

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1667

S.P. 587

In Senate, March 4, 1999

An Act to Amend Motor Vehicle Laws.

Submitted by the Secretary of State pursuant to Joint Rule 204.
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.
Cosponsored by Representative WHEELER of Eliot and
Senator CASSIDY of Washington, Representatives: CAMERON of Rumford, COLLINS of
Wells, JABAR of Waterville, LINDAHL of Northport, SANBORN of Alton, SAVAGE of
Union, WHEELER of Bridgewater.

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

2
3 **Sec. 1. 5 MRSA §12004-I, sub-§80-A**, as enacted by PL 1995, c.
4 605, §1, is repealed.

6 **Sec. 2. 10 MRSA §1171-B, sub-§1, ¶E** is enacted to read:

8 E. Manufacturers and distributors of motorcycles and
9 recreational vehicles are exempt from the manufacturer
10 licensing requirements.

12 **Sec. 3. 29-A MRSA §114** is enacted to read:

14 **§114. Business and occupational licenses**

16 The provisions of Title 5, chapter 341 do not apply to
17 business and occupational licenses authorized to be issued by the
18 Secretary of State.

20 **Sec. 4. 29-A MRSA §510, sub-§1**, as enacted by PL 1993, c. 683,
21 Pt. A, §2 and affected by Pt. B, §5, is amended to read:

22 **1. Tractors used for farming.** Registration or a license is
23 not required for a tractor or trailer used solely for farming
24 purposes when operated by a person at least 14 years of age to or
25 from:

28 A. The premises where kept;

30 B. A farm lot and between farm lots, when used for farm
31 purposes by the owner; or

32 C. A filling station or garage for fuel or repairs.

34 **Sec. 5. 29-A MRSA §519, sub-§2**, as enacted by PL 1993, c. 683,
35 Pt. A, §2 and affected by Pt. B, §5, is amended to read:

38 **2. Registration plate design.** The Secretary of State may
39 design a numerical registration plate ~~with the letters "FF" as a~~
40 ~~suffix.~~

42 **Sec. 6. 29-A MRSA §521, sub-§11** is enacted to read:

44 **11. Violation.** A person other than a person with a
45 disability or an organization transporting a person with a
46 disability using a set of disability registration plates or a
47 windshield placard commits a traffic infraction and is subject to
48 a \$100 penalty. The disability registration plates or removable
49 windshield placard may be suspended for improper use.

2 **Sec. 7. 29-A MRSA §603, sub-§1**, as amended by PL 1997, c. 776,
§23, is further amended to read:

4 **1. Fee of \$15.** A fee of \$15 must be paid to the Secretary
of State for the following:

6 A. A report of a search of the records of the Bureau of
8 Motor Vehicles for each name or identification number;

10 B. Filing an application for a first certificate of title,
including security interest;

12 C. Filing notice of a security interest after the first
14 certificate of title has been issued;

16 D. A certificate of title after a transfer;

18 E. A certificate of salvage;

20 F. A corrected certificate of title or salvage;

22 G. A duplicate certificate; or

24 H. Assignment of a new vehicle identification number.

26 For a person who possesses a trailer or semitrailer registration
pursuant to ~~section 512 or a permanent registration pursuant to~~
28 section 512, subsection 3, the fee is \$10.

30 **Sec. 8. 29-A MRSA §652, sub-§13**, as enacted by PL 1993, c.
683, Pt. A, §2 and affected by Pt. B, §5, is repealed and the
32 following enacted in its place:

34 **13. Certain automobiles, commercial vehicles and vehicles.**
Automobiles and all over-the-road commercial vehicles and
36 vehicles that are more than 15 years old, except when the
Secretary of State determines it is in the best interest of the
38 State and the applicant to issue a title to a vehicle more than
15 years old;

40 **Sec. 9. 29-A MRSA §852, sub-§3**, as enacted by PL 1993, c. 683,
42 Pt. A, §2 and affected by Pt. B, §5, is amended to read:

44 **3. Dealer plates.** The annual fee for each dealer plate is:

46 A. For a motorcycle dealer, \$5;

48 B. For a light trailer dealer, \$5; and

50 C. For any other vehicle dealer, \$20.

2 The fee for an additional plate issued to a dealer other than a
3 motorcycle dealer or a light trailer dealer ~~after September 1st~~
4 within the last 4 months of the dealer's licensing period is 1/2
5 of the annual plate fee. The 1/2-price plate fee also applies to
6 additional service plates and wrecker plates.

