the applicant has successfully passed the required examination.

3. Mopeds. A moped may not be operated:

A. By a person who does not possess a valid license of any class or a license specially endorsed to operate a motorcycle, a motor-driven cycle or a moped; or

B. On an interstate highway or on a way on which a bicycle is prohibited.

4. Examination. The Secretary of State shall examine an applicant for the class for which the applicant applies.

5. Immediate examination. An applicant for a Class A or Class B license who provides satisfactory evidence that an immediate examination is needed for employment purposes must be examined within 10 days of notification.

6. Endorsement. The Secretary of State shall endorse each license with its class and a special endorsement for specific types of vehicles.

7. Violation. A person commits a Class E crime if that person operates a vehicle not included within the class of license issued to that person.

8. Employer's requirements. An employer may impose more stringent or additional qualifications, requirements or examinations than are imposed in this section or may require additional certificates.

§1253. Commercial licenses

1. Classifications. A Class A or Class B license, or a Class C license carrying an endorsement under subsection 3, is a commercial license.

2. Compliance with federal law. The State must comply with the Commercial Motor Vehicle Safety Act of 1986, Public Law 99-570, Title XII, and regulations adopted under that Act in issuing or suspending a commercial license. To ensure compliance, the Secretary of State shall adopt rules.

These rules must include, but are not limited to, provisions that:

A. Provide for full state participation in the national commercial driver's license clearinghouse;

B. Require commercial drivers to have a single license;

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

D. Protect public safety by removing from public ways a commercial driver who has:

(1) Operated or attempted to operate a commercial vehicle while having 0.04% or more by weight of alcohol in that driver's blood;

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

(3) Operated or attempted to operate a motor vehicle while under the influence of intoxicating liquor or drugs; and

E. Provide maximum safety on public ways.

3. Endorsements for double or triple trailers, buses, tank trucks or hazardous materials. Operation of a double or triple trailer, bus or tank truck requiring a commercial driver's license or a vehicle carrying hazardous materials requiring a license requires a special endorsement on a commercial license.

An endorsement may be made under this subsection only after the applicant has successfully passed the examination for the specific vehicle.

To retain a hazardous material endorsement on renewal of a commercial license, a reexamination of the hazardous material written test is required.

4. Air brakes. If an applicant either fails the air brake component of the examination under subsection 3 or performs the examination in a vehicle not equipped with air brakes, that person is prohibited from operating a commercial motor vehicle equipped with air brakes. The license must be so restricted.

5. Operation with a blood-alcohol level of 0.04% or more or under the influence of intoxicating liquor or drugs. The Secretary of State shall suspend, without preliminary hearing, the commercial license of a person who has operated or attempted to operate a commercial motor vehicle while having 0.04% or more by weight of alcohol in the blood or while under the influence of intoxicating liquor or drugs.

2 The period of suspension must satisfy the regulations adopted by
4 the United States Secretary of Transportation under the
Commercial Motor Vehicle Safety Act of 1986, Public Law 99-570,
6 Title XII.

8 §1254. Special licenses

10 1. Motorcycles and motor-driven cycles. The Secretary of
12 State may issue a license specifically endorsed for the operation
14 of a motorcycle or motor-driven cycle with the same requirements
as a motor vehicle license. A motor vehicle license does not
authorize operation of a motorcycle or motor-driven cycle unless
the license is endorsed for those vehicles.

16 2. Moped license. The Secretary of State may issue a
18 license to operate a moped. An applicant must have attained 16
20 years of age and must pass an examination on qualifications to
operate a moped. The examination fee and license fee for a moped
license is the same as for a Class C license.

22 3. Motorized bicycle or tricycle operator. A motorized
24 bicycle or tricycle may only be operated by a person who
26 possesses a valid license of any class, an instruction permit or
a license endorsed for a motorcycle, motor-driven cycle or moped.

28 4. Forms. The Secretary of State shall prepare forms for
applications under this section.

30 §1255. Members of the Armed Forces

32 1. Privileges. A resident who is serving on active duty in
34 the United States Armed Forces and otherwise qualified to operate
a motor vehicle:

36 A. Shall receive a license on application to the Secretary
38 of State;

40 B. Is exempt from the payment of a fee for a license;

42 C. May operate a motor vehicle, notwithstanding the
44 expiration date of that person's license, without obtaining
a new license; and

46 D. Shall, while operating a motor vehicle, carry conclusive
evidence of membership in the Armed Forces.

48 2. After discharge. The privileges of this section remain
50 in effect for a period of 30 days after discharge or release from
the Armed Forces.

2 3. Revocation or suspension. This section does not permit
4 a person whose license or right to operate is revoked or
suspended or who has been refused a license to operate a motor
6 vehicle.

8 §1256. Special restricted license

10 A person who has reached 15 years of age and who has
12 successfully completed a driver education course may be issued a
special restricted license based on educational or employment
need as follows.

14 1. Educational need. A person seeking to qualify for a
16 special restricted license based on educational need must file an
18 application. If the applicant qualifies under paragraph A, after
20 passing an examination for operation of a motor vehicle as
22 provided in section 1301 a special restricted license must be
issued to the applicant. A person who is between the ages of 16
and 17 is not required to complete a driver education course to
qualify for a restricted license based on educational need.

24 A. An application must include:

26 (1) A signed notarized statement from the applicant
and the applicant's parent or guardian that:

28 (a) No readily available alternative means of
30 transportation exists; and

32 (b) Use of a motor vehicle is necessary for
34 transportation to and from a public secondary
school, a private secondary school approved for
attendance purposes by the Commissioner of
36 Education or an applied technology center or
region that the applicant is attending;

38 (2) A verification of school attendance; and

40 (3) A statement by the principal of the school of the
42 lack of a readily available alternative means of
transportation.

44 B. This license only authorizes the holder to operate a
46 motor vehicle between the holder's residence and school.

48 2. Employment need. A person seeking to qualify for a
50 special restricted license based on employment need must file an
application. If the applicant qualifies under paragraph A, after
passing an examination for operation of a motor vehicle as

provided in section 1301 a special restricted license must be issued to the applicant.

A. An application must include:

(1) A signed, notarized statement from the applicant and the applicant's parent or guardian that:

(a) No readily available alternative means of transportation exists; and

(b) Use of a motor vehicle is necessary for transportation to, from or in connection with employment of the applicant; and

(2) A verification of employment by the employer.

B. This license only authorizes the holder to operate a motor vehicle between the holder's residence, school and place of employment and other places necessary in direct connection with that employment.

3. Suspension of provisional license. A special restricted license is a provisional license. Notwithstanding subchapter III, article 2 and in addition to section 1302, subsection 2, the Secretary of State shall suspend a special restricted license when:

A. The holder is convicted of or adjudicated to have committed a violation of the license restriction or of a motor vehicle moving violation when holding a special restricted license. A person whose license is suspended pursuant to this paragraph is not entitled to another special restricted license; or

B. The Secretary of State receives written notice from the holder, parent, guardian, principal or employer that the holder no longer qualifies for a special restricted license.

4. Hearing. If requested the Secretary of State shall provide an opportunity for hearing on the suspension as soon as practicable.

After hearing, the Secretary of State, for good cause shown, may continue, modify or rescind the suspension.

This subsection does not apply when a person is convicted of or adjudicated to have committed an offense that carries a suspension or revocation period as determined pursuant to this section.

§1257. Restricted licenses

The Secretary of State may restrict a license to operation:

1. Specific vehicle. Of a specified vehicle;

2. Daylight. During daylight hours;

3. Area operation. Within a designated area; or

4. Other. Under any other restriction or condition that the Secretary of State determines is in the interest of highway safety.

§1258. Medical Advisory Board

1. Board. The Medical Advisory Board, as established by Title 5, section 12004-I, subsection 84, consists of members appointed by the Secretary of State. Membership of the board is as follows.

A. The board must include licensed physicians representing the specialties of cardiology, internal medicine, neurology or neurological surgery, ophthalmology, psychiatry, family practice and rehabilitative medicine.

B. The Secretary of State shall designate the chair of the board.

C. Members of the board are entitled to compensation in accordance with Title 5, chapter 379.

2. Duties. The duties of the board are as follows.

A. The board shall meet at least annually and may hold as many meetings as necessary.

B. The board shall advise the Secretary of State on written medical and vision standards related to operator's licensing. Standards may only be adopted as rules.

C. The board shall coordinate efforts to educate health care providers and the public in the medical aspects of motor vehicle operator licensing.

3. Determination of competency. The Secretary of State may request written medical reports to determine who receives records, testimony, recommendations and reports of the board and determine the competency of a person to operate a motor vehicle.

2 4. Board review. The Secretary of State, having cause to
4 believe that a licensed driver or applicant may not be physically
6 or mentally qualified to be licensed, may obtain the advice of
8 the board, a member of the board or another medical or
10 paramedical professional licensed or certified in a medical
12 specialty as follows.

14 A. The board may formulate advice from records and reports
16 or may cause an examination and report to be made by a
18 member or another qualified person.

20 B. The person under review may deliver a written report to
22 the board and the board must give due consideration to the
24 report.

26 C. The Secretary of State may request that the board
28 interview in person someone whose ability to operate a motor
30 vehicle safely is unascertainable through written reports or
32 records.

34 5. Suspension pending compliance. The license of a person
36 under review who refuses to submit to an examination or to
38 provide information as requested by the Secretary of State
40 pursuant to this subchapter may be suspended until the individual
42 complies with the request.

44 6. Immunity. A member of the board or other person making
46 an examination and report of opinion, recommendation or advice to
48 the Secretary of State in good faith is immune from criminal or
50 civil liability for so doing. A physician or other person who
becomes aware of a physical, mental or emotional impairment that
appears to present an imminent threat to driving safety and
reports this information to the Secretary of State in good faith
is immune from criminal or civil liability for so doing. The
immunity for damages under this subsection applies only to the
extent this immunity is not in conflict with federal law or
regulation.

7. Confidentiality. A report received or made by the
board, or a member, for the purpose of assisting the Secretary of
State in determining whether a person is qualified to be licensed
is confidential and only for the use of the board, the Secretary
of State and the person under review.

These reports may not be divulged to another person unless the
person under review gives written permission.

§1259. Motorized chairs for invalids

2 The Secretary of State may issue, without fee, a special
4 permit for the operation of a motorized chair by an invalid
6 person on certification by a physician as to the applicant's
8 incapacity.

10 The Secretary of State may restrict the operation of
12 motorized chairs for invalids to certain ways and hours of the
14 day to minimize the danger of injury to the operator and other
16 users of the highway consistent with public safety following an
18 evaluation of the operator.

20 Section 1751 does not apply to motorized chairs for
22 invalids. A motorized chair for invalids must be equipped with
24 an adequate stopping and holding device and means of giving an
26 audible signal.

SUBCHAPTER II

ISSUING LICENSES

§1301. Application

2 1. Application required. An applicant must present to the
4 Secretary of State an application for license on a form prepared
6 by the Secretary of State.

8 2. Contents. The applicant must provide specific answers
10 that demonstrate the experience and competence of the applicant
12 to operate a motor vehicle.

14 3. Proof of age. An applicant who has not attained the age
16 of 23 years must provide satisfactory proof of the applicant's
18 date of birth prior to receiving a permit or original license.

20 4. Examination. An applicant must pass a physical
22 examination by actual demonstration of ability to operate a motor
24 vehicle and a written examination. Failure to complete the
26 driving test within 18 months of receiving an instruction permit
28 requires reexamination for the permit.

30 5. Permanent license number. The Secretary of State may
32 require an applicant to submit that person's social security
34 number upon application for a license to establish a permanent
36 license number.

§1302. Minors

40 1. Authorization. The Secretary of State may not accept
42 the application for a license of a minor unless the application
44 is:

- 2 A. Signed by a parent or guardian;
- 4 B. Signed by the spouse of the minor, provided the spouse
6 is 18 years of age or older;
- 8 C. When the minor has no parent, guardian or spouse who has
10 attained the age of 18 years of age, signed by the employer
12 of the minor if that employer is 18 years of age or older; or
- 14 D. Accompanied by an attested copy of a court order of
16 emancipation under Title 15, section 3506-A.

18 2. Suspension. If a person who has signed the application
20 files with the Secretary of State a notarized written request
22 that the license be suspended, the Secretary of State shall,
24 pursuant to chapter 23, suspend the license without hearing. A
26 suspension under this section may not be construed against the
28 minor in any manner.

30 **§1303. Vision test requirements**

32 1. Test requirement. A person must pass the vision portion
34 of a license examination:

- 36 A. At the time of the first license renewal after attaining
38 40 years of age;
- 40 B. At every 3rd license renewal after the renewal in
42 paragraph A until attaining 65 years of age; and
- 44 C. At every license renewal after attaining 65 years of age.

46 2. Exceptions. In lieu of a test, a person may submit:

48 A. An acceptable certificate signed by a doctor,
50 optometrist, registered nurse or other person approved by
 the Secretary of State, setting forth the person's visual
 acuity in each eye, both eyes combined and field of vision.
 The certificate must indicate that it is based on an
 examination completed within one year of the date of
 application; or

B. Satisfactory evidence of a valid Interstate Commerce
 Commission driver's license issued within the past year.

§1304. Instruction permits

1. Instruction permits. The following provisions apply to
 instruction permits.

2 A. A person who is 15 years of age or older and has
4 completed a course in driver education may apply for an
6 instruction permit.

8 B. After an applicant has successfully passed all parts of
10 an examination other than the driving test, the Secretary of
12 State may issue an instruction permit.

14 C. The permit entitles the permittee to drive a motor
16 vehicle on the public ways. The permittee must have the
18 permit in immediate possession while driving on the public
20 ways.

22 D. The permit is valid for a period of 18 months.

24 E. Unless the permittee is operating a motorcycle or
26 motor-driven cycle, the permit requires the permittee to be
28 accompanied by a licensed operator who:

30 (1) Has at least one year of driving experience;

32 (2) Is at least 18 years of age; and

34 (3) Is occupying a seat beside the driver.

36 F. The Secretary of State may issue a restricted
38 instruction permit to an applicant who is enrolled in a
40 driver education program that includes practice driving.
42 That permit is valid:

44 (1) For a school year or other specified period; and

46 (2) Only when the permittee is accompanied by an
48 instructor approved by the Commissioner of Education or
 a commercial driver education instructor licensed by
 the Board of Commercial Driver Education.

G. A person who has not yet attained the age of 17 years
 may not apply for a license until 3 months after the date of
 issue of an instruction permit.

2. Motorcycle, motor-driven cycle and moped. The following
 provisions apply to instruction permits for the operation of
 motorcycles, motor-driven cycles or mopeds.

A. A person must be at least 16 years of age to apply for a
 motorcycle, motor-driven cycle or moped instruction permit.

2 B. An applicant must pass a vision test and a knowledge
4 test related specifically to the safe operation of a
6 motorcycle, motor-driven cycle or moped.

8 C. An applicant must complete a motorcycle driver education
10 program as required by section 1352.

12 D. An instruction permit is valid for one year.

14 E. Failure to complete the driving test within one year
16 from issue date requires reexamination for the instruction
18 permit. In the case of a motorcycle or motor-driven cycle
20 learner's permit, failure to complete the driving test
22 within one year from issue date of the permit requires
24 another completion of the motorcycle driver education course
26 required by section 1352 before a subsequent permit is
28 issued.

30 F. An application for reexamination may not be accepted
32 until 60 days after expiration of the permit.

34 G. An instruction permit allows the holder to operate a
36 motorcycle, motor-driven cycle or moped only during daylight
38 hours. That permit does not allow the holder to carry a
40 passenger unless the passenger holds a valid motorcycle
42 license.

44 H. The fee for a motorcycle, motor-driven cycle or moped
46 instruction permit and the first road test is \$10. The fee
48 for a subsequent examination is \$5.

3. Bus. The following provisions apply to instruction
permits for the operation of a bus.

A. A person must be at least 21 years of age to apply for a
bus instruction permit.

B. An applicant must pass a vision test and a knowledge
test on the safe operation of a bus.

C. The instruction permit entitles the permittee, as long
as the permit is in the permittee's immediate possession, to
drive a bus on a public way. The permit expires one year
after the date of issuance.

The permittee must be accompanied by a licensed bus operator
who has at least one year of bus 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.

4. School bus. The following provisions apply to
instruction permits for the operation of school buses.

A. A person must be at least 21 years of age to apply for a
school bus instruction permit to operate a school bus.

B. An applicant must meet the school bus operator
requirements of this Title and must pass a vision test and a
knowledge test on the safe operation of a school bus.

C. The instruction permit entitles the permittee, as long
as the permit is in the permittee's immediate possession, to
drive a school bus on a public way. The permit is valid for
one year.

(1) The permittee must be accompanied by a licensed
school bus operator who has at least one year of school
bus driving experience and is at least 22 years of age.

(2) The accompanying operator must occupy a seat in
the immediate vicinity of the permittee and no other
passengers may be allowed on the bus.

5. Expiration. An instruction permit expires when the
holder successfully passes a complete examination. The permit
must be surrendered to the Secretary of State.

6. Criminal offense. A person commits a Class E crime if
that person accompanies a permittee who is operating a vehicle on
a public way and that accompanying person has impaired mental or
physical functioning as a result of the use of intoxicating
liquor or drugs.

§1305. Temporary licenses

1. Issuance of temporary licenses. The Secretary of State
may issue a temporary license to an applicant.

2. Requirements. The Secretary of State may require the
applicant to:

A. Successfully pass a complete examination; or

B. Hold a valid or recently expired driver's license from
another state or country.

3. Duration. A temporary license permits the applicant to operate a motor vehicle on a public way for not more than 60 days.

§1306. Waiver

The Secretary of State may waive examination for an applicant who has been licensed by this State to operate a motor vehicle during one of the 5 preceding calendar years without a lapse of 5 years since date of expiration of the last 4-year license.

§1307. Examination fees

An applicant required to take an examination shall pay an examination fee to the Secretary of State prior to administration of the examination as follows.

1. Class A or Class B license. The examination fee for a Class A or Class B license is \$35, which includes the first road test. A reexamination is \$15.

2. Class C license. The examination fee for a Class C license is \$10, which includes the first road test. A reexamination is \$5.

3. Examination fee for endorsements. The examination fee for a double or triple trailer, bus, tank truck or hazardous materials endorsement is \$10. A reexamination is \$5.

4. Cancellation of examination appointment. If an examination requires an appointment and the examinee does not keep that appointment, the Secretary of State shall assess an additional \$20 fee for a Class A or Class B examination and \$5 for a bus, school bus or Class C examination at the time of reappointment for examination. If the examinee notifies the Department of the Secretary of State, Bureau of Motor Vehicles, Driver Examination Section of cancellation at least 48 hours prior to the examination, the Secretary of State shall waive the additional fee.

5. Exception. A person required to take an examination because of advanced age or physical disability is not required to pay an examination or cancellation fee.

§1308. Reexamination of accident-prone driver

1. Definition. For purposes of this section, an "accident-prone driver" means an operator of a motor vehicle who has contributed to the cause of 3 or more accidents within a period of 3 consecutive years.

2. Examination. An accident-prone driver, after notice and hearing, may be required to pass an operator's examination to retain a license.

3. Evidence. A determination that an individual is accident-prone is not admissible in evidence in a civil action arising out of an accident.

4. Suspension. This section does not limit the authority of the Secretary of State to suspend a license.

§1309. Reexamination of incompetent or unqualified operators

1. Reexamination may be required. The Secretary of State, having good cause to believe that a licensed operator is incompetent or otherwise not qualified to be licensed, may require, on at least 5 days prior written notice, that operator to submit to an examination.

2. Suspension of license. On conclusion of an examination, the Secretary of State may suspend the license of that person or issue a restricted license.

3. Refusal to submit to examination. Refusal or neglect of the licensee to submit to an examination is sufficient ground for suspension.

SUBCHAPTER III

DRIVER EDUCATION

§1351. Driver education

1. Driver education required for certain minors. Except to operate a moped only, a license may not be issued to a person under 17 years of age unless that person presents a certificate of successful completion of an approved driver education course and examination.

2. Approved course. An approved driver education course is a course given by a:

A. Public secondary school;

B. Private secondary school approved for attendance purposes by the Commissioner of Education;

2 C. Applied technology center or an applied technology
3 region; or

4 D. Person licensed by the Board of Commercial Driver
5 Education.

6 3. Certificate. A successful course completion certificate
7 may be issued if the course meets the standards adopted by the
8 Commissioner of Education or the commercial driver education
9 school licensing requirements under Title 32, chapter 95. A
10 certificate may not be issued to a person who was not at least 15
11 years of age when beginning the course.

12 **§1352. Motorcycle driver education**

13 1. Motorcycle driver education required. Notwithstanding
14 any other provision of law, a motorcycle or motor-driven cycle
15 instruction permit, license or endorsement may not be issued to a
16 person, unless that person presents a certificate of successful
17 completion of a motorcycle driver education program and
18 examination approved by the Secretary of State.

19 2. Education program. The following provisions apply to
20 motorcycle driver education programs.

21 A. A motorcycle driver education program must consist of an
22 8-hour block of instruction directly related to the actual
23 operation of motorcycles and motor-driven cycles,
24 emphasizing safety measures designed to ensure greater
25 awareness of careful and skillful operation of motorcycles
26 and motor-driven cycles.

27 B. The program may be offered by a public secondary school,
28 a private secondary school approved for attendance purposes
29 by the Commissioner of Education, an applied technology
30 center or applied technology region or adult education
31 program conducted under Title 20-A, chapter 316.

32 C. A motorcycle program offered independently of an
33 approved driver education course may not be offered for
34 credit toward a high school diploma.

35 D. A program may include instruction and riding experience
36 on a motorcycle driving range.

37 E. The Secretary of State must approve a motorcycle driver
38 education program.

39 3. Instructors. The following provisions apply to the
40 certification of instructors.

2 A. A person may not conduct a motorcycle driver education
3 program unless certified by the Secretary of State as a
4 qualified instructor.

5 B. The Secretary of State shall:

6 (1) Conduct certification courses; and

7 (2) Establish reasonable qualification standards and
8 requirements for certification. The requirements must
9 include a provision to demonstrate proficiency in
10 operating a motorcycle.

11 C. A person may conduct or sponsor a motorcycle driver
12 education program for remuneration without the commercial
13 driver education school or instructor license required by
14 Title 32, chapter 95, as long as the program and the
15 instructors are certified by the Secretary of State.

16 4. Instructor availability. When a certified instructor is
17 not available in a geographic area, the Secretary of State may
18 assign a qualified instructor for the program subject to the
19 following provisions.

20 A. The requesting authority must ensure a minimum class
21 size of 6 students.

22 B. The Secretary of State shall charge a program fee
23 comparable to other motorcycle driver education programs.

24 C. An instructor is not a "teacher" within the meaning of
25 Title 5, section 17001, subsection 42 or Title 20-A.

26 5. Completion certificates. An instructor shall issue a
27 completion certificate to a student who has successfully
28 completed the course.

29 6. Waiver of written examination requirement. The
30 Secretary of State may waive the required written examination on
31 receipt of a completion certificate.

32 7. Suspension and revocation. The Secretary of State may
33 suspend, revoke or deny a certificate of completion or an
34 instructor's certificate for just cause in accordance with the
35 Maine Administrative Procedure Act.

36 **§1353. Fees**

The annual fee for instructor certification is \$100. The annual fee for inspection of a motorcycle education classroom is \$50. The fee for inspection of a motorcycle driving range is \$50.

SUBCHAPTER IV

LICENSE

§1401. Contents of license

1. Required information. A license must state, at a minimum, the name, date of birth, place of residence or mailing address if different from the residence, of the licensee and the permanent number assigned to that licensee.

2. Photograph. A license, except for a temporary license, must bear a full-face color photograph of the licensee. The following are exempt from the photographic requirement:

A. A person who renews a license on or after that person's 65th birthday;

B. A person in active military service stationed outside the State; and

C. Another person approved by the Secretary of State.

3. Signature. A licensee's usual signature must appear in the place designated. A license is not valid until endorsed.

4. Fee. In addition to the license fee, the photograph fee is \$2.

§1402. Anatomical gifts

1. Declaration of anatomical gift. If a licensee makes a declaration on an organ donor card as provided in subsection 3 and submits the completed card to the Secretary of State, the Secretary of State shall issue a license to operate motor vehicles or motorcycles to the licensee that includes a pouch containing the organ donor card declaring that the licensee has made an anatomical gift under the Uniform Anatomical Gift Act. There is an additional \$1 fee for issuance of the anatomical gift pouch and organ donor card.

2. Willingness to make anatomical gift. The Secretary of State shall make available without additional fee an organ donor decal that expresses the licensee's willingness to make an anatomical gift. The decal must state: The decal affixed hereto

indicates a willingness on the part of the licensee to make an anatomical gift upon his/her death.

3. Organ donor card. The Secretary of State shall make available to each applicant for a license or renewal license to operate motor vehicles or motorcycles an organ donor card by which the licensee may make a declaration of an anatomical gift under the Uniform Anatomical Gift Act. The completed organ donor card must accompany the license issued in a pouch provided by the Secretary of State. The organ donor card must be in substantially the following form:

DECLARATION OF ANATOMICAL GIFT

I am of sound mind and at least 16 years of age. I hereby make a gift to take effect upon my death of: (CHECK ONE)

() My entire body or any parts of my body.

() Only the following specific part or parts of my body:

.....
.....
.....

I authorize any person or institution authorized as a donee under Maine law, by the Uniform Anatomical Gift Act, to be the recipient of this gift.

I understand that if I make this gift and receive a motor vehicle or motorcycle driver's license indicating this gift, I must destroy, cancel or mutilate the organ donor card and pouch to revoke the gift.

Signed by the donor and the following 2 witnesses in the presence of each other.

Signature.....
Address.....
.....

Witness.....
Address.....
.....

Witness.....
Address.....

.....
COMPLETION OF THIS
CARD IS OPTIONAL

§1403. Living wills

Subject to available funding, the Secretary of State shall make living will forms available in offices of the Bureau of Motor Vehicles. The form must be in substantially the form provided in Title 18-A, section 5-702 and with the addition of a title at the top of the form to read "LIVING WILL" and the following information at the end: "Completion of this form is optional."

§1404. Coded licenses

The Secretary of State shall provide that a license issued to:

1. Under 21. A person less than 21 years of age bears a distinctive color code; and

2. Prior convictions. A person convicted of operating under the influence of intoxicating liquor or drugs or with an excessive blood-alcohol level, as defined in section 2453, subsection 2, within 6 years of the date the license is issued, reissued or returned after a period of suspension bears a coded notation of that fact.

§1405. Duplicate documents

1. Lost or destroyed licenses, registration certificates and instruction permits. If a license, registration certificate or instruction permit is lost or destroyed, a person may obtain a duplicate upon furnishing proof of loss or destruction.

2. Additional licenses, registration certificates and instruction permits. If satisfied that public safety will not be endangered, the Secretary of State may issue a duplicate to a person who has an original.

3. Fee. The fee for a duplicate license, registration certificate and instruction permits is \$2. An additional fee of \$2 is required for a photograph.

4. Change of photograph. When a request is made for a change on an operator's photograph license, that license is a duplicate.

§1406. Expiration

1. Expiration of license. A license to operate a motor vehicle expires at midnight on the license holder's 4th birthday following the date of issuance.

2. Leap year birthday. A person born on February 29th is deemed to have been born on March 1st.

3. Renewals. Prior to expiration of the license, the Secretary of State shall send to the holder a renewal application.

4. Fee. Except for a commercial driver's license and as provided in section 1409, the fee for a license is \$18. The fee for a commercial driver's license is \$23.

§1407. Change of location or status

When a person, after applying for or receiving a driver's license or registration, moves from the address named in the application or on the license or registration issued or changes name, that person shall, within 10 days, notify the Secretary of State, in writing, of the old and new addresses or former and new names and of the number of the licenses and registrations held.

§1408. License or permit to be carried and exhibited on demand

1. Immediate possession required. A licensee, including a temporary licensee or holder of an instruction permit, must have the license in immediate possession when operating a motor vehicle.

2. Display. On demand of a law enforcement officer, the licensee must produce the license for inspection.

3. Defense. A person may not be adjudicated to have committed a traffic infraction of failing to produce a license if the licensee produces in court a license valid at the time of the issuance of the Uniform Summons and Complaint.

4. Avoidance. If, at least 24 hours before the scheduled court appearance, the person charged with failing to produce a license exhibits a license valid at the time of the issuance of the Uniform Traffic Ticket and Complaint to a law enforcement officer designated by the issuing officer, the proceeding must be dismissed.

§1409. Amputee and disabled veteran

2 A license fee is not required from:

4 1. Federal motor vehicle. An amputee veteran who has
6 received a motor vehicle from the United States Government under
8 authority of P.L. 663, 79th Congress, as amended, or P.L. 187,
10 82nd Congress, as amended;

12 2. Service-connected disability. An amputee veteran
14 receiving compensation for service-connected disability from the
16 Veterans Administration or the United States Armed Forces and who
18 has a specially designed motor vehicle; or

20 3. One hundred percent service-connected disability. A
22 veteran with 100% service-connected disability.

24 **SUBCHAPTER V**

26 **DRIVER LICENSE COMPACT**

28 **Article 1**

30 **Compact**

32 **§1451. Findings and declaration of policy -- Article I**

34 1. Findings. The party states find that:

36 A. The safety of their streets and highways is materially
38 affected by the degree of compliance with state and local
40 ordinances related to the operation of motor vehicles;

42 B. Violation of such a law or ordinance is evidence that
44 the violator engages in conduct that is likely to endanger
46 the safety of persons and property; and

48 C. The continuance in force of a license to drive is
predicated upon compliance with laws and ordinances related
to the operation of motor vehicles, in whichever
jurisdiction the vehicle is operated.

2. Policy. It is the policy of each of the party states to:

A. Promote compliance with the laws, ordinances and
administrative rules and regulations related to the
operation of motor vehicles by their operators in each of
the jurisdictions where such operators drive motor vehicles;
and

B. Make the reciprocal recognition of licenses to drive and
eligibility therefor more just and equitable by considering
the overall compliance with motor vehicle laws, ordinances
and administrative rules and regulations as a condition
precedent to the continuance or issuance of any license by
reason of which the licensee is authorized or permitted to
operate a motor vehicle in any of the party states.

30 **§1452. Definitions -- Article II**

32 As used in this compact:

34 1. Conviction. "Conviction" means a conviction of any
36 offense related to the use or operation of a motor vehicle that
38 is prohibited by state law, municipal ordinance or administrative
40 rule or regulation, or a forfeiture of bail, bond or other
security deposited to secure appearance by a person charged with
having committed any such offense, and which conviction or
forfeiture is required to be reported to the licensing authority.

42 2. Home state. "Home state" means the state that has issued
44 and has the power to suspend or revoke the use of the license or
46 permit to operate a motor vehicle.

48 3. State. "State" means a state, territory or possession of
the United States, the District of Columbia or the Commonwealth
of Puerto Rico.

30 **§1453. Reports of conviction -- Article III**

32 The licensing authority of a party state shall report each
34 conviction of a person from another party state occurring within
36 its jurisdiction to the licensing authority of the home state of
38 the licensee. The report must clearly identify the person
40 convicted; describe the violation specifying the section of the
statute, code or ordinance violated; identify the court in which
action was taken; indicate whether a plea of guilty or not guilty
was entered, or whether the conviction was a result of the
forfeiture of bail, bond or other security; and must include any
special findings made in connection with the conviction.

42 **§1454. Effect of conviction -- Article IV**

44 1. Convictions. The licensing authority in the home state,
46 for the purposes of suspension, revocation or limitation of the
48 license to operate a motor vehicle, shall give the same effect to
the conduct reported, pursuant to Article III of this compact, as
it would if such conduct had occurred in the home state, in the
case of convictions for:

2 A. Manslaughter or negligent homicide resulting from the
operation of a motor vehicle;

4 B. Driving a motor vehicle while under the influence of
intoxicating liquor or a narcotic drug, or under the
6 influence of any other drug to a degree that renders the
8 driver incapable of safely driving a motor vehicle;

10 C. Any felony in the commission of which a motor vehicle is
used; or

12 D. Failure to stop and render aid in the event of a motor
14 vehicle accident resulting in the death or personal injury
of another.

16 2. Other convictions. As to other convictions, reported
18 pursuant to Article III, the licensing authority in the home
state shall give such effect to the conduct as is provided by the
20 laws of the home state.

22 3. Similar offenses. If the laws of a party state do not
provide for offenses or violations denominated or described in
24 precisely the words employed in subsection 1 of this Article, the
party state shall construe the denominations and descriptions
26 appearing in subsection 1 as being applicable to and identifying
those offenses or violations of a substantially similar nature
28 and the laws of the party state must contain such provisions as
may be necessary to ensure that full force and effect is given to
30 this Article.

32 **§1455. Applications for new licenses -- Article V**

34 Upon application for a license to drive, the licensing
authority in a party state shall ascertain whether the applicant
36 has ever held, or is the holder of a license to drive issued by
any other party state. The licensing authority in the state where
38 application is made may not issue a license to drive to the
applicant if:

40 1. License suspended. The applicant has held such a
license, but the same has been suspended by reason, in whole or
42 in part, of a violation and if such suspension period has not
44 terminated;

46 2. License revoked. The applicant has held such a license,
but the same has been revoked by reason, in whole or in part, of
48 a violation and if such revocation has not terminated, except
that after the expiration of one year from the date the license
50 was revoked, such person may make application for a new license
if permitted by law. The licensing authority may refuse to issue

2 a license to any such applicant if, after investigation, the
4 licensing authority determines that it will not be safe to grant
to such person the privilege of driving a motor vehicle on the
6 public highways;

8 3. Surrender of license. The applicant is the holder of a
license to drive issued by another party state and currently in
force unless the applicant surrenders such license.

10 **§1456. Applicability of other laws -- Article VI**

12 Except as expressly required by provisions of this compact,
14 nothing contained herein may be construed to affect the right of
any party state to apply any of its other laws related to
16 licenses to drive to any person or circumstance, nor to
invalidate or prevent any driver license agreement or other
18 cooperative arrangement between a party state and a nonparty
state.

20 **§1457. Compact administrator and interchange of information --**
22 **Article VII**

24 The head of the licensing authority of each party state
shall be the administrator of this compact for that state. The
26 administrators, acting jointly, have the power to formulate all
necessary and proper procedures for the exchange of information
28 under this compact.

30 The administrator of each party state shall furnish to the
administrator of each other party state any information or
32 documents reasonably necessary to facilitate the administration
of this compact.

34 **§1458. Entry into force and withdrawal -- Article VIII**

36 This compact must enter into force and become effective as
38 to any state when it has enacted the same into law.

40 Any party state may withdraw from this compact by enacting a
statute repealing the same, but no such withdrawal may take
42 effect until 6 months after the executive head of the withdrawing
state has given notice of the withdrawal to the executive heads
44 of all other party states. No withdrawal may affect the validity
or applicability by the licensing authorities of the states
46 remaining party to the compact of any report of conviction
occurring prior to the withdrawal.

48 **§1459. Construction and severability -- Article IX**

2 This compact must be liberally construed so as to effectuate
3 the purposes thereof. The provisions of this compact must be
4 severable and if any phrase, clause, sentence or provision of
5 this compact is declared to be contrary to the constitution of
6 any party state or of the United States of the applicability
7 thereof to any government, agency, person or circumstance is held
8 invalid, the validity of the remainder of this compact and the
9 applicability thereof to any government, agency, person or
10 circumstance may not be affected thereby. If this compact is held
11 contrary to the constitution of any state party thereto, the
12 compact must remain in full force and effect as to the remaining
13 states and in full force and effect as to the state affected as
14 to all severable matters.

16 Article 2

17 Provisions Related to Compact

18 §1471. Ratification

19 The driver license compact is hereby enacted into law and
20 entered into with all other jurisdictions legally joining therein
21 in the form substantially as provided in this subchapter.

22 §1472. Licensing authority

23 As used in the compact, the term "licensing authority" with
24 reference to this State, means the Secretary of State. The
25 Secretary of State shall furnish to the appropriate authorities
26 of any other party state any information or documents reasonably
27 necessary to facilitate the administration of Articles III, IV
28 and V of the compact.

29 §1473. Expenses

30 The compact administrator provided for in Article VII of the
31 compact is not entitled to any additional compensation on account
32 of service as administrator, but is entitled to expenses incurred
33 in connection with duties and responsibilities as administrator,
34 in the same manner as for expenses incurred in connection with
35 any other duties or responsibilities of office or employment.

36 §1474. Executive head, defined

37 As used in the compact, with reference to this State, the
38 term "executive head" means the Governor.

39 §1475. Duty of court to report action on licenses

40 Any court of this State, which has jurisdiction to take any
41 action suspending, revoking or otherwise limiting a license to
42 drive, shall report any such action and the adjudication upon
43 which it is based to the Secretary of State within 5 days on
44 forms furnished by the Secretary of State.

45 CHAPTER 13

46 FINANCIAL RESPONSIBILITY AND INSURANCE

47 SUBCHAPTER I

48 GENERAL PROVISIONS

49 §1551. Definitions

50 As used in this chapter, unless the context otherwise
51 indicates, the following terms have the following meanings.

52 1. Certificate. "Certificate" means the certificate of an
53 insurance company or a surety company authorized to transact
54 business in this State under Title 24-A that certifies that the
55 company has issued a motor vehicle liability policy covering the
56 vehicle involved in the accident.

57 2. Conviction. "Conviction" means conviction, adjudication
58 or judgment, and includes but is not limited to a forfeiture of
59 bail or collateral deposited to secure a defendant's appearance
60 in court, on a charge of violating a motor vehicle law that has
61 not been vacated.

62 3. Evidence of insurance. "Evidence of insurance" means:

63 A. A motor vehicle insurance identification card; or

64 B. A motor vehicle liability insurance policy or binder
65 issued pending the issuance of the actual policy or
66 insurance identification card.

67 4. Insurance identification card. "Insurance
68 identification card" means a card issued to an insured by an
69 insurer pursuant to Title 24-A, section 2412, subsection 7; or a
70 card issued by the Secretary of State to a person who elects to
71 provide proof of financial responsibility in accordance with
72 section 1605.

73 5. Judgment. "Judgment" means a judgment that has become
74 final without appeal by expiration of the time within which
75 appeal might have been perfected, or by final affirmance on

2 appeal, rendered by a court of competent jurisdiction of any
3 state or of the United States.

4 6. Motor vehicle liability bond. "Motor vehicle liability
5 bond" means a bond certified as proof of financial responsibility
6 in accordance with section 1605.

7 7. Motor vehicle liability policy. "Motor vehicle liability
8 policy" means a policy of liability insurance certified as proof
9 of financial responsibility in accordance with section 1605, and
10 includes, but is not limited to, a motor vehicle liability bond.

11 8. Owner. "Owner" means a person who holds:

12 A. Legal title to a vehicle;

13 B. A right to possession and a right to purchase a vehicle
14 on performance of conditions stated in a conditional sale or
15 lease agreement; or

16 C. A mortgage on the vehicle, if the mortgagor is entitled
17 to possession.

18 9. OUI. "OUI" means operating under the influence of
19 intoxicants or with an excessive blood-alcohol level.

20 10. Person. "Person" means every person, firm,
21 copartnership, association or corporation, but not the State or
22 any political subdivision of the State.

23 11. Policy. "Policy" means a motor vehicle liability
24 insurance policy or motor vehicle liability bond.

25 12. Secretary of State. "Secretary of State" means the
26 Secretary of State or the Secretary of State's deputy.

27 13. State. "State" means a state of the United States, the
28 District of Columbia or a province of the Dominion of Canada.

29 §1552. Application

30 The provisions of this chapter do not apply to a snowmobile
31 or an ATV, unless the ATV is registered for highway use.

32 §1553. Administration

33 The Secretary of State shall administer and enforce this
34 chapter.

35 SUBCHAPTER II

2 GENERAL FINANCIAL RESPONSIBILITY

3 §1601. Required maintenance of financial responsibility

4 1. Requirement. An operator or owner of a vehicle
5 registered in this State shall maintain the amounts of motor
6 vehicle financial responsibility specified in section 1605.

7 2. Evidence of insurance or financial responsibility. When
8 a law enforcement officer stops an operator for a moving
9 violation or the operator is involved in an accident that must be
10 reported under section 2251, the officer shall request the
11 operator to produce evidence of liability insurance or financial
12 responsibility.

13 3. Failure to produce evidence of insurance. If a person
14 fails to produce evidence of liability insurance or financial
15 responsibility, this failure is prima facie evidence that the
16 person is uninsured and in violation of this section.

17 4. Dismissal. If, at least 24 hours before a scheduled
18 court appearance, a person exhibits to a law enforcement officer
19 designated by the issuing officer evidence of liability insurance
20 or financial responsibility that was in effect at the time of
21 violation, a proceeding for a violation of this section must be
22 dismissed.

23 5. Penalty. Violation of this section is a traffic
24 infraction, for which a forfeiture of not more than \$100 may be
25 assessed.

26 6. Suspension. Thirty days after the receipt of an
27 abstract of an adjudication of a violation of this section, the
28 Secretary of State shall suspend:

29 A. The license of that person;

30 B. The registration of a vehicle owned by that person; or

31 C. The right to apply for a driver's license or vehicle
32 registration.

33 The suspension continues until that person provides evidence of
34 insurance to the Secretary of State.

35 7. Multiple convictions. A person who is convicted of 2 or
36 more violations of this section within a 3-year period is subject
37 to the proof of financial responsibility requirements provided in
38 section 1605.

2 8. Agent immunity from liability. An insurance agent,
4 broker or agency may not be held liable for an inaccurate
6 insurance identification card if the card was issued based on
8 information contained in the records of that person or was issued
10 based on false or misleading statements made by the insured.

12 9. Exemption. The provisions of this section do not apply
14 to:

16 A. A governmental vehicle;

18 B. A vehicle owned or controlled by a dealer as defined by
20 chapter 9, subchapter I; or

22 C. A vehicle registered as a vehicle for hire.

24 **§1602. Proof demanded**

26 1. Demand. On receipt of an accident report required under
28 section 2251, the Secretary of State shall demand of the owner or
30 operator proof of financial responsibility under section 1605.

32 This subsection does not apply to:

34 A. The owner of a vehicle operated by a person that
36 obtained possession or control without the owner's express
38 or implied consent;

40 B. The owner or operator of a vehicle involved in an
42 accident when the Secretary of State is satisfied that
44 neither the owner nor the operator caused the accident;

46 C. The owner or operator of a vehicle involved in an
48 accident caused by an act of a 3rd party that was a motor
50 vehicle violation of which that 3rd party has been convicted
or adjudicated;

D. The owner or operator of a vehicle involved in an
accident in which damage or injury was caused only to the
person or property of the owner or operator, unless at the
time of the accident that owner or operator was violating
provisions of this Title;

E. The operator of a motor vehicle licensed by the Public
Utilities Commission;

F. An owner or operator of a vehicle covered by a policy,
in effect at the time of the accident;

2 G. An operator who is not the owner of a vehicle and who is
4 covered by a policy, in effect at the time of the accident,
6 for the operation of vehicles not owned by the operator;

8 H. The operator or owner of a vehicle if the liability of
10 the operator or owner for damages resulting from the
12 accident is, in the judgment of the Secretary of State,
14 covered by any other form of policy. A policy is effective
16 under this paragraph:

18 (1) If it is issued by an insurer, insurance company
20 or surety company authorized to do business in this
22 State; or

24 (2) If the vehicle is not registered in this State, or
26 was registered outside the State at the effective date
28 of the policy, if the policy meets the amounts of
30 financial responsibility required by section 1605;

32 I. The operator of a vehicle owned by the State or a
34 political subdivision, or by a corporation that has complied
36 with section 1605, subsection 3, paragraph C; or

38 J. The owner of a vehicle operated by another individual 18
40 years of age or older when the owner was not negligent in
42 giving consent to that individual to use the vehicle.

44 2. Suspension. If within 30 days of the date of demand the
46 required proof has not been given, the Secretary of State shall:

48 A. Suspend the license of that person;

B. Suspend the registration of a vehicle owned by that
person; or

C. Suspend or deny the right to apply for a driver's
license or vehicle registration.

38 3. Duration of suspension. The suspension or period of
40 denial must continue until the person provides proof of financial
42 responsibility under section 1605.

44 4. Restricted license. If the Secretary of State finds
46 that suspension imposes an extreme hardship for which there is no
48 other practical remedy and that the safety of the public will not
be impaired and if judgment has not been rendered, the Secretary
of State may issue a restricted license, subject to restrictions,
conditions and immediate suspension if misused.

2 5. Waiver. The Secretary of State may waive the
requirement of filing proof of financial responsibility 3 years
4 from the date of demand for compliance, if no further proof is
required under this subchapter.

6 6. Insurance report. Within 15 days of receipt of notice
8 from the Secretary of State that a policy was carried at the time
of the accident or that the liability for damages was covered by
10 another form of insurance or bond, an insurance carrier shall
notify the Secretary of State if that policy was not in effect at
12 the time of the accident.

14 7. Erroneous information. If erroneous information of
financial responsibility is furnished, the Secretary of State
16 shall take appropriate action after the receipt of correct
information.

18 §1603. Suspension

20 1. Suspension of license or registration following
conviction. On receipt of an abstract of conviction of a person
22 for a violation of a motor vehicle law other than OUI, the
Secretary of State may suspend the license of that person and the
24 registration of a vehicle registered in the name of that person
until that person gives proof of financial responsibility under
26 section 1605.

28 2. Suspension of license or registration following OUI
convictions. On receipt of an attested copy of the court record
30 of an OUI conviction when the person has been previously
convicted within a 6-year period of OUI, the Secretary of State
32 may not reinstate the person's license until the person gives
proof of financial responsibility. The period of suspension
34 under this subsection may not be less than the original period of
suspension imposed for the conviction.

36 3. Minimum. After a conviction of a person for a violation
38 of a motor vehicle law and reinstatement of that person's license
and registration, the person shall maintain proof of financial
40 responsibility for at least 3 years.

42 4. Conviction in another state. The Secretary of State
shall take action as required in this section upon receiving
44 proper evidence of a conviction in another state.

46 5. Waiver. The Secretary of State may waive the demand for
proof of financial responsibility after 3 years from the date of
48 demand for proof.

