

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 513

S.P. 168

February 2, 2007

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 DAMON of Hancock.
Cosponsored by Representative MARLEY of Portland and
Senator: SAVAGE of Knox, Representatives: CEBRA of Naples, FISHER of Brewer, MILLS
of Farmington, THOMAS of Ripley.

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

2 **Sec. 1. 29-A MRSA §101, sub-§70-A** is enacted to read:

3 **70-A. Sport utility vehicle.** "Sport utility vehicle" means a motor vehicle
4 constructed on a light truck chassis but designed primarily for the transportation of
5 persons or any motor vehicle designated by the United States Department of
6 Transportation as a sport utility vehicle.

7 **Sec. 2. 29-A MRSA §501, sub-§1,** as amended by PL 1999, c. 790, Pt. C, §3 and
8 affected by §19, is further amended to read:

9 **1. Automobiles; pickup trucks.** The fee for an automobile ~~or~~, pickup truck or sport
10 utility vehicle used for the conveyance of passengers or interchangeably for passengers or
11 property is \$25.

12 An automobile or sport utility vehicle used for the conveyance of passengers or property
13 is a "combination" vehicle and may be issued a special plate with the word "combination"
14 instead of "Vacationland." A passenger vehicle used under contract with the State, a
15 municipality or a school district to transport students must be designated as
16 "combination." A vehicle owned or operated by parents or legal guardians is exempt
17 from this subsection.

18 Commercial plates may not be issued for or displayed on an automobile.

19 A sport utility vehicle may be registered either as an automobile or a truck. A sport
20 utility vehicle with a gross vehicle weight or combined gross vehicle weight in excess of
21 10,000 pounds and used in the furtherance of a commercial enterprise must be registered
22 as a truck according to its actual gross weight as provided in section 504.

23 The gross weight of a pickup truck registered as provided by this subsection may not
24 exceed 6,000 pounds. An owner of a pickup truck who operates the pickup truck with a
25 gross weight in excess of 6,000 pounds or the pickup truck drawing a semitrailer with a
26 combined gross weight in excess of 6,000 pounds must register the truck as provided in
27 section 504.

28 ~~Notwithstanding any other provision of law, a~~ A combination of vehicles consisting of a
29 pickup truck as defined in section 101, subsection 55 and a semitrailer with a registered
30 weight of 2,000 pounds or less may be ~~registered under this section for~~ operated at
31 the combined gross weight of the pickup truck and the semitrailer.

32 **Sec. 3. 29-A MRSA §504, sub-§1, ¶B,** as amended by PL 1999, c. 790, Pt. C, §8
33 and affected by §19, is further amended to read:

34 B. For gross weight from 6,001 to ~~9,000~~ 10,000 pounds, the fee is ~~\$31~~ \$37.

35 **Sec. 4. 29-A MRSA §504, sub-§1, ¶C,** as amended by PL 1999, c. 790, Pt. C, §8
36 and affected by §19, is further amended to read:

37 C. For gross weight from ~~9,001~~ 10,001 to 12,000 pounds, the fee is \$48.

1 **Sec. 5. 29-A MRSA §505, sub-§2-A, ¶B**, as enacted by PL 2001, c. 671, §8, is
2 further amended to read:

3 B. For gross weight from 6,001 to ~~9,000~~ 10,000 pounds, the fee is ~~\$24~~ \$27.

4 **Sec. 6. 29-A MRSA §505, sub-§2-A, ¶C**, as enacted by PL 2001, c. 671, §8, is
5 amended to read:

6 C. For gross weight from ~~9,001~~ 10,001 to 12,000 pounds, the fee is \$32.

7 **Sec. 7. 29-A MRSA §523, sub-§3**, as amended by PL 2003, c. 652, Pt. B, §4 and
8 affected by §8, is further amended to read:

9 **3. Special veterans registration plates.** The Secretary of State, on application and
10 evidence of payment of the excise tax required by Title 36, section 1482 and the
11 registration fee required by section 501, shall issue a registration certificate and a set of
12 special veterans registration plates to be used in lieu of regular registration plates for a
13 vehicle with a registered gross weight of not more than 9,000 pounds to any person who
14 has served in the United States Armed Forces and who has been honorably discharged. If
15 a veteran is the primary driver of 3 vehicles, the Secretary of State may issue in
16 accordance with this section a set of special veterans registration plates for each vehicle.

