

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

SECOND REGULAR SESSION-2012

Legislative Document

No. 1710

H.P. 1262

House of Representatives, December 23, 2011

An Act To Amend the Motor Vehicle Laws

Submitted by the Secretary of State pursuant to Joint Rule 204.

Received by the Clerk of the House on December 21, 2011. Referred to the Committee on Transportation pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative CEBRA of Naples.

Cosponsored by Senator COLLINS of York and

Representatives: McKANE of Newcastle, OLSEN of Phippsburg, Senators: COURTNEY of York, PLOWMAN of Penobscot, THIBODEAU of Waldo, THOMAS of Somerset.

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

2 **Sec. 1. 29-A MRSA §101, sub-§6-B** is enacted to read:

3 **6-B. Autocycle.** "Autocycle" means an enclosed motorcycle having no more than 3
4 wheels in contact with the ground and that:

5 A. Meets the general motorcycle inspection standards, except those standards that do
6 not apply due to the design of the vehicle; and

7 B. Is equipped with:

8 (1) Safety belts for all passengers;

9 (2) A roll bar or enclosed cab;

10 (3) A steering wheel or tiller; and

11 (4) Brakes on at least 2 main wheels.

12 The manufacturer's certificate of origin must state that the vehicle meets the federal
13 specifications for a motorcycle.

14 This subsection is repealed 90 days after the adjournment of the First Regular Session of
15 the 126th Legislature.

16 **Sec. 2. 29-A MRSA §202**, as amended by PL 2001, c. 671, §2, is further amended
17 to read:

18 **§202. Appointment of agents for the issuance of noncommercial driver's license**
19 **renewals, nondriver identification card renewals and duplicates**

20 The Secretary of State may appoint agents authorized ~~solely to issue renewals of~~
21 ~~operator's licenses and to issue noncommercial driver's license renewals, nondriver~~
22 identification card renewals and duplicates of those documents who are stationed at
23 convenient locations in the State. Agents may charge an applicant a fee over the required
24 ~~operator's license fee~~ fees for each renewal or duplicate issued. The agent retains the
25 additional fee and forwards all other fees to the Secretary of State. The Secretary of State
26 shall determine by rule the fee to be charged by an agent under this section. Rules
27 adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter
28 375, subchapter ~~H-A~~ 2-A.

29 ~~Renewal agents~~ Agents appointed pursuant to this section are not authorized to issue
30 registrations ~~or~~ initial operator's noncommercial driver's licenses or initial nondriver
31 identification cards.

32 **Sec. 3. 29-A MRSA §501, sub-§12-A** is enacted to read:

33 **12-A. Autocycles.** The Secretary of State may issue a registration for an autocycle
34 upon application and payment of an annual fee of \$21. The registrant must provide a
35 certificate of title required by section 651, proof of financial responsibility required by
36 section 1601 and evidence of payment of the excise tax as required by Title 36, section
37 1482, subsection 1, paragraph C. An autocycle registered under this section is issued a

1 registration plate with the word "autocycle" instead of "Vacationland." The Secretary of
2 State may issue a facsimile plate for a 60-day period.

3 This subsection is repealed 90 days after the adjournment of the First Regular Session of
4 the 126th Legislature.

5 **Sec. 4. 29-A MRSA §1354, sub-§1, ¶E**, as enacted by PL 1995, c. 505, §15 and
6 affected by §22 and amended by PL 2003, c. 545, §5, is repealed.

7 **Sec. 5. 29-A MRSA §1354, sub-§1, ¶F**, as enacted by PL 1995, c. 505, §15 and
8 affected by §22, is amended to read:

9 F. "Instructor" means a person engaged in teaching driver education ~~in a commercial~~
10 ~~driver education school.~~

11 **Sec. 6. 29-A MRSA §1354, sub-§2**, as enacted by PL 1995, c. 505, §15 and
12 affected by §22, is amended to read:

13 **2. Licenses required.** A person may not operate a driver education school, conduct
14 driver education or act as an instructor ~~or driver education teacher~~ unless licensed by the
15 Secretary of State.

