

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

SECOND REGULAR SESSION-2010

Legislative Document

No. 1562

S.P. 599

In Senate, December 17, 2009

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 MAZUREK of Rockland and
Representatives: CAREY of Lewiston, MacDONALD of Boothbay.

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

2 **Sec. 1. 12 MRSA §12861, first ¶**, as enacted by PL 2007, c. 532, §1, is amended
3 to read:

4 Notwithstanding section 10001, subsection 28 ~~and Title 29-A, section 552~~, a person
5 licensed to guide hunters under this chapter may employ the services of a person not
6 licensed as a guide to transport hunters along a public or private road in a motor vehicle
7 for the sole purpose of delivering those hunters to a predetermined destination prior to or
8 at the conclusion of the time those hunters are engaged in hunting. For purposes of this
9 section, "motor vehicle" does not include a snowmobile or an all-terrain vehicle.

10 **Sec. 2. 29-A MRSA §502, sub-§2**, as enacted by PL 1993, c. 683, Pt. A, §2 and
11 affected by Pt. B, §5, is repealed.

12 **Sec. 3. 29-A MRSA §521, sub-§14** is enacted to read:

13 **14. Disabled veteran parking.** A person issued a disabled veteran registration
14 pursuant to section 523, subsection 2 is entitled to the parking privileges of this section.

15 **Sec. 4. 29-A MRSA §525, sub-§11**, as amended by PL 1995, c. 645, Pt. B, §12
16 and affected by §24, is further amended to read:

17 **11. Cooperation.** The State Tax Assessor, the Department of Public Safety and the
18 Secretary of State shall cooperate in the issuance of decals, licenses and permits, the
19 processing of tax returns, enforcement of this section and to ensure that timely
20 information is readily available to all enforcement personnel of the status of those in
21 noncompliance with the fuel use tax laws, ~~intrastate and interstate for hire operating~~
22 ~~authority permit requirements~~ and motor vehicle registration laws.

23 Subject to the provisions of Title 36, the State Tax Assessor may delegate to the Secretary
24 of State responsibility for the processing of motor carrier fuel tax returns, motor carrier
25 fuel tax collection and compliance with the administrative requirements of the
26 International Fuel Tax Agreement.

27 **Sec. 5. 29-A MRSA §551, sub-§2, ¶C**, as enacted by PL 1993, c. 683, Pt. A, §2
28 and affected by Pt. B, §5, is amended to read:

29 C. Enable participating states to act cooperatively in the collection of fees ~~and the~~
30 ~~enforcement of insurance requirements;~~ and

31 **Sec. 6. 29-A MRSA §552**, as amended by PL 2009, c. 435, §6, is repealed.

32 **Sec. 7. 29-A MRSA §555, sub-§4**, as amended by PL 2007, c. 505, §2, is further
33 amended to read:

34 **4. Enforcement.** ~~The Secretary of State upon request of the bureau may refuse to~~
35 ~~reissue an identification device for a willful or continued violation of this chapter or a~~
36 ~~regulation of the United States Department of Transportation.~~ Enforcement is as follows.

1 A. ~~The bureau may file a complaint in the District Court seeking revocation or~~
2 ~~suspension of an operating permit.~~

3 B. ~~Notwithstanding Title 5, section 10051, the Secretary of State may suspend a~~
4 ~~license for lack of sufficient insurance.~~

5 A ~~suspension continues until the Secretary of State is satisfied that the carrier has~~
6 ~~obtained adequate insurance.~~

7 ~~Notice and an opportunity for hearing are as provided by the Maine Administrative~~
8 ~~Procedure Act.~~

9 C. A law enforcement officer must investigate an alleged violation of this
10 subchapter or a rule adopted by the bureau or by the United States Department of
11 Transportation, prosecute violators and aid in the enforcement of the provisions of
12 this subchapter.

13 **Sec. 8. 29-A MRSA §556, sub-§1**, as amended by PL 1995, c. 482, Pt. B, §15
14 and affected by §22, is repealed.

