

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 1045

H.P. 771

House of Representatives, March 28, 1995

### An Act to Amend Certain Motor Vehicle Laws.

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Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative STROUT of Corinth.

Cosponsored by Representatives: BAILEY of Township 27, DRISCOLL of Calais, O'GARA of Westbrook, RICKER of Lewiston, Senator: STEVENS of Androscoggin.

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

2  
4       **Sec. 1. 29-A MRSA §101, sub-§15**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

6       **15. Classic vehicle.** "Classic vehicle" means a motor vehicle ~~more than 10 years old~~ made before the 1984 model year but less than 25 years old that the Secretary of State determines is of significance to vehicle collectors because of its make, model and condition and is valued at more than \$5,000.

12       **Sec. 2. 29-A MRSA §152, sub-§5**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

14       **5. Assign new identification number.** Assign a new identification number to a vehicle if it has none, ~~or if the vehicle has been repaired by a front or rear clip as defined in section 602,~~ if the vehicle's identification number is destroyed or obliterated, or if the frame, chassis or, if the vehicle is a truck, the cab, is changed, and shall issue a new certificate of title showing the new identification number upon surrender of the old certificate and completion of an application for title and payment of the fee; and

24       **Sec. 3. 29-A MRSA §252, sub-§1**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

28       **1. Reports furnished to commercial users; fee.** The Secretary of State shall furnish reports of records pertaining to convictions, adjudications, accidents, suspensions, revocations and other information ~~to individuals~~ for a fee of \$4 \$5 each. Certified copies are an additional \$1.

34       **Sec. 4. 29-A MRSA §410** is enacted to read:

36       **§410. Voluntary surrender or cancellation**

38       A registrant may voluntarily surrender vehicle registration. The Secretary of State shall record that the registration has been cancelled. The Secretary of State may require the return of any certificate of registration or registration plate issued to the registrant for the vehicle. The registrant may activate the registration at any time prior to the original expiration of the registration. The fee for reactivation is \$10.

46       **Sec. 5. 29-A MRSA §453, sub-§3**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

2           3. **Duplicate plates.** ~~The Secretary of State may not issue~~  
duplicate--vanity--registration--plates--for--trailers,--until--the  
3           registrant--has--already--been--issued--an--identical--vanity  
4           registration--plate--for--an--automobile.--The Secretary of State may  
not--issue--duplicate--vanity--registration--plates--for--taxicabs--or  
5           limousines--that--are--issued--to--automobiles. The Secretary of  
6           State may not issue duplicate vanity plates in the same class of  
7           vehicles.

10           **Sec. 6. 29-A MRSA §521**, as enacted by PL 1993, c. 683, Pt. A,  
§2 and affected by Pt. B, §5, is repealed and the following  
12           enacted in its place:

14           **§521. Registration; disability registration plates**

16           **1. Definition.** "Person with a disability" means a person  
whose disability limits or impairs the ability to walk, as  
18           determined and certified by a licensed physician, to the extent  
that the person:

- 20           A. Can not walk 200 feet without stopping to rest;
- 22           B. Can not walk without assistance from another person or  
24           the use of a brace, cane, crutch, prosthetic device,  
wheelchair or other assistive device;
- 26           C. Is restricted by lung disease to such an extent that the  
28           person's forced expiratory volume for one second when  
measured by spirometry is less than 1 liter or when the  
30           arterial oxygen tension is less than 60mm/hg on room air at  
rest;
- 32           D. Uses portable oxygen;
- 34           E. Has a cardiac condition to the extent that the person's  
36           functional limitations are classified in severity as Class 3  
or Class 4 according to standards set by the American Heart  
38           Association; or
- 40           F. Is severely limited in the ability to walk due to an  
arthritic, neurological or orthopedic condition.

