

MAINE STATE LEGISLATURE

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L.D. 1590

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STATE OF MAINE SENATE 121ST LEGISLATURE FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 545, L.D. 1590, Bill, "An Act To Amend the Motor Vehicle Laws"

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

'Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation needs to take effect before the expiration of the 90-day period in order to delay the effective date of the Maine Revised Statutes, Title 29-A, section 1601-A; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

Further amend the bill in section 1 in paragraph A in the 4th line (page 1, line 9 in L.D.) by striking out the following: "franchise" and inserting in its place the following: 'line make'

Further amend the bill in section 1 in paragraph B in the 4th line (page 1, line 15 in L.D.) by striking out the following: "franchise" and inserting in its place the following: 'line make'

COMMITTEE AMENDMENT

Further amend the bill by striking out all of section 2 and inserting in its place the following:

'Sec. 2. 29-A MRSA §101, sub-§17, ¶C, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

C. Is used in the transportation of hazardous materials requiring placarding under the federal Hazardous Materials Transportation Act and related regulations in 49 Code of Federal Regulations, Part 172, Subpart F or any quantity of a material listed as a select agent or toxin in 42 Code of Federal Regulations, Part 73.

Sec. 3. 29-A MRSA §101, sub-§27, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

27. Hazardous material. ~~"Hazardous material" has the same meaning as in the federal Hazardous Materials Transportation Act, means any material that has been designated as hazardous under 49 United States Code, Section 1801 et seq Sections 5101 to 5127 (2003) and is required to be placarded under 49 Code of Federal Regulations, Part 172, Subpart F or any quantity of material listed as a select agent or toxin in 42 Code of Federal Regulations, Part 73."~~

Further amend the bill by inserting after section 8 the following:

'Sec. 9. 29-A MRSA §525, as amended by PL 2001, c. 463, §1 and affected by §7, is further amended to read:

§525. Fuel tax licensing and reporting

1. Fuel use reporting account. A person operating a vehicle using fuel other than gasoline must establish an account for fuel use reporting if that vehicle:

A. Is registered for a gross vehicle weight in excess of 26,000 pounds;

B. Is designed to carry 20 or more passengers;

C. Is used in combination with another vehicle or vehicles and the combined gross weight is in excess of 26,000 pounds; or

D. Has 3 or more axles on the power unit regardless of gross weight.

2 **2. Exceptions.** A person operating a vehicle on a public
way, subject to Title 36, chapter 457 or 459 shall obtain a fuel
4 use identification decal for that vehicle, except for:

6 A. A vehicle owned and operated by government agencies;

8 B. A vehicle legally operating with dealer registration
plates;

10 C. A recreational vehicle;

12 D. An authorized emergency vehicle registered in another
jurisdiction and operating in response to a declared
14 emergency; or

16 E. A vehicle legally licensed for fuel use reporting under
the International Fuel Tax Agreement.
18

20 **4. Exception.** A farm vehicle or farm truck subject to
limited inspection under section 1752, subsections 2 and 4 is not
22 required to have a fuel use identification decal.

24 **5. Fee.** The decal fee for each vehicle is \$5.

26 **6. Issuance; display; expiration.** The Secretary of State
shall issue interstate and intrastate fuel use identification
28 decals and shall specify the location on the exterior of a
vehicle to which a decal must be affixed permanently. A decal
30 must be visible and legible.

32 A. A fuel use identification decal issued pursuant to the
International Fuel Tax Agreement expires on December 31st.
34 A fuel use identification decal issued for intrastate
operation expires on June 30th.

36 B. A cab card must be carried in the vehicle at all times.
38 For the purposes of this paragraph, "cab card" means
identification issued or approved by the Secretary of State
40 that contains the legal name and address of the person who
has established a fuel use reporting account for the vehicle.

42 C. A person transferring ownership of a vehicle bearing a
valid fuel use identification decal must disfigure the decal.
44

46 D. A person acquiring a vehicle with an unexpired fuel use
identification decal may not operate that vehicle without a
48 valid trip permit or a fuel use identification decal issued
to that person.
50

7. **Trip permits.** In lieu of fuel tax licensing and reporting, the Secretary of State may issue a trip permit that authorizes for a period not to exceed 3 consecutive days a specific vehicle to be operated without a fuel use identification decal. The permit must accompany the vehicle at all times. The fee for a permit is \$50.