6 6. General suspension. After an accident, the Secretary of
State, on reasonable grounds appearing on records in the
Secretary of State's office, may suspend a person's license or
4 registration until that person gives proof of financial
responsibility for a period as the Secretary of State may require.

6 7. Unsatisfied judgment. Upon receipt of a judgment
8 against the owner or operator of a vehicle involved in an
accident that resulted from a cause of action that arose from
10 that accident, the Secretary of State shall immediately suspend
the license and registration of the judgment debtor.

12 A. A suspension remains in effect until the owner or
operator has obtained a written release, a discharge in
14 bankruptcy or a judgment of no liability, has filed an
installment payment of judgment agreement pursuant to
16 section 1604 or has fully satisfied the judgment.

18 B. Prior to restoration, the owner or operator must provide
proof of financial responsibility.

20 8. Penalty. A person commits a Class E crime if that
22 person gives information required in a report of traffic accident
or otherwise as provided in this section, knowing or having
24 reason to believe that information is false.

26 9. Return license, certificates and plates. A person whose
28 license or registration has been suspended shall immediately
return every license, registration certificate and registration
30 plate issued to that person to the Secretary of State. A person
commits a Class E crime if that person, after notice of
32 suspension, fails or refuses to return every license,
registration certificate and registration plate.

34 §1604. Installment payment of judgment: default

36 1. Installment payment agreement. The Secretary of State
38 may restore any license and registration certificates and plates
suspended pursuant to section 1603, subsection 7, paragraph A
40 upon receipt of a court order permitting the judgment debtor to
make installment payments on the judgment if any installment is
42 not in default and the person files and maintains proof of
financial responsibility with the Secretary of State.

44 2. Default. Following notice that the judgment debtor has
46 failed to make any installment payment as specified by the order,
the Secretary of State shall suspend the license and registration
48 certificates and plates of the judgment debtor. The suspension
must continue until the judgment is completely satisfied or the

debtor has secured a written release from the judgment creditor in the form required by the Secretary of State.

§1605. Proof of financial responsibility

1. Requirements. To be accepted as proof of financial responsibility, a policy must:

A. Conform to section 1606, subsection 2;

B. Include the condition that the obligor must, within 30 days of rendition of judgment, satisfy the judgment in an action to recover damages:

(1) To property or for bodily injury, including death;

(2) Accidentally sustained during the term of the policy by a person other than the insured, employees of the insured actually operating the motor vehicle or another person responsible who is entitled to worker's compensation benefits; and

(3) Arising out of the ownership, operation, maintenance, control or use of a vehicle within the limits of the United States of America or Canada; and

C. Be in the amount or limit of at least:

(1) \$10,000 for damage to property;

(2) \$20,000 for injury to or death of any one person; and

(3) \$40,000 for one accident resulting in injury to or death of more than one person.

2. Scope of proof. Insurance in the minimum amounts listed in subsection 1, paragraph C must be furnished for each vehicle registered. Separate proof of financial responsibility is not required for a trailer, semitrailer, camp trailer or mobile home, registered to a person required to file proof of financial responsibility, that is covered by a policy on a vehicle registered by that person and provides the coverage required for a motor vehicle liability policy.

3. Methods of giving proof. Proof of financial responsibility may be given by the following methods:

A. By filing with the Secretary of State a certificate from an insurance or surety company;

B. By the deposit of money or securities; or

C. For a corporation, by satisfying the Secretary of State that the corporation has financial ability to comply with the requirements of this subchapter.

4. Money or securities deposited as proof. A person may give proof of financial responsibility by delivering to the Secretary of State a receipt of the Treasurer of State showing a deposit of money or securities approved by the Treasurer of State with a value or amount equal to that required in a policy.

Securities must be of a type that may legally be purchased by savings banks or for trust funds.

Money or securities deposited are subject to execution to satisfy a judgment, but are not otherwise subject to attachment or execution.

The depositor shall also provide evidence that there are no unsatisfied judgments against the depositor registered in the office of the clerk of any Superior Court in this State.

5. May substitute other proof. The Secretary of State shall return or cancel proof on acceptance of other adequate proof of financial responsibility.

6. Operating without giving proof. A person commits a Class E crime if that person is required to maintain proof of financial responsibility and, without authorization from the Secretary of State and without that proof, operates a vehicle or knowingly permits a vehicle owned by that person to be operated by another on a public way.

7. Restricted license. When a person is required to maintain proof of financial responsibility, the Secretary of State may issue a restricted license to that person authorizing the operation of a vehicle as long as the owner maintains proof of financial responsibility.

§1606. Filing

A policy may not be certified as proof of financial responsibility until a copy of the form of the policy has been on file with the Superintendent of Insurance for at least 30 days or the Superintendent of Insurance has approved in writing the form of the policy.

2 1. Form. The Superintendent of Insurance shall approve a
3 form of policy that contains:

4 A. The name and address of the insured;

6 B. A description of the vehicle covered;

8 C. The premium charges;

10 D. The policy period;

12 E. The limits of liability; and

14 F. An agreement that insurance is provided under this
16 subchapter.

18 2. Required provisions. Even if not expressed, a policy is
19 subject to the following provisions.

20 A. The liability of a company under a policy must become
22 absolute when the loss or damage covered by the policy
23 occurs.

24 B. Satisfaction by the insured of a final judgment for that
25 loss or damage may not be a condition precedent to the
26 obligation of the company to make payment on account of the
27 loss or damage.

28 C. A policy may not be canceled or annulled by an agreement
30 between the company and the insured after the insured has
31 become liable for loss or damage.

32 D. On recovery of a final judgment for a loss or damage
33 specified in this section, if the judgment debtor at the
34 accrual of the cause of action was insured against liability
35 under a policy, the judgment creditor may have the insurance
36 proceeds applied to satisfy the judgment.

38 E. The policy, the written application and a rider or
39 endorsement constitute the entire contract between the
40 parties.

42 F. If the death, insolvency or bankruptcy of the insured
43 occurs within the policy period, the policy must cover the
44 legal representatives of the insured during the unexpired
45 portion.

48 3. Default judgment. When the defendant has defaulted,
49 damages may not be assessed, except by special order of the

2 court, until expiration of 30 days after the plaintiff gives
3 notice of default to the company that issued the policy.

4 Notice may be given by mail, postage prepaid, to the company that
5 issued the policy or to its agent.

6 If satisfied that the insured has failed to comply with the terms
7 of the policy by failing to notify the company that issued the
8 policy of an accident, the Secretary of State may revoke the
9 insured's license and registration for an appropriate period.

12 4. Recovery may not be barred. A statement of the insured
13 or principal or a violation of the policy may not operate to
14 defeat or avoid the policy so as to bar recovery within the limit
15 provided in the policy.

18 5. Cancellation of policy. A policy certified as proof of
19 financial responsibility may not be canceled until at least 10
20 days after notice of cancellation has been filed in the office of
21 the Secretary of State.

22 A policy subsequently certified terminates on the effective date
23 of certification the insurance previously certified with respect
24 to a motor vehicle designated in both certificates.

26 The company may specify on a certificate the expiration date of
27 the policy. When an expiration date is provided, the policy is
28 deemed terminated for purposes of this chapter on and after that
29 date, unless that policy has been previously canceled or
30 superseded.

32 When an expiration date is not specified on the certificate, the
33 policy continues until canceled or superseded in accordance with
34 section 1605, subsection 5.

36 6. Company doing business in another state. A policy is
37 not effective unless issued by a company authorized to do
38 business in this State.

40 If a vehicle is not registered in this State on the effective
41 date of the policy, the policy is not effective unless the
42 company, if not authorized to do business in this State, executes
43 a power of attorney authorizing the Secretary of State to accept
44 service of notice or process on its behalf in any action on the
45 policy arising from an accident.

46 **§1607. Satisfied judgments**

48 1. Satisfaction. To meet the obligation of financial
49 responsibility only, a judgment is satisfied:
50

2 A. When \$20,000 has been credited on a judgment for bodily
4 injury to or death of one person as the result of one
accident rendered in excess of that amount;

6 B. Subject to paragraph A, when \$40,000 has been credited
8 on a judgment for bodily injury to or death of 2 or more
10 people as the result of one accident rendered in excess of
12 that amount; or

14 C. When \$10,000 has been credited on a judgment for injury
16 to or destruction of property of others as a result of one
18 accident rendered in excess of that amount.

20 2. Settlement payments. Payments made in settlement of a
22 claim for bodily injury, death or property damage arising from a
24 motor vehicle accident must be credited against the amounts
26 provided for in this section.

28 §1608. Hearing

30 1. Request for hearing. A person aggrieved by a decision
32 of the Secretary of State in applying this chapter, within 10
34 days after receipt of the decision, may request in writing a
36 hearing by the Secretary of State.

38 2. Stay of decision. Pending a hearing, the decision may
40 be stayed.

42 3. Determination of issuance. If the Secretary of State
44 holds a hearing to determine whether or not a license or
46 registration should be issued to a person against whom the
48 provisions of this subchapter have been invoked, the Secretary of
50 State shall provide notice of the hearing to the other party
involved in the accident that gave rise to this subchapter being
invoked.

52 §1609. Nonresidents; accidents in other states

54 1. Nonresidents. The following provisions apply to
56 nonresidents.

58 A. This chapter applies to a person who is not a resident
60 of this State.

62 B. If a nonresident has failed to give proof of financial
64 responsibility, that nonresident may not operate a vehicle
66 in this State and may not allow a vehicle owned by that
68 nonresident to be operated in this State.

2 C. The Secretary of State may not issue to a nonresident a
4 license or register a vehicle owned by a nonresident in the
6 same manner as required with respect to a resident of this
8 State.

10 D. The operation by a nonresident, or with a nonresident
12 owner's express or implied consent, of a vehicle on a public
14 way acts as an appointment of the Secretary of State to be
16 the nonresident's attorney, on whom may be served all lawful
18 processes in an action growing out of an accident in which
20 that nonresident or vehicle may be involved.

22 E. When a nonresident's operating privilege is suspended,
24 the Secretary of State shall transmit a certified copy of
26 the record of that action to the appropriate official in the
28 nonresident's state.

30 2. Accidents in other states. On receipt of certification
32 that the operating privilege of a resident of this State has been
34 suspended or revoked by another state for failure to provide
36 proof of financial responsibility under circumstances that
38 require the Secretary of State to suspend a nonresident's
40 operating privilege had an accident occurred in this State, the
42 Secretary of State may suspend the license of that resident and
44 the registrations of vehicles owned by that resident.

46 The suspension may continue until the resident furnishes proof of
48 compliance with the law of the other state.

50 §1610. Savings clause

52 This chapter does not limit a plaintiff in a civil action
54 from relying on other processes provided by law.

56 §1611. Insurance, bond or self-insurance required

58 1. Insurance, bond or self-insurance required. The
60 Secretary of State may not register any motor vehicle for rent,
62 lease, hire or livery and a person may not operate or cause to be
64 operated on any public highway in the State such a motor vehicle
66 until the owner or owners of that vehicle procure insurance or a
68 bond covering the operation of that vehicle by:

60 A. Presenting a valid and sufficient insurance policy from:

62 (1) An insurance company authorized by the
64 Superintendent of Insurance to transact business in
66 this State; or

2 (2) With the approval of the Secretary of State, an
4 insurance company authorized to transact business in
6 any state that provides an indemnity bond bonding the
8 insurance company in an amount the Secretary of State
10 prescribes and having as surety a surety company
12 authorized by the Superintendent of Insurance to
14 transact business in this State.

16 B. Presenting a good and sufficient indemnity bond,
18 approved by the Secretary of State, bonding the applicant in
20 an amount the Secretary of State prescribes and having as
22 surety 2 responsible individuals or a surety company
24 authorized to transact business in this State; or

26 C. Presenting a declaratory judgment issued by the
28 Interstate Commerce Commission authorizing the owner to
30 self-insure.

32 2. Minimum insurance requirements. The minimum insurance
34 requirements are as follows.

36 A. There is a \$350,000 combined single limit for rental
38 vehicles, emergency vehicles and for-hire transportation
40 vehicles for transporting freight or merchandise but not
42 passengers.

44 B. For vehicles used exclusively to transport passengers
46 for hire between points within the State, including motor
48 vehicles under contract with the State, a municipality or a
50 school district for the transportation of students, but not
vehicles defined as school buses in section 2301, subsection
4, there is a combined single limit of:

(1) For vehicles with 7 or fewer passengers, \$300,000;

(2) For vehicles with 8 to 15 passengers, \$750,000;

(3) For vehicles with 16 to 30 passengers, \$1,500,000;
and

(4) For vehicles with 31 or more passengers,
\$2,000,000.

44 C. For vehicles used to transport passengers for hire
46 between points within the State and points outside the
48 State, but not vehicles defined as school buses in section
50 2301, subsection 4, or vehicles under contract with the
State, municipality or school district for the
transportation of students, there is a combined single limit
of:

2 (1) For vehicles with 15 or fewer passengers,
4 \$1,500,000; and

6 (2) For vehicles with 16 or more passengers,
8 \$5,000,000.

10 The Secretary of State shall mark or stamp for-hire vehicle
12 registrations not in compliance with this paragraph as
14 "intrastate only." Car pools or van pools as defined in
16 section 556, subsection 6 and taxicabs are exempt from the
18 provisions of this paragraph but are subject to the
20 provisions of paragraph B.

22 D. For school buses as defined in section 2301, subsection
24 4 there is a combined single limit of:

26 (1) For school buses with up to 30 passengers,
28 \$500,000; and

30 (2) For school buses with 31 or more passengers,
32 \$1,000,000.

34 3. Maintenance of insurance. The owner or owners of any
36 vehicle subject to this section shall maintain at all times the
38 required amount of insurance or bond during the term of the
40 vehicle's registration. For vehicles registered in this State,
42 the Secretary of State shall immediately suspend or revoke,
44 pursuant to chapter 23, the registration certificate and
46 registration plates of any vehicle for which the insurance or
48 bond in the amounts required is not maintained. Any person whose
50 registration certificate, registration plates and operating
authority license have been suspended or revoked pursuant to this
section shall immediately return the registration certificate,
registration plates and the operating authority license to the
Secretary of State. For vehicles not required to be registered
in this State, the Secretary of State shall suspend the person's
operating authority license or right to operate in this State.

4. Additional requirements. In addition to this section,
those for-hire carriers not exempted under section 556 must
comply as required pursuant to sections 552 and 553.

5. Coverage of insurance or bond. The required insurance
policy or bond must adequately provide liability insurance for
the collection of damages for which the holder of a permit or the
owner of a motor vehicle or vehicles may be liable by reason of
the operation of a motor vehicle or vehicles subject to this
chapter.

6. Exemption. All vehicles owned by a municipality or school district are exempt from the insurance requirements established in this section.

§1612. Insurance before registration for dealers and transporters

The Secretary of State may not issue a dealer, transporter, loaner, motorcycle dealer or trailer dealer license or registration plates under chapter 9, subchapter I, except to any equipment dealers or dealers who are only licensed to sell trailers with a gross vehicle weight rating of 3,000 pounds or less, and which do not request dealer registration plates in conjunction with the license, until the applicant 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, insuring against any legal liability in accordance with the terms of that policy for personal injury or death of any one person in the sum of \$20,000 and for any number of persons in the sum of \$40,000 and against property damage in the sum of \$10,000 which injury, death or damage may result from or have been caused by the operation of any vehicle bearing such registration plates. In lieu of such insurance, the applicant may file with the Secretary of State a bond or bonds issued by a surety company authorized to do business in the State in the amount of at least \$20,000 on account of injury to or death of any one person and subject to such limits as respects injury to or death of one person; of at least \$40,000 on account of any one accident resulting in injury to or death of more than one person; and of at least \$10,000 for damage to property of others.

Notwithstanding Title 4, section 1151, subsection 2 and Title 5, sections 10003 and 10051, the Secretary of State has the authority to suspend a motor vehicle dealer license upon the dealer's failure to maintain insurance as required by this section.

The operation, or the release for operation, of any vehicle registered under chapter 9, subchapter I that is not in compliance with this section is a Class E crime.

SUBCHAPTER III

VICARIOUS LIABILITY

§1651. Liability for minor

An owner who knowingly permits a minor to operate that owner's vehicle on a public way is jointly and severally liable with that minor for damages caused by the negligence of the minor in operating that vehicle.

§1652. Owner and renter jointly and severally liable

1. Liability. An owner engaged in the business of renting motor vehicles, with or without drivers, who rents a vehicle to another for use on a public way, is jointly and severally liable with the renter for damage caused by the negligence of the renter in operating the vehicle and for any damages caused by the negligence of a person operating the vehicle by or with the permission of the renter.

2. Applicability. This section does not apply to a rental as part of a bona fide transaction involving the sale of a motor vehicle.

3. Limitation. This section does not give to a passenger in a rented vehicle a right of action against the owner.

4. Contributory negligence. This section does not affect contributory negligence as a defense.

§1653. Allowing impaired operator

1. Liability. An owner or person having control of a motor vehicle who, having knowledge or reason to know that a person is under the influence of intoxicating liquor or drugs or has a blood-alcohol level of .08% or more by weight of alcohol in the blood, permits that person to operate that motor vehicle is jointly and severally liable with that person for damages caused by the negligence of the person.

2. Not exclusive. This section does not limit and does not diminish any cause of action or right of recovery that is or may become available under the common law.

CHAPTER 15

INSPECTION AND REPAIR

SUBCHAPTER I

INSPECTION

§1751. Motor vehicle inspection

2 1. Inspection required. Except as provided in this chapter
3 or section 2307, subsection 1, a motor vehicle required to be
4 registered in this State must have an annual inspection. A
5 person may have a motor vehicle inspected more frequently.

6 2. Equipment subject to inspection. The following equipment
7 is subject to inspection:

8 A. Body components:

10 B. Brakes:

12 C. Exhaust system:

14 D. Glazing:

16 E. Horn:

18 F. Lights and directional signals:

20 G. Rearview mirrors:

22 H. Reflectors:

24 I. Running gear:

26 J. Safety seat belts on 1966 and subsequent models:

28 K. Steering mechanism:

30 L. Tires:

32 M. Windshield wipers:

34 N. Catalytic converter on 1983 and subsequent models; and

36 O. Filler neck restriction on 1983 and subsequent models.

38 3. Inspection fee. The inspection fee is \$6 for each
40 inspection and is payable whether the vehicle passes inspection
41 or not.

42 4. Emission inspection. After July 1, 1994, a motor
44 vehicle required to be inspected pursuant to Title 38, chapter 28
45 and rules adopted pursuant to that chapter must have a valid
46 certificate of inspection or waiver before a motor vehicle safety
47 inspection may be conducted.

48 §1752. Motor vehicles exempt from inspection
50

The following are exempt from inspection:

2 1. Registered in another state. A motor vehicle owned and
3 registered in another state and displaying a valid certificate of
4 inspection from another state or a federally approved commercial
5 vehicle inspection program:

6 2. Farm tractors. A farm tractor:

7 3. Antique autos. An antique auto registered under section
8 455:

9 4. Farm truck. A farm truck that:

10 A. Is operated within a 20-mile radius from the main
11 entrance of the farm where the vehicle is customarily kept;

12 B. Has a partial annual inspection of the running gear,
13 steering mechanism, brakes, exhaust system, lights and
14 equipment under section 1917, subsection 3; and

15 C. Bears the name of the municipality in which the excise
16 tax is paid in 4-inch letters on the left door of the cab;

17 5. Island vehicles. A motor vehicle that is:

18 A. Used for the conveyance of passengers;

19 B. Registered for a fee of \$2 under section 501, subsection
20 2; and

21 C. Operated exclusively on an island having no roads
22 maintained or supported by the State;

23 6. Motorized bicycle or tricycle. A motorized bicycle or
24 tricycle:

25 7. Fish truck. A fish truck that:

26 A. Is operated within a 20-mile radius of the municipality
27 where excise tax on the truck is paid;

28 B. Has a partial annual inspection consisting of the
29 running gear, steering mechanism, brakes, exhaust system and
30 lights under section 1917, subsection 3; and

31 C. Bears the name of the municipality in which the excise
32 tax is paid in 4-inch letters on the left door of the cab;
33

2 B. Woods tractor. A converted motor vehicle used as a
3 woods tractor that:

4 A. Is operated within a 10-mile radius of the farm where
5 the vehicle is customarily kept or in the immediate vicinity
6 of the work site where wood is being harvested;

7 B. Is operated only in daylight hours; and

8 C. Has a partial annual inspection of running gear,
9 steering mechanism, brakes, exhaust system and equipment
10 under section 1917, subsection 3; and

11 9. Registered in this State. A motor vehicle registered in
12 this State displaying a valid certificate of inspection from
13 another state or a federally approved commercial vehicle
14 inspection program until its normal expiration.

15 §1753. Inspection of commercial vehicles, trailers and
16 semitrailers

17 1. Inspection required. Except as provided in subsection
18 4, a commercial motor vehicle that is required to be registered
19 in this State, is used in intrastate or interstate commerce and
20 that has a gross vehicle weight or gross vehicle weight rating
21 greater than 10,000 pounds, including the gross vehicle weight
22 rating or gross weight of any trailer or semitrailer, must be
23 inspected annually. A trailer or semitrailer used with a
24 commercial vehicle required to be inspected must also be
25 inspected.

26 2. Scope of inspection. The Chief of the State Police
27 shall adopt rules for the inspection required by subsection 1
28 that meet the requirements of 49 Code of Federal Regulations,
29 Section 396.17.

30 3. Fee. The fee for an inspection under this section is
31 based on the inspector's normal hourly labor charge and is due
32 whether or not the vehicle passes inspection. A licensed
33 inspection station must post the hourly labor charge in a
34 conspicuous place.

35 4. Vehicles exempt from annual inspection. The following
36 vehicles are exempt from the requirements of this section:

37 A. When used exclusively in intrastate commerce, a trailer
38 or semitrailer with a gross vehicle weight, including any
39 load, that does not exceed 3,000 pounds;

40 B. When used exclusively in intrastate commerce, a
41 semitrailer designed and used exclusively for dispensing
42 cable from reels attached to the semitrailer, commonly
43 called a reel trailer, and any semitrailer designed and used
44 exclusively to support the ends of poles being transported,
45 commonly called a pole dolly, when the gross weight of the
46 semitrailer and load does not exceed 12,000 pounds;

47 C. Any mobile home or empty storage trailer displaying a
48 trailer transit plate in accordance with section 954,
49 subsections 4 and 5;

50 D. A farm truck or a fish truck exempted under section
51 1752; and

52 E. A trailer or semitrailer displaying a valid certificate
53 of inspection from another state or a federally approved
54 commercial vehicle inspection program until the normal
55 expiration of its certificate of inspection.

56 5. Proof of inspection. Proof of inspection must be shown
57 either by a report that certifies that the inspection satisfies
58 the requirements of this section or by an inspection sticker
59 placed on the vehicle. If proof is shown by a report, the report
60 must be produced on the demand of a law enforcement officer.

61 §1754. Inspection by dealers and transporters

62 1. Inspection standards. A holder of a dealer license or a
63 transporter registration certificate may permit a vehicle to be
64 operated on a public way only if the vehicle:

65 A. Meets inspection standards;

66 B. Is owned by the dealer or holder of the transporter
67 registration certificate and is operated by the owner or the
68 owner's employee for the sole purpose of travelling to a
69 body repair establishment and is mechanically safe but
70 requires body repairs;

71 C. Is sold or transferred to another person, meets
72 inspection standards and displays a valid certificate of
73 inspection issued within 60 days of the sale or transfer; or

74 D. If operated by a dealer or holder of a transporter
75 registration certificate, is operated only from a point of
76 purchase to the licensee's place of business. For the
77 purposes of this paragraph, "point of purchase" includes,
78 but is not limited to, an auto auction, distribution center
79 or another licensed vehicle dealer.

2 This subsection does not allow the operation of an unsafe motor
4 vehicle on a public way.

6 2. Remove prior certificate. If the vehicle bears a prior
8 inspection certificate, that certificate must be removed.

10 3. Violations. The provisions of this subsection apply to
12 violations of this section:

14 A. A violation of this section is a traffic infraction for
16 which a penalty of not more than \$1,000 for each violation
18 may be assessed.

20 B. A violation of this section is also a violation of the
22 provisions governing unfair trade practice under Title 5,
24 chapter 10.

26 C. It is not a defense to this section that the dealer or
28 holder did not know that the vehicle did not meet inspection
30 standards or required a certificate.

32 §1755. Inspection of fire trucks

34 A fire chief, or a municipal official of a municipality
36 without a fire chief, may contract with a licensed inspection
38 station for a licensed inspection mechanic to perform an
40 inspection at the location where fire trucks are customarily kept.

42 §1756. Inspection standards

44 1. Inspection standards. Equipment subject to inspection
46 must:

48 A. Be in good working order;

50 B. Be safely attached or secured to the chassis or body of
the vehicle;

C. Be mechanically safe;

D. Not pose a hazard to the occupant of the vehicle or to
the general public; and

E. Meet the standards set forth in rules adopted by the
Chief of the State Police;

2. Inspection standard for catalytic converter.
Notwithstanding the inspection standards of subsection 1, a
catalytic converter subject to the inspection required by section

2 1751, subsection 2, paragraph N must meet the rules promulgated
4 by the Chief of the State Police and must be safely attached or
6 secured to the chassis or body of the vehicle.

8 3. Windows. In addition to the standards set forth in
10 subsection 1, windows must meet the standards of sections 1915
12 and 1916.

14 4. Fenders. Except as provided by section 1953, subsection
16 2, paragraph E, a motor vehicle must be equipped with fenders or
18 fenders and extensions. When a wheel and tire are installed that
20 permit the tire tread to extend beyond the natural fender
22 configuration, the fenders must be modified or extended to cover
24 the exposed tire tread.

26 5. Safety seat belts. On 1980 and subsequent models,
28 safety seat belts must be inspected to ensure that:

30 A. The motor vehicle has the proper number for that make
32 and model; and

34 B. Each belt is fully functional.

36 §1757. Standard for rejection for nonfunctioning equipment

38 A motor vehicle must be rejected for violation of the
40 inspection standard for equipment if any equipment described in
42 section 1751, subsection 2 does not function sufficiently for the
44 safety of the general public or is loose and not securely
46 attached to the vehicle.

48 §1758. Issuance of sticker; placement on vehicle

1. Windshield placement. If a motor vehicle meets the
inspection standard, an official inspection sticker must be
placed in the lower left-hand corner of the windshield or in the
center of the windshield in back of the rearview mirror.

2. Without windshield. If the vehicle is not normally
equipped with a windshield, the certificate of inspection must be
kept with the registration certificate of the vehicle.

§1759. Temporary permits and warnings

1. Issuance. A law enforcement officer or employee of the
Bureau of Motor Vehicles designated by the Secretary of State may
issue a permit allowing operation of an uninspected vehicle to an
inspection station for inspection.

2 2. Reconstructable vehicle. This section does not apply to
reconstructable motor vehicles as defined in Title 10, section
1471.

4 3. Warning. The owner or operator of a vehicle operated
6 with an expired inspection sticker during the first month
immediately after expiration may not be issued a summons to court
8 by may only be issued a warning. This warning must state that
the vehicle must be inspected within 2 business days. Failure to
10 comply with a warning is a violation punishable in accordance
with section 1768.

12 §1760. Examination and impoundment of vehicles

14 1. Examination for compliance. A law enforcement officer
16 in uniform may stop and examine a motor vehicle to determine if
the vehicle's equipment complies with the requirements of section
1756.

20 2. Scope of inspection. The officer may demand and inspect
the driver's license, certificate of registration, permits and
22 the identification numbers of the motor vehicle.

24 3. Violation of law. If an officer has probable cause to
believe that a violation of law has taken or is taking place,
26 that officer, if the officer provides some form of identification
to the operator, may stop a motor vehicle for the purpose of:

28 A. Arresting the operator for a criminal violation;

30 B. Issuing the appropriate written process for a criminal
32 or civil violation; or

34 C. Questioning the operator or occupants.

36 4. Impoundment. When a motor vehicle is operated by a
person not able to produce a registration certificate, or by a
38 person other than the person in whose name the vehicle is
registered and the operator is unable to present reasonable
40 evidence of authority to operate that vehicle, an officer may
impound and hold that vehicle until that vehicle is claimed by
42 the registered owner or until the registered owner verifies the
authority of the operator. The registered owner must be notified
44 immediately of the impoundment.

46 5. Probable cause for inspection. A law enforcement
officer may require the operator to proceed to an official
48 inspection station and submit the vehicle to an inspection and
tests as may be appropriate, on reasonable grounds to believe
50 that:

2 A. A vehicle is unsafe or not equipped as required by law;
or

4 B. The vehicle's equipment does not conform to the
6 inspection standard.

8 6. Violation. A person is guilty of a Class E crime if
that person, while operating a vehicle in violation of this
10 Title, fails or refuses to give that person's correct name,
address and date of birth to a law enforcement officer.

12 §1761. Certified inspection mechanics

14 1. Performance of inspection. No person other than a
holder of an inspection mechanic's certificate may perform an
16 inspection, or issue or sign a certificate of inspection.

20 2. Requirements for inspection mechanics certification. To
receive an inspection mechanic's certificate, an applicant must:

22 A. Pass a written or oral examination that is designed to
test knowledge of motor vehicle inspection and the method of
24 inspecting and testing motor vehicle equipment; and

26 B. Be a person of honesty, integrity and reliability.

28 3. Examination fee. Applicants for inspection mechanic's
certification must pay to the Chief of the State Police a fee of
30 \$1 for an application for examination or for renewal of a
certificate.

32 4. Term of certification. An inspection mechanic's
34 certificate is valid for a period of 5 years from the date of
issue.

36 5. Renewal. An examination is not required if application
38 for a renewal is made within one year of expiration.

40 6. Remission of certificate. If the holder of an
inspection mechanic's certificate no longer performs inspections,
42 the certificate must be remitted immediately to the Chief of the
State Police.

44 7. Notification of change in place of employment. Prior to
inspecting vehicles for a new employer, the holder of an
46 inspection mechanic's certificate shall notify the Chief of the
48 State Police of a change of place of employment.

50 §1762. Official inspection stations

2 1. Licensing of official inspection stations. The Chief of
4 the State Police may license garages as official inspection
6 stations.

6 2. Requirements. To qualify as an official inspection
8 station, a garage must meet the following requirements and the
10 rules adopted by the Chief of the State Police.

10 A. The buildings must be structurally sound with a level
12 floor and sufficient width and length for inspections.

12 B. Doors must be of sufficient size to accommodate the
14 class of vehicle indicated in the station license.

14 C. The station must be equipped with a screen or chart and
16 other equipment approved by the Chief of the State Police to
18 test lights and other motor vehicle equipment subject to
20 inspection.

20 D. The station must employ a certified inspection mechanic.

22 E. The station must perform vehicle inspections while it is
24 open to the general public.

24 3. Examination of premises and operator of garage. Before
26 a license is granted, the premises must be examined and the
28 operator of the garage investigated as to reliability and fitness.

28 4. Term of license. The license is valid for 2 years from
30 January 1st of the year of issue.

30 5. Licenses not transferable. A license may not be
32 assigned or transferred or used at other than a designated
34 location.

34 6. Posting of license on premises. A license must be
36 posted in a conspicuous place at the designated location.

36 §1763. Suspension or revocation of license or inspection
38 mechanic's certificate

38 Notwithstanding Title 5, section 10003, a State Police
40 officer may immediately suspend or revoke the license issued to
42 any official inspection station or the inspection mechanic's
44 certificate issued to any inspecting mechanic for a violation of
46 this chapter or the rules promulgated pursuant to section 1769.
48 The penalty for a first offense is a license suspension for a
period of 6 months. The penalty for a 2nd or subsequent offense

2 is a license suspension for a period of one year or license
4 revocation.

4 Pursuant to Title 5, chapter 375, the Chief of the State
6 Police or the chief's designee shall schedule a hearing, if
8 requested by the owner of an official inspection station, an
10 employee of that station or the inspection mechanic, to review
12 the suspension or revocation. The suspension or revocation
14 remains in effect pending the final agency decision and during
16 any appeal of that decision.

12 §1764. Fleet inspection stations

14 1. License by Chief of the State Police. The Chief of the
16 State Police may license fleet inspection stations to inspect 10
18 or more motor vehicles registered in the name of a single owner.

18 2. Requirements. To qualify as a fleet inspection station,
20 a station must:

20 A. Meet the standards of section 1762, subsection 2,
22 paragraphs A, B and C; and

24 B. Have at least 10 vehicles registered in the name of the
26 fleet inspection station owner or be under contract to the
28 owner of the fleet of vehicles for exclusive maintenance.

28 3. Limit to fleet vehicles. Fleet station inspections are
30 limited exclusively to fleet vehicles.

30 4. Employment of certified inspection mechanics. A fleet
32 inspection station must employ a sufficient number of certified
34 inspection mechanics to inspect every vehicle in the fleet
36 annually.

36 A certified inspection mechanic may inspect fleets of vehicles at
38 the fleet station, if proper inspection equipment is available.

38 Fleet vehicles must be inspected by a certified inspection
40 mechanic who may issue and sign inspection certificates.

40 Fleet vehicle inspectors are subject to the same provisions as
42 certified inspection mechanics.

42 §1765. Out-of-doors inspections

44 A certified inspection mechanic may inspect a vehicle
46 out-of-doors if:
48

2 1. Class of vehicles. The vehicle conforms to the class of
3 vehicle that the inspection station license authorizes for
4 inspection; and

5 2. Altered vehicles. Alterations or additions to the basic
6 design or structure of the vehicle not produced by the original
7 manufacturer prevent the vehicle from entering inside the
8 inspection station.

10 §1766. Inspection stickers

12 1. Stickers remain property of State. Inspection stickers
13 and materials issued to inspection stations by the Chief of the
14 State Police remain the property of the State.

16 2. Stock of stickers. An inspection station must stock a
17 sufficient number of stickers to meet all demands. The stickers
18 must be made of such material and quality of adhesive as
19 prescribed by the Chief of the State Police.

22 3. Fee. Stickers are furnished by the Chief of the State
23 Police at \$1 each.

24 4. Statement of intent to hire a certified mechanic. If a
25 station is disqualified by the loss of a certified mechanic, the
26 owner shall, within 5 working days, return all stickers to the
27 Chief of the State Police.

28 The owner may file a statement of intent to hire a certified
29 inspection mechanic within 14 working days, in which case the
30 Chief of the State Police shall hold the returned stickers for
31 the licensee.

34 If a statement of intent is not filed, returned stickers may be
35 reissued.

36 5. Return or refund of unused stickers. Within 20 working
37 days of the calendar year or the suspension, revocation or
38 termination of an inspection license, unused or expired stickers
39 must be returned to the Chief of the State Police and the
40 purchase price refunded or exchanged for current year stickers.
41 Refunds or exchanges may only be made for full sheets of unused
42 stickers.

44 6. Return of inspection materials. Upon suspension,
45 revocation or termination of an inspection license, the station
46 owner or manager shall return all inspection materials to the
47 Chief of the State Police, who shall issue a receipt for the
48 returned materials.

2 §1767. Disposition of fees

3 The revenues generated by this chapter must be credited to
4 the General Highway Fund.

6 §1768. Unlawful acts

8 1. Display of fictitious certificate. A person commits a
9 Class E crime if that person displays or permits to be displayed
10 on a vehicle a certificate of inspection knowing the certificate
11 to be fictitious or issued to another vehicle or issued without
12 an inspection having been made.

14 2. Use of counterfeit certificate of inspection. A person
15 commits a Class E crime if the person makes, possesses, issues or
16 knowingly uses an imitation or counterfeit of an official
17 certificate of inspection or a certificate of inspection that was
18 not issued by an official inspection station in accordance with
19 law.

22 3. Misrepresentation of vehicle inspection station. A
23 person commits a Class E crime if that person represents a place
24 as an official inspection station and the station is not
25 operating under a valid license.

26 4. Issuance of certificate for substandard vehicle. A
27 person commits a Class E crime if that person knowingly causes an
28 official inspection sticker to be attached to a vehicle that does
29 not conform to the inspection standard.

32 5. Operation of defective vehicle. A person commits a
33 Class E crime if that person operates a vehicle on a public way
34 with equipment on the vehicle that does not conform to the
35 standards of this subchapter.

36 6. Alteration after inspection. A person commits a Class E
37 crime if that person alters equipment after inspection so that
38 the equipment does not conform to the standards of this
39 subchapter.

42 7. Operation of vehicle without certificate of inspection.
43 An owner or operator of a vehicle required to be inspected
44 commits a traffic infraction if that person operates that vehicle
45 or permits that vehicle to be operated without displaying a
46 current and valid certificate of inspection or producing the
47 certificate on demand of a police officer.

48 8. General penalty. Notwithstanding Title 17-A, and unless
49 otherwise specified, a violation of this chapter is a Class E

2 crime, punishable by a fine of not less than \$25 nor more than
3 \$500 or by imprisonment for not more than 30 days, or by both.

4 9. Traffic infraction. A violation of the rules adopted by
5 the Chief of the State Police pertaining to this subchapter is a
6 traffic infraction subject to a forfeiture of not less than \$25
7 nor more than \$250.

8 **§1769. Rules**

9 1. Scope. The Chief of the State Police may adopt rules:

10 A. For the administration and enforcement of this chapter;

11 B. To designate periods of time during which owners of
12 vehicles must display or produce a certificate of
13 inspection; and

14 C. Concerning the inspection of registered special mobile
15 equipment not ordinarily operated over the highway.

16 2. Review of rules by Legislature. The joint standing
17 committee of the Legislature having jurisdiction over
18 transportation matters must review the rules prior to adoption.

19 **SUBCHAPTER II**

20 **REPAIR**

21 **§1801. Definitions**

22 As used in this subchapter, unless the context otherwise
23 indicates, the following terms have the following meanings.

24 1. Customer. "Customer" means a person, including, but not
25 limited to, an agent, who contracts with a repair facility for
26 repair of a motor vehicle.

27 2. Flat rate. "Flat rate" means a method of calculating
28 charges for labor that is based on the specific repair done and
29 not on the amount of time actually spent on that repair.

30 3. Repair. "Repair" means the examination, maintenance,
31 servicing, adjustment, improvement, replacement, removal or
32 installation of a part of a motor vehicle, including, but not
33 limited to, body work, painting and incidental services such as
34 storage and towing, and excluding the sale of motor fuel.

35 4. Repair facility. "Repair facility" means a motor vehicle
36 repair facility offering services to the general public for
37 compensation.

38 **§1802. Maximum charge for repair**

39 1. Written designation by customer. Before a repair
40 facility begins repairing a customer's motor vehicle, the
41 customer may designate in writing a specific amount of charges
42 for repair in excess of which the customer does not agree to be
43 liable without further specific agreement, either oral or written.

44 2. No liability without agreement. A customer is not
45 liable for a charge in excess of the specific amount designated
46 in accordance with subsection 1 without further specific oral or
47 written agreement.

48 **§1803. Inspection of parts**

49 Before demanding payment of any charge, a repair facility
50 must allow a customer to inspect replaced parts and must return
51 replaced parts to the customer on request unless the facility is
52 required to return the parts to the manufacturer or distributor
53 under a bona fide warranty or exchange arrangement.

54 **§1804. Used parts**

55 Unless the customer specifically agrees before installation
56 of the part, a repair facility may not install a used,
57 reconditioned or rebuilt part.

58 **§1805. Notices**

59 1. Form of notice. A repair facility must post the
60 following notice in a place where it is reasonably likely to be
61 seen by customers. The notice must be completed with information
62 on charges and printed so that it is conspicuous and can be read
63 by the average person.

64 The following form must be used:

65 **"NOTICE TO OUR CUSTOMERS**

66 **REQUIRED UNDER STATE LAW**

67 Before we begin making repairs, you have a right to put in
68 writing the total amount you agree to pay for repairs. You will
69 not have to pay anything over that amount unless you agree to it
70 when we contact you later.

2 Before you pay your bill, you have a right to inspect any
3 replaced parts. You have a right to take with you any replaced
4 parts, unless we are required to return the parts to our
5 distributor or manufacturer.

6 We can not install any used or rebuilt parts unless you
7 specifically agree in advance.

8 You can not be charged any fee for exercising these rights.
9 WE CHARGE \$ _____ PER HOUR FOR LABOR.
10 (We round off the time to the nearest _____.)"

11 2. Flat rate. The notice must also contain the following
12 if it applies:

13 "We also charge a flat rate for some repairs. Our service
14 manager will explain what a flat rate is and show you how much it
15 may cost you."

16 3. Availability of guide. The notice must also contain the
17 following:

18 "The current edition of the National Automobile Dealer's
19 Association Official Used Car Guide New England Edition is
20 available for your review upon request."

21 **§1806. Fee prohibited**

22 A repair facility may not, directly or indirectly, charge a
23 fee for performing an obligation or for exercising a right under
24 this subchapter.

25 **§1807. Unfair trade practice**

26 A repair facility's failure to comply with this subchapter
27 constitutes an unfair trade practice under Title 5, chapter 10.

28 **§1808. Waiver prohibited**

29 The duties imposed by and rights created under this
30 subchapter may not be waived or otherwise modified. Any waiver
31 or modification is contrary to public policy and is void and
32 unenforceable.

33 **§1809. Savings clause**

34 This subchapter is in addition to and does not limit or
35 replace other rights or procedures provided by statute or common
36 law.

2 **SUBCHAPTER III**

3 **ABANDONED VEHICLES**

4 **§1851. Application**

5 This subchapter applies to a vehicle that is:

6 1. Towed at request of owner or driver. Towed at the
7 request of the owner or driver;

8 2. Towed because illegally parked or left standing. Towed
9 pursuant to section 2068;

10 3. Towed because left without permission. Towed after
11 being left on property without permission;

12 4. Left without permission. Left on property without the
13 permission of the property owner or person in charge of the
14 property or premises where the vehicle is located; or

15 5. Left after repair completed. Left at a place of
16 business after being repaired pursuant to a written work order
17 signed by the person requesting the repair work.

18 A vehicle towed for snow removal purposes is exempt from the
19 provisions of this subchapter for 48 hours immediately following
20 completion of the tow.

21 **§1852. Abandonment defined**

22 For the purposes of this subchapter, a vehicle is considered
23 "abandoned" if the owner or lienholder does not retrieve it and
24 pay all reasonable charges for towing, storing and authorized
25 repair of the vehicle within 14 days of publication as required
26 by section 1854 or within 14 days of receipt of the notice
27 required by section 1855.

28 **§1853. Letter of ownership or certificate of title**

29 If a person abandons a vehicle as described in section 1851,
30 the owner of the premises or property where the vehicle is
31 located may obtain a letter of ownership or a certificate of
32 title by complying with this subchapter.

33 **§1854. Unknown owner**

34 1. Inquiry in writing. If the owner of a vehicle is
35 unknown, the owner of the premises where the vehicle is located
36 shall inquire of the Secretary of State in writing whether the
37 vehicle is abandoned.

Secretary of State's records contain information as to the owner and lienholder, if any, of the vehicle.

2. Contents of inquiry. This inquiry must include the vehicle's make, model, year, body type, vehicle identification number and any registration and plates on the vehicle.

3. Response. On receipt of the inquiry, the Secretary of State shall provide the holder of the vehicle with the name and address of the vehicle's owner and lienholder or shall state that no record of the vehicle is on file.

4. Publication. If the Secretary of State finds no record of the vehicle, the owner of the premises where the vehicle is located shall publish a notice at least twice in a newspaper of general circulation in the county where the premises is located. That notice must clearly:

A. Describe the vehicle;

B. State that if the owner of the vehicle or lienholder has not properly retrieved it and paid all reasonable charges for its towing and storage within 14 days from date of last publication, ownership of the vehicle will pass to the owner of the premises where the vehicle is located; and

C. State how the owner of the premises may be contacted.

§1855. Owner or lienholder known

1. Mailing of notice. If the owner of a vehicle is known, the owner of the premises where the vehicle is located shall mail notice to the owner. If the lienholder is known, notice must also be sent to the lienholder.

2. Contents; demand. The notice must clearly describe the vehicle and must give the vehicle's location and the storage fee. The notice must state that if the owner or lienholder has not properly retrieved the vehicle and paid all reasonable charges for towing, storage and authorized repair work within 14 days of receipt of the notice, ownership of the vehicle will pass to the owner of the premises where the vehicle is located.

3. Mailing. The notice must be sent by certified mail, return receipt requested. If the notice is returned unclaimed or can not be delivered, the person required to give the notice shall comply with the publication requirements of section 1854 within 10 work days of the return of the notice.

§1856. Change of ownership

1. Evidence of compliance. A person who has complied with section 1854 or 1855 shall present evidence of compliance to the Secretary of State immediately after the 14-day notice period. The Secretary of State may not issue a letter of ownership or certificate of title until at least 30 days after the date on which the person first has possession of and control over the vehicle.

2. Issuance of certificate; letter of ownership. The Secretary of State, upon being satisfied that the person has notified or has attempted to notify all parties with an interest to the vehicle, may issue certificates of title or letters of ownership as follows.

A. For a vehicle not required to be titled, on presentation of sufficient evidence and payment of a \$5 fee, the Secretary of State may issue a letter of ownership to the owner of the premises on which the vehicle is located.

B. For vehicles subject to chapter 7, on presentation of sufficient evidence and application for certificate of title in accordance with section 654 and payment of a fee set forth in section 603, the Secretary of State may issue a certificate of title to the owner of the premises on which the vehicle is located.

If the owner or lienholder of the vehicle retrieves it and pays the towing, storage and repair charges before the Secretary of State issues a letter of ownership or certificate of title, the person holding the vehicle must immediately release it to the person paying the charges and must immediately notify the Secretary of State of the release.

§1857. Limits

If the inquiry to the Secretary of State required by section 1854 or the notice required by section 1855 is made more than 30 days after receipt of a vehicle described in section 1851, the person holding the vehicle may not collect more than 30 days of storage fees.

§1858. Abandonment of vehicle on public way

Abandonment of a vehicle on a public way is a civil violation for which a forfeiture not to exceed \$250 may be adjudged. A person who is found to have abandoned a vehicle under this subsection is responsible for any towing charges that are directly related to the abandonment of the vehicle.

2 §1859. Removal of vehicle

4 Removal of a vehicle described in section 1851 or of any
6 part or accessory from the vehicle without the written consent of
8 the person in charge or the owner of the premises or property
10 where the vehicle is located is a Class E crime. This subsection
12 applies to all persons, including the owner of the vehicle.