8 For a fee of \$5 per plate, the Secretary of State shall furnish
9 dealer plates to motorcycle dealer ~~dealers~~ and light trailer
10 dealers to replace lost or mutilated dealer plates.

12 **Sec. 10. 29-A MRSA §951, sub-§3**, as enacted by PL 1993, c.
13 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

14 **Sec. 11. 29-A MRSA §951, sub-§6** is enacted to read:

16 6. Term. Dealer licenses issued after the effective date
17 of this subsection must be issued on a staggered basis and expire
18 on the last day of the month, one year from issuance. All dealer
19 licenses that are renewed for the renewal year 2000 must be done
20 on a staggered basis and the license fees must be prorated
21 accordingly.

24 **Sec. 12. 29-A MRSA §1002, sub-§2**, as enacted by PL 1993, c.
25 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

26 **2. Term.** ~~Dealer plates are valid for the calendar year.~~
27 ~~On and after December 25th, dealer plates issued for the next~~
28 ~~year may be displayed. Dealer plates expire on the last day of~~
29 ~~the month, one year from issuance.~~ The Secretary of State may
30 determine the number and conditions of use of dealer plates.

32 **Sec. 13. 29-A MRSA §1002, sub-§4, ¶C**, as enacted by PL 1993,
33 c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

36 C. The fee for a service vehicle plate is \$50 annually per
37 plate, ~~except that on application for additional plates~~
38 ~~between September 1st and December 31st in any year, the fee~~
39 ~~is \$25 per plate.~~

42 **Sec. 14. 29-A MRSA §1002, sub-§6, ¶C**, as enacted by PL 1993,
43 c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

44 C. The annual fee for a dealer wrecker plate is \$50 per
45 plate for attachment to a wrecker that does not exceed
46 24,000 pounds gross vehicle weight and \$200 for attachment
47 to a wrecker that does not exceed 80,000 pounds gross
48 vehicle weight. ~~For additional plates applied for after~~

2 ~~September 1st and before December 31st, the fee is 1/2 the~~
3 ~~plate fee.~~

4 **Sec. 15. 29-A MRSA §1002, sub-§6, ¶D**, as enacted by PL 1993,
5 c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

6 **Sec. 16. 29-A MRSA §1304, sub-§1, ¶E**, as amended by PL 1997, c.
7 737, §3 and c. 776, §36, is repealed and the following enacted in
8 its place:

9 E. Unless the permittee is operating a motorcycle or
10 motor-driven cycle, the permit requires the permittee to be
11 accompanied by a licensed operator who:

12 (1) Has held a valid license for 2 consecutive years;

13 (2) Is at least 20 years of age;

14 (3) Is occupying a seat beside the driver; and

15 (4) Is licensed to operate the class of vehicle
16 operated by the permittee.

17 The accompanying operator must adhere to all restrictions
18 applied to the license when functioning as the permittee's
19 accompanying operator.

20 **Sec. 17. 29-A MRSA §1304, sub-§2, ¶G**, as enacted by PL 1993,
21 c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

22 G. An instruction permit allows the holder to operate a
23 motorcycle, motor-driven cycle or moped only during daylight
24 hours. That permit does not allow the holder to carry a
25 passenger ~~unless the passenger holds a valid motorcycle~~
26 ~~license.~~

27 **Sec. 18. 29-A MRSA §1351, sub-§1**, as amended by PL 1997, c.
28 737, §6, is further amended to read:

29 **1. Driver education required for certain minors.** Except to
30 operate a moped only, a license may not be issued to a person
31 under 18 years of age unless that person presents a certificate
32 of successful completion of an approved driver education course
33 and examination. The requirement of completion of an approved
34 driver education course may be waived for a person who holds a
35 valid driver's license from another jurisdiction.

36 **Sec. 19. 29-A MRSA §1352, sub-§6**, as enacted by PL 1993, c.
37 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

2 **6. Waiver of examination.** The Secretary of State may waive
the required ~~written examination on receipt of a completion~~
4 ~~certificate.~~

6 A. Written examination on receipt of a completion
certificate; and

8 B. Road examination on receipt of a certificate
10 demonstrating successful completion of the Motorcycle Rider
12 Course; Riding and Street Skills. An endorsement issued
14 pursuant to this paragraph prohibits the holder from
carrying a passenger for a period of 60 days following the
date of issuance of the endorsement.

