

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 1463

H.P. 1026

House of Representatives, March 23, 2005

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.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative MARLEY of Portland.
Cosponsored by Senator DAMON of Hancock and
Representatives: COLLINS of Wells, HOGAN of Old Orchard Beach, PINEAU of Jay,
SAMPSON of Auburn.

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

4 **Sec. 1. 29-A MRSA §101, sub-§28-A.** as enacted by PL 1999, c. 674, §1, is repealed and the following enacted in its place:

6 28-A. Immediate family member. "Immediate family member"
8 means a grandparent, stepgrandparent, parent, stepparent,
10 brother, stepbrother, sister, stepsister, child, stepchild or
12 spouse.

14 **Sec. 2. 29-A MRSA §410,** as enacted by PL 1995, c. 482, Pt. A, §3, is amended to read:

16 **§410. Voluntary surrender or cancellation**

18 A registrant may voluntarily surrender vehicle
20 registration. The Secretary of State shall record that the
22 registration has been cancelled. The Secretary of State may
24 require the return of any certificate of registration or
registration plate issued to the registrant for the vehicle. The
registrant may activate the registration at any time prior to the
original expiration of the registration. ~~The---fee---for
reactivation-is-\$10.~~

26 **Sec. 3. 29-A MRSA §512.** as amended by PL 2003, c. 253, §§2
28 and 3 and affected by §5, is amended by adding after the first
paragraph a new paragraph to read:

30 A person applying for a registration under the 8-year
32 program or the 12-year semipermanent registration plate program
described under subsection 1 must register a minimum of 5
vehicles in the program.

34 **Sec. 4. 29-A MRSA §519, sub-§1.** as enacted by PL 1993, c. 683,
36 Pt. A, §2 and affected by Pt. B, §5, is amended to read:

38 **1. Authority to issue special registration plate.** Upon
40 application by an active firefighter whose status is certified by
the fire chief, assistant fire chief or acting fire chief, as
described in Title 30-A, section 3153, the Secretary of State
shall issue a special firefighter registration plate.

42 **Sec. 5. 29-A MRSA §519, sub-§6** is enacted to read:

44 **6. Issuance.** Firefighter plates are issued in accordance
46 with the provisions of this section and section 453. Vanity
48 plates may not duplicate vanity plates in any other class of
plate.

50 **Sec. 6. 29-A MRSA §659, sub-§4** is enacted to read:

2 **4. Violation.** Violation of this section is a traffic
4 infraction for which a fine of not less than \$100 and not more
6 than \$500 may be adjudged.

6 **Sec. 7. 29-A MRSA §752-A** is enacted to read:

8 **§752-A. Exempted odometer information**

10 A vehicle's odometer reading is not required to be disclosed
12 on transfers of the following vehicles:

14 A. A vehicle that is not self-propelled; or

16 B. A vehicle that is 10 years old or older.

18 Notwithstanding any other provisions of this Title, the
20 Secretary of State may require odometer information for any
22 vehicle, as set forth in section 752, upon showing by records or
24 other sufficient evidence that vehicle mileage discrepancies
26 exist.

28 **Sec. 8. 29-A MRSA §903, sub-§3**, as amended by PL 2003, c. 544,
30 §1, is further amended to read:

32 **3. Plate reduction.** Upon renewal of a dealer license, the
34 number of plates allowed a motor vehicle dealer who fails to sell
36 a minimum of one vehicle per month or 12 vehicles within a
38 12-month period must be reduced to one dealer plate, and the
40 motor vehicle dealer may not be issued a dealer plate under
42 section 1002, subsection 1, paragraph B. Upon a 2nd application
44 for renewal of a dealer license, a motor vehicle dealer must be
46 denied renewal if the Secretary of State determines that the
48 dealer sold fewer than 4 vehicles in the previous license year,
50 at which time all dealer credentials issued previously must be
returned to the Secretary of State.

A motor vehicle dealer who is denied a license renewal under this
subsection may not reapply until the license has been expired at
least one year.

A motor vehicle dealer who holds a vehicle auction business
license under section 1051 is exempt from this subsection.

A motor vehicle dealer who engages primarily in the sale of
classic vehicles more than 15 years old, emergency vehicles or
industrial or farm equipment is exempt from this subsection.

