

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 652

H.P. 512

House of Representatives, February 8, 2001

An Act to Amend the Motor Vehicle Laws.

Reference to the Committee on Transportation suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative WHEELER of Eliot.
Cosponsored by Senator O'GARA of Cumberland and
Representatives: BOUFFARD of Lewiston, BUNKER of Kossuth Township, COLLINS of
Wells, FISHER of Brewer, MARLEY of Portland, McKENNEY of Cumberland, PARADIS
of Frenchville, WHEELER of Bridgewater.

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

2
4 **Sec. 1. 29-A MRSA §101, sub-§15**, as amended by PL 1995, c. 482, Pt. A, §1, is further amended to read:

6 **15. Classic vehicle.** "Classic vehicle" means a motor
8 vehicle made before the 1984 model year but less than 25 that is
10 at least 16 years old but less than 26 years old that the
12 Secretary of State determines is of significance to vehicle
14 collectors because of its make, model and condition and is valued
16 at more than \$5,000.

12 **Sec. 2. 29-A MRSA §152, sub-§2**, as amended by PL 1997, c. 776,
14 §4, is further amended to read:

16 **2. Deputize agents, examiners and investigators.** Appoint
18 and deputize agents, examiners and motor vehicle investigators,
20 stationed at convenient places, to receive applications for
22 registration and licenses for the operation of vehicles, to
24 conduct examinations and to perform assigned duties.

22 A motor vehicle investigator may enforce section 254, chapters 5,
24 7, 9 and 11, section 1754, chapter 15, subchapters II and III,
26 chapter 19, subchapter II, chapter 23, subchapter III and those
28 provisions of Title 17-A that relate to duties assigned under
30 this Title with the powers throughout the State that a sheriff
32 has in a county. Enforcement power does not include provisions
34 under section 2054, subsection 2, paragraph D and does not
36 include authority to make routine motor vehicle stops;

30 **Sec. 3. 29-A MRSA §351, sub-§5** is enacted to read:

32 **5. Expiration of 14-day temporary registration plate.**
34 Notwithstanding the provisions of this section, a person commits
36 a traffic infraction for which a forfeiture of not more than \$50
38 may be adjudged if that person operates a vehicle with an expired
40 14-day temporary registration plate issued under section 462.

40 **Sec. 4. 29-A MRSA §401, sub-§2**, as amended by PL 1995, c. 645,
42 Pt. B, §7 and affected by §24, is further amended to read:

42 **2. Content of application.** An application must contain
44 information requested by the Secretary of State, including legal
46 name, residence and address of the registrant, current mileage of
48 a motor vehicle, a brief description of the vehicle, the maker,
50 the vehicle identification number, the year of manufacture, and
the type of motor fuel and, for trucks, truck-tractors and
special mobile equipment, the gross weight. A registrant that is
a corporation, trust, limited partnership or other similar entity
must provide either a federal taxpayer identification number or

2 an identification number issued by the department. An initial
application for registration must be signed by the ~~registered~~
3 ~~owner~~ registrant or the ~~registered--owner's~~ registrant's legal
4 representative. The Secretary of State shall keep initial
applications on file until that registration is terminated.

6
7 **Sec. 5. 29-A MRSA §462, sub-§8,** as enacted by PL 1993, c. 683,
8 Pt. A, §2 and affected by Pt. B, §5, is amended to read:

10 **8. Trailer transit plate.** Persons in the business of
delivering or servicing mobile homes or storage trailers may
12 apply for a trailer transit license and plates for the purpose of
transporting or servicing mobile homes or storage trailers
14 temporarily in their custody. The holder of a trailer transit
plate may not use the plate in lieu of registration plates issued
16 under this Title and may not loan the plate to another person.
If the trailer transit plate is used on a storage trailer, the
18 storage trailer must be empty. Trailer transit plates may not be
used on a towing vehicle.

20
21 Issuance of a trailer transit license and plate does not exempt
22 the holder from compliance with any state law or municipal
ordinance governing the movement of mobile homes or storage
24 trailers over the highways of this State and does not exempt the
holder from required permits or certificates prior to moving such
26 vehicles.

28 Fees for trailer transit licenses and plates are established in
section 852. Trailer transit licenses are exempt from section
30 951, subsection 6.

32 **Sec. 6. 29-A MRSA §513, sub-§2, ¶A,** as amended by PL 1999, c.
790, Pt. C, §14 and affected by §19, is further amended to read:

34
35 A. Class A special mobile equipment must be operated under
36 an annual registration. The fee for a Class A special
mobile equipment registration permit is as follows.

