

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

M
Res.

L.D. 1700

DATE: 8.30.04

(Filing No. S-473)

TRANSPORTATION

Reported by:

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE
SENATE
121ST LEGISLATURE
SECOND SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S.P. 632, L.D. 1700, Bill, "An Act To Amend the Motor Vehicle Laws"

Amend the bill by striking out everything after the title and before the summary and inserting in its place 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 correct a technical error in the funding of a position created in Public Law 2003, chapter 356; 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,

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

PART A

Sec. A-1. 11 MRSA §9-1317, sub-§(5), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

COMMITTEE AMENDMENT

R. of S.

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48
50

(5) Except as otherwise provided in sections 9-1320 and 9-1321, if a person files a financing statement with respect to a purchase-money security interest before or within 20 days after the debtor receives delivery of the collateral, the security interest takes priority over the rights of a buyer, lessee or lien creditor that arise between the time the security interest attaches and the time of filing, unless the collateral is covered by Title 29-A, chapter 7, in which case the security interest takes priority if perfected in accordance with section 9-1303 within 30 days after the debtor receives delivery of the collateral.

Sec. A-2. 11 MRSA §9-1324, sub-§(1), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

(1) Except as otherwise provided in subsection (7), a perfected purchase-money security interest in goods other than inventory or livestock has priority over a conflicting security interest in the same goods, and, except as otherwise provided in section 9-1327, a perfected security interest in its identifiable proceeds also has priority, if the purchase-money security interest is perfected when the debtor receives possession of the collateral or ~~within 20 days thereafter;~~

(a) In the case of goods covered by Title 29-A, chapter 7, within 30 days thereafter; or

(b) In all other cases, within 20 days thereafter.

Sec. A-3. 29-A MRSA §603, sub-§4, as amended by PL 2003, c. 235, §1, is further amended to read:

4. Penalty. If an application, certificate of title or other document required to be delivered to the Secretary of State is not delivered to the Secretary of State within ~~20~~ 30 days, the Secretary of State shall collect ~~\$125~~ \$50 as a penalty.

Sec. A-4. 29-A MRSA §654, sub-§2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

2. Purchased from the dealer. If the application is for a vehicle purchased from a dealer, in addition to the requirement set forth in subsection 1, the application must be signed by the dealer and must contain the name and the address of any lienholder or assignee holding an interest created or reserved at the time of sale and the date of the lien. The dealer shall, within ~~20~~ 30 days after the sale, deliver the application to the Secretary of State. The dealer must deliver a copy of the application to the lienholder.

A. of S.

2 **Sec. A-5. 29-A MRSA §667, sub-§1, ¶A**, as amended by PL 1997, c. 776, §25, is further amended to read:

4 A. By an insurer, the insurer or its designee shall
6 surrender the certificate of title to the Secretary of State
8 and apply for a certificate of salvage, in accordance with
section 654, within 20 30 days of the settlement of the
insurance claim;

10 **Sec. A-6. PL 2003, c. 356, §14** is amended to read:

12 **Sec. 14. Appropriations and allocations.** The following
14 appropriations and allocations are made.

16 **SECRETARY OF STATE, DEPARTMENT OF THE**

18 **Bureau-of-Administrative-Services-and-Corporations--0692**
Administration - Motor Vehicles 0077

20 Initiative: Allocates funds for one Attorney position and
22 operating costs necessary to staff the Maine Motor Vehicle
Franchise Board.

| 24 | Other Special Revenue Funds | 2003-04 | 2004-05 |
|----|------------------------------------|-----------------|-----------------|
| 26 | Positions - Legislative Count | (1.000) | (1.000) |
| 26 | Personal Services | \$51,188 | \$74,057 |
| 28 | All Other | \$13,788 | \$10,488 |
| 28 | Capital Expenditures | \$15,297 | \$0 |
| 30 | Other Special Revenue Funds Total | <u>\$80,273</u> | <u>\$84,545</u> |

32 **Sec. A-7. Effective date.** This Part takes effect when approved.

34 **PART B**

36 **Sec. B-1. 29-A MRSA §468, first ¶**, as amended by PL 2001, c.
38 623, §5, is further amended to read:

40 The Secretary of State may not issue a specialty license
42 plate unless the specialty license plate is authorized by the
Legislature. For the purposes of this section, "specialty
44 license plate" means a specially designed registration plate that
may be used in place of the regular plate and registration for
46 fundraising purposes. The Secretary of State shall administer a
specialty license plate in accordance with the following
provisions.

