

MAINE STATE LEGISLATURE

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H. of S.

L.D. 1475

DATE: May 22, 1997

(Filing No. S-319)

TRANSPORTATION

Reported by: Senator Cassidy

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE
SENATE
118TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S.P. 473, L.D. 1475, Bill, "An Act to Amend Certain Motor Vehicle Laws"

Amend the bill by inserting after section 3 the following:

Sec. 4. 29-A MRSA §105, sub-§4, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

4. Violation. A person is guilty of a Class E crime if that person, while operating a vehicle in violation of this Title, fails or refuses upon request to give that person's correct name, address and or date of birth to a law enforcement officer.

Sec. 5. 29-A MRSA §153, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

§153. Rules

The Secretary of State may adopt, amend or repeal rules necessary to administer this Title, as provided in the Maine Administrative Procedure Act. Unless defined otherwise, rules adopted pursuant to this Title are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.'

Further amend the bill by striking out all of section 4 and inserting in its place the following:

Sec. 4. 29-A MRSA §453, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

COMMITTEE AMENDMENT

A. G. S.

COMMITTEE AMENDMENT "A" to S.P. 473, L.D. 1475

2 1. **Vanity registration plates.** The Secretary of State may
3 issue registration plates that contain letters or a combination
4 of letters and numbers for automobiles, taxi cabs, limousines,
5 pickup trucks, trucks that are registered up to 9,000 pounds
6 gross vehicle weight, motorcycles, motor homes or trailers not to
7 exceed 2,000 pounds, whether semitrailers, 4-wheeled or
8 semitrailers that do not exceed 2,000 pounds and camp trailers.
9 The number of characters appearing on such a plate issued under
10 this section may not exceed 7.'

11 Further amend the bill in section 5 in subsection 2 in the
12 last line (page 2, line 18 in L.D.) by inserting after the
13 following: "Fund." the following: 'Rules adopted pursuant to
14 this subsection are routine technical rules pursuant to Title 5,
15 chapter 375, subchapter II-A.'

16 Further amend the bill by inserting after section 5 the
17 following:

18 **Sec. 6. 29-A MRSA §501, sub-§1,** as amended by PL 1995, c.
19 645, Pt. C, §8 and affected by §16, is further amended to read:

20 1. **Automobiles; pickup trucks.** The fee for an automobile
21 or pickup truck used for the conveyance of passengers or
22 interchangeably for passengers or property is \$23.

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

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

32 The gross weight of a pickup truck registered as provided by this
33 subsection may not exceed 6,000 pounds. An owner of a pickup
34 truck who operates the pickup truck with a gross weight in excess
35 of 6,000 pounds or the pickup truck drawing a semitrailer with a
36 combined gross weight in excess of 6,000 pounds must register the
37 truck as provided in section 504.

38 Notwithstanding any other provision of law, a combination of
39 vehicles consisting of a pickup truck as defined in section 101,
40 subsection 55 and a semitrailer with a registered weight of 2,000
41 pounds or less may be registered under this section for the
42 combined gross weight of the pickup truck and the semitrailer.'

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R. of S.

COMMITTEE AMENDMENT "A" to S.P. 473, L.D. 1475

Further amend the bill by striking out all of sections 10 and 11 and inserting in their place the following:

Sec. 10. 29-A MRSA §555-A is enacted to read:

§555-A. United States Department of Transportation census number

The bureau may require a motor carrier to have and display a United States Department of Transportation census number. The bureau may adopt rules to administer this section. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

Sec. 11. 29-A MRSA §556, first ¶, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

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

Sec. 12. 29-A MRSA §654, sub-§4, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

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:

A. A certificate of title or a certificate of origin; and

B. Any other information or documents the Secretary of State requires to administer the provisions of this section.

~~The Secretary of State shall act on an application for a certificate of salvage within 20 days of receipt of the application.~~

The Secretary of State shall act on an application for a certificate of salvage within 20 days of receipt of an application submitted in accordance with section 603, subsection 3-A or section 655.

Further amend the bill by inserting after section 12 the following:

Sec. 13. 29-A MRSA §662, sub-§1, as affected by PL 1995, c. 65, Pt. A, §153, amended by Pt. B, §10 and affected by Pt. C, §15, is further amended to read:

1. **Transfer of interest by owner.** If an owner transfers an interest in a vehicle, other than by the creation of a security interest, the owner shall execute, at the time of delivery of the vehicle, an assignment and warranty of title to the transferee in the space provided on the certificate or as the Secretary of State prescribes. The warranty must include the odometer information required by section 752.

The owner shall deliver the certificate and assignment to the transferee or to the Secretary of State.