16 **Sec. 20. 29-A MRSA §1356**, as enacted by PL 1995, c. 605, §3,
is repealed.

18 **Sec. 21. 29-A MRSA §2390, sub-§1, ¶J**, as amended by PL 1997, c.
20 776, §44, is further amended by amending subparagraph (11) to
read:

22 (11) A 53-foot semitrailer permit must be obtained
24 from the Secretary of State. The fee, which is
26 nontransferable and nonrefundable, is \$60 per year for
a maximum of 2 years or \$5 per month or portion of a
28 month for a period of from one to 24 months. The
Secretary of State shall issue an identification decal
30 of such size and design as the Secretary of State
prescribes that must be permanently affixed to the
32 exterior of the semitrailer in a location the Secretary
of State specifies and the decal must be at all times
visible and legible.

34 Notwithstanding this subparagraph, in lieu of issuing a
36 permit to a semitrailer being operated under this
38 subsection, the Secretary of State may issue a permit
40 to a specific truck tractor. The fee is \$80 for one
42 year or \$140 for 2 years. The permittee may use the
44 truck tractor to draw any semitrailer subject to this
subsection. The Secretary of State shall issue an
identification decal of such size and design as the
Secretary of State prescribes that must be permanently
affixed to the exterior of the truck tractor.

46 **Sec. 22. 29-A MRSA §2401, sub-§5-A**, as enacted by PL 1995, c.
368, Pt. AAA, §5, is repealed.

48 **Sec. 23. 29-A MRSA §2412-A, sub-§6**, as enacted by PL 1995, c.
50 368, Pt. AAA, §12, is repealed.

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SUMMARY

This bill makes the following changes to the motor vehicle laws.

1. It repeals the Secretary of State's Motor Carrier Training Advisory Board since the board's duties duplicate the responsibilities of the Technical Review Panel for driver education programs under the Maine Revised Statutes, Title 29-A, section 1354, subsection 6.

2. It clarifies the intent to exempt motorcycle and recreational vehicle manufacturers and distributors from the manufacturer licensing requirements.

3. It allows the Secretary of State to deny, suspend or revoke a business or occupational license on the basis of criminal convictions beyond the limitations, generally 3 years, established by Title 5, chapter 341.

4. It clarifies that an unlicensed person must be at least 14 years of age to operate a tractor used solely for farming purposes.

5. It amends the provision concerning the design for registration plates for firefighters in light of the new firefighter plate design.

6. It provides an enforcement provision to prohibit a person from using another person's disability plates or placard.

7. It corrects title fees for long-term registration plates for trailers.

8. It changes the title exemption and certificate of salvage exemption from vehicles older than 1984 to vehicles that are over 15 years old.

9. It addresses the time frame in which additional plates are issued at a 1/2 rate fee.

10. Currently all dealer licenses issued expire December 31st in the year they are issued. This bill allows for all dealer licenses to be issued on a staggered basis.

11. It repeals language that would be contrary to a staggered dealer plate issuance.

2 12. The enactment of Public Law 1997, chapter 737, section
3 and Public Law 1997, chapter 776, section 36 resulted in the
4 adoption of 2 conflicting amendments to Title 29-A, section 1304,
5 subsection 1, paragraph E. This bill corrects that conflict by
6 incorporating the changes made by the 2 enactments into a single
7 paragraph.

8 13. It prohibits a person with a motorcycle permit from
9 carrying passengers.

10 14. It authorizes the Secretary of State to waive the
11 requirement that a person under 18 years of age complete driver
12 education before being issued a Maine driver's license if the
13 person holds a valid driver's license from another jurisdiction.

14 15. It authorizes the Secretary of State to waive the road
15 examination for an applicant for a motorcycle endorsement who has
16 successfully passed an approved motorcycle rider course. It
17 further provides that when the motorcycle road examination is
18 waived the endorsement issued prohibits the carrying of
19 passengers for 60 days.

20 16. It provides some administrative flexibility in the
21 administration of 53-foot semitrailer permits. Current law
22 requires a permit for each semitrailer with length in excess of
23 48 feet up to 53 feet. This bill allows the Secretary of State
24 to issue the permit to the permittee's truck tractor, instead of
25 the trailer at the permittee's request.

26 17. It repeals the definition for "ignition interlock
27 device."

28 18. It removes the Secretary of State's authority to
29 require an ignition interlock device as a condition to license
30 reinstatement for a person whose license is suspended following a
31 conviction for operating after suspension.