38
39 (1) For gross weight from 0 to 54,000 pounds, the fee
40 is as in section 505, subsection 2.

42 (2) For gross weight from 54,001 to 60,000 pounds, the
fee is \$387.

44 (3) For gross weight from 60,001 to 65,000 pounds, the
46 fee is \$417.

2 (4) For gross weight from 65,001 to 70,000 pounds, the
fee is \$447.

4 (5) For gross weight from 70,001 to 75,000 pounds, the
fee is \$477.

6 (6) For gross weight from 75,001 to 80,000 pounds, the
8 fee is \$507.

10 (7) For gross weight from 80,001 to 90,000 pounds, the
fee is \$567.

12 (8) For gross weight from 90,001 to 94,000 pounds, the
14 fee is \$592.

16 (9) For gross weight from 94,001 to 100,000 pounds,
18 the fee is \$712.

20 **Sec. 7. 29-A MRSA §515-A, 2nd ¶**, as amended by PL 1997, c.
393, Pt. D, §2, is further amended to read:

22 Motorcycle plates issued under sections 457 ~~and, 515-B,~~ 517
24 ~~and 523~~ are exempt from this section.

26 **Sec. 8. 29-A MRSA §515-B, first ¶**, as enacted by PL 1999, c.
734, §1, is amended to read:

28 The Secretary of State, on application and upon evidence of
30 payment of the excise tax required by Title 36, section 1482, the
32 registration fee required by section 515 and a one-time
34 additional fee of \$5, shall issue a registration certificate and
36 a ~~set of~~ Purple Heart motorcycle registration ~~plates~~ plate, to be
38 used in lieu of a regular registration plates ~~plate~~, to a person
who is a Purple Heart medal recipient. The one-time additional
fee of \$5 is credited to the Highway Fund for administrative and
production costs. Notwithstanding section 468, the Secretary of
State may issue fewer than 2,000 of the plates authorized by this
section, and this plate does not require a sponsor.

40 **Sec. 9. 29-A MRSA §521, sub-§7**, as repealed and replaced by PL
1995, c. 482, Pt. A, §4, is amended to read:

42 **7. Registration and placard fees.** There is no additional
44 registration fee for disability plates or placards. ~~The fee for~~
46 ~~each removable windshield placard and temporary windshield~~
~~placard is \$1.~~

48 **Sec. 10. 29-A MRSA §522, sub-§3**, as enacted by PL 1993, c.
683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

50

2 **3. No fee.** The ~~There is no~~ fee for a placard issued
pursuant to this section ~~is~~-\$1.

4 **Sec. 11. 29-A MRSA §525, sub-§10**, as amended by PL 1999, c.
414, §2, is repealed and the following enacted in its place:

6 **10. Suspension.** If a person fails to file a fuel tax
8 report or to pay any taxes, interest, penalties or audit
10 assessment as required pursuant to Title 36, chapter 457 or 459
12 or any rule adopted pursuant to this section, the Secretary of
14 State shall suspend all fuel decals issued to the person and that
16 person's privilege to operate any commercial vehicle. In order
18 to be reinstated, the person must file all delinquent tax returns
20 and pay all assessments, interest and penalties. In addition,
22 the person must pay a \$30 reinstatement fee.

24 **Sec. 12. 29-A MRSA §531, sub-§1**, as enacted by PL 1993, c.
683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

26 **1. Registration year.** Fleets must be apportioned under
the plan on a staggered basis. The registrant shall elect a
28 common registration expiration date for all apportioned vehicles
in the fleet. For purposes of this section, "fleet" means one or
30 more vehicles registered to the same person and sharing a common
32 registration expiration date and a common mileage report.

34 **Sec. 13. 29-A MRSA §533-A, sub-§3, ¶¶A and B**, as enacted by PL
1997, c. 505, §2, are amended to read:

36 A. ~~Between July 1st and September 30th~~ October 31st, the
Secretary of State shall disburse to a participating
38 municipality a sum equal to the difference in the amount of
excise tax that would have been collected by that
40 municipality in the prior fiscal year on each commercial
motor vehicle under Title 36, section 1482, subsection 1,
42 paragraph C, subparagraph (3) using the manufacturer's
suggested retail price from the amount of that excise tax
actually collected by that municipality in the prior fiscal
year based on the actual purchase price. The Secretary of
State shall provide supporting documentation to a
municipality regarding the disbursement that municipality
receives under this section.

