

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1392

S.P. 494

In Senate, April 10, 2013

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 black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator MAZUREK of Knox.
Cosponsored by Representative THERIAULT of Madawaska and
Senator: VALENTINO of York, Representatives: NUTTING of Oakland, POWERS of Naples,
TURNER of Burlington, VILLA of Harrison, WERTS of Auburn.

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

2 **PART A**

3 **Sec. A-1. 29-A MRSA §453, sub-§4**, as enacted by PL 1993, c. 683, Pt. A, §2
4 and affected by Pt. B, §5, is repealed.

5 **Sec. A-2. 29-A MRSA §457**, as amended by PL 2005, c. 321, §§2 and 3 and
6 affected by §6, is further amended to read:

7 **§457. Hobbyist registration plates**

8 **1. Hobbyist registration plates authorized.** The Secretary of State may issue
9 hobbyist registration plates for antique autos, custom vehicles, horseless carriages, street
10 rods or antique motorcycles. These plates must bear the inscription "Maine" and the
11 inscription "Antique Auto," "Custom Vehicle," "Horseless Carriage" or "Street Rod" or,
12 for antique motorcycles, the inscription "Antique."

13 **3. Contemporary plates.** An owner of an antique auto, horseless carriage, street rod
14 or antique motorcycle may use registration plates that were issued in the same year the
15 antique vehicle was manufactured, as long as the motor vehicle:

- 16 A. Is over 25 years old;
- 17 B. Is registered as an antique vehicle; and
- 18 C. Carries a valid antique motor vehicle registration certificate and plates.

19 **4. Display of contemporary plates.** Contemporary registration plates must have
20 matching plate numbers, be affixed to both the front and rear and conspicuously bear the
21 year of manufacture.

22 **5. Street rod standards.** The Chief of the State Police shall establish standards to
23 qualify vehicles as street rods. These standards include:

- 24 A. The age of the vehicle;
- 25 B. The equipment and its condition; and
- 26 C. Permissible modifications.

27 **6. Application.** An application for registration of a vehicle under this section must
28 be accompanied by an affidavit that includes a statement indicating the year and make of
29 the motor vehicle and that the vehicle is garaged or maintained in the State.

30 **7. Registration fee.** The fee for registration of an antique auto, horseless carriage or
31 antique motorcycle is \$15. The fee for registration of a street rod is \$30.

32 **Sec. A-3. 29-A MRSA §515-B, sub-§3**, as enacted by PL 1999, c. 734, §1, is
33 amended to read:

1 **3. Design.** The Secretary of State shall determine the design of the Purple Heart
2 motorcycle registration plate. Upon request and as provided by section 453, the Secretary
3 of State shall issue Purple Heart motorcycle registration plates that are also vanity plates.
4 Purple Heart vanity plates are issued in accordance with this section and section 453. The
5 annual service fee of ~~\$15~~ \$25 for vanity plates is credited to the Highway Fund.

6 **Sec. A-4. 29-A MRSA §957, sub-§2**, as enacted by PL 1997, c. 437, §26, is
7 amended to read:

8 **2. Secondary location license.** The Secretary of State may issue to a dealer a
9 license to operate at a secondary location ~~within one mile of the dealer's primary location~~.
10 For the purposes of this subsection, "secondary location" means a display area that
11 complies with applicable building codes and zoning and land use ordinances, is large
12 enough to display at least 2 vehicles and contains signs posting the business's name and
13 operating hours. The annual fee for a secondary location license is \$100.

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

16 **3. Antique autos.** An antique auto ~~registered under section 457~~;

17 **Sec. A-6. 29-A MRSA §2556, sub-§5**, as amended by PL 2005, c. 606, Pt. B, §7,
18 is further amended to read:

19 **5. Eligibility.** If a conviction is based on former section 2551 or section 2551-A,
20 subsection 1, paragraph ~~B~~ A, subparagraph ~~(2)~~, the person must have completed the
21 period of suspension required for the OUI conviction and the Secretary of State must
22 have received written notice that the person has satisfactorily completed the alcohol and
23 drug program.

24 **PART B**

25 **Sec. B-1. 7 MRSA §2900, sub-§12**, as enacted by PL 1999, c. 679, Pt. A, §1, is
26 amended to read:

27 **12. Milk transport tank.** "Milk transport tank" means a vehicle, including the truck
28 and tank, used by a bulk milk hauler and sampler or milk tank ~~truck~~ vehicle driver to
29 transport bulk shipments of milk from a milk plant, receiving station or transfer station to
30 another milk plant, receiving station or transfer station.