42           **2. Special registration plates.** A person with a  
44           disability, or a vehicle owner who is a spouse, parent or legal  
guardian of a person with a disability, when that person with a  
46           disability is a resident of this State, a member of the  
relative's or guardian's household and dependent on the vehicle  
48           owner as the primary means of transportation, or any organization  
or agency in this State that transports persons with  
50           disabilities, may be issued a set of special registration

2 plates. The registration plates must bear the International  
3 Symbol of Access, which must be in a color that contrasts with  
4 the background and is the same size as the letters or numbers on  
5 the plate.

6 **3. Removable windshield placards.** A removable windshield  
7 placard may also be issued. A removable windshield placard is a  
8 2-sided permit designed to hang from the rearview mirror when the  
9 vehicle is not in motion. The following provisions apply to  
10 placards.

11 A. The placard must be displayed by hanging it from the  
12 rearview mirror so that it may be viewed from the front and  
13 rear of the vehicle when the vehicle is using a parking  
14 space for a person with a disability. If the vehicle is not  
15 equipped with a rearview mirror, the placard must be  
16 displayed on the dashboard. The windshield placard must be  
17 removed when the vehicle is in motion.

18 B. The placard must be blue with white print and contain  
19 the International Symbol of Access, at least 3 inches high,  
20 centered on the placard. The placard must contain the  
21 permit number, the expiration date, the name of the person  
22 with a disability and the seal of the Secretary of State.  
23 In the case of an organization or agency, the placard must  
24 be green with white print and contain the same information,  
25 except that the name of the organization must appear instead  
26 of the name of the person with a disability and the  
27 expiration date must be determined by the Secretary of  
28 State. A placard issued to a person with a disability under  
29 this section expires in the applicant's month of birth in  
30 the 3rd year following the date of issuance.

31 C. The Secretary of State may issue a placard to a person  
32 with a disability or any organization or agency in this  
33 State that transports persons with disabilities. That  
34 windshield placard may be displayed on any properly  
35 registered motor vehicle only when the person with a  
36 disability is a passenger or the operator or when the driver  
37 of the vehicle is waiting for a service to be rendered to  
38 the person with a disability.

39 D. The Secretary of State shall issue one set of plates and  
40 one windshield placard or one placard and an additional  
41 placard upon request.

42 **4. Motorcycle.** A person with a disability who has  
43 registered a motorcycle may be issued a designating plate as a  
44 registration plate. The registration plate must bear the  
45 International Symbol of Access, which must be in a color that  
46 contrasts with the background and is the same size as the letters or numbers on  
47 the plate.

2 contrasts with the background and must be the same size as the  
3 letters or numbers on the plate.

4 **5. Application.** An application for a disability plate or  
5 placard must be accompanied by the certificate of a physician  
6 attesting to that person's physical disability as defined in  
7 subsection 1. Proof must be submitted every 4 years on a form  
8 prescribed by the Secretary of State, except, when the Secretary  
9 of State determines the disability to be permanent, the time may  
10 be extended. When the applicant's need for the disability  
11 placard terminates or the applicant dies, the plate or placard  
12 must be immediately returned to the Secretary of State.

13 **6. Temporary placards.** A temporary placard may be issued  
14 to a person who is temporarily disabled. A temporary placard is  
15 a 2-sided permit designed to hang from the rearview mirror when  
16 the vehicle is not in motion. The following provisions apply to  
17 temporary placards.

18 **A.** An application for a temporary placard must be  
19 accompanied by the certificate of a physician attesting to  
20 the applicant's physical disability as defined in subsection  
21 1 and the period of time that the physician determines the  
22 applicant will have the disability, which may not exceed 6  
23 months. The bureau must give priority consideration to  
24 these requests.

25 **B.** The placard must be red with white print and contain the  
26 International Symbol of Access, at least 3 inches high,  
27 centered on the placard. The placard must contain the  
28 permit number, the expiration date specified by the  
29 physician, the name of the person with a disability and the  
30 seal of the Secretary of State.

