

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



116th MAINE LEGISLATURE

SECOND REGULAR SESSION-1994

Legislative Document

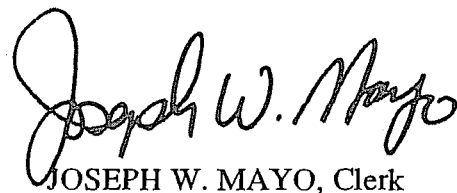
No. 1697

H.P. 1270

House of Representatives, January 11, 1994

An Act to Amend Certain Motor Vehicle Laws.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.
Reference to the Committee on Transportation suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative STROUT of Corinth.
Cosponsored by Representatives: BAILEY of Farmington, DRISCOLL of Calais, HUSSEY of Milo, LINDAHL of Northport, O'GARA of Westbrook, PLOURDE of Biddeford, RICKER of Lewiston, Senator: GOULD of Waldo.

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

2
3 **Sec. 1. 29 MRSA §242, sub-§1, ¶G,** as enacted by PL 1981, c.
4 226, is amended to read:

6 G. The Secretary of State may issue, upon application and
7 the payment of a fee of \$25, a special registration permit
8 certificate authorizing the limited operation on the highway
9 of trucks and, truck tractors and Class B special mobile
10 equipment that are otherwise used exclusively for
11 off-highway purposes. Permits shall not be granted unless
12 the applicant presents a written certificate from the tax
13 collector of the municipality from which the vehicles are
14 being moved, identifying the vehicles and stating that all
15 personal property taxes applicable to the vehicles,
16 including those for the current year, have been paid or that
17 the vehicles are exempt from such taxes. Highway use shall
18 be limited to travel to and from garages for the purpose of
19 obtaining repairs or maintenance or travel from one job site
20 to another job site. The permit shall be for the highway
21 operation of the vehicles only and does not authorize the
22 highway transportation of either property or passengers. The
23 special registration permits shall be valid until March 1st
24 of the next calendar year. Vehicles issued these permits
25 shall be exempt from the inspection requirements set forth
26 in this Title. The special registration permit certificate
27 must be in the vehicle whenever the vehicle is operated on
28 the highway.

30 **Sec. 2. 29 MRSA §244, sub-§1,** as amended by PL 1991, c. 598,
31 §3, is further amended to read:

32 **1. Registration fees.** The annual fees for the registration
33 of trailers and camp trailers are in accordance with this
34 subsection and must accompany the application for registration.
35 Fees paid under this section and under sections 245 and 245-A are
36 administrative fees and nonapportionable. The Secretary of State
37 may collect apportionable fees for trailers and semitrailers
38 pursuant to the International Registration Plan.

40 A. The registration fee for trailers a trailer, camp
41 trailer or semitrailer is \$8.50 for a gross weight not to
42 exceed 2,000 pounds. ~~The maximum fee for all farm trailers,~~
43 ~~whether--semitrailers--or--4-wheeled--type,--equipped--with~~
44 ~~pneumatic-tires,--is--\$8.50--for--each--trailer--when--the--trailers~~
45 ~~are--used--and--to--be--used--by--farmers--for--the--sole--purpose--of~~
46 ~~transporting--their--own--farm--products,--crops,--fertilizers--and~~
47 ~~farm--tools--and--utensils,--subject--to--the--further--conditions~~
48 ~~and--limitations--that:~~

2 (1) ~~No such load so transported may at any time exceed~~
4 ~~4 tons, and~~
6 (2) ~~No such load may be transported a distance greater~~
8 ~~than 20 miles from the point of origin to the point of~~
10 ~~destination.~~

12 B. Trailers A trailer having a gross vehicle weight in
14 excess of 2,000 pounds must be classified and rated as
16 trucks a truck. ~~All boat trailers registered for a gross~~
18 ~~weight in excess of 2,000 pounds but not more than 4,000~~
20 ~~pounds shall pay a registration fee of \$8.50.~~

22 C. ~~Camp trailers~~ A camp trailer or semitrailer having a
24 gross vehicle weight exceeding 2,000 pounds are assessed a
26 registration fee of \$16.

28 D. Mobile homes must be registered and be assessed a fee of
30 \$8.50 for that registration.

32 E. Except for camp trailers as ~~defined in section 1,~~
34 trailers and semitrailers, trailer registrations under this
36 section may be issued for 2 years for a fee twice that of
38 the annual registration fee.