17 Each application must be accompanied by the applicant's Armed Forces Report of
18 Transfer or Discharge, DD Form 214, or certification from the United States Veterans
19 Administration or the appropriate branch of the United States Armed Forces verifying the
20 applicant's military service and honorable discharge.

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

23 ~~The Secretary of State may issue a set of special veterans registration plates in the name~~
24 ~~of a company if the company is owned solely by a veteran who qualifies for a veteran~~
25 ~~plate under this section. The qualifying veteran must be the primary driver of the~~
26 ~~company vehicle.~~

27 The surviving spouse of a special veteran plate recipient issued plates in accordance with
28 this subsection may retain and display the special veteran plates as long as the surviving
29 spouse remains unmarried. Upon remarriage, the surviving spouse may not use the
30 special veteran plates on a motor vehicle, but may retain them as a keepsake. Upon the
31 death of the surviving spouse, the family may retain the special veteran plates, but may
32 not use them on a motor vehicle.

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

36 The Secretary of State may issue a set of special veterans registration plates when the
37 qualifying veteran is the primary driver of a company-owned vehicle if:

38 A. The company is owned solely by a veteran who qualifies for a veteran plate under
39 this section;

1 B. The vehicle is leased by a veteran who qualifies for the veteran plate under this
2 subsection; or

3 C. The vehicle is leased by the employer of a veteran who qualifies for the veteran
4 plate and the employer has assigned the vehicle exclusively to the veteran. The
5 employer must attest in writing that the veteran will have exclusive use of the vehicle
6 and agrees to the display of the special veteran plate.

7 **Sec. 8. 29-A MRSA §524, sub-§3**, as enacted by PL 1993, c. 683, Pt. A, §2 and
8 affected by Pt. B, §5, is further amended to read:

9 **3. Pearl Harbor survivors; special license plates.** The Secretary of State, on
10 application and upon evidence of payment of the excise tax required by Title 36, section
11 1482, shall issue, at no fee, a registration certificate and set of special designating plates to
12 be used in lieu of regular registration plates to any person who served in the United States
13 Armed Forces and who was stationed at Pearl Harbor, Oahu, Hawaii during the attack by
14 Japanese forces on December 7, 1941, when that application is accompanied by
15 appropriate military certification verifying the applicant's service at Pearl Harbor during
16 the attack. This special license plate is issued specifically to Pearl Harbor survivors and
17 the privilege of using the special plate is not transferable.

18 These special designating plates must be of a design as determined by the Secretary of
19 State.

20 **Sec. 9. 29-A MRSA §651, sub-§6**, as enacted by PL 2005, c. 678, §6 and
21 affected by §13, is amended to read:

22 **6. Manufactured housing.** ~~Beginning January 1, 2007, the~~ The Secretary of State
23 shall issue certificates of title for new single-unit manufactured housing beginning with
24 model year 2007. ~~Beginning January 1, 2007, the~~ The Secretary of State shall issue a
25 certificate of title for used manufactured housing that was previously issued a State of
26 Maine certificate of title.

27 **Sec. 10. 29-A MRSA §701, sub-§4**, as amended by PL 1995, c. 645, Pt. A, §13,
28 is further amended to read:

29 **4. New certificate.** Upon receipt of the certificate, the application and fee, the
30 Secretary of State shall issue a new certificate containing the name and address of the
31 new lienholders ~~and mail the certificate of title to the owner~~. The Secretary of State shall
32 ~~also mail a certificate of lien,~~ certificate of title or certificate of salvage to the first
33 lienholder.