14 CHAPTER 17

16 EQUIPMENT

18 SUBCHAPTER I

20 GENERAL PROVISIONS

22 §1901. General restriction

24 A person may not use, sell or equip a vehicle with a lens,
26 muffler, reflector or lighting device contrary to this Title or
28 contrary to the rules of the Commissioner of Public Safety.

30 §1902. Brakes

32 1. General rule. A motor vehicle must have adequate brakes
34 in good working order that are sufficient to control the vehicle.

36 2. Specific standards. Brakes must be adjusted so as to
38 stop:

40 A. A 2-wheel brake vehicle, within a distance of 45 feet,
42 from a speed of 20 miles per hour;

44 B. A 4-wheel brake vehicle, within 30 feet, from a speed of
46 20 miles per hour; or

48 C. A motorcycle or motor-driven cycle, within 30 feet, from
50 a speed of 20 miles per hour.

3. Parking brakes. A vehicle, except a 2-wheel motorcycle
or 2-wheel motor-driven cycle, must be equipped with parking
brakes adequate to hold the vehicle on any grade on which it is
operated, under all conditions of loading, on a surface free from
snow, ice or loose material. Parking brakes:

A. Must be capable of being applied by the driver's
muscular effort, spring action or equivalent means;

B. May be operated with assistance of the service brakes or
other source of power, provided that failure of the service

2 brake actuation system or other power assisting mechanism
4 does not prevent the parking brakes from being applied;

6 C. Must be designed so that, once applied, they remain
8 applied with the required effectiveness despite leakage or
10 exhaustion of any source of energy;

12 D. May share the same brake drums, brake shoes and lining
14 assemblies, brake shoe anchors and mechanical brake shoe
16 actuation mechanisms associated with the wheel brake
18 assemblies used for service brakes; and

20 E. If the means of applying the parking and service brakes
22 are connected, must be constructed so that failure of one
24 part does not leave the vehicle without operative brakes.

26 4. Trucks; specific requirements. A truck, tractor, truck
28 tractor, trailer or semitrailer must be equipped with adequate
30 brakes acting on all wheels of all axles, except that the
32 following need not meet this requirement:

34 A. A trailer or semitrailer not exceeding a gross weight of
36 3,000 pounds;

38 B. A vehicle towed by use of a wrecker;

40 C. A vehicle meeting braking requirements of the motor
42 carrier safety regulations of the United States Department
44 of Transportation;

46 D. A semitrailer with a gross weight of semitrailer and
48 load not to exceed 12,000 pounds, designed and used
exclusively:

(1) For the dispensing of cable from attached reels,
commonly called reel trailers; or

(2) To support the end of poles while being
transported, commonly called pole dollies; and

F. A dolly axle, so-called, on a farm truck transporting
agricultural products and supplies.

A dolly axle may not be considered in determining the gross
weight or axle limits permitted on the vehicle.

A 2-axle or 3-axle farm truck equipped with a dolly axle is
considered a 2-axle or 3-axle vehicle.

2 5. Multiple axles. If equipped with 3 or more axles, a
4 truck, tractor or truck tractor manufactured prior to August 1,
6 1980 need not have brakes on the front wheels; if the vehicle is
8 equipped with 2 or more steerable axles, the wheels of one such
10 axle need not have brakes.

12 6. Rules. The Commissioner of Public Safety may adopt
14 rules governing the sufficiency and adjustment of brakes.

16 **§1903. Adequate signaling device**

18 A motor vehicle must have a suitable and adequate horn or
20 other device for signaling. A signaling device or horn may not
22 be unnecessarily sounded and braking or acceleration may not
24 unnecessarily be made so as to cause a harsh, objectionable or
26 unreasonable noise.

28 **§1904. Headlights**

30 1. General rule. A motor vehicle must be equipped with
32 headlights of sufficient power and so adjusted and operated as to
34 enable the operator to proceed with safety under all ordinary
36 conditions of highway and weather.

38 2. Location of headlights. On a motor vehicle, a headlight
40 must be located at a height, measured from the center of the
42 headlight, of not more than 54 inches nor less than 22 inches
44 above the level surface on which the vehicle stands. Headlights
46 on snow plows may be at a height greater than 54 inches.

48 3. White light. Headlights must be equipped with lenses or
50 reflectors that emit only white light.

4. Number of headlights. A motor vehicle must have mounted
on the front at least 2 headlights, one on each side. A
motorcycle or motor-driven cycle must have one mounted headlight.

5. Requirements. The following requirements apply to a
headlight.

A. If the vehicle is mechanically constructed so that it is
limited to less than 15 miles per hour, it must have
headlights capable of furnishing sufficient candlepower to
render any substantial object clearly discernible on a level
way at least 50 feet directly ahead and at the same time at
least 7 feet to the right of the axis of the vehicle for a
distance of at least 25 feet.

B. If the vehicle is mechanically constructed so that it
can exceed 15 miles per hour, it must have headlights

capable of furnishing sufficient candlepower to render any
substantial object clearly discernible on a level way at
least 200 feet directly ahead and at the same time at least
7 feet to the right of the axis of the vehicle for a
distance of at least 100 feet.

C. A headlight capable of furnishing more than 4
candlepower, if equipped with a reflector, may not be used
unless the headlight is designed, equipped or mounted so
that no portion of the beam of light, when projected 75 feet
or more ahead, rises above a plane of 42 inches higher than
and parallel with the level surface on which the vehicle
stands.

D. The top of a main beam of light may not be higher than
the headlight center.

E. An electric bulb or other lighting device of a greater
capacity than 32 candlepower may not be used, except for the
standard equipment sealed beam unit.

F. A headlight may not project the top of a main beam, at a
distance of 25 feet ahead of the vehicle, on an
approximately level stretch of highway, onto the body of a
person or an object, at a height greater than that of the
center of the front light from the highway.

6. Motorcycle. A motorcycle or motor-driven cycle that
does not have an adequate beam for headlights is restricted to
daytime operation.

7. Exception for farm tractors. This section does not
apply to unregistered farm tractors.

§1905. Rear lights

1. Requirement. Except as provided in subsection 3, a
motor vehicle with 3 or more wheels must have on the rear 2
lights, one on each side of the axis, each capable of displaying
a red light visible for a distance of at least 100 feet behind
the vehicle.

2. Vehicles used in conjunction. When a vehicle is used in
conjunction with another vehicle, only the last must carry the
lights.

3. Vehicles manufactured with one rear light. If a vehicle
was manufactured with only a single rear light, that light is
sufficient if the light complies with the visibility requirement.

2 4. Exception for farm tractors. This section does not
3 apply to unregistered farm tractors.

4 **§1906. Clearance lights**

6 A vehicle 7 feet or more in width must have a green or amber
7 light attached to the extreme left of the front, adjusted to
8 indicate the extreme left lateral extension of the vehicle or
9 load and at least one red light on the extreme left lateral
10 extension of the vehicle or load on the rear.

12 A vehicle with a closed body 8 feet or more in height must
13 display 2 green or amber lights attached to the extreme left of
14 the front of its body, one at the top and the other at the
15 bottom. The vehicle must also display at least one red light on
16 the extreme upper left lateral extension of its body.

18 Body width lights and height lights must be visible not less
19 than 200 feet in the direction towards which the vehicle is
20 proceeding or facing.

22 In place of body width lights and height lights, a vehicle
23 may be equipped with an adequate reflector conforming as to color
24 and location to the requirements for the light.

26 This section does not apply to unregistered farm tractors.

28 **§1907. Rear reflectors**

30 A vehicle must be equipped with at least one adequate
31 reflector securely attached to the rear. The reflector:

34 1. Part of rear light. May be a part of the rear light:

36 2. Color. Must be red; and

38 3. Reflection. Must be designed, located and maintained to
39 reflect at night on an unlighted highway, from at least 200 feet,
40 the lawful undimmed headlights of a vehicle approaching from the
41 rear.

42 4. Exception for unregistered farm tractors. This section
43 does not apply to unregistered farm tractors.

46 **§1908. Location of rear lights, reflectors and signal lamps**

48 On a vehicle 7 feet wide or wider, all rear lights,
49 reflectors and signal lights must be within 12 inches of the
50 extreme extension of the vehicle. On flat-body dump trucks, rear

lights and signal lamps may be mounted on the rear of the frame.
This section does not apply to unregistered farm tractors.

4 **§1909. Registration lamp**

6 A vehicle must have a white light capable of illuminating
7 the rear registration plate so that the characters on the plate
8 are visible for a distance of at least 50 feet. This section
9 does not apply to unregistered farm tractors.

10 **§1910. Rules governing lights on vehicles**

12 The Commissioner of Public Safety may adopt rules governing
13 the adjustment, use and operation of lights on vehicles.

14 **§1911. Hydraulic brake fluid**

18 1. Definition. "Hydraulic brake fluid" means the liquid
19 medium through which force is transmitted to the brakes in the
20 hydraulic brake system of a vehicle.

22 2. Requirement. Hydraulic brake fluid must be distributed
23 and serviced with due regard for the safety of the occupants of
24 the vehicle and the public.

26 3. Rules. The Commissioner of Public Safety may adopt rules
27 establishing standards and specifications for hydraulic brake
28 fluid that must correlate with and, so far as practicable,
29 conform to current standards and specifications of the Society of
30 Automotive Engineers applicable to the fluid.

32 4. Prohibition. A person may not distribute, have for sale,
33 offer for sale, sell or service a vehicle with hydraulic brake
34 fluid unless that fluid complies with the requirements of this
35 section.

36 **§1912. Mufflers**

38 1. Muffler required. A person may not operate a motor
39 vehicle unless that vehicle is equipped with an adequate muffler
40 properly maintained to prevent excessive or unusual noise.

42 2. Cutouts prohibited. Except as provided in subsection 5,
43 a muffler or exhaust system may not be equipped with a cutout,
44 bypass or similar device.

46 3. Amplification prohibited. A person may not operate a
47 motor vehicle with an exhaust system that has been modified to
48 amplify or increase the noise emitted by the motor above that
49 emitted by the muffler originally installed on the vehicle.
50

2 4. Exhaust system fastened to engine. The entire exhaust
4 system must be complete, without leakage and securely fastened to
6 the engine block and frame.

8 5. Racing meets. Notwithstanding subsection 2, an owner or
10 operator of a motor vehicle used occasionally in racing meets may
12 obtain a permit from the Secretary of State for installing a
14 cutout, bypass or similar device on the exhaust system of that
16 motor vehicle.

18 The cutout, bypass or similar modification must be kept closed
20 and inoperative while the vehicle is on a public way.

22 The permit must be in the vehicle at all times while on a public
24 way.

26 The Secretary of State shall determine the eligibility of all
28 applicants for a permit.

30 The permit fee is \$1 for the registration year.

32 §1913. Mirrors

34 1. Mirrors required. A person may not operate on a public
36 way a vehicle so constructed, equipped, loaded or used that the
38 operator is prevented from having a constantly free and
40 unobstructed view of the way immediately to the rear, unless
42 there is attached a mirror or reflector placed and adjusted to
44 afford the operator a clear, reflected view of the highway to the
46 rear of the vehicle for a distance of at least 200 feet.

48 2. Temporary mirrors. When a vehicle is operated without a
50 trailer or semitrailer, temporary outside rearview mirrors must
be removed or otherwise adjusted so as not to extend beyond the
width of the automobile.

3. Motorcycles. A motorcycle or motor-driven cycle must be
equipped with a rear view mirror mounted and adjusted to afford
the operator a clear, reflected view of the highway in the rear
for a distance of at least 200 feet.

§1914. Safety seat belts

1. Safety seat belts required. A person may not buy, sell,
lease, trade or transfer from or to a resident at retail a model
year 1966 or later motor vehicle, unless that vehicle is equipped
with safety seat belts installed for use in the left and right
front seats.

2 §1915. Windows

4 1. Safety glass. A motor vehicle must be equipped with
6 safety glass wherever glass is used in partitions, doors, windows
8 or windshields.

10 "Safety glass" means a product composed of glass or of other
12 materials, manufactured, fabricated or treated to prevent
14 shattering and flying of broken glass.

16 The Commissioner of Public Safety may maintain a list of the
18 approved types of glass.

20 Replacements of glass partitions, doors, windows or windshields
22 must be made with safety glass.

24 2. Window repairs. When a window, other than the
26 windshield, is broken, the operator may repair the window by
28 temporarily replacing it with an opaque substance until there is
30 a reasonable opportunity for replacement.

32 §1916. Reflective and tinted glass

34 1. Windows to be unobscured. A person may not operate a
36 motor vehicle and an inspection mechanic may not issue a
38 certificate of inspection for a motor vehicle, if:

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

44 B. The front windshield is composed of, covered by or
46 treated with a material that reduces the light transmittance
48 through the window more than the original installation
window or an original replacement window;

C. A side window or rear window is composed of, covered by
or treated with a material that has a light transmittance of
less than 50%; or

D. A front windshield, front door window or window at
either end of a rear passenger seat does not contain 2-way
glass that provides the occupants with a clear view of the
road and a person outside the vehicle with a clear view of
the occupants and the interior of the vehicle.

2. Exceptions. The following exceptions apply.

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

2 (1) A certificate or other paper required or allowed
by law to be displayed;

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

8 (3) Sun-screening or window tinting material along a
10 4-inch strip at the top of the windshield; or

12 (4) Motor vehicles for which the Chief of the State
Police has granted an exception because the health of
14 the owner or a person who usually occupies the vehicle
is adversely affected by sunlight. The Chief of the
16 State Police may, upon proper application, provide the
owner of a motor vehicle with a certificate of
18 exemption that must be displayed upon the request of a
law enforcement officer.

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

28 (1) A bus that transports passengers for hire;

30 (2) A motor vehicle used to transport human remains by
a funeral establishment, as described in Title 32,
32 section 1501, or by a medical examiner, appointed
pursuant to Title 22, section 3022 or 3023; or

34 (3) A limousine that regularly transports passengers
for hire, has a carrying capacity of more than 6
36 passengers and whose owner is required to obtain an
operating permit pursuant to section 552.

40 C. The provisions of subsection 1, paragraphs C and D, do
not apply to side windows behind the operator's seat or the
42 rear window of a motor vehicle that is equipped with
original installation windows or original replacement
44 windows, originally installed or replaced in conformance
with Federal Motor Vehicle Standard 205, except that any
46 such window with a light transmittance of less than 70% may
not be covered by or treated with any material that further
48 reduces the light transmittance.

2 3. Light transmittance certificate. The owner or operator
of a motor vehicle with tinted windows that are not replaced in
4 accordance with Federal Motor Vehicle Safety Standard 205 or
windows covered by or treated with tinting material must acquire
6 a light transmittance certificate and must show the certificate
to the inspection mechanic at the time of inspection.

8 The certificate must be on a form approved by the Bureau of State
Police.

10 A person who, for compensation, installs tinted replacement
12 windows or window tinting materials may issue a certificate for a
motor vehicle that complies with the light transmittance
14 standards and shall ensure compliance and issue a certificate for
a vehicle on which that person has installed the tinted window or
16 tinting material.

18 4. Violations. A person may not:

20 A. Install a replacement window in or window tinting
22 material on a motor vehicle that does not meet the standards
of subsections 1 and 2;

24 B. Fail to issue a certificate as required by subsection 3,
after installing for compensation a tinted replacement
26 window or window tinting material;

28 C. Alter the window tinting materials after a certificate
has been issued pursuant to subsection 3 and then display
30 the certificate as proof that the windows meet the standards
of subsection 1 or 2;

32 D. Display or permit to be displayed a light transmittance
34 certificate, knowing the certificate to be fictitious or
issued to another motor vehicle or issued without the motor
36 vehicle meeting the standards of subsection 1 or 2;

38 E. Knowingly cause a light transmittance certificate to be
40 issued for a motor vehicle that does not meet the standards
of subsection 1 or 2; or

42 F. Operate or cause the operation of a motor vehicle that
44 does not meet the requirements of this section.

46 5. Presumption. If the operator of a motor vehicle with a
tinted replacement window or window tinting material installed
48 fails to produce a certificate as required by subsection 3 on the
request of a law enforcement officer, it is presumed that the
50 motor vehicle does not meet the requirements of this section.

2 6. Penalty. A person who is adjudicated of a violation of
3 this section commits a traffic infraction that must be punished
4 by a forfeiture of not less than \$100.

5 7. Rules. The Chief of the State Police may adopt rules to
6 implement and administer this section and to collect reasonable
7 fees for that administration.

8 **§1917. Tires**

9 1. Definitions. As used in this section, unless the
10 context otherwise indicates, the following terms have the
11 following meanings.

12 A. "Tread depth" means the amount of tread design on the
13 tire. "Tread depth" includes original, retread and recap
14 tread design and, in respect to a special mileage commercial
15 tire, recut, regrooved and siped tread design.

16 B. "Special mileage commercial tire" means a tire
17 manufactured with an extra layer of rubber between the cord
18 body and original tread design, which extra layer is
19 designed for the purpose of recutting or regrooving, and
20 which tire is specifically labelled as a "special mileage
21 commercial tire."

22 2. Safe tires required. A motor vehicle may not be
23 operated on a public way unless it is equipped with tires in safe
24 operating condition. A tire mounted on a motor vehicle is not
25 considered to be in safe operating condition unless it meets the
26 visual and tread depth requirements set forth in subsections 3
27 and 4.

28 3. Visual requirements. A tire is not in safe operating
29 condition if that tire has:

30 A. A fabric break or a cut in excess of one inch in any
31 direction as measured on the outside of the tire and deep
32 enough to reach the body cords;

33 B. A temporary repair by the use of blowout patches or
34 boots;

35 C. A bump, bulge or knot related to separation or partial
36 failure of the tire structure;

37 D. A portion of the ply or cord structure exposed; or

38 E. Sidewalls damaged to the extent that the body cords are
39 damaged.

40 4. Tread depth. A tire is not in safe operating condition
41 if it is worn to the point where less than 2/32 inch of tread
42 design remains at all points at which gauge readings are
43 required. Tread depth must be measured as follows.

44 A. Tire tread depth must be measured by a tread depth gauge
45 that is calibrated in 1/32 inch.

46 B. Readings must be taken in 2 adjacent major tread grooves
47 at 2 points in each of the grooves not closer than 15 inches.

48 C. Readings for a tire that has the tread design running
49 across the tire or for a siped tire must be taken at or near
50 the center of the tire at 2 points of the circumference not
51 closer than 15 inches.

52 5. Exemptions. A farm vehicle used exclusively for
53 agricultural purposes, including, but not limited to, a
54 self-propelled combine, self-propelled corn and hay harvesting
55 machine or tractor used exclusively for agricultural purposes, is
56 exempt from this section.

57 **§1918. Regrooved tires**

58 A person commits a Class E crime if that person distributes,
59 has for sale, offers for sale, sells or uses on a motor vehicle a
60 pneumatic tire that has been regrooved below the original tread
61 depth, unless that tire was originally manufactured with extra
62 undertread material.

63 **§1919. Studded tires**

64 From the first day of May to the first day of October, a
65 person may not operate a vehicle with tires having metal studs,
66 wires, spikes or other metal protruding from the tire tread.

67 The Commissioner of Transportation may extend the use period or,
68 in a special case, grant a permit covering stated periods of time
69 for the use of studded tires for other periods. The fee for such
70 permits may not be less than \$3 nor more than \$15, as determined
71 by the commissioner. The permit must be carried in some easily
72 accessible place in or about the vehicle.

73 This subsection does not apply to fire department vehicles or
74 school buses during the months school is in regular session.

75 **§1920. Vehicle frame height**

2 1. Minimum and maximum frame end heights. A motor vehicle
4 may not be operated on a public way or receive a certificate of
6 inspection with a frame end height of less than 10 inches or a
8 maximum frame end height based on the manufacturer's gross
10 vehicle weight rating that is greater than:

12 A. For an automobile, 22 inches in the front and rear;

14 B. For a vehicle of 4,500 pounds and less, 24 inches in the
16 front and 26 inches in the rear;

18 C. For a vehicle of 4,501 pounds to 7,500 pounds, 27 inches
20 in the front and 29 inches in the rear; and

22 D. For a vehicle of 7,501 pounds to 10,000 pounds, 28
24 inches in the front and 30 inches in the rear.

26 [*2504:2]

28 Measurements must be taken from a level surface to the lowest
30 point on the frame.

32 2. Modifications. A vehicle may not be modified to cause,
34 under normal operation, the vehicle body or chassis to come into
36 contact with the ground, expose the fuel tank to damage from
38 collision or cause the wheels to come in contact with the body.

40 3. Suspension. An original suspension system may not be
42 disconnected. This section does not prohibit the installation of
44 heavy duty equipment, including shock absorbers and overload
46 springs, or prohibit a person from operating on a public way a
48 motor vehicle with normal wear of the suspension system if normal
50 wear does not affect control of the vehicle.

§1921. Television prohibited from vehicles

A person may not operate a motor vehicle equipped with a
television viewer, screen or other means of visually receiving a
television broadcast that is visible to the operator.

§1922. Advertisements on motor vehicles

1. Prohibition. Except as provided in this section, an
owner or operator may not operate on a public way a motor vehicle
to which is affixed an illuminated advertisement.

2. Display rules. For purposes of vehicle identification,
in addition to the provisions of section 1951, a motor truck,
truck tractor or semitrailer may display an illuminated sign in
accordance with rules adopted by the Commissioner of Public
Safety according to the Maine Administrative Procedure Act.

2 3. Standards. Among other standards determined by the
4 Commissioner of Public Safety to be necessary to protect the
6 welfare and safety of the general public, an illuminated sign:

8 A. Must bear the name of the owner of the vehicle, the
10 lessee of the vehicle or the person for which the operator
12 is transporting property or goods; and

14 B. May identify the cargo in transit.

16 4. Location of sign. An illuminated sign may only be
18 displayed as follows:

20 A. On truck tractors, on the wind deflector on the roof of
22 the truck tractor;

24 B. On a semitrailer, on the front portion of the
26 semitrailer; and

28 C. On a truck, on the front portion of the storage
30 compartment above and behind the cab.

32 5. Lights prohibited. An illuminated sign may not be
34 lighted by a flashing, blinking or neon light.

36 6. Form, size and light of sign. An illuminated sign must
38 be in a form, size and light so as not to distract or impair the
40 vision of the operator of another motor vehicle.

42 7. Exception. This section does not apply to the
44 illuminated name and telephone number identification affixed to
46 vehicles for the conveyance of passengers.

SUBCHAPTER II

TRUCKS

§1951. Name of owner or lessee displayed

A truck tractor owner or operator shall display on both
sides of the truck tractor the name of the owner or lessee in
letters not less than 2 1/2 inches in height.

§1952. Flares; emergency signals

1. Carry flares. A truck or truck tractor with a
registration for operation with gross vehicle weight in excess of
15,000 pounds must be equipped with 2 red flags, 3 flares and 3

2 red lanterns or red emergency reflectors. A vehicle transporting
3 inflammable liquids or gas in bulk may not carry flares.

4 2. Disabled vehicle. When a motor truck or truck tractor
5 with a registration for operation with gross vehicle weight in
6 excess of 15,000 pounds is disabled on a public way, the operator
7 shall, during the time that lights are required to be
8 illuminated, place emergency signals as follows:

10 A. One flare or lantern or red emergency reflector in the
11 center of the lane of traffic occupied by the disabled motor
12 vehicle not less than 100 feet from the vehicle in the
13 direction of traffic approaching in that lane;

14 B. One flare or lantern or red emergency reflector not less
15 than 100 feet from the vehicle in the center of the same
16 lane in the opposite direction; and

18 C. One flare or lantern or red emergency reflector at the
19 traffic side of the vehicle not closer than 10 feet from the
20 front or rear.

22 When lights are not required to be illuminated, red flags must be
23 used, except that no flag is required to be placed at the side of
24 the vehicle.

26 §1953. Splash guards

28 1. Required. A truck, truck tractor, trailer and
29 semitrailer must be equipped with suitable guards that will
30 effectively reduce the spray or splash of mud, water or slush
31 caused by the rear wheels.

34 2. Exception. Splash guards are not required for:

36 A. A truck with a gross vehicle weight of 6,000 pounds or
37 less;

38 B. A dump truck;

40 (1) While being operated on construction or
41 reconstruction projects in a construction area
42 established by the Department of Transportation; and

44 (2) On a public way between the project and a pit or
45 quarry where materials are being obtained when the pit
46 or quarry is within 7 miles of the construction area;

48 C. A truck tractor when not hauling a trailer or
49 semitrailer;

2 D. A fire department vehicle;

4 E. A motor vehicle equipped with fenders; or

6 F. A truck with a stake body that extends not less than 6
7 feet beyond the rear axle and that is registered under
8 section 505.

10 CHAPTER 19

12 OPERATION

14 SUBCHAPTER I

16 RULES OF THE ROAD

18 §2051. Traffic lanes

20 When a public way has been divided into 2 or more clearly
21 marked lanes for traffic, the following provisions apply.

24 1. Single lane. A vehicle must be operated as nearly as
25 practical entirely within a single lane. A vehicle may not be
26 moved from a lane until the operator has first ascertained that
27 the movement can be made with safety.

28 2. Center lane. On a public way that is divided into 3
29 lanes and provides for 2-way movement of traffic, a vehicle may
30 not be operated in the center lane except:

32 A. When overtaking and passing another vehicle when the way
33 is clearly visible and the center lane is clear of traffic
34 for a safe distance;

36 B. In preparation for a left turn; or

38 C. Where the center lane is at the time allocated
39 exclusively to traffic moving in the direction the vehicle
40 is proceeding and is posted to give notice of that
41 allocation.

44 3. Signs. An operator shall obey an official sign or
45 traffic control device:

46 A. Directing slowly moving traffic to use a designated lane;
48

2 B. Designating a lane to be used by traffic moving in a
4 particular direction regardless of the center of the
6 roadway; or

8 C. Prohibiting the changing of lanes on sections of public
10 way.

12 **§2052. Divided highways**

14 1. Divider defined. For purposes of this section, a
16 "divider" means an intervening space, a physical barrier or a
18 clearly indicated dividing space dividing 2 ways and constructed
20 to impede vehicular traffic over it.

22 2. Drive on right-hand way. When a public way has a
24 divider, a vehicle may be driven only on the right-hand way.

26 3. Crossing. An operator may not drive a vehicle over,
28 across or within a divider, or an opening or crossover of a
30 divider. An operator may not disobey the restrictions on
32 official signs at an opening or crossover of a divider.

34 4. Limited access. An operator may not drive a vehicle
36 onto or from a limited-access way except at established entrances
38 and exits.

40 5. Limiting use. The Department of Transportation or a
42 municipality, with respect to a way under that authority's
44 jurisdiction, may prohibit the use of a way by pedestrians,
46 bicycles or other nonmotorized traffic, motorized bicycles or
48 tricycles, or motor-driven cycles.

50 On limiting the use, the authority shall erect and maintain
official signs stating the prohibition. A person may not disobey
the restrictions stated on those signs.

6. Ways with speed limit of 65 miles per hour. An operator
driving on a limited-access way with a speed limit of 65 miles
per hour is restricted in ordinary operation to the right-hand
lane and may use adjacent lanes for overtaking and passing
another vehicle, but must return to the right-hand lane at the
earliest opportunity. This requirement does not apply to an
authorized emergency vehicle, or to a vehicle otherwise directed
by posted signs, a law enforcement officer or a highway
maintenance crew.

§2053. Right-of-way

1. Keeping right. When operators of vehicles approach each
other from opposite directions, each must travel to the right of

2 the center of the travel portion of the public way to allow the
4 other to pass without interference. When it is unsafe or
6 difficult to pass without interference, an operator must stop at
8 a reasonable time and convenient place, to allow the other to
10 pass.

12 2. Slow-moving vehicles. An operator of a vehicle moving
14 slowly shall keep the vehicle as close as practicable to the
16 right-hand boundary of the way, and allow faster moving vehicles
18 reasonably free passage to the left.

20 3. Public intersections. The operator of a vehicle at
22 intersecting public ways has the right-of-way over a vehicle on
24 the operator's left, and must yield right-of-way to one on its
26 right, except:

28 A. At a traffic circle or rotary; or

30 B. When otherwise directed by a law enforcement officer.

32 4. Private to public intersection. An operator of a
34 vehicle entering a public way from a private way must yield the
36 right-of-way to a vehicle on the public way or to a pedestrian.
38 After yielding, the operator of the vehicle must proceed
40 cautiously.

42 For the purposes of this subsection, "private way" means any way
44 or road access onto a public way, including an alley, driveway or
46 entrance.

48 5. Vehicle turning left. An operator of a vehicle who
50 intends to turn left must yield the right-of-way to a vehicle
approaching from the opposite direction when the approaching
vehicle is within the intersection or so close as to constitute
an immediate hazard.

6. Traffic circles or rotary intersections. An operator of
a vehicle approaching a traffic circle or rotary intersection,
must yield the right-of-way to a vehicle already within the
traffic circle or rotary intersection, unless otherwise regulated
by a law enforcement officer or by traffic control devices.

7. Traffic islands. An operator of a vehicle passing
around a rotary traffic island must drive only to the right of
the island.

8. Highway construction and maintenance areas. An operator
of a vehicle must yield the right-of-way to an authorized vehicle
or person actually engaged in work on a public way.

2 A. Within a construction or maintenance area indicated by
3 official traffic control devices; or

4 B. When the vehicle displays flashing lights meeting the
5 requirements of section 2054.

6 9. Obstructing ways. A person may not leave stationary on
7 a way a vehicle that obstructs free passage of other vehicles.

8 §2054. Emergency and auxiliary lights; sirens; privileges

9 1. Definitions. As used in this section, unless the
10 context otherwise indicates, the following terms have the
11 following meanings.

12 A. "Ambulance" means any vehicle designed, constructed and
13 routinely used or intended to be used for the transportation
14 of ill or injured persons and licensed by Maine Emergency
15 Medical Services pursuant to Title 32, chapter 2-B.

16 B. "Authorized emergency vehicle" means any one of the
17 following vehicles:

18 (1) An ambulance;

19 (2) A Baxter State Park Authority vehicle operated by
20 a Baxter State Park ranger;

21 (3) A Bureau of Marine Patrol vehicle operated by a
22 coastal warden;

23 (4) A Department of Conservation vehicle operated by a
24 forest ranger;

25 (5) A Department of Conservation vehicle used for
26 forest fire control;

27 (6) A Department of Corrections vehicle used for
28 responding to the escape of or performing the
29 high-security transfer of a prisoner, juvenile client
30 or juvenile detainee;

31 (7) A Department of Inland Fisheries and Wildlife
32 vehicle operated by a warden;

33 (8) A Department of Public Safety vehicle operated by
34 a liquor enforcement officer for the purpose of
35 enforcing section 2411 or Title 28-A, a state fire
36 inspector or a Maine Drug Enforcement Agency officer;

37 (9) An emergency medical service vehicle;

38 (10) A fire department vehicle;

39 (11) A hazardous material response vehicle;

40 (12) A railroad police vehicle;

41 (13) A sheriff's department vehicle;

42 (14) A State Police or municipal police department
43 vehicle;

44 (15) A vehicle operated by a chief of police, a
45 sheriff or a deputy sheriff when authorized by the
46 sheriff;

47 (16) A vehicle operated by a municipal fire inspector,
48 a municipal fire chief, an assistant or deputy chief or
49 a town forest fire warden;

50 (17) A vehicle operated by a qualified deputy sheriff
or other qualified individual to perform court
security-related functions and services as authorized
by the State Court Administrator pursuant to Title 4,
section 17, subsection 15; or

(18) A Federal Government vehicle operated by a
federal law enforcement officer.

C. "Auxiliary light" means a light, other than standard
equipment lighting such as headlights, taillights,
directional signals, brake lights, clearance lights, parking
lights and license plate lights, that is displayed on a
vehicle and used to increase the operator's visibility of
the road or the visibility of the vehicle to other operators
and pedestrians.

D. "Emergency light" means an auxiliary light displayed and
used on an authorized emergency vehicle to distinguish it
and make it recognizable as an authorized emergency vehicle.

E. "Emergency medical service vehicle" means a vehicle
equipped and used to transport emergency medical personnel
or equipment to ill or injured persons and authorized by
Maine Emergency Medical Services.

F. "Fire vehicle" means any vehicle listed under paragraph
B, subparagraph (5) or (16).

2 G. "Hazardous material response vehicle" means a vehicle
4 equipped for and used in response to reports of emergencies
6 resulting from actual or potential releases, spills or leaks
8 of, or other exposure to, hazardous substances that is
10 authorized by a mutual aid agreement pursuant to Title 37-B,
12 section 795, subsection 3 and approved by the local
14 emergency planning committee or committees whose
16 jurisdiction includes the area in which the vehicle operates.

10 H. "Highway maintenance vehicle" means a vehicle used to
12 maintain the highways, including, but not limited to, a
14 plow, grader, sand truck, sweeper and tar truck.

14 I. "Police vehicle" means any vehicle listed under
16 paragraph B, subparagraph (2), (3), (4), (7), (8), (12),
18 (13), (14) or (18).

18 2. Authorized lights. Authorized lights are governed as
20 follows.

20 A. Only an ambulance; an emergency medical service vehicle;
22 a fire department vehicle; a police vehicle; a Department of
24 Conservation vehicle used for forest fire control; a
26 Department of Corrections vehicle as described in subsection
28 1, paragraph B, subparagraph (6); and a highway maintenance
30 vehicle may be equipped with a device that provides for
32 alternate flashing of the vehicle's headlights.

30 B. Only a police vehicle may be equipped with a device that
32 provides for alternate flashing of the vehicle's brake or
34 rear directional lights and back-up lights.

34 C. The use of amber lights on vehicles is governed by the
36 following.

36 (1) A vehicle engaged in highway maintenance or in
38 emergency rescue operations by civil defense and public
40 safety agencies and a public utility emergency service
42 vehicle may be equipped with auxiliary lights that emit
44 an amber light.

42 (2) A wrecker must be equipped with a flashing light
44 mounted on top of the vehicle in such a manner as to
46 emit an amber light over a 360° angle. The light must
48 be in use on a public way or a place where public
50 traffic may reasonably be anticipated when servicing,
freeing, loading, unloading or towing a vehicle.

48 (3) A vehicle engaged in snow removal or sanding
50 operations on a public way must be equipped with and

2 display at least 2 auxiliary lights mounted on the
4 highest practical point on the vehicle and provide
6 visible light coverage over a 360° range. The lights
8 must emit an amber beam of light, be at least 6 inches
10 in diameter and be equipped with blinking attachments.
12 In lieu of the lights specified, a vehicle may be
14 equipped with at least one auxiliary rotating flashing
16 light having 4-inch sealed beams and showing amber
18 beams of light over a 360° range or an amber strobe, or
20 combination of strobes, that emits at a minimum a beam
22 of 1,000,000 candlepower and provides visible light
24 coverage over a 360° range. When the left wing of a
26 plow is in operation and extends over the center of the
28 road, an auxiliary light must show the extreme end of
30 the left wing. That light may be attached to the
32 vehicle so that the beam of light points at the left
34 wing. The light illuminating the left wing may be
36 controlled by a separate switch or by the regular
38 lighting system and must be in operation at all times
40 when the vehicle is used for plowing snow on public
42 ways.

24 (4) A vehicle equipped and used for plowing snow on
26 other than public ways may be equipped with an
28 auxiliary rotary flashing light that must be mounted on
30 top of the vehicle in such a manner as to emit an amber
32 beam of light over a 360° angle, or an amber strobe, or
34 combination of strobes, that emits at a minimum a beam
36 of 1,000,000 candlepower and provides visible light
38 coverage over a 360° range. The light may be in use on
40 a public way only when the vehicle is entering the
42 public way in the course of plowing private driveways
44 and other off-highway locations.

36 (5) A rural mail vehicle may be equipped with
38 auxiliary lights.

38 (a) The lights used to the front must be white or
40 amber, or any shade between white and amber.

40 (b) The lights used to the rear must be amber or
42 red, or any shade between amber and red.

42 (c) The lights, whether used to the front or
44 rear, must be mounted at the same level and as
46 widely spaced laterally as possible.

44 (d) The lights, whether used to the front or
46 rear, must flash simultaneously.

2 (e) The lights must be visible from a distance of
3 at least 500 feet under normal atmospheric
4 conditions at night.

5 D. Emergency lights used on a police vehicle; a Department
6 of Corrections vehicle as described in subsection 1,
7 paragraph B, subparagraph (6); a vehicle operated by a chief
8 of police, a sheriff or a deputy sheriff; and a vehicle
9 operated by a qualified deputy sheriff or other qualified
10 individual performing court security-related functions and
11 services must emit a blue light or a combination of blue and
12 white light. No other vehicle may be equipped with or
13 display a blue light.

14 E. Two fog or auxiliary lights, which must emit amber or
15 white light, may be mounted on a motor vehicle. The rays
16 from the lights may not shine more than 2 feet above the
17 road at a distance of 30 feet. A fog or auxiliary light
18 mounted higher than the center of the main headlights may
19 not be illuminated while a motor vehicle is being operated
20 on any public way.

21 F. Only vehicles listed in this paragraph, rural mail
22 vehicles as provided in paragraph C, subparagraph (5) and
23 school buses may be equipped with, display or use a red
24 auxiliary or emergency light.

25 (1) Emergency lights used on an ambulance, an
26 emergency medical service vehicle, a fire department
27 vehicle, a fire vehicle or a hazardous material
28 response vehicle must emit a red light or a combination
29 of red and white light.

30 (2) The municipal officers, when approved by the fire
31 chief, may authorize an active member of a municipal or
32 volunteer fire department to use a flashing red signal
33 light not more than 5 inches in diameter on a vehicle.
34 The light may be displayed but may be used only while
35 the member is en route to or at the scene of a fire or
36 other emergency. The light must be mounted as near as
37 practicable above the registration plate on the front
38 of the vehicle or on the dashboard. A light mounted on
39 the dashboard must be shielded so that the emitted
40 light does not interfere with the operator's vision.

41 (3) Members of an emergency medical service licensed
42 by Maine Emergency Medical Services may display and use
43 on a vehicle a flashing red signal light of the same
44 proportion, in the same location and under the same
45 conditions as those permitted municipal and volunteer

2 firefighters, when authorized by the chief official of
3 the emergency medical service.

4 G. A vehicle may be equipped with a spotlight. Only
5 spotlights on authorized emergency vehicles, highway
6 maintenance vehicles and public utility vehicles may be used
7 on a public way, except any vehicle may use a spotlight in
8 cases of necessity when other lights required by law fail to
9 operate.

10 3. Sirens. A bell or siren may not be installed or used on
11 any vehicle, except an authorized emergency vehicle.

12 4. Right-of-way. An authorized emergency vehicle operated
13 in response to, but not returning from, a call or fire alarm or
14 operated in pursuit of an actual or suspected violator of the law
15 has the right-of-way when emitting a visual signal using an
16 emergency light and an audible signal using a bell or siren. On
17 the approach of any such vehicle, the operator of every other
18 vehicle shall immediately draw that vehicle as near as
19 practicable to the right-hand curb, parallel to the curb and
20 clear of any intersection and bring it to a standstill until the
21 authorized emergency vehicle has passed.

22 5. Exercise of privileges. The operator of an authorized
23 emergency vehicle when responding to, but not upon returning
24 from, an emergency call or fire alarm or when in pursuit of an
25 actual or suspected violator of the law may exercise the
26 privileges set forth in this subsection. The operator of an
27 authorized emergency vehicle may:

28 A. Park or stand, notwithstanding the provisions of this
29 chapter;

30 B. Proceed past a red signal, stop signal or stop sign, but
31 only after slowing down as necessary for safe operation;

32 C. Exceed the maximum speed limits as long as life or
33 property is not endangered, except that employees of the
34 Department of Corrections may not exercise this privilege;

35 D. Disregard regulations governing direction of movement or
36 turning in specified directions; and

37 E. Proceed with caution past a stopped school bus that has
38 red lights flashing only;

39 (1) After coming to a complete stop; and

2 (2) When signaled by the school bus operator to
3 proceed.

4 6. Emergency lights and audible signals. The operator of
5 an authorized emergency vehicle who is exercising the privileges
6 granted under subsection 5 shall use an emergency light
7 authorized by subsection 2. The operator of an authorized
8 emergency vehicle who is exercising the privileges granted under
9 subsection 5, paragraphs B, C, D and E shall sound a bell or
10 siren when reasonably necessary to warn pedestrians and other
11 operators of the emergency vehicle's approach.

12 7. Duty to drive with due regard for safety. Subsections
13 4, 5 and 6 do not relieve the operator of an authorized emergency
14 vehicle from the duty to drive with due regard for the safety of
15 all persons, nor do those subsections protect the operator from
16 the consequences of the operator's reckless disregard for the
17 safety of others.

18 §2055. Animals on a public way

19 1. Riding animals or driving animal-drawn vehicles. A
20 person riding an animal or driving an animal-drawn vehicle on a
21 public way has the rights and is subject to the duties of a
22 vehicle operator, except those provisions that by their nature
23 have no application.

24 2. Unattended animal-drawn vehicle. A person may not allow
25 an animal-drawn vehicle to be on a public way unattended unless
26 the vehicle is reasonably fastened.

27 3. Frightened animals. When a person riding, driving or
28 leading an animal that appears to be frightened signals by
29 putting up a hand or by other visible sign, an operator
30 approaching from the opposite direction must stop as soon as
31 possible and remain stationary as long as necessary and
32 reasonable to allow the animal to pass. When traveling in the
33 same direction, the operator must use reasonable caution in
34 passing an animal.

35 4. Annoyance. An operator may not knowingly operate a
36 motor vehicle in a manner to annoy, startle, harass or frighten
37 an animal being ridden or driven on or near a public way.

38 5. Throwing object. An operator or person in a motor
39 vehicle may not throw an object or substance from the vehicle
40 toward an animal being ridden or driven on or near a public way.

41 §2056. Pedestrians

42 1. Pedestrian traffic. When use of a sidewalk next to a
43 public way is practicable, a pedestrian may not walk on that
44 public way.

45 2. Pedestrian on way. Where sidewalks are not provided, a
46 pedestrian shall walk facing approaching traffic on the left side
47 of the public way or the way's shoulder when practicable.

48 3. Pedestrians on sidewalks. An operator shall yield the
49 right-of-way to a pedestrian on a sidewalk.

50 4. Pedestrians in crosswalks. When traffic-control devices
51 are not operating, an operator must yield the right-of-way to a
52 pedestrian crossing within a crosswalk when the pedestrian is on
53 the same half of the way or approaching so closely as to be in
54 danger.

55 5. Pedestrian crossing. A pedestrian must yield the
56 right-of-way to a vehicle when crossing a way:

57 A. Other than within a marked crosswalk; or

58 B. With an available pedestrian tunnel or overhead
59 pedestrian crossing.

60 6. Pedestrian prohibitions. A pedestrian may not:

61 A. Cross between adjacent intersections at which
62 traffic-control devices operate, except in a marked
63 crosswalk;

64 B. Cross an intersection diagonally, unless authorized by
65 official traffic-control devices; or

66 C. Suddenly leave a curb or other place of safety and walk
67 or run into the path of a vehicle that is so close that it
68 is impossible for the operator to yield.

69 7. When vehicle stopped. When a vehicle is stopped at an
70 intersection or a marked crosswalk to permit a pedestrian to
71 cross, the operator of another vehicle approaching from the rear
72 may not overtake and pass the stopped vehicle.

73 B. Due care. Notwithstanding other provisions of this
74 chapter or of a local ordinance, an operator of a vehicle shall:

75 A. Exercise due care to avoid colliding with a pedestrian;

76 B. Give warning by sounding the horn when necessary; and

2 C. Exercise proper caution on observing a child or any
3 obviously confused, incapacitated or intoxicated person.

4 **§2057. Traffic-control devices**

6 An operator shall obey a traffic-control device, unless
7 otherwise directed by a law enforcement officer.

8 1. Lighted devices. A traffic-control device may emit only
9 the colors green, red and yellow, except for a pedestrian signal
10 carrying a legend. The lights have the following meanings.

12 A. A green light:

14 (1) If circular, means the operator may proceed
15 straight through or turn right or left, unless a sign
16 prohibits either turn; or

18 (2) If an arrow, alone or in combination with another
19 indication, means the operator may cautiously enter the
20 intersection only to make the movement indicated by the
21 arrow or other movement as is permitted by other
22 indications shown at the same time.

24 Notwithstanding the light, the operator must yield the
25 right-of-way to a vehicle or pedestrian lawfully within the
26 intersection or crosswalk.

28 B. A yellow light:

30 (1) If steady and circular or an arrow, means the
31 operator must take warning that a green light is being
32 terminated or a red light will be exhibited
33 immediately; or

35 (2) If showing rapid intermittent flashes, means the
36 operator may proceed only with caution.

38 C. A red light:

40 (1) If steady and circular, means the operator must
41 stop and remain standing until an indication to proceed
42 is shown.

44 An operator may cautiously enter the intersection to
45 make a right turn after stopping, unless prohibited by
46 an appropriate sign such as "NO RIGHT TURN ON RED."
48

2 An operator executing a turn shall yield the
3 right-of-way to pedestrians on a crosswalk and to a
4 vehicle having a green signal at the intersection.

6 (2) If a steady arrow, means the operator may not
7 enter the intersection to make the movement indicated
8 by that arrow.

10 (3) If showing rapid intermittent flashes, means the
11 operator must stop and then proceed as if at a stop
12 sign.

14 D. Red and yellow illuminated together, means the operator
15 may not enter the intersection, as the intersection is
16 reserved for the exclusive use of pedestrians.

18 2. Basis for prohibiting turn. A municipality or the
19 Department of Transportation, in determining whether to prohibit
20 a right turn on a red light, must consider at least the following
21 factors:

22 A. The proximity to that light of schools, fire stations,
23 residences or institutions for the blind;

25 B. The number of pedestrians using the intersection; and

27 C. The complexity of the intersection.

29 3. Lane direction control devices. When lane direction
30 control devices are placed over the individual lanes, an operator
31 may travel in a lane over which a green signal is shown, but may
32 not enter or travel in a lane over which a red signal is shown.