Except as provided in section 664 664-A, an owner must provide the transferee with a properly released certificate of lien if one was issued to a lienholder.

A transferee other than a dealer licensed under chapter 9 shall obtain a title in the transferee's name before transferring the vehicle to another person.

The Secretary of State may accept an application in lieu of a title when the application is accompanied by a prior title.

Sec. 14. 29-A MRSA §662, sub-§4, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

4. **Transfer effective.** Except as provided in section 664 664-A and as between the parties, a transfer by an owner is not effective until the provisions of this section and section 665 have been fulfilled and the required fees have been paid. An owner who has delivered possession of the vehicle and has complied with this section and section 665 is not liable thereafter as owner for damages resulting from operation of the vehicle.

Sec. 15. 29-A MRSA §664, as amended by PL 1995, c. 645, Pt. A, §9 and affected by §18, is repealed.

Sec. 16. 29-A MRSA §664-A is enacted to read:

§664-A. Resale by dealer

1. Vehicle sold by dealer. A vehicle that is sold by a dealer must be accompanied by a properly assigned and valid certificate of title or certificate of salvage at the time of its sale.

2. Vehicle held by dealer. If a dealer holds a vehicle for resale and obtains the certificate of title or certificate of salvage, the dealer is not required to deliver the certificate to the Secretary of State.

2 3. Transfer. When transferring possession of a vehicle
4 held for resale to a retail purchaser, a dealer shall comply with
section 654.

6 4. Unreleased security interest. If a certificate of title
8 shows an unreleased security interest, a dealer may not transfer
possession of the vehicle unless the dealer possesses a properly
released certificate of lien.

10 5. Sold or displayed for sale at auction. A vehicle that
12 is sold or displayed for sale at an auction must be accompanied
by a valid certificate of title at the time of its sale or
14 display. A salvage vehicle sold or displayed for sale at an
auction or insurance salvage pool must be accompanied by a valid
16 certificate of salvage at the time of its sale or display for
sale, unless it is accompanied by a certificate of title from a
18 jurisdiction that does not issue certificates of salvage.

20 6. Documentation. A vehicle that is exempt under section
22 652 or a vehicle from a jurisdiction that does not issue
certificates of title must be accompanied by information and
documents to establish the ownership of the vehicle and the
24 existence or nonexistence of a security interest in it.

26 7. Penalty. Violation of this section is a Class E crime.'

28 Further amend the bill by striking out all of section 14 and
inserting in its place the following:

30 'Sec. 14. 29-A MRSA §753, sub-§4, as enacted by PL 1993, c.
32 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

34 4. Assigned. Fails to have a correctly assigned clear
title to a vehicle as required by section 664 664-A;

36 Sec. 15. 29-A MRSA §852, sub-§4, as enacted by PL 1993, c.
38 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

40 Sec. 16. 29-A MRSA §951, sub-§5, as enacted by PL 1993, c.
42 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

44 Sec. 17. 29-A MRSA §954, sub-§4, as enacted by PL 1993, c.
46 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

48 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. A mobile home dealer
50 is not required to obtain plates or a license under this section

if the dealer does not engage in the activities authorized by the license.

Sec. 18. 29-A MRSA §957 is enacted to read:

§957. Licensing of locations other than primary facilities

1. Annex license. The Secretary of State may issue to a dealer a license to operate an annex facility. An annex facility must be an established place of business, except that books and records may be kept at the dealer's primary location. An annex facility must meet the requirements of section 952, subsection 1. The annual fee for an annex license is \$150.

2. Secondary location license. The Secretary of State may issue to a dealer a license to operate at a secondary location within one mile of the dealer's primary location. For the purposes of this subsection, "secondary location" means a display area that complies with applicable building codes and zoning and land use ordinances, is large enough to display at least 2 vehicles and contains signs posting the business's name and operating hours. The annual fee for a secondary location license is \$100.

3. Attended sales promotion. The Secretary of State may issue to a dealer a 30-day license to operate an attended sales promotion. A request for an attended sales promotion must be submitted to the Secretary of State at least 14 days before the proposed promotion date and must contain the proposed promotion date and location. The promotion and any use of a location must comply with applicable building codes and zoning and land use ordinances. A new vehicle dealer who requests a license under this subsection for a promotion involving new vehicles may not locate the promotion outside that dealer's area of responsibility as defined by the dealers's franchise agreement. A dealer who operates an attended sales promotion at an agricultural fair is exempt from this subsection. The fee for a 30-day attended sales promotion license is \$75 per location. The license for a location may be renewed 2 times in a calendar year.