48 **Sec. B-2. 29-A MRSA §468-A** is enacted to read:

R. 018

2 **§468-A. Recognition license plates**

4 The Secretary of State may not issue a recognition license
6 plate unless the recognition license plate is authorized by the
8 Legislature. The Secretary of State shall administer a
10 recognition license plate in accordance with this section.

12 **1. Definition.** "Recognition license plate" means a
14 specially designed registration plate that may be used in place
16 of the regular plate and registration for recognition purposes
18 only and is not used for fundraising purposes.

20 **2. Sponsor.** A person shall register with the Secretary of
22 State as the sponsor of a recognition license plate.

24 **3. Names, signatures and payment.** The Secretary of State
26 may not manufacture an authorized recognition license plate
28 unless a sponsor under subsection 2 pays in advance for the
30 manufacture of at least 2,000 pairs of the recognition license
32 plate and provides a list with 2,000 names, signatures and
34 current plate numbers of supporters who intend to purchase the
36 recognition license plate. A payment of \$40,000 for 2,000 pairs
38 of plates at \$20 per pair must be deposited in the Specialty
40 License Plate Fund established under section 469. After 2,000
42 pairs of plates are purchased or 5 years have passed from the
44 date the plate is authorized, whichever occurs first, the
46 Secretary of State shall reimburse \$20,000 to the sponsor of the
48 plate from the Specialty License Plate Fund.

50 **4. Registration fee.** The fee for the recognition license
plate is the regular motor vehicle registration fee required by
section 501 and the excise tax required by Title 36, section 1482.

5. Minimum number manufactured. The Secretary of State
shall manufacture a minimum of 2,000 recognition license plates
for each recognition license plate authorized under this section.

6. Design approval. A sponsor must submit a proposed
design for a recognition license plate for approval or
modification by the Secretary of State. The joint standing
committee of the Legislature having jurisdiction over
transportation matters shall review the final design for a
recognition license plate prior to the manufacture of the plate.

7. Duplicate plates. The Secretary of State shall issue a
recognition license plate in a 3-number and 3-letter combination
sequence. Vanity plates may not duplicate vanity plates issued
in another class of plate.

A. of S.

2 8. Deadline for Secretary of State approval. The sponsor
3 shall submit to the Secretary of State the names, signatures,
4 payment and proposed design for the recognition license plate by
5 September 1st. If the design is approved pursuant to subsection
6 6, the Secretary of State shall submit proposed legislation
7 seeking authorization of the recognition license plate to the
8 following regular session of the Legislature.

9 9. Weight limit. A recognition license plate may not be
10 issued for an automobile or pickup truck that weighs more than
11 6,000 pounds.

12 **Sec. B-3. 29-A MRSA §469, sub-§2,** as amended by PL 2001, c.
13 623, §6, is further amended to read:

14 **2. Purpose.** All Except as specified under section 468-A,
15 subsection 3, all money credited to the Specialty License Plate
16 Fund must be used to cover the cost of manufacturing and
17 producing a specialty or recognition license plate authorized
18 pursuant to ~~section~~ sections 468 and 468-A.

19 **Sec. B-4. 29-A MRSA §523, sub-§3,** as repealed and replaced by
20 PL 2001, c. 671, §10, is amended to read:

21 **3. Special veterans registration plates.** The Secretary of
22 State, on application and evidence of payment of the excise tax
23 required by Title 36, section 1482 and the registration fee
24 required by section 501, shall issue a registration certificate
25 and a set of special veterans registration plates to be used in
26 lieu of regular registration plates for a vehicle with a
27 registered gross weight of not more than 9,000 pounds to any
28 person who has served in the United States Armed Forces and who
29 has been honorably discharged. If a veteran is the primary
30 driver of 3 vehicles, the Secretary of State may issue in
31 accordance with this section a set of special veterans
32 registration plates for each vehicle.

33 Each application must be accompanied by the applicant's Armed
34 Forces Report of Transfer or Discharge, DD Form 214, or
35 certification from the United States Veterans Administration or
36 the appropriate branch of the United States Armed Forces
37 verifying the applicant's military service and honorable
38 discharge.