31 **C.** During its term, a temporary placard has the effect of a  
32 disability plate.

33 **D.** A temporary placard issued under this section may be  
34 displayed in any motor vehicle that the person with a  
35 disability to whom the placard was provided is operating or  
36 in which the person with a disability is a passenger, is  
37 being transported or is waiting for a service to be  
38 rendered. The temporary placard must be displayed by  
39 hanging it from the rearview mirror so that it may be viewed  
40 from the front and rear of the vehicle when the vehicle is  
41 using a disability parking space. If the vehicle is not  
42 equipped with a rearview mirror, the placard must be  
43 displayed on the dashboard. The windshield placard must be  
44 removed when the vehicle is in motion.

2 7. Registration and placard fees. The annual registration  
3 fee is the same as the regular vehicle registration fee. The fee  
4 for each removable windshield placard and temporary windshield  
5 placard is \$1.

6 8. Violation. A person other than a person with a  
7 disability or an organization transporting a person with a  
8 disability using a set of special designating plates or a  
9 windshield placard commits a traffic infraction and is subject to  
10 a \$100 penalty. The special designating plates or removable  
11 windshield placard may be suspended for improper use.

12 9. Compliance. Any person or organization issued a placard  
13 or plates pursuant to former Title 29, section 252 or 252-C must  
14 reapply, according to the procedures set forth in this section,  
15 by January 1, 1997. In the case of individuals or organizations  
16 currently in possession of disability plates or a placard who  
17 successfully reapply, the placard or plates expire on the date  
18 specified by the placard or plates.

19 10. Effective date. This section takes effect on January  
20 1, 1996.

21 **Sec. 7. 29-A MRSA §558, sub-§1,** as enacted by PL 1993, c. 683,  
22 Pt. A, §2 and affected by Pt. B, §5, is amended to read:

23 1. Violation. A person commits a Class E crime if that  
24 person violates or knowingly permits a violation of this  
25 subchapter or a rule adopted pursuant to this subchapter. If a  
26 minimum fine is provided by any rule adopted pursuant to this  
27 subchapter, the court shall impose at least the minimum fine,  
28 which may not be suspended by the court.

29 **Sec. 8. 29-A MRSA §602, sub-§1,** as enacted by PL 1993, c. 683,  
30 Pt. A, §2 and affected by Pt. B, §5, is amended to read:

31 1. Certificate of origin. "Certificate of origin" means  
32 the original written instrument or document required to be  
33 executed and delivered by the manufacturer or an importer to the  
34 manufacturer's or importer's agent or dealer or a person  
35 purchasing directly from the manufacturer or importer certifying  
36 the origin of the vehicle. A motor home must contain both the  
37 manufacturer's and the chassis manufacturer's certificates of  
38 origin.

39 **Sec. 9. 29-A MRSA §602, sub-§2, ¶¶C and F,** as enacted by PL  
40 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to  
41 read:

42 C. Chassis, front or rear clip, frame or equivalent part;

2 F. Tailgate, roof, deck lid or hatchback;

4 **Sec. 10. 29-A MRSA §602, sub-§13**, as enacted by PL 1993, c.  
683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

6  
8 **13. Salvage vehicle.** "Salvage vehicle" means a vehicle  
10 that, by reason of its condition or circumstance, is declared a  
total loss by an insurer or owner or is transferred to a recycler  
12 or salvage dealer, or a vehicle for which a certificate of  
salvage has been issued.

12 **Sec. 11. 29-A MRSA §602, sub-§1-A** is enacted to read:

14 **1-A. Clip.** A clip is the portion of a vehicle removed by  
16 cutting the front or rear of the frame or unibody the width of  
the vehicle.