31 **Sec. B-2. 16 MRSA §614, sub-§3, ¶D**, as amended by PL 2009, c. 181, §2, is
32 further amended to read:

33 D. A victim or victim's agent or attorney, subject to reasonable limitations to protect
34 the interest described in subsection 1; ~~or~~

35 **Sec. B-3. 16 MRSA §614, sub-§3, ¶E**, as enacted by PL 2009, c. 181, §3, is
36 amended to read:

1 E. An advocate, as defined in section 53-B, subsection 1, paragraph A, with a
2 specific agreement with a criminal justice agency and subject to reasonable
3 limitations to protect the interests described in subsection 1. An agreement between
4 an advocate and a criminal justice agency must, at a minimum, include provisions
5 that:

6 (1) Permit the advocate to use reports or records that contain intelligence and
7 investigative information for the purpose of planning for the safety of the victim
8 named in the reports;

9 (2) Prohibit the advocate from further disseminating reports or records that
10 contain intelligence and investigative information;

11 (3) Require the advocate to ensure that reports or records that contain
12 intelligence and investigative information remain secure and confidential;

13 (4) Require the advocate to destroy reports or records that contain intelligence
14 and investigative information within 30 days after receiving the report or record;

15 (5) Permit the criminal justice agency to perform reasonable and appropriate
16 audits in order to ensure that records containing intelligence and investigative
17 information that are obtained by and that are in the custody of the advocate are
18 maintained in accordance with the requirements of this paragraph;

19 (6) Require the advocate to indemnify and hold harmless the criminal justice
20 agency with respect to any litigation that may result from the provision of reports
21 or records that contain intelligence and investigative information;

22 (7) Permit the criminal justice agency to immediately and unilaterally revoke an
23 agreement made pursuant to this paragraph; and

24 (8) Provide sanctions for any violations of this paragraph.

25 The Commissioner of Public Safety may adopt a model policy to standardize the
26 provisions contemplated in this paragraph; ~~or~~

27 **Sec. B-4. 16 MRSA §614, sub-§3, ¶F** is enacted to read:

28 F. The Secretary of State for use in the determination and issuance of a suspension of
29 a driver's license.

30 **Sec. B-5. 22 MRSA §2660-A, sub-§1**, as enacted by PL 1987, c. 531, §1, is
31 amended to read:

32 **1. Prohibition.** Except as otherwise provided in this section, ~~no~~ a person may not
33 transport water for commercial purposes by pipeline or other conduit or by tank ~~truck~~
34 vehicle or in a container, greater in size than 10 gallons, beyond the boundaries of the
35 municipality or township in which water is naturally located or any bordering
36 municipality or township.

37 **Sec. B-6. 29-A MRSA §101, sub-§11**, as enacted by PL 1993, c. 683, Pt. A, §2
38 and affected by Pt. B, §5, is amended to read:

1 **11. Bus.** "Bus" means a motor vehicle designed for carrying more than ~~45~~ 16
2 persons, including the operator.

3 **Sec. B-7. 29-A MRSA §101, sub-§16**, as enacted by PL 1993, c. 683, Pt. A, §2
4 and affected by Pt. B, §5, is amended to read:

5 **16. Commercial driver's license.** "Commercial driver's license" means a license
6 ~~authorizing~~ issued to an individual by this State or another jurisdiction of domicile that
7 authorizes the individual to operate a class of commercial motor vehicle.

8 **Sec. B-8. 29-A MRSA §101, sub-§16-A** is enacted to read:

9 **16-A. Commercial learner's permit.** "Commercial learner's permit" means a permit
10 issued to an individual by this State or another jurisdiction of domicile that, when carried
11 with a valid driver's license issued by the same state or jurisdiction, authorizes the
12 individual to operate a class of a commercial motor vehicle when accompanied by a
13 holder of a valid commercial driver's license for purposes of behind-the-wheel training.
14 When issued to a commercial driver's license holder, a commercial learner's permit serves
15 as authorization for accompanied behind-the-wheel training in a commercial motor
16 vehicle for which the holder's current commercial driver's license is not valid.

