

MAINE STATE LEGISLATURE

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Majority *

L.D. 1844

DATE: 3-18-02

(Filing No. H-941)

MAJORITY
TRANSPORTATION

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1406, L.D. 1844, Bill, "An Act to Amend the Motor Vehicle Laws"

Amend the bill by inserting after the enacting clause and before section 1 the following:

'Sec. 1. 20-A MRSA §5401, sub-§15, ¶C, as amended by PL 2001, c. 344, §6, is further amended to read:

C. A school board may obtain a short-term loan or a lease-purchase to acquire school buses if it is approved by the unit's legislative body or if funds that may be used for the initial lease-purchase payment have been appropriated by the unit's legislative body. The term of a loan or a lease-purchase may not exceed 5 years. The commissioner shall establish a maximum amount for annual-term purchases in excess of the amount established in paragraph A. Beginning in fiscal year 2003-04, these expenditures must be subsidized in accordance with section 15603, subsection 26-A.'

Further amend the bill by inserting after section 2 the following:

'Sec. 3. 29-A MRSA §351, sub-§1, as amended by PL 1999, c. 68, §1, is further amended to read:

1. **Failure to register.** A person who operates a vehicle that is not registered in accordance with this Title, fails to register a vehicle ~~that is operated or remains~~ or permits a

COMMITTEE AMENDMENT

2 vehicle that is not registered to remain on a public way as
3 provided-by-this-Title commits:

4 A. A traffic infraction for which a forfeiture of not more
5 than \$50 may be adjudged if the vehicle was registered and
6 the registration has been expired for more than 30 days but
7 less than ~~120~~ 150 days; or

8
9 B. A Class E crime if the vehicle was not registered or the
10 registration has been expired for ~~120~~ 150 days or more.

11 **Sec. 4. 29-A MRSA §351, sub-§5**, as enacted by PL 2001, c. 361,
12 §5, is amended to read:

13
14 **5. Expiration of 14-day temporary registration plate.**
15 Notwithstanding the provisions of this section, a person ~~commits~~
16 ~~a-traffic-infraction-for-which-a-forfeiture-of-not-more-than-\$50~~
17 ~~may-be-adjudged-if-that-person-operates-a-vehicle-with-an-expired~~
18 ~~14-day-temporary-registration-plate-issued-under-section-462, who~~
19 operates a vehicle with an expired temporary registration plate
20 issued pursuant to section 462 commits:

21
22 A. A traffic infraction for which a forfeiture of not more
23 than \$50 may be adjudged if the registration has been
24 expired for less than 150 days; or

25 B. A Class E crime if the registration has been expired for
26 150 days or more.'

27
28 Further amend the bill by inserting after section 7 the
29 following:

30
31 **'Sec. 8. 29-A MRSA §523, sub-§3**, as amended by PL 2001, c.
32 444, §1 and c. 453, §1 and affected by §4, is repealed and the
33 following enacted in its place:

34
35 **3. Special veterans registration plates.** The Secretary of
36 State, on application and evidence of payment of the excise tax
37 required by Title 36, section 1482 and the registration fee
38 required by section 501, shall issue a registration certificate
39 and a set of special veterans registration plates to be used in
40 lieu of regular registration plates for a vehicle with a
41 registered gross weight of not more than 9,000 pounds to any
42 person who has served in the United States Armed Forces and who
43 has been honorably discharged. If a veteran is the primary
44 driver of 3 vehicles, the Secretary of State may issue in
45 accordance with this section a set of special veterans
46 registration plates for each vehicle.

47
48 Each application must be accompanied by the applicant's Armed
49 Forces Report of Transfer or Discharge, DD Form 214, or

2 certification from the United States Veterans Administration or
3 the appropriate branch of the United States Armed Forces
4 verifying the applicant's military service and honorable
5 discharge.

6 All surplus revenue collected for issuance of the special
7 registration plates is retained by the Secretary of State to
8 maintain and support this program.

10 The Secretary of State may issue a set of special veterans
11 registration plates in the name of a company if the company is
12 owned solely by a veteran who qualifies for a veteran plate under
13 this section. The qualifying veteran must be the primary driver
14 of the company vehicle.