15 **Sec. 9. 29-A MRSA §556, sub-§2**, as enacted by PL 1993, c. 683, Pt. A, §2 and
16 affected by Pt. B, §5, is repealed.

17 **Sec. 10. 29-A MRSA §556, sub-§3**, as enacted by PL 1993, c. 683, Pt. A, §2 and
18 affected by Pt. B, §5, is amended to read:

19 **3. Government.** A vehicle engaged, directly or through a contractor, exclusively in
20 construction or maintenance work for the Federal Government, the State, a county or a
21 municipality or an Indian tribe; and

22 **Sec. 11. 29-A MRSA §556, sub-§4**, as enacted by PL 1993, c. 683, Pt. A, §2 and
23 affected by Pt. B, §5, is repealed.

24 **Sec. 12. 29-A MRSA §556, sub-§5**, as amended by PL 1995, c. 482, Pt. B, §15
25 and affected by §22, is repealed.

26 **Sec. 13. 29-A MRSA §556, sub-§6**, as affected by PL 1995, c. 65, Pt. A, §153
27 and amended by Pt. B, §8 and affected by Pt. C, §15, is further amended to read:

28 **6. Passenger vehicles.** While transporting passengers as follows:

29 A. ~~The operation of a motor vehicle under contract with the State, a municipality or~~
30 ~~a school district used in transporting students;~~

31 B. ~~Motor vehicles having a capacity of not more than 6 passengers operated over~~
32 ~~irregular routes and without a fixed schedule;~~

33 C. ~~Motor vehicles owned or operated by or on behalf of hotels and used exclusively~~
34 ~~for the transportation of patrons between hotels and public transportation;~~

35 D. ~~Motor vehicles owned or operated by or on behalf of growers, processors and~~
36 ~~manufacturers of fruit, vegetable or fish products and used in the transportation of~~
37 ~~workers between their homes and places of employment; and~~

1 E. Motor carriers transporting passengers that receive state, municipal or federal
2 subsidies are required to submit their operating name and list of equipment to the
3 bureau and are subject to the rules of the bureau pertaining to safety promulgated
4 under section 555. For the purpose of this section, the term "subsidies" includes
5 assistance that is provided by the State Government, municipal government or
6 Federal Government that is used for purposes of planning to offset operating losses or
7 to acquire capital equipment.

8 ~~"Cooperative use transportation" means the collective use of privately owned vehicles by
9 2 or more people where the providing of transportation is not the primary business of the
10 owner or driver of the vehicle, or both, but is incidental to their livelihood. Cooperative
11 use includes, but is not limited to, shared driving, shared expense car pools, station wagon
12 pools or van pools, employer owned or leased vehicles, including buses that are operated
13 for convenience of the employees, commuter services organized and arranged by
14 employee cooperatives, labor unions, credit unions and neighborhood groups that are
15 operated for the convenience of their members and vehicles operated under the auspices
16 of government sponsored commuter matching services and brokerage programs and
17 individuals or groups providing nonprofit matching and other brokerage type services.~~

18 ~~"For-profit brokerage and matching services" means that the provider of the service
19 neither sets the rates for the service, provides backup transportation, passes upon the
20 qualifications of the drivers of their vehicles, establishes the routes nor collects the fees
21 paid for the service. The business of matching drivers with passengers and the rendering
22 of technical assistance in support of cooperative use transportation is exempt from rules
23 under this chapter.~~

24 ~~"For-profit car pooling and van pooling" means the business of organizing and operating
25 a car pooling or van pooling system. In this context, "car pools and van pools" means any
26 vehicle used in a continuing form of prearranged commuter transportation by a relatively
27 fixed group of 15 persons or fewer for travel between their places of residence and their
28 places of employment. The operation of for-profit car pools and van pools must be
29 incidental to the livelihood or employment of the owner or operators. The business of
30 organizing and operating a car pooling or van pooling system, including the selection and
31 approval of cars, vans and drivers, the fixing and collection of fees, the establishment of
32 routes and the provision of backup transportation, is exempt from rules under this
33 chapter, except for sections 555, 558 and 560.~~

34 **Sec. 14. 29-A MRSA §556, 2nd ¶**, as enacted by PL 1993, c. 683, Pt. A, §2 and
35 affected by Pt. B, §5, is repealed.