17 **Sec. B-9. 29-A MRSA §101, sub-§17**, as amended by PL 2003, c. 434, §2 and
18 affected by §37, is further amended to read:

19 **17. Commercial motor vehicle.** "Commercial motor vehicle" means a motor
20 vehicle ~~that~~ or combination of motor vehicles used in commerce to transport passengers
21 or property if the motor vehicle:

22 A. Has a gross ~~vehicle~~ combination weight rating or a registered weight of 26,001 or
23 more pounds inclusive of a towed unit or units with a gross weight rating of more
24 than 10,000 pounds;

25 B. Is a bus; ~~or~~

26 C. Is of any size and is used in the transportation of hazardous any materials
27 requiring that have been designated as hazardous under 49 United States Code,
28 Section 5103 and require placarding under the federal Hazardous Materials
29 Transportation Act and related regulations in 49 Code of Federal Regulations, Part
30 172, Subpart F or any quantity of a material listed as a select agent or toxin in 42
31 Code of Federal Regulations, Part 73-; or

32 D. Has a gross vehicle weight rating or gross vehicle weight of 26,001 or more
33 pounds.

34 **Sec. B-10. 29-A MRSA §101, sub-§28-A**, as repealed and replaced by PL 2005,
35 c. 433, §2 and affected by §28, is amended to read:

36 **28-A. Immediate family member.** "Immediate family member" means a
37 grandparent, stepgrandparent, parent, stepparent, brother, stepbrother, sister, stepsister,
38 child, stepchild ~~or~~, spouse or such analogous family members as may be connected via
39 the operation of a family foster home as defined in Title 22, section 8101, subsection 3.

1 **Sec. B-11. 29-A MRSA §101, sub-§78-B** is enacted to read:

2 **78-B. Tank vehicle.** "Tank vehicle" means a commercial motor vehicle that is
3 designed to transport liquid or gaseous materials within a tank or tanks having an
4 individual rated capacity of more than 119 gallons and an aggregated rated capacity of
5 1,000 gallons or more that is either permanently or temporarily attached to the vehicle or
6 the chassis. "Tank vehicle" does not include a commercial motor vehicle transporting an
7 empty storage container tank, not designed for transportation of liquid or gaseous
8 materials, with a rated capacity of 1,000 gallons or more that is temporarily attached to a
9 flatbed trailer.

10 **Sec. B-12. 29-A MRSA §251, sub-§1**, as amended by PL 2003, c. 434, §4 and
11 affected by §37, is further amended to read:

12 **1. Records required to be kept.** The Secretary of State shall keep a record of
13 applications for driver's licenses, motor vehicle registrations and certificates of title; and
14 of issued driver's licenses, ~~instruction~~ learner's permits, motor vehicle registrations and
15 certificates of title.

16 **Sec. B-13. 29-A MRSA §1251, sub-§6, ¶A**, as amended by PL 1995, c. 65, Pt.
17 A, §99 and affected by §153 and Pt. C, §15, is further amended to read:

18 A. A nonresident who is 16 years of age or older and who has in that person's
19 possession a valid license or ~~instruction~~ learner's permit issued by that person's state
20 or province. A nonresident operator shall adhere to all restrictions applied to the
21 license or ~~instruction~~ learner's permit issued by that person's state or province. A
22 nonresident who is not yet 16 years of age may not operate a motor vehicle;

23 **Sec. B-14. 29-A MRSA §1252, sub-§1, ¶¶A and B**, as enacted by PL 1993, c.
24 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

25 A. A Class A license may be issued for the operation of a combination of vehicles
26 with a gross vehicle weight rating ~~or registered weight~~ of 26,001 or more pounds, if
27 the gross vehicle weight rating or gross weight of the vehicles being towed is in
28 excess of 10,000 pounds.

29 A holder of a Class A license may, with an appropriate endorsement, operate a
30 vehicle in Class B or C;

31 B. A Class B license may be issued for the operation of a single motor vehicle with
32 a gross vehicle weight rating ~~or registered weight~~ of 26,001 or more pounds or such a
33 vehicle towing a vehicle with a gross vehicle weight rating or gross weight not in
34 excess of 10,000 pounds.

35 A holder of a Class B license may, with an appropriate endorsement, operate a
36 vehicle in Class C; and

37 **Sec. B-15. 29-A MRSA §1252, sub-§5**, as enacted by PL 1993, c. 683, Pt. A, §2
38 and affected by Pt. B, §5, is amended to read:

1 **5. Immediate examination.** An applicant for a Class A or Class B license who
2 provides satisfactory evidence that an immediate examination is needed for employment
3 purposes must be examined within 10 days of notification.

