

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1520

H.P. 1113

House of Representatives, April 7, 2003

An Act To Amend the Motor Vehicle Laws

Submitted by the Department of Public Safety pursuant to Joint Rule 204.
Reference to the Committee on Transportation suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative USHER of Westbrook.
Cosponsored by Senator HATCH of Somerset and
Representatives: COLLINS of Wells, McKENNEY of Cumberland.

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

2
4 **Sec. 1. 29-A MRSA §555, sub-§2-B**, as enacted by PL 2001, c.
507, §1, is amended to read:

6 **2-B. Participation in federal pilot program; temporary**
7 **exemptions from hours-of-service regulations.** The Commissioner
8 of Public Safety shall bureau may grant temporary exemptions from
9 the weekly restrictions in the intrastate hours-of-service
10 regulations for the transportation of home heating oil during the
11 winter months for the purpose of enabling intrastate motor
12 carriers conducting such operations to do so under terms and
13 conditions identical to those used in the Pilot Program for
14 Drivers Delivering Home Heating Oil published in the Federal
15 Register Vol. 66, No. 135. Rules adopted pursuant to this
16 subsection are routine technical rules as defined in Title 5,
17 chapter 375, subchapter II-A 2-A.

18 **Sec. 2. 29-A MRSA §1909-A** is enacted to read:

20 **§1909-A. Fog lights**

22 **1. Fog lights.** A motor vehicle may be equipped with 2 fog
23 lights upon the front of the motor vehicle that emit amber or
24 white light as long as the rays from the lights do not shine more
25 than 2 feet above the road at a distance of 30 feet. A fog light
26 mounted higher than the center of the main headlights may not be
27 illuminated while a motor vehicle is being operated on a public
28 way.

30 **Sec. 3. 29-A MRSA §1925** is enacted to read:

32 **§1925. Power booster system**

34 **1. Definition.** As used in this section, unless the context
35 otherwise indicates, the following terms have the following
36 meanings.

38 **A. "Power booster system"** means a device installed in a
39 motor vehicle that allows nitrous oxide to combine with
40 gasoline for the purpose of increasing engine power.

42 **2. Use prohibited.** Except as provided in subsection 3, a
43 person may not operate a motor vehicle that is equipped with a
44 power booster system on a public way.

46 **3. Exceptions.** A person may operate a motor vehicle
47 equipped with a power booster system on a public way if the motor
48 vehicle is en route to or from a track where the motor vehicle is
49 used for racing and:

2 A. The power booster system is made inoperative by
3 disconnecting the line feeding nitrous oxide to the engine;
4 or

5 B. All containers of nitrous oxide have been removed from
6 the motor vehicle.

7 **Sec. 4. 29-A MRS §1954** is enacted to read:

8 **§1954. Dump body support**

9 1. Equipment. A truck with a dump body must be equipped
10 with a positive means of support, permanently attached and
11 capable of being locked in position to prevent lowering of the
12 body while being maintained, inspected or repaired or while the
13 truck is unattended.

14 2. Required. A truck dump body must be either fully
15 lowered, locked by means of equipment required in subsection 1 or
16 physically blocked from lowering while being maintained,
17 inspected or repaired or while the truck is unattended.

18 3. Penalty. A person who violates this section commits a
19 Class E crime.

20 **Sec. 5. 29-A MRS §2052, sub-§8** is enacted to read:

21 8. Breakdown lanes. The operator of a vehicle may not
22 overtake another vehicle on a limited-access way by driving on
23 the shoulder or in the breakdown lane located on the right or the
24 left of the travel lanes.

25 **Sec. 6. 29-A MRS §2054, sub-§2, ¶E,** as enacted by PL 1993, c.
26 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

27 **Sec. 7. 29-A MRS §2067, sub-§2,** as amended by PL 1997, c.
28 653, §9, is further amended to read:

29 2. Dimming. When a vehicle equipped with multiple-beam
30 road lights approaches an oncoming vehicle within 500 feet or
31 follows a vehicle within 300 feet, the operator shall dim the
32 headlights or switch to a low beam and shall turn off a fog or
33 auxiliary light allowed by section 2054, ~~subsection 2,~~ paragraph
34 E 1909-A, unless the fog light or ~~auxiliary light~~ was installed
35 by the vehicle manufacturer at the time the vehicle was
36 originally manufactured.

37 **Sec. 8. 29-A MRS §2074, sub-§3-C** is enacted to read:

2 3-C. Child safety seat; fine doubled. The penalty for
3 exceeding the maximum rate of speed by 20 or more miles per hour
4 when a passenger in the vehicle is required to be transported in
5 a child safety seat pursuant to section 2081, subsection 2 is
6 twice the amount of the fine designated in accordance with Title
7 4, section 164, subsection 12 for a speeding violation under
8 section 2073 involving a similar excessive rate of speed.

9
10 **Sec. 9. 29-A MRSA §2251, sub-§3, ¶A,** as enacted by PL 1993, c.
11 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

12 A. Shall prepare and supply forms for reports and approve
13 the format for the submission of electronic reports that
14 require sufficiently detailed information to disclose the
15 cause, conditions, persons and vehicles involved;

16
17 **Sec. 10. 29-A MRSA §2251, sub-§4, ¶B,** as amended by PL 1997,
18 c. 178, §3, is further amended to read:

19 B. Within 5 days from the time of notification of the
20 accident, transmit an electronic or the original written
21 report containing all available information to the Chief of
22 the State Police.

23
24 **Sec. 11. 29-A MRSA §2358, sub-§5,** as enacted by PL 1993, c.
25 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

26
27 **5. Seals.** When examination requires the breaking of a seal
28 previously placed on a vehicle, a new seal must be placed on it.

29 The officer shall make a complete record and forward it to the
30 Chief of the State Police.

31 ~~A seal on a truck having an exposed refrigeration unit may not be~~
32 ~~broken.~~

38 SUMMARY

39 This bill amends the motor vehicle statutes as follows:

40
41 1. It changes an incorrect reference from the Commissioner
42 of Public Safety to the Bureau of State Police in regard to
43 rule-making authority;

44
45 2. It clarifies the provisions regarding fog lights;

46
47 3. It defines a "power booster system" and prohibits its
48 use on the highway;

49
50

- 2 4. It makes it mandatory that the dump body of a dump truck
either be lowered to the down position or locked or blocked in
4 the up position when the dump truck is being repaired or when it
is unattended;
- 6 5. It prohibits a motor vehicle operator from passing in
the breakdown lane or on the shoulder of a limited-access highway;
8
- 10 6. It doubles the normal fine for speeding 20 or more miles
over the maximum speed limit if a passenger in the vehicle is
required to be transported in a passenger safety seat;
12
- 14 7. It allows for the submission of motor vehicle accident
forms to the Chief of the State Police via electronic format; and
- 16 8. It repeals the prohibition against breaking the seal on
a refrigerated load.