

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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**Legislative Document**

**No. 1445**

S.P. 530

In Senate, April 7, 2009

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### **An Act To Clarify and Strengthen the State's Motor Vehicle Laws**

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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 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 MAZUREK of Rockland and  
Senator: PERRY of Penobscot, Representative: BROWNE of Vassalboro.

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

2 **Sec. 1. 29-A MRSA §555, sub-§2, ¶A-2** is enacted to read:

3 A-2. The bureau may not adopt any rule that exempts motor carriers, vehicles or  
4 drivers transporting hazardous materials of a type or quantity that requires the vehicle  
5 to be marked or placarded in accordance with 49 Code of Federal Regulations, Part  
6 172 from any federal regulation adopted and incorporated by reference into any rule  
7 adopted by the bureau pursuant to this subsection. Notwithstanding paragraph A-1,  
8 the Maine Administrative Procedure Act does not apply to the amendment of any rule  
9 consistent with the prohibition set forth in this paragraph.

10 **Sec. 2. 29-A MRSA §558, sub-§1-B, ¶A,** as amended by PL 2007, c. 703, §15,  
11 is further amended to read:

12 A. Except as provided in paragraphs C ~~and~~ D and E, a person who violates this  
13 subchapter or a rule adopted pursuant to this subchapter commits a Class E crime,  
14 which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

15 **Sec. 3. 29-A MRSA §558, sub-§1-B, ¶B,** as amended by PL 2007, c. 703, §15,  
16 is further amended to read:

17 B. Except as provided in paragraphs C ~~and~~ D and E, a person who knowingly  
18 permits a violation of this subchapter or a rule adopted pursuant to this subchapter  
19 commits a Class E crime.

20 **Sec. 4. 29-A MRSA §558, sub-§1-B, ¶E** is enacted to read:

21 E. A person who violates this subchapter or a rule adopted pursuant to this  
22 subchapter commits a civil violation if the violation is discovered during a  
23 compliance review as that term is defined in 49 Code of Federal Regulations, Part  
24 385.3, unless the compliance review occurs during the course or as a result of a  
25 criminal investigation. A violation under this paragraph is subject to a civil fine,  
26 which must be determined with due consideration of the Federal Motor Carrier Safety  
27 Administration's uniform fine assessment program.

28 **Sec. 5. 29-A MRSA §1761, sub-§6,** as enacted by PL 1993, c. 683, Pt. A, §2 and  
29 affected by Pt. B, §5, is repealed.

30 **Sec. 6. 29-A MRSA §1763, first ¶,** as amended by PL 2007, c. 348, §13, is  
31 further amended to read:

32 Notwithstanding Title 5, section 10003, a State Police officer or employee of the  
33 State Police designated as a motor vehicle inspector may immediately suspend or revoke  
34 the license issued to any official inspection station or the inspection mechanic certificate  
35 issued to any inspecting mechanic for a violation of this chapter or the rules adopted  
36 pursuant to section 1769. ~~The penalty for a first offense is a license suspension for a~~  
37 ~~period of up to 6 months.~~ The penalty for a 2nd or subsequent an offense is a license  
38 suspension for a period of up to one year or license revocation.

1           **Sec. 7. 29-A MRSA §1916, sub-§2, ¶B**, as amended by PL 1997, c. 129, §1, is  
2 further amended to read:

3           B. The provisions of subsection 1, paragraphs C and D do not apply to side windows  
4 behind the operator's seat or the rear window of ~~the following motor vehicles~~ a motor  
5 vehicle, ~~provided that as long as~~ the vehicle is equipped with 2 outside rear view  
6 mirrors, one on each side, adjusted so that the operator has a clear view of the  
7 highway behind the vehicle:

8           ~~(1) A bus that transports passengers for hire;~~

9           ~~(2) A motor vehicle used to transport human remains by a funeral establishment,~~  
10 ~~as described in Title 32, section 1501, or by a medical examiner appointed~~  
11 ~~pursuant to Title 22, section 3022 or 3023;~~

12           ~~(3) A limousine that regularly transports passengers for hire and has a carrying~~  
13 ~~capacity of more than 6 passengers and whose owner is required to obtain an~~  
14 ~~operating permit pursuant to section 552; and~~

15           ~~(4) A multi-purpose vehicle.~~

16           **Sec. 8. 29-A MRSA §1916, sub-§2-A**, as enacted by PL 1997, c. 129, §2, is  
17 repealed.

