

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1660

S.P. 541

In Senate, March 25, 1997

An Act to Amend the Motor Vehicle Laws Concerning Inspection Stations.

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator O'GARA of Cumberland.

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

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Sec. 1. 5 MRSA §12004-I, sub-§1-A is enacted to read:

<u>1-A.</u>	<u>Board of</u>	<u>Expenses</u>	<u>29-A MRSA</u>
<u>Automobile</u>	<u>Maine Motor</u>	<u>Only</u>	<u>§1771</u>
<u>Inspections</u>	<u>Vehicle</u>		
	<u>Inspectors</u>		

Sec. 2. 29-A MRSA §1750 is enacted to read:

§1750. Definitions

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

1. ASE. "ASE" means the Institute of Automotive Service Excellence.

2. Board. "Board" means the Board of Maine Motor Vehicle Inspectors.

3. Certified mechanic. "Certified mechanic" means a person who has successfully met the requirements of section 1761.

4. Failure sticker. "Failure sticker" means a sticker issued to a motor vehicle that does not meet the inspection standards established in section 1756.

5. Inspection sticker. "Inspection sticker" means a sticker issued to a motor vehicle that meets the inspection standards established in section 1756.

6. Seminar. "Seminar" means a one-day class, the curriculum of which is approved by the board and the Chief of the State Police, for the purpose of training new and existing inspection mechanics.

7. Sticker. "Sticker" means either an inspection sticker or a failure sticker.

Sec. 3. 29-A MRSA §1751, sub-§2, ¶¶L and M, as enacted by PL 1983, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

L. Tires; and

M. Windshield wipers~~†~~.

2 **Sec. 4. 29-A MRSA §1751, sub-§2, ¶¶N and O**, as enacted by PL
1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are repealed.

4 **Sec. 5. 29-A MRSA §1751, sub-§3**, as enacted by PL 1993, c.
683, Pt. A, §2 and affected by Pt. B, §5, is repealed and the
6 following enacted in its place:

8 **3. Inspection fee.** An inspection station may charge an
10 inspection fee for each inspection not to exceed 1/2 of the
inspection station's posted hourly labor rate for each
12 inspection. The fee must be paid whether or not the vehicle
passes inspection.

14 **Sec. 6. 29-A MRSA §1756, sub-§2**, as enacted by PL 1993, c.
683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

16 **Sec. 7. 29-A MRSA §§1757 and 1758**, as enacted by PL 1993, c.
18 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

20 **§1757. Standard for rejection for nonfunctioning equipment;**
22 **issue of defect report**

24 A motor vehicle must be rejected for violation of the
inspection standard for equipment if any equipment described in
26 section 1751, subsection 2 does not function sufficiently for the
safety of the general public or is loose and not securely
28 attached to the vehicle. The owner of the motor vehicle must be
given a defect report that contains the following:

30 **1. Name.** The customer's name;

32 **2. License and vehicle identification number.** The license
34 and vehicle identification number of the vehicle failing
inspection;

36 **3. Items.** All items that fail inspection;

38 **4. Repair procedures.** Proposed repair procedures to
40 correct the defect; and

42 **5. Estimate.** An estimate, at the discretion of the
station, of the cost to correct the defect.

44 **§1758. Issuance of sticker; placement on vehicle**

46 **1. Windshield placement.** If a motor vehicle meets the
inspection standard, an official inspection sticker must be
48 placed in the lower left-hand corner of the windshield or in the
center of the windshield in back of the rearview mirror. If the

2 motor vehicle does not meet the inspection standard, a failure
4 sticker containing the date of issue, the date of expiration, the
6 certified mechanic's signature and the inspection station's
8 identification number must be placed in the lower left-hand
10 corner of the windshield or in the center of the windshield in
12 back of the rearview mirror.

14 **2. Without windshield.** If the vehicle is not normally
16 equipped with a windshield, the certificate of inspection or
18 failure sticker must be kept with the registration certificate of
the vehicle.

20 **Sec. 8. 29-A MRSA §1759, sub-§4** is enacted to read:

22 **4. Failure sticker.** The owner of a motor vehicle issued a
24 failure sticker pursuant to section 1758 has one month from the
26 date of issue of the sticker in which to have the vehicle
28 reinspected.

30 **Sec. 9. 29-A MRSA §1761, sub-§2, ¶¶A and B,** as enacted by PL
32 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to
34 read:

36 A. Pass a written or oral examination that is designed to
38 test knowledge of motor vehicle inspection and the method of
inspecting and testing motor vehicle equipment; and

40 B. Be a person of honesty, integrity and reliability; and

42 **Sec. 10. 29-A MRSA §1761, sub-§2, ¶C** is enacted to read:

44 C. Be ASE certified in the following areas:

46 (1) Suspension and front end;

48 (2) Brakes; and

50 (3) Electrical systems.

