

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1590

S.P. 545

In Senate, April 30, 2003

An Act To Amend the Motor Vehicle Laws

Submitted by the Secretary of State pursuant to Joint Rule 204.
Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator HATCH of Somerset.
Cosponsored by Representative USHER of Westbrook.

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

2
3 **Sec. 1. 10 MRSA §1171-B, sub-§1, ¶¶A, B and D**, as enacted by PL
4 1987, c. 521, §5, are amended to read:

6 A. Except as provided by this section, a person may not
7 engage in business or serve in the capacity of or act as a
8 manufacturer or distributor without obtaining a license for
9 each franchise maintained in the State as provided in this
10 section.

12 B. An application for a license for a manufacturer or
13 distributor must be on a form prescribed by the Secretary of
14 State. The applicant shall file a separate application for
15 each separate franchise. The application must contain the
16 manufacturer or distributor's address of its principal place
17 of business, the address where notices should be sent and
18 the address of its registered agent in this State and must
19 be accompanied by its annual report and a list of its
20 franchised new motor vehicle dealers in this State.

22 D. The annual fee for a license is \$1,500 ~~for--each~~
23 ~~manufacturer-and-distributor.~~

24 **Sec. 2. 24-A MRSA 2916-A, sub-§2**, as amended by PL 1999, c.
25 617, §2, is further amended to read:

28 **2. Accidents.** When a named insured or any other person who
29 operates a motor vehicle insured under the policy is individually
30 or are aggregately involved in 2 or more vehicle accidents while
31 operating a motor vehicle insured under the policy, resulting in
32 either personal injury or property damage in excess of the amount
33 defined as ~~a--reportable~~ an accident under Title 29-A, section
34 2251, subsection 1. For the purpose of this subsection any of
35 the following occurrences involving a motor vehicle operated by a
36 named insured or such other person is not considered an accident
37 when:

38 A. The motor vehicle was struck from the rear;

40 B. The motor vehicle was struck while parked;

42 C. Only the operator of another motor vehicle involved in
43 the accident was convicted of a crime, offense or violation
44 contributing to the accident; or

46 D. The named insured or other operator of the motor vehicle
47 insured under the policy or the insurer of the policy, was
48 reimbursed by or on behalf of, a person responsible for the
49 accident or has a judgment against that person.
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2 When more than one motor vehicle in a household is insured by the
4 same insurer, the number of accidents that would permit
6 nonrenewal must, for the aggregate, be increased by one for each
8 additional motor vehicle insured.

8 **Sec. 3. 29-A MRSA §251**, as enacted by PL 1993, c. 683, Pt. A,
§2 and affected by Pt. B, §5, is amended to read:

10 **§251. Records and databases related to driver's licenses and**
12 **motor vehicles**

14 **1. Records required to be kept.** The Secretary of State
16 shall keep a record of applications for driver's licenses, motor
18 vehicle registrations and certificates of title, and of issued
driver's licenses, instruction permits, motor vehicle
registrations and certificates of title.

20 **2. Public access to records.** Records of the Secretary of
22 State pertaining to the applications, registrations and
24 certifications of vehicles and to driver's licenses must be open
to public inspection during office hours. The Secretary of State
shall provide a copy of a record pertaining to the applications,
registrations and certifications of vehicles or to driver's
licenses for a fee of \$5 each.

26 **2-A. Databases.** The Secretary of State may provide
28 databases of records pertaining to applications, registrations
and certifications of vehicles and to driver's licenses to
30 individuals, businesses and other entities. The Secretary of
State shall adopt rules to establish a fee schedule and governing
32 procedures.

34 **3. Complaints confidential.** Written complaints and certain
36 control numbers used in the titling of motor vehicles may be kept
confidential.

38 **Sec. 4. 29-A MRSA §252**, as amended by PL 1995, c. 625, Pt. A,
§31, is further amended to read:

40 **§252. Driver history records and databases**

42 **1. Reports furnished.** The Secretary of State shall furnish
44 ~~reports--of--records~~ provide a copy of a record pertaining to
46 convictions, adjudications, accidents, suspensions, and
revocations ~~and-ether-information-required-by-commercial-users of~~
48 a driver's license for a fee of \$5 each. Certified copies are an
additional \$1. A person receiving a report by electronic
50 transmittal shall pay the fee associated with that transmittal.
The Secretary of State shall adopt rules to establish a fee

2 schedule and procedures governing electronic transmittal of a
3 record.