4. Unattended sales promotion. The Secretary of State may issue to a dealer a license to operate an unattended sales promotion. A request for an unattended sales promotion must be submitted to the Secretary of State at least 14 days before the proposed promotion date and contain the proposed promotion date and location and, if applicable, a copy of a contract between the dealer and the promotion sponsor. The promotion and any use of a location must comply with applicable building codes and zoning and land use ordinances. A new vehicle dealer who requests a license under this subsection for a promotion involving new

vehicles may not locate the promotion outside that dealer's area of responsibility as defined by the dealer's franchise agreement. The fee for an unattended sales promotion is:

A. Fifty dollars if the promotion runs 7 days or less;

B. One hundred dollars if the promotion runs between 8 and 60 days; or

C. One hundred fifty dollars if the promotion runs more than 60 days.

5. Penalty. A person commits a Class E crime if that person conducts an activity authorized by a license under this section without obtaining that license.'

Further amend the bill by striking out all of section 16 and inserting in its place the following:

'Sec. 16. 29-A MRSA §1105, sub-§§2 and 3, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

2. License fee. The fee for the issuance or renewal of a license is \$150. A business licensed under chapter 9, subchapter III this Title as a new car dealer, used car dealer or equipment dealer is exempt from this fee.

3. Annex or secondary locations. Each branch secondary or annex location of a recycler must be approved and licensed by the Secretary of State pursuant to section 957. The annual fee for each branch secondary or annex location is \$75.'

Further amend the bill by inserting after section 18 the following:

'Sec. 19. 29-A MRSA §1306, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

§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 or 6-year license.'

R. of S.

COMMITTEE AMENDMENT "A" to S.P. 473, L.D. 1475

2 Further amend the bill in section 24 in the first line (page
7, line 3 in L.D.) by striking out the following: "20-A" and
4 inserting in its place the following: '29-A'

6 Further amend the bill in section 27 in that part designated
"§1410." in subsection 6 in the last line (page 8, line 30 in
8 L.D.) by inserting after the following: "crime." the following:
'Rules adopted pursuant to this section are routine technical
rules pursuant to Title 5, chapter 375, subchapter II-A.'

10 Further amend the bill by striking out all of section 28 to
12 30.

14 Further amend the bill by inserting after section 31 the
following:

16 'Sec. 32. 29-A MRSA §1752, sub-§8, as enacted by PL 1993, c.
18 683, Pt. A, §2 and affected by Pt. B, §5, is repealed and the
following enacted in its place:

20 8. Woods tractor. A converted motor vehicle used as a
22 tractor solely for logging purposes that:

24 A. Is registered as a tractor pursuant to section 509 or
26 exempt from registration pursuant to section 510;

28 B. Is operated only during daylight hours, only within a
10-mile radius of the premises where the tractor is
30 customarily kept and only between those premises and:

32 (1) A woodlot used for logging purposes by the owner;
and

34 (2) A filling station or garage for fuel or repairs;
and

36 C. Has a partial annual inspection of running gear,
38 steering mechanism, brakes and exhaust system and tires
under section 1917, subsection 3; and'

40 Sec. 33. 29-A MRSA §2102, sub-§5 is enacted to read:

42 5. Privacy laws or rules; violation. Knowingly
44 disseminates information that is protected by a state law or rule
that implements the Federal Driver's Privacy Protection Act of
46 1994.

48 Sec. 34. 29-A MRSA §2353, sub-§6, as enacted by PL 1993, c.
683, Pt. A, §2 and affected by Pt. B, §2, is amended to read:

COMMITTEE AMENDMENT "A" to S.P. 473, L.D. 1475

2 6. **Exemption.** A vehicle modified for the purpose of
 4 plowing snow is exempt from the weight limits imposed by this
 chapter when ~~equipped with a snowplow and wing or wings and~~
 6 engaged in or enroute to or returning from plowing snow or in ice
 control. A vehicle modified for the purpose of plowing snow is
 8 exempt from the maximum tire weight provisions of subsection 5 at
 all times. Any fire-fighting vehicle with its proper equipment
 that meets the National Fire Protection Association standards is
 10 exempt from the gross and axle weight limits imposed by this
 chapter. Any vehicle engaged in emergency maintenance of a
 12 public way is exempt from the weight limits imposed by this
 chapter.'

14 Further amend the bill by striking out all of section 32 and
 16 inserting in its place the following:

18 'Sec. 32. 29-A MRSA §2507, sub-§1-A is enacted to read:

20 1-A. Increased liability insurance requirement. A person
 22 seeking early reinstatement of a driver's license under this
 section must furnish proof of financial responsibility,
 24 demonstrating that the person has secured and will maintain an
 automobile liability policy with the following limits:

- 26 A. Three hundred thousand dollars for damage to property;
- 28 B. Three hundred thousand dollars for injury to or death of
 30 any one person; and
- 32 C. Three hundred thousand dollars for one accident
resulting in injury to or death of more than one person.