36 **Sec. 15. 29-A MRSA §556, 3rd ¶**, as enacted by PL 1993, c. 683, Pt. A, §2 and
37 affected by Pt. B, §5, is repealed.

38 **Sec. 16. 29-A MRSA §556, 4th ¶**, as enacted by PL 1993, c. 683, Pt. A, §2 and
39 affected by Pt. B, §5, is repealed.

40 **Sec. 17. 29-A MRSA §558, sub-§1-A**, as enacted by PL 1995, c. 625, Pt. A, §33,
41 is amended to read:

1 **1-A. Minimum fine.** Notwithstanding Title 17-A, section 1301, the minimum fine
2 for a violation of a state rule that adopts by reference the federal regulations found in 49
3 Code of Federal Regulations, Parts 392, 395.3, 395.8e and 395.8k is \$250. If a minimum
4 fine is provided by any rule adopted pursuant to this subchapter, the court shall impose at
5 least the minimum fine, which may not be suspended by the court.

6 **Sec. 18. 29-A MRSA §558, sub-§1-B, ¶F** is enacted to read:

7 F. A person commits a traffic infraction if that person violates any provision of the
8 Secretary of State's rules adopted pursuant to section 551.

9 **Sec. 19. 29-A MRSA §558, sub-§3**, as enacted by PL 1993, c. 683, Pt. A, §2 and
10 affected by Pt. B, §5, is amended to read:

11 **3. Suspension of registrations.** After receiving notice pursuant to subsection 2, the
12 Secretary of State shall suspend the person's ~~operating authority license~~, all commercial
13 registration certificates and plates and the privilege to operate a commercial motor
14 vehicle in this State. The suspension must remain in effect until the person appears in
15 court and complies with a court order.

16 **Sec. 20. 29-A MRSA §559**, as amended by PL 1995, c. 65, Pt. A, §95 and
17 affected by §153 and Pt. C, §15, is repealed.

18 **Sec. 21. 29-A MRSA §562, sub-§3**, as amended by PL 2001, c. 361, §16, is
19 further amended to read:

20 **3. Powers and duties.** The board shall review the records of motor carriers with
21 significant and repeated motor carrier violations. The board may hold a hearing as part of
22 its review and must hold a hearing if requested by the motor carrier. The board may
23 recommend to the Secretary of State that the motor carrier's ~~operating authority license~~ or
24 privilege to operate commercial vehicles in the State be suspended.

25 **Sec. 22. 29-A MRSA §957, sub-§4**, as amended by PL 2007, c. 5, §2, is further
26 amended to read:

27 **4. Unattended sales promotion.** The Secretary of State may issue to a dealer a
28 permit to operate an unattended sales promotion. A request for an unattended sales
29 promotion must be submitted to the Secretary of State at least 48 hours before the
30 proposed promotion and contain the proposed promotion dates and, if applicable, a copy
31 of a contract between the dealer and the promotion sponsor. The promotion and any use
32 of a location must comply with applicable building codes and zoning and land use
33 ordinances. A new vehicle dealer who requests a permit under this subsection for a
34 promotion involving new vehicles may not locate the promotion outside that dealer's area
35 of responsibility as defined by the dealer's franchise agreement. An equipment dealer or
36 trailer dealer is exempt from this subsection if the sales promotion does not include motor
37 vehicles and does not exceed 90 continuous days. The fee for an unattended sales
38 promotion is:

39 A. Fifty dollars if the promotion runs 7 days or less;

1 B. One hundred dollars if the promotion runs between 8 and 60 days; or

2 C. One hundred fifty dollars if the promotion runs more than 60 days.

3 A dealer who operates an unattended sales promotion at a charity event where a vehicle is
4 displayed as a prize is exempt from the permit fee requirements.

