

MAINE STATE LEGISLATURE

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Date: 06-04-07

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TRANSPORTATION

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**STATE OF MAINE
SENATE
123RD LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 646, L.D. 1817, Bill, "An Act To Strengthen and Clarify Maine's Motor Vehicle Laws"

Amend the bill by striking out all of section 7 and inserting the following:

'Sec. 7. 29-A MRSA §1759, sub-§1, as amended by PL 1999, c. 41, §2, is further amended to read:

1. **Issuance.** A law enforcement officer, an employee of a municipal police department designated by the chief, an employee of a sheriff's department designated by the sheriff, an employee of the ~~State Police~~ Department of Public Safety designated by the Chief of the State Police or an employee of the Bureau of Motor Vehicles designated by the Secretary of State may issue a permit allowing operation of an uninspected vehicle to an inspection station for inspection.'

Amend the bill by striking out all of section 15.

Amend the bill by striking out all of sections 17, 18 and 19 and inserting the following:

'Sec. 17. 29-A MRSA §1916, sub-§3, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

3. **Light transmittance certificate.** The owner or operator of a motor vehicle with tinted windows that are not replaced in accordance with Federal Motor Vehicle Safety Standard 205 or windows covered by or treated with tinting material must acquire a light transmittance certificate and must show the certificate to the inspection mechanic at the time of inspection.

The Chief of the State Police may authorize a person to examine window glazing and tint material to determine compliance with this subsection. A person ~~who, for compensation, installs tinted replacement windows or window tinting materials~~ authorized under this subsection may issue a certificate for a motor vehicle that complies with the light

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1 transmittance standards ~~and shall ensure compliance and issue a certificate for a vehicle~~
 2 ~~on which that person has installed the tinted window or tinting material.~~

3 Upon request, the Bureau of State Police shall provide light transmittance certificates to
 4 ~~persons who, for compensation, install tinted replacement windows or window tinting~~
 5 ~~materials~~ a person authorized to issue a certificate under this subsection. Light
 6 transmittance certificates provided by the Bureau of State Police ~~to installers~~ in
 7 accordance with this subsection remain the property of the State.

8 ~~An installer~~ A person authorized to issue a certificate under this subsection who is
 9 adjudicated of a violation of this section or files an answer of "not contested" to a
 10 summons for a violation of this section shall return all unissued light transmittance
 11 certificates to the Bureau of State Police within 10 days of adjudication or of filing the
 12 answer. The Bureau of State Police may not provide that ~~installer~~ person with light
 13 transmittance certificates for a period of 6 months after the date of adjudication or filing
 14 an answer of "not contested."

15 **Sec. 18. 29-A MRSA §1917, sub-§4, ¶B,** as enacted by PL 1993, c. 683, Pt. A,
16 §2 and affected by Pt. B, §5, is amended to read:

17 B. Readings must be taken in ~~2-adjacent~~ all major tread grooves and must include at
18 least 2 points in each of the grooves not closer than 15 inches.

19 **Sec. 19. 29-A MRSA §2054, sub-§1, ¶B,** as amended by PL 2005, c. 14, §1, is
20 further amended to read:

- 21 B. "Authorized emergency vehicle" means any one of the following vehicles:
- 22 (1) An ambulance;
 - 23 (2) A Baxter State Park Authority vehicle operated by a Baxter State Park
24 ranger;
 - 25 (3) A Bureau of Marine Patrol vehicle operated by a coastal warden;
 - 26 (4) A Department of Conservation vehicle operated by a forest ranger;
 - 27 (5) A Department of Conservation vehicle used for forest fire control;
 - 28 (6) A Department of Corrections vehicle used for responding to the escape of or
29 performing the high-security transfer of a prisoner, juvenile client or juvenile
30 detainee;
 - 31 (7) A Department of Inland Fisheries and Wildlife vehicle operated by a
32 warden;
 - 33 (8) A Department of Public Safety vehicle operated by a capital security officer
34 appointed pursuant to Title 25, section 2908, a state fire investigator or a Maine
35 Drug Enforcement Agency officer;
 - 36 (9) An emergency medical service vehicle;
 - 37 (10) A fire department vehicle;