8. **Enforcement.** A state police officer or any member of the Department of Public Safety designated by the Commissioner of Public Safety may enforce this section.

A person in violation of the requirements for reporting fuel use taxes under Title 36 may be required to fully comply before being allowed to proceed.

~~9. -- Violation. -- A violation of this section is a Class E crime, except that a person commits a Class D crime if that person displays, causes or permits to be displayed a false decal or permit or a decal or permit issued to another person.~~

~~An owner or operator stopped for violating this section and against whom enforcement action has been taken does not commit a subsequent violation of this section involving the same vehicle until after the close of business on the next business day following the date of the violation.~~

~~Notwithstanding Title 17-A, a person convicted of violating this section is subject to a forfeiture of at least \$250, which may not be suspended.~~

9-A. Violation. The following penalties apply to violations of this section.

A. A person who violates this section commits a Class E crime.

B. Notwithstanding paragraph A, a person who violates this section by displaying or causing or permitting to be displayed a false decal or permit or a decal or permit issued to another person commits a Class D crime.

A person issued a summons for failure to display a valid fuel use identification decal pursuant to subsection 6 may not be issued an additional summons for the same vehicle within one business day.

A person convicted of violating this section is subject to a fine of at least \$250, which may not be suspended.

10. **Suspension.** If a person fails to file a fuel tax report or to pay any taxes, interest, penalties or audit assessment as required pursuant to Title 36, chapter 457 or 459 or any rule adopted pursuant to this section, the Secretary of State shall suspend the person's fuel tax license, all fuel decals issued to the person and that person's privilege to operate as a motor carrier. In order to be reinstated, the person must file all delinquent tax returns and pay all assessments, interest and penalties. In addition, the person must pay a \$35 reinstatement fee pursuant to section 2486, subsection 1.

11. **Cooperation.** The State Tax Assessor, the Department of Public Safety and the Secretary of State shall cooperate in the issuance of decals, licenses and permits, the processing of tax returns, enforcement of this section and to ensure that timely information is readily available to all enforcement personnel of the status of those in noncompliance with the fuel use tax laws, intrastate and interstate for-hire operating authority permit requirements and motor vehicle registration laws.

Subject to the provisions of Title 36, the State Tax Assessor may delegate to the Secretary of State responsibility for the processing of motor carrier fuel tax returns, motor carrier fuel tax collection and compliance with the administrative requirements of the International Fuel Tax Agreement.

12. **Funds.** All fees, fines, fuel tax revenue and forfeitures accrue to the Highway Fund.

13. **Rules.** The Secretary of State in consultation with the State Tax Assessor and the Commissioner of Public Safety may adopt rules to implement this section and to provide for participation in the International Fuel Tax Agreement.'

Further amend the bill by inserting after section 9 the following:

'Sec. 10. 29-A MRSA §1002, sub-§7, as amended by PL 2001, c. 671, §20, is further amended to read:

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

~~A permit is not required to demonstrate a vehicle or combination of vehicles without a load.~~

COMMITTEE AMENDMENT "A" to S.P. 545, L.D. 1590

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

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 the same individual or company more than once to cause use for a period of more than 7 days.

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

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

Further amend the bill in section 10 in subsection 8 by striking out all of the blocked paragraph (page 4, lines 46 to 50 in L.D.) and inserting in its place the following:

'A truck tractor and trailer or semitrailer combination may be operated with dealer plates if the dealer is licensed as a new vehicle dealer or used vehicle dealer and heavy trailer dealer and if the trailer or semitrailer does not contain a load.'

Further amend the bill by inserting after section 12 the following:

'Sec. 13. 29-A MRSA §1253, sub-§3, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

3. Endorsements for double or triple trailers, buses, tank trucks or hazardous materials. Operation of a double or triple trailer, bus or tank truck requiring a commercial driver's license or a vehicle carrying hazardous materials requiring a placard requires a special endorsement on a commercial license.

An endorsement may be made under this subsection only after the applicant has successfully passed the examination for the specific vehicle.

To retain a hazardous material endorsement on renewal of a commercial license, a reexamination of the hazardous material written test is required.

A person who applies for or receives a hazardous material endorsement must comply with the conditions and requirements of the federal Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001, Public Law 107-56, 115 Stat. 272.'