4 This subsection is repealed July 8, 2014.

5 **Sec. B-16. 29-A MRSA §1253, sub-§3**, as amended by PL 2003, c. 434, §16 and
6 affected by §37, is further amended to read:

7 **3. Endorsements for double or triple trailers, buses, tank vehicles or hazardous**
8 **materials.** Operation of a double or triple trailer, bus or tank ~~truck~~ vehicle requiring a
9 commercial driver's license or a vehicle carrying hazardous materials requiring a placard
10 requires a special endorsement on a commercial license.

11 An endorsement may be made under this subsection only after the applicant has
12 successfully passed the examination for the specific vehicle.

13 To retain a hazardous material endorsement on renewal of a commercial license, a
14 reexamination of the hazardous material written test is required.

15 A person who applies for or receives a hazardous material endorsement must comply
16 with the conditions and requirements of the federal Uniting and Strengthening America
17 by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA
18 PATRIOT ACT) Act of 2001, Public Law 107-56, 115 Stat. 272.

19 **Sec. B-17. 29-A MRSA §1254, sub-§3**, as amended by PL 2005, c. 577, §17, is
20 further amended to read:

21 **3. Motorized bicycle, tricycle or scooter operator.** A motorized bicycle or tricycle
22 or motorized scooter may only be operated by a person who possesses a valid license of
23 any class, ~~an instruction~~ a learner's permit or a license endorsed for a motorcycle or
24 moped. The Secretary of State may not require the operator of a motorized bicycle or
25 tricycle or motorized scooter to obtain a license endorsed for a motorcycle or moped.

26 **Sec. B-18. 29-A MRSA §1301, sub-§4**, as enacted by PL 1993, c. 683, Pt. A, §2
27 and affected by Pt. B, §5, is amended to read:

28 **4. Examination.** An applicant must pass a physical examination by actual
29 demonstration of ability to operate a motor vehicle and a written examination. Failure to
30 complete the driving test within ~~18 months~~ the term of receiving an instruction a learner's
31 permit requires reexamination for the permit.

32 **Sec. B-19. 29-A MRSA §1304**, as amended by PL 2011, c. 654, §2, is further
33 amended to read:

34 **§1304. Learner's permits**

35 **1. Learner's permits.** The following provisions apply to ~~instruction~~ learner's
36 permits.

37 A. A person who is 15 years of age or older may apply for ~~an instruction~~ a learner's
38 permit, except that a person who is 15 years of age or older and has not attained 18

1 years of age must complete a course in driver education before applying for ~~an~~
2 ~~instruction~~ a learner's permit.

3 B. After an applicant has successfully passed all parts of an examination other than
4 the driving test, the Secretary of State may issue ~~an instruction~~ a learner's permit.

5 C. The learner's permit entitles the permittee to drive a motor vehicle on the public
6 ways. The ~~permittee~~ permittee must have the learner's permit in immediate possession
7 while driving on the public ways.

8 D. The learner's permit is valid for a period of 2 years.

9 E. Unless the permittee is operating a motorcycle or moped, the learner's permit
10 requires the permittee to be accompanied by a licensed operator who:

11 (1) Has held a valid license for at least 2 years;

12 (2) Is at least 20 years of age;

13 (3) Is occupying a seat beside the driver; and

14 (4) Is licensed to operate the class vehicle operated by the permittee.

15 The accompanying operator must adhere to all restrictions applied to the license
16 when functioning as the permittee's accompanying operator.

17 F. The Secretary of State may issue a restricted ~~instruction~~ learner's permit to an
18 applicant who is enrolled in a driver education program that includes practice driving.
19 That permit is valid:

20 (1) For a school year or other specified period; and

21 (2) Only when the permittee is accompanied by a driver education teacher or a
22 commercial driver education instructor, licensed by the Secretary of State under
23 subchapter 3.

24 An applicant with a physical, mental or emotional condition that impairs the safe
25 operation of a motor vehicle may operate on a restricted ~~instruction~~ learner's permit
26 without being enrolled in a driver education program for the purpose of an initial
27 behind-the-wheel assessment. The driver education teacher or commercial driver
28 education instructor must be licensed as an occupational or physical therapist with the
29 Department of Professional and Financial Regulation.

