

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

SECOND REGULAR SESSION-2002

Legislative Document

No. 1844

H.P. 1406

House of Representatives, December 7, 2001

An Act to Amend the Motor Vehicle Laws.

Submitted by the Secretary of State pursuant to Joint Rule 204.

Received by the Clerk of the House on December 5, 2001. Referred to the Committee on Transportation pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative FISHER of Brewer.
Cosponsored by Senator SAVAGE of Knox.

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

4 **Sec. 1. 29-A MRSA §154-A** is enacted to read:

6 **§154-A. Suspension for failure to pay required fees or taxes**

8 When a fee or use tax required to be collected by the
10 Secretary of State is not paid when due, the Secretary of State
12 may notify the person liable for the fee or tax in writing that,
14 if the amount due is not paid within 10 days after the mailing of
16 the notice, suspension of the person's license and registration
18 will result. If the person fails to pay the required amount
20 within 10 days after the mailing of the notice, the Secretary of
22 State may suspend all licenses, permits, certificates and
24 registrations of the person liable for the fee or tax.

26 **Sec. 2. 29-A MRSA §202, first ¶,** as enacted by PL 1993, c. 683,
28 Pt. A, §2 and affected by Pt. B, §5, is amended to read:

30 The Secretary of State may appoint agents authorized solely
32 to issue renewals of operator's licenses and who are stationed at
34 convenient locations in the State. Agents may charge an
36 applicant a fee ~~not to exceed \$2~~ over the required operator's
38 license fee for each renewal issued. The agent retains the
40 additional \$2 fee and forwards all other fees to the Secretary of
42 State. The Secretary of State shall determine by rule the fee to
44 be charged by an agent under this section. Rules adopted
46 pursuant to this section are routine technical rules pursuant to
48 Title 5, chapter 375, subchapter II-A.

50 **Sec. 3. 29-A MRSA §405, sub-§1,** as amended by PL 2001, c. 361,
§7 and affected by §38, is further amended to read:

1. **Automobile, truck, truck tractor, motor home,**
2. **motorcycle, moped, motor-driven cycle, semitrailers not exceeding**
3. **a gross vehicle weight of 2,000 pounds, special mobile equipment,**
4. **tractor and camp trailer registration.** Registration for an
5. automobile, truck, truck tractor, motor home, motorcycle, moped,
6. motor-driven cycle, semitrailer not exceeding a gross vehicle
7. weight of 2,000 pounds, special mobile equipment, tractor and
8. camp trailer is as follows.

A. A registration expires on the last day of the month one
year from the month of issuance.

B. When an application is made after the registration for
the previous year has expired, the term of the renewal
begins on the month of the issuance of the previous
registration.

2 C. A person who has a fleet of 5 or more automobiles,
3 ~~trucks--or--truck--tractors~~ motor vehicles may petition the
4 Secretary of State for a common expiration date of all
vehicle registrations.

6 **Sec. 4. 29-A MRSA §451, sub-§5**, as enacted by PL 1993, c. 683,
Pt. A, §2 and affected by Pt. B, §5, is amended to read:

8
9 **5. Special classes of registration plates.** A vehicle
10 required to be registered in a special class under this Title may
11 display only the number plates designed for that special class of
12 registration. Notwithstanding this subsection, the Secretary of
13 State may issue a temporary credential in lieu of a special class
14 of registration plate.

16 **Sec. 5. 29-A MRSA §505, sub-§2**, as amended by PL 1999, c. 790,
Pt. C, §9 and affected by §19, is repealed.

18 **Sec. 6. 29-A MRSA §505, sub-§2-A** is enacted to read:

20 **2-A. Annual registration fee.** For a farm truck, the
22 following annual registration fee schedule applies.