18 **Sec. 12. 29-A MRSA §652, sub-§6**, as enacted by PL 1993, c.  
20 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

22 **6. Trailers under 3,000 pounds.** A trailer with an-unladen a  
24 gross weight of 3,000 pounds or less;

26 **Sec. 13. 29-A MRSA §653, sub-§2**, as enacted by PL 1993, c.  
683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

28 **2. Certificate of origin required.** A person may not bring  
30 into this State a new vehicle, unless that person possesses the  
certificate of origin. The certificate of origin must be a  
32 secure document.

34 **Sec. 14. 29-A MRSA §654, sub-§1, ¶B**, as enacted by PL 1993, c.  
683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

36 B. A description of the vehicle, including, as far as data  
38 exists, its make, model, model year, vehicle identification  
number, type of body, current mileage and, whether new or  
used and whether repaired or rebuilt;

40 **Sec. 15. 29-A MRSA §658, sub-§1, ¶E**, as enacted by PL 1993, c.  
42 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

44 E. A description of the vehicle, including its make, model,  
46 model year designation, identification number, type of body,  
whether new or used, current mileage and, if a new vehicle,  
48 the date of the first sale of the vehicle for use. If the  
vehicle is a motor home, the chassis identification number  
must be used and the manufacturer's identification number,



2           make, name and model year must be designated by the  
3           Secretary of State on the certificate; or

4           **Sec. 16. 29-A MRSA §660, first ¶,** as enacted by PL 1993, c.  
5           683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

6  
7           The Secretary of State shall refuse to issue a certificate  
8           of title or salvage or may withdraw a certificate of title or  
9           salvage if the required fee is not paid or if the Secretary of  
10          State has reason to believe that:

11          **Sec. 17. 29-A MRSA §667, sub-§2,** as enacted by PL 1993, c.  
12          683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

13          **2. Assignment of ownership.** At the time the salvage  
14          vehicle is transferred, the insurer, the insurer's designee or  
15          the owner shall endorse the assignment of ownership on the  
16          certificate of salvage and surrender it to the transferee of the  
17          salvage vehicle. If a vehicle owner retains a salvage vehicle as  
18          part of a settlement with an insurer, the insurer shall comply  
19          with this section ~~and endorse the assignment of ownership on the~~  
20          ~~certificate of salvage and surrender it to the vehicle owner~~ and  
21          have the vehicle owner complete an ordinary certificate of title  
22          application. The salvage application in the name of the insurer  
23          and the ordinary application in the name of the vehicle owner  
24          must be submitted together to the Secretary of State along with  
25          the required fees and supporting documents the Secretary of State  
26          requires.

27          **Sec. 18. 29-A MRSA §667, sub-§5, ¶A,** as enacted by PL 1993, c.  
28          683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

29          A. The legend "salvage" must appear on a certificate of  
30          title if:

31                 (1) A vehicle has no marketable value other than the  
32                 value of the basic materials or parts used in the  
33                 construction of the vehicle;

34                 (2) A vehicle is sold with a stipulation that it is  
35                 only to be used for the benefit of its parts; or

36                 (3) A certificate of title previously issued by the  
37                 Secretary of State or by any other jurisdiction bearing  
38                 the legend "salvage" accompanies an application to the  
39                 State for a subsequent certificate of title; or

40                 (4) A vehicle that has been repaired by the use of a  
41                 front or rear clip.

42

2                   **Sec. 19. 29-A MRSA §667, sub-§5, ¶E** is enacted to read:

4                   E. The legend "repaired" must appear on a certificate of  
6                   title for a repaired salvage vehicle if a salvage vehicle is  
8                   able to be repaired without the use of component parts and  
                    is not declared a rebuilt salvage vehicle or rebuilt as  
                    determined by the Secretary of State.