Certified inspection mechanics who do not have equivalent
certification from an automobile manufacturer as of the
effective date of this paragraph shall obtain ASE
certification no later than November 1, 1998.

Sec. 11. 29-A MRSA §1761, sub-§3, as enacted by PL 1993, c.
683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

Sec. 12. 29-A MRSA §1761, sub-§5, as enacted by PL 1993, c.
683, Pt. A, §2 and affected by Pt. B, §5, is repealed and the
following enacted in its place:

2 5. Renewal. An examination is not required if application
3 for a renewal is made within one year of expiration of
4 certification. A certified inspection mechanic may renew
5 certification by:

6 A. Passing a written or an oral examination that is designed
7 to test knowledge of motor vehicle inspection and the method
8 of inspecting and testing motor vehicle equipment;

9 B. Providing proof of current ASE certification;

10 C. Successfully completing an inspection seminar, the
11 topics and administration of which are determined by the
12 Chief of the State Police; and

13 D. Paying a fee of \$10.

14 **Sec. 13. 29-A MRSA §1762, sub-§1,** as enacted by PL 1993, c.
15 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

16 **1. Licensing of official inspection stations.** The Chief of
17 the State Police may license garages as ~~part-time or full-time~~
18 official inspection stations.

19 **Sec. 14. 29-A MRSA §1762, sub-§2, ¶¶C, D and F,** as enacted by
20 PL 1993, c. 683, Pt.A, §2 and affected by Pt. B, §5, are amended
21 to read:

22 C. The station must be equipped with a screen or chart and
23 other equipment approved by the Chief of the State Police to
24 test lights and other motor vehicle equipment subject to
25 inspection. The station must possess sufficient tools and
26 equipment necessary to repair the inspection defects.

27 D. The station must employ a certified inspection mechanic
28 and other qualified personnel, evidenced by certification
29 from the ASE or its equivalent, necessary to repair all
30 inspection defects, except for body and collision work and
31 glass replacement.

32 F. ~~A full-time~~ An inspection station must be open to the
33 general public for 35 hours or more per week. ~~A part-time~~
34 ~~inspection station must be open to the general public for at~~
35 ~~least 16 but less than 35 hours per week.~~

36 **Sec. 15. 29-A MRSA §1762, sub-§2, ¶¶G and H** are enacted to
37 read:

2 G. The station must have legal and general liability
4 insurance in an amount sufficient to protect the public
6 determined by the Chief of the State Police and the board.

8 H. The station must have and display a valid sales tax
10 registration certificate issued pursuant to Title 36,
12 section 1754-B. If the station is a corporation, it must
14 have and display a federal tax identification number.

16 **Sec. 16. 29-A MRSA §1762, sub-§§8 and 9** are enacted to read:

18 **8. Inspection of station documents.** After October 1, 1997,
20 an inspection station licensed pursuant to this section shall
22 make available for inspection by the Chief of the State Police
24 those documents required under subsection 2, paragraphs G and H.

26 **9. Fee for renewal.** The fee for inspection station license
28 renewal is \$5.

30 **Sec. 17. 29-A MRSA §1766,** as enacted by PL 1993, c. 683, Pt.
32 A, §2 and affected by Pt. B, §5, is amended to read:

34 **§1766. Inspection and failure stickers and inspection materials**

36 **1. Stickers and materials remain property of State.**
38 Inspection and failure stickers and materials issued to
40 inspection stations by the Chief of the State Police remain the
42 property of the State.

44 **2. Stock of stickers.** The Chief of the State Police shall
46 make available to inspection stations a sufficient quantity of
48 stickers. An inspection station must shall stock a sufficient
50 number of stickers to meet all demands. The stickers must be
made of a material and quality of adhesive prescribed by the
Chief of the State Police. Failure stickers must be red and
contain a notice that repairs to the vehicle are necessary and
that the owner of the vehicle has one month to effect these
repairs. The sticker must contain space for the date of issue
and expiration, the inspection mechanic's signature and the
identification number of the issuing inspection station.

3. Fee. Stickers Inspection stickers are furnished by the
Chief of the State Police at \$1 \$2 each. Failure stickers are
furnished by the Chief of the State Police at 50¢ each.

4. Statement of intent to hire a certified mechanic. If a
station is disqualified by the loss of a certified mechanic, the
owner shall, within 5 working days, return all stickers to the
Chief of the State Police.