COMMITTEE AMENDMENT "A" to S.P. 545, L.D. 1590

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

'Sec. 14. 29-A MRSA §1307, sub-§4, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

4. Cancellation of examination appointment. If an examination requires an appointment and the examinee does not keep that appointment, the Secretary of State shall assess an additional \$20 \$30 fee for a Class A or Class B examination and \$5 \$20 for a bus, school bus or Class C examination at the time of reappointment for examination. If the examinee notifies the Department of the Secretary of State, Bureau of Motor Vehicles, Driver Examination Section of cancellation at least 48 hours prior to the examination, the Secretary of State shall waive the additional fee.'

Further amend the bill by striking out all of sections 17, 18 and 19 and inserting in their place the following:

'Sec. 17. 29-A MRSA §1406, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed and the following enacted in its place:

§1406. Expiration

1. Expiration of license; persons under 65 years of age.
The following provisions apply to the expiration of a license for persons under 65 years of age.

A. A noncommercial license to operate a motor vehicle issued to a person under 65 years of age expires at midnight on the license holder's 6th birthday following the date of issuance.

B. A commercial driver's license to operate a motor vehicle issued to a person under 65 years of age expires at midnight on the license holder's 5th birthday following the date of issuance.

2. Expiration of license; persons 65 years of age and over. A license to operate a motor vehicle issued to a person 65 years of age or older at the date of issuance expires at midnight on the license holder's 4th birthday following the date of issuance.

3. Leap year birthday. For the purposes of this section, a person born on February 29th is deemed to have been born on March 1st.

2 4. Renewals. Prior to the expiration of a license to
3 operate a motor vehicle, the Secretary of State shall send the
4 license holder a renewal application.

6 5. Fee; 6-year license. The fee for the 6-year
7 noncommercial driver's license is \$30.

8 6. Fee; 5-year license. The fee for the 5-year commercial
9 driver's license is \$34.

10 7. Fee; 4-year license. The fee for the 4-year
11 noncommercial driver's license is \$21. The fee for the 4-year
12 commercial driver's license is \$28.'

13 Further amend the bill in section 20 in subsection 3 in
14 paragraph A in the first line (page 7, line 22 in L.D.) by
15 inserting after the following: "forms" the following: 'and
16 approve the format for electronic submission'

17 Further amend the bill by striking out all of section 21 and
18 inserting in its place the following:

19 'Sec. 21. 29-A MRSA §2251, sub-§4, ¶B, as amended by PL 1997,
20 c. 178, §3, is further amended to read:

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

25 Further amend the bill by striking out all of sections 25
26 and 26.

27 Further amend the bill by striking out all of section 29 and
28 inserting in its place the following:

29 'Sec. 29. 29-A MRSA §2458, sub-§2, ¶P, as amended by PL 2003,
30 c. 25, §2, is further amended to read:

31 P. Has failed to provide a valid social security number
32 pursuant to section 1301; or

33 Sec. 30. 29-A MRSA §2458, sub-§2, ¶Q, as enacted by PL 2003,
34 c. 25, §3, is amended to read:

35 Q. Has, as a condition of bail pursuant to Title 15,
36 chapter 105-A or, if a juvenile, as a condition of release
37 pursuant to Title 15, chapter 505, been ordered not to
38 operate a motor vehicle. If the conditions of bail or

release allow a person to operate a motor vehicle only under certain conditions or with restrictions on time, place or purpose, the Secretary of State may, without hearing, issue a restricted license reflecting the restrictions imposed; or

Sec. 31. 29-A MRSA §2458, sub-§2, ¶R is enacted to read:

R. Is not in compliance with the conditions and requirements of the federal Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001, Public Law 107-56, 115 Stat. 272.