18           **Sec. 9. 29-A MRSA §1917, sub-§2**, as amended by PL 2005, c. 66, §1, is further  
19 amended to read:

20           **2. Safe tires required.** A motor vehicle may not be operated on a public way unless  
21 it is equipped with tires in safe operating condition. A tire mounted on a motor vehicle is  
22 not considered to be in safe operating condition unless it meets the visual and tread depth  
23 requirements set forth in subsections 3 and 4 ~~and the wheel size requirements in~~  
24 ~~subsection 6, the overall diameter of the wheel with the tire is not 2 inches larger or~~  
25 ~~smaller than the range of sizes recommended by the manufacturer for the model vehicle~~  
26 ~~and the vehicle is in compliance with the frame height requirements provided in section~~  
27 1920.

28           **Sec. 10. 29-A MRSA §1917, sub-§6**, as enacted by PL 2003, c. 146, §1, is  
29 repealed.

30           **Sec. 11. 29-A MRSA §2054, sub-§2, ¶C**, as amended by PL 2007, c. 11, §1, is  
31 further amended to read:

32           C. The use of amber lights on vehicles is governed by the following.

33           (1) A vehicle engaged in highway maintenance or in emergency rescue  
34 operations by civil defense and public safety agencies and a public utility  
35 emergency service vehicle may be equipped with auxiliary lights that emit an  
36 amber light.

37           (2) A wrecker must be equipped with a flashing light mounted on top of the  
38 vehicle in such a manner as to emit an amber light over a 360° angle. The light

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must be in use on a public way or a place where public traffic may reasonably be anticipated when servicing, freeing, loading, unloading or towing a vehicle.

(3) A vehicle engaged in snow removal or sanding operations on a public way must be equipped with and display an auxiliary light that provides visible light coverage over a 360` range. The light must emit an amber beam of light and be equipped with a blinking or strobe light function and have sufficient intensity to be visible at 500 feet in normal daylight. When the left wing of a plow is in operation and extends over the center of the road, an auxiliary light must show the extreme end of the left wing. That light may be attached to the vehicle so that the beam of light points at the left wing. The light illuminating the left wing may be controlled by a separate switch or by the regular lighting system and must be in operation at all times when the vehicle is used for plowing snow on public ways.

(4) A vehicle equipped and used for plowing snow on other than public ways may be equipped with an auxiliary rotary flashing light that must be mounted on top of the vehicle in such a manner as to emit an amber beam of light over a 360` angle, or an amber strobe, or combination of strobes, that emits at a minimum a beam of 50 candlepower and provides visible light coverage over a 360` range. The light may be in use on a public way only when the vehicle is entering the public way in the course of plowing private driveways and other off-highway locations.

(5) A rural mail vehicle may be equipped with auxiliary lights.

(a) The lights used to the front must be white or amber, or any shade between white and amber.

(b) The lights used to the rear must be amber or red, or any shade between amber and red.

(c) The lights, whether used to the front or rear, must be mounted at the same level and as widely spaced laterally as possible.

(d) The lights, whether used to the front or rear, must flash simultaneously.

(e) The lights must be visible from a distance of at least 500 feet in normal daylight.

(6) A vehicle used or provided by a contract security company to assist in traffic control and direction at construction or maintenance sites on a public way may be equipped with amber auxiliary lights.

(7) A Department of Public Safety vehicle operated by a motor carrier inspector or motor vehicle inspector may be equipped with auxiliary lights that emit an amber light.

(8) A vehicle used by an animal control officer appointed pursuant to Title 7, section 3947 may be equipped with auxiliary lights that emit a flashing amber light.

1 (9) A refuse, garbage or trash business vehicle used by an individual to transport  
2 refuse, garbage and trash may be equipped with auxiliary lights that emit a  
3 flashing amber light.

4 (10) A vehicle used by an individual to transport and deliver newspapers may be  
5 equipped with auxiliary lights that emit a flashing amber light.

6 **Sec. 12. 29-A MRSA §2078, last ¶**, as amended by PL 1999, c. 183, §11, is  
7 further amended to read:

8 An operator or pedestrian commits a Class E crime if that operator or pedestrian  
9 refuses to follow the directions for the movement of vehicles or pedestrians on request or  
10 signal of a law enforcement officer or if the operator or pedestrian knowingly refuses to  
11 follow the direction of a sign clearly posted by a law enforcement officer to temporarily  
12 close a way to vehicular traffic or to vehicles of a certain description or to divert  
13 pedestrian or vehicular traffic during a fire, accident, emergency or special event.