24 A. For gross weight from 0 to 6,000 pounds, the fee is \$21.

26 B. For gross weight from 6,001 to 9,000 pounds, the fee is
28 \$24.

30 C. For gross weight from 9,001 to 12,000 pounds, the fee is
32 \$32.

34 D. For gross weight from 12,001 to 14,000 pounds, the fee
36 is \$39.

38 E. For gross weight from 14,001 to 16,000 pounds, the fee
40 is \$50.

42 F. For gross weight from 16,001 to 18,000 pounds, the fee
44 is \$72.

46 G. For gross weight from 18,001 to 20,000 pounds, the fee
48 is \$84.

H. For gross weight from 20,001 to 23,000 pounds, the fee
is \$101.

I. For gross weight from 23,001 to 26,000 pounds, the fee
is \$119.

- 2 J. For gross weight from 26,001 to 28,000 pounds, the fee
 is \$137.
- 4 K. For gross weight from 28,001 to 32,000 pounds, the fee
 is \$166.
- 6 L. For gross weight from 32,001 to 34,000 pounds, the fee
8 is \$217.
- 10 M. For gross weight from 34,001 to 38,000 pounds, the fee
12 is \$265.
- 14 N. For gross weight from 38,001 to 40,000 pounds, the fee
 is \$276.
- 16 O. For gross weight from 40,001 to 42,000 pounds, the fee
18 is \$288.
- 20 P. For gross weight from 42,001 to 45,000 pounds, the fee
 is \$305.
- 22 Q. For gross weight from 45,001 to 48,000 pounds, the fee
24 is \$322.
- 26 R. For gross weight from 48,001 to 51,000 pounds, the fee
 is \$340.
- 28 S. For gross weight from 51,001 to 54,000 pounds, the fee
30 is \$357.
- 32 T. For gross weight from 54,001 to 55,000 pounds, the fee
 is \$365.
- 34 U. For gross weight from 55,001 to 60,000 pounds, the fee
36 is \$394.
- 38 V. For gross weight from 60,001 to 65,000 pounds, the fee is
 \$441.
- 40 W. For gross weight from 65,001 to 69,000 pounds, the fee is
42 \$469.

44 **Sec. 7. 29-A MRSA §513, sub-§2, ¶A, as amended by PL 2001, c.**
361, §8 and affected by §38, is further amended to read:

- 46 A. Class A special mobile equipment must be operated under
48 an annual registration. The fee for a Class A special
mobile equipment registration permit is as follows.

- 2 (1) For gross weight from 0 to 54,000 pounds, the fee
is as in section 505, subsection 2 2-A.
- 4 (2) For gross weight from 54,001 to 60,000 pounds, the
fee is \$387.
- 6 (3) For gross weight from 60,001 to 65,000 pounds, the
8 fee is \$417.
- 10 (4) For gross weight from 65,001 to 70,000 pounds, the
fee is \$447.
- 12 (5) For gross weight from 70,001 to 75,000 pounds, the
14 fee is \$477.
- 16 (6) For gross weight from 75,001 to 80,000 pounds, the
fee is \$507.
- 18 (7) For gross weight from 80,001 to 90,000 pounds, the
20 fee is \$567.
- 22 (8) For gross weight from 90,001 to 94,000 pounds, the
fee is \$592.
- 24 (9) For gross weight from 94,001 to 100,000 pounds,
26 the fee is \$712.

28 **Sec. 8. 29-A MRSA §652, sub-§2-A** is enacted to read:

30 **2-A. Public; nonprofit organization.** Any public or
nonprofit organization as described in section 951, subsection 4;

32 **Sec. 9. 29-A MRSA §652, sub-§4-A**, as amended by PL 2001, c.
34 361, §21, is further amended to read:

36 **4-A. Semitrailers.** Semitrailers that qualify to be
registered under section 512 with an unladen weight in excess of
38 3,000 pounds and that are used for interstate or intrastate
transportation and for which a current certificate of title has
40 been issued in another state, regardless of model year;

42 **Sec. 10. 29-A MRSA §704, sub-§5** is enacted to read:

44 **5. Delivery by lienholder.** If, in the course of recording
any transaction involving a motor vehicle title, a lienholder of
46 record maintained by the Secretary of State fails to respond to a
demand by the Secretary of State for a return of the title or
48 lien document and the Secretary of State has a receipt showing
receipt of notice by the lienholder of record, the Secretary of
50 State may revoke the prior title or lien document and reissue

2 title or lien documents omitting the lien of the nonresponding
3 lienholder. The absence of the prior recorded lien on the
4 reissued title does not itself act as or serve to discharge
5 whatever debt may remain on the prior recorded lien.

6 **Sec. 11. 29-A MRSA §852, sub-§1**, as amended by PL 1999, c. 97,
7 §1, is further amended to read:

8
9 **1. Initial application fee.** The fee for an initial
10 application for a license under this subchapter is \$150. The fee
11 is not refundable. When a ~~new-or-used-car~~ licensed dealer
12 applies for a ~~motorcycle-dealer~~ an additional type of license
13 this application fee is not required.