44 B. ~~By November~~ December 1st of the fiscal year in which
disbursements are made under paragraph A, the Secretary of
46 State shall transfer from the fund to the Highway Fund a sum
equal to the difference in the total revenues derived
48 pursuant to section 531, subsection 6 in the prior fiscal
year from the total disbursements made under paragraph A in
50 the current fiscal year.

2 **Sec. 14. 29-A MRSA §562, sub-§3**, as enacted by PL 1995, c.
376, §3, is amended to read:

4
6 **3. Powers and duties.** The board shall review the records
of motor carriers with significant and repeated motor carrier
8 violations. The board may hold a hearing as part of its review
and must hold a hearing if requested by the motor carrier. The
10 board may recommend to the Secretary of State that the motor
carrier's operating authority license or privilege to operate
commercial vehicles be suspended.

12 **Sec. 15. 29-A MRSA §602, sub-§2, ¶¶H and I**, as enacted by PL
14 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to
read:

16 H. Front fork or crankcase of a motorcycle; ~~or~~

18 I. Cargo bed, transfer case or sleeper of a truck; or

20 **Sec. 16. 29-A MRSA §602, sub-§2, ¶J** is enacted to read:

22 J. Airbag.

24 **Sec. 17. 29-A MRSA §602, sub-§10**, as enacted by PL 1993, c.
26 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

28 **10. Rebuild.** "Rebuild" means to replace any one or more of
the following component part parts of a vehicle;:

30 A. Engine or motor;

32 B. Transmission;

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

36 D. Door;

38 E. Hood;

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

42 G. Quarter panel or fender;

44 H. Front fork or crankcase of a motorcycle; or

46 I. Cargo bed, transfer case or sleeper of a truck.

48 **Sec. 18. 29-A MRSA §651-B** is enacted to read:

50

2 **§651-B. Certificate of title permissible**

4 A semitrailer with an unladen weight in excess of 3,000
6 pounds that is used for interstate or intrastate transportation
may be titled in this State even if the semitrailer is registered
in another jurisdiction.

8 **Sec. 19. 29-A MRSA §652, sub-§4-A**, as enacted by PL 1999, c.
10 470, §8, is amended to read:

12 **4-A. Semitrailers.** Semitrailers that qualify to be
14 registered under section 512 with an unladen weight in excess of
16 3,000 pounds and that are used for interstate or intrastate
~~transportation. -- Such vehicles may be titled in this State even~~
~~if the trailer is registered in another jurisdiction and for~~
which a current certificate of title has been issued in another
state;

18 **Sec. 20. 29-A MRSA §661, sub-§2**, as enacted by PL 1993, c.
20 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

22 **2. Time.** The Secretary of State ~~may not~~ is not required to
24 issue a an additional duplicate until 15 days after receipt of
~~the application the previous duplicate was issued.~~

26 **Sec. 21. 29-A MRSA §667, sub-§4, ¶A**, as enacted by PL 1993, c.
28 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

30 A. The identification number of the vehicle and its
32 component parts are inspected and verified; and

34 **Sec. 22. 29-A MRSA §667, sub-§4, ¶B**, as enacted by PL 1993, c.
36 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

38 **Sec. 23. 29-A MRSA §667, sub-§5, ¶C**, as enacted by PL 1993, c.
40 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

42 C. The legend "rebuilt" must appear on a certificate of
44 title for a rebuilt salvage vehicle if:

46 (1) A salvage vehicle has at least one, but less than
48 5, component parts replaced. Notwithstanding section
602, subsection 2, for the purposes of this subsection,
airbags are not considered a component part; or

50 (2) A certificate of title with the legend "rebuilt"
issued by the Secretary of State or by any other
jurisdiction accompanies an application to the State
for a subsequent certificate of title.

2 **Sec. 24. 29-A MRSA §753, sub-§2**, as amended by PL 1995, c.
482, Pt. A, §17, is repealed.

4 **Sec. 25. 29-A MRSA §957, sub-§§3 and 4**, as enacted by PL 1997,
c. 437, §26, are amended to read:

6
8 **3. Attended sales promotion.** The Secretary of State may
issue to a dealer a 30-day license to operate an attended sales
10 promotion. A request for an attended sales promotion must be
submitted to the Secretary of State at least ~~14-days~~ 48 hours
12 before the proposed promotion date and must contain the proposed
promotion date and location. The promotion and any use of a
14 location must comply with applicable building codes and zoning
and land use ordinances. A new vehicle dealer who requests a
16 license under this subsection for a promotion involving new
vehicles may not locate the promotion outside that dealer's area
18 of responsibility as defined by the dealers's franchise
agreement. A dealer who operates an attended sales promotion at
20 an agricultural fair is exempt from this subsection. The fee for
a 30-day attended sales promotion license is \$75 per location.
22 The license for a location may be renewed 2 times in a calendar
year.