34 4. Located other than at an intersection. If a traffic
35 control device is located at a place other than an intersection,
36 this section is applicable except as to those provisions that by
37 their nature can have no application.

39 5. Pedestrians. Unless otherwise directed by a pedestrian
40 control signal, a pedestrian facing:

42 A. A green signal, except when the sole green signal is a
43 turn arrow, may proceed across the way within a marked or
44 unmarked crosswalk;

46 B. A steady circular yellow or yellow arrow signal, may not
47 start to cross the way, as there is insufficient time to
48 cross before a red indication is shown; or

2 C. A steady circular red signal or a steady red arrow, may
3 not enter the way.

4 6. Pedestrian control devices. When a pedestrian control
5 device exhibiting the words "walk" and "don't walk" is used, it
6 indicates as follows.

7 A. A pedestrian facing a "walk" signal may proceed across
8 the way in the direction of the signal and must be given the
9 right-of-way.

10 B. A pedestrian may not start to cross a way in the
11 direction of a "don't walk" signal, but a pedestrian who has
12 partially completed crossing may proceed to a sidewalk or
13 safety island.

14 7. Stop signs. Unless directed to proceed by a law
15 enforcement officer or traffic control device, an operator of a
16 vehicle approaching a stop sign shall stop and:

17 A. Yield the right-of-way to a vehicle that has entered the
18 intersection or that is approaching so closely as to
19 constitute an immediate hazard; and

20 B. Having yielded, an operator may proceed. All other
21 operators approaching the intersection shall yield the
22 right-of-way to the vehicle so proceeding.

23 8. Place of stop. A stop must be made before entering the
24 intersecting way as follows:

25 A. Where the intersection is regulated by a traffic control
26 device, at a sign or marking on the pavement indicating
27 where the stop is to be made or, in the absence of a sign or
28 marking, at the device; or

29 B. Where the intersection is regulated by a stop sign,
30 before entering the crosswalk or, in the absence of a cross
31 walk, at a marked stop line; but if there is no stop line,
32 at a point nearest the intersecting way where the operator
33 has a view of approaching traffic.

34 9. Evidence. The placing of a traffic control device in a
35 position approximately conforming to this chapter is prima facie
36 evidence that the device has been placed by the official act or
37 direction of lawful authority.

38 10. Failure to yield. A person commits a Class E crime if
39 that person operates a vehicle past a yield sign and collides
40 with a vehicle or pedestrian proceeding on the intersecting way.

2 A traffic-control device conforming to the requirements for
3 these devices is presumed to comply with this chapter.

4 §2058. Through ways

5 1. Designation. The Department of Transportation may
6 designate a state or state aid highway as a "through way." The
7 Department of Transportation, after notice, may revoke any such
8 designation. Municipal officers may designate a way under their
9 jurisdiction as a "through way."

10 2. Signs. A through way designation is not effective until
11 suitable warning signs or signals are erected.

12 3. Intersection. For the purpose of this section, a way
13 joining a through way at an angle, whether or not crossing, is
14 deemed to intersect the through way.

15 4. Other stop signs. The Department of Transportation or
16 municipal officers may designate an intersection as a stop
17 intersection and erect stop signs at one or more entrances.

18 5. Yield. The Department of Transportation or municipal
19 officers may erect standard signs requiring operators to yield
20 the right-of-way at certain intersections.

21 Yield signs may be designated where it is expedient to allow
22 traffic to move through or into the intersection at a reasonable
23 speed for existing conditions of traffic and visibility, yielding
24 the right-of-way to vehicles or pedestrians approaching from
25 either direction on the intersecting street.

26 A vehicle approaching on a through way so as to arrive at an
27 intersection at approximately the same instant as a vehicle
28 approaching on another way has the right-of-way.

29 6. Procedure. A through way designation pursuant to this
30 section is exempt from the Maine Administrative Procedure Act.

31 7. Removing or destroying signs. A person who removes,
32 destroys, damages or defaces any sign, signal or device erected
33 by or under the direction of the Department of Transportation
34 pursuant to this section commits a Class E crime.

35 §2059. One-way road

36 On a public way posted for one-way traffic, a vehicle may be
37 driven only in the direction designated.

2 §2060. Turning at intersections

4 An operator intending to turn at an intersection may do so
as follows.

6 1. Right turns. The operator shall make both the approach
and a right turn as close as practicable to the right-hand curb
8 or edge of the way.

10 2. Left turns on 2-way roadways. At an intersection where
12 traffic is permitted to move in both directions on each way
entering the intersection, an approach for a left turn must be
14 made in that portion of the right half of the way nearest the
center line and by passing to the right of the center line where
16 it enters the intersection. After entering the intersection, an
operator must make the left turn so as to leave the intersection
18 to the right of the center line of the roadway being entered.

20 When practicable, the left turn must be made in that portion of
the intersection to the left of the center of the intersection.

22 An operator intending to turn to the left must yield the
24 right-of-way to a vehicle approaching from the opposite direction
that is so close as to constitute an immediate hazard.

26 3. Left turns on other than two-way roadways. At an
28 intersection where traffic is restricted to one direction on a
way, an operator intending to turn left shall approach the
30 intersection in the extreme left-hand lane lawfully available to
32 traffic moving in the direction of travel of that vehicle. After
entering the intersection, the left turn must be made so as to
34 leave the intersection, as nearly as practicable, in the
left-hand lane lawfully available to traffic moving in that
direction on the way being entered.

36 A municipality may cause markers, buttons or signs to be
38 placed within or adjacent to an intersection requiring a
different course to be traveled by a vehicle turning at an
40 intersection. When markers, buttons or signs are so placed, an
operator shall obey them.

42 §2061. Riding in trailers

44 1. Prohibition. A person commits a traffic infraction if
46 that person occupies a camp trailer, mobile home, semitrailer or
trailer while it is being moved on a public way.

48 2. Exceptions. This section does not apply to:

2 A. An employee in the necessary discharge of duties to an
employer; or

4 B. A trailer being utilized for farming or agricultural
6 purposes.

8 §2062. Motorcycles

10 1. Seating. Seating on a motorcycle is as follows.

12 A. A person operating a motorcycle may ride only on the
14 permanent and regular seat attached.

16 B. More than 2 persons may not ride on a motorcycle.

18 C. The number of passengers in a sidecar attached to a
20 motorcycle may not exceed the number of permanent seats for
which the sidecar has been designed, to a maximum of 2
22 persons.

24 D. A passenger may only ride on permanent seating with no
more than one passenger occupying each seat.

26 2. Headlight. When the motorcycle is on a public way, the
28 motorcycle's headlight must be on.

30 3. Handlebars. A person may not operate on a public way a
32 motorcycle equipped with handlebars whose handgrips are higher
than the shoulder level of the operator.

34 4. Lane use. An operator of a motorcycle other than a
36 moped may fully use a lane.

38 More than 2 motorcycles may not be operated abreast within the
40 same lane.

42 A moped may only be operated in single file and as far as
44 practicable to the right side of the way at all times, except
46 when making a left turn.

48 A motor vehicle may not be driven in such a manner as to deprive
50 a motorcycle of the full use of a lane.

5. Passing. A motorcycle operator may not overtake or pass
in the lane occupied by the vehicle being overtaken, except for
passing a bicycle.

6. Between lines. A person may not operate a motorcycle
between lanes of traffic or between adjacent lines or rows of
vehicles.

2 7. Raising wheel. A person may not intentionally or
4 knowingly raise the front wheel of a motorcycle off the surface
6 when operating it on a public way or any place where public
8 traffic may reasonably be anticipated.

10 For the purpose of this section, "motorcycle" includes
12 "motor-driven cycle."

14 **§2063. Bicycles and other toy vehicles**

16 1. Definitions. For the purpose of this section, "bicycle"
18 includes a motorized bicycle or tricycle, and "toy vehicle"
20 includes, but is not limited to, skateboards, rollerskates,
22 wagons, sleds and coasters.

24 2. Riding to the right. A person operating a bicycle shall
26 ride it as far as practicable to the right side of the way,
28 except when making a left turn. This subsection does not apply
30 in a municipality that, by ordinance and with the approval of the
32 Department of Public Safety and the Department of Transportation,
34 makes other provisions for the location of bicycle traffic.

36 3. Seating. A person operating a bicycle may not ride
38 other than astride a regular and permanently attached seat. A
40 bicycle may not be used to carry more persons than the number for
42 which it is designed and equipped.

44 4. Hitching rides. A person riding on a bicycle or toy
46 vehicle may not attach it to a moving vehicle on a way.

48 5. Rights and duties. A person riding a bicycle on a way
50 has the rights and is subject to the duties applicable to the
operator of a vehicle, except as to:

A. Special regulations; and

B. Provisions in this Title that by their nature can have
no application.

6. Speed. A motorized bicycle may not be operated in
excess of 20 miles per hour.

7. Penalties. A person 17 years of age or over who
violates this section commits a traffic infraction with a maximum
fine of \$10.

8. Impoundment. The chief of police of a municipality, or
if there is no chief of police, the chair of the local
legislative body, when satisfied that a juvenile under the age of

17 years has ridden a bicycle in violation of this section, may
impound the bicycle for a period not to exceed 5 days for the
first offense, 10 days for a 2nd offense and 30 days for a
subsequent offense.

§2064. No coasting on grade in neutral

An operator, when traveling on a downgrade, may not coast
with the gears of the vehicle in neutral.

§2065. Driving over fire hose

An operator of a motor vehicle may not drive over an
unprotected hose of a fire department laid down on a way for a
fire or alarm without the consent of the police or fire
department official in command.

§2066. Following too closely

1. Prohibition. An operator of a vehicle may not follow
another vehicle more closely than is reasonable and prudent,
having due regard for the speed of the vehicles, the traffic and
the condition of the way.

2. Vehicles towing other vehicles. An operator of a
vehicle towing another vehicle, when traveling outside of a
business or residential district and following another vehicle
and when conditions permit, shall leave sufficient space so that
an overtaking vehicle may enter the space between the two
vehicles without danger. This subsection does not prohibit a
motor vehicle towing another vehicle from overtaking and passing
another vehicle.

3. Motorcades. Motor vehicles being driven outside of a
business or residential district in a caravan or motorcade must
be operated as to allow sufficient space between vehicles so that
an overtaking vehicle may enter the space between vehicles
without danger. This subsection does not apply to funeral
processions.

4. Trucks. A truck operator, when traveling outside of a
business or residential district, may not follow within 150 feet
of another truck. This subsection does not prohibit one truck
overtaking or passing another.

5. Following fire apparatus. An operator may not follow
within 500 feet of fire apparatus traveling in response to a fire
alarm.

§2067. Lights

2 1. Display of lights A vehicle located on a way must be
equipped with lights as described in section 1904. The lights
4 must be illuminated during the period 1/2 hour after sunset to
1/2 hour before sunrise and at any time when, due to insufficient
6 light or unfavorable atmospheric conditions, including, but not
limited to, rain, freezing rain, fog or snow, persons or vehicles
8 on the way are not discernible for a distance of 1,000 feet
ahead. This section does not apply to a vehicle that is parked
10 or standing off the main traveled portion of the way.

12 2. Dimming. When a vehicle equipped with multiple-beam
road lights approaches an oncoming vehicle within 500 feet or
14 follows a vehicle within 100 feet, the operator shall dim the
headlights or switch to a low beam and shall turn off a fog or
16 auxiliary light that exceeds 20,000 candlepower.

18 3. Parking. Unless a municipal ordinance specifically
provides otherwise, a vehicle may not be parked on or beside the
20 left-hand side of a way during the times when lighted lamps are
required in a manner that its lights project in the direction of
22 oncoming traffic.

24 §2068. Parking

26 1. On ways. The following provisions apply to parking on
ways.

28 A. A person may not park a vehicle, whether attended or
unattended, on the traveled portion of a public way outside
30 of a business or residence district when it is practicable
to park off of the way.

32 B. A person may not park a vehicle on a way unless:

34 (1) A clear and unobstructed width of at least 10 feet
is left for free passage of other vehicles on the way;
36 and

38 (2) An approaching vehicle has a clear view of the way
for 300 feet beyond the parked vehicle, before
40 approaching within 200 feet of it.

42 C. The Department of Transportation may place signs
prohibiting or restricting the stopping, standing or parking
44 of vehicles on a public way or within 10 feet of the
traveled portion of a way or on property under its
46 jurisdiction, where stopping, standing or parking is
dangerous to those using the way or would unduly interfere
48 with the free movement of traffic.

2 An operator may not stop, stand or park a vehicle in
violation of the restriction on that sign.

4 A law enforcement officer or the Department of
Transportation may cause the removal of a vehicle or require
6 the operator to move the vehicle from a location in
violation of this subsection to a location where parking is
8 permitted.

10 D. A law enforcement officer may cause the removal of a
vehicle to a suitable parking place, at the expense of the
12 registered owner, a vehicle interfering with snow removal or
the normal movement of traffic or parked within the limits
14 of a right-of-way.

16 A law enforcement officer may cause the removal to a
suitable parking place of a vehicle connected with the
18 arrest of the operator or owner of a vehicle used in
connection with the commission of a crime.

20 The Department of Transportation may take the same action
for a vehicle standing on property under its jurisdiction.

22 The State, a political subdivision of the State or a law
enforcement officer is not liable for damage that may be
24 caused by removal of a vehicle or any towing or storage
charges.

26 Within 7 business days of removal, the owner or holder of a
security interest, if reasonably ascertainable, must be
28 notified by registered mail of the vehicle's location, the
daily storage fee and the requirements for securing release.

30 If the owner and holder of a security interest is unknown,
section 1854 applies.

32 A person, including the owner of the vehicle, commits a
Class E crime if that person, without the express written
34 permission of the storage facility, removes the vehicle or a
part or accessory while the vehicle is in the possession or
on the premises of the storage facility.

36 If the vehicle remains unclaimed for 90 days, section 1854
applies. This paragraph applies to a vehicle towed to or
38 left at a garage, service station or parking lot, on orders
given by a law enforcement officer or the Department of
40 Transportation.

42 E. This subsection does not apply to a vehicle that is:

2 (1) Disabled to the extent that it is impossible to
4 avoid stopping and temporarily leaving the vehicle; or

6 (2) Employed in construction, maintenance or repair of
8 pipes and wires of a public utility in, on, along,
10 over, across and under a public way.

12 2. Brakes set. An operator may not allow a motor vehicle
14 to stand on a way and remain unattended without effectively
16 setting its brakes.

18 3. Moving parked vehicle. A person may not move a vehicle
20 that is stopped, standing or parked on a public way until
22 movement can be made with reasonable safety.

24 4. Opening and closing doors. A person may not open the
26 door of a motor vehicle on the side of moving traffic unless
28 opening the door is reasonably safe to do and can be done without
30 interfering with the movement of traffic.

32 5. Open doors. A person may not leave a door of a vehicle
34 open on the side of moving traffic for a period of time longer
36 than necessary to load or unload passengers.

38 §2069. Passing another vehicle

40 1. Passing on left. An operator of a vehicle passing
42 another vehicle proceeding in the same direction must pass to the
44 left at a safe distance and may not return to the right until
46 safely clear of the passed vehicle.

48 2. Giving way. Except when passing on the right is
50 permitted, the operator of passed vehicle:

A. Shall give way to the right in favor of the passing
vehicle upon audible signal; and

B. May not increase speed until completely overtaken by the
passing vehicle.

3. Visibility. A passing vehicle may be operated to the
left of the way's center only when the left side is clearly
visible and free of oncoming traffic for a sufficient distance
ahead to permit overtaking to be completed without interfering
with the safe operation of an approaching or passed vehicle.

4. Returning to the right. The passing vehicle must return
to the right before coming within 100 feet of an approaching
vehicle.

2 5. Limitation. Except on a one-way road, an operator may
4 not drive to the left side of the way under the following
6 conditions:

8 A. When approaching the crest of a grade or on a curve
10 where the operator's view is obstructed for a distance as to
12 create a hazard if another vehicle approached from the
14 opposite direction;

16 B. When approaching within 100 feet of or traversing an
18 intersection or railroad grade crossing, except when turning
20 to the left to enter an intersecting way;

22 C. When the view is obstructed within 100 feet of a bridge,
24 viaduct or tunnel.

26 6. Passing on the right. An operator may pass a vehicle on
28 the right only under the following conditions:

30 A. When the vehicle to be passed is making or about to make
32 a left turn;

34 B. On a way with unobstructed pavement not occupied by
36 parked vehicles and of sufficient width for 2 or more lines
38 of traffic in each direction; or

40 C. On a way on which traffic is restricted to one
42 direction, when the roadway is free from obstructions and of
44 sufficient width for 2 or more lines of traffic.

46 An operator may pass on the right only under conditions
48 permitting that movement in safety. An operator may not overtake
by driving off the pavement or main traveled portion of the way.

50 §2070. Turning and signals

1. Prohibition. An operator may not turn a vehicle or move
right or left on a public way unless the movement can be made
with reasonable safety.

2. Turn signal. An operator may not turn a vehicle without
giving an appropriate signal if other traffic may be affected by
that movement.

A turn signal must be given continuously during at least the last
100 feet traveled before turning.

2 3. Stop signal. An operator may not stop or suddenly
3 decrease a vehicle's speed without first giving an appropriate
4 signal to the operator of a vehicle immediately to the rear.

5 4. Types of signals. A stop or turn signal must be given
6 either by the hand and arm, a signal light or mechanical signal
7 device.

8 When a vehicle is constructed or loaded so that a hand and arm
9 signal is not visible to the front and rear, then signals must be
10 given by a light or device.

11 A light signal must emit a white or amber light to the front and
12 a red or amber light to the rear for turn signals and red to the
13 rear for stop signals.

14 5. Hand signals. Signals by hand and arm must be given by
15 the left arm from the left side of a vehicle in the following
16 manner:

17 A. To indicate a left turn, the hand and arm must be
18 extended horizontally;

19 B. To indicate a right turn, the hand and arm must be
20 extended upward; and

21 C. To indicate a stop or a decrease in speed, the hand and
22 arm must be extended downward.

23 6. Fire departments exempted. This section does not apply
24 to vehicles operated by organized fire departments.

25 §2071. U-turns

26 An operator may not turn a vehicle to proceed in the
27 opposite direction on a curve or on the approach to or near the
28 crest of a grade, where the vehicle can not be seen by the
29 operator of another vehicle approaching in either direction
30 within 500 feet.

31 §2072. Authority to regulate speeds

32 1. Authority to regulate. Except as provided in section
33 2074, subsection 2 and notwithstanding section 2073, subsection
34 1, the Commissioner of Transportation, with the approval of the
35 Chief of the State Police, may:

36 A. Restrict the maximum rate of speed on a public way where
37 a speed limit will minimize the danger of accident, promote

38 the free flow of traffic, conserve motor fuel or respond to
39 changes in federal laws;

40 B. Increase the maximum rate of speed on a public way where
41 higher speeds are warranted to promote the normal and
42 reasonable movement of traffic; or

43 C. Make an adjustment of maximum rates of speed. An
44 adjustment under this paragraph is exempt from the
45 provisions of the Maine Administrative Procedure Act.

46 The commissioner may not set maximums that exceed 60 miles
47 per hour or, on the interstate system or other divided
48 controlled-access highways, 65 miles per hour.

49 The commissioner may not set maximums for the Maine Turnpike.

50 2. Municipal request. If a municipal request to the
51 Department of Transportation to change a speed limit is denied,
52 the municipality may request the department to hold a public
53 hearing within the municipality to provide the department with
54 the views of the public on the requested speed limit change. The
55 department shall:

56 A. Hold the hearing within 30 days of the request; and

57 B. Inform the municipality of a final decision on the
58 requested speed limit change within 30 days after the
59 hearing.

60 3. Prohibition. A person may not operate a vehicle in
61 excess of maximum speeds fixed pursuant to this section, as long
62 as notice of changes in speed limits has been given by signs
63 erected by the Department of Transportation.

64 4. Other ways. The Department of Transportation is not
65 required to erect speed signs on a town way, unimproved state aid
66 highway or on a way constructed to interstate standards.

67 Notwithstanding the provisions of Private and Special Law
68 1865, chapter 532, section 8-A, speed limits within the limits of
69 the property owned by or under the control of the University of
70 Maine System must be established by the Department of
71 Transportation and the Maine State Police as provided in this
72 section. The speed limits must be posted by the University of
73 Maine System in accordance with written directions or policies of
74 the Department of Transportation.

75 §2073. Rates of speed

2 An operator shall operate a vehicle at a careful and prudent
3 speed not greater than is reasonable and proper having due regard
4 to the traffic, surface and width of the way and of other
5 conditions then existing.

6 1. Rates of speed. Except when conditions or other
7 regulations require a lower speed, the following are maximum
8 rates of speed:

10 A. Fifteen miles per hour when passing a school during
11 recess or while children are going to or leaving school
12 during opening or closing hours:

14 B. Fifteen miles per hour when approaching within 50 feet
15 and in traversing an intersection when the operator's view
16 is obstructed except when preference is given to through
17 movement of traffic in one direction by "stop" signs or
18 other traffic control devices or by direction of a law
19 enforcement officer. An operator's view is considered
20 obstructed when at any time during the last 50 feet of an
21 approach to an intersection there is not a clear and
22 uninterrupted view of the intersection and of the traffic on
23 all ways entering the intersection for a distance of 200
24 feet from it:

26 C. Twenty-five miles per hour in a business or residential
27 district or built-up portion unless otherwise posted:

28 D. Forty-five miles per hour on all other public ways
29 unless otherwise posted:

32 E. On ways with a higher maximum speed limit, 45 miles per
33 hour for a school bus transporting pupils to and from
34 school. At all other times, a school bus may not exceed 55
35 miles per hour; and

36 F. On ways with a higher maximum speed limit, 35 miles per
37 hour for a motor-driven cycle, unless it is equipped with a
38 headlight adequate to reveal a person 300 feet ahead of it.

40 3. Compact areas. The compact or built-up portion of a
41 municipality is the territory contiguous to a way that is built
42 up with structures situated less than 150 feet apart for a
43 distance of at least 1/4 of a mile. Municipal officers may
44 designate a compact or built-up portion by appropriate signs.

46 4. Criminal offense. A person commits a Class E crime if
47 that person operates a motor vehicle at a speed that exceeds the
48 maximum rate of speed by 30 miles per hour or more.

2 The complaint for a violation of a speed limit must specify the
3 speed at which the defendant is alleged to have operated a motor
4 vehicle.

6 A person who operates a motor vehicle on the Maine Turnpike or
7 the Interstate Highway System at a speed that exceeds the posted
8 speed of 65 miles per hour commits a traffic infraction
9 punishable by a fine of not less than \$50.

10 **§2074. Other speed regulations**

12 1. Minimum speed limit. A person may not operate a motor
13 vehicle at such a slow speed as to impede the normal and
14 reasonable movement of traffic, except when reduced speed is
15 necessary for safe operation of the motor vehicle or in
16 compliance with law.

18 When the Department of Transportation determines, on the basis of
19 an engineering and traffic investigation, that slow speeds on a
20 public way consistently impede the normal and reasonable movement
21 of traffic, the Commissioner of Transportation, with the approval
22 of the Chief of the Maine State Police, may establish a minimum
23 speed limit.

24 A person may not operate a vehicle below a posted minimum speed
25 limit, except when necessary for safe operation.

28 2. Public ways under construction. The Commissioner of
29 Transportation may restrict the speed limit on a public way under
30 construction when a lower rate of speed would minimize the danger
31 of accident. A person may not operate a motor vehicle in excess
32 of these speeds, as long as notice of the maximum speed has been
33 given by signs on the way. This subsection does not apply to the
34 Maine Turnpike.

36 3. Municipal authority. A municipality may not alter a
37 speed limit or enact or enforce a regulation contrary to this
38 Title. A municipality may:

40 A. Regulate traffic by means of signal devices or other
41 appropriate methods on a way on which traffic is heavy or
42 continuous:

44 B. Limit traffic to one-way traffic on a way, subject to
45 Title 23, section 1351:

46 C. Regulate speed of vehicles in public parks by erecting
47 at all entrances to the park adequate signs giving notice of
48 the special speed regulations; and

2 D. With the approval of the Department of Transportation
3 and the Chief of the Maine State Police, increase the speed
4 limit on through ways by erecting adequate signs giving
5 notice of the speed limit.

6 4. Radar. The results of a measurement of the following
7 instruments must be accepted as prima facie evidence of the speed
8 of a motor vehicle in a criminal or traffic infraction proceeding:

10 A. Radar:

12 B. An electronic device that measures speed by
13 radiomicrowaves or otherwise; or

14 C. A device that measures, in any sequence, a selected
15 distance traversed by a motor vehicle operated by the law
16 enforcement officer and the time required by another motor
17 vehicle to traverse that same distance, and computes
18 therefrom the average speed of the other vehicle.

20 5. Signs. The presence of signs is prima facie evidence
21 that those signs were erected, that they provide the notice
22 required and that the speeds indicated were fixed in accordance
23 with this chapter.

24 §2075. Railroad or grade crossings

26 1. Reduction of speed at crossing. An operator of a motor
27 vehicle passing a sign provided for in Title 23, sections 1251
28 and 1252 shall, at a distance of 100 feet from the nearest rail
29 of the crossing reduce the vehicle speed to a reasonable and
30 proper rate, observe in each direction and proceed cautiously
31 over the crossing.

32 2. Warning devices. When a crossing is protected by gates
33 that are lowered or being lowered, or a flagger or automatic
34 signal is indicating that a train is approaching, an operator
35 shall bring a vehicle to a full stop at a distance of not less
36 than 10 feet from the nearest rail of the crossing.

37 A vehicle may proceed across the track when the gates have been
38 raised, the flagger indicates that no train is approaching, or if
39 there is an automatic signal, the operator has ascertained that
40 no train is approaching. An operator proceeding by an automatic
41 signal shall use extra caution.

42 3. Required stops. The operator of the following vehicles
43 may not cross a railroad track at a grade crossing unless the
44 vehicle stops between 50 feet and 15 feet from the nearest rail.

2 listens, looks in each direction along the tracks for an
3 approaching train and ascertains that no train is approaching:

4 A. A bus transporting passengers;

5 B. A motor vehicle transporting any quantity of chlorine;

6 C. A motor vehicle that, in accordance with 49 Code of
7 Federal Regulations, Part 172, Subpart F, is required to be
8 marked or placarded with one of the following markings:

10 (1) Explosives A;

11 (2) Explosives B;

12 (3) Poison gas;

13 (4) Flammable solid W;

14 (5) Radioactive;

15 (6) Flammable;

16 (7) Blasting agent;

17 (8) Nonflammable gas;

18 (9) Chlorine;

19 (10) Poison;

20 (11) Oxygen;

21 (12) Flammable gas;

22 (13) Combustible;

23 (14) Flammable solid;

24 (15) Oxidizer;

25 (16) Organic peroxide;

26 (17) Corrosive; or

27 (18) Dangerous;

28 D. A cargo tank vehicle, whether loaded or empty, used to
29 transport;

2 (1) A hazardous material as defined in 49 Code of
4 Federal Regulations, Parts 170 to 189; or

6 (2) A commodity under special permit in accordance
8 with the provisions of the Code of Federal Regulations;
10 or

12 E. A cargo tank vehicle transporting a commodity that at
14 the time of loading has a temperature above its flash point
16 as determined by 49 Code of Federal Regulations, Part
18 173.115.

20 A. Exceptions. An operator is not required to stop under
22 this section:

24 A. At a streetcar crossing or railroad tracks used
26 exclusively for industrial switching purposes, within a
28 business district;

30 B. When a law enforcement officer or crossing flagger
32 directs traffic to proceed;

34 C. At an abandoned crossing that is marked with a sign
36 indicating that the rail line is abandoned; or

38 D. At an industrial or spur line railroad grade crossing
40 marked with a sign reading "exempt." An "exempt" sign must
42 be erected by or with the consent of the Department of
44 Transportation.

46 5. Penalty. An operator failing to comply with the
48 requirements of this section commits a Class E crime. An
50 operator commits a Class D crime if that operator is required to
stop under subsection 3 and fails to stop for or yield the
right-of-way to a train, engine or conveyance on the track.

6. Abandoned or exempt crossings. The department may
exempt a crossing after providing written notice within 30 days
to the railroad and municipality in which the crossing is located
or, after hearing, if requested within 30 days either by the
railroad, municipality or 10 or more residents of the State. For
each exempt crossing, the department may order and impose safety
provisions as it determines expedient or necessary. For any
exempt crossing that does not have automatic warning devices, the
engineer shall stop the train prior to entering the crossing, and
a member of the train crew shall stop all motor vehicle traffic
prior to flagging the train through the crossing. For an exempt
crossing with automatic warning devices, the engineer shall stop
the train prior to entering the crossing and determine that all

2 motor vehicle traffic has come to a stop prior to proceeding.
4 Any exempt crossing must be posted with appropriate signs, which
6 must be erected and maintained by the department.

8 §2076. Working on ways

10 Sections 2051, 2053, 2055, 2056, 2066, 2068 and 2074 do not
12 apply to a person, team, motor vehicle and other equipment
14 actually engaged in work on the surface of a public way, but does
16 apply to such a person and vehicle when traveling to or from such
18 work.

20 §2077. Emergency rule

22 For public safety or convenience, during a fire, accident,
24 emergency or special event, a law enforcement officer may
26 temporarily close a way to vehicular traffic or to vehicles of a
28 certain description, or divert pedestrian or vehicular traffic.

30 An operator commits a Class E crime if that operator refuses
32 to follow the directions for the movement of vehicles on request
34 or signal of a law enforcement officer.

36 §2078. Unnecessary noise

38 Braking or acceleration may not be unnecessarily made so as
40 to cause a harsh and objectional noise.

42 §2079. Bells or sirens

44 1. Bells or sirens. A bell or siren may not be installed
46 or used on a motor vehicle, except on the following:

48 A. Fire and police department vehicles;

B. Ambulances;

C. Vehicles, only when responding to emergency calls by
state or municipal fire inspectors, municipal fire chiefs,
assistant fire chiefs, police chiefs and assistant police
chiefs;

D. Vehicles used by forest rangers or personnel engaged in
forest fire control as designated by the Department of
Conservation;

E. Vehicles used by sheriffs or deputy sheriffs;

2 F. Vehicles used by wardens as designated by the Department
3 of Inland Fisheries and Wildlife or by the Department of
4 Marine Resources;

5 G. Vehicles used by United States Government law
6 enforcement officials;

7 H. Vehicles used by a state or municipal department that
8 controls or supervises electrical alarm and communication
9 systems; and

10 I. Vehicles used by corrections personnel as designated by
11 the Department of Corrections for use only when responding
12 to prison escapes or performing high-security transfers of
13 committed offenders.

14 **§2080. Operation of all-terrain vehicles**

15 Notwithstanding any other provision of law, whenever an
16 all-terrain vehicle is operated on a way, it is subject to all
17 provisions of this Title, except chapters 5, 7, 13 and 15.

18 **§2081. Use of safety seat belts**

19 1. Definition. "Child safety seat" means a child safety
20 seat that meets the standards described in Federal Motor Vehicle
21 Safety Standards, 49 Code of Federal Regulations, Part 571, in
22 effect on January 1, 1981, as subsequently amended.

23 2. Children under 4. When a child who is less than 4 years
24 of age is being transported in a motor vehicle that is required
25 by the United States Department of Transportation to be equipped
26 with safety seat belts, the following provisions apply.

27 A. The operator must have the child properly secured in
28 accordance with the manufacturer's instructions in a child
29 safety seat.

30 B. The parent is responsible for providing and installing
31 the child safety seat.

32 C. If the motor vehicle is not owned or operated by the
33 child's parent and a child safety seat is not available, the
34 operator must have the child properly secured in a seat
35 belt. This exception does not apply if the child is less
36 than one year of age.

37 3. Person between 4 and 19. When a person 4 years of age
38 or older, but less than 19 years of age, is a passenger in a
39 vehicle that is required by the United States Department of
40 Transportation to be equipped with seat belts, the operator must
41 have the person properly secured in a seat belt or in a child
42 safety seat.

43 4. Enforcement. The following provisions apply to
44 subsections 2 and 3.

45 A. The requirements do not apply to a person over one year
46 of age when the number of passengers exceeds the vehicle
47 seating capacity.

48 B. A person against whom enforcement action has been taken
49 is not guilty of a subsequent violation of subsection 3
50 until 24 hours have elapsed from the date and time of the
first violation indicated on the traffic ticket.

C. A violation is a civil violation for which a forfeiture
of \$25 for the first violation and \$50 for each subsequent
violation may be adjudged. The court shall waive the fine
for a first violation if the parent provides the court with
satisfactory evidence that the parent has acquired a child
safety seat for continuous use by the child within 30 days
of the violation.

5. Evidence. In an accident involving a motor vehicle, the
nonuse of seat belts by the operator or passengers or the failure
to secure a child is not admissible in evidence in a civil or
criminal trial, except in a trial for violation of this section.

§2082. Windows

1. Obstructions. A person may not operate a vehicle with a
sign, poster, opaque or semitransparent material or substance on
the front windshield, side wing or side or rear window that
obstructs the operator's clear view of the way or an intersecting
way.

2. Objects. A person may not operate a motor vehicle with
an object placed or hung in or on the vehicle, other than the
required or provided equipment of the vehicle, in a manner that
obstructs or interferes with the view of the operator through the
windshield or prevents the operator from having a clear and full
view of the road and conditions of traffic.

3. Parking or identification stickers. A motor vehicle may
display no more than one sticker on its windshield for parking or
entry identification.

4. Location of inspection stickers. No portion of a
sticker other than an inspection sticker may be more than 4

inches from the bottom edge of the windshield. If the inspection sticker is located in the lower left hand corner of the windshield, the other sticker must be located to the right of it.

5. Exception. A motor vehicle of the Maine Emergency Management Agency or used to perform public services of an emergency nature may be identified by a windshield sticker bearing the name or service emblem of the agency authorized to act.

6. Interference with operation. A person may not operate a vehicle when the vehicle is loaded, or there are more than 3 persons in the front seat and the load or persons obstruct the view of the operator to the front or sides or interfere with the operator's control over the driving mechanism of the vehicle.

7. Placement of stickers on illegally parked vehicles. A person may not place a sticker or other device on the windshield of a motor vehicle parked in a manner that allegedly constitutes trespass by motor vehicle, as defined in Title 17-A, section 404, if the sticker or other device would obstruct the driver's forward view. A person who places a sticker in violation of this paragraph commits a civil violation for which a forfeiture not to exceed \$50 may be adjudged. This paragraph does not apply to law enforcement officers engaged in the performance of official duties.

§2083. Protective headgear

1. Requirement. The following persons must wear protective headgear:

A. If under 15 years of age, a passenger on a motorcycle, motor-driven cycle or an attached side car;

B. If under 15 years of age, an operator of an off-road motorcycle or motor-driven cycle;

C. An operator of a motorcycle or motor-driven cycle, operating under a learner's permit or within one year of completing a driving test; and

D. A passenger of an operator required to wear headgear.

2. Compliance. An operator of a motorcycle or motor-driven cycle, parent or guardian may not allow a passenger under the age of 15 years to ride in violation of this section.

3. Standard. Protective headgear must conform with minimum standards of construction and performance as prescribed by the

American National Standards Institute specifications Z 90.1 or by the Federal Motor Vehicle Safety Standard No. 218.

4. Public program. In furtherance of reasonable protective public policy, the Department of Public Safety, Bureau of Safety must develop and implement a public information and education program designed to encourage helmet utilization by all motorcycle, motor-driven cycle and moped riders.

5. Violation. Violation of this section is a civil violation for which a forfeiture of \$25 for the first violation and \$50 for each subsequent violation must be adjudged.

§2084. Bicycles

1. Night equipment. A bicycle, motorized bicycle or tricycle, when in use in the nighttime or at other times when motor vehicles are required to display headlights, must have:

A. Lighted a front light that emits a white light visible from a distance of at least 200 feet to the front;

B. A red reflector to the rear that is visible at least 200 feet to the rear; and

C. Reflector strips on the pedals and handlebars.

2. Brakes. A bicycle, motorized bicycle or tricycle must be equipped with a brake sufficient to enable the operator to stop the vehicle within a reasonable distance.

SUBCHAPTER II

VIOLATIONS

§2101. Permitting unlawful use

A person commits a Class E crime if that person knowingly authorizes or permits a vehicle owned by or under control of that person to be driven on a public way by any person not authorized under this Title or in violation of a provision of this Title.

§2102. Unlawful use of license, instruction permit or identification card

A person commits a Class E crime if that person:

1. Display. Displays or possesses a revoked, suspended, mutilated, fictitious or fraudulently altered driver's license or

2 identification card issued or represented to be issued by this
3 State or any other state or province;

4 2. Loan. Knowingly permits another person to use that
5 person's driver's license or identification card issued or
6 represented to be issued by this State or any other state or
7 province;

8 3. Representation. Displays or represents as one's own a
9 driver's license or identification card issued to another by this
10 State or any other state or province; or

11 4. Use. Knowingly permits an unlawful use of a driver's
12 license or identification card issued or represented to be issued
13 by this State or any other state or province.

14 **§2103. Fraud or falsity on documents**

15 1. Material misstatement of fact. A person commits a Class
16 E crime if that person knowingly makes a material misstatement of
17 fact on an application or document submitted in support of an
18 application for a license, certificate, permit, examination,
19 identification card, use decal, placard or any other document
20 requesting action from the Secretary of State.

21 2. Deception. A person commits a Class E crime if that
22 person knowingly substitutes, or knowingly causes another to
23 substitute, as that person's, another's registration certificate,
24 number plate, driver's license or permit, identification card,
25 fuel use or highway use permit or decal or a placard for an
26 examination or application.

27 3. Suspension. On receipt of an attested copy of a court
28 record of conviction or other sufficient evidence of a violation
29 of subsection 1 or 2, the Secretary of State shall immediately
30 revoke every license, certificate, permit or decal issued to that
31 person.

32 These documents must be surrendered to the Secretary of State on
33 demand.

34 Fees paid for these documents may not be refunded.

35 4. Printing or reproduction of motor vehicle document. A
36 person commits a Class D crime if that person prints, prepares,
37 reproduces, sells or transfers without the written consent of the
38 Secretary of State a paper or document in the form of a
39 certificate of registration, driver's license or any other
40 certificate, permit, license or form used by the Secretary of
41 State in administering this Title.

2 5. Aggravated misstatement of fact. A person commits
3 aggravated misstatement of fact if that person:

4 A. Uses documents of another person without the other
5 person's consent in committing a violation of subsection 1
6 or 2;

7 B. Obtains a document, decal or placard in a fictitious
8 name;

9 C. Obtains a document, decal or placard in another person's
10 name and, as a result of use of the material, the other
11 person receives one or more summonses or is arrested,
12 indicted or convicted of an offense not committed by the
13 other person;

14 D. Obtains a driver's license through violation of
15 subsection 1 or 2 when the person's operating privileges
16 have been revoked pursuant to chapter 18-A or have been
17 suspended pursuant to this Title or an order of a court; or

18 E. Uses material obtained through violation of subsection 1
19 or 2 in the commission of a crime or a civil violation.

20 Aggravated misstatement of fact is a Class D crime.

21 **§2104. Improper plates**

22 1. False plates. A person commits a Class E crime if that
23 person attaches or permits to be attached to a vehicle a
24 registration plate assigned to another vehicle or not currently
25 assigned to that vehicle.

26 2. False identification. A person commits a Class E crime
27 if that person obscures identification numbers, identification
28 letters, the state name, validation sticker or mark
29 distinguishing the type of plate attached to a vehicle.

30 3. Proper display. Vehicle registration plates must always
31 be properly displayed.

32 **§2105. Vehicle with no identification marks**

33 A person commits a Class D crime if that person knowingly
34 buys, sells, receives, disposes of, conceals or possesses a motor
35 vehicle or trailer from which the manufacturer's serial number or
36 other distinguishing number or mark has been removed or altered
37 to conceal or misrepresent the identity of the vehicle.

2 **§2106. Tampering with odometer**

4 **1. Odometer.** A person is guilty of a Class D offense if that person:

6 A. Disconnects, changes or tampers with the odometer of a motor vehicle with the intent to misrepresent or change the number of miles indicated on the odometer; or

8 B. When the odometer reading differs from the number of miles a vehicle has been driven, knowingly offers for sale that motor vehicle without disclosing that the actual mileage is unknown or is known to be different than the odometer reading.

10 **2. Service and repair.** Nothing in this section prevents the repair or replacement of an odometer, as long as the odometer mileage remains the same after the service, repair or replacement. If the odometer is incapable of registering the same mileage after the repair or replacement, the odometer must be adjusted to read zero and a notice provided by the Secretary of State must be attached to the left doorframe of the vehicle by the owner or the owner's agent or by an authorized agent of the Secretary of State. The notice must specify the mileage prior to repair or replacement of the odometer and the date of repair or replacement.

12 **3. Violation.** A person commits a Class D crime if that person fails to attach a notice as required under subsection 2 or removes or alters a notice.

14 **4. Unfair trade practice.** A violation of this section constitutes an unfair trade practice under Title 5, chapter 10.

16 **§2107. Odometers: transfers**

18 **1. Information on transfer.** At the time of transfer of a motor vehicle, each transferor shall furnish to the transferee the information required by this subsection in accordance with the federal Truth in Mileage Act of 1986, Public Law 99-579, and the rules promulgated under 49 Code of Federal Regulations, Part 580. The information must be on the reverse of any title or manufacturer's certificate of origin that complies with the federal Truth in Mileage Act of 1986 and rules. If the reverse of the title or manufacturer's certificate of origin is filled or is not in compliance, the disclosure must be on a transfer form prescribed by the Secretary of State. The information required by this subsection must also be provided on any other forms prescribed by the Secretary of State that require odometer information. The required information is as follows:

2 A. The date of the transfer;

4 B. The odometer reading at the time of transfer, not to include 1/10th of miles;

6 C. The transferor's printed name and current address;

8 D. The transferee's printed name and current address;

10 E. The identity of the vehicle being transferred, including its make, model, year and body type and its vehicle identification number if on a form other than a title; and

12 F. The transferor's certification that:

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

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

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

20 **2. Signatures.** The transferor shall sign the title or transfer document to certify the odometer information required by subsection 1. The transferee shall sign the title or transfer document to acknowledge the transferor's odometer disclosure only after the required information is completed and the transferor has signed. A person may not sign as both transferor and transferee in the same transaction.

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

24 **§2108. Tampering with signs**

26 A person commits a Class E crime if that person removes or tampers with a sign, light, flare, reflector or other signalling or safety device placed by the Department of Transportation, a county or municipal official or a contractor performing repairs or maintenance work on or adjoining a public way.

28 **§2109. Use of closed way**

2 A person commits a Class E crime if that person operates a
3 vehicle over a public way that is lawfully closed by posted
4 notice for construction or repairs unless permission to pass is
5 expressly granted by a person in charge of the work.

6 **§2110. Stopping of traffic by hawkers and vendors**

8 A person commits a traffic infraction if that person signals
9 a moving vehicle, stops a vehicle or accosts an occupant of a
10 vehicle stopped on a public way to solicit a contribution or
11 subscription, or sell merchandise or a ticket of admission to an
12 entertainment or public gathering.

14 **§2111. Hitchhiking forbidden**

16 1. Definition. As used in this section, "hitchhike" means
17 to endeavor by words, gestures or otherwise to beg, invite or
18 secure transportation in a motor vehicle not engaged in carrying
19 passengers for hire, unless the hitchhiker is known to the driver
20 or a passenger.

22 2. Violation. A person commits a traffic infraction if
23 that person hitchhikes on:

24 A. The traveled portion of a public way;

26 B. A limited access highway, including but not limited to
27 the Maine Turnpike; or

28 C. Any portion of a public way during the nighttime.

30 3. Exception. This section does not prohibit solicitation
31 of aid in the event of an accident or by persons who are sick or
32 seeking assistance for the sick, if the sickness is bona fide and
33 an emergency exists.

34 4. Regulation. A municipality may regulate or prohibit
35 hitchhiking on a public way by ordinance. The Department of
36 Transportation may regulate or prohibit hitchhiking on a state or
37 state aid highway in the interest of safety at those locations
38 where accidents may be a problem, limited visibility exists or
39 severe traffic conflicts or other safety factors may occur.

40 5. Posting. An area in which hitchhiking has been
41 regulated or prohibited must be clearly identified by posted
42 signs.

44 6. Forfeitures. For a violation of subsection 2, a
45 forfeiture not to exceed \$50 may be adjudged.

2 **§2112. Air pollution control systems**

3 1. Definition. For the purpose of this section, "air
4 pollution control system" means a device or element of design
5 installed on or in a motor vehicle or engine to comply with
6 pollutant emission restrictions established by federal law.

8 2. Prohibition. A person commits a Class E crime if that
9 person operates a motor vehicle, except for an antique auto, a
10 motor vehicle using liquefied petroleum gas as engine fuel or a
11 farm tractor on a public way if any operational element of the
12 air pollution control system of that vehicle has been removed,
13 dismantled or otherwise rendered inoperative.

14 3. Suspension. If a person is convicted of violating this
15 section, the clerk of the court shall furnish to the Secretary of
16 State an attested copy of the judgment of conviction. On receipt
17 of that copy, the Secretary of State shall suspend the
18 registration of the vehicle in violation.

20 The suspension may be appealed as provided in section 2485.

22 Unless otherwise ordered by the Superior Court on appeal, the
23 suspension remains in effect until the Secretary of State has
24 received notice from an official inspection station that the air
25 pollution control system of that vehicle is in good working order.

26 **§2113. Uninspected or defective vehicle; failure to display**
27 **an inspection certificate**

28 1. Defective vehicle. A person commits a Class E crime if
29 that person operates on a public way a vehicle with equipment not
30 conforming to the standards of chapter 15.

32 2. Altered after inspection. A person commits a Class E
33 crime if that person alters a vehicle to make it not conform to
34 the standards of chapter 15 after the vehicle has passed
35 inspection.

36 3. Failure to display inspection sticker. A person commits
37 a traffic infraction if that person operates or permits operation
38 of a vehicle required to be inspected under section 1751 without
39 displaying a current certificate of inspection or fails to
40 produce an inspection sticker on demand of a law enforcement
41 officer.

42 **§2114. Refusing to stop for a law enforcement officer**

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Roadblock" means a vehicle, a physical barrier or other obstruction placed on a way at the direction of a law enforcement officer.