16 The surviving spouse of a special veteran plate recipient issued
17 plates in accordance with this subsection may retain and display
18 the special veteran plates as long as the surviving spouse
19 remains unmarried. Upon remarriage, the surviving spouse may not
20 use the special veteran plates on a motor vehicle, but may retain
21 them as a keepsake. Upon the death of the surviving spouse, the
22 family may retain the special veteran plates, but may not use
23 them on a motor vehicle.

24 **Sec. 9. 29-A MRSA §651-B**, as enacted by PL 2001, c. 361, §20,
25 is amended to read:

26 **§651-B. Certificate of title permissible**

27 A semitrailer, regardless of model year, with an unladen
28 weight in excess of 3,000 pounds that is used for interstate or
29 intrastate transportation may be titled in this State even if the
30 semitrailer is registered in another jurisdiction.'

31 Further amend the bill by striking out all of sections 9 and
32 10 and inserting in their place the following:

33 **'Sec. 9. 29-A MRSA §654, sub-§1, ¶B-1**, as enacted by PL 2001,
34 c. 18, §1, is amended to read:

35 B-1. Beginning January 1, 2002, the manufacturer's
36 suggested retail price pursuant to Title 36, section 1482,
37 subsection 4, paragraph A minus the destination charge must
38 be included on the certificate of title application for a
39 new vehicle. For a used vehicle sold in this State after
40 January 1, 2002 or sold in another state or country, the
41 manufacturer's suggested retail price must be included on
42 the certificate of title application if it appears on the
43 original certificate of title issued by the State.
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2 **Sec. 10. 29-A MRSA §664-A, sub-§4**, as enacted by PL 1997, c.
437, §20, is amended to read:

4 **4. Unreleased security interest.** If a certificate of title
6 shows an unreleased security interest, a dealer may not transfer
possession of the vehicle unless the dealer possesses a properly
8 released certificate of lien or the Secretary of State has issued
a replacement certificate omitting the security interest under
section 705.

10 **Sec. 11. 29-A MRSA §704, sub-§§1 and 4**, as enacted by PL 1993,
12 c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

14 **1. Assignment.** A lienholder may assign a security interest
16 to a person other than the owner without affecting the interest
of the owner or the validity of the security interest. A
lienholder who assigns a security interest to a person other than
the owner must provide notice of the assignment to the Secretary
of State within 30 days of the assignment. The notice must
include the name, address and telephone number of the assignee,
the name of the owner and the certificate of salvage, certificate
of lien or certificate of title number. Failure to provide
notice to the Secretary of State as required by this subsection
is a civil violation for which the Secretary of State may assess
a civil penalty of not more than \$500 per violation.

26 **4. Endorsement.** The Beginning August 1, 2002, the assignee
28 may must, but-need-not in order to perfect the assignment, have a
certificate of title ~~or~~, certificate of salvage or certificate of
30 lien issued with the assignee named as lienholder, upon by
delivering to the Secretary of State within 30 days of the
32 assignment the certificate and an assignment by the lienholder
named in the certificate in the form the Secretary of State
34 prescribes, together with an application and the required fee.

36 **Sec. 12. 29-A MRSA §705, sub-§4** is enacted to read:

38 **4. Remedies.** The remedies set forth in this section are in
addition to those set forth in section 668.

40 **A.** The owner and subordinate lienholder, if any, may
42 recover \$500 in each case from a lienholder who fails to
release the security interest within 14 days after demand
44 under this section, unless, within the 14-day time period,
46 the lienholder notifies the owner that satisfaction of the
security interest is in dispute.

48 **B.** If a lienholder fails to release the security interest
within 14 days after demand under this section and has not

2 notified the owner that satisfaction of the security
3 interest is in dispute, the Secretary of State may revoke
4 the certificate of title, certificate of lien or certificate
5 of salvage and issue a replacement certificate omitting the
6 security interest upon receipt of a statement by the owner
7 that 14 days have elapsed since demand for release of the
8 security interest was made and the owner has not been
9 notified by the lienholder that satisfaction of the security
10 interest is in dispute. Submission of a false statement to
11 the Secretary of State under this subsection is a Class E
12 crime.'