40 A violation of any of the terms and conditions of this subsection
42 automatically disqualifies the violator from the benefits of this
44 subsection.

46 **Sec. 3. 29 MRSA §244, sub-§3**, as repealed and replaced by PL
48 1987, c. 789, §8, is repealed and the following enacted in its
50 place:

3. Converted semitrailers. A semitrailer that is
temporarily converted to a full trailer by use of a converter
dolly may be registered as a semitrailer.

Sec. 4. 29 MRSA §530, sub-§2, ¶B, as amended by PL 1993, c.
417, §1, is further amended to read:

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

(1) Class A: any combination of vehicles with a gross
combination weight rating or registered weight of
26,001 or more pounds, provided the gross vehicle
weight rating or gross weight of the vehicle or
vehicles being towed is in excess of 10,000 pounds. A
Class A license is a commercial driver's license.

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48
50

2 Holders of a Class A license may, with any appropriate
endorsements, operate all vehicles in Class B and Class
4 C;

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

(3) Class C: any single vehicle or combination of
14 vehicles that does not meet the definition of Class A
or Class B with a gross vehicle weight rating and
16 registered weight of less than 26,001 pounds or any
such vehicle towing a vehicle not in excess of 10,000
18 pounds gross vehicle weight rating or gross weight. A
20 Class C license is a commercial driver's license only
if it carries an endorsement under section 530-B,
22 subsection 4. Holders of a Class C license may, with
any appropriate endorsements, operate all vehicles in
24 that class.

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

38 **Sec. 5. 29 MRSA §531-A, sub-§2,** as repealed and replaced by PL
1973, c. 738, §7, is repealed and the following enacted in its
40 place:

42 **2. Certain nonresidents.** A nonresident who is 16 years of
age or older and who has in that person's possession a valid
44 license or instruction permit issued by that person's state or
province may operate a motor vehicle in this State. A
46 nonresident operator shall adhere to all restrictions applied to
the license or instruction permit by that person's state or
48 province. A nonresident who is not yet 16 years of age may not
operate a motor vehicle in this State.

2 **Sec. 6. 29 MRSA §532, 4th ¶**, as amended by PL 1991, c. 800,
§1, is further amended to read:

4 The motorcycle, motor driven cycle or moped learner's
6 permit, when issued, will be valid for a period of one year.
Failure to complete the driving test within one year from issue
8 date of permit will require reexamination for the permit. ~~No such~~
~~application for reexamination may be accepted until 60 days after~~
~~expiration of the permit.~~ In the case of a motorcycle or motor
10 driven cycle learner's permit, failure to complete the driving
test within ~~one year~~ 2 years from issue date of permit requires
12 another completion of the motorcycle driver education course
required by section 583-A before a subsequent permit is issued.

14 **Sec. 7. 29 MRSA §532, 6th ¶**, is repealed and the following
16 enacted in its place:

18 Unless authorized by the Secretary of State, an instruction
20 permit expires when the holder passes a complete examination. An
expired permit must be surrendered to the Secretary of State
immediately.

22 **Sec. 8. 29 MRSA §540, 3rd ¶**, as amended by PL 1991, c. 823, §3
24 and affected by §7, is further amended to read:

26 A fee of \$2 ~~§3~~ is charged for the photographic license in
addition to the fee charged for the license.

28 **Sec. 9. 29 MRSA §1312-D, sub-§1-A**, as amended by PL 1985, c.
30 412, §6, is repealed.

32 **Sec. 10. 29 MRSA §1312-D, sub-§1-B** is enacted to read:

34 1-B. Suspension period. Unless a longer period of
36 suspension is otherwise provided by law, the Secretary of State
shall suspend the license of a person convicted of a violation of
section 1312-B for the following minimum periods:

38 A. Ninety days if the person has one conviction of a
40 violation of section 1312-B within a 6-year period;

42 B. One year if the person has 2 convictions of a violation
44 of section 1312-B, or one suspension for failure to comply
with the duty to submit to chemical testing under section
46 1312 and one conviction of a violation of section 1312-B
within a 6-year period; or

48 C. Two years if the person has 3 or more convictions of a
50 violation of section 1312-B within a 6-year period.

2 For the purposes of this subsection, a conviction or suspension
3 has occurred within a 6-year period if the date of the new
4 conduct is within 6 years of a date of suspension or docket entry
5 of judgment of conviction.

