

MAINE STATE LEGISLATURE

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H.P. 683

House of Representatives, March 1, 2007

An Act To Ensure Safety at Motor Vehicle Events

Submitted by the Department of Public Safety pursuant to Joint Rule 204.
Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative HASKELL of Portland.
Cosponsored by Representative: HANLEY of Gardiner.

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

2 **Sec. 1. 8 MRSA §561**, as enacted by PL 1973, c. 662, §2, is repealed and the
3 following enacted in its place:

4 **§561. License required; issuance of license**

5 **1. Definitions.** As used in this chapter, unless the context otherwise indicates, the
6 following terms have the following meanings.

7 A. "Motor vehicle" means a self-propelled land vehicle operating on 3 or more
8 wheels or treads and includes, but is not limited to, an automobile, truck, stock car,
9 go-kart, all-terrain vehicle, motorcycle and dragster.

10 B. "Motor vehicle event" means an activity in which a motor vehicle is operated or
11 displayed for the entertainment of an audience. Such activities include, but are not
12 limited to, thrill shows, demolition derbies, monster truck shows and traveling motor
13 vehicle events.

14 C. "Motor vehicle racing" means an activity involving a motor vehicle when the
15 motor vehicle is operated on a prescribed course or displayed in a competition against
16 another motor vehicle or against a standard or a set of criteria by which a winner is
17 determined or when a point system is used to determine a winner. A standard or a set
18 of criteria by which a winner is determined may include, but is not limited to, a time
19 measurement, a measurement of the precision of vehicle performance or an
20 assessment of the appearance of a vehicle. "Motor vehicle racing" includes, but is not
21 limited to, activities such as on-track racing, drag racing, mud runs, sand drags, all-
22 terrain vehicle racing, technical driving courses, ice racing, go-kart racing, lawn
23 mower racing, practice runs, qualifying heats, winner's runs and demonstration runs.

24 **2. License required.** A person or organization may not operate any type of motor
25 vehicle racing or motor vehicle event within the State unless that person or organization
26 has obtained a license from the Commissioner of Public Safety.

27 **3. Issuance.** A license for the operation of motor vehicle racing or a motor vehicle
28 event may be issued by the Commissioner of Public Safety to the person or organization
29 applying for that license if the commissioner is satisfied that the person or organization
30 has complied with all the provisions of this chapter and all the rules adopted by the
31 commissioner pursuant to section 562 and that the person or organization has furnished
32 the commissioner, in an amount to be determined by the commissioner, a certificate of
33 public liability insurance to cover the losses, damages or injuries that might ensue to
34 persons or property by reason of the operation of motor vehicle racing or a motor vehicle
35 event.

36 **4. License duration.** All licenses issued for the operation of any type of motor
37 vehicle racing or motor vehicle event expire December 31st of each year unless sooner
38 revoked by the Commissioner of Public Safety for violation of any provision of this
39 chapter or for violation of any rule adopted by the commissioner pursuant to section 562.
40 Licenses issued are not transferable or assignable.

1 **Sec. 2. 8 MRSA §562**, as amended by PL 1997, c. 728, §4, is further amended to
2 read:

3 **§562. Rules**

4 The Commissioner of Public Safety shall ~~make~~ adopt, amend or rescind, after ~~public~~
5 ~~hearing~~, notice ~~of which has been duly advertised in the state paper, reasonable in~~
6 accordance with the Maine Administrative Procedure Act, routine technical rules to be
7 enforced with respect to the location, erection, construction and maintenance of
8 grandstands, bleachers, stadiums, arenas, fences, safety barriers or other like structures or
9 spectator areas intended primarily to support or protect spectators during any type of
10 motor vehicle racing or motor vehicle events and with respect to public liability insurance
11 coverage required by section 561.

12 ~~Rules become effective when reviewed for form and legality by the Office of the~~
13 ~~Attorney General and approved in writing by the Commissioner of Public Safety and~~
14 ~~when a certified copy of the rules has been filed with the Secretary of State.~~

15 The Commissioner of Public Safety may waive the requirements of any rules to cover
16 any special circumstances or conditions when the commissioner is satisfied that the
17 special circumstances or conditions provide at least the same amount of safety to
18 spectators at motor vehicle races or motor vehicle events that the rules, the waiver of
19 which is requested, were intended to provide.