13 Further amend the bill by inserting after section 11 the
14 following:

15 'Sec. 12. 29-A MRSA §952, sub-§3, as amended by PL 1999, c.
16 771, Pt. C, §3 and affected by Pt. D, §§1 and 2, is further
17 amended to read:

18
19 3. **Penalty.** A person who fails to comply with subsection
20 1, paragraphs A to E F or subsection 4 commits a traffic
21 infraction.'

22
23 Further amend the bill by inserting after section 15 the
24 following:

25 'Sec. 16. 29-A MRSA §1259 is enacted to read:

26
27 **§1259. Cancellation of license for physical, mental or**
28 **emotional reasons**

29
30 1. **Request for cancellation.** A person issued a license may
31 request the Secretary of State, in writing, to cancel the license
32 for physical, mental or emotional reasons. The Secretary of
33 State may cancel a license after receipt of the written request
34 from the individual.

35
36 2. **Notice of cancellation.** Upon receiving a request to
37 cancel a license, the Secretary of State shall designate the
38 license as cancelled and notify the person who requested the
39 cancellation pursuant to subsection 1, in writing, of the
40 cancellation. The cancellation is effective on the date
41 specified by the Secretary of State on the notice, which may not
42 be less than 10 days after the mailing of the notification of
43 cancellation by the Secretary of State.

44
45 3. **Operating after cancellation.** A person commits the
46 offense of operating a motor vehicle without a license as
47 provided in section 1251, subsection 1 if that person operates a
48 motor vehicle after the person's license has been cancelled by
49 the Secretary of State pursuant to this section.
50

2 **4. Reissuance of license.** A person whose license is
4 cancelled pursuant to this section may petition the Secretary of
 State, in writing, to reissue the license. The Secretary of
 State may issue a person a license if the person:

6 A. Demonstrates that the person is physically, mentally or
8 emotionally competent to operate a motor vehicle; and

10 B. Successfully completes the operator's examination,
12 including a vision, written and road test, which must be
 administered without fee to the person.

14 **5. Suspension.** This section does not limit the authority
16 of the Secretary of State to suspend a license.

18 **Sec. 17. 29-A MRSA §1301, sub-§5,** as amended by PL 1997, c.
 437, §30, is further amended to read:

20 **5. Permanent license number.** The Secretary of State shall
22 collect, and store and may verify a person's social security
24 number upon application or renewal for a license or nondriver
 identification card number and may use that number to establish a
 permanent license number or nondriver identification card number.

26 **Sec. 18. 29-A MRSA §1304, sub-§1, ¶E,** as repealed and replaced
28 by PL 1999, c. 127, Pt. A, §43, is amended to read:

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

34 (1) Has held a valid license for the immediately
 preceding 2 consecutive years;

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

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

40 (4) Is licensed to operate the class vehicle operated
42 by the permittee.

44 The accompanying operator must adhere to all restrictions
46 applied to the license when functioning as the permittee's
48 accompanying operator. A person whose license was cancelled
 for physical, mental or emotional reasons pursuant to
 section 1259 and who meets the requirements of this
 paragraph may act as an accompanying operator only with the
 approval of the Secretary of State.

2 **Sec. 19. 29-A MRSA §1352, sub-§6, ¶B**, as enacted by PL 1999,
c. 470, §21, is amended to read:

4 B. Road examination for the holder of a valid motor vehicle
operator's license on receipt of a certificate demonstrating
6 successful completion of the Motorcycle Rider Course:
Riding and Street Skills or other hands-on motorcycle rider
8 course approved by the Secretary of State. An endorsement
issued pursuant to this paragraph prohibits the holder from
10 carrying a passenger for a period of 60 days following the
date of issuance of the endorsement.

12 **Sec. 20. 29-A MRSA §1410, sub-§2, ¶C**, as enacted by PL 1997,
14 c. 437, §40, is amended to read:

16 C. The applicant's date of birth; and

18 **Sec. 21. 29-A MRSA §1410, sub-§2, ¶D**, as enacted by PL 1997,
20 c. 437, §40, is repealed.'