34 **Sec. 11. 29-A MRSA §1252, sub-§1, ¶C**, as amended by PL 2005, c. 679, §2, is
35 further amended to read:

36 C. A Class C license may be issued for the operation of a single vehicle or a
37 combination of vehicles that does not meet the definition of Class A or Class B
38 license.

39 A holder of a Class C license may, with an appropriate endorsement, operate all
40 vehicles in that class.

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A Class C license authorizes:

- (1) A full-time or volunteer member of an organized municipal, state or federal fire department to operate fire apparatus as described in 49 Code of Federal Regulations, Section 383.3 (2005);
- (2) A person to operate recreational vehicles for personal use;
- (3) A person to operate ~~military vehicles, including National Guard~~ commercial motor vehicles; for military purposes as required in 49 Code of Federal Regulations, Section 383.3 (2005);
- (4) A person to operate registered farm motor trucks bearing the letter "F" on the registration plate when the vehicle is:
 - (a) Controlled and operated by a farmer, including operation by the farmer's employees or family members;
 - (b) Used to transport agricultural products, farm machinery or farm supplies to or from a farm;
 - (c) Not used in the operation of a common or contract motor carrier; and
 - (d) Used within 150 miles of the registered owner's farm;
- (5) A person, employed by a city, town, county, district or other unit of local government created by or pursuant to law that has a total population of 3,000 individuals or less, to operate a commercial motor vehicle within the boundaries of that unit of local government for the purpose of removing snow or ice from a roadway by plowing, sanding or salting, if:
 - (a) The properly licensed employee who ordinarily operates a commercial motor vehicle for those purposes is unable to operate the vehicle; or
 - (b) The employing governmental entity determines that a snow or ice emergency exists that requires additional assistance; or
- (6) A person to operate a truck registered as an antique automobile, regardless of weight or combination weight, provided the vehicle is used for noncommercial recreational purposes or purposes pursuant to section 101, subsection 3.

Sec. 12. 29-A MRSA §2471, sub-§2, ¶C, as amended by PL 2003, c. 286, §5, is further amended to read:

- C. For 90 days on the 3rd or subsequent offense.

Sec. 13. 29-A MRSA §2472, sub-§2, ¶C, as amended by PL 2003, c. 286, §6, is further amended to read:

- C. For 90 days on the 3rd or subsequent offense.

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SUMMARY

This bill:

1. Creates a definition of "sport utility vehicle" for registration purposes and clarifies that a sport utility vehicle may be registered either as an automobile or as a truck. A sport utility vehicle used in a commercial enterprise with a weight in excess of 10,000 pounds must be registered as a truck according to its actual weight;

2. Clarifies that a pickup truck, which by definition has a gross vehicle weight of 6,000 pounds or less, hauling a trailer registered for 2,000 pounds or less may be operated at the combined weight;

3. Makes minor adjustments to the truck registration brackets to create a bracket at 10,000 pounds. Many federal safety requirements become effective at 10,001 pounds;

4. Makes minor adjustments to the farm truck registration brackets to create a bracket at 10,000 pounds. Many federal safety requirements become effective at 10,001 pounds;

5. Clarifies that special veteran vehicle registration plates may be issued to a company under certain conditions;

6. Removes the fee for the Pearl Harbor Survivor vehicle registration plate;

7. Resolves a conflict in implementation dates for the issuance of titles for manufactured housing;

8. Resolves a conflict regarding the mailing of lien certificates;

9. Makes a technical change to ensure compliance with the federal Commercial Motor Vehicle Safety Act of 1986 and regulations adopted thereto;

10. Clarifies that a 3rd or subsequent offense committed by an adult while holding a provisional license requires a 90-day driver license suspension; and

11. Clarifies that a 3rd or subsequent offense committed by a juvenile while holding a provisional license requires a 90-day driver license suspension.