10                   **Sec. 20. 29-A MRSA §668, sub-§§1 and 3,** as enacted by PL 1993,  
                    c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

12                   **1. Findings.** The Secretary of State shall may suspend or  
14                   revoke a certificate of title, certificate of salvage,  
                    certificate of lien or certificate of registration on notice and  
16                   reasonable opportunity to be heard, if the Secretary of State  
                    finds:

18                   A. A certificate of title or certificate of salvage was  
20                   fraudulently procured or erroneously issued;

22                   B. A vehicle has been scrapped or dismantled;

24                   C. A person failed to deliver a certificate of title or  
                    certificate of salvage or an application for certificate of  
26                   title or certificate of salvage or fails to furnish  
                    information the Secretary of State requests within 10 days  
28                   after the time required; or

30                   D. A person failed to mail or deliver a certificate of  
                    title or certificate of salvage to the Secretary of State  
32                   following the creation of a security interest by court order  
                    or other governmental action or following an involuntary  
34                   transfer.

36                   **3. Certificate delivered.** When the Secretary of State  
                    suspends or revokes a certificate of title, certificate of  
38                   salvage, certificate of lien or certificate of registration, the  
                    owner or person in possession of that document, immediately upon  
40                   receiving notice of the suspension or revocation, shall deliver  
                    the document and registration plates to the Secretary of State.

42                   **Sec. 21. 29-A MRSA §668, sub-§5** is enacted to read:

44                   5. Penalty. A person who violates this section commits a  
46                   Class E crime.

48                   **Sec. 22. 29-A MRSA §705, sub-§3** is enacted to read:

2           3. Assumed release of lien. Unless notified otherwise, the  
Secretary of State, at the Secretary of State's discretion, may  
assume that any lien with a lien date more than 66 months old has  
4           been satisfied.

6           **Sec. 23. 29-A MRSA §851, sub-§7,** as enacted by PL 1993, c.  
683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

8           **7. Light trailer.** "Light trailer" means a trailer or  
10           semitrailer with an-unladen a gross weight of 3,000 pounds or  
less.

12           **Sec. 24. 29-A MRSA §956, sub-§1,** as enacted by PL 1993, c.  
14           683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

16           **1. Record of vehicles.** A dealer shall complete and  
maintain for a period of not less than 3 5 years after the date  
18           of transaction a record of the purchase or sale of a vehicle and  
the following:

20           A. A description of the vehicle, including make, model,  
22           model year, body type, vehicle identification number, color  
and whether the vehicle is new or used;

24           B. The name and address of the person from whom purchased;

26           C. The name of the legal owner, if different from the name  
28           from whom purchased in paragraph B;

30           D. The name and address of the purchaser;

32           E. The mileage of the vehicle when received and sold;

34           F. Copies of the warranty and of the disclosure statement,  
pursuant to Title 10, section 1474, received and issued by  
36           the dealer with the sale;

38           G. An invoice disclosing from whom the vehicle was  
obtained. If the vehicle was obtained from another dealer,  
40           the dealer's name must be disclosed; and

42           H. On a used motor vehicle offered for sale, the written  
vehicle history statement required by Title 10, section 1475.

44           **Sec. 25. 29-A MRSA §1101, sub-§2,** as enacted by PL 1993, c.  
46           683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

48           **2. Insurance salvage pool.** A person may not engage in  
business as an insurance salvage pool without a license issued  
50           under ~~this-subchapter-or-under~~ section 1051.

2           **Sec. 26. 29-A MRSA §1108, sub-§1, ¶B,** as enacted by PL 1993,  
c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

4  
6           B. Failure to comply with a provision of this subchapter,  
any lawful rule adopted by the Secretary of State or any  
8           provision of Title 17 or Title 17-A or this Title as they  
relate to being a proper person to be in the business of the  
sales of vehicles or parts;

10           **Sec. 27. 29-A MRSA §1258, sub-§7,** as enacted by PL 1993, c.  
12           683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

14           **7. Confidentiality.** A report received or made by the  
board, ~~or a member,~~ or the Secretary of State for the purpose of  
16           assisting the Secretary of State in determining whether a person  
is qualified to be licensed is confidential and only for the use  
18           of the board, the Secretary of State and the person under review.

20           These reports may not be divulged to another person unless the  
person under review gives written permission.