22 Further amend the bill by inserting after section 17 the
following:

24 '**Sec. 18. 29-A MRSA §2506**, as amended by PL 1995, c. 368, Pt.
26 AAA, §26, is further amended to read:

28 **§2506. Conditional license**

30 A license, including a nonresident's operating privilege,
issued by ~~the Secretary of State~~ to a person with an OUI
conviction must be issued on the condition that the person not
32 operate a motor vehicle ~~after having consumed intoxicating liquor~~
with any amount of alcohol in the person's blood for the
34 following periods from the license reinstatement date: on first
conviction, one year; and on a 2nd or subsequent conviction, 10
36 years. The provisions of section 1251, subsection 1 and 2457
apply.'

38 Further amend the bill in section 18 in paragraph C in
40 subparagraph (3) in the 4th line (page 7, line 42 in L.D.) by
inserting after the following: "trucks" the following: 'or truck
42 tractors'

44 Further amend the bill by relettering or renumbering any
nonconsecutive Part letter or section number to read
46 consecutively.

48 Further amend the bill by inserting at the end before the
summary the following:

50

FISCAL NOTE

2002-03

REVENUES

Highway Fund \$273,592

Changes in certain registration and fee requirements will increase Highway Fund revenue collected by the Bureau of Motor Vehicles within the Department of the Secretary of State by \$273,592 in fiscal year 2002-03 and by \$297,383 for each fiscal year thereafter.

The Bureau of Motor Vehicles will incur some minor additional costs to revise certain rules pertaining to the fees that may be charged by 3rd-party agents. These costs can be absorbed within the bureau's existing budgeted resources.

Authorizing fees to be charged for certain demonstration permits will result in insignificant increases of Highway Fund revenue collected by the Bureau of Motor Vehicles from permit fees.'

SUMMARY

This amendment adds the following provisions to the bill.

1. It clarifies that a school board may obtain a short-term loan or a lease-purchase to acquire school buses if funds that can be used for the initial lease-purchase payment have been appropriated by the unit's legislative body.

2. It clarifies that a person operating an unregistered vehicle may be charged with a traffic infraction or crime. It also changes the limit that determines whether or not the penalty is considered a traffic infraction or a crime from 120 to 150 days.

3. It makes the penalties for operating a vehicle with an expired 14-day temporary registration plate consistent with the penalties for operating a vehicle with an expired permanent registration plate.

4. It allows the Secretary of State to issue a set of special veterans registration plates in the name of a company under certain conditions.

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2 5. It allows the surviving spouse of the recipient of
special veterans registration plates to use the plates, as long
4 as the surviving spouse remains unmarried.

6 6. It clarifies that the Secretary of State may issue
titles to semitrailers regardless of the age of the semitrailer.

8 7. It clarifies that the manufacturer's suggested retail
price must be printed on titles for used vehicles if the
10 manufacturer's suggested retail price appeared on the previous
Maine title.

12 8. It clarifies that the Secretary of State may reissue a
14 title if the lienholder fails to respond to a request to return
the title or lien document.

16 9. It establishes a process that allows a person to
18 voluntarily request the cancellation of a driver's license when
the person is no longer able to operate a motor vehicle safely.
20 The Secretary of State is authorized to cancel, and not
necessarily suspend, the license of a person seeking the
22 cancellation.

24 10. It removes the requirement that a person's social
security number be displayed on a nondriver identification card.
26 This does not affect state compliance with the minimum
requirements of applicable federal laws.

28 11. It clarifies that the accompanying operator for a
30 permit holder must have held a valid license for the past 2
consecutive years. It also provides that a person whose license
32 was suspended for medical reasons within the past 2 consecutive
years may, with the approval of the Secretary of State, act as
34 the accompanying operator.

36 12. It authorizes the Secretary of State to approve
hands-on motorcycle rider courses for the issuance of
38 endorsements to operate motorcycles.

40 13. It clarifies that the conditional driver's license
provisions apply to residents and nonresidents convicted of
42 operating under the influence in Maine.

44 14. It clarifies that the excise tax on trucks and truck
tractors is based on the purchase price of the vehicle.

46 15. It adds a fiscal note to the bill.
48