B. "Signal" includes, but is not limited to, the use of a hand signal, siren or flashing emergency lights; and

2. Failure to stop. A person commits a Class E crime if that person fails or refuses to stop a vehicle on request or signal of a uniformed law enforcement officer.

3. Eluding an officer. A person commits a Class C crime if that person, after being requested or signaled to stop, attempts to elude a law enforcement officer by operating a vehicle at a reckless rate of speed that results in a high-speed chase between the operator's vehicle and a law enforcement vehicle using a blue light and siren.

4. Passing a roadblock. A person commits a Class C crime if the person, without authorization, operates or attempts to operate a motor vehicle past a clearly identifiable police roadblock.

5. High-speed chase policies. All state, county and municipal law enforcement agencies must adopt written policies on high-speed chases.

6. Aggravating factor. A person commits a Class B crime if that person attempts to elude a law enforcement officer or passes or attempts to pass a roadblock and another person suffers serious bodily injury, as defined in Title 17-A, section 2, subsection 23, as a result.

SUBCHAPTER III

ACCIDENT AND THEFT REPORTS

§2251. Accident reports

1. Definition. As used in this section, "reportable accident" means an accident on a public way or a place where public traffic may reasonably be anticipated, resulting in bodily injury or death to a person or apparent property damage of \$500 or more.

2. Report required. A reportable accident must be reported immediately by the quickest means of communication to a law enforcement officer or agency by:

A. The operator of an involved vehicle;

B. A person acting for the operator; or

C. If the operator is unknown, the owner of an involved vehicle having knowledge of the accident.

3. Form. The Chief of the State Police:

A. Shall prepare and supply forms for reports that require sufficiently detailed information to disclose the cause, conditions, persons and vehicles involved;

B. Shall receive, tabulate and analyze accident reports; and

C. May publish statistical information on the number, cause and location of accidents.

4. Investigation. A law enforcement officer who investigates a reportable accident shall:

A. Interview participants and witnesses; and

B. Within 5 days from the time of notification of the accident, transmit a written report containing all available information to the Chief of the State Police.

Every reported accident must be promptly investigated.

If the accident results in serious bodily injury or death of any person, the investigation must be conducted by an officer who has met the training standards of a full-time law enforcement officer.

5. Forty-eight-hour report. An operator of a vehicle involved in a reportable accident shall, within 48 hours after the accident, make a written report of the accident to the Secretary of State on forms provided by the Secretary of State. The Secretary of State may require supplemental reports when the original report is insufficient.

6. Financial responsibility information. The 48-hour accident report form must also contain, as prescribed by the Secretary of State, information to determine whether the requirement for proof of financial responsibility is inapplicable.

2 The person reporting shall furnish additional relevant
3 information as the Secretary of State requires.

4 The Secretary of State may rely on the accuracy of the
5 information until there is reason to believe that the information
6 is erroneous.

7 7. Report information. An accident report made by an
8 investigating officer or a 48-hour report made by an operator is
9 for the purposes of statistical analysis and accident prevention.

10 A report or statement contained in the accident report, a
11 statement made or testimony taken at a hearing before the
12 Secretary of State held under section 2483, or a decision made as
13 a result of that report, statement or testimony may not be
14 admitted in evidence in any trial, civil or criminal, arising out
15 of the accident.

16 A report may be admissible in evidence solely to prove compliance
17 with this section.

18 The Chief of the State Police may disclose the date, time and
19 location of the accident and the names and addresses of
20 operators, owners, injured persons, witnesses and the
21 investigating officer. On written request, the chief may furnish
22 a photocopy of a report at the expense of the person making the
23 request.

24 8. Violation. A person commits a Class E crime if that
25 person:

26 A. Is required to make an oral or written report and
27 knowingly fails to do so within the time required; or

28 B. Is an operator involved in a reportable accident and
29 knowingly fails to give a correct name and address when
30 requested by an officer at the scene.

31 9. Prima facie evidence. The absence of notice to a law
32 enforcement agency with jurisdiction where the accident occurred
33 is prima facie evidence of failure to report an accident.

34 10. Suspension. Pursuant to chapter 23, the Secretary of
35 State may suspend or revoke the motor vehicle driver's license
36 and certificate of registration of a person who is required to
37 make a report and fails to do so or who knowingly fails to give
38 correct information required on a report.

39 §2252. Accidents involving death or personal injury

40 1. Operator required to stop. The operator of a vehicle
41 involved in an accident anywhere that results in personal injury
42 or death to a person shall immediately stop the vehicle at the
43 scene of the accident or stop as close as possible and
44 immediately return to the scene.

45 2. Provide information. The operator shall remain at the
46 scene and provide to the injured person or the operator or an
47 occupant of the other vehicle:

48 A. The operator's name and address;

49 B. The registration number of the operator's vehicle; and

50 C. An opportunity to examine the driver's license if the
51 other operator or occupant so requests and the license is
52 available.

53 3. Render assistance. The operator shall render reasonable
54 assistance to an injured person.

55 4. Violation. A person commits a Class D crime if that
56 person fails to comply with this section.

57 §2253. Accidents involving vehicle damage

58 1. Operator required to stop. The operator of a vehicle
59 involved in an accident that results in damage to an attended
60 vehicle shall immediately stop the vehicle at the scene of the
61 accident or stop as close as possible and immediately return to
62 the scene.

63 2. Provide information. The operator shall remain at the
64 scene and provide to the operator or an occupant of the other
65 vehicle:

66 A. The operator's name and address;

67 B. The registration number of the operator's vehicle; and

68 C. An opportunity to examine the driver's license if the
69 other operator or occupant so requests and the license is
70 available.

71 3. Violation. A person commits a Class E crime if that
72 person fails to comply with this section.

73 §2254. Accidents involving unattended vehicle

2 1. Operator required to stop. The operator of a vehicle
involved in an accident that results in damage to an unattended
4 vehicle shall immediately stop the vehicle at the scene of the
accident or stop as close as possible and immediately return to
6 the scene.

8 2. Provide information. The operator shall notify the
owner or operator of the unattended vehicle or shall leave on
10 that vehicle in a conspicuous place a statement containing:

12 A. The operator's name and address;

14 B. The registration number of the operator's vehicle; and

16 C. A statement of the circumstances of the accident.

18 3. Violation. A person commits a Class E crime if that
person fails to comply with this section.

20 §2255. Accidents involving property damage

22 1. Notification. The operator of a vehicle involved in an
accident anywhere that results in property damage shall take
24 reasonable steps to notify the owner of that property of the
accident.

26 2. Provide information. The operator shall provide to the
28 property owner:

30 A. The operator's name and address;

32 B. The registration number of the operator's vehicle; and

34 C. An opportunity to examine the driver's license if the
operator or owner so requests and the license is available.

36 3. Violation. A person commits a Class E crime if that
38 person fails to comply with this section.

40 §2256. Garage proprietor to report serious accident

42 1. Report required. If a person in charge of a garage or
repair shop receives a motor vehicle that shows evidence of a
44 serious accident or bullet damage, that person shall immediately
report that vehicle to the nearest law enforcement agency, giving
46 the serial and engine number or identification number,
48 registration number and the name and address of the owner or
operator of the vehicle.

2 2. Violation. A person commits Class E crime if that
person fails to report a vehicle as required by this section.

4 §2257. Thefts

6 1. Record of thefts. The Chief of the State Police shall:

8 A. Maintain a record of stolen motor vehicles; and

10 B. Promptly report the theft of a vehicle to the Secretary
of State, giving a complete description of the vehicle,
12 including the name and address of the person reporting the
theft.

14 2. Recovery. When a stolen vehicle is recovered, the owner
shall notify the Chief of the State Police of the recovery. The
16 Chief of the State Police shall remove the record of that theft
and notify the Secretary of State.

18 3. Violation. An owner of a vehicle reported as stolen
20 commits a Class E crime if that person fails to give notice of
the vehicle's recovery.

22 SUBCHAPTER IV

24 SCHOOL BUSES

26 §2301. Definitions

28 As used in this subchapter, unless the context otherwise
30 indicates, the following terms have the following meanings.

32 1. Private school. "Private school" has the same meaning
34 as in Title 20-A, section 1, subsection 22.

36 2. School. "School," as used in this subchapter, means an
institution or facility for the teaching of children or for the
38 custodial care of children, whether public or private, which is
regularly attended by such children.

40 3. School-age persons. "School-age persons" means all
42 children up to the age of 18 years, persons 18 years and older
who are enrolled in a state-approved program of primary or
44 secondary education, as defined in Title 20-A, and persons as
described in Title 34-B, section 5402, subsection 1 living at
46 Pineland Center or in any of its residential facilities who are
bused to and from sites off the center grounds as part of their
48 treatment.

2 4. School bus. "School bus" means a motor vehicle with a
4 carrying capacity of 10 or more passengers used to transport
6 children as approved by school authorities to and from school,
8 school activities, municipally operated activities or activities
of a nonprofit corporation or association. It does not include a
private motor vehicle used to transport members of the owner's
household, or a private school activity bus.

10 5. Private school activity bus. "Private school activity
12 bus" means a privately owned motor vehicle with a carrying
14 capacity of 10 to 15 passengers that is not operated with public
16 funds and that is used by a private school to transport students
18 other than to and from home and school.

20 §2302. School bus markings; lights; mirrors

22 1. Identifications. Each school bus:

24 A. Must be identified with the words, "school bus":

26 (1) Printed in letters not less than 8 inches high; and

28 (2) Located between the warning signal lamps as high
30 as possible without impairing front and rear visibility
32 of the lettering;

34 B. Must have no other lettering on the front or rear,
36 except lettering not more than 4 inches high indicating an
38 emergency exit and a bus number;

40 C. Must be painted national school bus glossy yellow,
42 except that the hood may be lusterless black;

44 D. Must have bumpers of glossy black unless painting is
46 impracticable through use of rubber, reflective material or
48 other devices;

E. Must be equipped with a system of signal lights that
conform to school bus requirements approved by the
Commissioner of Education;

F. Must be equipped with a system of mirrors that give the
seated operator a view of the way to each side of the bus,
and of the area immediately in front of the front bumper; and

G. May be equipped with a system of stop arms to be
operated only with the red signal lights.

2 2. Smaller buses. A school bus with a carrying capacity of
4 20 or fewer passengers is required to comply only with the
6 requirements of subsection 1, paragraphs C, D and F.

8 3. Other purposes. A school bus permanently converted
10 wholly to other purposes must be painted a color other than
12 national school bus glossy yellow and have the words "school
14 bus," school bus signal lights and stop arms removed.

16 4. Other passengers. A school bus operated on a public way
18 and transporting passengers who do not include school-age persons
20 must have the words "school bus" removed or concealed and the
22 school bus signal lamps may not be operable.

24 5. Application. A vehicle operated on a public way
26 displaying the words "school bus" or with the equipment required
28 by this section may only be used to transport school-age persons,
30 as defined in section 2301.

32 §2303. School bus operator requirements

34 1. Requirements. The Secretary of State may not issue a
36 school bus operator endorsement unless the applicant:

38 A. Holds a valid driver's license for operation of the
40 class vehicle and has at least one year's experience as a
42 licensed school bus operator;

44 B. Is at least 21 years of age and has held a driver's
46 license for at least one year;

48 C. Meets all training, physical, mental and moral
50 requirements of the Commissioner of Education, as certified
to the Secretary of State in writing;

D. Is qualified as a driver under the motor carrier safety
regulations of the Federal Highway Administration, if that
person or that person's employer is subject to those
regulations;

E. Passes an examination of the person's ability to operate
the specific vehicle that will be driven as a school bus or
a vehicle of comparable type;

F. Has not had a license revoked pursuant to chapter 23,
subchapter V, within the preceding 6-year period; and

G. Has not received an OUI conviction, as defined in
section 2401, subsection 9, within the preceding 6-year
period.

2 2. Current endorsement holders. The Secretary of State
shall suspend or revoke a school operator's endorsement as
4 provided in section 2452.

6 3. Annual physical. The applicant must pass an annual
physical examination at the cost of the employer.

8 4. Safety and driver training. The Department of Education
10 shall, within available resources, develop, certify and
administer regional school bus driver training programs and
12 assist school administrative units in school bus safety and
driver training.

14 5. Fee. A fee of \$10 must accompany the initial
16 application. The fee for a subsequent examination is \$5.

18 §2304. School bus seating; doors; standing prohibited

20 1. Seating. A school bus must meet the following seating
22 requirements.

24 A. The manufacturer's specified seating capacity is
determined by dividing the linear width of each seat by 13
and then rounding the quotient down to the nearest whole
26 number.

28 B. The maximum seating capacity must be the following
percentages of the manufacturer's specified seating capacity:

30 (1) Grades 9 to 12, 85%;

32 (2) Grades kindergarten to 12, 95%;

34 (3) Grades kindergarten to 8, 100%; or

36 (4) If at least 15 inches of seat width per student,
38 100%.

40 C. There may not be auxiliary seating accommodations such
as temporary or jump seats.

42 D. Seats must face the front of the bus and be divided by a
44 center aisle at least 12 inches wide.

46 E. Seating capacity must be displayed in a manner
prescribed by the Commissioner of Education.

48 2. Doors. A school bus must be equipped with at least 2
50 doors as follows:

2 A. One door on the right side near the front for ordinary
exits and entrances; and

4 B. A 2nd door located in the center of the rear or if the
6 engine makes that impossible, on the left side in the center
or to the rear of center. The 2nd door must be free of
8 obstruction, clearly marked as an emergency exit, and
constructed to open from inside and outside.

10 3. Standing passengers. The operator of a school bus may
12 not permit any passengers to stand when the bus is in motion on a
public way.

14 4. Safety seat belts. The operator and passengers in
16 school buses equipped with safety seat belts shall wear those
belts when the vehicle is in motion.

18 §2305. School bus construction; fire extinguisher

20 1. Access. A school bus must be constructed to permit the
22 operator access to the passenger compartment without leaving the
vehicle.

24 2. Exhaust pipe. The exhaust pipe must be entirely outside
26 the passenger compartment of a school bus.

28 3. Fuel tank filler, vent, drain openings. The fuel tank
30 filler, vent and drain openings must be outside the school bus
body.

32 4. Fire extinguisher. A school bus must have at least one
dry chemical fire extinguisher:

34 A. Of at least 2 1/2 pound capacity;

36 B. Mounted in automotive type manufacturer's extinguisher
38 bracket;

40 C. Located in the operator's compartment in full view of
and readily accessible to the operator; and

42 D. Having an Underwriters' Laboratories rating of not less
44 than 10-B; C.

46 §2306. School buses to stop at railroad track crossings

48 1. Full stop. The operator of a school bus shall come to a
50 full stop before crossing a railroad track at a point not more
than 50 feet nor less than 15 feet from the nearest rail.

2 2. Ensure no train. The operator shall ascertain beyond a
4 reasonable doubt that no train, engine or conveyance is
 approaching on the track before proceeding to cross.

6 3. Violation. A person commits a Class E crime if that
8 person, while operating a school bus, fails to stop or yield the
 right-of-way as required by this section.

10 4. Suspension. On conviction of failure to stop or yield
12 to a train, an operator's permit to operate a school bus must be
14 revoked by the Secretary of State for a period of not less than 2
16 years.

14 §2307. School bus inspection

16 1. Biennial inspection. Notwithstanding chapter 15, a
18 school bus must be inspected by an official inspection station
20 designated by the Chief of the State Police as a school bus
 inspection station, during each August and February.

22 2. Additional inspection. In addition to inspection under
24 subsection 1, between September 1st and November 30th and between
26 March 1st and May 31st a school bus inspection must be conducted
 by the State Police.

28 3. Other dates. A school bus requiring inspection during a
30 month other than August and February that satisfies the
32 inspection requirements must be issued the school bus inspection
 sticker that expires the next August or February, whichever is
 earlier.

34 4. Fee. The operator of an official school bus inspection
36 station is entitled to a fee of \$8 for each school bus
 inspected. The fee does not include labor or material used in
 correction of faults.

38 §2308. Overtaking and passing school buses

40 1. Receiving or discharging passengers. A school bus
42 operator shall activate flashing lights at least 100 feet before
44 a stop is made to receive or discharge passengers. These lights
 must be continually displayed until after the bus has received or
 discharged passengers.

46 2. Stopping. The operator of a vehicle on a way or on
48 school property, on meeting or overtaking a school bus from
50 either direction when the bus has stopped with its red lights
 flashing to receive or discharge passengers, shall stop the
 vehicle before reaching the school bus. The operator may not

2 proceed until the school bus resumes motion or until signaled by
4 the school bus operator to proceed.

6 3. Separated roadways. The operator of a vehicle on a way
8 separated by curbing or other physical barrier need not stop on
10 meeting or passing a school bus:

12 A. Traveling in a lane separated by the barrier from the
14 lane in which that operator is traveling; or

16 B. On a limited access highway where pedestrians are not
18 permitted to cross the roadway with the school bus stopped
20 in a loading zone.

22 4. Use of flashing red lights restricted. A school bus
24 operator may not use the system of flashing lights on a school
26 bus for a purpose other than controlling traffic while stopping
28 to receive or discharge school children.

30 5. Registered owner's liability for vehicle illegally
32 passing a school bus. A person who is a registered owner of a
34 vehicle at the time that vehicle is involved in a violation of
36 subsection 2 commits a civil violation. For purposes of this
38 subsection, "registered owner" includes a person issued a dealer
40 or transporter registration plate.

42 A. The operator of a school bus who observes a violation of
44 subsection 2 may report the violation to a law enforcement
46 officer. If a report is made, the operator shall report the
48 time and the location of the violation and the registration
 plate number and a description of the vehicle involved. The
 officer shall initiate an investigation of the reported
 violation and, if possible, contact the registered owner of
 the motor vehicle involved and request that the registered
 owner supply information identifying the operator.

B. The investigating officer may cause the registered owner
 of the vehicle to be served with a summons for a violation
 of this subsection.

C. Except as provided in paragraph D, it is not a defense
 to a violation of this subsection that a registered owner
 was not operating the vehicle at the time of the violation.

D. The following are defenses to a violation of this
 subsection.

(1) If a person other than the owner is convicted of
 operating the vehicle at the time of the violation in

2 violation of subsection 2, then the registered owner
may not be found in violation of this subsection.

4 (2) If the registered owner is a lessor of vehicles
and at the time of the violation the vehicle was in the
6 possession of a lessee, and the lessor provides the
investigating officer with a copy of the lease
8 agreement containing the information required by
section 2308, subsection 5, then the lessee and not the
10 lessor may be charged under this subsection.

12 (3) If the vehicle is operated using a dealer or
transporter registration plate and at the time of the
14 violation the vehicle was operated by any person other
than the dealer or transporter, and if the dealer or
16 transporter provides the investigating officer with the
name and address of the person who had control over the
18 vehicle at the time of the violation, then that person
and not the dealer or transporter may be charged under
20 this subsection.

22 (4) If a report that the vehicle was stolen is given
to a law enforcement officer or agency before the
24 violation occurs or within a reasonable time after the
violation occurs, then the registered owner may not be
26 charged under this subsection.

28 E. Notwithstanding subsection 6, a person who violates this
subsection commits a civil violation for which a forfeiture
30 of not less than \$50 or more than \$250 may be adjudged.

32 6. Penalty. A violation of this section is a Class E crime
which, notwithstanding Title 17-A, section 1301, is punishable by
34 a \$250 minimum fine for the first offense and a mandatory 30-day
suspension of a driver's license for a 2nd offense occurring
36 within 3 years of the first offense.

38 §2309. Exemptions from subchapter

40 A vehicle with a carrying capacity of 20 or fewer passengers
used to transport children to day care or head start facilities
42 is exempt from this subchapter.

44 §2310. Other permitted uses for buses

46 A bus, integrally constructed, with a carrying capacity of
40 or more passengers, operated by a motor carrier holding an
operator's permit issued by the Bureau of State Police may be
48 used for school activities other than conveying children to and
50 from home and school.

2 §2311. Rules

4 The Commissioner of Education may adopt or amend rules
consistent with this Title and in accordance with the Maine
6 Administrative Procedure Act, concerning school bus construction,
equipment and operation.

10 CHAPTER 21

12 WEIGHT AND DIMENSION

14 SUBCHAPTER I

16 WEIGHT

18 §2351. Definitions

20 As used in this subchapter, unless the context otherwise
indicates, the following terms have the following meanings.

22 1. Gross vehicle weight. "Gross vehicle weight" or "GVW"
24 means the actual total weight of the vehicle and load.

26 2. Gross vehicle weight rating. "Gross vehicle weight
rating" or "GVWR" means the weight of the vehicle and load as
28 determined by the final stage manufacturer, as it appears on the
vehicle.

30 3. Registered weight. "Registered weight" means the gross
32 vehicle weight specified on the vehicle's registration
certificate.

34 4. Interstate Highway System. "The Interstate Highway
36 System" has the same definition as in the United States Highway
Act of 1956.

38 §2352. Maximum operational weight

40 Except as allowed by specific exception in section 2382, a
42 vehicle may not be operated on a public way if the weight exceeds:

44 1. Maximum. A gross vehicle weight of 90,000 pounds,
except as provided in section 2354, subsection 2;

46 2. Registered weight. Registered weight with a tolerance
48 of 500 pounds or 2 1/2% over the registered weight;

2 3. Configuration weight. The weight limits on axle
3 configurations; or

4 4. Axle. The axle weight limit as provided in this
5 subchapter.

6 §2353. Weight limits

7 1. Weight limits. The following gross vehicle weight
8 limits apply to vehicles operating on a public way:

9 A. For a 2-axle vehicle, 34,000 pounds;

10 B. For a 3-axle vehicle or combination of vehicles, 54,000
11 pounds;

12 C. For a 4-axle vehicle or combination of vehicles, 69,000
13 pounds; and

14 D. Except as provided in section 2354, subsections 1 and 2,
15 for 5 or more axles, 80,000 pounds.

16 2. Weight reductions. The maximum gross vehicle weight
17 permitted for combination vehicles having:

18 A. Four axles is reduced by 1,000 pounds for each foot the
19 distance is less than 18 feet between the centers of the
20 extreme axles, excluding the steering axle, measured to the
21 nearest foot; or

22 B. Five or more axles is reduced by 2,000 pounds for each
23 foot the distance is less than 24 feet between the centers
24 of the extreme axles, excluding the steering axle, measured
25 to the nearest foot.

26 3. Exception. Subsection 2 does not apply to vehicles
27 operated on the Interstate Highway System.

28 4. Axle weight limits. The following axle weight limits
29 apply.

30 A. A vehicle may not be operated with a gross weight
31 exceeding:

32 (1) On a single-axle unit, 22,400 pounds;

33 (2) On a tandem-axle unit, 38,000 pounds; or

34 (3) On a tri-axle unit, 48,000 pounds.

35 A single axle of a tandem-axle unit may not support more than 60%
36 of the total weight supported by that tandem-axle unit, unless
37 neither axle exceeds the weight legally allowed on a single-axle
38 unit of that vehicle.

39 A single axle of a tri-axle unit may not support more than 40% of
40 the total weight supported by that tri-axle unit.

41 The maximum gross weight of a vehicle or axle may not be
42 increased by the addition of an axle unless it supports at least
43 50% of the added weight permitted by its addition.

44 A single-axle unit is one axle or 2 axles less than 4 feet
45 apart. Two or more axles at least 4 feet and not more than 8
46 feet apart are a tandem-axle unit. Three axles measuring more
47 than 8 feet and less than 12 feet between the first and 3rd axles
48 are a tri-axle unit. If a single-axle unit is closer than 10
49 feet, or 9 feet in the case of a steering axle, to the nearest
50 axle of a tri-axle unit, the 4 axles are a tri-axle unit.

51 5. Maximum tire weight. A vehicle may not be operated when
52 the load on the road surface is greater than 600 pounds per inch
53 of tire width, manufacturer's rating, except farm trucks
54 transporting potatoes directly from the fields to the place of
55 storage or to a processing facility during the potato harvesting
56 season.

57 A tractor, the propulsive power of which is exerted not through
58 wheels resting on the ground but by means of a flexible band or
59 chain known as a movable track, is not subject to this subsection
60 if the portions of track in contact with the surface of the way
61 present plane surfaces.

62 6. Exemption. A vehicle modified for the purpose of
63 plowing snow is exempt from the weight limits imposed by this
64 chapter when engaged in plowing snow or in ice control. Any
65 fire-fighting vehicle with its proper equipment that meets the
66 National Fire Protection Association standards is exempt from the
67 gross and axle weight limits imposed by this chapter.

68 §2354. Six-axle limits

69 Notwithstanding this subchapter, a combination vehicle
70 consisting of a 3-axle truck tractor with a tri-axle semitrailer
71 may be operated with a maximum gross vehicle weight of:

72 1. 90,000 pounds. Ninety thousand pounds, as long as:

2 A. The vehicle is registered for at least 90,000 pounds or
4 the maximum allowable registered weight in its home
6 jurisdiction; and

8 B. If the maximum allowable registered weight in the home
10 jurisdiction is less than 90,000 pounds, the vehicle has a
12 permit authorizing that operation in this State. The annual
14 fee for the permit is \$105. The permit may be issued for a
16 period of 3 months or more on a monthly prorated basis, but
18 may not exceed the expiration date of the annual
20 registration.

22 The maximum gross vehicle weight permitted is reduced by 2,000
24 pounds for each foot the distance is less than 32 feet between
26 the extreme axles, excluding the steering axle, measured to the
28 nearest foot; or

30 2. 100,000 pounds. One hundred thousand pounds, as long as
32 the vehicle meets these additional requirements:

34 A. The distance between the extreme axles, excluding the
36 steering axle, is not less than 36 feet as measured to the
38 nearest foot;

40 B. The minimum distance between the steering axle and the
42 first axle of the tandem-axle group is at least 10 feet as
44 measured to the nearest foot;

46 C. The maximum weight on the:

48 (1) Tandem axle does not exceed 41,000 pounds; and

50 (2) Tri-axle does not exceed 50,000 pounds;

D. All brakes, axles and suspensions are certified for
weight capacity by a final stage manufacturer. The
certification must be presented before the permit is
issued. The certification must be affixed to or carried in
the vehicle and presented on request to a law enforcement
officer;

E. A general commodity permit is obtained. The permit must
be carried in the vehicle at all times. The fee for an
annual permit is \$252; a 3-month permit is \$75; and a permit
for a period of 4 months or more is \$21 per month. A permit
may be transferred to another vehicle for an additional fee
of \$2.

The permit may be obtained from a branch office of the
Secretary of State, Bureau of Motor Vehicles, or from an

2 agent appointed by the Secretary of State. A municipal
4 agent may charge an additional \$1 and may retain that sum as
6 compensation.

8 Revenue from the permit fee must be expended for the
10 enforcement of truck weight regulations.

12 A vehicle with a general commodity permit may carry special
14 commodities specified in section 2357 without an additional
16 permit; and

18 F. Nothing contained in this subsection applies to vehicles
20 using the Interstate Highway System as defined in the
22 Federal Aid Highway Act of 1956.

24 For vehicles operating under this subsection gross vehicle weight
26 violations are determined on the basis of 90,000 pounds.

28 For all vehicles manufactured, modified or retrofitted with
30 liftable or variable load suspension axles after October 30,
32 1991, liftable or variable load suspension axles are permitted
34 only under the following conditions: only one liftable or
36 variable load axle may be present on the truck tractor and only
38 one liftable or variable load axle may be present on the
40 semitrailer; liftable or variable load axles must be located on
42 the vehicle so that they are legally part of the tandem axle
44 group or tri-axle group as appropriate; and the axle weight
46 rating of liftable or variable load axles must conform to the
48 expected loading of the suspension and must be 20,000 pounds or
50 more.

§2355. Interstate Highway System weight limits

1. Maximum weight. Notwithstanding section 2353,
subsections 1 and 2, a vehicle may be operated on the Interstate
Highway System with maximum weights permitted by this subsection
if the weight does not exceed 80,000 pounds or the following
formula, whichever is less.

$$W = 500 \left(\frac{LN}{N-1} + 12N + 36 \right)$$

W = overall gross weight on any group of 2 or more
consecutive axles to the nearest 500 pounds

L = overall distance in feet between the extreme
of any group of 2 or more consecutive axles

N = number of axles in group under consideration.

2 2. Axle limits. Notwithstanding section 2357, on the
4 Interstate Highway System, the weight may not exceed:

6 A. On a single-axle unit:

8 (1) When the GVW is 73,280 pounds or less, 22,000
10 pounds; or

12 (2) When the GVW exceeds 73,280 pounds, 20,000 pounds;

14 B. On a tandem-axle unit, 34,000 pounds; and

16 C. On axles groups containing 2 or more axles, the maximum
18 determined by the formula in subsection 1.

20 3. Three-axle truck. A 3-axle truck with brakes on all
22 wheels, with a GVW of 48,000 pounds or less, may be operated on
24 the Interstate Highway System when hauling:

26 A. Forest products or raw ore from the mine or quarry to a
28 place of processing, with a distance between extreme axles
30 of not less than 18 feet; or

32 B. Construction materials, with a distance between extreme
34 axles of not less than 16 feet.

36 §2356. Operation of commercial vehicle exceeding registered
38 weight

40 1. Operation prohibited. A person commits a Class E crime
42 if that person operates a commercial vehicle in excess of its
44 registered weight on a public way.

46 2. Prima facie evidence. Operation of a vehicle is prima
48 facie evidence that the operation was caused by the person
holding the permit or certificate for that vehicle from the
Secretary of State.

3. Exception. An operator who is employed by a carrier
holding a permit or certificate and who has not participated in
loading the vehicle is not subject to a penalty.

4. Penalty. Notwithstanding Title 17-A, section 4-B, the
fine for a violation of subsection 1 must be 1/2 of the
difference in the registration fees for the actual weight and the
registered weight of the vehicle. The minimum fine for a
violation of this section is \$25.

2 5. Private ways exempted. This section does not apply to
4 operating on private ways.

6 §2357. Weight tolerance for certain vehicles

8 1. Vehicles included. The following vehicles qualify for
10 the weight tolerances of this section:

12 A. A vehicle loaded entirely with building materials that
14 absorb moisture, bark, sawdust, firewood, sawed lumber,
16 dimension lumber, pulpwood, wood chips, logs, soil,
18 unconsolidated rock material including limestone, bolts,
20 farm produce, road salt, manufacturer's concrete products,
22 solid waste, building materials or incinerator ash;

24 B. Trucks carrying highway construction materials;

26 C. A vehicle loaded with a majority of products requiring
28 refrigeration, whether by ice or mechanical equipment; or

30 D. A vehicle loaded with raw ore from the mine or quarry to
32 a place of processing.

34 2. Tolerance. A vehicle is not in violation if its gross
36 vehicle weight does not exceed 110% of the maximum gross vehicle
38 weight and the maximum axle loads do not exceed:

40 A. For a single-axle unit, 24,200 pounds;

42 B. For a tandem-axle unit, 46,000 pounds;

44 C. For a tri-axle unit, 54,000 pounds; and

46 D. On the tri-axle unit of a 4-axle single-unit vehicle
48 hauling forest products, 64,000 pounds.

50 3. Axle limits. Notwithstanding subsection 2, the
tandem-axle unit limit for a vehicle with a combination of 5 or
more axles may not exceed 44,000 pounds.

4. Six-axle combination. Notwithstanding subsection 2, a
6-axle combination vehicle, consisting of a 3-axle tractor
operating in combination with a tri-axle semitrailer may not
exceed 100,000 pounds. The distance between the extreme axles of
a vehicle under this subsection, excluding the steering axle,
must be at least 32 feet.

If a truck tractor is registered in a jurisdiction where the
maximum allowable registered weight is less than 90,000 pounds,
the vehicle must have a permit authorizing operation in this

2 State. The annual fee for the permit is \$105. The permit may be
3 issued for a period of 3 months or more on a monthly prorated
4 basis, but may not exceed the expiration date of the annual
5 registration.

6 5. Application. The tolerances provided under this section
7 only apply when a vehicle:

8 A. Is actually transporting the listed commodities;

9 B. Is registered for at least the maximum legal weight for
10 its configuration allowed under section 2352; and

11 C. Has a special commodity permit.

12 6. Seals. If a seal is required on a vehicle, the State
13 Police shall record the numbers of the old seal and the new seal.

14 7. Penalty calculation. When a tolerance is exceeded, the
15 difference between the actual weight and the limit established in
16 section 2352 must be used as the basis for determining the
17 percentage of overload in section 2361 and the tolerance must be
18 disregarded.

19 8. Interstate Highway System. This section does not apply
20 to a vehicle operated on the Interstate Highway System.

21 §2358. Special commodity permits

22 A special commodity permit allows the application of the
23 tolerances provided in section 2357 to the permitted vehicle.
24 The following provisions apply to special commodity permits.

25 1. Registration weight. A permit is valid only when issued
26 to a vehicle registered for the maximum gross weight for its
27 configuration allowed in the home jurisdiction.

28 2. Posted weight limits. A permit holder shall observe
29 posted weight limits on bridges and public ways.

30 3. Issuing a permit. A permit may be obtained from a
31 branch office of the Bureau of Motor Vehicles or from an agent of
32 the Secretary of State appointed for that specific purpose. An
33 agent must be a municipal tax collector or town or city manager.

34 4. Fee. The following fees apply:

35 A. For issuing the permit, \$2;

36 B. For transferring the permit to another vehicle, \$2; and

37 C. For the service of an agent, an additional \$1, which is
38 retained by the agent as compensation.

39 5. Term. A permit expires with the annual registration of
40 the vehicle.

41 6. Display. A permit must be carried in or on the vehicle
42 and produced upon demand of a law enforcement officer.

43 7. Issuing on violation. When a vehicle exceeds a maximum
44 weight limit and is required to but does not have a special
45 commodity permit, the operator of the vehicle must obtain a
46 permit before proceeding. This requirement does not replace
47 penalties, fines or other fees that may be due.

48 8. Exemption. A vehicle owned and operated by a government
49 agency is exempt from the requirement for a special commodity
50 permit.

51 §2359. Weighing of vehicles

52 A law enforcement officer may require a motor vehicle or
53 combination of vehicles described in this chapter to stop and
54 submit to weighing. The following provisions apply to the
55 weighing of vehicles.

56 1. Travel to public scales. If scales are not available,
57 the officer may require that an operator of a vehicle go to the
58 nearest public scales capable of weighing the vehicle, if the
59 travel does not increase by more than 5 miles the distance that
60 the operator may reasonably travel to reach its destination.

61 2. Weighing points. The Chief of the State Police may
62 designate weighing points where public stationary scales are
63 located.

64 A weighing point must have signs:

65 A. Not less than 500 feet from approaching traffic;

66 B. Bearing the words "State Police Truck Check - All Trucks
67 Stop"; and

68 C. Displaying flashing yellow lights, which must operate
69 when the weighing station is open.

70 The placement of signs is prima facie evidence that these signs
71 were displayed in accordance with this section.

2 An operator of a vehicle subject to GVW restrictions who fails to
4 stop at the weighing point when the signs are operating, unless
6 otherwise directed by a law enforcement officer, commits a civil
8 violation for which a forfeiture not to exceed \$500 may be
10 adjudged.

12 3. Designating officers. The Chief of the State Police may
14 designate certain state law enforcement officers to examine loads
16 and replace seals as provided by this section.

18 4. Required stops. On direction of an law enforcement
20 officer, an operator must drive the vehicle onto the scales for
22 weighing and permit examination of the registration certificate
24 and the load.

26 5. Seals. When examination requires the breaking of a seal
28 previously placed on a vehicle, a new seal must be placed on it.

30 The officer shall make a complete record and forward it to the
32 Chief of the State Police.

34 A seal on a truck having an exposed refrigeration unit may not be
36 broken.

38 6. Unloading excess. When an officer determines that a
40 vehicle exceeds the permitted weight, the officer must require
42 the operator to stop the vehicle in a designated place.

44 The vehicle may not proceed until the operator has reduced the
46 weight to permitted limits; except that if the excess weight does
48 not exceed 2,000 pounds, an officer may permit the vehicle to
proceed without unloading. The officer may summons the owner or
driver of that vehicle.

An officer, the State or a political subdivision is not
responsible for loss or damage to a vehicle or its contents as a
result of unloading.

7. Out-of-service sticker. If the weight exceeds the
maximum allowable gross vehicle weight by 20% or more, the
officer shall affix an out-of-service sticker to the windshield
until the vehicle is brought into compliance.

The vehicle may not be moved until it is brought into compliance.

When a vehicle is brought into compliance, an officer may attest
to compliance by signing the out-of-service sticker.

2 A person commits a Class E crime if that person moves a vehicle
4 with an out-of-service sticker that has not been signed by an
6 officer attesting to compliance.

8 An owner or operator who fails to have the out-of-service sticker
10 attested or who fails to return the attested sticker or portion
12 to the Bureau of State Police within 15 days of issuance commits
14 a traffic infraction.

16 8. Allowable movement. Notwithstanding this section, a law
18 enforcement officer may allow a vehicle to be operated a
20 reasonable distance to a more appropriate location for unloading
22 or parking.

24 9. Fees. Subject to the provisions of Title 5, chapter
26 375, subchapter IV, the operator of a vehicle registered in this
28 State found to violate section 2352 shall pay to the officer
30 weighing the vehicle the difference between the annual
32 registration fee for the actual weight of the vehicle and the
34 annual registration fee previously paid prior to proceeding.

36 The operator of a foreign-registered vehicle found to be in
38 violation of section 2352 must obtain a trip permit for a fee of
40 \$25 before the vehicle may proceed. The trip permit is valid for
42 72 hours. The Secretary of State shall notify the violator's
44 home jurisdiction of the violation of section 2352.

46 The payment of a fee under this section does not preclude the
48 imposition of fines or penalties. Upon payment of the fee, the
officer shall give the operator a temporary registration
certificate. Fees collected must be returned to the Secretary of
State at least biweekly. These fees accrue to the Highway Fund.

10. Records. A state law enforcement officer shall keep a
complete record of each vehicle weighed.

The records must include information as to the general type of
load carried.

The officer shall send a copy of each record, prior to the close
of the month following the weighing, to the Chief of the State
Police.

The Chief of the State Police shall prepare and furnish the forms
for these records.

\$2360. Prima facie evidence

For the purposes of this Title, weights as indicated by a
stationary or portable scale approved by the Department of

2 Transportation and tested within 12 calendar months prior to the
3 time of use by a person and method approved by the Department of
4 Transportation are considered accurate.

5 §2361. Excess vehicle weight

6 1. Violation of weight provision. A person who operates or
7 causes operation of a motor vehicle in violation of a weight
8 provision for any axle or group of axles or gross vehicle weight
9 commits a traffic infraction.

10 2. Penalty. Notwithstanding section 101, subsection 84, a
11 person who is guilty of excessive vehicle weight must be punished
12 by a fine in accordance with this section. When both gross and
13 axle weight limits are exceeded, the penalty imposed must be for
14 the violation that results in the higher fine.

15 3. Schedule of fines. The fine must be based on the
16 amount of gross vehicle weight or axle weight in excess of the
17 limits prescribed in sections 2352 to 2355.

18 This schedule is cumulative:

<u>Percent over allowed basic</u> <u>weight</u>	<u>Fine for</u> <u>each percent</u>
<u>1-10%</u>	<u>\$10 for each percent</u>
<u>11-20%</u>	<u>\$100 + \$15 for each percent</u> <u>over 10%</u>
<u>21-30%</u>	<u>\$250 + \$20 for each percent</u> <u>over 20%</u>
<u>31-40%</u>	<u>\$450 + \$25 for each percent</u> <u>over 30%</u>
<u>41-50%</u>	<u>\$700 + \$30 for each percent</u> <u>over 40%</u>
<u>more than 50%</u>	<u>\$1,000 + \$10 for each</u> <u>percent over 50%</u>

24 4. Minor gross weight violations. It is not a violation if
25 the allowable gross vehicle weight is exceeded by less than 500
26 pounds multiplied by the number of axles less one. If the
27 allowable gross weight is exceeded by more than 500 but less than
28 1,000 pounds multiplied by the number of axles less one, the fine
29 is reduced by 50%.

30 5. Minor axle weight violations. It is not a violation if
31 the allowable weight on an axle or group of axles is exceeded by
32 less than 1,000 pounds. If the excess is less than 1,000 pounds
33 plus 500 pounds multiplied by the number of axles in the axle
34 group, the fine is reduced by 66%. If the excess is less than
35 1,000 pounds plus 1,000 pounds multiplied by the number of axles
36 in the axle group, the fine is reduced by 50%.

37 6. Axle overweight not exceeding 5%. It is not a violation
38 if, before any redistribution of load under subsection 7, the
39 weight of a single-axle unit, tandem-axle unit or tri-axle unit
40 is not more than 105% of the allowable weight for that axle unit.

41 7. Redistribution of load. Notwithstanding any other
42 provisions of this section, when an officer determines that a
43 vehicle that is within the gross vehicle weight limit is in
44 violation of an axle weight limit, the officer shall permit the
45 operator to redistribute the load once before proceeding. If
46 redistribution brings the vehicle into compliance with axle
47 limits, then the fine is reduced as follows:

48 A. If the violation is less than 2,000 pounds, no penalty;

49 B. If the violation is less than 3,000 pounds, by 66%; and

50 C. If the violation is less than 4,000 pounds, by 50%.

51 8. Multiple reductions. If multiple waivers or reductions
52 of fines may apply, the subsection that gives the smallest fine
53 applies. Reductions may not be combined.

54 9. Minimum fine. The minimum fine is \$10 or, for a vehicle
55 using the Interstate Highway System, \$20 and cost of court.

56 10. Application. Subsections 4 to 7 do not apply to travel
57 on the Interstate Highway System.

58 §2362. Aggravated excessive vehicle weight violations

59 1. Traffic infraction. A person who operates or causes
60 operation of a motor vehicle exceeding the maximum allowable
61 gross vehicle weight limit by 20% or more commits a traffic
62 infraction except as provided in section 2363.

63 2. Penalty. Notwithstanding section 101, subsection 84, a
64 fine equal to the applicable gross weight fine, increased by 50%
65 for the first offense, and by 100% for the 2nd or subsequent
66 offense during a 12-month period, is imposed. In the event that
67 a larger fine would be due for an axle violation under section
68 2361, that larger fine must be imposed.

2 3. Prior offenses. A law enforcement officer shall
investigate to determine whether the charged person has been
4 adjudicated under provisions of this section, including an
inquiry of the Secretary of State.

6 An offense that occurs with the same vehicle within a
8 12-month period following a previous adjudication for a violation
is a 2nd or subsequent offense.

10 A previous adjudication has occurred within the 12-month
12 period if the date of docket entry of the adjudication is 12
14 months or less from the date of the new conduct that is a
violation.

16 If the person being prosecuted has the same name and date of
18 birth as a person who has a previous adjudication, then there is
a presumption that they are the same person.

20 **§2363. Repeat offender**

22 1. Record keeping. The Secretary of State must maintain a
record of aggravated excessive vehicle weight violations.

24 2. Suspension for repeat offenders. If the record
26 maintained by the Secretary of State shows that a vehicle has
been operated in violation of section 2362 3 or more times during
28 a 12-month period, then the Secretary of State shall suspend the
registration plates and certificate of that vehicle, or, for a
30 foreign-registered vehicle, the right to operate in this State.

32 3. Length of suspension. The term of suspension for the
34 3rd offense is 30 days and, for the 4th and subsequent offenses,
60 days.

36 4. Criminal penalty. Notwithstanding section 2362, a 3rd
or subsequent violation of section 2362 within a 12-month period
38 is a Class E crime, but the fine specified in section 2362 and
the suspension specified in this section apply.

40 **§2364. Refusal to permit weighing**

42 1. Violation. An operator or owner commits a Class E crime
44 if that person refuses to permit the weighing of a vehicle as
provided in this subchapter.

46 2. Fine. Notwithstanding Title 17-A, a fine of not more
48 than \$1,500 may be imposed. The fine accrues to the Highway
Fund.

2 **§2365. Six-axle single unit truck**

4 A 6-axle single unit truck may be operated, or caused to be
operated, if:

6 1. General road limit. The general road limit for this
vehicle is 54,000 pounds gross vehicle weight when the vehicle
operates as a 3-axle single unit vehicle; 69,000 pounds when the
8 vehicle operates as a 4-axle or 5-axle single unit vehicle; and
10 77,200 pounds gross vehicle weight when the vehicle operates as a
6-axle single unit vehicle;

12 2. Axle distance. Axle distances as measured from axle
14 center to axle center, numbering the axles beginning with the
steering axle and moving rearward on the vehicle, are as follows:

Axle to axle	At least	But not more than
Steering to axle 2	13 ft. 7 in.	14 ft. 1 in.
Axle 2 to axle 3	4 ft. 3 in.	4 ft. 9 in.
Axle 3 to axle 4	4 ft.	5 ft. 3 in.
Axle 4 to axle 5	4 ft. 3 in.	4 ft. 9 in.
Axle 5 to axle 6	5 ft.	5 ft. 6 in.
Steering to axle 6	Not applicable	32 ft. 10 in.

