

MAINE STATE LEGISLATURE

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No. 1817

S.P. 646

April 3, 2007

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

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

A handwritten signature in black ink, reading "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 Representatives: FISHER of
Brewer, HOGAN of Old Orchard Beach.

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

2 **Sec. 1. 29-A MRSA §1752, sub-§6**, as enacted by PL 1993, c. 683, Pt. A, §2 and
3 affected by Pt. B, §5, is amended to read:

4 **6. Moped or motorized bicycle or tricycle.** A moped or a motorized bicycle or
5 tricycle;

6 **Sec. 2. 29-A MRSA §1753, sub-§1**, as enacted by PL 1993, c. 683, Pt. A, §2 and
7 affected by Pt. B, §5, is amended to read:

8 **1. Inspection required.** Except as provided in subsection 4, a commercial motor
9 vehicle that is required to be registered in this State, is used in intrastate or interstate
10 commerce and ~~that~~ has a gross vehicle weight or gross vehicle weight rating greater than
11 10,000 pounds, including the gross vehicle weight rating or gross weight of any trailer or
12 semitrailer, must be inspected annually pursuant to this chapter. ~~Except as provided in~~
13 subsection 4, a trailer or semitrailer that has a gross vehicle weight or gross vehicle
14 weight rating greater than 7,000 pounds, independent of the towing vehicle, must be
15 inspected annually. ~~A trailer or semitrailer used with a commercial vehicle required to be~~
16 ~~inspected~~ must also be inspected: annually when:

17 A. Engaged in interstate commerce and used with a motor vehicle that has a gross
18 vehicle weight or gross vehicle weight rating greater than 10,000 pounds, including
19 the gross vehicle weight or gross vehicle weight rating of a trailer or semitrailer and
20 load; or

21 B. Except as provided in subsection 4, engaged in intrastate commerce and used with
22 a motor vehicle that has a gross vehicle weight or gross vehicle weight rating greater
23 than 10,000 pounds, including the gross vehicle weight or gross vehicle weight rating
24 of a trailer or semitrailer and load.

25 **Sec. 3. 29-A MRSA §1753, sub-§4, ¶D**, as enacted by PL 1993, c. 683, Pt. A, §2
26 and affected by Pt. B, §5, is amended to read:

27 D. A farm truck or a fish truck exempted under section 1752; ~~and~~

28 **Sec. 4. 29-A MRSA §1753, sub-§4, ¶E**, as enacted by PL 1993, c. 683, Pt. A, §2
29 and affected by Pt. B, §5, is amended to read:

30 E. A trailer or semitrailer displaying a valid certificate of inspection from another
31 state or a federally approved commercial vehicle inspection program until the normal
32 expiration of its certificate of inspection; and

33 **Sec. 5. 29-A MRSA §1753, sub-§4, ¶F** is enacted to read:

34 F. A camp trailer.

35 **Sec. 6. 29-A MRSA §1756, sub-§5**, as enacted by PL 1993, c. 683, Pt. A, §2 and
36 affected by Pt. B, §5, is repealed.

1 **Sec. 7. 29-A MRSA §1757**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected
2 by Pt. B, §5, is repealed.

3 **Sec. 8. 29-A MRSA §1762, sub-§1**, as enacted by PL 1993, c. 683, Pt. A, §2 and
4 affected by Pt. B, §5, is amended to read:

5 **1. Licensing of official inspection stations.** The Chief of the State Police may
6 license garages as ~~part-time or full-time~~ official inspection stations.

7 **Sec. 9. 29-A MRSA §1762, sub-§2**, as enacted by PL 1993, c. 683, Pt. A, §2 and
8 affected by Pt. B, §5, is repealed.

9 **Sec. 10. 29-A MRSA §1762, sub-§2-A** is enacted to read:

10 **2-A. Requirements.** To qualify as an official inspection station, a garage must
11 comply with rules adopted by the Chief of the State Police.

12 **Sec. 11. 29-A MRSA §1762, sub-§4**, as enacted by PL 1993, c. 683, Pt. A, §2
13 and affected by Pt. B, §5, is amended to read:

14 **4. Term of license.** The license is valid for 2 years from ~~January 1st of the year of~~
15 ~~issue~~ the date of final license approval.

16 **Sec. 12. 29-A MRSA §1762, sub-§7**, as enacted by PL 1995, c. 65, Pt. A, §101
17 and affected by §153 and Pt. C, §15, is amended to read:

18 **7. Hearing; appeals.** If a person is aggrieved by the decision of the Chief of the
19 State Police in refusing approval, that person may, within 30 days of notification of
20 refusal to license, request a hearing before the Chief of the State Police or the chief's
21 designee. After the hearing, if an applicant is aggrieved by the final action of the chief,
22 the applicant may appeal the decision in accordance with Title 5, Part 18.