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- 1 (11) A hazardous material response vehicle, including a vehicle designed to
- 2 respond to a weapon of mass destruction;
- 3 (12) A railroad police vehicle;
- 4 (13) A sheriff's department vehicle;
- 5 (14) A State Police or municipal police department vehicle;
- 6 (15) A vehicle operated by a chief of police, a sheriff or a deputy sheriff when
- 7 authorized by the sheriff;
- 8 (16) A vehicle operated by a municipal fire inspector, a municipal fire chief, an
- 9 assistant or deputy chief or a town forest fire warden;
- 10 (17) A vehicle operated by a qualified deputy sheriff or other qualified
- 11 individual to perform court security-related functions and services as authorized
- 12 by the State Court Administrator pursuant to Title 4, section 17, subsection 15;
- 13 (18) A Federal Government vehicle operated by a federal law enforcement
- 14 officer; and
- 15 (19) A vehicle operated by a municipal rescue chief, deputy chief or assistant
- 16 chief; ;
- 17 (20) An Office of the Attorney General vehicle operated by a detective
- 18 appointed pursuant to Title 5, section 202; and
- 19 (21) A Department of the Secretary of State vehicle operated by a motor vehicle
- 20 investigator.'

21 Amend the bill by inserting after section 20 the following:

22 'Sec. 21. 29-A MRSA §2054, sub-§9, as amended by PL 2003, c. 97, §1, is
23 further amended to read:

24 **9. Stationary vehicles.** The operator of a vehicle passing a stationary authorized
25 emergency vehicle using an emergency light or a stationary wrecker using its authorized
26 lights, with due regard to the safety and traffic conditions, shall:

27 A. Pass in a lane not adjacent to that of the authorized emergency vehicle or
28 wrecker, if possible; or

29 B. If passing in a nonadjacent lane is impossible or unsafe, pass the emergency
30 vehicle or wrecker at a careful and prudent speed reasonable for passing the
31 authorized emergency vehicle or wrecker safely.

32 A violation of this subsection is a traffic infraction for which a minimum fine of \$250
33 must be adjudged.'

34 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
35 section number to read consecutively.

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SUMMARY

This amendment:

- 1. Removes the provision of the bill that would have repealed a law requiring inspection rejection for certain malfunctioning equipment;
- 2. Removes the provision of the bill establishing a 35% net light transmittance standard for side and rear windows. This provision has been addressed in other legislation;
- 3. Clarifies language in the provision of the bill relating to the persons authorized by the Chief of the State Police to examine window glazing and tint material for compliance with laws governing light transmittance;
- 4. Replaces the provision of the bill relating to readings for tire tread wear. The bill required readings to be taken in at least one major tread groove; the amendment requires the readings to be in all major tread grooves;
- 5. Removes the provision of the bill repealing the provision of law dealing with vehicle frame height;
- 6. Clarifies that the Chief of State Police may designate employees of the Department of Public Safety who may not be employees of the State Police to issue permits allowing operation of an uninspected vehicle to an inspection station for an inspection;
- 7. Adds stationary wreckers using authorized lights to the law requiring motorists to use caution when passing stationary emergency vehicles; and
- 8. Adds provisions allowing a detective employed by the Attorney General or motor vehicle investigator to use emergency lights.

FISCAL NOTE REQUIRED
(See attached)



123rd MAINE LEGISLATURE

LD 1817

LR 499(02)

An Act To Strengthen and Clarify Maine's Motor Vehicle Laws

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Transportation

Fiscal Note Required: Yes

Fiscal Note

No net fiscal impact

Correctional and Judicial Impact Statements

This bill establishes and eliminates certain traffic infractions.