16 A. A Class A driver education school license may be issued to a driver education
17 school that employs Class A or Class B instructors ~~or driver education teachers~~ and
18 that is authorized to teach both the classroom and behind-the-wheel phases of driver
19 education.

20 B. A Class A instructor ~~or driver education teacher~~ license authorizes the holder to
21 teach both the classroom and behind-the-wheel phases of driver education as an
22 employee or affiliate of a licensed driver education school.

23 C. A Class B instructor ~~or driver education teacher~~ license authorizes the holder to
24 teach only the behind-the-wheel phase of driver education as an employee or affiliate
25 of a licensed driver education school.

26 **Sec. 7. 29-A MRSA §1354, sub-§3**, as amended by PL 1997, c. 776, §39, is
27 further amended to read:

28 **3. Commercial driver education school license requirements.** With assistance
29 from the Technical Review Panel established in subsection 6, the Secretary of State shall
30 adopt rules governing the curriculum, facilities, operations, including record-keeping
31 requirements, and issuance and renewal of licenses for noncommercial driver education
32 schools and commercial driver education schools ~~and for driver education teachers~~ and
33 instructors.

34 A. The Secretary of State may not issue a license for a driver education school until
35 the applicant has filed with the Secretary of State a certificate showing that the
36 applicant is covered by an automobile bodily injury and property damage liability
37 insurance policy insuring against any legal liability in accordance with the terms of
38 the policy for personal injury or death of any one person in the sum of \$100,000 and
39 for any number of persons in the sum of \$300,000 and against property damage in the

1 sum of \$100,000 arising from the operation of any vehicle being used in a
2 commercial driver education school. In lieu of that insurance, the applicant may file
3 with the Secretary of State a bond or bonds issued by a surety company authorized to
4 do business in the State in the amount of at least \$100,000 on account of injury to or
5 death of one person and subject to such limits as respects injury to or death of one
6 person, of at least \$300,000 on account of any one accident resulting in injury to or
7 death of more than one person and of at least \$100,000 for damage to property of
8 others. Failure to comply with this subsection is grounds for suspension or
9 revocation of a driver education school license.

10 B. A vehicle used as a training vehicle must be maintained in safe mechanical
11 condition at all times. Each vehicle must be equipped with dual-control foot brakes
12 and, if the vehicle is not equipped with an automatic transmission, dual-control clutch
13 pedals. While being used in actual instruction, a vehicle must be equipped with an
14 identification sign listing the name of the school and a student driver sign.

15 The following vehicles are not required to have dual controls and an identification
16 sign listing the name of the school and a student driver sign:

17 (1) A vehicle that is being used to instruct a person with a disability and is
18 specially equipped for use by a person with a disability; and

19 (2) A vehicle that is being used to instruct a person in possession of a valid
20 Maine driver's license or instruction permit when the vehicle is not provided by
21 the driver education school.

22 **Sec. 8. 29-A MRSA §1354, sub-§4**, as enacted by PL 1995, c. 505, §15 and
23 affected by §22, is amended to read:

24 **4. Instructor license requirements.** With assistance from the Technical Review
25 Panel established in subsection 6, the Secretary of State shall adopt rules governing the
26 issuance and renewal of ~~driver education teacher and~~ instructor licenses. In addition to
27 the requirements established by rule, each applicant must meet the following
28 requirements:

29 A. The applicant must be at least 21 years of age and have a high school diploma or
30 its equivalent;

31 B. The applicant must have at least 4 years of driver experience as a licensed
32 operator;

33 C. The applicant may not have had a license revoked pursuant to chapter 23,
34 subchapter ~~5~~ 5 within the preceding 6-year period;

35 D. The applicant may not have had an OUI as defined in section 2401, subsection 8
36 within the preceding 6-year period;

37 E. The applicant must pass an examination consisting of a knowledge, vision and
38 road test in the type of vehicle for which the license is to be used as prescribed by the
39 Secretary of State; and

40 F. The applicant must complete an educational program prescribed by the Secretary
41 of State.

1 **Sec. 9. 29-A MRSA §1354, sub-§5-A**, as amended by PL 2011, c. 442, §§1 and
2, is further amended to read:

3 **5-A. License fees.** License fees must be paid to the Secretary of State and deposited
4 into the Highway Fund. The following fees apply.