22           **Sec. 28. 29-A MRSA §1303, sub-§1,** as enacted by PL 1993, c.  
24           683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

26           **1. Test requirement.** A person must pass the vision portion  
of a the license examination; at the time of each 2nd license  
28           renewal after attaining 40 years of age and at each license  
renewal after attaining 62 years of age.

30           ~~A---At-the-time-of-the-first-license-renewal-after-attaining~~  
32           ~~40-years-of-age;~~

34           ~~B---At-every-3rd-license-renewal-after-the-renewal--in~~  
~~paragraph-A-until-attaining-65-years-of-age;-and~~

36           ~~C---At-every-license-renewal-after-attaining-65-years-of-age.~~

38           **Sec. 29. 29-A MRSA §1307, sub-§3,** as enacted by PL 1993, c.  
40           683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

42           **3. Examination fee for endorsements.** The examination fee  
for a double or triple trailer, semitrailer, bus, tank truck ~~or,~~  
44           hazardous materials endorsement or the renewal of a hazardous  
materials endorsement is \$10. A reexamination is \$5.

46           **Sec. 30. 29-A MRSA §1401, sub-§1,** as enacted by PL 1993, c.  
48           683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:



- 2 5. It amends the definition of "classic vehicle" to comply  
with a change in law that requires 1984 and newer vehicles to be  
subject to the title laws;  
4
- 6 6. It adds the replacement of a front or rear clip to  
situations that require a state-assigned vehicle identification  
number;  
8
- 10 7. It adds additional parts to the definition of component  
parts;  
12
- 14 8. It defines a clip;  
16
- 18 9. It changes the definition of salvage vehicle, which  
establishes when a certificate of salvage is necessary;  
20
- 22 10. It allows the Secretary of State to withdraw a  
certificate of title or certificate of salvage for cause;  
24
- 26 11. It specifies that in an owner-retained salvage the  
owner must complete an application for an ordinary certificate of  
title so that the Bureau of Motor Vehicles can be sure that the  
owner complies with Title 29-A, section 667, subsection 4 before  
the vehicle is sold again;  
28
- 30 12. It specifies that the title for any vehicle repaired by  
the use of a front or rear clip must be coded "salvage;"  
32
- 34 13. It adds the legend "repaired" for those salvage  
vehicles that are repaired without using component parts;  
36
- 38 14. It adds "certificate of lien" to the Title 29-A,  
section 668, subsection 3 list of documents that the Secretary of  
State suspends or revokes;  
40
- 42 15. It makes the violation of Title 29-A, section 668,  
subsection 5 a Class E crime;  
44
- 46 16. It allows the Secretary of State the discretion to  
release a lien that is more than 5 1/2 years old;  
48
- 50 17. It redefines light trailer as one with a gross weight  
of 3,000 pounds or less;  
52
- 54 18. It brings Title 29-A into conformance with the  
requirements of the federal Truth in Mileage Act of 1986, which  
requires that these records be maintained by the dealer for 5  
years. Dealers are currently required to maintain records for 3  
years;

2 19. It eliminates conflicting language between sections in  
the Secretary of State are confidential;

4

6 20. It requires every person to pass the vision portion of  
the license examination at the time of each 2nd license renewal  
after attaining 40 years of age and requires those who are 62 and  
8 older to pass the vision test at every renewal;

10 21. It establishes that an examination fee is charged for  
the renewal of a hazardous materials endorsement;

12

14 22. It clarifies that a person's legal name must appear on  
that person's driver's license;

16 23. It includes a change to agree with a provision in Title  
29 created by the enactment of Public Law 1993, chapter 658,  
18 section 14;

20 24. It adds violations of the conditional license law to  
the definition of operating under the influence; and

22

24 25. It clarifies that the Secretary of State may deny,  
revoke or suspend a motor vehicle recycler license if the holder  
of the license is not properly in the business.