5 **Sec. 23. 29-A MRSA §1611, sub-§3**, as amended by PL 2001, c. 361, §30, is
6 further amended to read:

7 **3. Maintenance of insurance.** The owner or owners of any vehicle subject to this
8 section shall maintain at all times the required amount of insurance or bond during the
9 term of the vehicle's registration. Notwithstanding section 1606, the insurance provider
10 must provide at least 30 days' notice of cancellation of insurance to the Secretary of State.
11 For vehicles registered in this State, the Secretary of State shall immediately suspend or
12 revoke, pursuant to chapter 23, the registration certificate and registration plates of any
13 vehicle for which the insurance or bond in the amounts required is not maintained. Any
14 person whose registration certificate, and registration plates ~~and operating authority~~
15 ~~license~~ have been suspended or revoked pursuant to this section shall immediately return
16 the registration certificate, and registration plates ~~and the operating authority~~ license to
17 the Secretary of State. For vehicles not required to be registered in this State, the
18 Secretary of State shall suspend the person's ~~operating authority license~~ or right to operate
19 in this State.

20 **Sec. 24. 29-A MRSA §1611, sub-§4**, as amended by PL 2009, c. 435, §20, is
21 repealed.

22 **Sec. 25. 29-A MRSA §1611, sub-§5**, as amended by PL 1995, c. 645, Pt. A, §15,
23 is further amended to read:

24 **5. Coverage of insurance or bond.** The required insurance policy or bond must
25 adequately provide liability insurance for the collection of damages for which ~~the holder~~
26 ~~of a permit~~ or the owner of a motor vehicle or vehicles may be liable by reason of the
27 operation of a motor vehicle or vehicles subject to this chapter.

28 **Sec. 26. 29-A MRSA §2356, sub-§8**, as affected by PL 1995, c. 65, Pt. A, §153
29 and enacted by Pt. C, §8 and affected by §15, is amended to read:

30 **8. Suspension of registrations.** After receiving notice pursuant to subsection 7, the
31 Secretary of State shall suspend the person's ~~operating authority license~~, all commercial
32 registration certificates and plates and the privilege to operate a commercial motor
33 vehicle in this State. The suspension remains in effect until the person appears in court
34 and complies with a court order.

35 **Sec. 27. 29-A MRSA §2360, sub-§11**, as corrected by RR 1995, c. 2, §72, is
36 amended to read:

37 **11. Prima facie evidence.** Operation of a vehicle is prima facie evidence that the
38 operation was caused by the person holding ~~the operating authority license~~ from the

1 Secretary of State acting as a motor carrier as determined by the United States
2 Department of Transportation census number.

3 **Sec. 28. 29-A MRSA §2360, sub-§12**, as affected by PL 1995, c. 65, Pt. A, §153
4 and enacted by Pt. C, §10 and affected by §15, is repealed.

5 **Sec. 29. 29-A MRSA §2360, sub-§14**, as affected by PL 1995, c. 65, Pt. A, §153
6 and enacted by Pt. C, §10 and affected by §15, is amended to read:

7 **14. Suspension of registrations.** After receiving notice pursuant to subsection 13,
8 the Secretary of State shall suspend the person's ~~operating authority license~~, all
9 commercial registration certificates and plates and the privilege to operate a commercial
10 motor vehicle in this State. The suspension remains in effect until the person appears in
11 court and complies with a court order.

12 **Sec. 30. 29-A MRSA §2458, sub-§1**, as enacted by PL 1993, c. 683, Pt. A, §2
13 and affected by Pt. B, §5, is amended to read:

14 **1. Suspension or revocation after hearing.** The Secretary of State, after hearing,
15 may suspend or revoke a certificate of title, certificate of registration, license, fuel use
16 decal or ~~operating authority license~~ privilege to operate a commercial motor vehicle for
17 any cause considered by the Secretary of State to be sufficient.