30 H. A person under 21 years of age may not apply for a license unless:

31 (1) A period of 6 months has passed from the date the person was issued ~~an~~
32 ~~instruction~~ a learner's permit; and

33 (2) The person has completed a minimum of 35 hours of driving, including 5
34 hours of night driving, while accompanied by a parent, guardian or licensed
35 driver at least 20 years of age. The parent, stepparent or guardian, or a spouse or
36 employer pursuant to section 1302, subsection 1, paragraphs B and C, must
37 certify the person's driving time on a form prescribed by the Secretary of State.
38 A parent, stepparent, guardian, spouse or employer who certifies a driving log
39 pursuant to this subsection and was not the licensed driver accompanying the
40 applicant must provide the name and address of the licensed driver who

1 accompanied the applicant for the majority of the 35 hours of driving. The
2 Secretary of State may complete the certification for an applicant at least 18 years
3 of age and who has no parent, stepparent, guardian, spouse or employer if the
4 applicant provides the name and address of the licensed driver who accompanied
5 the applicant for the majority of the 35 hours of driving.

6 A person 21 years of age or older is not required to submit certification of driving
7 time to the Secretary of State.

8 I. A person who has been issued ~~an instruction~~ a learner's permit may not operate a
9 motor vehicle while using a mobile telephone. For the purpose of this paragraph,
10 "mobile telephone" means a device used to access a wireless telephone service.

11 A person who violates this paragraph commits a traffic infraction.

12 **2. Motorcycle and moped.** The following provisions apply to ~~instruction~~ learner's
13 permits for the operation of motorcycles or mopeds.

14 A. A person must be at least 16 years of age to apply for a motorcycle or moped
15 ~~instruction~~ learner's permit.

16 B. An applicant must pass a vision test and a knowledge test related specifically to
17 the safe operation of a motorcycle or moped.

18 C. An applicant for a motorcycle permit must complete a motorcycle driver
19 education program as required by section 1352.

20 D. ~~An instruction~~ A learner's permit is valid for 2 years.

21 E. Failure to complete the driving test within 2 years from the date of issuance of ~~an~~
22 ~~instruction~~ a learner's permit requires reexamination for a subsequent ~~instruction~~
23 learner's permit to be issued.

24 G. ~~An instruction~~ A learner's permit allows the holder to operate a motorcycle or
25 moped only during daylight hours. That permit does not allow the holder to carry a
26 passenger.

27 H. The fee for a motorcycle or moped ~~instruction~~ learner's permit and the first road
28 test is ~~\$10~~ \$12. The fee for a subsequent examination is ~~\$5~~ \$7.

29 **3. Bus.** The following provisions apply to ~~instruction~~ learner's permits for the
30 operation of a bus.

31 A. A person must be at least 21 years of age to apply for a bus ~~instruction~~ learner's
32 permit.

33 B. An applicant must pass a vision test and a knowledge test on the safe operation of
34 a bus.

35 C. The ~~instruction~~ learner's permit entitles the permittee, as long as the permit is in
36 the permittee's immediate possession, to drive a bus on a public way. The permit
37 expires one year after the date of issuance.

38 The permittee must be accompanied by a licensed bus operator who has at least one
39 year of bus driving experience and is at least 22 years of age.

1 The accompanying operator must occupy a seat in the immediate vicinity of the
2 driver and no other passengers may be allowed on the bus.

3 This subsection is repealed July 8, 2014.

4 **4. School bus.** The following provisions apply to ~~instruction~~ learner's permits for
5 the operation of school buses.

6 A. A person must be at least 21 years of age to apply for a school bus ~~instruction~~
7 learner's permit to operate a school bus.

8 B. An applicant must meet the school bus operator requirements of this Title and
9 must pass a vision test and a knowledge test on the safe operation of a school bus.

10 C. The ~~instruction~~ learner's permit entitles the permittee, as long as the permit is in
11 the permittee's immediate possession, to drive a school bus on a public way. The
12 permit is valid for one year.

13 (1) The permittee must be accompanied by a licensed school bus operator who
14 has at least one year of driving experience and is at least 22 years of age.

15 (2) The accompanying operator must occupy a seat in the immediate vicinity of
16 the permittee and, except other persons who have been issued a school bus
17 ~~instruction~~ learner's permit, no other passengers may be allowed on the bus.