14 **Sec. 13. 29-A MRSA §2307, sub-§1**, as amended by PL 2003, c. 633, §7, is  
15 further amended to read:

16 **1. Biannual inspection.** Notwithstanding chapter 15, a school bus must be  
17 inspected biannually by an official inspection station designated by the Chief of the State  
18 Police as a school bus inspection station, ~~biannually during each of the 2 months~~  
19 ~~designated by the State Police in consultation with the Department of Education.~~ An  
20 inspection sticker issued pursuant to this section is valid for no longer than 6 months from  
21 the last day of the month the sticker is issued.

22 **Sec. 14. 29-A MRSA §2307, sub-§2**, as amended by PL 2003, c. 633, §7, is  
23 further amended to read:

24 **2. Additional inspection.** In addition to inspections under subsection 1, a school  
25 bus inspection must be conducted by the State Police at least annually ~~within 3 months~~  
26 ~~following one of the inspections required by subsection 1.~~ During such an inspection, an  
27 officer or employee of the State Police may remove an inspection sticker issued to a  
28 school bus and require the bus to be reinspected for a violation of applicable law or the  
29 rules adopted pursuant to section 1769.

30 **Sec. 15. 29-A MRSA §2307, sub-§3**, as amended by PL 2003, c. 633, §7, is  
31 repealed.

32 **Sec. 16. 29-A MRSA §2358, sub-§2**, as amended by PL 2001, c. 687, §§18 and  
33 19, is further amended to read:

34 **2. Weighing points.** The Chief of the State Police, or a person designated by the  
35 chief, may designate weighing points.

36 A weighing point must have signs:

37 A. Not less than 500 feet from approaching traffic;

1 B. Bearing the words "State Police ~~Truck~~ Commercial Vehicle Check - All Trucks  
2 and Buses Stop";

3 C. Displaying flashing yellow lights, which must operate when the weighing station  
4 is open; and

5 D. Directing operators of vehicles subject to the GVW restrictions to the weighing  
6 point if the weighing point is located on a way that intersects the way where the sign  
7 is located.

8 The placement of signs is prima facie evidence that these signs were displayed in  
9 accordance with this section.

10 An operator of a ~~vehicle~~ bus or truck subject to GVW restrictions who fails to stop at the  
11 weighing point when the signs are operating, unless otherwise directed by a state police  
12 officer, commits a traffic infraction for which a ~~forfeiture~~ fine not to exceed \$500 may be  
13 adjudged.

#### 14 SUMMARY

15 This bill provides that the Department of Public Safety, Bureau of State Police may  
16 not adopt any rule that exempts motor carriers, vehicles or drivers transporting certain  
17 hazardous materials from any federal regulations adopted and incorporated by reference  
18 into a bureau rule.

19 It provides that a person who violates the Maine Revised Statutes, Title 29-A, chapter  
20 5, subchapter 2, or a rule adopted pursuant to that subchapter, commits a civil violation if  
21 the violation is discovered during a compliance review as that term is defined in 49 Code  
22 of Federal Regulations, Part 385.3, unless the compliance review occurs during the  
23 course or as a result of a criminal investigation. Any such violation is subject to a civil  
24 fine, which must be determined with due consideration of the Federal Motor Carrier  
25 Safety Administration's uniform fine assessment program.

26 It clarifies and amends the laws concerning reflective and tinted glass and tires and  
27 wheels.

28 It provides flexibility to the State Police in taking administrative action against a  
29 motor vehicle inspection station's license or motor vehicle inspection mechanic's license  
30 when the inspection station or inspection mechanic violates Maine law or the rules  
31 adopted by the State Police.

32 It allows Department of Public Safety vehicles operated by motor vehicle inspectors  
33 to be equipped with auxiliary lights that emit amber light.

34 It makes it a crime for a motor vehicle operator or pedestrian to knowingly refuse to  
35 follow the direction of a sign clearly posted by a law enforcement officer to temporarily  
36 close a way to vehicular traffic or to vehicles of a certain description or to divert  
37 pedestrian or vehicular traffic during a fire, accident, emergency or special event.

38 It amends the law applicable to school bus inspections.

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It clarifies the law regarding signs that must be posted at weighing points designated by the Chief of the State Police or a person designated by the chief.