34 A person is ineligible to participate in the ignition interlock
 36 device program if that person fails to comply with the insurance
requirement of this subsection.'

38 Further amend the bill by striking out all of section 34 and
 40 inserting in its place the following:

42 'Sec. 34. **Allocation.** The following funds are allocated from
 Other Special Revenue to carry out the purposes of this Act.

44	1997-98	1998-99
46 CONSERVATION, DEPARTMENT OF		
48 Maine State Parks Fund		
50 All Other	\$25,200	\$33,600

2	Allocates additional funds to		
	reflect increases in		
4	dedicated revenues resulting		
	from the expanded use of		
6	environmental license plates.		
8	DEPARTMENT OF CONSERVATION		
	TOTAL	<u>\$25,200</u>	<u>\$33,600</u>
10	INLAND FISHERIES AND WILDLIFE,		
12	DEPARTMENT OF		
14	Endangered and Nongame Wildlife		
	Fund		
16	All Other	\$16,800	\$22,400
18			
	Allocates funds to reflect an		
20	increase in dedicated		
	revenues resulting from the		
22	expanded use of environmental		
	license plates.		
24			
	DEPARTMENT OF INLAND FISHERIES		
26	AND WILDLIFE		
	TOTAL	<u>\$16,800</u>	<u>\$22,400</u>
28			
30	TOTAL ALLOCATIONS	<u>\$42,000</u>	<u>\$56,000</u>
32	Further amend the bill by relettering or renumbering any		
	nonconsecutive Part letter or section number to read		
34	consecutively.		
36	Further amend the bill by inserting at the end before the		
	summary the following:		
38			
40	FISCAL NOTE		
42		1997-98	1998-99
44	APPROPRIATIONS/ALLOCATIONS		
46	Other Funds	\$42,000	\$56,000
48	REVENUES		
50	Highway Fund	\$45,644	\$49,525

COMMITTEE AMENDMENT "A" to S.P. 473, L.D. 1475

Other Funds	\$42,000	\$56,000
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Expanding the use of vanity plates and environmental plates and increasing certain license fees will increase Highway Fund revenue by \$45,644 and \$49,525 in fiscal years 1997-98 and 1998-99, respectively.

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The expanded use of environmental license plates will increase dedicated revenue to the Department of Conservation by \$25,200 and \$33,600 in fiscal years 1997-98 and 1998-99, respectively. The Department of Inland Fisheries and Wildlife will also collect additional dedicated revenue from the expanded use of environmental license plates of \$16,800 and \$22,400 in fiscal years 1997-98 and 1998-99, respectively. This bill includes additional allocations to each department equal to their respective revenue increases.

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This bill may both increase and decrease prosecutions for Class E crimes. The net impact to the Judicial Department and the county jail system is expected to be insignificant.'

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SUMMARY

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This amendment makes a variety of technical changes to the motor vehicle laws. In addition, it:

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1. Allows vanity plates to be issued for trucks registered up to 9,000 pounds gross vehicle weight and to semitrailers that do not exceed 2,000 pounds;

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2. Allows a pickup truck with a semitrailer that has a registered weight of 2,000 pounds or less to be registered as a noncommercial vehicle, provided that the truck and trailer are used for noncommercial purposes;

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3. Authorizes the Bureau of Motor Vehicles to require all motor carriers to display a United States Department of Transportation census number;

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4. Requires a vehicle sold by a dealer to be accompanied by a certificate of title or salvage at the time of the vehicle's sale;

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5. Clarifies that a mobile home dealer is not required to obtain heavy trailer dealer registration plates;

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6. Provides licenses for automobile dealers to conduct operations and promotions at locations other than primary facilities;

- 2 7. Strikes from the bill provisions regarding the
4 dispensation of excise taxes collected under the International
 Registration Plan;

- 6 8. Strikes from the bill certain provisions relating to
 automobile insurance requirements;

- 8 9. Clarifies that a woods tractor that is exempt from the
10 complete motor vehicle inspection requirements must be used
 solely for logging purposes;

- 12 10. Establishes that a person commits a Class E crime if
14 that person knowingly disseminates information that is protected
 by state laws or rules that implement the Federal Driver's
16 Privacy Protection Act of 1994;

- 18 11. Requires a person who seeks early reinstatement of a
20 driver's license under the ignition interlock statutes to obtain
 an automobile insurance policy with \$300,000 limits for property
 damage and the injury or death of a person; and
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- 12. Adds a fiscal note to the bill.