18 This subsection is repealed July 8, 2014.

19 **4-A. Commercial learner's permit.** The following provisions apply to commercial
20 learner's permits.

21 A. The commercial learner's permit holder must be at all times accompanied in a
22 commercial motor vehicle of the class sought for licensed operation by the holder of
23 a valid commercial driver's license with the commercial driver's license class and
24 endorsements necessary to operate the commercial motor vehicle. The commercial
25 driver's license holder shall at all times be physically present in the front seat of the
26 vehicle next to the commercial learner's permit holder or, in the case of a passenger
27 vehicle, directly behind or in the first row behind the driver.

28 B. The commercial learner's permit holder must hold a valid driver's license issued
29 by the same state or jurisdiction of domicile that issued the commercial learner's
30 permit.

31 C. The commercial learner's permit holder must have taken and passed a general
32 knowledge test for the commercial motor vehicle class that the person expects to
33 operate.

34 D. The commercial learner's permit holder must be 18 years of age or older.

35 E. A commercial learner's permit holder is limited to the following endorsements.

36 (1) In order to receive a passenger endorsement, in accordance with the
37 requirements of the federal Commercial Motor Vehicle Safety Act of 1986, a
38 commercial learner's permit holder must have taken and passed the passenger
39 endorsement knowledge test. A commercial learner's permit holder testing for a
40 passenger endorsement is prohibited from operating a commercial motor vehicle

1 carrying passengers other than the test examiners and the commercial driver's
2 license holder accompanying the commercial learner's permit holder pursuant to
3 paragraph A. The passenger endorsement must be specific to a commercial
4 motor vehicle class. A commercial learner's permit holder must be at least 21
5 years of age to apply. The commercial learner's permit holder must be
6 accompanied by a commercial driver's license holder with a passenger
7 endorsement who has at least one year of driving experience and is at least 22
8 years of age.

9 (2) In order to receive a school bus endorsement, in accordance with the
10 requirements of the federal Commercial Motor Vehicle Safety Act of 1986, a
11 commercial learner's permit holder must have taken and passed the school bus
12 endorsement knowledge test. A commercial learner's permit holder testing for a
13 school bus endorsement is prohibited from operating a school bus with
14 passengers other than test examiners and the commercial driver's license holder
15 accompanying the commercial learner's permit holder pursuant to paragraph A.
16 A commercial learner's permit holder must be at least 21 years of age to apply.
17 The commercial learner's permit holder must be accompanied by a commercial
18 driver's license holder with a passenger endorsement who has at least one year of
19 driving experience and is at least 22 years of age.

20 (3) In order to receive a tank vehicle endorsement, in accordance with the
21 requirements of the federal Commercial Motor Vehicle Safety Act of 1986, a
22 commercial learner's permit holder must have taken and passed the tank vehicle
23 endorsement knowledge test. A commercial learner's permit holder testing for a
24 tank vehicle endorsement may only operate an empty tank vehicle and is
25 prohibited from operating any tank vehicle that previously contained hazardous
26 materials that has not been purged of any residue.

27 F. The commercial learner's permit holder may not operate a commercial motor
28 vehicle transporting hazardous materials as defined in 49 Code of Federal
29 Regulations, Section 383.5.

30 G. The commercial learner's permit is valid for no more than 180 days from the date
31 of issuance. The Secretary of State may renew the commercial learner's permit for an
32 additional 180 days without requiring the commercial learner's permit holder to
33 retake the general and endorsement knowledge tests.

34 H. The issuance of a commercial learner's permit is a precondition to the initial
35 issuance of a commercial driver's license. The issuance of a commercial learner's
36 permit is a precondition to the upgrade of a commercial driver's license if the upgrade
37 requires a skills test.

38 I. The commercial learner's permit holder is not eligible to take the commercial
39 driver's license skills test in the first 14 days after the initial issuance of the
40 commercial learner's permit.

41 This subsection takes effect July 8, 2014.

42 **5. Expiration.** Unless continuation is authorized by the Secretary of State, an
43 instruction a learner's permit expires when the holder successfully passes a driving

1 examination. An expired permit must immediately be surrendered to the Secretary of
2 State.

3 **6. Criminal offense.** A person commits a Class E crime if that person accompanies
4 a permittee who is operating a vehicle on a public way and that accompanying person has
5 impaired mental or physical functioning as a result of the use of intoxicating liquor or
6 drugs.