6 **Sec. 11. 29 MRSA §2241, sub-§1, ¶F,** as amended by PL 1989, c.
7 866, Pt. B, §17 and affected by §26, is further amended to read:

8 F. Has committed an offense in ~~another-state~~ a jurisdiction
9 of the United States or province that, if committed in this
10 State, would be grounds for suspension or revocation;

11 **Sec. 12. 29 MRSA §2241, sub-§1, ¶O and P,** as enacted by PL
12 1989, c. 514, §§20 and 25, are amended to read:

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

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

20 **Sec. 13. 29 MRSA §2241, sub-§1, ¶Q** is enacted to read:

21 O. Has a license, permit or the privilege to apply for or
22 obtain a license suspended or revoked by a jurisdiction of
23 the United States or province.

24 **Sec. 14. 29 MRSA §2243, sub-§1,** as amended by PL 1989, c. 514,
25 §§21 and 25, is further amended to read:

26 **I. Provisions not applicable to nonresidents.** The
27 provisions of this Title, relative to registration of vehicles
28 and the issuance of operators' licenses, shall not apply to any
29 nonresident owner or operator, provided that the owner or
30 operator has complied with the provisions of the laws of the
31 ~~country,~~ a jurisdiction of the United States or province of
32 the owner or operator's residence relative to the registration of
33 motor vehicles and the possession of operator licenses. A Maine
34 registration and operator license shall be applied for within 30
35 days if residence in this State is declared or established.

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

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

5 **Sec. 15. 29 MRSA §2243, sub-§2,** as amended by PL 1983, c. 818,
6 §20, is further amended to read:

7 **2. Formal agreements.** The Secretary of State, after
8 determining that like privileges are granted by a state
9 jurisdiction of the United States or province, shall enter into a
10 written agreement with that state or province setting forth the
11 conditions under which residents of that jurisdiction engaged in
12 interstate commerce operations in and through this State shall be
13 exempt from the registration and licensing laws of this State.

14 **Sec. 16. 29 MRSA §2243-B, sub-§1,** as enacted by PL 1981, c.
15 11, is amended to read:

16 **1. Authorization to enter into compact.** The Secretary of
17 State may execute all documents and may perform all other acts
18 necessary to enter into and carry out the provisions of a
19 nonresident violator compact. The Secretary of State may enter
20 into a nonresident violator compact with any ~~other--state~~
21 jurisdiction of the United States or province.

22 **Sec. 17. 29 MRSA §2703, first ¶,** as repealed and replaced by PL
23 1987, c. 781, §§5 and 15, is amended to read:

24 In order that there may be proper supervision and control of
25 the use of the highways of this State, every person, firm or
26 corporation transporting or advertising the transportation of
27 freight, merchandise, household goods or passengers by motor
28 vehicle for hire upon the public highways of this State between
29 points within this State, between points without the State but
30 passing through this State or between points within and points
31 without the State, is required to obtain a permit for that
32 operation from the Secretary of State. Application for these
33 permits shall be made in the manner and form to be prescribed by
34 the Secretary of State. These permits shall be issued upon
35 compliance with these rules and upon payment of the required
36 fees. An application for a an intrastate or Interstate Commerce
37 Commission exempt permit shall be accompanied by a fee of \$25.
38 No permit issued under this section may be transferred, except
39 that, where the holder of a permit has become incorporated, the
40 holder may transfer his permit to the corporation upon the
41 payment of any transfer fee and the filing of written notice of
42 intent to transfer with the Secretary of State. Every person,
43 firm or corporation transporting passengers for hire shall be
44 assessed an annual permit renewal fee of \$15. A motor vehicle
45 licensed only to transport intrastate passengers for hire is not
46
47
48
49
50

2 required to obtain a separate license as a freight and
3 merchandise carrier.

4 Sec. 18. 29 MRSA §2704, as amended by PL 1987, c. 781, §§6
5 and 15, is further amended to read:

6 **§2704. Vehicle identification required**

7
8 Each motor vehicle in intrastate or Interstate Commerce
9 Commission exempt commerce except motor vehicles, the primary
10 purpose of which is to transport intrastate passengers for hire,
11 transporting freight, merchandise or household goods and required
12 to obtain an operating permit under this chapter shall at all
13 times display identification to be prescribed and furnished by
14 the Secretary of State in accordance with rules promulgated by
15 the Secretary of State. The annual fee for the vehicle
16 identification device is \$8 for each motor vehicle and \$2 shall
17 be charged for each transfer of that identification. The
18 Secretary of State may refuse to furnish identification for any
19 motor vehicle not registered in the name of the holder of a
20 permit. ~~The Secretary of State may, in his discretion, issue~~
21 ~~upon request telegraphic~~ A carrier may request facsimile
22 authority for transportation for hire by motor vehicles in this
23 State pending issuance of proper vehicle identification devices.
24 The telegraphic facsimile authority shall may not exceed that
25 already granted the requesting carrier by the United States
26 Interstate Commerce Commission or the Secretary of State and the
27 cost of the telegraphic facsimile authority shall must be borne
28 by the requesting carrier.