20 **Sec. 3. 8 MRSA §563**, as amended by PL 1997, c. 728, §5, is further amended to
21 read:

22 **§563. Fees**

23 The fee for the inspection of all structures or areas where motor vehicle racing or a
24 motor vehicle event operates and the annual license ~~for motor vehicle raceways~~ is may
25 not exceed \$300. The fee permits the holder of ~~any motor vehicle raceway~~ the license to
26 provide entertainment events ~~such as auto thrill shows, motoreycle acts~~ and other
27 spectacular stunts at the licensed ~~raceway~~ motor vehicle racing or motor vehicle event
28 area. These events must be included in the certificate of public liability required pursuant
29 to section ~~562~~ 561. These fees must accompany the application and be credited to a
30 special revenue account to defray expenses in carrying out this section. Any balance of
31 these fees does not lapse but is carried forward as a continuing account to be expended
32 for the same purposes in the following years.

33 **Sec. 4. 8 MRSA §565**, as enacted by PL 1973, c. 662, §2, is amended to read:

34 **§565. Penalties**

35 Any person or organization who operates any type of motor vehicle racing or motor
36 vehicle event without a license duly issued ~~therefor shall be punished by a fine~~ must be
37 fined an amount of not more than \$1,000.

38 Any person or organization who operates any type of motor vehicle racing or motor
39 vehicle event or who locates, erects, constructs or maintains any motor vehicle racing or

1 motor vehicle event structure or spectator area except as provided for in the rules ~~and~~
2 ~~regulations~~ of the Commissioner of Public Safety ~~shall be punished by a fine must be~~
3 fined an amount of not more than \$500 for each offense.

4 **Sec. 5. 8 MRSA §566**, as enacted by PL 1973, c. 662, §2, is amended to read:

5 **§566. Injunctions**

6 In addition to any other remedy set forth in this chapter for the enforcement of this
7 chapter or any rule, ~~regulation~~, order or decision of the Commissioner of Public Safety,
8 the Superior Court ~~shall have~~ has jurisdiction upon complaint filed by the commissioner,
9 or any person duly authorized to act for the commissioner, to restrain or enjoin any
10 person or organization from operating any type of motor vehicle racing or motor vehicle
11 event or doing any act prohibited by this chapter or prohibited by any rule ~~or regulation~~
12 of the commissioner. If it is established upon hearing that the person or organization, or the
13 officers, agents, servants or employees of such a person or organization, charged has been
14 or is operating any type of motor vehicle racing or motor vehicle event in violation of any
15 rule, ~~regulation~~, order or decision of the commissioner, the court shall enter a decree
16 enjoining ~~said that~~ person or organization and the officers, agents, servants and
17 employees of ~~said that~~ person or organization and any other person from further operation
18 of such motor vehicle racing or motor vehicle event. In case of violation of any injunction
19 issued under this section, the court shall summarily try and punish the person for
20 contempt of court. The existence of other civil or criminal remedies ~~shall be no~~ is not a
21 defense to this proceeding. The commissioner or ~~his~~ the commissioner's authorized agent
22 ~~shall is~~ not ~~be~~ required to give or post a bond when making an application for an
23 injunction under this section.

24 **Sec. 6. 8 MRSA §567**, as enacted by PL 1973, c. 662, §2, is repealed.

25 **Sec. 7. Maine Revised Statutes headnote amended; revision clause.** In the
26 Maine Revised Statutes, Title 8, chapter 22, in the chapter headnote, the words "motor
27 vehicle racing" are amended to read "motor vehicle racing and motor vehicle events," and
28 the Revisor of Statutes shall implement this revision when updating, publishing or
29 republishing the statutes.

30 **SUMMARY**

31 This bill makes the laws applicable to motor racing events also applicable to motor
32 vehicle events, which are activities in which a motor vehicle is operated or displayed for
33 the entertainment of an audience.