4 1-A. Databases. The Secretary of State may provide
5 databases of records pertaining to convictions, adjudications,
6 accidents, suspensions and revocations to individuals, businesses
7 and other entities. The Secretary of State shall adopt rules to
8 establish a fee schedule and governing procedures under this
9 subsection.

10
11 **2. Fee waived for official requests.** There is no fee for
12 requests from other motor vehicle departments, state, county and
13 federal agencies and law enforcement agencies.

14 **Sec. 5. 29-A MRSA §257** is enacted to read:

15 **§257. Confidentiality of technology system information**

16 The following records and information are confidential:

17
18 1. Information technology systems. Records describing
19 security and information technology system plans and security
20 procedures; and

21
22 2. Data integrity. Records or information that will
23 jeopardize the security, availability, confidentiality, integrity
24 of, or corrupt the data residing in, information technology
25 systems including records describing the architecture, data
26 model, design, access, encryption or user authentication of
27 information technology systems and infrastructure, including
28 security features for preventing duplication, alteration and
29 substitution of licenses and identification cards.

30
31 For purposes of this section, information technology systems
32 include voice, video, radio and data systems.

33 **Sec. 6. 29-A MRSA §451, sub-§5,** as amended by PL 2001, c. 671,
34 §6, is further amended to read:

35
36 **5. Special classes of registration plates.** A vehicle
37 required to be registered in a special class under this Title may
38 display only the number plates designed for that special class of
39 registration. If a vehicle registered for hire is disabled due
40 to an accident or mechanical malfunction, another vehicle of the
41 same passenger capacity may be substituted temporarily. The
42 substitute vehicle is subject to the financial responsibility
43 requirements in section 1611. Notwithstanding this subsection,
44 the Secretary of State may issue a temporary credential in lieu
45 of a special class of registration plate. The Secretary of State
46 may adopt rules to implement this subsection. Rules adopted
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2 pursuant to this subsection are routine technical rules as
3 defined in Title 5, chapter 375, subchapter 2-A.

4 **Sec. 7. 29-A MRSA §453, sub-§3**, as amended by PL 1997, c. 776,
5 §10, is repealed.

6 **Sec. 8. 29-A MRSA §453, sub-§3-A** is enacted to read:

7 **3-A. Restrictions.** The Secretary of State, in the Secretary
8 of State's discretion, may refuse to issue a vanity plate that:

9 A. Consists of or comprises language that is obscene,
10 contemptuous, profane or prejudicial;

11 B. Promotes abusive or unlawful activity;

12 C. Falsely suggests an association with public
13 institutions; or

14 D. Is duplicative.

15 **Sec. 9. 29-A MRSA §852, sub-§2**, as enacted by PL 1993, c. 683,
16 Pt. A, §2 and affected by Pt. B, §5, is amended to read:

17 **2. Dealer licenses.** The annual fee for a dealer license or
18 renewal is:

19 A. For a motorcycle dealer, \$50;

20 B. For a light trailer dealer, \$50; and

21 C. For any other vehicle dealer, \$150.

22 A licensed recycler is exempt from an additional license fee if
23 already licensed as a used vehicle dealer, new vehicle dealer or
24 equipment dealer.

25 **Sec. 10. 29-A MRSA §1002, sub-§8**, as enacted by PL 1993, c.
26 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

27 **8. Unladen vehicle weighing more than 10,000 pounds.** A
28 dealer must obtain a written permit from the Secretary of State
29 for any unladen vehicle weighing more than 10,000 pounds unladen
30 to-carry-a-load.

31 A truck tractor and trailer or semitrailer combination may be
32 operated with dealer plates provided the dealer is licensed as a
33 new vehicle dealer or used vehicle dealer and heavy trailer
34 dealer, and provided the trailer or semitrailer does not contain
35 a load.