36 The distance between the front bumper and the rear bumper of the
38 vehicle may not exceed 41 feet:

40 3. Lifiable axles. Axles 2, 5 and 6 of the vehicle may be
42 lifiable axles. Axles 2 and 6 must be self-steering axles of a
type that has been approved by the Department of Transportation;

44 4. Four-tiered axles. All axles must be 4-tiered axles
46 except the steering axle and axle 2;

48 5. Certified weight capacity. All brakes, axles and
suspensions must be certified with respect to weight capacity by
a final stage manufacturer. The final stage manufacturer must
50 also certify that the vehicle's axle spacings and interlock

2 devices met the requirements of this paragraph at the time of
3 manufacture. The certification must be filed with the Secretary
4 of State on forms prescribed by the Secretary of State. A copy
5 of the certification must be carried in the vehicle at all times;

6 6. Operation as a 3-axle single unit vehicle. When
7 operating as a 3-axle single unit vehicle:

8 A. All provisions of this Title appropriate for a 3-axle
9 single unit truck with rear tandem axle apply;

10 B. Commodities permitted by section 2357 may be carried if
11 a permit is obtained in accordance with that section. Gross
12 weight and axle weights must be those specified for 3-axle
13 vehicles for the specific commodities carried; and

14 C. The basic weight used to calculate fines is a gross
15 vehicle weight road limit of 54,000 pounds or the axle
16 weight limits provided by this section, as appropriate. If
17 there are 2 or more weight violations, only the largest fine
18 applies;

19 7. Operation as a 4-axle or 5-axle single unit vehicle.
20 When operating as a 4-axle or 5-axle single unit vehicle:

21 A. Axle 5 must be fully lowered and in contact with the
22 ground at all times;

23 B. All provisions of this Title appropriate for a 4-axle
24 single unit truck with rear tri-axle apply, using the
25 tri-axle group limits for axles 2 to 5;

26 C. Commodities permitted by section 2357 may be carried
27 provided that a permit is obtained in accordance with that
28 section. Gross weight and axle weights are those specified
29 for 4-axle or 5-axle vehicles for the specific commodities
30 carried, as appropriate; and

31 D. The basic weight used to calculate fines is a gross
32 vehicle weight road limit of 69,000 pounds or the axle
33 weight limits provided by this section, as appropriate. If
34 there are 2 or more weight violations, only the largest fine
35 applies;

36 8. Operation as a 6-axle single unit vehicle. When
37 operating a 6-axle single unit vehicle:

38 A. The vehicle must be registered for at least 77,200
39 pounds;

2 B. Only forest products may be carried;

3 C. A special commodity permit in accordance with section
4 2357 must be obtained;

5 D. All liftable axles must be in contact with the ground
6 except that axles 2 and 6 may be temporarily lifted when
7 necessary during cornering operations. Immediately
8 following this cornering operation, the axles must be
9 lowered to full contact with the ground. Axles 2 and 6, if
10 liftable, must be fitted with interlock devices that prevent
11 the operator from lifting the axle or axles when the vehicle
12 speed exceeds 15 miles per hour. The devices must be
13 designed to permit the axle-lifting operation only in the
14 low range in a 2-range transmission or in either the low or
15 medium range in a 3-range transmission. The devices must
16 also be designed to automatically lower axles 2 and 6 to
17 normal contact with the ground when the transmission is
18 shifted from the applicable ranges under this division;

19 E. The maximum permitted gross vehicle weight is 85,000
20 pounds;

21 F. The maximum weight of the steering axle may not exceed
22 15,600 pounds and the maximum weight of each of the other
23 axles of the vehicle may not exceed 15,000 pounds;

24 G. The following forgiveness provisions are granted on the
25 gross vehicle weight and axle weight limits:

26 Gross vehicle weight

27 85,001 lbs. to 87,499 lbs.	Fine waived
28 87,500 lbs. to 89,999 lbs.	Fine reduced
29 90,000 lbs. or more	50%
	Full fine

30 Axle weight

31 <u>Steering axle</u>	<u>No forgiveness</u>
	<u>granted</u>

32 Axles 2 to 6:

33 15,001 lbs. to 15,999 lbs.	Fine waived
34 16,000 lbs. to 16,499 lbs.	Fine reduced
35 16,500 lbs. to 16,999 lbs.	2/3
36 17,000 lbs. or more	Fine reduced
	50%
	Full fine

No other tolerances or forgivenesses apply; and

H. The basic weight used to calculate fines is a gross vehicle weight road limit of 77,200 pounds or the axle weight limits enumerated in paragraph F, as appropriate. If there are 2 or more weight violations, the largest fine only applies; and

9. Application. Nothing contained in this section is applicable to vehicles operating on the Interstate Highway System, as defined in the Federal Aid Highway Act of 1956.

\$2366. Four-axle single unit truck in combination with 2-axle trailer

A combination vehicle consisting of a 4-axle single unit truck operating in combination with a 2-axle trailer may be operated, or caused to be operated, with a maximum gross weight of 94,000 pounds if:

1. Registration. The trailer unit is registered for a minimum of 28,000 pounds gross weight and the combined registered weight of the truck and trailer unit is at least 85,000 pounds gross weight;

2. Special commodity permit. A special commodity permit is obtained in accordance with section 2358 and carried in the vehicle at all times. Only those commodities permitted under section 2358 may be carried when a vehicle is being operated at a gross vehicle weight exceeding 80,000 pounds;

3. Single axle weights. The following single axle weights are not exceeded:

A. For a steering axle, the limit is the lesser of 14,000 pounds or the weight limit provided by this chapter;

B. For 2 to 4 truck axles, the limit is 20,000 pounds for each axle; or

C. For trailer axles, the limit is 18,000 pounds for each axle;

4. Triaxle gross weight. The gross weight of the triaxle, which is the sum of the weight of the 2nd, 3rd and 4th axles of the truck, does not exceed 50,000 pounds;

5. Lifiable axles. When operating at a gross vehicle weight exceeding 88,000 pounds, all liftable axles of the vehicle are in full contact with the ground at all times;

6. Percent over basic weight. The "percent over basic weight" used to calculate fines for weight violations by the vehicle are based upon a gross vehicle weight limit of 85,000 pounds or upon the axle weight limits enumerated in subsections 3 and 4, as appropriate;

7. Vehicle dimensions. The following vehicle dimensions are met:

	At Least	Not to Exceed
Overall Vehicle		
Length --	65 ft. 0 in.	
Axle 1 to Axle 6	56 ft. 10 in.	58 ft. 10 in.
Axle 1 to Axle 2	13 ft. 6 in.	18 ft. 4 in.
Axle 2 to Axle 3	3 ft. 8 in.	5 ft. 0 in.
Axle 3 to Axle 4	3 ft. 8 in.	5 ft. 0 in.
Axle 4 to Axle 5	12 ft. 11 in.	17 ft. 6 in.
Axle 5 to Axle 6	15 ft. 2 in.	20 ft. 7 in.

Axle distances are measured from axle center to axle center; and

8. Certification of brakes, axles and suspensions. All brakes, axles and suspensions of both the truck and trailer units are certified with respect to weight capacity by a final stage manufacturer. Separate certifications for the truck and trailer units must be filed with the Secretary of State on forms prescribed by the Secretary of State. A copy of the certification for each unit must be carried in the vehicle at all times.

Nothing contained in this subsection is applicable to vehicles operating on the Interstate Highway System, as defined in the Federal Aid Highway Act of 1956.

SUBCHAPTER II

HEIGHT AND WIDTH

\$2380. Height and width restrictions

1. Maximum width. A vehicle that is wider than 102 inches over all may not be operated on a public way or bridge.

2. Maximum height. A vehicle with a permanent or temporary structural part more than 13 feet, 6 inches in height measured

2 vertically from a level ground surface may not be operated on a
3 public way or bridge.

4 A load may extend 6 inches above the maximum permissible
5 structural height of a vehicle.

6 A vehicle may not be operated over a section of a way or bridge
7 that does not provide adequate overhead clearance.

8
9
10 3. Reflecting mirrors. A portion of a vehicle or load,
11 except a reflecting mirror, may not project beyond the side of
12 that vehicle to make a total width greater than specified in this
13 section.

14
15 4. Hay. Notwithstanding subsection 1, rolled baled hay may
16 be loaded on a vehicle not to exceed 11 feet in width when
17 transported within a 20-mile radius of the farm on which the hay
18 is harvested or stored. A vehicle used for the transportation of
19 rolled baled hay may not be operated on a public way during
20 nighttime.

21
22 5. Wood piled in tiers. If firewood, pulpwood or bolts are
23 piled in tiers from the front to rear of the vehicle:

24
25 A. When the load will pitch to the center of the vehicle, a
26 strip of wood or metal 3 inches thick must extend along the
27 sides of the platform, from front to rear, securely fastened
28 to the platform; or

29
30 B. The load must be bound from front to rear with 2 chains,
31 wire ropes, steel cable binders or web straps or a
32 combination:

33 (1) Meeting the specifications of section 2386; and

34
35 (2) Held firmly in place and properly spaced to secure
36 the load.

37
38 The vehicle so loaded must carry a solid-boarded tailboard or 5
39 stakes of sufficient strength evenly spaced to maintain the
40 weight of the load. The load may not at any place be higher than
41 the tailboard or stakes.

42
43 6. Liability. A person damaging a bridge or overpass with
44 a vehicle or load in excess of the legal height or width limits
45 established in this chapter or a posted limit is deemed the
46 proximate cause of all damage and is liable for the costs of all
47 repairs necessary to restore the structure to its condition prior
48 to the accident. Officials in charge of the maintenance of a

2 bridge or overpass may bring a civil action to recover the costs
3 of repairs.

4
5 7. Penalty. The penalty for the violation of this section
6 is a fine of not less than \$100 nor more than \$1,000, except that
7 the minimum fine for a violation of a posted bridge height is
8 \$250.

9 8. Exceptions. This section does not apply to:

10
11 A. Snow plows and equipment used exclusively for the
12 removal of snow from public ways;

13
14 B. Construction equipment used on way and bridge
15 construction projects; and

16
17 C. A load of loose hay, pea vines, cornstalks or other
18 loosely mounded loads that can not damage structures or
19 threaten public safety.

20
21 §2381. Moving heavy objects and objects that exceed dimensional
22 limits

23
24 1. Prohibition. A person may not move a vehicle or other
25 object over a public way or bridge without obtaining a permit
26 under this section if that vehicle or object exceeds the length,
27 width, height or weight prescribed in this Title or if it has
28 attached to its wheels a flange, rib, clamp or other object
29 likely to injure the surface of the public way or bridge.

30
31 2. Exception. This section does not prohibit:

32
33 A. The transportation of poles by a tractor and semitrailer
34 without regard to overall length;

35
36 B. Overwidth mowing machines, light farm tractors or other
37 lightweight farming vehicles and equipment not customarily
38 operated over public ways, if equipped with lights or
39 reflectors to the front and rear adequately warning, during
40 nighttime, other highway users of the extreme width; or

41
42 C. The use of tire chains of reasonable proportions when
43 required for safety because of snow, ice or other slippery
44 conditions.

45
46 3. Transporter certificates. This section applies but is
47 not limited to holders of transporter registration certificates.

48
49 §2382. Overlimit movement permits
50

2 1. Overlimit movement permits issued by State. The
3 Secretary of State, acting under guidelines and advice of the
4 Commissioner of Transportation, may grant permits to move
5 nondivisible objects having a length, width, height or weight
6 greater than specified in this Title over a way or bridge
7 maintained by the Department of Transportation.

8 2. Permit fee. The Secretary of State, with the advice of
9 the Commissioner of Transportation, may set the fee for these
10 permits, at not less than \$3, nor more than \$15, based on weight,
11 height, length and width.

12 3. County and municipal permits. A permit may be granted,
13 for a reasonable fee, by county commissioners or municipal
14 officers for travel over a way or bridge maintained by that
15 county or municipality.

16 4. Permits for weight. A vehicle granted a permit for
17 excess weight must first be registered for the maximum gross
18 vehicle weight allowed for that vehicle.

19 5. Special mobile equipment. The Secretary of State may
20 grant a permit, for no more than one year, to move pneumatic-tire
21 equipment under its own power, including Class A and Class B
22 special mobile equipment, over ways and bridges maintained by the
23 Department of Transportation. The fee for that permit is \$15 for
24 each 30-day period.

25 6. Scope of permit. A permit is limited to the particular
26 vehicle or object to be moved and particular ways and bridges.

27 7. Construction permits. A permit for a stated period of
28 time may be issued for loads and equipment employed on public way
29 construction projects, United States Government projects or
30 construction of private ways, when within construction areas
31 established by the Department of Transportation. The permit:

32 A. Must be procured from the municipal officers for a
33 construction area within that municipality;

34 B. May require the contractor to be responsible for damage
35 to ways used in the construction areas and may provide for:

36 (1) Withholding by the agency contracting the work of
37 final payment under contract; or

38 (2) The furnishing of a bond by the contractor to
39 guarantee suitable repair or payment of damages.

40 The suitability of repairs or the amount of damage is to be
41 determined by the Department of Transportation on
42 state-maintained ways and bridges, otherwise by the
43 municipal officers;

44 C. May be granted by the Department of Transportation or by
45 the state engineer in charge of the construction contract;
46 and

47 D. For construction areas, carries no fee and does not come
48 within the scope of this section.

8. Gross vehicle weight permits. The following may grant
permits to operate a vehicle having a gross vehicle weight
exceeding the prescribed limit:

A. The Secretary of State, with the consent of the
Department of Transportation, for state and state aid
highways and bridges within city or compact village limits;

B. Municipal officers, for all other ways and bridges
within that city and compact village limits; and

C. The county commissioners, for county roads and bridges
located in unorganized territory.

9. Pilot vehicles and state police escorts. Pilot vehicles
required by a permit must be equipped with warning lights and
signs as required by the Secretary of State with the advice of
the Department of Transportation.

Warning lights may only be operated and lettering on the signs
may only be visible on a pilot vehicle while it is escorting on a
public way a vehicle with a permit.

The Secretary of State shall require a State Police escort for a
single vehicle or a combination of vehicles of 125 feet or more
in length or 16 feet or more in width. The Secretary of State,
with the advice of the Commissioner of Transportation, may
require vehicles of lesser dimensions to be escorted by the State
Police.

The Bureau of State Police shall establish a fee for State Police
escorts.

All fees collected must be used to defray the cost of services
provided.

2 With the advice of the Commissioner of Transportation and the
3 Chief of the State Police, the Secretary of State shall establish
4 rules for the operation of pilot vehicles.

5 10. Taxes paid. A permit for a mobile home may not be
6 granted unless the applicant provides reasonable assurance that
7 all property taxes, sewage disposal charges and drain and sewer
8 assessments applicable to the mobile home, including those for
9 the current tax year, have been paid or that the mobile home is
10 exempt from those taxes.

11 **§2383. Crossing of public way**

12 1. Authorization. The following, by a contract with the
13 abutting landowners at the designated crossing, may authorize the
14 crossing of ways by vehicles or objects having an excessive
15 length, width, height or weight:

16 A. The Department of Transportation for state aid highways
17 and other ways maintained by the department;

18 B. Municipal officers for ways within the municipality; and

19 C. The county commissioners for county roads in the
20 unorganized territory.

21 2. Contract. A contract must contain at least the
22 following:

23 A. The term, including a term of years, for which the
24 authorization remains valid;

25 B. Provisions for reimbursement to the authorizing agency
26 for costs of repair or maintenance of the way arising out of
27 the use of the crossing; and

28 C. Other terms and conditions for safety, grading and
29 maintenance.

30 3. Scope. A contract grants authority to use the crossing
31 to the abutting landowners at the point of crossing and to those
32 using the crossing with the landowner's permission.

33 **§2384. Regional overdimensional truck permits**

34 1. Authorization. The Commissioner of Transportation may
35 enter into a regional overdimensional truck permit agreement.

36 2. Purpose. It is the purpose of this section to:

37 A. Promote and encourage the fullest and most efficient use
38 of the highway system by making uniform, among member
39 jurisdictions, the administration of overdimensional and
40 overweight permits for nondivisible loads on vehicles in
41 interstate operation;

42 B. Enable participating jurisdictions to act cooperatively
43 in the issuance of overdimensional and overweight permits
44 and in the collection of appropriate fees; and

45 C. Establish and maintain the concept of one administering
46 jurisdiction for each permittee based on the rules
47 established under the agreement.

48 3. Principles. The State recognizes that the regional
49 administration of overdimensional and overweight permits for
50 nondivisible loads will promote the more efficient use of the
51 highway system while protecting that system from abuse. The
52 State further recognizes that this agreement will reduce the
53 administrative burdens for both the participating jurisdictions
54 and the permittees by limiting the number of contacts necessary
55 when a motor carrier moves an overdimensional or overweight load
56 interstate.

57 4. Authorization. The Commissioner of Transportation may
58 enter into an agreement, not in conflict with any other sections
59 of this Title or of Title 23, that furthers the intent of this
60 section.

61 5. Fees. The commissioner may collect and distribute fees
62 for other participating jurisdictions and receive fees from those
63 jurisdictions collected on behalf of this State.

64 6. Report. The commissioner shall submit a biennial report
65 to the joint standing committee of the Legislature having
66 jurisdiction over transportation matters in January of
67 even-numbered years. The report must outline progress in the
68 expansion and the operation of the agreement.

69 **§2385. Protruding objects and trailers**

70 1. Warning device. A vehicle carrying an object that
71 projects more than 5 feet from the rear must carry, at or near
72 the rear of the object:

73 A. During nighttime, a red light; and

74 B. At all other times, a clean fluorescent cloth at least
75 18 by 18 inches.

2 2. Logs. During the hours when lights are required, a
4 vehicle carrying logs that project more than 4 feet from the rear
6 of the vehicle must display a red reflector or reflectorized
8 paint on the end of the log projecting furthest to the rear. The
reflector or reflectorized paint must be of sufficient size and
properly located and maintained so as to reflect, at night on an
unlighted highway, the undimmed headlights of a vehicle
approaching from the rear for at least 200 feet.

10 3. Safety chains. A trailer, semitrailer or vehicle being
12 towed must, in addition to the tow bar or coupling device, have a
14 safety chain or steel cable so attached as to prevent breakaway
16 from the towing vehicle.

The chain or steel cable must be made of not less than 1/4-inch
wire.

This subsection does not apply to truck tractor and semitrailer
units equipped with 5th wheel mechanism.

§2386. Binding of loads

22 1. Load in excess of 8 feet. A vehicle used to transport a
24 load of long logs, junk or unserviceable motor vehicles, greater
26 than 8 feet in height, must have the load bound by at least 3
28 securing lines, which may be chains and binders, wire ropes,
steel cables, polyester or nylon web straps or any combination.

30 2. Lower load. If the height of the load is less than 8
32 feet and more than 30 inches, the load must be bound by at least
2 securing lines.

34 3. Quality. Chains, ropes or cables may not be less than
3/8 inch in diameter.

36 4. Webbing. Web straps must have a working strength of not
38 less than 12,000 pounds each. A loss of 25% or more of the width
or 25% of the thickness across 1/2 the width at any point makes
the straps insufficient.

40 5. Location. These securing lines must be held firmly in
42 place and properly spaced to secure the load.

§2387. Certain substances on public ways

44 1. Injurious substances. A person may not place on a way a
46 tack, nail, wire, scrap metal, glass, crockery or other substance
48 that may injure feet, tires or wheels. If a person accidentally
50 places such substance on a way, that person shall immediately
make all reasonable efforts to clear the way of that substance.

2 2. Unsecured load. A person may not operate on a public
4 way a vehicle with a load that is not fastened, secured, confined
or loaded to reasonably prevent a portion from falling off.

6 For the purposes of this section, "load" includes, but is not
8 limited to, firewood, pulpwood, logs, bolts or other material,
but does not include loose hay, pea vines, straw, grain or
cornstalks.

10 When the load consists of sawdust, shavings or wood chips, and a
12 reasonable effort has been made to completely cover the load,
14 minor amounts blown from the vehicle while in transit do not
constitute a violation.

16 3. Gravel. A load of gravel, sand, crushed stone, rubbish,
18 wood chips, building debris or trash must be covered or otherwise
secured or confined to prevent any portion of the load from
falling from or spilling out of the vehicle.

20 4. Snow. A person may not place and allow to remain on a
22 public way snow or slush that has not accumulated there naturally.

§2388. Bridge loads

24 1. Local authority to limit weight, number or speed.
26 Officials responsible for the repair and maintenance of a bridge
28 may limit the combined weight of vehicle and load or any axle, or
the number or speed of vehicles permitted on a bridge to the
30 limit necessary for the safety of life or property or the
maintenance of the bridge.

32 2. Department of Transportation responsibility. If an
34 official fails to set limits, the Department of Transportation
may set limits.

36 3. Posting. Regulations are in effect when notice is
38 conspicuously posted at each end of a bridge.

40 4. Advice. Limits must be based on the advice of the
42 Department of Transportation or a registered professional civil
engineer retained for the purpose of inspecting and determining
the safe capacity of bridges.

44 In an emergency, the officials may set limits as they may
46 determine proper for the structural capacity or the maintenance
of the bridge.

48 As soon as is reasonably possible, the officials shall seek the
50 advice of the Department of Transportation.

2 5. Penalty. Violation of a posted bridge weight limit is a
4 traffic violation, for which a forfeiture of \$20 per each full
6 1,000 pounds plus \$30 per each full 10% over the posted limit may
8 be adjudged.

10 It is not a violation if the excess weight is less than 500
12 pounds multiplied by the number of axles less one.

14 If the violation is for excess weight less than 1,000 pounds
16 multiplied by the number of axles less one, the fine is reduced
18 by 50%.

20 §2389. Violations; bond; appeals

22 1. Violation. Except as otherwise provided, an operator
24 who violates a provision of this subchapter commits a traffic
26 infraction for which a forfeiture of not less than \$25 nor more
28 than \$1,000 for each offense may be adjudged.

30 2. Bond. In granting a permit under this subchapter, an
32 operator may be required to post a satisfactory bond to reimburse
34 for expenses necessarily incurred in repairing damage caused to
36 the way or bridge by the operator's use.

38 3. Appeals. An appeal in writing may be taken to the
40 Department of Transportation from an order or decision of a
42 municipal official under sections 302, 2380 to 2383 and 2388.

44 The Department of Transportation may hear and decide the matter
46 in a summary manner, modifying, affirming or vacating the action
48 and may issue any order necessary to carry out its decision.

50 An appeal does not suspend the order or decision of the municipal
official unless ordered by the Department of Transportation.

An appeal may be taken to the Public Utilities Commission from an
action by a railroad corporation under section 2388 in respect to
a highway bridge maintained by the corporation. The commission,
after notice and hearing, may confirm or modify that action.

§2390. Menacing or damaging vehicles

The Secretary of State may revoke or suspend the certificate
of registration of a vehicle that is:

1. Menace. So constructed that when in operation the
vehicle is a menace to the safety of its occupants or to the
public; or

2. Damage. So constructed or operated as to cause
unreasonable damage to public ways or bridges.

§2391. Truck, trailer and combinations; limitations

1. Limitation on drawn trailers. Only one trailer or
semitrailer may be drawn by a motor vehicle, except that a
combination of a truck tractor, semitrailer and full trailer 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. Driveaway and "towaway"
operations, as defined by the Bureau of Motor Vehicles, may
include a combination of saddle mount vehicles not to exceed 3
units in contact with the road.

2. Converted semitrailers. A semitrailer converted to a
trailer by use of a converter dolly remains a semitrailer for all
other purposes in this Title and is considered one vehicle while
connected.

3. Maximum length limits. The following maximum length
limits include permanent or temporary structural parts of the
vehicle and load, but do not include refrigeration units or other
nonload-carrying appurtenances permitted by federal regulation.

A. A vehicle may not exceed 45 feet, except as provided in
this section.

B. A combination of truck tractor and full trailer or truck
tractor and semitrailer may not exceed 65 feet.

C. A trailer or semitrailer may be greater than 45 feet but
not more than 48 feet in length provided that the distance
between the center of the rearmost axle of the truck tractor
and the rearmost axle of the trailer or semitrailer does not
exceed 38 feet.

D. The load on a combination vehicle transporting
tree-length logs may extend rearward beyond the body of the
vehicle by no more than 8 1/2 feet, as long as no more than
25% of the length of the logs extends beyond the body.

E. 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,

2 Section 411, with an overall length in excess of 65 feet, if
3 the trailer or semitrailer length does not exceed 48 feet.

4 F. A combination of truck tractor, semitrailer and full
5 trailer, or a combination of truck tractor and 2
6 semitrailers, may be operated on the Interstate Highway
7 System and those qualifying federal aid primary system
8 highways designated by the Secretary of the United States
9 Department of Transportation, pursuant to the United States
10 Surface Transportation Assistance Act of 1982, Public Law
11 97-424, Section 411, with an overall length in excess of 65
12 feet, if no semitrailer or trailer length exceeds 28.5 feet.

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

20 H. A combination vehicle transporting automobiles may be
21 operated with an additional front overhang of not more than
22 3 feet and rear overhang of not more than 4 feet.

23 I. Saddle mount vehicle transporter combinations with up
24 to 3 saddlemounted vehicles and one fullmount, with an
25 overall length not exceeding 75 feet, may be operated on the
26 Interstate Highway System and those qualifying federal aid
27 primary system highways designated by the Secretary of the
28 United States Department of Transportation, pursuant to the
29 United States Surface Transportation Assistance Act of 1982,
30 Public Law 97-424, Section 411.

31 J. Notwithstanding any other provision of this subsection,
32 a single semitrailer whose total length exceeds 48 feet but
33 does not exceed 53 feet may be operated in combination with
34 a truck tractor on highways designated by the Commissioner
35 of Transportation if the following conditions are met.

36 (1) The wheelbase of the semitrailer, measured as the
37 distance from the kingpin to the center of the rearmost
38 axle of the semitrailer, may not exceed 43 feet.

39 (2) The kingpin setback of the semitrailer, measured
40 as the distance from the kingpin to the front of the
41 semitrailer, may not exceed 3 1/2 feet in length.

42 (3) The rear overhang of the semitrailer, measured as
43 the distance from the center of the rear tandem axles

2 of the semitrailer to the rear of the semitrailer, may
3 not exceed 35% of the wheelbase of the semitrailer.

4 (4) The semitrailer must be equipped with a rear
5 underride guard that is of sufficient strength to
6 prevent a motor vehicle from penetrating underneath the
7 semitrailer, extends across the rear of the semitrailer
8 to within an average distance of 4 inches of the
9 lateral extremities of the semitrailer, exclusive of
10 safety bumper appurtenances, and is placed at a height
11 not exceeding 22 inches from the surface of the ground
12 as measured when the semitrailer is empty and is on a
13 level surface.

14 (5) The semitrailer must be equipped with vehicle
15 lights that comply with or exceed federal standards and
16 reflective material approved by the Commissioner of
17 Transportation that must be located on the semitrailer
18 in a manner prescribed by the commissioner. The
19 semitrailer must display a conspicuous warning on the
20 rear of the semitrailer indicating that the vehicle
21 combination has a wide turning radius.

22 (6) The semitrailer and the truck tractor used in
23 combination with the semitrailer may not have liftable
24 axles.

25 (7) The maximum gross weight of the truck tractor and
26 semitrailer combination may not exceed 80,000 pounds or
27 the maximum gross vehicle weight permitted by chapter
28 21, subchapter I, whichever is less.

29 (8) The overall length of the truck tractor and
30 semitrailer combination may not exceed 70 feet,
31 including all structural parts of the vehicle,
32 permanent or temporary, and any load carried on or in
33 the vehicle.

34 (9) Notwithstanding section 2380, the width of the
35 semitrailer must be 102 inches, except that the width
36 of the rear safety bumper and appurtenances to the
37 safety bumper may not exceed 103 inches and except that
38 the width of a flatbed or lowboy semitrailer, measured
39 as the distance between the outer surface edges of the
40 semitrailer's tires, must be at least 96 inches but no
41 more than 102 inches.

42 (10) For semitrailers being operated off the
43 designated routes, a 53-foot semitrailer access permit
44 must be obtained from the Department of

2 Transportation. The permit must apply to a specific
4 motor carrier, specify routing and any other travel
6 conditions and be carried in the truck tractor. Access
8 to service facilities for the purpose of food, fuel,
10 repairs and rest must be permitted only on intersecting
12 crossroads within 1/2 mile of the system of federal aid
14 primary highways designated by the Commissioner of
16 Transportation for 53-foot semitrailer travel.

18 (11) A 53-foot semitrailer permit must be obtained
20 from the Secretary of State. The fee, which is
22 nontransferable and nonrefundable, is \$60 per year for
24 a maximum of 2 years or \$5 per month or portion of a
26 month for a period of from one to 24 months. The
28 Secretary of State shall issue an identification decal
30 of such size and design as the Secretary of State
32 prescribes that must be permanently affixed to the
34 exterior of the semitrailer in a location the Secretary
36 of State specifies and the decal must be at all times
38 visible and legible.

40 (12) This vehicle combination may not transport cargo
42 that has been prohibited for this vehicle combination
44 by the Commissioner of Transportation.

46 The Secretary of State shall adopt rules for the permitting
48 of this vehicle combination.

50 4. Exemption. Fire department vehicles and disabled motor
vehicles being towed to a repair facility are exempt from length
restrictions.

5. Rules of access. The Commissioner of Transportation
shall adopt rules consistent with the United States Surface
Transportation Assistance Act of 1982, Public Law 97-424, to
ensure reasonable access between 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, and terminals, facilities for food, fuel, repairs and rest
and points of loading and unloading for household goods
carriers. The commissioner may issue permits for that travel.

§2392. Log-haulers and traction engines to obtain permits

Log-haulers, traction engines or other motive power to be
used in drawing heavily loaded sledges, carts, drays or vans may
be operated upon ways, provided the owners or operators thereof
shall apply for and obtain a permit as provided in sections 2381

2 and 2382, and section 2389, subsection 2 and shall deposit a bond
4 as provided in those sections.

CHAPTER 23

MAJOR OFFENSES - SUSPENSION AND REVOCATION

SUBCHAPTER I

GENERAL PROVISIONS

§2401. Definitions

14 As used in this chapter, unless the context otherwise
16 indicates, the following terms have the following meanings.

18 1. Alcohol and drug program. "Alcohol and drug program"
20 means the alcohol and other drug education, evaluation and
22 treatment program administered by the Office of Substance Abuse
24 under Title 5, chapter 521, subchapter V.

26 2. Blood-alcohol level. "Blood-alcohol level" means a
28 stated percentage by weight of alcohol in the blood, based on
30 grams of alcohol per 100 milliliters of blood.

32 3. Chemical test. "Chemical test" means a test used to
34 determine blood-alcohol level or drug concentration by analysis
36 of blood, breath or urine.

38 4. Drugs. "Drugs" means scheduled drugs as defined under
40 Title 17-A, section 1101.

42 5. Failure to submit to a test or failed to submit to a
44 test. "Failure to submit to a test" or "failed to submit to a
46 test" means failure to comply with the duty to submit to and
48 complete chemical testing under section 2521.

50 6. Operating. "Operating," in any form, means operating
or attempting to operate a motor vehicle.

7. OAS. "OAS" means to operate after the Secretary of
State or a court has suspended the driver's license.

8. OUI. "OUI" means operating under the influence of
intoxicants or with an excessive blood-alcohol level under
section 2411, 2453, 2454, 2456 or 2472.

9. OUI conviction. "OUI conviction" means a conviction for:

A. A violation of section 2411;

2 B. A violation of Title 15, section 3103, subsection 1,
4 paragraph F:

6 C. Violation of former Title 29, section 1312, subsection
8 10 or section 1312-B:

10 D. In a jurisdiction that is a party to the Driver License
12 Compact established in chapter 11, subchapter V, an offense
14 described in the compact, section 1454, subsection 1,
16 paragraph B, or an offense that is similar as provided by
18 section 1454, subsection 3; or

20 E. In a court of the United States or a court of a state
22 that is not a party to the compact, an offense for which
24 punishment includes the possibility of incarceration,
26 whether or not actually imposed, and the elements of the
28 offense as provided in the law of that jurisdiction include
30 operation of a motor vehicle while intoxicated, impaired or
32 under the influence of alcohol, intoxicating liquor, drugs
34 or with a level of blood-alcohol sufficient for conviction
36 under the laws of that jurisdiction.

38 10. OUI offender. "OUI offender" means a person who
40 receives an OUI conviction.

42 11. OUI offense. "OUI offense" means an OUI conviction or
44 suspension for failure to submit to a test.

46 12. OUI suspension. "OUI suspension" means the suspension
48 of a driver's license for an OUI conviction.

50 13. Under the influence of intoxicants. "Under the
influence of intoxicants" means being under the influence of
alcohol, a drug other than alcohol, a combination of drugs or a
combination of alcohol and drugs.

§2402. Calculating prior convictions

For purposes of this chapter, a prior conviction or action
has occurred within the 6-year period if the date of the action
or the date of the docket entry of conviction is 6 years or less
from the date of the new conduct.

§2403. Period of administrative suspension deducted from
court-imposed suspension

Except for a suspension for failure to submit to a test, the
period of time of an administrative suspension ordered by the
Secretary of State prior to an OUI conviction that arose out of

2 the same occurrence is deducted from the period of time of any
4 court-imposed suspension. If the suspension is for failure to
6 submit to a test, a period of suspension imposed by the court or
8 by the Secretary of State for an OUI conviction is consecutive to
10 the period of suspension imposed for failure to submit to a test.

§2404. Owner liable for damage by impaired operator

12 An owner or person having control over a motor vehicle who,
14 having knowledge or reason to know that a person under the
16 influence of intoxicating liquor or drugs or both has a
18 blood-alcohol level of .08% or more by weight of alcohol in the
20 blood, permits that person to operate that motor vehicle is
22 jointly and severally liable with that person for damages caused
24 by the negligence of the person. This section is not in
26 derogation of, does not limit and does not diminish any cause of
28 action or right of recovery that is or may become available under
30 the common law.

§2405. Optional reporting of drivers operating under the
influence of intoxicating liquor or drugs

32 1. Persons who may report. If, while acting in a
34 professional capacity, a medical or osteopathic physician,
36 resident, intern, emergency medical services person, medical
38 examiner, physician's assistant, dentist, dental hygienist,
40 dental assistant or registered or licensed practical nurse knows
42 or has reasonable cause to believe that a person has been
44 operating a motor vehicle, snowmobile, all-terrain vehicle or
46 watercraft while under the influence of intoxicants and that
48 motor vehicle, snowmobile, all-terrain vehicle or watercraft has
50 been involved in an accident, that person may report those facts
to a law enforcement official.

2. Immunity from liability. A person participating in good
faith in reporting under this section, or in participating in a
related proceeding, is immune from criminal or civil liability
for the act of reporting or participating in the proceeding.

Nothing in this section may be construed to bar criminal or civil
action regarding perjury.

In a proceeding regarding immunity from liability, there is a
rebuttable presumption of good faith.

46 3. Privileged or confidential communications. The
48 physician-patient privileges under the Maine Rules of Evidence
50 and the confidential quality of communication under Title 24-A,
section 4224 and Title 32, section 1092-A are abrogated in
relation to required reporting or other proceeding.

2 In the determination of an appropriate sentence, failure to
3 submit to a test is an aggravating factor.

4 The court shall give notice of the suspension and take physical
5 custody of the driver's license.

6 The Secretary of State may impose an additional period of
7 suspension under section 245L, subsection 3, or may extend a
8 period of suspension until satisfaction of any conditions imposed
9 pursuant to chapter 23, subchapter III, article 4.

10 6. Aggravated punishment category. If the State pleads and
11 proves that, while operating a motor vehicle in violation of this
12 section, the operator in fact caused serious bodily injury as
13 defined in Title 17-A, section 2, subsection 23 to another person
14 or in fact caused the death of another person, the offense is a
15 Class C crime. The minimum penalties apply, but the minimum
16 period of suspension must be 18 months unless a longer minimum
17 period applies.

18 7. Surcharge. A surcharge of \$30 must be charged for a
19 conviction under this section. For the purposes of collection
20 procedures, the surcharge is considered a fine. Notwithstanding
21 section 2602, this surcharge accrues to the Highway Fund for the
22 purpose of covering the costs associated with the administration
23 and analysis of blood-alcohol tests.

24 8. Juvenile crime. References in this Title to this
25 section include the juvenile crime in Title 15, section 3103,
26 subsection 1, paragraph F, and the disposition, including a
27 suspension, for that juvenile crime in Title 15, section 3314,
28 subsection 3, except as otherwise provided or except where the
29 context clearly requires otherwise.

30 **§2412. Operating while license suspended or revoked**

31 1. Offense; penalty. A person commits a Class E offense if
32 that person operates a motor vehicle on a public way or in a
33 parking area when that person's license or right to apply for or
34 obtain a license or permit has been suspended or revoked, and
35 that person:

36 A. Has received written notice of a suspension or
37 revocation from the Secretary of State;

38 B. Has been orally informed of the suspension or revocation
39 by a law enforcement officer;

40 C. Has actual knowledge of the suspension or revocation;

41 D. Has been sent written notice in accordance with section
42 245B, subsection 4; or

43 E. Has failed to appear in court pursuant to a notice or
44 order specified in section 2605.

45 2. Exception. This section does not apply to a person
46 whose license to operate or right to apply for or obtain a
47 license or permit has been revoked under the laws in subchapter V
48 governing habitual offenders.

49 3. Minimum mandatory sentences. If the suspension was for
50 an OUI offense, the court shall impose a fine of not less than
\$350, a period of incarceration of not less than 7 consecutive
days, and a mandatory suspension of license of not less than one
year nor more than 3 years consecutive to the original
suspension. If the court fails to suspend, the Secretary of
State shall impose the minimum one-year suspension and may impose
up to 3 years of suspension.

For all other suspensions, if the person has one or more prior
convictions for violating this section within a 6-year period,
the minimum fine is \$200.

The minimum mandatory sentence applies only to the original
period of suspension or an extension by the Secretary of State.
The minimum mandatory sentence does not apply to an extension of
the original suspension imposed to compel compliance with
conditions for the restoration of a license or for failure to pay
a reinstatement fee.

4. Juvenile procedures. The requirements under Title 15,
section 757 of a separate reading of the allegation and a
separate trial do not apply to a proceeding under this subsection.

5. Take custody of license. The court shall give notice of
the suspension and shall take physical custody of a driver's
license as provided in section 2434.

§2413. Driving to endanger

1. Definition. A person commits a Class E crime if, with
criminal negligence as defined in Title 17-A, that person drives
a motor vehicle in any place in a manner that endangers the
property of another or a person, including the operator or
passenger in the motor vehicle being driven.

2. Allegation of facts. In pleading under this section, it
is not necessary to allege specifically the facts that constitute
criminal negligence.

2 3. Penalties. A person who violates this section is
4 subject to a license suspension of not less than 30 days nor more
6 than 180 days, which minimum may not be suspended. If the court
fails to suspend the license, the Secretary of State shall impose
the minimum period of suspension.

8 4. Exception. This section does not apply to the operation
of a vehicle:

10 A. In racing events and exhibitions at which the public
12 does not have access to the operating area; or

14 B. On private land to which the public does not have access
16 when used by or with authorization of the landowner.

18 5. Notice. The court shall give notice of the suspension
and take physical custody of a driver's license as provided in
section 2434.

20 §2414. Drinking while operating a motor vehicle

22 1. Definitions. As used in this section, "alcohol" means an
24 alcoholic, spirituous, vinous, fermented or other alcoholic
beverage, or combination of liquors and mixed liquors, intended
26 for human consumption that contains more than 1/2 of 1% of
alcohol by volume.

28 2. Violation; penalty. A person who drinks alcohol while
30 operating a motor vehicle on a public way commits a civil
violation for which a forfeiture not to exceed \$500 may be
32 adjudged.

34 §2415. Operating while suspended or revoked under another license

36 A resident or nonresident whose license has been suspended
38 or revoked commits a Class E crime if that person operates a
40 motor vehicle during that suspension or revocation under a
license or permit issued by any other jurisdiction.

42 §2416. Registration suspension by court

44 1. Required registration suspension. The court shall
suspend the right to register a motor vehicle and all
46 registration certificates and plates issued by the Secretary of
State to any person convicted for a violation of section 2411 who
48 has a previous conviction for OUI within the 6-year period
defined by section 2402.

2 2. Reissuance of registration. Notwithstanding a court
order suspending a registration, the Secretary of State may
4 restore a registration certificate and plates without fee during
the remaining term of the registration to a spouse or other
6 family member upon receipt of an affidavit authorizing the spouse
or other family member to register the vehicle.

8 §2417. Suspended registration

10 A person commits a Class E offense if that person operates
12 or permits another to operate a vehicle when the registration of
that vehicle is suspended or revoked.

14 §2418. Other court suspension of driver's license

16 1. Court suspension. In addition to or instead of any
other penalty provided in this Title, the court may suspend a
18 driver's license for a period not exceeding 60 days.

20 2. Judicial recommendations. A judge may make a
recommendation to the Secretary of State on suspension of
22 licenses and certificates of registration as the judge considers
to be in furtherance of justice.

26 Article 2

28 Forfeiture

30 §2421. Forfeiture of motor vehicles for OUI

32 1. Forfeiture. After notice and hearing, a motor vehicle
must be forfeited to the State when a defendant is:

34 A. The sole owner-operator of that vehicle; and

36 B. Convicted of:

38 (1) OUI; and

40 (2) A simultaneous offense of operating after
42 suspension when the underlying suspension was imposed
44 for a prior OUI conviction.

46 The court shall order the forfeiture unless another person
48 satisfies the court prior to the judgment and by a preponderance
of the evidence that the other person had a right to possess that
motor vehicle, to the exclusion of the defendant, at the time of
the offense.

2 2. Seizure of vehicle of owner-operator. Any motor vehicle
3 operated by a sole owner is subject to seizure by any law
4 enforcement officer authorized to enforce the motor vehicle laws
5 of this State when:

6 A. The owner-operator operates or attempts to operate that
7 motor vehicle under the influence of intoxicating liquor or
8 drugs or while having 0.08% of alcohol by weight in the
9 blood; and

10 B. The owner-operator is under suspension or revocation as
11 a result of a previous conviction of operating under
12 influence of alcohol or drugs or while having 0.08% of
13 alcohol by weight in the blood.

14 3. Lienholders. A forfeiture of a motor vehicle encumbered
15 by a perfected bona fide security interest is subject to the
16 interest of the secured party if the party did not have knowledge
17 of the act on which the forfeiture is based.

18 4. Preliminary order. At the request of the State, the
19 court may issue, ex parte, a preliminary order to seize or secure
20 a motor vehicle subject to forfeiture and to provide for custody.

21 That order may include an order to a financial institution or to
22 any fiduciary or bailee to impound the vehicle in its possession
23 or control and to release the vehicle only on further order of
24 the court.

25 The court may issue an order only on a showing of probable cause
26 and after criminal complaints of OUI and OAS have been filed
27 against the owner-operator.

28 The application, issuance, execution and return of an order are
29 subject to applicable state law.

30 A law enforcement officer authorized to enforce motor vehicle
31 laws may seize a motor vehicle without court order when:

32 A. The seizure is incident to an arrest with probable cause
33 for an OUI by the sole owner and the officer has probable
34 cause to believe the vehicle is subject to forfeiture; or

35 B. The vehicle has been subject of a prior judgment in
36 favor of the State in a forfeiture proceeding under this
37 section or any other provision of law.

38 5. Reports. An officer, department or agency seizing a
39 vehicle shall file a report of seizure with the Attorney General

40 or a district attorney having jurisdiction over the vehicle. The
41 report must be:

42 A. Filed within 21 days of the date of seizure; and

43 B. Labeled "Vehicle Report" and include, without limitation:

44 (1) A description of the vehicle;

45 (2) The place and date of seizure;

46 (3) The name and address of the owner or operator of
47 the vehicle at the time of seizure; and

48 (4) The name and address of any other person who
49 appears to have an ownership interest in the vehicle.

50 6. Storage of seized motor vehicles. A seized motor
vehicle must be held in secure storage by the seizing agency or
at the direction of the prosecuting official until disposition of
the underlying criminal charges. The State shall assume all
costs of storage of a vehicle not forfeited.

7. Records of seized motor vehicles. An officer,
department or agency having custody of a motor vehicle subject to
forfeiture or having disposed of the vehicle shall maintain
complete records showing:

A. From whom the motor vehicle was received;

B. Under what authority the motor vehicle was held,
received or disposed of;

C. To whom the motor vehicle was delivered; and

D. The date and manner of destruction or disposition of the
motor vehicle.

8. Rules. The Attorney General shall adopt rules in
accordance with Title 5, chapter 375, for the disposition to
state, county and municipal agencies of forfeited motor vehicles.

Article 3

Judicial Procedures

§2431. Evidentiary rules

1. Test results. Test results showing drug concentrations
or blood-alcohol level at the time alleged are admissible in

2 evidence. Failure to comply with the provisions of sections 2521
4 and 2523 may not, by itself, result in the exclusion of evidence
6 of blood-alcohol level or drug concentration, unless the evidence
8 is determined to be not sufficiently reliable.

10 2. Analysis of blood, breath and urine. The following
12 provisions apply to the analysis of blood, breath and urine, and
14 the use of that analysis as evidence.

16 A. A person certified in accordance with section 2524
18 conducting a chemical analysis of blood, breath or urine to
20 determine blood-alcohol level or drug concentration may
22 issue a certificate stating the results of the analysis.

24 B. A person qualified to operate a self-contained,
26 breath-alcohol testing apparatus may issue a certificate
28 stating the results of the analysis.

30 C. A certificate issued in accordance with paragraph A or
32 B, when duly signed and sworn, is prima facie evidence that:

34 (1) The person taking the specimen was authorized to
36 do so;

38 (2) Equipment, chemicals and other materials used in
40 the taking of the specimen were of a quality
42 appropriate for the purpose of producing reliable test
44 results;

46 (3) Equipment, chemicals or materials required to be
48 approved by the Department of Human Services were in
50 fact approved;

(4) The sample tested was in fact the same sample
taken from the defendant; and

(5) The blood-alcohol level or drug concentration in
the blood of the defendant at the time the sample was
taken was as stated in the certificate.

D. With 10 days written notice to the prosecution, the
defendant may request that a qualified witness testify to
the matters of which the certificate constitutes prima facie
evidence. The notice must specify those matters concerning
which the defendant requests testimony. The certificate is
not prima facie evidence of those matters.

E. A person drawing a specimen of blood may issue a
certificate that states that the person is in fact duly
licensed or certified and that the proper procedure for

2 drawing a specimen of blood was followed. That certificate,
4 when signed and sworn to by the person, is prima facie
6 evidence of its contents unless, with 10 days' written
8 notice to the prosecution, the defendant requests that the
10 person testify.

12 F. Evidence that the breath or urine sample was in a sealed
14 carton bearing the Department of Human Services' stamp of
16 approval is prima facie evidence that the equipment was
18 approved by the Department of Human Services.

20 G. The results of a self-contained breath-alcohol apparatus
22 test is prima facie evidence of blood-alcohol level.

24 H. Evidence that the self-contained breath-alcohol testing
26 equipment bearing the Department of Human Services' stamp of
28 approval is prima facie evidence that the equipment was
30 approved by the Department of Human Services.

32 I. Evidence that materials used in operating or checking
34 the operation of the self-contained breath-alcohol testing
36 equipment bore a statement of the manufacturer or of the
38 Department of Human Services is prima facie evidence that
40 the materials were of the composition and quality stated.