52 **Sec. 9. 29-A MRSA §951, sub-§2**, as enacted by PL 1993, c. 683,
54 Pt. A, §2 and affected by Pt. B, §5, is amended to read:

2 **2. Dealers must be licensed.** A person may not engage in
3 the business of buying, selling, exchanging, offering to
4 negotiate, negotiating or advertising a sale of vehicles unless
5 that person has been issued a license under this subchapter. A
6 dealer licensed by any other jurisdiction who sells vehicles only
7 to licensed dealers in this State is exempt from this
8 subsection. Violation of this subsection is a Class E crime.

10 **Sec. 10. 29-A MRSA §1002, sub-§4, ¶D** is enacted to read:

12 D. A vehicle to which a service vehicle plate is attached
13 must have the name of the licensed dealership on the sides
14 of the vehicle in letters at least 3 inches in height and
15 clearly visible. The name of any other business may not be
16 displayed on the sides of the vehicle to which the service
17 vehicle plate is attached.

18 **Sec. 11. 29-A MRSA §1258, sub-§1, ¶C**, as enacted by PL 1993,
20 c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

22 C. Members of the board are entitled to compensation
23 expenses only in accordance with Title 5, chapter 379.

24 **Sec. 12. 29-A MRSA §1258, sub-§2, ¶A**, as enacted by PL 1993,
26 c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

28 A. The board shall meet at least annually once every 2
29 years and may hold as many meetings as necessary.

30 **Sec. 13. 29-A MRSA §2106, sub-§1**, as enacted by PL 1993, c.
32 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

34 **1. Odometer.** A person is guilty of a Class D C offense if
35 that person:

36 A. Disconnects, changes or tampers with the odometer of a
37 motor vehicle with the intent to misrepresent or change the
38 number of miles indicated on the odometer; or

39 B. When the odometer reading differs from the number of
40 miles a vehicle has been driven, knowingly offers for sale
41 that motor vehicle without disclosing that the actual
42 mileage is unknown or is known to be different than the
43 odometer reading.

44 **Sec. 14. 29-A MRSA §2115**, as corrected by RR 2003, c. 2, §93,
46 is amended to read:
48

2 **§2115. Operating motor vehicle on Pickerel Pond**

4 A person may not operate a motor vehicle as defined in
6 section 101, subsection 42 on Pickerel Pond located in Township
8 32 Middle Division. This section does not apply to motor
10 vehicles of the Department of Inland Fisheries and Wildlife,
12 airmobiles as defined in Title 12, section 13001, subsection 2
and authorized emergency vehicles as defined in section 2054,
subsection 1, paragraph B. A person who violates this section
commits a ~~civil-violation~~ traffic infraction for which a fine of
not less than \$100 nor more than \$500 may be adjudged.

14 **Sec. 15. 29-A MRSA §2301, sub-§5**, as enacted by PL 1993, c.
16 683, Pt. A, §2 and affected by Pt. B, §5, is repealed and the
following enacted in its place:

18 **5. School bus.** "School bus" means a commercial motor
20 vehicle used to transport preprimary, primary or secondary school
students from home to school, from school to home or to and from
22 school-sponsored events. "School bus" does not include a bus
used as a common carrier.

24 **Sec. 16. 29-A MRSA §2458, sub-§2, ¶Q**, as amended by PL 2003,
26 c. 434, §31 and affected by §37, is further amended to read:

28 Q. Has, as a condition of bail pursuant to Title 15,
chapter 105-A or, if a juvenile, as a condition of release
pursuant to Title 15, chapter 505, been ordered not to
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

36 **Sec. 17. 29-A MRSA §2458, sub-§2, ¶R**, as enacted by PL 2003,
38 c. 434, §32 and affected by §37, is amended to read:

40 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.;

44 **Sec. 18. 29-A MRSA §2458, sub-§2, ¶¶S to U** are enacted to read:

46 S. Has failed to deliver or assign the certificate of title
48 upon the request of the Secretary of State;

- 2 10. Requires that all vehicles that have service vehicle
plates attached to have the name of the licensed dealership on
4 the sides of the vehicle;
- 6 11. Makes odometer fraud a Class C crime;
- 8 12. Makes operating a motor vehicle on Pickerel Pond a
traffic infraction to maintain consistency in the designation of
10 offenses in the motor vehicle laws;
- 12 13. Amends the definition of "school bus" to ensure that
Maine is in compliance with federal law; and
- 14 14. Allows the Secretary of State to suspend a registration
16 if the registrant fails to provide information on the
registration application as required under Title 29-A, section
18 401.