2 **Sec. 11. 29-A MRSA §1003, sub-§2**, as enacted by PL 1993, c.
683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

4
6 **2. Permissible use.** A loaner plate may be used on a
vehicle owned by the licensee for the sole purpose of loaning the
8 vehicle to a customer when the customer's vehicle is disabled and
in the garage for repairs. The limit on the use of the loaned
10 vehicle is 7 consecutive days. The Secretary of State may extend
the period to no more than 30 days. A fee for the use of a
12 loaner plate may not be charged to a customer.

14 **Sec. 12. 29-A MRSA §1253, sub-§2**, as enacted by PL 1993, c.
683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

16 **2. Compliance with federal law.** The State must comply with
the Commercial Motor Vehicle Safety Act of 1986, Public Law
18 99-570, Title XII, and regulations adopted under that Act in
issuing or suspending a commercial license. In the case of any
20 conflict between the federal statute or regulation and a statute
or rule of this State, the federal statute or regulation must
22 apply and take precedence. To ensure compliance, the Secretary
of State shall adopt rules.

24 These rules must include, but are not limited to, provisions that:

26 A. Provide for full state participation in the national
28 commercial driver's license clearinghouse;

30 B. Require commercial drivers to have a single license;

32 C. Reduce and prevent commercial motor vehicle accidents,
fatalities and injuries by disqualifying commercial drivers
34 who have committed serious traffic or other designated
offenses from operating commercial motor vehicles;

36 D. Protect public safety by removing from public ways a
38 commercial driver who has:

40 (1) Operated or attempted to operate a commercial
42 vehicle while having 0.04% or more by weight of alcohol
in that driver's blood;

44 (2) Refused to submit to or complete a lawfully
46 requested test to determine blood-alcohol level; or

48 (3) Operated or attempted to operate a motor vehicle
while under the influence of intoxicating liquor or
50 drugs; and

E. Provide maximum safety on public ways.

2
4 **Sec. 13. 29-A MRSA §1306**, as amended by PL 2001, c. 361, §28, is repealed and the following enacted in its place:

6 **§1306. Applicant who has not been licensed within past 5 years**

8 An applicant for a license who has not been licensed to
10 operate a motor vehicle in this State or in another jurisdiction
12 within the past 5 years must successfully pass a complete
14 examination consisting of a vision, written and road test.

16 **Sec. 14. 29-A MRSA §1401, sub-§2, ¶A**, as enacted by PL 1993,
18 c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

20 **Sec. 15. 29-A MRSA §1401, sub-§4**, as amended by PL 1997, c.
22 437, §34, is repealed.

24 **Sec. 16. 29-A MRSA §1405, sub-§3**, as amended by PL 1997, c.
26 437, §37, is further amended to read:

28 3. **Fee.** The fee for a duplicate license, registration
30 certificate and instruction permit is \$2. ~~An additional fee of~~
32 ~~\$3 is required for a photograph or digital image. The fee for a~~
34 ~~duplicate license is \$5.~~

36 **Sec. 17. 29-A MRSA §1406, sub-§§5 and 6**, as enacted by PL 1993,
38 c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

40 5. **Fee; 6-year license.** The fee for the 6-year license is
42 \$27 ~~\$30~~. The fee for the 6-year commercial driver's license is
44 \$38 ~~\$41~~.

46 6. **Fee; 4-year license.** The fee for the 4-year license is
48 \$18 ~~\$21~~. The fee for the 4-year commercial driver's license is
\$25 ~~\$28~~.

Sec. 18. 29-A MRSA §2251, sub-§1, as amended by PL 1999, c.
61, §1, is further amended to read:

1. **Definition.** As used in this section, "repeartable
accident" means an accident on a public way or a place where
public traffic may reasonably be anticipated, resulting in bodily
injury or death to a person or apparent property damage of \$1,000
or more.