42 J. Transfer of sample specimens to and from a laboratory
44 for purposes of analysis by certified or registered mail
46 complies with all requirements regarding the continuity of
48 custody of physical evidence.

32 3. Failure as evidence. Failure of a person to submit to a
34 test is admissible in evidence on the issue of whether that
36 person was under the influence of intoxicants.

38 If the law enforcement officer fails to give either of the
40 required warnings, the failure of the person to submit to a test
42 is not admissible, except where a test was required under section
44 2522.

46 If a failure to submit to a test is not admitted into evidence,
48 the court may inform the jury that no test result is available.

50 If a test result is not available for a reason other than failing
to submit to a test, the unavailability and the reason is
admissible in evidence.

4. Statements by accused. A statement by a person as to
name or date of birth, or the name or date of birth contained on
a driver's license surrendered by that person, is admissible in a
proceeding under this section.

2 A statement of the person's name or date of birth constitutes
4 sufficient proof by itself, without further proof of corpus
6 delicti. (*2184;1-B)

8 A statement by a defendant that the defendant was the operator of
10 a motor vehicle is admissible in a proceeding under section 2411,
12 if it is made voluntarily and is otherwise admissible under the
14 United States Constitution or the Constitution of Maine. The
16 statement may constitute sufficient proof by itself, without
18 further proof of corpus delicti, that the motor vehicle was
20 operated by the defendant.

22 §2432. Blood-alcohol level; evidentiary weight

24 1. Level less than 0.05%. If a person has a blood-alcohol
26 level of 0.05% or less, it is prima facie evidence that that
28 person is not under the influence of intoxicants.

30 2. Level greater than 0.05% and less than 0.08%. If a
32 person has a blood-alcohol level in excess of 0.05%, but less
34 than 0.08%, it is relevant evidence, but not prima facie,
36 indicating whether or not that person is under the influence of
38 intoxicants to be considered with other competent evidence.

40 3. Level of 0.08% or greater. In proceedings other than
42 under section 2411, a person is presumed to be under the
44 influence of intoxicants if that person has a blood-alcohol level
46 of 0.08% or more.

48 §2433. Sentencing procedures

50 1. Permissible considerations. Notwithstanding the
1 provisions of Title 15, section 757, in determining the
2 appropriate sentence, the court shall consider whether the
3 defendant operated with a passenger under 16 years of age, the
4 record of convictions for criminal traffic offenses,
5 adjudications of traffic infractions or suspensions of license
6 for failure to submit to a test.

7 In determining the appropriate sentence, the court may rely on
8 oral representations based on records maintained by the courts,
9 the State Bureau of Identification or the Secretary of State,
10 including telecommunications of records maintained by the
11 Secretary of State.

12 If the defendant disputes the accuracy of a representation
13 concerning a conviction or adjudication, the court shall grant a
14 continuance to determine the accuracy of the record.

15 2. Instructions at time of sentencing. At the time of
16 sentencing, the court shall provide the defendant with written
17 instructions prepared by the Division of Driver Education
18 Evaluation. The instructions must be written in plain and
19 readable language and at a minimum include the following
20 explanations:

21 A. The circumstances under which the Secretary of State may
22 suspend a driver's license;

23 B. The different components of the process to have a
24 driver's license restored, including a description of the
25 components provided by state agencies and those provided by
26 practitioners and counselors not employed by the State;

27 C. The role of the Driver Education Evaluation Program
28 Appeals Board and the circumstances for an appeal to the
29 board;

30 D. The differences between the procedures applicable to
31 first offenders and multiple offenders and adults and those
32 under 21 years of age;

33 E. When the Secretary of State may stay a suspension and
34 grant a work-restricted license or other restricted or
35 provisional license; and

36 F. The conditions of license restoration.

37 §2434. Notice of suspension by court

38 The following provisions apply to any conviction for OVI or
39 for any offense for which the suspension of a license is required.

40 1. Notification by court. The court shall inform the
41 defendant of the suspension.

42 2. Acknowledgement of receipt of notice. The defendant
43 shall acknowledge this notice in writing on a form provided by
44 the court.

45 3. Physical custody of license. Unless the defendant
46 appeals and a stay of execution of the suspension is granted, the
47 court shall take physical custody of a license issued by this
48 State or another state, foreign country or province if that
49 person is residing or employed in this State. The court may take
50 a license issued by another state, foreign country or province if
1 the person is not residing or employed in this State.

ADMINISTRATIVE ACTIONS

Article 1

Suspension and Revocation

§2451. Suspensions for criminal OUI

1. Recording and notice by Secretary of State. On receipt of an attested copy of the court record of a suspension of a license, the Secretary of State shall immediately record the suspension and send written notice of the suspension to the person whose license has been suspended.

2. Court failure to suspend. If the court fails to suspend a license for the period under this chapter, the Secretary of State shall suspend the license for the specified period and send written notice of the suspension to the person whose license has been suspended.

3. Additional suspension. The Secretary of State may suspend a license of a person, including a juvenile, convicted of OUI for an additional period of up to 275 days.

4. Consecutive suspensions. A suspension under this section is consecutive to a suspension for failure to submit to a test required by this chapter.

§2452. Suspension or revocation of school bus operator endorsement

The Secretary of State shall:

1. Permanent revocation. Permanently revoke the school bus operator endorsement of any person convicted of OUI who operated a school or private school activity bus during the commission of the offense:

2. Suspend for at least 3 years. Suspend for a period of at least 3 years the school bus operator endorsement of any person convicted of a first OUI violation. The person whose school bus operator endorsement has been suspended for a first OUI violation may petition the Secretary of State to restore the endorsement after one year of the suspension has been completed. The petition must include a recommendation from the school superintendent that the endorsement be restored. The Secretary of State may grant the petition with any conditions, restrictions or terms determined to be in the interest of highway safety; and

4. Stay of suspension. The court, on reasonable cause shown, may stay a suspension for a period not to exceed 4 hours from the time of sentencing and issue evidence of that stay.

5. Forward documents to Secretary of State. The court shall forward the license, a copy of the sentence and the acknowledgement of notice to the Secretary of State.

6. Order return of certificate and plates. The court shall order the return of the suspended registration certificate and plates to the Secretary of State.

7. Additional time to surrender license. On reasonable cause shown, the court may allow a person who does not possess the license at the time of sentencing up to 96 hours to surrender that license.

8. Commencement of suspension. Notwithstanding section 2482, subsection 4, the period of suspension commences immediately on announcement of sentence. Two additional days of suspension must be added for each day after the license surrender day that a person fails to surrender the license to the court.

9. Waiver of reinstatement fee. On motion and for good cause shown, the court ordering a suspension under section 2605 or 2608 may waive the reinstatement fee.

10. Failure to sign acknowledgment of notice or surrender license. A person commits a Class E crime if that person refuses to sign the acknowledgement of notice or, without good cause, fails to surrender a license within the period of suspension.

§2435. Administrative extension of suspension

The Secretary of State may impose an additional period of suspension under section 2451, subsection 3, or may extend a period of suspension until satisfaction of any conditions imposed pursuant to chapter 23, subchapter III, article 4.

§2436. Stay pending appeal

If a person adjudicated to have committed a traffic infraction appeals from the adjudication of the trial court, the execution of a suspension of the person's license must be stayed until disposition on appeal or withdrawal of the appeal, unless good cause is shown why the person should not be allowed to retain a license or right to operate.

SUBCHAPTER III

2 3. Suspend for at least 6 years. Suspend for a period of
4 at least 6 years the school bus operator endorsement of any
6 person convicted of a 2nd or subsequent OUI violation within a
8 6-year period as defined by section 2402.

10 This section applies to offenses that occur after the
12 effective date of this section.

14 **§2453. Suspension on administrative determination; excessive**
16 **blood-alcohol level**

18 1. Purpose. The purpose of this section is:

20 A. To provide maximum safety for all persons who travel on
22 or otherwise use the public ways; and

24 B. To remove quickly from public ways those persons who
26 have shown themselves to be a safety hazard by operating a
28 motor vehicle with an excessive blood-alcohol level.

30 2. Definition. For the purposes of this section,
32 "operating a motor vehicle with an excessive blood-alcohol level"
34 means operating a motor vehicle with a blood-alcohol level of
36 0.08% or more.

38 3. Suspension. The Secretary of State shall immediately
40 suspend a license of a person determined to have operated a motor
42 vehicle with an excessive blood-alcohol level.

44 4. Drug and alcohol program. The Secretary of State may
46 not suspend a license solely because a person has not
48 satisfactorily completed an alcohol and drug program, as defined
50 in subchapter I. This limitation does not affect statutory
restoration authority.

5. Stay. If, within 10 days from the effective date of the
suspension, the Secretary of State receives a request in writing
for a hearing in accordance with section 2483, the suspension is
stayed until a hearing is held and a decision is issued.

6. Period of suspension. The following periods of
suspension apply.

A. For any OUI offense, the same suspension period applies
as if the person were convicted of OUI.

B. If the Secretary of State determines that the person
operated the motor vehicle at the time of the offense with a
passenger under 16 years of age, an additional suspension
period of up to 275 days may be imposed.

2 C. If a person's license is also suspended for an OUI
4 conviction arising out of the same occurrence, the period of
6 time the license has been suspended under this section prior
8 to the conviction must be deducted from the period of time
10 of a court-imposed suspension.

12 D. The period of suspension is a minimum and the Secretary
14 of State may suspend the license for an additional period
16 under section 2451, subsection 3.

18 7. Restoration of license. The Secretary of State may
20 issue a license or permit as follows.

22 A. Restoration of any license or permit to operate, right
24 to operate a motor vehicle and right to apply for or obtain
26 a license suspended under this section must be in accordance
28 with sections 2502 to 2506.

30 8. Hearing. The scope of the hearing must include whether:

32 A. The person operated a motor vehicle with an excessive
34 blood-alcohol level; and

36 B. There was probable cause to believe that the person was
38 operating a motor vehicle with an excessive blood-alcohol
40 level.

42 **§2454. Homicide; revocation of license**

44 The license, permit or right to operate of any person, who,
46 as a result of the person's operation of a motor vehicle in such
48 a manner as to cause the death of any person, is convicted of a
criminal homicide, or attempt thereof, or is adjudicated to have
committed a juvenile offense of criminal homicide, or attempt
thereof, must be revoked immediately by the Secretary of State
upon receipt of an attested copy of the court records, without
further hearing. In case of an appeal, the license, permit or
right to operate must be revoked during the course of the appeal
unless the trial court otherwise orders. No person whose
license, permit or right to operate a motor vehicle has been so
revoked may be licensed again or permitted to operate a motor
vehicle for a period of 5 years from the time the license, permit
or right to operate is revoked. For the purposes of this section
and section 2411, a person is deemed to have been convicted if
the person pleads guilty or nolo contendere or is otherwise
adjudged or found guilty by a court of competent jurisdiction or
in the case of a juvenile offender, a juvenile is deemed to have
been adjudicated if the juvenile admits or was otherwise adjudged

2 or found to have committed the juvenile offense by a court of
3 competent jurisdiction.

4 §2455. Provisions regarding revocation when homicide is alcohol
5 or drug related

6 1. Report by district attorney. The district attorney
7 shall forward a report to the Secretary of State when any person
8 is convicted of a criminal homicide or adjudicated to have
9 committed a juvenile offense of criminal homicide as the result
10 of that person's operation of a motor vehicle when:

11 A. The person was operating under the influence of
12 intoxicating liquor or drugs, or with a blood-alcohol of
13 0.08% or greater;

14 B. The person had not attained the legal drinking age and
15 was operating a motor vehicle while having .02% or more by
16 weight of alcohol in that person's blood;

17 C. There was probable cause to believe that the person was
18 operating under the influence of intoxicating liquor or
19 drugs and failed to comply with that person's duty to submit
20 to and complete required chemical testing; or

21 D. There was probable cause to believe that the person had
22 not attained the legal drinking age and was operating a
23 motor vehicle while having .02% or more by weight of alcohol
24 in that person's blood and failed to comply with the duty to
25 submit to and complete a test to determine blood-alcohol
26 level.

27 2. Content of report. The report required in subsection 1
28 must contain all relevant facts that formed the basis for the
29 conviction or adjudication, including chemical test results if
30 available.

31 3. Alcohol or drug programs. Upon receipt of the report
32 required in subsection 1, the Secretary of State shall require
33 that the following conditions be met before that person may be
34 licensed or permitted to operate a motor vehicle:

35 A. Satisfactory completion of the Driver Education and
36 Evaluation Programs of the Office of Substance Abuse;

37 B. When required, satisfactory completion of a substance
38 abuse treatment program or rehabilitation program approved
39 or licensed by the Office of Substance Abuse; and

40 C. When required, attendance for 2 years at an after-care
41 program approved by the Office of Substance Abuse.

42 4. Alcohol or drug programs following incarceration. Any
43 of the alcohol or drug programs required in subsection 3 may
44 begin only upon release from a county jail or from a facility
45 operated by the Department of Corrections.

46 §2456. Negligently causing death; administrative suspension

47 1. Suspension. The Secretary of State shall immediately
48 suspend the license of a person who negligently operates a motor
49 vehicle in a manner as to cause the death of a person:

50 A. While under the influence of intoxicants;

B. While having a blood-alcohol level of 0.08% or more; or

C. Who subsequently fails to submit to a test subject to
penalty under section 2521.

2. Period of suspension. The period of suspension is 3
years, consecutive to any suspension imposed by the Secretary of
State for failure to take a test. If a suspended license is
subsequently revoked under section 2454 on charges arising out of
the same occurrence, the length of suspension actually served
under this section is deducted from the period of revocation
imposed pursuant to that section.

3. Hearing issues. A person whose license has been
suspended under this section may request a hearing pursuant to
section 2483. The scope of the hearing must include whether:

A. The person operated a motor vehicle;

B. The person, at that time, had an excessive blood-alcohol
level, or was under the influence of intoxicants or may be
penalized for failure to submit to required chemical
testing; and

C. The person's negligent operation caused the death of
another person.

4. Civil proceeding. On receipt of a certified copy of the
civil tort judgment that the person did not negligently cause the
death of the other person, the Secretary of State shall terminate
the suspension.

§2457. Conditional license holder; OUI

1. Suspension. The Secretary of State shall suspend for a minimum period of one year, without preliminary hearing, the conditional license issued pursuant to section 2506 of a person who while holding a conditional license:

A. Receives an OUI conviction; or

B. The Secretary of State determines has operated a motor vehicle while having a blood-alcohol level of 0.05% or more.

2. Duty to submit to test. A person who operates a motor vehicle with a conditional license shall submit to a test if there is probable cause to believe that person holds a conditional license and operated a motor vehicle while having a blood-alcohol level of 0.05% or more. The other provisions of subchapter IV apply, except the suspension must be for a period of not less than 2 years.

3. Period of suspension. The following provisions apply to suspensions of conditional licenses.

A. When a license is also suspended for an OUI conviction arising out of the same occurrence, the duration of the suspension under this section prior to the conviction is deducted from the period of a court-imposed suspension unless suspension was for failure to submit to a test.

B. If the suspension is for failure to submit to a test, the period of suspension for an OUI conviction must be consecutive to the period of suspension imposed for refusal.

C. If a person is determined to have operated a motor vehicle with a blood-alcohol level of 0.08% or more and both this section and section 2453 apply, the longer period of suspension applies.

4. Hearing; stay; issues. If a hearing is requested in accordance with section 2483, the suspension under subsection 1, paragraph B is stayed pending the outcome of the hearing. The scope of the hearing must include whether:

A. The person operated a motor vehicle while having 0.05% or more by weight of alcohol in the blood;

B. There was probable cause to believe that the person was operating while having 0.05% or more by weight of alcohol in the blood; and

C. The person held a conditional license.

5. Restoration of license. Following the expiration of the aggregate periods of suspension imposed pursuant to this section otherwise imposed by the Secretary of State and ordered by any court, the Secretary of State may issue a conditional license to the person, subject to the conditions, restrictions or terms the Secretary of State deems advisable, if the Secretary of State has received written notice that the person has satisfactorily completed the alcohol educational program of the Department of Human Services and, when required, has satisfactorily completed an alcohol treatment or rehabilitation program approved or licensed by the Department of Human Services.

§2458. Suspension or revocation of license, title, registration or fuel use decal

1. Suspension or revocation after hearing. The Secretary of State, after hearing, may suspend or revoke a certificate of title, certificate of registration, license, fuel use decal or operating authority license for any cause considered by the Secretary of State to be sufficient.

2. Suspension or revocation without hearing. The Secretary of State, without preliminary hearing, may suspend or revoke a certificate of title, certificate of registration, license, fuel use decal or operating authority license of a person on showing by the Secretary of State's records or other sufficient evidence that the person:

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

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

C. Is a reckless or negligent driver of a motor vehicle, as established by the demerit point system authorized by subsection 3, a record of accidents or other evidence;

D. Is incompetent to drive a motor vehicle;

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

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

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

2 H. Has been convicted of reckless driving or driving to
4 endanger under section 2413;

6 I. Has failed to appear in court on the day specified,
8 either in person or by counsel, after being ordered to do so
10 to answer any violation of chapter 5, subchapter II;

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

16 K. Is subject to action of the Secretary of State pursuant
18 to section 154 or section 668;

20 L. Has failed to provide proof of payment of the use tax
22 imposed by the United States Internal Revenue Code of 1954,
24 Section 4481, within time periods established by federal
26 statute and regulations;

28 M. Has violated a provision of the Commercial Motor Vehicle
30 Safety Act of 1986, Public Law 99-570, Title XII, or rules
32 and regulations promulgated and adopted under that Act; or

34 N. Has failed to surrender a commercial driver's license
36 that has been suspended or revoked.

The Secretary of State is also authorized to suspend any
28 certificate of registration, certificate of title or any license
30 issued to any person without preliminary hearing upon showing by
32 the Secretary of State's records or other sufficient evidence
34 that the owner of a vehicle or holder of a title certificate has
36 failed to deliver or assign the certificate of title upon the
38 request of the Secretary of State.

The Secretary of State may suspend all the certificates of
36 registration and all the fuel use identification decals issued by
38 the State to any motor carrier without preliminary hearing upon
40 showing by records or other sufficient evidence that the person
42 responsible for complying with the payment of reporting
44 provisions of Title 36, chapter 457, 459 or 463-A has failed to
46 comply with the provisions in these chapters.

48 3. Demerit point system. For the purpose of identifying
50 reckless or negligent operators and habitual or frequent
violators of traffic regulations, the Secretary of State shall
adopt rules establishing a uniform system of assigning demerit
points for convictions or adjudications of violations of statutes
or rules governing the operation of motor vehicles, including
violations of Title 17-A, section 360, subsection 1, paragraphs A
and B.

2 The rules must include a designated level of point accumulation
4 that identifies those drivers.

6 The Secretary of State may assess points for convictions or
8 adjudications in other states or provinces of offenses that, if
10 committed in this State, would be grounds for assessment.

12 Notice of assessment of points must be given when the point
14 accumulation reaches 50% of the number at which suspension is
16 authorized.

18 Points may not be assessed for violating a provision of this
20 Title or a municipal ordinance regulating standing, parking,
22 equipment, size or weight.

24 4. Notice of hearing. Upon suspending or revoking a
26 certificate of title, certificate of registration, license or
28 fuel use decal pursuant to subsection 2, the Secretary of State
30 shall notify that person of opportunity for hearing as provided
32 in section 2483, except where the suspension or revocation rests
34 solely upon a conviction in court of an offense that by statute
36 is expressly made grounds for that suspension or revocation.

38 5. Penalty. A person commits a Class E crime if that
40 person, after notice of suspension or revocation, fails to obey
42 an order of the Secretary of State under this section or fails to
44 surrender to the Secretary of State on demand a license,
46 certificate of title, certificate of registration or fuel use
48 decal that has been suspended or revoked by proper authority.

§2459. Reciprocity

34 1. Resident driver's license. The Secretary of State may
36 suspend a resident driver's license or certificate of
38 registration and plates if the resident has failed to:

40 A. Respond to a traffic citation issued by another state or
42 province;

44 B. Appear in court in another state or province at the time
46 specified by the court; or

48 C. Comply with a court order issued by another state or
province.

2. Suspension by another jurisdiction. If the Secretary of
State is notified by another jurisdiction that a resident has had
a license or registration suspended, revoked or annulled, the

Secretary of State may suspend license or registration granted to that person in this State.

3. Nonresident violator compacts. The Secretary of State may enter into and carry out the provisions of a nonresident violator compact with another state or province.

§2460. Suspension for nonresident owner or operator

1. Suspension by Secretary of State. The Secretary of State may suspend the right of a nonresident owner or operator to operate a vehicle in this State for the same cause and under the same condition and in the same manner as that action could be taken against a resident owner or operator of a vehicle registered in this State.

2. Effect of suspension. Upon suspension, the right of the nonresident owner or operator to operate a vehicle in this State terminates. The nonresident is subject to the same penalties as a resident who operates without a license or registration.

3. Notice of suspension. Notice of the suspension of a nonresident's right to operate must be sent to the motor vehicle department of the jurisdiction that issued the license or registration.

Article 2

Provisional license

§2471. Adult provisional license

1. Adult provisional license. An original license issued to a new applicant 21 years of age or older is a provisional license for a period of one year following the date of issue. That license remains in force as a nonprovisional license to the next normal expiration date.

2. Suspension terms. If a person is convicted or adjudicated of a moving motor vehicle violation that occurred during the period of the provisional license, the Secretary of State shall suspend the license:

A. For 30 days on the 1st offense;

B. For 60 days on the 2nd offense; and

C. To the 2nd birthday following the date of issue or for 90 days, whichever is longer, on the 3rd offense.

A person whose provisional license is suspended may request a hearing pursuant to section 2483.

§2472. Juvenile provisional license

1. Licensee not yet 21 years of age. A license issued to a person who has not yet attained the age of 21 years is a provisional license for a period of one year following the date of issue or until the holder attains 21 years of age, whichever occurs last. That license remains in force as a nonprovisional license to the next normal expiration date. A license issued by another jurisdiction to a person who has not yet attained the age of 21 years is a provisional license for the purpose of operating a motor vehicle within this State.

2. Suspension terms for moving violations. If a person who has not yet attained the age of 21 years is convicted or adjudicated of a moving motor vehicle violation that occurred within the first year from the date of issue of the juvenile provisional license, the Secretary of State shall suspend the license:

A. For 30 days on the 1st offense;

B. For 60 days on the 2nd offense; and

C. To the 2nd birthday following the date of issue or for 90 days, whichever is longer, on the 3rd offense.

A person whose juvenile provisional license is suspended may request a hearing pursuant to section 2483.

3. Suspension for OUI conviction or certain blood-alcohol level. The Secretary of State shall suspend for a period of at least one year, without preliminary hearing, a juvenile provisional license of a person who:

A. Receives an OUI conviction; or

B. Operates a motor vehicle with a blood-alcohol level of 0.02% or more.

4. Duty to submit to test. A person under 21 years of age who operates a motor vehicle shall submit to a chemical test if there is probable cause to believe that person has operated a motor vehicle with a blood-alcohol level of 0.02% or more. The provisions of subchapter IV apply, except the suspension must be for a period of one year.

5. Hearing; stay; issues. If a hearing is requested in accordance with section 2521, the suspension under subsection 3, paragraph B is stayed pending the outcome of the hearing. The scope of a hearing must include whether:

A. There was probable cause to believe that the person was under 21 years of age and operated a motor vehicle while having 0.02% or more by weight of alcohol in the blood;

B. The person operated a motor vehicle while having 0.02% or more by weight of alcohol in the blood; and

C. The person was under 21 years of age.

6. Restoration of license. If a person's license has been suspended under subsection 3, the Secretary of State may issue a license if:

A. One half of the suspension period has expired; and

B. The Secretary of State has received notice that the person has completed the alcohol and drug program of the Office of Substance Abuse as provided in Title 5, section 20071, subsection 4-B.

Article 3

Administrative Procedures

§2481. Administrative procedures for suspension

1. Report of officer. A law enforcement officer who has probable cause to believe a person has violated the terms of a conditional driver's license, commercial driver's license or provisional license or committed an OUI offense shall send to the Secretary of State a report of all relevant information, including, but not limited to, the following:

A. Information adequately identifying the person charged;

B. The ground that the officer had for probable cause to believe that the person violated the terms of a conditional driver's license, commercial driver's license or provisional license or committed an OUI offense;

C. A certificate of the results of blood-alcohol tests conducted on a self-contained breath-alcohol testing apparatus; and

D. If a person fails to submit to a test, the law enforcement officer's report may be limited to a written statement under oath stating that the officer had probable cause to believe that the person violated the terms of a conditional driver's license, commercial driver's license or provisional license, or committed a OUI offense and failed to submit to a test.

The report must be under oath and on a form approved by the Secretary of State.

If the blood-alcohol test was not analyzed by a law enforcement officer, the person who analyzed the results shall send a copy of that certificate to the Secretary of State.

2. Time. The report must be submitted to the Secretary of State within 72 hours of the offense, excluding Saturdays, Sundays and holidays. If the report is not sent within this time period, the Secretary of State shall impose the suspension, unless the delay has prejudiced the person's ability to prepare or participate in the hearing.

3. Determination. The Secretary of State shall make a determination on the basis of the information required in the report.

This determination is final unless a hearing is requested and held.

If a hearing is held, the Secretary of State shall review the matter and make a final determination on the basis of evidence received at the hearing.

§2482. Notice of suspension or revocation of license

1. Notification by Secretary of State. Upon determining that a person is subject to license suspension or revocation, the Secretary of State shall immediately notify the person, in writing, that the license has been suspended or revoked. The notice:

A. Must be sent to the last name and address provided under section 1407 or, if the person has not applied for a license, on record with the Secretary of State;

B. Must be sent to the address provided in the report of the law enforcement officer if that address differs from the address of record; or

C. May be served in hand.

2 2. Notice contents. The notice must clearly state:
4 A. The reason and statutory grounds for the suspension or
6 revocation;
8 B. The effective date of the suspension or revocation;
10 C. The right of the person to request a hearing;
12 D. The procedure for requesting a hearing;
14 E. The date by which that request for a hearing must be
16 made; and
18 F. That a copy of the report of the law enforcement officer
and any blood-alcohol test certificate will be provided to
the person upon request to the Secretary of State.

20 3. Receipt date. The notice is deemed received 3 days
22 after mailing, unless returned by postal authorities.

24 4. Effective date. A suspension or revocation is effective
26 on the date specified by the Secretary of State on the notice,
which may not be less than 10 days after the mailing of the
notification of suspension by the Secretary of State.

28 **§2483. Hearing request**

30 1. Request for hearing. A person may make a written
32 request for a hearing to review the determination of the
34 Secretary of State. The request must be made within 10 days from
the effective date of the suspension.

36 2. Issuance of decision. The Secretary of State shall
38 conduct a hearing and issue a decision within 30 days of receipt
of a written request for hearing.

40 3. Delayed requests. If a request is made after the 10-day
42 period and the Secretary of State finds that the person was
unable to make a timely request due to lack of actual notice of
the suspension or due to factors of physical incapacity, the
44 Secretary of State shall waive the period of limitation, reopen
the matter and grant the hearing request, except a stay may not
46 be granted.

48 4. Stay. Any stay must continue until a decision is
50 issued. Notwithstanding any other provision to the contrary, a
stay does not apply during a delay caused or requested by the
petitioner, except that, if the petitioner is unable to attend

2 the hearing due to circumstances beyond the petitioner's control,
4 the Secretary of State may continue, one time only, the stay of
6 suspension. The petitioner must submit to the Secretary of State
8 a written request for delay, or an electronically transmitted
facsimile of a written request for delay, stating the
circumstances, at least 24 hours before the scheduled hearing. A
request for a hearing does not stay a suspension unless
specifically provided for in this chapter.

10 5. Suspensions during appeal. If a person appeals an OVI
12 conviction or administrative determination, the suspension
14 remains in effect during the appeal, unless the court orders
otherwise or the Secretary of State restores the license.

16 **§2484. Hearing procedures**

18 In addition to the general hearing procedures set forth in
20 chapter 1, hearings held under this chapter are governed by the
following provisions.

22 1. Evidence. Evidence admissible in a court under section
24 2431 is admissible in a hearing. (new)

26 2. Official notice. The Secretary of State may take
28 official notice of the transcript or abstract of the records
maintained by the Secretary of State's office or of any court.

30 If the name and date of birth of the person requesting the
32 hearing is the same as the name and date of birth of the person
named in the transcript or abstracts, then the abstracts are
presumed to be those of that person.

34 A transcript or abstract is prima facie evidence that the person
36 named was convicted or adjudicated of each offense shown by the
transcript or abstract.

38 A person denying a fact appearing on a transcript or abstract, or
40 the identification has the burden of proving that the fact is
untrue.

42 3. Evidentiary standard. Unless otherwise provided, the
44 Secretary of State shall make a determination by a preponderance
of the evidence.

46 **§2485. Decision**

48 1. Decision. After hearing, the Secretary of State may
50 rescind, continue, modify or extend the suspension of a driver's
license.

2 2. Surrender and return of license. When a suspension is
4 effective, the Secretary of State shall require that the license
6 be surrendered.

8 3. Removal of suspension. If it is determined after
10 hearing that there was not the requisite probable cause for the
12 required elements of the offense, the Secretary of State shall
14 immediately remove the suspension and delete any record of the
16 suspension and the offense from the record.

18 4. Collateral effect. The determination of facts by the
20 Secretary of State is independent of the determination of the
22 same or similar facts in an adjudication of civil or criminal
24 charges arising out of the same occurrence. The disposition of
26 those charges may not affect a suspension ordered by the
28 Secretary of State.

30 5. Judicial review. The person whose license is suspended
32 or other party may, within 30 days after receipt of the decision,
34 appeal to the Superior Court as provided in Title 5, sections
36 11001 to 11008. If the court rescinds the suspension, it shall
38 also order the Secretary of State to delete any record of the
40 suspension.

§2486. Reinstatement fee

42 1. Reinstatement fee. Before a suspension is terminated
44 and a license or certificate reinstated, a fee of \$25, in
46 addition to the regular license fee, must be paid to the
48 Secretary of State.

50 2. Allocation of fee. A reinstatement fee paid for a
court-ordered suspension under section 2603 or 2605 must be
deposited equally between the Highway Fund and the General Fund.

3. Application. This section does not apply to a
suspension set aside by the Secretary of State or a court.

§2487. Proof of financial responsibility

A person with an OUI conviction within the 6-year period as
defined by section 2402, may not have a license reinstated until
that person has complied with the financial responsibility
provisions of section 1605.

Article 4

Special Licenses

§2501. Restricted license

2 1. Eligibility. Unless otherwise provided, the Secretary
4 of State may issue a restricted license to a first-time OUI
6 offender if:

8 A. Two thirds of the suspension period has expired; and

10 B. The Secretary of State has received notice that that
12 person has completed the alcohol and drug program.

14 2. Restrictions. A restricted license issued pursuant to
16 subsection 1 is subject to the following conditions and
18 restrictions:

20 A. Use is limited to travelling to a treatment program or
22 to employment for a minimum of 90 days after the original
24 suspension date; and

26 B. Any other conditions or restrictions the Secretary of
28 State considers advisable for the safety of the public and
30 the welfare of the operator.

32 3. Failure to submit to test. The Secretary of State may
34 issue a restricted license to a person whose license was
36 suspended for a first failure to submit to a test, if the
38 condition of subsection 1, paragraph B is met and at least 90
40 days have elapsed since the date of suspension. This subsection
42 does not apply to a commercial driver's license, provisional
44 license or conditional license.

§2502. Special licenses for driver education evaluation program: suspension

46 1. Issuance of special license. Following the expiration
48 of the total period of suspension imposed on a first-time
50 offender pursuant to Title 15, section 3314 or sections 2411,
2453, 2472 and 2521, the Secretary of State shall issue a special
license or permit to the person if the Secretary of State
receives written notice that the person has completed the
assessment components of the alcohol and other drug program as
set out in Title 5, section 20073-A. First offenders with an
aggravated offense as defined in Title 5, section 20071,
subsection 4-B are entitled to received a special license after
completion of the evaluation provided by the Office of Substance
Abuse. A special license or permit may not be issued under this
section to 2nd and subsequent offenders.

2. Suspension of special license. If the person refuses or
fails to complete the alcohol and other drug program set out in
Title 5, section 20073-A, within 6 months after receiving a

2 special license, the Secretary of State, following notice of that
3 refusal or failure shall suspend the special license until the
4 person completes the program. The suspension must continue until
5 the Secretary of State receives written notification from the
6 Office of Substance Abuse that the person has satisfactorily
7 completed all required components of that program. The Secretary
8 of State shall provide notice of suspension and opportunity for
9 hearing pursuant to Title 5, chapter 375, subchapter IV. The
10 sole issue at the hearing is whether the person has written
11 notification from the Office of Substance Abuse establishing that
12 the person has satisfactorily completed all components of that
13 program as set out in Title 5, section 20073-A.

14 **§2503. Work-restricted license**

15 **1. Administrative suspension; work-restricted license. On**
16 **receipt of a petition for a work-restricted license from a person**
17 **under suspension pursuant to section 2453, 2457, subsection 1,**
18 **paragraph B, or section 2472, subsection 3, paragraph B, the**
19 **Secretary of State may stay a suspension during the statutory**
20 **suspension period and issue a work-restricted license, if the**
21 **petitioner shows by clear and convincing evidence that:**

22 **A. As determined by the Secretary of State, a license is**
23 **necessary to operate a motor vehicle:**

24 **(1) Between the residence and a place of employment or**
25 **in the scope of employment, or both; or**

26 **(2) Between the residence and an educational facility**
27 **attended by the petitioner if the suspension is under**
28 **section 2472, subsection 3, paragraph B;**

29 **B. No alternative means of transportation is available; and**

30 **C. The petitioner has not, within 6 years, been under**
31 **suspension for an OUI offense or pursuant to section 2453.**

32 **2. Suspension. The Secretary of State shall suspend,**
33 **without preliminary hearing, the work-restricted license of a**
34 **person who:**

35 **A. Is adjudicated or convicted of any violation of the**
36 **provisions of this Title committed during the period when a**
37 **work-restricted license has been issued;**

38 **B. Violates any restriction or condition of the license; or**

39 **C. Has not completed the alcohol and drug program by the**
40 **end of the statutory suspension period.**

2 **§2504. Conditional or restricted license upon completion of**
3 **alcohol and drug program**

4 **Following the expiration of the total period of suspension**
5 **and on receipt of written notice that the person has**
6 **satisfactorily completed the alcohol and drug program required by**
7 **Title 5, section 20073-A, the Secretary of State may issue a**
8 **license subject to the conditions, restrictions or terms that the**
9 **Secretary of State considers advisable for the safety of the**
10 **public and the welfare of the operator.**

11 **§2505. Special restricted license for participation in education**
12 **and treatment programs**

13 **Notwithstanding other limitations, the Secretary of State**
14 **may issue a restricted license to a person for the purpose of**
15 **allowing that person to participate in an alcohol and drug**
16 **program or other treatment program determined appropriate by the**
17 **Office of Substance Abuse.**

18 **§2506. Conditional license**

19 **A license issued by the Secretary of State to a person with**
20 **an OUI conviction must be issued on the condition that the person**
21 **not operate a motor vehicle after having consumed intoxicating**
22 **liquor for the following periods from license reinstatement date:**
23 **on first conviction, one year; and on a 2nd or subsequent**
24 **conviction, 6 years. The provisions of section 2457 apply.**

25 **SUBCHAPTER IV**

26 **IMPLIED CONSENT**

27 **§2521. Implied consent to chemical tests**

28 **1. Mandatory submission to test. If there is probable**
29 **cause to believe a person has operated a motor vehicle while**
30 **under the influence of intoxicants, that person shall submit to**
31 **and complete a test to determine blood-alcohol level and drug**
32 **concentration by analysis of blood, breath or urine.**

33 **2. Type of test. A law enforcement officer shall**
34 **administer a breath test unless, in that officer's determination,**
35 **a breath test is unreasonable.**

36 **The law enforcement officer may determine which type of breath**
37 **test is to be administered.**

2 Another chemical test must be administered in place of a breath
3 test.

4 For a blood test the operator may choose a physician, if
5 reasonably available.

6
7 3. Prerequisites to tests. Before a test is given, the law
8 enforcement officer shall inform the person that failure to
9 submit to and complete a test will:

10 A. Result in suspension of that person's driver's license
11 for a period up to 3 years; and

12 B. Be admissible in evidence at a trial for operating under
13 the influence of intoxicants.

14
15 4. Exclusion as evidence. A test result may not be
16 excluded as evidence in a proceeding before an administrative
17 officer or court solely as a result of the failure of the law
18 enforcement officer to comply with the notice of subsection 3.

19
20 5. Suspension for refusal. The Secretary of State shall
21 immediately suspend the license of a person who fails to submit
22 to and complete a test.

23
24 6. Period of suspension. Except where a longer period of
25 suspension is otherwise provided by law, the suspension is for a
26 period of 180 days for the first refusal and one year for each
27 subsequent refusal.

28
29 7. Decision. A suspension must be removed if, after
30 hearing pursuant to section 2483, it is determined that the
31 person would not have failed to submit but for the failure of the
32 law enforcement officer to give either of the warnings required
33 by subsection 2.

34
35 8. Issues. If a hearing is requested in accordance with
36 section 2483, in addition to specific issues required by a
37 specific offense, the scope of the hearing must include whether:

38
39 A. There was probable cause to believe the person operated
40 a motor vehicle while under the influence of intoxicants;
41 (1311A:8-B)

42
43 B. The person was informed of the consequences of failing
44 to submit to a test; and

45
46 C. The person failed to submit to a test. (1311A:8-B)3
47

2 9. Results of test. On request, full information
3 concerning a test must be made available to the person tested or
4 that person's attorney by the law enforcement officer.

5 §2522. Accidents

6
7 1. Mandatory submission to test. If there is probable
8 cause to believe that death has occurred or will occur as a
9 result of an accident, an operator of a motor vehicle involved in
10 the motor vehicle accident shall submit to a test to determine
11 blood-alcohol level or drug concentration in the same manner as
12 for OUI.

13
14 2. Administration of test. The investigating law
15 enforcement officer shall cause a test to be administered as soon
16 as practicable following the accident as provided in section 2521.

17
18 3. Admissibility of test results. The result of a test is
19 admissible at trial if the court, after reviewing all the
20 evidence, whether gathered prior to, during or after the test, is
21 satisfied that probable cause exists, independent of the test
22 result, to believe that the operator was under the influence of
23 intoxicants at the time of the accident.

24
25 4. Suspension. The Secretary of State shall suspend for a
26 period of one year the license of a person who fails to submit to
27 a test under this section.

28
29 5. Scope of hearing. The scope of any hearing the
30 Secretary of State holds pursuant to section 2483 must include
31 whether there was probable cause to believe that the person was
32 the operator of a motor vehicle involved in a motor vehicle
33 accident in which a death occurred or will occur and whether the
34 person failed to submit to and complete the test. If a person
35 shows, after hearing, that the person was not under the influence
36 of intoxicants or that the person did not negligently cause the
37 accident, then the suspension must be immediately removed.

38 §2523. Implied consent: commercial operators

39
40 1. Mandatory submission to test. A person who operates a
41 commercial motor vehicle shall submit to a test to determine the
42 blood-alcohol level or drug concentration if there is probable
43 cause to believe that the person has operated a commercial motor
44 vehicle while having a blood-alcohol level of 0.04% or more or
45 while under the influence of drugs.

46
47 2. Period of suspension. The suspension for failure to
48 submit to a test under subsection 1 is for one year.
49

2 A. If the person was operating a commercial motor vehicle
3 containing hazardous materials, then the suspension is for a
4 period of 3 years.

6 B. For 2nd or subsequent failure to submit to a test, the
7 suspension is permanent.

8 3. Hearing; issues. If a hearing is requested pursuant to
9 section 2483, the scope of the hearing must include whether:

11 A. There is probable cause to believe the person operated a
12 commercial motor vehicle while under the influence of drugs
13 or with a blood-alcohol level of .04% or more by weight of
14 alcohol;

15 B. The person was informed of the consequences of failing
16 to submit to a test; and

17 C. The person failed to submit to a test.

18 4. Concurrent suspensions. If a person's commercial
19 driver's license is suspended under this section and is also
20 suspended for an OUI conviction arising out of the same
21 occurrence, the period of suspension under this section prior to
22 the conviction must be deducted from the period of suspension of
23 the commercial driver's license for the OUI conviction.

24 §2524. Administration of tests

25 1. Persons qualified to draw blood for blood tests. Only a
26 physician, registered physician's assistant, registered nurse or
27 a person certified by the Department of Human Services may draw a
28 specimen of blood for the purpose of determining the
29 blood-alcohol level or drug concentration.

30 2. Persons qualified to analyze blood for blood tests. A
31 person conducting an analysis of blood-alcohol level or drug
32 concentration must be certified by the Department of Human
33 Services.

34 3. Persons qualified to operate and analyze breath tests.
35 A person certified by the Maine Criminal Justice Academy as
36 qualified to operate an approved self-contained, breath-alcohol
37 testing apparatus may operate an apparatus to collect and analyze
38 a sample specimen of breath.

39 4. Chemical tests on breath and urine specimens. A sample
40 specimen of breath or urine may be submitted to the Department of
41 Human Services or a person certified by the Department of Human

2 Services for the purpose of conducting chemical tests to
3 determine blood-alcohol level or drug concentration.

4 5. Equipment for taking specimens. Only equipment having a
5 stamp of approval affixed by the Department of Human Services may
6 be used to take a sample specimen of breath or urine, except that
7 a self-contained, breath-alcohol testing apparatus if reasonably
8 available may be used to determine the blood-alcohol level.

9 Approved testing apparatus must have a stamp of approval affixed
10 by the Department of Human Services after periodic testing. That
11 stamp is valid for no more than one year.

12 6. Procedures for operation and testing of testing
13 apparatus. The Department of Human Services shall establish, by
14 rule, the procedures for the operation and testing of testing
15 apparatus.

16 §2525. Drug impairment assessment

17 1. Submission to test required. If a drug recognition
18 technician has probable cause to believe that a person is under
19 the influence of a specific category of drug, a combination of
20 specific categories of drugs or a combination of alcohol and one
21 or more specific categories of drugs, that person must submit to
22 a blood or urine test selected by the drug recognition technician
23 to confirm that person's category of drug use and determine drug
24 concentration.

25 2. Admissibility of evidence. If a law enforcement officer
26 certified as a drug recognition technician by the Maine Criminal
27 Justice Academy conducts a drug impairment assessment, the
28 officer's testimony about that assessment is admissible in court
29 as evidence of operating under the influence of intoxicants.
30 Failure to comply with any provision of this section does not, by
31 itself, result in the exclusion of evidence of test results,
32 unless the evidence is determined to be not sufficiently reliable.

33 3. Payment for tests. A person authorized to take
34 specimens of blood or to perform tests on specimens of blood or
35 breath must be paid from the Highway Fund.

36 4. Repeal. This section is repealed June 1, 1995.

37 §2526. Drug recognition technicians

38 1. Training program. The board of trustees of the Maine
39 Criminal Justice Academy shall establish:

2 A. A program that meets the National Highway Traffic Safety
4 Administration guidelines for training and certification of
6 drug recognition technicians; and

8 B. Eligibility standards for admission of law enforcement
10 officers to the program that are consistent with National
12 Highway Traffic Safety Administration guidelines and that
14 ensure that trainees are:

16 (1) Law enforcement officers who have demonstrated
18 proficiency and experience in standardized field
20 sobriety testing and the ability to complete the
22 training and function as drug recognition technicians;
24 and

26 (2) Employed by law enforcement agencies that have the
28 facilities, equipment and other resources necessary for
30 the effective functioning of drug recognition
32 technicians.

34 2. Selection of trainees. The Commissioner of Public
36 Safety shall select for training as drug recognition technicians
38 members of the State Police and other law enforcement officers
40 who meet the eligibility requirements.

42 3. Qualifications. Only those law enforcement officers who
44 successfully complete the training and certification program
46 established under this section may conduct drug impairment
48 assessments and offer testimony as drug recognition technicians
50 under section 2525.

§2527. Rules regulating sample collection and testing procedures

The Department of Human Services shall adopt rules
regulating sample collection and testing procedures to ensure
accurate and reliable testing and to protect the privacy of the
person providing the sample. The rules may include, but are not
limited to:

1. Standards. Standards for determining when a sample is
to be reported as negative, based upon standards specific to the
type and sensitivity of the test and the drug or category of drug
screened;

2. Urine samples. A requirement that only a law
enforcement officer or law enforcement agency employee of the
same sex as the person providing the sample, or a health care
practitioner, may observe the giving of a urine sample, and that
it may be collected only within a law enforcement or health care
facility; and

3. Sample for defendant. A requirement that, at the
request and expense of the person charged, the department shall
segregate a portion of the sample collected for that person's own
testing.

The department may establish rules governing the format in
which the test results are reported. At the time of adoption,
the department shall furnish a copy of these rules to the joint
standing committee of the Legislature having jurisdiction over
legal affairs for review.

§2528. Liability

A physician, physician's assistant, registered nurse, person
certified by the Department of Human Services, hospital or other
health care provider in the exercise of due care is not liable
for an act done or omitted in collecting or withdrawing specimens
of blood at the request of a law enforcement officer pursuant to
this chapter.

SUBCHAPTER V

HABITUAL OFFENDER

§2551. Habitual offender

1. Habitual offender defined. An habitual offender is a
person whose record, as maintained by the Secretary of State,
shows that the person has accumulated 3 or more convictions or
adjudications for distinct offenses described below, arising out
of separate acts committed within a 5-year period:

A. Homicide resulting from the operation of a motor vehicle;

B. OUI conviction;

C. Driving to endanger, in violation of section 2413;

D. Operating after suspension, in violation of section 2412;

E. Operating without a license;

F. Operating after revocation, in violation of section 2557;

G. Knowingly making a false affidavit or swearing or
affirming falsely in a statement required by this Title or
as to information required in the administration of this
Title;

2 H. A Class A, B, C or D offense in which a motor vehicle is
3 used;

4 I. Failing to report an accident involving injury or death,
5 in violation of section 2252;

6 J. Failure to report an accident involving property damage,
7 in violation of section 2254 or 2255;

8 K. Eluding an officer, in violation of section 2114; or

9 L. Passing a roadblock, in violation of section 2114,
10 subsection 4.

11 2. Inclusions. The offenses included in subsection 1.
12 include offenses under a federal law, law of another state or a
13 municipal ordinance substantially conforming to the statutory
14 violations.