39 All surplus revenue collected for issuance of the special
40 registration plates is retained by the Secretary of State to
41 maintain and support this program.

42 The Secretary of State may issue a set of special veterans
43 registration plates in the name of a company if the company is

H. of S.

COMMITTEE AMENDMENT "A" to S.P. 632, L.D. 1700

2 owned solely by a veteran who qualifies for a veteran plate under
this section. The qualifying veteran must be the primary driver
of the company vehicle.

4
6 The surviving spouse of a special veteran plate recipient issued
plates in accordance with this subsection may retain and display
the special veteran plates as long as the surviving spouse
8 remains unmarried. Upon remarriage, the surviving spouse may not
use the special veteran plates on a motor vehicle, but may retain
10 them as a keepsake. Upon the death of the surviving spouse, the
family may retain the special veteran plates, but may not use
12 them on a motor vehicle.

14 The Secretary of State may issue a special disability
registration plate for veterans in accordance with section 521,
subsections 1, 5, 7 and 9. The special disability registration
plate for veterans must bear the International Symbol of Access.

18 **Sec. B-5. 29-A MRSA §1002, sub-§8,** as amended by PL 2003, c.
20 434, §13 and affected by §37, is repealed and the following
enacted in its place:

22 **8. Vehicle weighing more than 10,000 pounds. The following**
24 **provisions apply to the use of dealer plates on vehicles weighing**
more than 10,000 pounds.

26 A. Except as provided in paragraph B, a truck tractor and
28 trailer or semitrailer combination may be operated with
dealer plates if the dealer is licensed as a new vehicle
30 dealer or used vehicle dealer and heavy trailer dealer and
if the trailer or semitrailer does not contain a load.

32 B. A dealer must obtain a written permit from the Secretary
34 of State to operate a vehicle or combination of vehicles
carrying a load. The permit must be issued in accordance
36 with the following provisions.

38 (1) The operation of the vehicle or combination of
vehicles and load must be in conjunction with the sale
40 or purchase of a motor vehicle, vehicle or equipment by
the dealer.

42 (2) The load must consist of a motor vehicle, trailer
44 or equipment that the dealer is licensed to sell.

46 (3) The load may not consist of more than one
automobile, truck or truck tractor at any time.

48 (4) The initial fee and renewal fee for a permit
50 issued under this paragraph are \$200 each.

R. of S.

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48

(5) A permit expires one year from the date of issuance and may be renewed annually.

(6) A permit must contain the name and address of the licensed dealer, an effective date, an expiration date and any other information required by rule by the Secretary of State. Rules adopted pursuant to this subsection are major substantive OR routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. B-6. 29-A MRSA §1253, sub-§2, as amended by PL 2003, c. 434, §15 and affected by §37, is further amended to read:

2. Compliance with federal law. The State must comply with the Commercial Motor Vehicle Safety Act of 1986, Public Law 99-570, Title XII, and regulations adopted under that Act in issuing or suspending a commercial license. In the case of any conflict between the federal statute or regulation and a statute or rule of this State, the federal statute or regulation must apply and take precedence. To ensure compliance, the Secretary of State shall adopt rules, administrative procedures, practices and policies, organizational structures, internal control mechanisms and resource assignments.

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

- A. Provide for full state participation in the national commercial driver's license clearinghouse;
- B. Require commercial drivers to have a single license;
- C. Reduce and prevent commercial motor vehicle accidents, fatalities and injuries by disqualifying commercial drivers who have committed serious traffic or other designated offenses from operating commercial motor vehicles;
- D. Protect public safety by removing from public ways a commercial driver who has:
 - (1) Operated or attempted to operate a commercial vehicle while having 0.04% or more by weight of alcohol in that driver's blood;
 - (2) Refused to submit to or complete a lawfully requested test to determine blood-alcohol level; or

R. O. S.

COMMITTEE AMENDMENT "A" to S.P. 632, L.D. 1700

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

6 E. Provide maximum safety on public ways.

8 **Sec. B-7. 29-A MRSA §1354, sub-§6, ¶A**, as amended by PL 1999,
c. 668, §116, is further amended to read:

10 A. The Secretary of State shall establish the Technical
12 Review Panel that includes representatives from the
Department of Education, the Department of Public Safety,
14 the ~~American Automobile Association~~, law enforcement
agencies, the insurance industry, the motor carrier industry
16 and a driver education teacher and instructor. The
Technical Review Panel shall assist the Secretary of State
18 in developing curriculum and teacher and instructor training
and certification.