Sec. 19. 29-A MRSA §2251, sub-§2, as corrected by RR 1995, c.
2, §71, is amended to read:

2 **2. Report required.** A--~~reportable~~ An accident must be
3 reported immediately by the quickest means of communication to a
4 state police officer, or to the nearest state police field
5 office, or to the sheriff's office, or to a deputy sheriff,
6 within the county in which the accident occurred, or to the
7 office of the police department, or to an officer, of the
8 municipality in which the accident occurred. The accident must
be reported by:

10 A. The operator of an involved vehicle;

12 B. A person acting for the operator; or

14 C. If the operator is unknown, the owner of an involved
15 vehicle having knowledge of the accident.

16 **Sec. 20. 29-A MRSA §2251, sub-§3,** as enacted by PL 1993, c.
17 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

20 **3. Form.** The Chief of the State Police:

22 A. Shall prepare and supply forms for reports that require
23 sufficiently detailed information to disclose the cause,
24 conditions, persons and vehicles involved including
25 information to permit the Secretary of State to determine
26 whether the requirement for proof of financial
27 responsibility is inapplicable;

28 B. Shall receive, tabulate and analyze accident reports; and

30 B-1. Shall send all accident reports to the Secretary of
31 State; and

34 C. May publish statistical information on the number, cause
35 and location of accidents.

36 **Sec. 21. 29-A MRSA §2251, sub-§4,** as amended by PL 1997, c.
37 172, §1 and c. 178, §3, is further amended to read:

40 **4. Investigation.** A law enforcement officer who
41 investigates a--~~reportable~~ an accident shall:

42 A. Interview participants and witnesses; and

44 B. Within 5 days from the time of notification of the
45 accident, transmit the original written report containing
46 all available information to the Chief of the State Police.

48 Every ~~reported~~ accident must be promptly investigated.

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2 If the accident results in serious bodily injury or death of any
3 person, the investigation must be conducted by an officer who has
4 met the training standards of a full-time law enforcement
5 officer. A law enforcement officer who investigates an accident
6 involving a bus or truck with a gross vehicle weight rating or a
7 registered weight in excess of 10,000 pounds that results in the
8 death of any person shall request a certified accident
9 reconstructionist and the Bureau of State Police Commercial
10 Vehicle Enforcement Unit to assist in the investigation of the
11 accident. The Attorney General shall designate an assistant
12 attorney general familiar with federal commercial vehicle laws
13 and regulations to serve as a resource to any district attorney
14 who initiates a prosecution arising from an accident involving a
15 bus or truck with a gross vehicle weight rating or a registered
16 weight in excess of 10,000 pounds that results in the death of
17 any person.

18 **Sec. 22. 29-A MRSA §2251, sub-§5,** as enacted by PL 1993, c.
19 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

20 **Sec. 23. 29-A MRSA §2251, sub-§6,** as enacted by PL 1993, c.
21 683, Pt. A, §2 and affected by Pt. B, §5, is repealed and the
22 following enacted in its place:

23 **6. Financial responsibility information.** The owner or
24 operator of a vehicle involved in an accident shall furnish
25 additional relevant information as the Secretary of State
26 requires to determine the applicability of the requirement of
27 proof of financial responsibility.

28 The Secretary of State may rely on the accuracy of the
29 information until there is reason to believe that the information
30 is erroneous.

31 **Sec. 24. 29-A MRSA §2251, sub-§7,** as enacted by PL 1993, c.
32 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

33 **7. Report information.** An accident report made by an
34 investigating officer or a 48-hour report made by an operator as
35 required by former subsection 5 is for the purposes of
36 statistical analysis and accident prevention.

37 A report or statement contained in the accident report, or a
38 48-hour report as required by former subsection 5, a statement
39 made or testimony taken at a hearing before the Secretary of
40 State held under section 2483, or a decision made as a result of
41 that report, statement or testimony may not be admitted in
42 evidence in any trial, civil or criminal, arising out of the
43 accident.

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2 A report may be admissible in evidence solely to prove compliance
with this section.

4 The Chief of the State Police may disclose the date, time and
6 location of the accident and the names and addresses of
operators, owners, injured persons, witnesses and the
8 investigating officer. On written request, the chief may furnish
a photocopy of the investigating officer's report at the expense
of the person making the request.