14
15 **Sec. 12. 29-A MRSA §954, sub-§5**, as amended by PL 1995, c.
16 645, Pt. B, §13, is further amended to read:

17
18 **5. Transporter.** A garage owner, body shop, finance
19 company, bank, motor vehicle auction business, recycler or
20 repossession company licensed by the Office of Consumer Credit
21 Regulation or any public or nonprofit organization as described
22 in section 951, subsection 4 may be issued transporter plates and
23 a license to transport a vehicle owned by or in the custody of
24 that owner or business.

25
26 A. The holder may use this plate only if the vehicle is
27 accompanied by the owner or the owner's employee.

28
29 B. A transporter plate may not be:

30 (1) Used in lieu of registration plates;

31
32 (2) Loaned to another;

33
34 (3) Used for personal reasons; or

35
36 (4) Used on a towing vehicle.

37
38 **Sec. 13. 29-A MRSA §1002, sub-§7**, as enacted by PL 1993, c.
39 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

40
41 **7. Demonstrating a loaded truck.** A dealer must obtain a
42 written permit from the Secretary of State to demonstrate a
43 loaded truck, truck tractor, trailer, semitrailer or combination
44 of vehicles bearing dealer plates.

45
46 A permit is not required to demonstrate a vehicle or combination
47 of vehicles without a load.
48

2 A permit may be issued to a nonresident dealer when reciprocity
has been established.

4 A permit may not be issued to allow demonstration for a period
longer than 7 days. A permit to demonstrate can not be issued to
6 the same individual or company more than once to cause use for a
period of more than 7 days.

8 A permit may not be issued to a vehicle or combination of
10 vehicles that is being rented or leased.

12 The processing fee for a permit to demonstrate is \$1.

14 **Sec. 14. 29-A MRSA §1256, sub-§1, ¶B,** as enacted by PL 1993,
c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

16 B. This license only authorizes the holder to operate a
18 motor vehicle between the holder's residence and school
unless accompanied by a licensed driver who meets the
20 requirements of section 1304, subsection 1, paragraph E,
subparagraphs (1) to (4).

22 **Sec. 15. 29-A MRSA §1256, sub-§2, ¶B,** as enacted by PL 1993,
24 c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

26 B. This license only authorizes the holder to operate a
28 motor vehicle between the holder's residence, school and
place of employment and other places necessary in direct
connection with that employment unless accompanied by a
30 licensed driver who meets the requirements of section 1304,
subsection 1, paragraph E, subparagraphs (1) to (4).

32 **Sec. 16. 29-A MRSA §1612, 2nd ¶,** as enacted by PL 1993, c.
34 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

36 Notwithstanding this section, a trailer or mobile home
dealer, licensed pursuant to section 954, who certifies to the
38 Secretary of State that the dealer does not haul trailers or
mobile homes on the public roads and highways of the State is not
40 required to file certification of liability insurance or surety
bond. The Secretary of State may not issue ~~temporary-plates-or~~
42 dealer plates to a trailer or mobile home dealer exempted from
filing certification of liability insurance or surety bond under
44 this paragraph.

46 **Sec. 17. 29-A MRSA §2382, sub-§2,** as amended by PL 1999, c.
580, §13, is further amended to read:

48

2 **2. Permit fee.** The Secretary of State, with the advice of
3 the Commissioner of Transportation, may set the fee for single
4 trip permits, at not less than \$3 ~~\$6~~, nor more than \$15 ~~\$30~~,
5 based on weight, height, length and width. The Secretary of
6 State may, by rule, implement fees that have been set by the
7 Commissioner of Transportation for multiple trip, long-term
8 overweight movement permits. Rules established pursuant to this
9 section are routine technical rules pursuant to Title 5, chapter
10 375, subchapter II-A.

11 **Sec. 18. 36 MRSA §1482, sub-§1, ¶C**, as amended by PL 1995, c.
12 645, Pt. B, §23 and affected by §24, is further amended to read:

13 C. For the privilege of operating a motor vehicle or camper
14 trailer on the public ways, each motor vehicle, other than a
15 stock race car, or each camper trailer to be so operated is
16 subject to excise tax as follows, except as specified in
17 subparagraph (3): a sum equal to 24 mills on each dollar of
18 the maker's list price for the first or current year of
19 model, 17 1/2 mills for the 2nd year, 13 1/2 mills for the
20 3rd year, 10 mills for the 4th year, 6 1/2 mills for the 5th
21 year and 4 mills for the 6th and succeeding years. The
22 minimum tax is \$5 for a motor vehicle other than a bicycle
23 with motor attached, \$2.50 for a bicycle with motor
24 attached, \$15 for a camper trailer other than a tent trailer
25 and \$5 for a tent trailer. The excise tax on a stock race
26 car is \$5.