5 A. The fee for a driver education school license is \$125.

6 B. The fee for ~~a driver education teacher or~~ an instructor license is \$100.

7 C. A driver education school license expires one year from the date of issuance. The
8 fee for the renewal of a driver education school license is \$125. ~~A driver education~~
9 ~~teacher or~~ An instructor license expires 2 years from the date of issuance. The fee for
10 the renewal of ~~a driver education teacher or~~ an instructor license is \$100.

11 D. A noncommercial driver education school that offers driver education for course
12 credit and does not charge a fee for driver education is exempt from the license fees
13 required in this subsection. ~~A driver education teacher~~ An instructor employed by
14 and providing driver education only in a school exempt from license fees in
15 accordance with this paragraph is also exempt from license fees required in this
16 subsection.

17 **Sec. 10. 29-A MRSA §1354, sub-§6, ¶A**, as amended by PL 2003, c. 652, Pt. B,
18 §7 and affected by §8, is further amended to read:

19 A. The Secretary of State shall establish the Technical Review Panel that includes
20 representatives from the Department of Education, the Department of Public Safety,
21 law enforcement agencies, the insurance industry, and the motor carrier industry and
22 ~~a driver education teacher and~~ an instructor. The Technical Review Panel shall assist
23 the Secretary of State in developing curriculum and ~~teacher and~~ instructor training
24 and certification.

25 **Sec. 11. 29-A MRSA §1354, sub-§6, ¶C**, as enacted by PL 1995, c. 505, §15
26 and affected by §22, is amended to read:

27 C. The Secretary of State shall develop and implement training programs for the
28 licensing and relicensing of ~~driver education teachers and~~ instructors.

29 **Sec. 12. 29-A MRSA §1354, sub-§6, ¶G**, as enacted by PL 1995, c. 505, §15
30 and affected by §22, is amended to read:

31 G. The Secretary of State shall investigate written complaints regarding the activities
32 of driver education schools and ~~driver education teachers and~~ instructors.

33 **Sec. 13. 29-A MRSA §1354, sub-§7**, as enacted by PL 1995, c. 505, §15 and
34 affected by §22 and amended by PL 1999, c. 547, Pt. B, §78 and affected by §80, is
35 further amended to read:

36 **7. Penalties.** A person who conducts driver education, operates a driver education
37 school or acts as ~~a driver education teacher or~~ an instructor without a license is guilty of a
38 Class E crime. The State may bring an action in Superior Court to enjoin any person
39 from violating this chapter, regardless of whether proceedings have been or may be

1 instituted in the District Court or whether criminal proceedings have been or may be
2 instituted.

3 **Sec. 14. 29-A MRSA §1354, sub-§8**, as enacted by PL 1995, c. 505, §15 and
4 affected by §22, is amended to read:

5 **8. Suspension or revocation of license; hearings.** The Secretary of State may
6 suspend, revoke or refuse to issue or renew a driver education school ~~or driver education~~
7 ~~teacher~~ or instructor license for noncompliance with statutory and regulatory
8 requirements. A person refused a license or whose license is suspended or revoked may
9 request a hearing with the Secretary of State. A requested hearing must be conducted
10 pursuant to chapter 23, subchapter ~~H~~ 2, article 3.