18 **Sec. 31. 29-A MRSA §2458, sub-§2**, as amended by PL 2007, c. 438, §3, is
19 further amended to read:

20 **2. Suspension or revocation without hearing.** The Secretary of State, without
21 preliminary hearing, may suspend or revoke a certificate of title, certificate of
22 registration, license, fuel use decal or ~~operating authority license~~ privilege to operate a
23 commercial motor vehicle of a person on showing by the Secretary of State's records or
24 other sufficient evidence that the person:

25 A. Has committed an offense for which mandatory suspension or revocation of
26 license or registration is required;

27 B. Has been convicted or adjudicated for offenses against traffic regulations
28 governing the movement of vehicles with such frequency as to indicate a disrespect
29 for traffic laws and disregard for the safety of other persons on public ways;

30 C. Is a reckless or negligent driver of a motor vehicle, as established by the demerit
31 point system authorized by subsection 3, a record of accidents or other evidence;

32 D. Is incompetent to drive a motor vehicle;

33 E. Has permitted an unlawful or fraudulent use of a license;

34 F. Has committed an offense in a jurisdiction of the United States or a province
35 that, if committed in this State, would be grounds for suspension or revocation;

36 G. Has been convicted of failing to stop for a police officer;

37 H. Has been convicted of reckless driving or driving to endanger under section
38 2413;

- 1 I. Has failed to appear in court on the day specified, either in person or by counsel,
2 after being ordered to do so to answer any violation of chapter 5, subchapter H 2;
- 3 J. Has failed to provide sufficient proof of ownership or other documentation in
4 support of the person's title claim;
- 5 K. Is subject to action of the Secretary of State pursuant to section 154 or section
6 668;
- 7 L. Has failed to provide proof of payment of the use tax imposed by the United
8 States Internal Revenue Code of 1954, Section 4481, within time periods established
9 by federal statute and regulations;
- 10 M. Has violated a provision of the Commercial Motor Vehicle Safety Act of 1986,
11 Public Law 99-570, Title XII, or rules and regulations promulgated and adopted
12 under that Act;
- 13 N. Has failed to surrender to the Secretary of State a commercial driver's license
14 that has been suspended or revoked;
- 15 O. Has a license, permit or the privilege to apply for or obtain a license suspended
16 or revoked by a jurisdiction of the United States or a province;
- 17 P. Has failed to provide a valid social security number pursuant to section 1301;
- 18 Q. Has, as a condition of bail pursuant to Title 15, chapter 105-A or, if a juvenile,
19 as a condition of release pursuant to Title 15, chapter 505, been ordered not to operate
20 a motor vehicle. If the conditions of bail or release allow a person to operate a motor
21 vehicle only under certain conditions or with restrictions on time, place or purpose,
22 the Secretary of State may, without hearing, issue a restricted license reflecting the
23 restrictions imposed;
- 24 R. Is not in compliance with the conditions and requirements of the federal Uniting
25 and Strengthening America by Providing Appropriate Tools Required to Intercept
26 and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001, Public Law 107-56, 115
27 Stat. 272;
- 28 S. Has failed to deliver or assign the certificate of title upon the request of the
29 Secretary of State;
- 30 T. Has failed to comply with the provisions of Title 36, chapter 459; or
- 31 U. Has failed to provide the information required in section 401, subsection 2.

32 **Sec. 32. 36 MRSA §1483, sub-§13**, as amended by PL 2007, c. 627, §32, is
33 further amended to read:

34 **13. Certain buses.** Buses used for the transportation of passengers for hire in
35 interstate or intrastate commerce, or both, by carriers engaged in furnishing common
36 carrier passenger service ~~under an operating authority license issued pursuant to Title~~
37 ~~29 A, section 552.~~ At the option of the appropriate municipality, those buses may be
38 subject to the excise tax provided in section 1482;

1 **Sec. 33. 36 MRSA §2909, first ¶**, as repealed and replaced by PL 2003, c. 390,
2 §14, is amended to read:

3 A person engaged in furnishing common carrier passenger service ~~under an operating~~
4 ~~authority license issued pursuant to Title 29-A, section 552~~ is entitled to reimbursement
5 of the tax paid on internal combustion engine fuel used by that person in locally
6 encouraged vehicles. For purposes of calculating reimbursement due pursuant to this
7 section, internal combustion engine fuel used in a person's locally encouraged vehicles is
8 presumed to bear the same proportional relationship to internal combustion engine fuel
9 used in all of the person's passenger vehicles that the person's commutation fare revenue
10 derived from service provided by locally encouraged vehicles bears to the person's total
11 passenger fare revenue. "Commutation fare revenue" means revenue attributable to fares
12 of 60¢ or less and fares paid for commutation or season tickets for single trips of less than
13 30 miles or for commutation tickets for one month or less. "Total passenger fare revenue"
14 means all revenue attributable to the claimant's passenger operations. "Locally
15 encouraged vehicles" means buses upon which no excise tax is collected under section
16 1483, subsection 13.

17 **Sec. 34. 36 MRSA §3215, first ¶**, as repealed and replaced by PL 2003, c. 390,
18 §16, is amended to read:

19 A person engaged in furnishing common carrier passenger service ~~under an operating~~
20 ~~authority license issued pursuant to Title 29-A, section 552~~ is entitled to reimbursement
21 of the tax paid on special fuel used by that person in locally encouraged vehicles. For
22 purposes of calculating reimbursement due pursuant to this section, special fuel used in a
23 person's locally encouraged vehicles is presumed to bear the same proportional
24 relationship to special fuel used in all of the person's passenger vehicles that the person's
25 commutation fare revenue derived from service provided by locally encouraged vehicles
26 bears to the person's total passenger fare revenue. "Commutation fare revenue" means
27 revenue attributable to fares of 60¢ or less and fares paid for commutation or season
28 tickets for single trips of less than 30 miles or for commutation tickets for one month or
29 less. "Total passenger fare revenue" means all revenue attributable to the claimant's
30 passenger operations. "Locally encouraged vehicles" means buses upon which no excise
31 tax is collected under section 1483, subsection 13.

32 **Sec. 35. 36 MRSA §3219-A, sub-§1, ¶D**, as enacted by PL 1995, c. 271, §11, is
33 amended to read:

34 D. Detain any motor vehicle for the purpose of inspecting its fuel tanks.
35 Detainment may continue for a reasonable period of time as necessary to determine
36 the amount and composition of the fuel. Designated agents and officers may take and
37 remove samples of fuel in reasonable quantities in order to determine compliance
38 with the provisions of this chapter; and

39 **Sec. 36. 36 MRSA §3219-A, sub-§1, ¶E**, as enacted by PL 1995, c. 271, §11, is
40 amended to read:

1 E. Suspend vehicle registrations in the name of any carrier that has violated the
2 provisions of this chapter and the right to operate as provided in Title 29-A, section
3 2458; ~~and~~.

4 **Sec. 37. 36 MRSA §3219-A, sub-§1, ¶¶**, as enacted by PL 1995, c. 271, §11, is
5 repealed.

6 SUMMARY

7 This bill makes several changes to the motor vehicle laws.

8 1. It repeals the requirement that the prior certificate of registration be returned to the
9 Secretary of State when a registration is transferred or canceled.

10 2. It permits a disabled veteran who has been issued disabled veterans registration
11 plates to park in a disability parking space without the need to obtain a separate disability
12 placard.

13 3. It amends various provisions of law by removing references to motor carrier
14 operating authority.

15 4. It clarifies that a car dealer operating an unattended sales promotion at a charity
16 event is exempt from permit fees when a vehicle is displayed as a prize.

17 5. It updates motor carrier operating authority requirements by removing motor
18 carrier intrastate operating authority requirements and correcting associated references
19 related to insurance and suspension of authority.

20 6. It corrects cross-references to provisions of law repealed in the bill.