15 3. Exceptions. A person is not an habitual offender when
16 all convictions or adjudications are based on the offense of
17 operating a motor vehicle after suspension when the license had
18 been originally suspended for a failure to give or maintain proof
19 of financial responsibility.

20 4. Offenses not included. The following convictions may
21 not be included under subsection 1:

22 A. A conviction of operating a motor vehicle without a
23 license if the license had expired, and was not suspended or
24 revoked; or

25 B. A conviction of operating after suspension when the
26 suspension is based upon a failure to appear in court or
27 failure to pay a fine.

28 5. Multiple offenses on same date. When more than one
29 included offense is committed on the same date, these offenses
30 are treated as one offense.

31 **§2552. Immediate revocation; duration of revocation**

32 Notwithstanding Title 4, section 1157, and Title 5, sections
33 10003 and 10051, the Secretary of State shall immediately revoke,
34 without preliminary hearing, the license to operate a motor
35 vehicle of an habitual offender.

36 The revocation under this section is indefinite. A license
37 may not be issued to an habitual offender until after the minimum
38 periods specified in section 2554.

39 **§2553. Hearing procedure**

40 1. Hearing on request. Any person whose license, permit or
41 privilege to operate has been revoked pursuant to section 2552
42 may, within 30 days of notice of revocation, request a hearing to
43 show cause why the license should not be revoked.

44 2. Issues. The only issues that are properly raised at a
45 hearing are:

46 A. Whether the person whose license has been revoked is the
47 same person named in the transcript or abstract; and

48 B. Whether the person's record brings that person within
49 the definition of an habitual offender.

50 3. Other procedures. Except as specifically provided in
51 this section, the hearing procedures set forth in article 3 apply
52 to hearings under this section.

53 **§2554. Relief from habitual offender status**

54 1. Petition for relief. After one year from the date of
55 revocation, a person may petition for relief from habitual
56 offender status. The petition must be presented to the Secretary
57 of State.

58 2. Grant of relief by Secretary of State. If public safety
59 will not be endangered and the person has complied with the
60 financial responsibility requirements chapter 13, subchapter 11,
61 the Secretary of State may relieve the person from status as an
62 habitual offender and restore the person's license on appropriate
63 terms and conditions.

64 3. Operating after habitual offender revocation. The
65 Secretary of State may not restore a license if a charge under
66 section 2557 is pending. If the Secretary of State subsequently
67 determines that a license has been restored when a charge under
68 section 2557 was pending, the Secretary of State shall, without
69 hearing, immediately reinstate the revocation and provide notice
70 of the reinstatement. A license may not be issued to a person
71 who has been convicted of a violation of section 2557 for a
72 period of at least one year following the conviction or longer as
73 provided under section 2557.

74 **§2555. Revocation following restoration**

75 The Secretary of State shall revoke the license of a person
76 whose license has been restored pursuant to section 2554 when:

2 1. New convictions. Within a 5-year period of the
3 restoration, the person commits a new offense under section 2551.

4 2. Continued liability. The person commits a new offense
5 under section 2551 and, within 5 years preceding the date of that
6 new offense, the person's record shows accumulated convictions or
7 adjudications, including the new offense which results in that
8 person being defined as an habitual offender under section 2551.

10 **§2556. Work-restricted license for habitual offender**

11 1. Definition. For purposes of this section, a
12 "work-restricted license" is a license to operate a motor vehicle
13 between a residence and a place of employment, in the scope of
14 employment, or both, as determined by the Secretary of State.

15 2. Petition. An habitual offender whose license has been
16 revoked pursuant to section 2552 may petition the Secretary of
17 State for a work-restricted license.

18 3. Stay. On receipt of the petition, the Secretary of
19 State may stay the revocation and issue a work-restricted
20 license. In deciding whether to issue a work-restricted license,
21 the Secretary of State may consider the petitioner's need.

22 4. Ineligibility. A person is not eligible for a
23 work-restricted license if habitual offender status is based on a
24 conviction or adjudication under section 2551, subsection 1,
25 paragraph A or section 2557 or the revocation is issued pursuant
26 to section 2555.

27 5. Eligibility. If a conviction is based on section 2551,
28 subsection 1, paragraph B, the person must have completed the
29 period of suspension required for the OUI conviction and the
30 Secretary of State must have received written notice that the
31 person has satisfactorily completed the alcohol and drug program.

32 6. Revocation of work-restricted license. The Secretary of
33 State shall revoke, without preliminary hearing, the license of a
34 person who is adjudicated or convicted of a violation of the
35 provisions of this Title committed during the period of a
36 work-restricted license or who violates a restriction or
37 condition of the license.

38 7. Stay vacated. On revocation of the work-restricted
39 license, the stay of revocation issued pursuant to this section
40 is immediately vacated.

2 8. Hearing. An habitual offender whose work-restricted
3 license has been revoked may request a hearing within 30 days of
4 the revocation.

5 A stay of revocation may not be issued pending a hearing.

6 If, after the hearing, the Secretary of State finds that the
7 person is not the same person named in the transcript or
8 abstract, the revocation must be stayed and a work-restricted
9 license must be reissued.

10 If the Secretary of State finds that the person is the same
11 person named in the transcript or abstract, the revocation must
12 be invoked.

13 9. New offense. An habitual offender who is adjudicated or
14 convicted of a violation of the provisions of this Title while
15 operating under a work-restricted license is not entitled to any
16 further relief during the remaining term of the revocation.

18 **§2557. Operating after habitual offender revocation**

19 1. Crime. A person commits a crime as defined in
20 subsection 2 if that person operates a motor vehicle on a public
21 way, as defined in Title 17-A, section 505, subsection 2, when
22 that person's license to operate a motor vehicle has been revoked
23 under this subchapter and that person:

24 A. Has received written notice of the revocation from the
25 Secretary of State;

26 B. Has been orally informed of the revocation by a law
27 enforcement officer;

28 C. Has actual knowledge of the revocation; or

29 D. Is a person to whom written notice was sent in
30 accordance with section 2458, subsection 4.

31 2. Offense; penalty. Violation of this section is:

32 A. A Class D crime if:

33 (1) The person has no conviction for operating after
34 revocation within the previous 5 years; and

35 (2) The person has no conviction for violating section
36 2411 within the previous 5 years; and

37 B. A Class C crime if:

2 (1) The person has one or more convictions for
4 operating after revocation within the previous 5 years;
6 or

8 (2) The person has one or more convictions for
10 violating section 2411 within the previous 5 years.

12 The Secretary of State may not grant relief from habitual
14 offender status under section 2554 until at least 3 years after
16 the original date scheduled for eligibility to apply for relief
18 of that status.

20 3. Presumption of identity. If the name and date of birth
22 of the person being prosecuted are the same as those of the
24 habitual offender whose privilege to operate has been suspended,
26 it is prima facie evidence that it is the same person.

28 4. Notice to Secretary of State. A law enforcement officer
30 who has arrested or charged a person with violating this section
32 shall notify the Secretary of State of that action.

34 SUBCHAPTER VI

36 GENERAL ENFORCEMENT PROVISIONS

38 §2601. Uniform Summons and Complaint

40 1. Form of Uniform Summons and Complaint. Every law
42 enforcement agency in this State shall use traffic summonses for
44 criminal traffic offenses defined in Title 23, section 1980 or
46 this Title in the form known as the Uniform Summons and
48 Complaint, which must be uniform throughout the State and must be
50 issued in books with summonses in no less than quadruplicate and
 meeting the requirements of this chapter. The Uniform Summons
 and Complaint must include, at a minimum, the signature of the
 officer, a brief description of the alleged offense, the time and
 place of the alleged offense and the time, place and date the
 person is to appear in court. The Uniform Summons and Complaint
 must also include a statement that signing the summons does not
 constitute an admission or plea of guilty and that refusal to
 sign after having been ordered to do so by a law enforcement
 officer is a separate Class E crime. A person to whom a Uniform
 Summons and Complaint is issued or delivered must give a written
 promise to appear. The form of the Uniform Summons and Complaint
 must be approved by the Chief Judge of the District Court prior
 to its use.

2. Creation of forms. The Commissioner of Public Safety is
 responsible for creating the forms of Uniform Summons and

2 Complaint, subject to the approval of the forms by the Chief
4 Judge of the District Court.

6 3. Form of Violation Summons and Complaint. Every law
8 enforcement agency in this State shall use traffic summonses for
10 traffic infractions in the form known as the Violation Summons
12 and Complaint, which must be uniform throughout the State and
14 must be issued in books with summonses in no less than
16 quadruplicate and meeting the requirements of this chapter. The
18 form must include, at a minimum, the signature of the officer, a
20 brief description of the alleged offense, the time and place of
22 the alleged offense and the date on or before which the person is
24 to file a written answer with the violations bureau. The
26 Violation Summons and Complaint must also include a statement
28 that signing the summons does not constitute an admission or plea
30 of guilty and that refusal to sign after having been ordered to
32 do so by a law enforcement officer is a separate Class F crime.
34 The form of the Violation Summons and Complaint must be approved
36 by the Chief Judge of the District Court prior to its use.

38 4. Responsibility for issuance and disposition. The
40 summons and complaint forms must be printed and distributed as
42 follows.

44 A. The Commissioner of Public Safety is responsible for all
46 Uniform Summons and Complaint and Violation Summons and
48 Complaint forms issued to law enforcement agencies or others.

50 B. The chief executive officer of every law enforcement
 agency or that chief executive officer's designee is
 responsible for the further issuance of summons and
 complaint forms to individual law enforcement officers and
 for the proper disposition of those forms.

5. Illegal disposition. It is unlawful and official
 misconduct for any law enforcement officer or other officer or
 public employee to dispose of a Violation Summons and Complaint
 or a Uniform Summons and Complaint or any portion of either or of
 the record of the issuance of a Violation Summons and Complaint
 or a Uniform Summons and Complaint in a manner other than as
 required under rules adopted pursuant to this section. Any
 person who solicits or aids in the disposition or attempted
 disposition of a Violation Summons and Complaint or a Uniform
 Summons and Complaint or any portion of either in any
 unauthorized manner commits a Class E crime.

6. Uniform Summons and Complaint as summons. A Uniform
 Summons and Complaint, when issued or delivered to a person by a
 law enforcement officer or served on the person in the manner
 prescribed by rule of the Supreme Judicial Court, acts as a

summons to appear in court on the date and time specified in the summons or to otherwise respond in accordance with law on or before the date and time specified in the summons. Any person who fails to appear in court as directed by the summons or to otherwise respond in accordance with law on or before the date and time specified in the summons commits a Class E crime. Upon the person's failure to appear or respond, the court may issue a warrant of arrest. It is an affirmative defense to prosecution under this subsection that the failure to appear or respond resulted from just cause.

7. Violation Summons and Complaint as summons. The Violation Summons and Complaint, when issued or delivered to a person by a law enforcement officer or served on the person in the manner prescribed by rule of the Supreme Judicial Court, acts as an order to file written answer to the complaint on or before the date specified in the summons.

8. When a lawful complaint. If the Uniform Summons and Complaint is duly sworn to as required by law and otherwise legally sufficient in respect to the form of a complaint and to charging commission of the offense alleged in the summons to have been committed, then the summons when filed with a court having jurisdiction constitutes a lawful complaint for the purpose of the commencement of any prosecution of a misdemeanor or Class D or Class E crime under Title 23, section 1980 or this Title. When filed with the violations bureau, the Violation Summons and Complaint is considered a lawful complaint for the purpose of the commencement of a traffic infraction proceeding.

9. Responsibility of law enforcement officer to file summonses and complaints with District Court. A law enforcement officer issuing a Violation Summons and Complaint charging the commission of a traffic infraction shall file the original of the Violation Summons and Complaint with the violations bureau within 5 days of the issuance of the Violation Summons and Complaint. A law enforcement officer issuing a Uniform Summons and Complaint that charges the commission of an offense shall file the original of the Uniform Summons and Complaint with the District Court having jurisdiction over the offense or in such other location as instructed by the Chief Judge of the District Court without undue delay and, in any event, within 5 days after the issuance of the Uniform Summons and Complaint.

10. Refusal to sign. A person who refuses to sign a Uniform Summons and Complaint or a Violation Summons and Complaint after having been ordered to do so by a law enforcement officer commits a Class E crime. A law enforcement officer may not order a person to sign the Uniform Summons and Complaint for

a civil violation unless the civil violation is an offense defined in Title 12; Title 28-A, section 2052; or this Title.

§2602. Jurisdiction

1. Traffic infractions. The District Court has original and exclusive jurisdiction over prosecutions for traffic infractions.

2. Other violations. The District Court has original and concurrent jurisdiction with the Superior Court over prosecutions for other violations of this Title.

3. Class C or greater. For Class C or greater crimes, the District Court jurisdiction is subject to Title 4, section 152.

4. Fines. Fines and forfeitures collected under this Title accrue to the General Fund, except that of fines and forfeitures collected under sections 511, 2356, 2361, 2380, 2388 and 2389, only \$5 or 13%, whichever is greater, accrues to the General Fund and the balance accrues to the General Highway Fund.

§2603. Speedy trial

A person arrested for violation of a provision of this Title, except sections 2103, 2105, 2411 and 2521, must be given an immediate trial if so demanded of the officer making the arrest.

1. Bail. If for any reason it is impracticable to give the person arrested an immediate trial, the officer making the arrest shall immediately take that person before a bail commissioner.

The bail commissioner, before admitting the person to bail, shall require the person's name, place of residence, the number of the driver's license and the registration number of the motor vehicle operated at the time of arrest.

The bail commissioner shall make a record on the bail bond and may take personal recognizance for an appearance in court on a specified day, not less than 2 days later, if requested.

2. Personal recognizance. The officer may also accept the personal recognizance of that person for an appearance.

§2604. Traffic infraction; general penalty

A traffic infraction must be punished by a fine of not less than \$25 nor more than \$250 when no other penalty is specifically provided.

2 **§2605. Suspension on nonappearance or nonpayment of fine**

4 **1. Suspension by clerk.** If a person fails to appear in
6 court on the date and time specified in response to a Uniform
8 Summons and Complaint, a summons, a condition of bail or order of
10 court for any criminal violation of Title 23, section 1980; a
12 civil violation under Title 28-A, section 2052; or any criminal
14 provision of this Title, or for any further appearance ordered by
the court, including one for the payment of a fine, either in
person or by counsel, or fails to pay a fine imposed for a
criminal traffic offense, the clerk shall suspend the person's
license or permit, the right to operate a motor vehicle in this
State and the right to apply for or obtain a license or permit.

16 If a person who is not an individual fails to appear or pay a
18 fine in a criminal traffic offense, the clerk shall suspend the
20 registration of the motor vehicle involved in the offense or that
22 person's right to operate that vehicle in the State.

24 **2. Notification by Secretary of State.** On receipt of a
26 copy of an order of any such suspension in a criminal traffic
28 offense, the Secretary of State shall immediately notify that
30 person of the suspension by regular mail or personal service.

32 **3. Effect of suspension.** A court-ordered suspension has
34 the same force and effect as a suspension by the Secretary of
36 State. The suspension remains in effect until the person
38 appears, either in person or by counsel, or pays the fine.

40 **4. Rescission of suspension.** On appearances or payment of
42 the fine, whichever was the basis for the suspension, and on the
44 condition of payment of a \$25 reinstatement fee to the Secretary
46 of State, the clerk of the court in which the suspension was
48 ordered shall rescind the suspension and notify the Secretary of
50 State who, upon receipt of the \$25 reinstatement fee, shall
delete any record of the suspension from that person's driving
record.

2 **§2606. Enforcement of suspension**

4 **1. Confiscation of license, certificate or plates.** If a
6 law enforcement officer, in the course of stopping or detaining a
8 motor vehicle, obtains a suspended license or certificate of
10 registration, or a license issued by another state, foreign
12 country or province when that person's license or certificate of
14 registration is under suspension, the officer shall confiscate
16 that license, certificate or plates and transmit the confiscated
18 items together with a report of the circumstances to the
20 Secretary of State.

2 **2. Investigation.** On request of the Secretary of State,
4 notification of the suspension must be served, and the
6 certificate, license or plates must be confiscated. If the
8 license, certificate or plates can not be confiscated, an
10 investigation must be undertaken by the sheriff of the county in
12 which that person resides by a state or local law enforcement
14 officer or by an employee of the Secretary of State.

2 **§2607. Conviction record to Secretary of State; public record**

4 **1. Transmission of abstract.** For every conviction or
6 adjudication of a violation relative to motor vehicles or to the
8 operation of a vehicle, a court shall transmit to the Secretary
10 of State an abstract, duly certified, setting forth the name of
12 the court, the docket number of the case, the names of the
14 parties, the nature of the offense, the date of the offense, the
16 date of hearing, the plea, the judgment and the result.

18 **2. Speeding.** In a case involving a violation of sections
20 2072 to 2074, the abstract must contain the legal speed involved
22 and the speed of which the person was convicted.

24 **3. Public records.** Abstracts are open to public inspection
26 during reasonable hours.

28 **4. Electronic reporting.** When a court is equipped with a
30 computer terminal or other electronic data processing equipment
32 having the capacity to transmit to and retrieve from the official
34 motor vehicle records of the Secretary of State all information
36 included in the abstract, the court may use the computer terminal
38 or electronic data processing equipment in lieu of a written
document.

2 **§2608. Suspension for failure to appear, answer or pay a fine in**
4 **a traffic infraction offense**

6 If a person fails to answer in any traffic infraction
8 proceeding under Title 23, section 1980 or any traffic infraction
10 provision of this Title by the date specified in the Violation
12 Summons and Complaint, fails to appear for trial or pay a fine
14 assessed in any traffic infraction proceeding, the clerk shall
16 suspend the person's license or permit, right to operate a motor
18 vehicle in this State and the right to apply for or obtain a
20 license or permit.

22 If a person who is not an individual fails to appear, answer
24 or pay a fine in a traffic infraction proceeding, the clerk shall
26 suspend the registration of the motor vehicle involved in the

2 offense or that person's right to operate that vehicle in the
3 State.

4 The clerk shall immediately notify that person of the
5 suspension by regular mail or personal service. The suspension
6 has the same force and effect as a suspension by the Secretary of
7 State. The suspension remains in effect until the person answers
8 or appears, either in person or by counsel, or pays the fine. On
9 answer, appearance or payment of the fine, whichever was the
10 basis for the suspension, and on condition of payment of a \$25
11 reinstatement fee to the Secretary of State, the clerk of the
12 court in which the suspension was ordered shall rescind the
13 suspension and notify the Secretary of State who, upon receipt of
14 the \$25 reinstatement fee, shall delete any record of the
15 suspension from that person's driving record.

16 Written notice is sufficient if sent by regular mail to the
17 last known name and address provided by the person on the
18 Violation Summons and Complaint, written answer to a Violation
19 Summons and Complaint, a written pleading filed with the
20 violations bureau or, if the person has not so provided an
21 address, to the address shown on the Violation Summons and
22 Complaint, a copy of which has been served on the person. The
23 notice must also state that the license, permit or right to
24 operate will not be reinstated and the person may not operate a
25 motor vehicle before payment of the reinstatement fee as required
26 under section 2486.

30 PART B

31 **Sec. B-1. 10 MRSA c. 208-A is enacted to read:**

32 CHAPTER 208-A

33 FARM MACHINERY DEALERSHIPS

34 §1271. Definitions

35 As used in this chapter, unless the context otherwise
36 indicates, the following terms have the following meanings.

37 1. Current net price. "Current net price" means the price
38 listed in the supplier's price list or catalog in effect at the
39 time the dealer agreement is terminated, less any applicable
40 discounts allowed.

41 2. Dealer. "Dealer" means a person, corporation or
42 partnership primarily engaged in the business of retail sales of
43 farm and utility tractors, farm implements, farm machinery, yard
44 and garden equipment, attachments, accessories and repair parts.

45 "Dealer" does not include a person, corporation or partnership
46 primarily engaged in the business of retail sales of heavy
47 construction, industrial and utility equipment, attachments,
48 accessories and repair parts.

49 3. Dealer agreement. "Dealer agreement" means a written or
50 oral contract or agreement between a dealer and a wholesaler,
51 manufacturer or distributor by which the dealer is granted the
52 right to sell or distribute goods or services or to use a trade
53 name, trademark, service mark, logotype or advertising or other
54 commercial symbol.

55 4. Inventory. "Inventory" means farm, utility or
56 industrial equipment, implements, machinery, yard and garden
57 equipment, attachments or repair parts. These terms do not
58 include heavy construction equipment.

59 5. Net cost. "Net cost" means the price the dealer paid
60 the supplier for the inventory, less all applicable discounts
61 allowed, plus the amount the dealer paid for freight costs from
62 the supplier's location to the dealer's location, plus reasonable
63 cost of assembly or disassembly performed by the dealer.

64 6. Supplier. "Supplier" means a wholesaler, manufacturer
65 or distributor of inventory as defined in this subchapter who
66 enters into a dealer agreement with a dealer.

67 7. Termination. "Termination" of a dealer agreement means
68 the cancellation, nonrenewal or noncontinuance of the agreement.

69 §1272. Usage of trade

70 The terms "utility" and "industrial", when used to refer to
71 equipment, machinery, attachments, yard and garden equipment or
72 repair parts, have the meanings commonly used and understood
73 among dealers and suppliers of farm equipment as usage of trade
74 in accordance with Title 11, section 1-205, subsection 2.

75 §1273. Notice of termination of dealer agreements

76 1. Notice of termination. Notwithstanding any agreement to
77 the contrary, prior to the termination of a dealer agreement, a
78 supplier shall notify the dealer of the termination not less than
79 90 days prior to the effective date of the termination. The
80 supplier may immediately terminate the agreement at any time upon
81 the occurrence of any of the following events:

82 A. The filing of a petition for bankruptcy or for
83 receivership either by or against the dealer;

2 B. The making by the dealer of an intentional and material
3 misrepresentation as to the dealer's financial status;

4 C. Any default by the dealer under a chattel mortgage or
5 other security agreement between the dealer and the supplier;

6 D. Discontinuance by the dealer of more than 50% of the
7 dealer's business related to the handling of goods provided
8 by the supplier;

9 E. The commencement of voluntary or involuntary dissolution
10 or liquidation of the dealer if the dealer is a partnership
11 or corporation;

12 F. A change in location of the dealer's principal place of
13 business as provided in the agreement without the prior
14 written approval of the supplier;

15 G. Withdrawal of an individual proprietor, partner, major
16 shareholder or the involuntary termination of the manager of
17 the dealership or a substantial reduction in the interest of
18 a partner or major shareholder without the prior written
19 consent of the supplier; or

20 H. Breach by the dealer of a written obligation contained
21 in the agreement.

22 2. Time of notice. Unless there is an agreement to the
23 contrary, a dealer who intends to terminate a dealer agreement
24 with a supplier shall notify the supplier of that intent not less
25 than 90 days prior to the effective date of the termination.

26 3. Notice in writing. Notification required by this
27 section must be in writing and be made by certified mail or by
28 personal delivery and must contain:

29 A. A statement of intention to terminate the dealer
30 agreement;

31 B. A statement of the reasons for the termination; and

32 C. The date on which the termination is effective.

33 **§1274. Supplier's duty to repurchase**

34 1. Repurchase. Whenever a dealer enters into a dealer
35 agreement under which the dealer agrees to maintain an inventory,
36 and the agreement is terminated by either party as provided in
37 this subchapter, the supplier, upon written request of the dealer
38 filed within 30 days of the effective date of the termination,

39 shall repurchase the dealer's inventory as provided in this
40 subchapter. There is no requirement for the supplier to
41 repurchase inventory pursuant to this section if:

42 A. The supplier and dealer have made a written agreement
43 with respect to repurchase;

44 B. The dealer has made an intentional and material
45 misrepresentation as to the dealer's financial status;

46 C. The dealer has defaulted under a chattel mortgage or
47 other security agreement between the dealer and supplier; or

48 D. The dealer has filed a voluntary petition in bankruptcy.

49 2. Death of dealer. Whenever a dealer enters into a dealer
50 agreement in which the dealer agrees to maintain an inventory and
51 the dealer or the majority stockholder of the dealer, if the
52 dealer is a corporation, dies or becomes incompetent, the
53 supplier shall, at the option of the heir, personal
54 representative, or guardian of the dealer, or the person who
55 succeeds to the stock of the majority stockholder, repurchase the
56 inventory as if the agreement had been terminated. The heir,
57 personal representative, guardian or succeeding stockholder has
58 one year from the date of the death of the dealer or majority
59 stockholder to exercise the option under this chapter.

60 **§1275. Repurchase terms**

61 1. Examination of records. Within 90 days from receipt of
62 the written request of the dealer, a supplier under the duty to
63 repurchase inventory pursuant to section 1274 may examine any
64 books or records of the dealer to verify the eligibility of any
65 item for repurchase. Except as otherwise provided in this
66 subchapter, the supplier shall repurchase from the dealer all
67 inventory previously purchased from the supplier in the
68 possession of the dealer on the date of termination of the dealer
69 agreement.

70 2. Payment terms. The supplier shall pay the dealer:

71 A. One hundred percent of the net cost of all new and
72 undamaged and complete farm, utility and industrial
73 equipment, implements, machinery, yard and garden equipment
74 and attachments, less a reasonable allowance for
75 deterioration attributable to weather conditions at the
76 dealer's location;

77 B. Ninety percent of the current net prices of all new and
78 undamaged repair parts; and

2 C. Eighty-five percent of the current net prices of all new
3 and undamaged superseded repair parts.

4 3. Return costs. The party that initiates the termination
5 of the dealer agreement shall pay the cost of the return,
6 handling, packing and loading of the inventory.

7 4. Payment date. Payment to the dealer required under this
8 section must be made by the supplier not later than 60 days after
9 receipt of the inventory by the supplier. The supplier is
10 entitled to apply any payment required under this section to be
11 made to the dealer, as a setoff against any amount owed by the
12 dealer to the supplier.

13 **§1276. Exceptions to repurchase requirement**

14 1. Exceptions. The provisions of this chapter do not
15 require the repurchase from a dealer of:

16 A. A repair part with a limited storage life or otherwise
17 subject to physical or structural deterioration including,
18 but not limited to, gaskets or batteries, but excluding
19 industrial "press on" or industrial pneumatic tires;

20 B. A single repair part normally priced and sold in a set
21 of 2 or more items;

22 C. A repair part that, because of its condition, can not be
23 marketed as a new part without repackaging or reconditioning
24 by the supplier or manufacturer;

25 D. An item of inventory for which the dealer does not have
26 title free of all claims, liens and encumbrances other than
27 those of the supplier;

28 E. Any inventory that the dealer elects to retain;

29 F. Any inventory ordered by the dealer after receipt of
30 notice of termination of the dealer agreement by either the
31 dealer or supplier;

32 G. Any inventory that was acquired by the dealer from a
33 source other than the supplier; or

34 H. Any farm, utility or industrial equipment, implements,
35 machinery, yard and garden equipment or attachments that
36 were purchased by the dealer more than 30 months prior to
37 the termination of the dealer agreement.

38 **§1277. Transfer of business**

39 1. Transfer. A supplier may not unreasonably withhold or
40 delay consent to any transfer of the dealer's business or
41 transfer of the stock or other interest in the dealership,
42 whenever the dealer to be substituted meets the material and
43 reasonable qualifications and standards required of its dealers.
44 If a supplier determines that a proposed transferee does not meet
45 its qualifications and standards, it shall give the dealer
46 written notice thereof, stating the specific reasons for
47 withholding consent. A prospective transferee may not be
48 disqualified from being a dealer because it is a publicly held
49 corporation. A supplier has 45 days to consider a dealer's
50 request to make a transfer under this subsection.

2. Withhold consent. Notwithstanding subsection 1, no
supplier may withhold consent to, or in any manner retain a right
of prior approval of, the transfer of the dealer's business to a
member or members of the family of the dealer or the principal
owner of the dealer. As used in this subsection, "family" means
and includes the spouse, parent, siblings, children, stepchildren
and lineal descendants, including those by adoption of the dealer
or principal owner of the dealer.

3. Assume obligations. Whenever a transfer of a dealer's
business occurs, the transferee shall assume all the obligations
imposed on and succeed to all the rights held by the selling
dealer by virtue of any agreement, consistent with this
subchapter, entered into prior to the transfer between the
selling dealer and one or more suppliers.

4. Burden of proof. In any dispute as to whether a
supplier has denied consent in violation of this section, the
supplier has the burden of proving a substantial and reasonable
justification for the denial of consent.

§1278. Uniform commercial practice

1. Security interest. Nothing contained in this chapter
may be construed to release or terminate a perfected security
interest of the supplier in the inventory of the dealer.

2. Repurchase of inventory. A repurchase of inventory
under this chapter is not subject to the bulk sales provisions of
Title 11, section 6-101, et seq.

§1279. Warranty obligations

1. Payment of warranty claim. Whenever a supplier and a
dealer enter into an agreement providing consumer warranties, the

2 supplier shall pay any warranty claim made by the dealer for
3 warranty parts or service within 30 days after its receipt and
4 approval. The supplier shall approve or disapprove a warranty
5 claim within 30 days after its receipt. If a claim is not
6 specifically disapproved in writing within 30 days after its
7 receipt, it is deemed to be approved and payment must be made by
8 the supplier within 30 days.

9 2. Indemnity. Whenever a supplier and a dealer enter into
10 a dealer agreement, the supplier shall indemnify and hold
11 harmless the dealer against any judgment for damages arising from
12 breach of warranty or rescission of the sale by the supplier.

14 §1280. Remedies

15 1. Jurisdiction. Concurrent jurisdiction under this
16 chapter is in the District Court or Superior Court of the city or
17 county where the dealer has its principal place of business. The
18 court may grant equitable relief as is necessary to remedy the
19 effects of conduct that it finds to exist and is prohibited under
20 this chapter, including, but not limited to, declaratory judgment
21 and injunctive relief.

22 2. Recovery. In addition to any other remedies available
23 at law or in equity, if a supplier has attempted or accomplished
24 an annulment, cancellation or termination, or refused to continue
25 or renew an agreement without good cause or withheld or delayed
26 consent in violation of section 1273 or 1277, then the dealer is
27 entitled to recover losses and damages, together with the cost of
28 the action and reasonable legal fees. These damages include
29 compensation for the value of the agreement and the good will of
30 the dealer's business.

31 3. Arbitration. Nothing contained in this section may bar
32 the right of an agreement to provide for binding arbitration of
33 disputes. Any arbitration must be consistent with the provisions
34 of this chapter and Title 14, chapter 706, and the place of any
35 arbitration must be in the city or county in which the dealer
36 maintains the dealer's principal place of business in the State.

37 4. Renewal of agreement. No supplier may cancel, terminate
38 or refuse to continue to renew an agreement during the 90-day
39 period set forth in section 1273 or during the pendency of
40 litigation or arbitration, except under the conditions set forth
41 in section 1273, subsection 1.

42 §1281. Management

43 A supplier may not require or prohibit any change in
44 management or personnel of any dealer unless the current or
45

46 potential management or personnel fails to meet reasonable
47 qualifications and standards required by the supplier for its
48 dealers.

49 §1282. Waiver of chapter void

50 The provisions of this chapter are deemed to be incorporated
1 in every agreement and supersede and control all other provisions
2 of the agreement. A supplier may not require any dealer to waive
3 compliance with any provision of this chapter. Any contract or
4 agreement purporting to do so is void and unenforceable to the
5 extent of the waiver or variance. Nothing in this chapter may be
6 construed to limit or prohibit good faith settlements of disputes
7 voluntarily entered into between the parties.

8 §1283. Applicability

9 This subchapter applies to agreements in effect as of
10 October 1, 1989. In addition, the chapter applies to any
11 agreements entered into after October 1, 1989. The provisions of
12 this chapter are also applicable to any renewal or amendment of
13 the agreements.

14 §1284. Reasonableness and good faith

15 1. Good faith. Every agreement entered into under this
16 chapter imposes on the parties the obligation to act in good
17 faith.

18 2. Reasonableness. This chapter imposes on every term and
19 provision of any agreement a requirement of reasonableness.
20 Every term or provision of any agreement must be interpreted so
21 that the requirements or obligations imposed are reasonable.

22 Sec. B-2. 36 MRSA c.111-A is enacted to read:

23 CHAPTER 111-A

24 BUS TAXATION PRORATION AGREEMENT

25 SUBCHAPTER 1

26 AGREEMENT

27 §1492. Purposes and principles -- Article I

28 1. Purposes of agreement. It is the purpose of this
29 agreement to set up a system whereby any contracting state may
30 permit owners of fleets of buses operating in 2 or more states to
31 prorate the registration of the buses in such fleets in each
32

2 state in which the fleets operate on the basis of the proportion
3 of miles operated within such state to total fleet miles, as
4 defined herein.

5 2. Principle of proration of registration. It is hereby
6 declared that in making this agreement the contracting states
7 adhere to the principle that each state should have the freedom
8 to develop the kind of highway user tax structure that it
9 determines to be most appropriate to itself, that the method of
10 taxation of interstate buses should not be a determining factor
11 in developing its user tax structure, and that annual taxes or
12 other taxes of the fixed fee type upon buses which are not
13 imposed on a basis that reflects the amount of highway use should
14 be apportioned among the states, within the limits of
15 practicality, on the basis of vehicle miles traveled within each
16 of the states.

18 §1493. Definitions -- Article II

19 1. Administrator. "Administrator" means the official or
20 agency of a state administering the fee involved, or, in the case
21 of proration of registration, the official or agency of a state
22 administering the proration of registration in that state.

23 2. Base state. "Base state" means the state from or in
24 which the bus is most frequently dispatched, garaged, serviced,
25 maintained, operated or otherwise controlled, or in the case of a
26 fleet bus the state to which it is allocated for registration
27 under statutory requirements. In order that this section may not
28 be used for the purpose of evasion of registration fees, the
29 administrators of the contracting states may make the final
30 decision as to the proper base state, in accordance with section
31 1494, subsection 8, to prevent or avoid such evasion.

32 3. Bus. "Bus" means any motor vehicle of a bus type
33 engaged in the interstate transportation of passengers and
34 subject to the jurisdiction of the Interstate Commerce
35 Commission, or any agency successor thereto, or one or more state
36 regulatory agencies concerned with the regulation of passenger
37 transport.

38 4. Contracting state. "Contracting state" means a state
39 that is a party to this agreement.

40 5. Fleet. As to each contracting state, "fleet" includes
41 only those buses that actually travel a portion of their total
42 miles in such state. A fleet must include 3 or more buses.

43 6. Person. "Person" includes any individual, firm,
44 copartnership, joint venture, association, corporation, estate,

45 trust, business trust, receiver, syndicate or any other group or
46 combination acting as a unit.

47 7. Proration of registration. "Proration of registration"
48 means registration of fleets of buses in accordance with section
49 1495, Article IV.

50 8. Reciprocity. "Reciprocity" means that each contracting
state, to the extent provided in this agreement, exempts a bus
from registration and registration fees.

9. Registration. "Registration" means the registration of
a bus and the payment of annual fees and taxes as set forth in or
pursuant to the laws of the respective contracting states.

10. State. "State" includes the States of the United
States, the District of Columbia, the territories of the United
States, the Provinces of Canada, and the States, Territories and
Federal District of Mexico.

51 §1494. General provisions -- Article III

52 1. Effect on other agreements, arrangements and
53 understandings. On and after its effective date, this agreement
54 supersedes any reciprocal or other agreement, arrangement or
55 understanding between any 2 or more of the contracting states
56 covering, in whole or in part, any of the matters covered by this
57 agreement; but this agreement may not affect any reciprocal or
58 other agreement, arrangement or understanding between a
59 contracting state and a state or states not a party to this
60 agreement.

61 2. Applicability to exempt vehicles. This agreement does
62 not require registration in a contracting state of any vehicles
63 that are in whole or part exempt from registration under the laws
64 or regulations of such state without respect to this agreement.

65 3. Inapplicability to caravanned vehicle. The benefits and
66 privileges of this agreement may not be extended to a vehicle
67 operated on its own wheels, or in tow of a motor vehicle,
68 transported for the purpose of selling or offering the same for
69 sale to or by any agent, dealer, purchaser or prospective
70 purchaser.

71 4. Other fees and taxes. This agreement does not waive any
72 fees or taxes charged or levied by any state in connection with
73 the ownership or operation of vehicles other than registration
74 fees as defined herein. All other fees and taxes must be paid to
75 each state in accordance with the laws thereof.

2 5. Statutory vehicle regulations. This agreement does not
4 authorize the operation of a vehicle in any contracting state
6 contrary to the laws or regulations thereof, except those
8 pertaining to registration and payment of fees; and with respect
10 to such laws or regulations, only to the extent provided in this
12 agreement.

8 6. Violations. Each contracting state reserves the right to
10 withdraw, by order of the administrator thereof, all or any part
12 of the benefits or privileges granted pursuant to this agreement
14 from the owner of any vehicle or fleet of vehicles operated in
16 violation of any provision of this agreement. The administrator
shall immediately give notice of any such violation and
withdrawal of any such benefits or privileges to the
administrator of each other contracting state in which vehicles
of such owner are operated.

18 7. Cooperation. The administrator of each of the
20 contracting states shall cooperate with the administrators of the
22 others and each contracting state hereby agrees to furnish such
24 aid and assistance to each other within its statutory authority
as will aid in the proper enforcement of this agreement.

24 8. Interpretation. In any dispute between or among
26 contracting states arising under this agreement, the final
28 decision regarding interpretation of questions at issue relating
to this agreement must be reached by joint action of the
contracting states, acting through the administrator thereof, and
must upon determination be placed in writing.

30 9. Effect of headings. Article and section heading
32 contained herein may not be deemed to govern, limit, modify or in
34 any manner affect the scope, meaning or intent of the provisions
of any Article or part hereof.

36 10. Entry into force. This agreement enters into force and
38 becomes binding between and among the contracting states when
enacted or otherwise entered into by any 2 states. Thereafter, it
enters into force and becomes binding with respect to any state
when enacted into law by such state. If the statutes of any state
so authorize or provide, such state may become party to this
agreement upon the execution thereof by an executive or
administrative official thereof acting on behalf of and for such
state.

46 §1495. Proration of registration -- Article IV

48 1. Applicability. Any owner of a fleet may register the
50 buses of said fleet in any contracting state by paying to said
state total registration fees in an amount equal to that obtained

2 by applying the proportion of in-state fleet miles divided by the
4 total fleet miles, to the total fees which would otherwise be
6 required for regular registration of each and all of such
8 vehicles in such contracting state.

6 All fleet pro-rata registration fees must be based upon the
8 mileage proportions of the fleet during the period of 12 months
10 ending on August 31st next preceding the commencement of the
12 registration year for which registration is sought. Except, that
14 mileage proportions for a fleet not operated during such period
16 in the state where application for registration is made will be
determined by the administrator upon the sworn application of the
applicant showing the operations during such period in other
states and the estimated operations during the registration year
for which registration is sought, in the state in which
application is being made; or if no operations were conducted
during such period a full statement of the proposed method of
operation.

20 If any buses operate in 2 or more states which permit the
22 proration of registration on the basis of a fleet of buses
24 consisting of a lesser number of vehicles than provided in
26 section 1493, Article II, subsection 5, such fleet may be
prorated as to registration in such states, in which event the
buses in such fleet may not be required to register in any other
contracting states if each such vehicle is registered in some
contracting state, except to the extent it is exempt from
registration as provided in section 1494, Article III, subsection
2.

30 If the administrator of any state determines, based on the
32 administrator's method of the operation thereof, that the
34 inclusion of a bus or buses as a part of a fleet would adversely
36 affect the proper fleet fee that should be paid to that
38 administrator's state, having due regard for fairness and equity,
the administrator may refuse to permit any or all of such buses
to be included in that administrator's state as a part of such
fleet.

40 2. Total fleet miles. Total fleet miles, with respect to
42 each contracting state, means the total miles operated by the
44 fleet in such state, in all other contracting states, in other
46 states having proportional registration provisions, in states
48 with which such contracting state has reciprocity, and in such
50 other states as the administrator determines should be included
under the circumstances in order to protect or promote the
interest of that administrator's state; except that in states
having laws requiring proration on the basis of a different
determination of total fleet miles, total fleet miles must be
determined on such basis.

2 3. Leased vehicles. If a bus is operated by a person other
4 than the owner as a part of a fleet that is subject to this
6 Article, then the operator of such fleet must be deemed to be the
8 owner of said bus for the purposes of this Article.

8 4. Extent of privileges. Upon the registration of a fleet
10 in a contracting state pursuant to this Article, each bus in the
12 fleet may be operated in both interstate and intrastate
14 operations in such state, except as provided in section 1494,
16 Article III, subsection 5.

12 5. Application for prorotation. The application for prorotation
14 of registration must be made in each contracting state upon
16 substantially the application forms and supplements authorized by
18 joint action of the administrators of the contracting states.

18 6. Issuance of identification. Upon registration of a
20 fleet, the state that is the base state of a particular bus of
22 the fleet shall issue the required license plates and
24 registration card for such bus and each contracting state in
26 which the fleet of which such bus is a part, operates shall issue
28 a special identification identifying such bus as a part of a
30 fleet that has fully complied with the registration requirements
32 of such state. The required license plates, registration cards
34 and identification must be appropriately displayed in the manner
36 required by or pursuant to the laws of each respective state.

30 7. Additions to fleet. If any bus is added to a prorated
32 fleet after the filing of the original application, the owner
34 shall file a supplemental application. The owner shall register
36 such bus in each contracting state in like manner as provided for
38 buses listed in an original application and the registration fee
40 payable must be determined on the mileage proportion used to
42 determine the registration fees payable for buses registered
44 under the original application.

38 8. Withdrawals fr a fleet. If any bus is withdrawn from a
40 prorated fleet during the period for which it is registered or
42 identified, the owner shall notify the administrator of each
44 state in which it is registered or identified of such withdrawal
46 and shall return the plates, and registration card or
48 identification as may be required by or pursuant to the laws of
50 the respective states.

46 9. Audits. The administrator of each contracting state
48 shall, within the statutory authority of such administrator, make
50 any information obtained upon an audit of records of any
applicant for prorotation of registration available to the
administrators of the other contracting states.

2 10. Errors in registration. If it is determined by the
4 administrator of a contracting state, as a result of such audits
6 or otherwise, that an improper fee has been paid that
8 administrator's state, or errors in registration found, the
10 administrator may require the fleet owner to make the necessary
12 corrections in the registration of the fleet and payment of fees.

§1496. Reciprocity -- Article V

12 1. Grant of reciprocity. Each of the contracting states
14 grants reciprocity as provided in this Article.

14 2. Applicability. The provisions of this agreement with
16 respect to reciprocity applies only to a bus properly registered
18 in the base state of the bus, which state must be a contracting
20 state.

18 3. Nonapplicability to fleet buses. The reciprocity granted
20 pursuant to this Article does not apply to a bus which is
22 entitled to be registered or identified as part of a prorated
24 fleet.

24 4. Extent of reciprocity. The reciprocity granted pursuant
26 to this Article permits the interstate operation of a bus and
28 intrastate operation that is incidental to a trip of such bus
involving interstate operation.

28 5. Other agreements. Nothing in this agreement may be
30 construed to prohibit any of the contracting states from entering
32 into separate agreements with each other for the granting of
34 temporary permits for the intrastate operation of vehicles
36 registered in the other state; nor to prevent any of the
contracting states from entering into agreements to grant
reciprocity for intrastate operation within any zone or zones
agreed upon by the states.

§1497. Withdrawal or revocation -- Article VI

38 Any contracting state may withdraw from this agreement upon
40 30 days written notice to each other contracting state, which
42 notice may be given only after the repeal of this agreement by
44 the legislature of such state, if adoption was by legislative
46 act, or after renunciation by the appropriate administrative
48 official of such contracting state if the laws thereof empower
that official so to renounce.

§1498. Construction and severability -- Article VII

2 This compact must be liberally construed so as to effectuate
3 the purposes thereof. The provisions of this compact are
4 severable and if any phrase, clause, sentence or provision of
5 this compact is declared to be contrary to the Constitution of
6 any state or of the United States or the applicability thereof to
7 any government, agency, person or circumstance is held invalid,
8 the validity of the remainder of this compact and the
9 applicability thereof to any government, agency, person or
10 circumstance are not affected thereby. If this compact is held
11 contrary to the constitution of any state participating herein,
12 the compact remains in full force and effect as to the remaining
13 party states and in full force and effect as to the state
14 affected as to all severable matters.

15 SUBCHAPTER II

16 PROVISIONS RELATED TO AGREEMENT

17 §1499. Ratification

18 The Bus Taxation Proration Agreement is enacted into law and
19 entered into with all jurisdictions legally joining therein in
20 the form substantially as provided in this subchapter.

21 §1499-A. Administrator, defined

22 As used in the agreement, with reference to this State, the
23 term "administrator" means Secretary of State.

24 §1499-B. Exemptions

25 The Secretary of State has the power to make such exemptions
26 from the coverage of the agreement as may be appropriate and to
27 make such changes in methods for the reporting of any information
28 required to be furnished to this State pursuant to the agreement
29 as, in the Secretary of State's judgment, is suitable, provided
30 that any such exemptions or changes are not contrary to the
31 purposes set forth in section 1492, Article 1, and is made in
32 order to permit the continuance of uniformity of practice among
33 the contracting states with respect to buses. Any such exemption
34 or change must be made by rule or regulation and is not effective
35 unless made by the same procedure required for other rules and
36 regulations of the Secretary of State's department.

37 §1499-C. Withdrawal from agreement

38 Unless otherwise provided in any statute withdrawing this
39 State from participation in the agreement, the Governor must be
40 the officer to give notice of withdrawal therefrom.

2 STATEMENT OF FACT

3 This bill repeals the Maine Revised Statutes, Title 29 and
4 replaces that Title with a new Title 29-A, which is both a
5 revision and a recodification of the prior law. Part A of the
6 bill contains the text of the new Title. Part B of the bill
7 contains recodified portions of former Title 29 that are placed
8 in appropriate sections of other existing Titles.