

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

SECOND REGULAR SESSION-1996

Legislative Document

No. 1734

S.P. 674

In Senate, January 25, 1996

An Act to Amend the Commercial Vehicle Weight Laws.

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

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS
Secretary of the Senate

Presented by Senator STEVENS of Androscoggin.
Cosponsored by Representatives: BOUFFARD of Lewiston, FARNUM of South Berwick,
HEINO of Boothbay, RICKER of Lewiston.

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

4 **Sec. 1. 20-A MRSA §2360, sub-§2,** as enacted by PL 1993, c.
5 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

6 **2. Penalty.** Notwithstanding section 101, subsection 85, a
7 person who is guilty of excessive vehicle weight must be punished
8 by a fine in accordance with this section. When both gross and
9 axle weight limits are exceeded, the penalty imposed must be for
10 the violation that results in the higher fine except that, for a
11 violation of section 2355, a minimum fine must also be imposed
12 for any other applicable violation of section 2355 in accordance
13 with subsection 9.

14 **Sec. 2. 29-A MRSA §2362, sub-§§2 to 4,** as enacted by PL 1993,
15 c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

16 **2. Suspension for repeat offenders.** If the record
17 maintained by the Secretary of State shows that a vehicle has
18 been operated in violation of section 2361 3 or more times during
19 a 12-month period, 5 or more times during a 24-month period or 7
20 or more times during a 36-month period, then the Secretary of
21 State shall suspend the registration plates and certificate of
22 that vehicle, or, for a foreign-registered vehicle, the right to
23 operate in this State.

24 **3. Length of suspension.** The term of suspension ~~for the~~
25 ~~3rd offense~~ is 30 days and, ~~for the 4th and subsequent offenses,~~
26 ~~60 days,~~ for the 3rd offense within a 12-month period, the 5th
27 offense within a 24-month period or the 7th offense within a
28 36-month period. The term of suspension is 60 days for the 4th
29 and subsequent offenses within a 12-month period, the 6th and
30 subsequent offenses within a 24-month period or the 8th and
31 subsequent offenses within a 36-month period. Prior offenses for
32 the 24-month period and 36-month period must be determined in the
33 same manner as provided for the 12-month period in section 2361,
34 subsection 3.

35 **4. Criminal penalty.** Notwithstanding section 2361, a 3rd
36 or subsequent violation of section 2361 within a 12-month period,
37 a 5th or subsequent violation within a 24-month period or a 7th
38 or subsequent violation within a 36-month period is a Class E
39 crime, but the fine specified in section 2361 and the suspension
40 specified in this section apply.

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43 **STATEMENT OF FACT**

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48 This bill accomplishes the following.

2 1. It provides that, in accordance with federal
4 regulations, when a vehicle is in violation of both gross and
6 axle weight Interstate Highway limits, minimum fines of \$20 each
8 must be imposed for each of the other applicable violations of
Interstate Highway weight limits, in addition to the fine for the
highest applicable penalty.

10 2. It allows the Secretary of State to suspend the
12 registration or right to operate vehicles having 5 or more
aggravated gross weight violations within a 24-month period or 7
or more such violations within a 36-month period.