11 **Sec. 15. 29-A MRSA §2382, sub-§5**, as repealed and replaced by PL 2011, c.
12 356, §23, is amended to read:

13 **5. Long-term permits.** The Secretary of State may grant permits for up to one year
14 for trucks, truck tractors, semitrailers and Class A special mobile equipment. ~~The fee for~~
15 ~~an overlimit permit is \$25 per month.~~ The Secretary of State, in consultation with the
16 Commissioner of Transportation, shall establish the fee schedule by rule. Rules adopted
17 pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375,
18 subchapter 2-A.

19 **Sec. 16. 36 MRSA §1482, sub-§1, ¶C**, as amended by PL 2001, c. 671, §32, is
20 further amended to read:

21 C. For the privilege of operating a motor vehicle or camper trailer on the public
22 ways, each motor vehicle, other than a stock race car, or each camper trailer to be so
23 operated is subject to excise tax as follows, except as specified in subparagraph ~~(3)~~
24 ~~(4)~~: a sum equal to 24 mills on each dollar of the maker's list price for the first or
25 current year of model, 17 1/2 mills for the 2nd year, 13 1/2 mills for the 3rd year, 10
26 mills for the 4th year, 6 1/2 mills for the 5th year and 4 mills for the 6th and
27 succeeding years. The minimum tax is \$5 for a motor vehicle other than a bicycle
28 with motor attached, \$2.50 for a bicycle with motor attached, \$15 for a camper trailer
29 other than a tent trailer and \$5 for a tent trailer. The excise tax on a stock race car is
30 \$5.

31 (1) On new registrations of automobiles, trucks and truck tractors, the excise tax
32 payment must be made prior to registration and is for a one-year period from the
33 date of registration.

34 (2) Vehicles registered under the International Registration Plan are subject to an
35 excise tax determined on a monthly proration basis if their registration period is
36 less than 12 months.

37 ~~(3) For commercial vehicles manufactured in model year 1996 and after, the~~
38 ~~amount of excise tax due for trucks or truck tractors registered for more than~~
39 ~~26,000 pounds and for Class A special mobile equipment, as defined in Title~~
40 ~~29 A, section 101, subsection 70, is based on the purchase price in the original~~
41 ~~year of title rather than on the list price. Verification of purchase price for the~~

1 application of excise tax is determined by the initial bill of sale or the state sales
2 tax document provided at point of purchase. The initial bill of sale is that issued
3 by the dealer to the initial purchaser of a new vehicle.

4 (4) When a person registers a truck or truck tractor with a registered weight of
5 more than 26,000 pounds or Class A special mobile equipment, as defined in
6 Title 29-A, section 101, subsection 70, the amount of excise tax due from that
7 person is based on:

8 (a) For the first 6 years, the purchase price of that truck, truck tractor or
9 Class A special mobile equipment in the original year of title; and

10 (b) For the 7th and subsequent years, the list price of that truck, truck tractor
11 or Class A special mobile equipment.

12 Verification of purchase price for the application of excise tax is determined by
13 the initial bill of sale or the state sales tax document provided at point of
14 purchase. The initial bill of sale is that issued by the dealer to the initial
15 purchaser of a new vehicle.

16 For motor vehicles being registered pursuant to Title 29-A, section 405, subsection 1,
17 paragraph C, the excise tax must be prorated for the number of months in the
18 registration.

19 SUMMARY

20 This bill:

21 1. Changes the repeal date for autocycle registrations to coincide with changes made
22 in Public Law 2011, chapter 356;

23 2. Current law allows the Secretary of State to appoint agents to issue renewals of
24 operator's licenses. This bill allows appointed agents to renew nondriver identification
25 cards in addition to noncommercial driver's licenses and to issue duplicates of those
26 documents;

27 3. Removes obsolete language referencing "driver education teachers";

28 4. Requires the Secretary of State, in consultation with the Commissioner of
29 Transportation, to establish by rule the fees for vehicles covered by long-term overlimit
30 permits; and

31 5. Limits to the first 6 years of registration the basing of the excise tax on the
32 purchase price, rather than the list price, of a truck or a truck tractor weighing more than
33 26,000 pounds or Class A special mobile equipment.