27 (1) On new registrations of automobiles, trucks and
28 truck tractors, the excise tax payment must be made
29 prior to registration and is for a one-year period from
30 the date of registration.
31

32 (2) Vehicles registered under the International
33 Registration Plan are subject to an excise tax
34 determined on a monthly proration basis if their
35 registration period is less than 12 months.
36

37 (3) For commercial vehicles manufactured in model year
38 1996 and after, the amount of excise tax due for
39 ~~commercial vehicles, as defined in Title 29-A, section~~
40 ~~101, subsection 17, paragraph A~~ trucks registered for
41 more than 26,000 pounds and for Class A special mobile
42 equipment, as defined in Title 29-A, section 101,
43 subsection 70, is based on the purchase price in the
44 original year of title rather than on the list price.
45 Verification of purchase price for the application of
46 excise tax is determined by the initial bill of sale or
47 the state sales tax document provided at point of
48

2 purchase. The initial bill of sale is that issued by
the dealer to the initial purchaser of a new vehicle.

4 For motor vehicles being registered pursuant to Title 29-A,
6 section 405, subsection 1, paragraph C, the excise tax must
be prorated for the number of months in the registration.

8 **Sec. 19. 36 MRSA §1482, sub-§1, ¶D**, as enacted by PL 1987, c.
10 79, §§ 5 and 7, is repealed.

12 **Sec. 20. 36 MRSA §1487, sub-§2-A** is enacted to read:

14 2-A. Agent for collecting excise tax. The State Tax
Assessor may appoint the Secretary of State as an agent for the
purpose of collecting excise tax for the unorganized territories.
16

18 SUMMARY

20 This bill does the following.

22 1. It allows the Secretary of State to suspend a driver's
24 license or vehicle registration for delinquent accounts payable
to the Department of the Secretary of State, Bureau of Motor
26 Vehicles.

28 2. It allows the Secretary of State to determine the
appropriate compensation for 3rd-party agents who issue driver's
30 license renewals.

32 3. It places special mobile equipment and tractors into the
staggered registration system. Currently, for the initial
34 registration, registrants often pay the full annual fee for a
partial year.

36 4. It provides the Secretary of State with the flexibility
of issuing a special credential in lieu of a special plate. The
38 credential will be used primarily to permit motor vehicles on
short-term lease to be used for hire without displaying an "H"
40 plate so long as the vehicle is covered by insurance and proper
fees have been paid.
42

44 5. It adjusts the farm registration weight brackets to
conform to the commercial registration weight brackets. Where
46 the brackets have been adjusted, fees are proportional. This
bill is intended to be revenue neutral.

48 6. It exempts the public or nonprofit organizations that
50 make vehicles available to low-income persons from applying for a
title in the organization's name.

2 7. It provides the Secretary of State additional
flexibility to process title applications in a timely manner when
4 a lienholder has sold its interest in a lien.

6 8. It clarifies language regarding the filing fee when a
licensed dealer is applying for an additional type of dealer
8 license, such as when a new car dealer seeks a motorcycle dealer
license.

10 9. It allows any public or nonprofit organization that
12 makes vehicles available to low-income persons to obtain a
transporter plate in order to move a donated vehicle from point
14 to point.

16 10. It clarifies that if the dealer is renting or leasing a
vehicle or combination of vehicles to a customer a dealer plate
18 can not be used on that vehicle and it clarifies the 7-day use
law.

20 11. It allows a person issued a special restricted license
22 based on work or education need to operate beyond the restriction
when accompanied by a licensed operator who has held a valid
24 license for the past 2 consecutive years, is at least 20 years of
age, is occupying a seat beside the driver and is licensed to
26 operate the class of vehicle operated by the holder of the
special restricted license.

28 12. It allows temporary plates to be issued to a trailer or
30 mobile home dealer to affix to a unit a customer has purchased.

32 13. It provides for increased fees to defray the additional
highway costs caused by over-limit loads.

34 14. It clarifies that trucks registered for more than
36 26,000 pounds and Class A special mobile equipment are eligible
for excise tax reimbursement. It also repeals obsolete language
38 relating to the transition to the International Registration Plan.

40 15. It allows the State Tax Assessor to appoint the
Secretary of State as an agent to collect excise tax for the
42 unorganized territories.