29
30 Motor vehicles transporting passengers or property under
31 authority issued by the Interstate Commerce Commission, as
32 defined in 49 United States Code, must display identification
33 prescribed and furnished by the Secretary of State in accordance
34 with rules adopted by the Secretary of State.

35
36 Motor vehicles in intrastate or Interstate Commerce
37 Commission exempt commerce must display identification as
38 prescribed by the Secretary of State in accordance with the rules
39 adopted by the Secretary of State.

40
41 Sec. 19. 29 MRSA §2705, as enacted by PL 1981, c. 469, §2, is
42 amended to read:

43 **§2705. Lapse of permit**

44
45 If, after obtaining a permit pursuant to section 2703, the
46 holder of the an intrastate or interstate exempt permit fails to
47 obtain an identification device as described in section 2704
48 within one year after obtaining a permit or fails to renew any
49
50

2 identification device for one year, the permit shall lapse and
become void.

4 **Sec. 20. 29 MRSA §2708-A, sub-§1, ¶¶B and C**, as enacted by PL
1991, c. 793, §11 and affected by §13, are amended to read:

6
8 B. Presenting a good and sufficient indemnity bond,
approved by the Secretary of State, bonding the applicant in
an amount the Secretary of State prescribes and having as
10 surety 2 responsible individuals or a surety company
authorized to transact business in this State; ~~or~~

12
14 C. Presenting a declaratory judgment issued by the
Interstate Commerce Commission authorizing the owner to
self-insure; or

16
18 **Sec. 21. 29 MRSA §2708-A, sub-§1, ¶D** is enacted to read:

20 D. Presenting a valid and sufficient insurance policy or
bond filed by an insurance company that may do business in a
state and is eligible as an excess or surplus lines insurer
in a state in which business is written on behalf of those
motor carriers that are certified by the Interstate Commerce
Commission at the level required by 49 Code of Federal
Regulations, Section 1043.2 and its exceptions.

26
28 **Sec. 22. 29 MRSA §2708-A, sub-§2**, as amended by PL 1993, c.
414, Pt. G, §1 and affected by §2, is further amended to read:

30 **2. Minimum insurance requirements.** The minimum insurance
requirements are as follows.

32
34 A. There is a \$350,000 combined single limit for rental
vehicles, emergency vehicles and for-hire transportation
vehicles for transporting freight or merchandise but not
36 passengers in intrastate or Interstate Commerce Commission
exempt service.

38
40 B. For vehicles used exclusively to transport passengers
for hire between points within the State, including motor
vehicles under contract with the State, a municipality or a
42 school district for the transportation of students, but not
vehicles defined as school buses in section 2011, there is a
44 combined single limit of:

46 (1-A) One hundred twenty-five thousand dollars, or
split limits consisting of \$50,000 per person and
48 \$100,000 per occurrence for bodily injury liability,
and \$25,000 for property damage liability for vehicles
50 not under contract with the State, a municipality or a

2 school district for the transportation of students,
that are designed to carry no more than 3 passengers
behind the driver's seat;

4
6 (1-B) Three hundred thousand dollars for vehicles that
are designed to carry 4 to 7 passengers behind the
driver's seat, ~~except as provided in subparagraph (1-A)~~
8 including those vehicles under contract with the State,
a municipality or a school district for the
10 transportation of students;

12 (2) Seven hundred fifty thousand dollars for vehicles
that are designed to carry 8 to 15 passengers behind
14 the driver's seat;

16 (3) One million five hundred thousand dollars for
vehicles that are designed to carry 16 to 30 passengers
18 behind the driver's seat; and

20 (4) Two million dollars for vehicles that are designed
to carry 31 or more passengers behind the driver's seat.
22

24 C. For vehicles used to transport passengers for hire
between points within the State and points outside the
State, but not vehicles defined as school buses in section
26 2011, or vehicles under contract with the State,
municipality or school district for the transportation of
28 students, there is a combined single limit of:

30 (1) One million five hundred thousand dollars for
vehicles with 15 or fewer passengers; and

32 (2) Five million dollars for vehicles with 16 or more
34 passengers.