10 **Sec. 25. 29-A MRSA §2251, sub-§8, ¶B,** as amended by PL 2001,
12 c. 360, §15, is further amended to read:

14 B. Is an operator involved in a ~~reportable~~ an accident and
16 knowingly fails to give a correct name and address when
requested by an officer at the scene; or

18 **Sec. 26. 29-A MRSA §2251, sub-§8, ¶C,** as enacted by PL 2001,
20 c. 360, §16, is amended to read:

22 C. Is the operator involved in a ~~reportable~~ an accident or
the owner of a vehicle involved in a ~~reportable~~ an accident
24 and knowingly fails to produce the vehicle or, if the
vehicle is operational, return it to the scene when
26 requested by the investigating officer.

28 **Sec. 27. 29-A MRSA §2251, sub-§§10 and 11,** as enacted by PL
1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to
30 read:

32 **10. Suspension.** ~~Pursuant to chapter 23, the~~ The Secretary
of State may suspend or revoke the motor vehicle driver's license
and certificate of registration of a person who is required to
34 make a report and fails to do so or who knowingly fails to give
~~correct~~ provide the information required ~~on a report~~ by the
36 Secretary of State.

38 **11. Exemption.** The operator of a snowmobile as defined by
Title 12, section 7821, or an all-terrain vehicle as defined by
40 Title 12, section 7851, unless the all-terrain vehicle is
registered for highway use by the Secretary of State under this
42 Title, is exempt from the reporting requirements of ~~subsections~~
subsection 2 and 5.

44 **Sec. 28. 29-A MRSA §2453, sub-§6, ¶A,** as enacted by PL 1993,
46 c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

48 A. ~~For any OUI offense, the~~ The same suspension period
applies as if the person were convicted of OUI.

2 **Sec. 29. Effective date.** This Act takes effect October 1, 2003.

4

SUMMARY

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8 This bill makes the following changes to the motor vehicle laws.

10 1. It requires manufacturers and distributors of motor vehicles to apply for a license for each franchise.

12

14 2. It requires the Secretary of State to adopt rules establishing fees for records of databases pertaining to applications, registrations and certificates of vehicles and driver's licenses, including convictions, adjudications, accidents, suspensions and revocations. The changes also require the adoption of rules establishing fees for the electronic transmittal of records.

20

22 3. It makes sensitive records and information concerning information technology systems confidential.

24

26 4. It permits a for hire passenger carrier who operates a vehicle such as a taxi or limousine to temporarily replace a disabled vehicle with another vehicle without having to have hire plates on the substitute vehicle. The substitute vehicle must be covered by adequate insurance. The Secretary of State may adopt rules to implement this option.

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32 5. It allows the Secretary of State to restrict the issuance of certain vanity plate configurations.

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36 6. It provides that a licensed recycler is exempt from additional licensing fees if already licensed as a used or new vehicle or equipment dealer. Current law has a provision only for a used vehicle dealer.

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40 7. It allows a dealer that purchases truck tractors, trailers or semitrailers to move units on dealer plates provided they are not hauling a load.

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44 8. It provides that a fee can not be charged to a customer for the use of a loaner plate. If a fee is charged the vehicle must be registered pursuant to the Maine Revised Statutes, Title 29-A, section 501, subsection 3 as a short-term rental vehicle.

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48 9. It clarifies that a conflict between federal and state law, rule or regulation concerning the implementation and

2 enforcement of the federal Commercial Motor Vehicle Safety Act
and regulations adopted under that Act must be resolved so that
4 the federal law or regulation applies.

6 10. It provides that when an applicant applies for an
operator's license in this State and the person has not been
8 licensed to operate a motor vehicle in this State or by another
jurisdiction within the past 5 years the person must pass a
complete examination.

10 11. It eliminates the option regarding a picture license
12 for those persons 65 years of age and older, combines the
separate fees for a license in one provision and clarifies the
14 fee for duplicate licenses.

16 12. It removes the requirement that a person involved in an
accident file a "48-hour report" of the accident with the
18 Secretary of State. The bill requires the Chief of the State
Police to send all police accident reports to the Secretary of
20 State, which reports will comprise the records for accidents.

22 13. It clarifies the periods of license suspension that
apply to administrative determinations for excessive
24 blood-alcohol level made by the Secretary of State.