Sec. 32. 29-A MRSA §2458, sub-§4, as amended by PL 2003, c. 25, §4, is further amended to read:

4. Notice of hearing. Upon suspending or revoking a certificate of title, certificate of registration, license or fuel use decal pursuant to subsection 2, the Secretary of State shall notify that person of opportunity for hearing as provided in section 2483, ~~except where the suspension or revocation rests solely upon a conviction in court of an offense that by statute is expressly made grounds for that suspension or revocation, or the basis of the Secretary of State's action is a condition of bail or conditional release pursuant to subsection 2, paragraph Q, when:~~

A. The suspension or revocation rests solely upon a conviction in court of an offense that by statute is expressly made grounds for that suspension or revocation;

B. The basis of the Secretary of State's action is a condition of bail or conditional release pursuant to subsection 2, paragraph Q; or

C. The suspension or revocation is required by federal statute or regulation.

Sec. 33. 29-A MRSA §2482, sub-§2, ¶C, as amended by PL 1997, c. 776, §50, is further amended to read:

~~C. If the suspension or revocation is imposed by an authority other than a court, the right of the person to request a hearing, and the procedure for requesting a hearing and the date by which a request for a hearing must be made; and~~

Sec. 34. PL 2001, c. 463, §7 is amended to read:

Sec. 7. Effective date. That section of this Act that enacts the Maine Revised Statutes, Title 29-A, section 1601-A takes effect ~~July 1, 2003~~ January 1, 2005. Those sections of this Act that amend Title 29-A, section 525, subsection 10; section 2486, subsection 1; section 2605, subsection 4; and section 2608, 3rd paragraph take effect January 1, 2003.

Sec. 35. Report. The Secretary of State shall report to the Joint Standing Committee on Transportation by April 1, 2004 on the status of the implementation of the requirement that a company insuring a motor vehicle notify the Secretary of State when insurance coverage is cancelled or terminated or lapses pursuant to the Maine Revised Statutes, Title 29-A, section 1601-A.

Sec. 36. Effective date. This Act takes effect October 1, 2003, except as otherwise indicated.

Emergency clause. In view of the emergency cited in the preamble, that section of this Act that amends Public Law 2001, chapter 463, section 7 takes effect when approved.'

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

SUMMARY

This amendment makes the following changes to the bill.

1. It clarifies that manufacturers and distributors of motor vehicles must apply for a license for each line make rather than each franchise.

2. It amends the definitions of "commercial motor vehicle" and "hazardous material" to comply with federal definitions.

3. It clarifies that vehicles weighing more than 10,000 pounds may be operated with dealer plates provided the vehicle doesn't contain a load.

4. It establishes a 5-year commercial driver's license for persons under 65 years of age consistent with American Association of Motor Vehicle Administrators and Federal Motor Carrier Safety Administration recommendations.

5. It delays the effective date for the implementation of the electronic notification of insurance cancellation to January

COMMITTEE AMENDMENT "A" to S.P. 545, L.D. 1590

1, 2005. It also requires that the Secretary of State report to the Joint Standing Committee on Transportation by April 1, 2004 on the status of the implementation of the requirement that a company insuring a motor vehicle notify the Secretary of State when insurance coverage is cancelled or terminated or lapses.

6. It increases the fee assessed for failure to appear for a scheduled driver's license examination.

7. It clarifies that an accident report may be submitted to the Chief of State Police in electronic format.

8. It clarifies that the one-day grace provision for a violation of statutes regarding fuel tax identification decals applies only to the display of fuel decals and not to the filing of fuel tax reports and the payment of fuel taxes.

9. It implements the requirements of the federal USA PATRIOT ACT relating to security threat assessment for individuals applying for or receiving hazardous material endorsement for a commercial driver's license.

10. It adds an emergency preamble and emergency clause.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



**121st Maine Legislature
Office of Fiscal and Program Review**

**LD 1590
An Act To Amend the Motor Vehicle Laws**

**LR 1941(02)
Fiscal Note for Bill as Amended by Committee Amendment *A 237*
Committee: Transportation
Fiscal Note Required: Yes**

Fiscal Note

	2003-04	2004-05	Projections 2005-06	Projections 2006-07
Net Cost (Savings)				
Highway Fund	(\$6,728)	(\$8,924)	(\$8,924)	(\$8,924)
Revenue				
Highway Fund	\$6,728	\$8,924	\$8,924	\$8,924

Fiscal Detail and Notes

Requiring that certain individuals pay certain fees for digital driver's licenses, that certain fees be increased for failure to appear for a scheduled driving test and that changes be made in the fees for, and length of, certain licenses, will increase Highway Fund revenues collected by the Bureau of Motor Vehicles within the Department of the Secretary of State. The estimated amounts are \$3,878 and \$3,088 in fiscal years 2003-04 and 2004-05, respectively.