2 The owner may file a statement of intent to hire a certified
inspection mechanic within 14 working days, in which case the
4 Chief of the State Police shall hold the returned stickers for
the licensee.

6 If a statement of intent is not filed, returned stickers may be
reissued.

8
10 **5. Return or refund of unused inspection stickers.** Within
20 working days of the end of a calendar year or the suspension,
12 revocation or termination of an inspection license, unused or
expired inspection stickers must be returned to the Chief of the
14 State Police and the purchase price refunded or exchanged for
current year inspection stickers. ~~Refunds or exchanges may only
be made for full sheets of unused stickers.~~

16 If an inspection station has partially used sheets of inspection
18 stickers, the inspection station may use these inspection
stickers on vehicles in the first January following the
20 expiration of the inspection sticker, as long as the place
indicating the month of December is hole-punched and entered; or
22 the station may return the partially used sheet for a refund.

24 **6. Return of inspection materials.** Upon suspension,
revocation or termination of an inspection license, the station
26 owner or manager shall return all inspection materials to the
Chief of the State Police, who shall issue a receipt for the
28 returned materials.

30 **7. Defect reporting forms.** The Chief of the State Police
shall issue to each inspection station 50 defect reporting
32 forms. Additional forms may be printed by each inspection
station at the expense of the inspection station.

34 **§1767. Disposition of fees**

36 The Except as provided in this section, the revenues
38 generated by this chapter must be credited to the General Highway
Fund. All revenues generated by this chapter in excess of
40 \$1,476,959 must be credited to the Maine State Police for use in
conducting seminars and the enforcement and administration of
42 this chapter. The Chief of the State Police shall give an annual
accounting of the fees received and used to enforce and
44 administer this chapter.

46 **Sec. 18. 29-A MRSA §1768, sub-§8** is enacted to read:

48 **8. Operation of vehicle after expiration of failure
sticker.** An owner or operator of a vehicle that has failed
50 inspection commits a traffic infraction if that person operates

2 that vehicle or permits that vehicle to be operated without
3 having the vehicle inspected within one month of the issue of a
4 failure sticker pursuant to section 1758.

6 **Sec. 19. 29-A MRSA §1771** is enacted to read:

8 **§1771. Board of Maine Motor Vehicle Inspectors**

10 The Board of Maine Motor Vehicle Inspectors is established
11 to provide advice and direction in the administration of this
12 subchapter, including, but not limited to, licensing
13 requirements, inspection manual and defect report content,
14 seminar curriculum and the use of funds received pursuant to
15 section 1767. The board consists of 7 members as follows:

16 1. **New car dealer.** A representative of a statewide
17 association of new car dealers;

18 2. **Automotive service worker.** A representative of a
19 statewide association of automotive service workers;

20 3. **Service department.** An at-large person who is a member
21 from a service department of a new car dealer in the State;

22 4. **Independent facility.** An at-large person who is a
23 member of a service department of an independent automobile
24 service facility;

25 5. **State Police.** A representative of the Maine State
26 Police; and

27 6. **Alternates.** Two at-large alternates who are certified
28 mechanics. The alternate members do not vote unless one of the
29 regular members is unable to attend a meeting.

30 The board shall choose a chair from among the 5 regular
31 members.

32 **SUMMARY**

33 This bill amends the motor vehicle inspection laws in the
34 following manner.

35 1. It establishes the Board of Maine Motor Vehicle
36 Inspectors Board to assist the Chief of the State Police in the
37 administration of the vehicle inspection laws.

38 2. It repeals the requirement that the catalytic converter
39 and filler neck restriction be inspected and meet inspection
40 standards.

2 3. It repeals the \$6 inspection fee and instead allows a
station to charge for 1/2 hour of its posted labor rate.

4 4. It requires that for a vehicle that does not pass
6 inspection, the owner be given a defect report and the vehicle
have placed on it a failure sticker. The owner has one month to
8 repair the defect that caused the vehicle to fail inspection.

10 5. It requires all inspection mechanics to obtain Institute
of Automotive Service Excellence, ASE, certification and to
12 attend an inspection seminar. New applicants and mechanics
renewing their certification must have ASE certification.
14 Currently certified inspection mechanics who do not have ASE
certification must obtain certification by November 1, 1998.

16 6. Inspection stations must obtain liability insurance, a
18 sales tax registration certificate, and sufficient tools and
personnel to repair all inspection defects except for body and
20 collision work and glass replacement. An inspection station must
be open at least 35 hours per week.

22 7. It requires that all fees generated from the inspection
24 program in excess of the amount credited to the General Highway
Fund in fiscal year 1995, \$1,476,959, be credited to and used by
26 the Maine State Police to administer and enforce the motor
vehicle inspection program.