20 **Sec. B-8. Effective date.** This Part takes effect 90 days after
adjournment of the Second Special Session of the 121st
22 Legislature.

24 **PART C**

26 **Sec. C-1. 29-A MRSA §1601-A, sub-§4**, as enacted by PL 2001, c.
463, §2 and affected by §7 and PL 2003, c. 434, §35, is amended
28 to read:

30 **4. Suspension.** ~~Upon receipt of notice provided in~~
subsection 1, Except as provided in subsection 5, the Secretary
32 of State, upon receipt of the notice required in subsection 1,
shall suspend, within 30 days and in accordance with section
34 2482, the owner's registration certificate and plates for that
motor vehicle. The suspension continues until that person
36 provides evidence of insurance to the Secretary of State.

38 **Sec. C-2. 29-A MRSA §1601-A, sub-§5** is enacted to read:

40 **5. Stored vehicles.** The Secretary of State, upon receipt
of the notice required in subsection 1, may cancel the owner's
42 registration certificate and plates for a stored vehicle. The
Secretary of State may not reinstate the registration certificate
44 and plates until the owner provides evidence of insurance to the
Secretary of State. For the purposes of this subsection, "stored
46 vehicle" means a motor vehicle that the Secretary of State
determines is stored and not operated for a period of at least 3
48 consecutive months per year. The Secretary of State may not,
upon cancellation, refund any portion of the registration fee.

50

COMMITTEE AMENDMENT

R. of S.

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48

Sec. C-3. Effective date. This Part takes effect January 1, 2005.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved, except as otherwise indicated.'

SUMMARY

This amendment replaces the bill and does the following.

Part A extends the period that dealers and financial institutions have to apply for titles from 20 to 30 days and reduces the late filing fee from \$125 to \$50. It also corrects a technical error in the funding of a position created in Public Law 2003, chapter 356 and moves the Other Special Revenue Funds allocation for the Maine Motor Vehicle Franchise Board from the Bureau of Administrative Services and Corporations to the Bureau of Motor Vehicle Administration account.

Part B does the following.

1. It creates a process for the Secretary of State to issue recognition license plates.

2. It retains the provision in the bill that allows the Secretary of State to issue special disability registration plates for veterans.

3. It allows dealers to carry a load on a vehicle or combination of vehicles while using their dealer plates if the load is in conjunction with the sale or purchase of a motor vehicle, trailer or equipment by the dealership. The load may consist of only one automobile, truck or truck tractor. The load may consist of multiple trailers or equipment that the dealer is licensed to sell. The dealer is allowed to purchase more than one permit, which may be renewed annually.

4. It clarifies that, in addition to rules, the State shall adopt administrative procedures, practices and policies, organizational structures, internal control mechanisms and resource assignments to ensure compliance with the federal Commercial Motor Vehicle Safety Act of 1986.

5. It removes the requirement that a representative of the American Automobile Association serve on the Secretary of State's Technical Review Panel for driver education.

R. of S.

COMMITTEE AMENDMENT "A" to S.P. 632, L.D. 1700

2 Part C allows the Secretary of State to cancel and not
suspend the motor vehicle registration for stored vehicles for
4 which insurance coverage is cancelled, terminated or lapsed
effective January 1, 2005.

FISCAL NOTE REQUIRED
(See attached)



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

**LD 1700
An Act To Amend the Motor Vehicle Laws**

**LR 2589(02)
Fiscal Note for Bill as Amended by Committee Amendment 'A'
Committee: Transportation
Fiscal Note Required: Yes**

Fiscal Note

| | 2003-04 | 2004-05 | Projections 2005-06 | Projections 2006-07 |
|---------------------------|---------|------------|------------------------|------------------------|
| Net Cost (Savings) | | | | |
| Highway Fund | \$0 | (\$15,000) | (\$15,000) | (\$15,000) |
| Revenue | | | | |
| Highway Fund | \$0 | \$15,000 | \$15,000 | \$15,000 |

Fiscal Detail and Notes

The establishment of a fee for certain vehicle load permits will increase annual Highway Fund revenue collected by the Bureau of Motor Vehicles by \$15,000 beginning in fiscal year 2004-05.