23 **Sec. 13. 29-A MRSA §1763, first ¶**, as amended by PL 2003, c. 633, §3, is
24 further amended to read:

25 Notwithstanding Title 5, section 10003, a State Police officer or employee of the
26 State Police designated as a motor vehicle inspector may immediately suspend or revoke
27 the license issued to any official inspection station or the inspection mechanic certificate
28 issued to any inspecting mechanic for a violation of this chapter or the rules ~~promulgated~~
29 adopted pursuant to section 1769. The penalty for a first offense is a license suspension
30 for a period of up to 6 months. The penalty for a 2nd or subsequent offense is a license
31 suspension for a period of up to one year or license revocation.

32 **Sec. 14. 29-A MRSA §1764, sub-§2, ¶A**, as enacted by PL 1993, c. 683, Pt. A,
33 §2 and affected by Pt. B, §5, is repealed.

34 **Sec. 15. 29-A MRSA §1916, sub-§1, ¶C**, as enacted by PL 1993, c. 683, Pt. A,
35 §2 and affected by Pt. B, §5, is further amended to read:

1 C. A side window or rear window is composed of, covered by or treated with a
2 material that ~~has results in~~ a light transmittance of less than ~~50%~~ 35%; or

3 **Sec. 16. 29-A MRSA §1916, sub-§2, ¶C**, as enacted by PL 1993, c. 683, Pt. A,
4 §2 and affected by Pt. B, §5, is repealed.

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

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

12 The Chief of the State Police may authorize a person to examine window glazing and tint
13 material to determine compliance with this subsection. A person ~~who, for compensation,~~
14 ~~installs tinted replacement windows or window tinting materials~~ authorized under this
15 subsection may issue a certificate for a motor vehicle that complies with the light
16 transmittance standards and shall ensure compliance and issue a certificate for a vehicle
17 on which that person has installed the tinted window or tinting material.

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

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

30 **Sec. 18. 29-A MRSA §1917, sub-§4, ¶B**, as enacted by PL 1993, c. 683, Pt. A,
31 §2 and affected by Pt. B, §5, is further amended to read:

32 B. Readings must be taken in ~~2 adjacent~~ at least one major tread ~~grooves~~ groove
33 and must include at least 2 points ~~in each of the grooves~~ not closer than 15 inches.

34 **Sec. 19. 29-A MRSA §1920**, as amended by PL 2005, c. 276, §2, is repealed.

35 **Sec. 20. 29-A MRSA §2054, sub-§1, ¶E-1** is enacted to read:

36 E-1. "Fire department vehicle" means a vehicle owned by, registered to and
37 maintained by a governmental agency or political subdivision that is equipped and
38 used primarily for response to a fire or emergency situation.

Sec. 21. 29-A MRSA §2057, sub-§10, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

10. Failure to yield; criminal offense. A person commits a Class E crime if ~~that~~ the person operates a vehicle past a yield sign and collides with a vehicle or pedestrian proceeding on the intersecting way.

Sec. 22. 29-A MRSA §2057, sub-§10-A is enacted to read:

10-A. Failure to yield; traffic infraction. A person commits a traffic infraction if the person operates a vehicle past a yield sign and fails to yield the right-of-way to a vehicle or pedestrian proceeding on the intersecting way.

Sec. 23. 29-A MRSA §2251, sub-§1, as amended by PL 1999, c. 61, §1, is further amended to read:

1. Definition. As used in this section, "reportable accident" means an accident on a public way or a place where public traffic may reasonably be anticipated, resulting in bodily injury or death to a person or apparent property damage of \$1,000 or more. Apparent property damage under this subsection must be based upon the market value of the necessary repairs and may not be limited to the current value of the vehicle or property.

SUMMARY

This bill amends the motor vehicle laws to:

1. Add mopeds to the list of vehicles exempt from motor vehicle inspections;
2. Detail the circumstances under which a trailer or semitrailer must be inspected;
3. Repeal certain inspection requirements;
4. Provide that official inspection stations must comply with rules of the Chief of the State Police;
5. Provide when inspection station licenses expire;
6. Clarify that inspection station license appeal hearings may be conducted by a designee of the Chief of the State Police;
7. Clarify penalties with respect to violations by inspection stations or inspection mechanics;
8. Amend the laws regarding reflective and tinted glass;
9. Amend the laws regarding tire tread depths;
10. Repeal a provision applicable to vehicle frame height;

- 1 11. Create a definition for "fire department vehicle";
- 2 12. Establish a traffic infraction for failure to yield; and
- 3 13. Clarify "apparent property damage" in the definition of "reportable accident."