36 The Secretary of State shall mark or stamp for-hire vehicle
registrations not in compliance with this paragraph as
38 "intrastate only." Car pools or van pools as defined in
section 2709 and taxicabs are exempt from the provisions of
40 this paragraph but are subject to the provisions of
paragraph B.

42
44 D. For school buses as defined in section 2011 there is a
combined single limit of:

46 (1) Five hundred thousand dollars for school buses
with up to 30 passengers behind the driver's seat; and

48 (2) One million dollars for school buses with 31 or
50 more passengers behind the driver's seat.

2 **Sec. 23.** 29 MRSA §2708-A, sub-§6, as enacted by PL 1991, c.
793, §11 and affected by §13, is amended to read:

4 **6. Exemption.** All vehicles owned by the State, a
municipality or school district are exempt from the insurance
6 requirements established in this section.

8 **Sec. 24.** 29 MRSA §2709, sub-§1-A, ¶Q, as amended by PL 1991,
c. 793, §12 and affected by §13, is further amended by amending
10 subparagraph (7) to read:

12 (7) "For-profit car pooling and van pooling" means the
business of organizing and operating a car pooling or
14 van pooling system. In this context, "car pools and
van pools" means any vehicle used in a continuing form
16 of prearranged commuter transportation by a relatively
fixed group of 15 persons or fewer for travel between
18 their places of residence and their places of
employment. The operation of for-profit car pools and
20 van pools must be incidental to the livelihood or
employment of the owner or operators. The business of
22 organizing and operating a car pooling or van pooling
system, including the selection and approval of cars,
24 vans and drivers, the fixing and collection of fees,
the establishment of routes and the provision of backup
26 transportation, is exempt from rules under this
chapter, except for sections 2707 and 2711, ~~provided
28 that the owner's name, the list of equipment and proof
of adequate insurance coverage, as determined by the
30 Secretary of State, is filed with the Secretary of
State prior to commencing operation; and~~

32 **Sec. 25.** 29 MRSA §2712, first ¶, as amended by PL 1987, c.781,
34 §12 and 15, is further amended to read:

36 Each holder of a permit from the Secretary of State under
this chapter shall file with the Secretary of State or the base
38 state, in writing, an appointment of a resident of this State to
be its true and lawful agent, representative or attorney upon
40 whom all lawful processes may be served, and who may be required
to appear in court on behalf of the carrier with the same legal
42 force and validity as if the carrier were in court. The written
assent of the resident agent, representative or attorney shall be
44 filed with the Secretary of State or the base state and shall be
valid until revoked.

48 **STATEMENT OF FACT**

50 This bill does the following.

2 1. It amends the laws to allow certain special mobile
4 equipment ordinarily used off-highway to be operated from job
site to job site without being registered or inspected.

6 2. It clarifies the definition of a Class C license so that
8 it is consistent with the Federal Highway Administration's
10 definition of Group C type vehicles outlined in the motor carrier
regulations as they relate to the Commercial Motor Vehicle Safety
Act of 1986.

12 3. It also clarifies that a nonresident at least 16 years
14 of age may operate a motor vehicle in this State with an
instruction permit issued by that person's home state or province.

16 4. It increases the periods of license suspension for
18 repeat offenders of the operating-under-the-influence laws.

20 5. It also makes the photo license fee consistent with the
6-year driver license fee.

22 6. It authorizes the Secretary of State to make reciprocal
24 licensing agreements with another jurisdiction of the United
States and to take appropriate licensing action against violators.

26 7. It increases the motorcycle driver education
28 certification time from one year to 2 years to complete a
motorcycle road test.

30 8. It gives authority to the Secretary of State to reissue
32 instruction permits in certain situations relevant to applicable
licensing laws of the State.

34 9. It also simplifies trailer registration procedures.

36 10. It authorizes the Secretary of State to suspend the
38 license of a person whose license or privilege to operate a motor
vehicle is suspended by another state or province.

40 11. It allows the State to participate in the single state
42 registration system.

44
46
48 **This document has not yet been reviewed to determine the
need for cross-reference, stylistic and other technical
amendments to conform existing law to current drafting standards.**