24 **4. Unattended sales promotion.** The Secretary of State may
issue to a dealer a license to operate an unattended sales
26 promotion. A request for an unattended sales promotion must be
submitted to the Secretary of State at least ~~14-days~~ 48 hours
28 before the proposed promotion date and contain the proposed
promotion date and location and, if applicable, a copy of a
30 contract between the dealer and the promotion sponsor. The
promotion and any use of a location must comply with applicable
32 building codes and zoning and land use ordinances. A new vehicle
dealer who requests a license under this subsection for a
34 promotion involving new vehicles may not locate the promotion
outside that dealer's area of responsibility as defined by the
36 dealer's franchise agreement. The fee for an unattended sales
promotion is:

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

40 B. One hundred dollars if the promotion runs between 8 and
42 60 days; or

44 C. One hundred fifty dollars if the promotion runs more than
46 60 days.

48 **Sec. 26. 29-A MRSA §1310**, as enacted by PL 1999, c. 674, §2,
is amended to read:

50 **§1310. Interim license**

2 A person under 18 years of age who has been issued a
4 driver's license may not carry passengers other than immediate
6 family members unless accompanied by a licensed operator who
8 meets the requirements of section 1304, subsection 1, paragraph
E. This restriction is in effect for a period of 90 days from
license issuance. A person who violates this section commits a
traffic infraction.

10 **Sec. 27. 29-A MRSA §1611, sub-§3**, as enacted by PL 1993, c.
683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

12 **3. Maintenance of insurance.** The owner or owners of any
14 vehicle subject to this section shall maintain at all times the
required amount of insurance or bond during the term of the
16 vehicle's registration. Notwithstanding section 1606, the
insurance provider must provide at least 30 days' notice of
18 cancellation of insurance to the Secretary of State. For
20 vehicles registered in this State, the Secretary of State shall
immediately suspend or revoke, pursuant to chapter 23, the
22 registration certificate and registration plates of any vehicle
for which the insurance or bond in the amounts required is not
24 maintained. Any person whose registration certificate,
registration plates and operating authority license have been
26 suspended or revoked pursuant to this section shall immediately
return the registration certificate, registration plates and the
28 operating authority license to the Secretary of State. For
vehicles not required to be registered in this State, the
30 Secretary of State shall suspend the person's operating authority
license or right to operate in this State.

32 **Sec. 28. 29-A MRSA §2482, sub-§1**, as enacted by PL 1993, c.
683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

34 **1. Notification by Secretary of State.** Upon determining
36 that a person is subject to license suspension or revocation, the
Secretary of State shall immediately notify the person, in
38 writing, ~~that~~ of the license has--been--suspended--or--revoked
suspension or revocation. The notice:

40 A. Must be sent to the last name and address provided under
42 section 1407 or, if the person has not applied for a
license, on record with the Secretary of State;

44 B. Must be sent to the address provided in the report of
46 the law enforcement officer if that address differs from the
address of record; or

48 C. May be served in hand.
50

SUMMARY

2

This bill makes certain changes to the motor vehicle laws,
4 including the following.

6

1. It amends the definition of "classic vehicle" to include
vehicles that are between 16 years and 26 years old.

8

2. It expands the enforcement authority of motor vehicle
10 investigators.

12

3. It specifies that operating a vehicle with an expired
14-day temporary registration plate is a traffic infraction.

14

4. It requires that certain applicants for vehicle
16 registration provide either a federal taxpayer identification
number or an identification number issued by the Department of
18 Transportation.

20

5. It removes the fee for disability placards.

22

6. It authorizes the Secretary of State to suspend fuel
24 decals issued to a person who fails to file any fuel tax report
or pay taxes.

26

7. It changes the dates by which the Secretary of State
must make disbursements and transfers relating to the Municipal
28 Excise Tax Reimbursement Fund.

30

8. It amends the definition of "component part" to include
32 airbags, except for purposes of defining "rebuild" and "salvage
vehicle."

34

9. It allows certain semitrailers to be titled in this
State even if they are registered in another jurisdiction.

36

10. It eliminates language that establishes as a Class E
38 crime the failure to timely deliver a certificate to the
Secretary of State.

40

11. It requires insurance providers to notify the Secretary
42 of State when insurance for a vehicle is cancelled.