7 **Sec. B-20. 29-A MRSA §1307**, as amended by PL 2003, c. 434, §18 and affected
8 by §37, is further amended to read:

9 **§1307. Examination fees**

10 An applicant required to take an examination shall pay an examination fee to the
11 Secretary of State prior to administration of the examination as follows.

12 **1. Class A, Class B or Class C commercial driver's license.** The examination fee
13 for a Class A ~~or~~ Class B or Class C commercial driver's license is ~~\$35~~ \$37, which
14 includes the first road test. A reexamination is ~~\$15~~ \$17.

15 **2. Class C noncommercial license.** The examination fee for a Class C
16 noncommercial license is ~~\$10~~ \$12, which includes the first road test. A reexamination is
17 ~~\$5~~ \$7.

18 **3. Examination fee for endorsements.** The examination fee for a double or triple
19 trailer, bus, tank ~~truck~~ vehicle, hazardous materials endorsement or the renewal of a
20 hazardous materials endorsement is ~~\$10~~ \$12. A reexamination is ~~\$5~~ \$7.

21 **4. Cancellation of examination appointment.** If an examination requires an
22 appointment and the examinee applicant does not keep that appointment, the Secretary of
23 State shall assess an additional ~~\$30~~ \$32 fee for a Class A or Class B examination and ~~\$20~~
24 \$22 for a bus, school bus or Class C examination at the time of reappointment for
25 examination. If the examinee applicant notifies the Department of the Secretary of State,
26 Bureau of Motor Vehicles, Driver Examination Section of cancellation at least 48 hours
27 prior to the examination, the Secretary of State shall waive the additional fee.

28 **5. Exception.** A person required to take an examination ~~because of advanced age or~~
29 ~~physical disability~~ pursuant to section 1309, subsection 1 is not required to pay an
30 examination or cancellation fee.

31 **Sec. B-21. 29-A MRSA §1352, sub-§1**, as amended by PL 2005, c. 577, §20, is
32 further amended to read:

33 **1. Motorcycle driver education required.** Notwithstanding any other provision of
34 law, a motorcycle ~~instruction~~ learner's permit, license or endorsement may not be issued
35 to a person, unless that person presents a certificate of successful completion of a
36 motorcycle driver education program and examination approved by the Secretary of
37 State, ~~except as provided in this subsection.~~

1 **Sec. B-22. 29-A MRSA §1352, sub-§6, ¶B**, as amended by PL 2007, c. 383,
2 §23, is further amended to read:

3 B. Road examination for the holder of a valid motor vehicle operator's license on
4 receipt of a certificate demonstrating successful completion of ~~the Basic Rider Course~~
5 ~~or other hands-on motorcycle~~ a novice rider course approved by the Secretary of
6 State. An endorsement issued pursuant to this paragraph prohibits the holder from
7 carrying a passenger for a period of 60 days following the date of issuance of the
8 endorsement.

9 **Sec. B-23. 29-A MRSA §1354, sub-§1, ¶C**, as enacted by PL 1995, c. 505, §15
10 and affected by §22, is amended to read:

11 C. "Driver education" means any type of instruction or tutoring given to a person in
12 ~~the driving of a motor vehicle~~ preparation to obtain a learner's permit or in preparing
13 for a ~~driver~~ an examination to obtain a driver's license in exchange for remuneration
14 or course credit.

15 **Sec. B-24. 29-A MRSA §1354, sub-§3, ¶B**, as amended by PL 1997, c. 776,
16 §39, is further amended to read:

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

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

- 24 (1) A vehicle that is being used to instruct a person with a disability and is
25 specially equipped for use by a person with a disability; and
26 (2) A vehicle that is being used to instruct a person in possession of a valid
27 Maine driver's license or ~~instruction~~ learner's permit when the vehicle is not
28 provided by the driver education school.

29 **Sec. B-25. 29-A MRSA §1357**, as amended by PL 2005, c. 606, Pt. B, §3, is
30 repealed.

31 **Sec. B-26. 29-A MRSA §1405**, as amended by PL 2003, c. 434, §21 and affected
32 by §37, is further amended to read:

33 **§1405. Duplicate documents**

34 **1. Lost or destroyed licenses, nondriver identification cards, registration**
35 **certificates and learner's permits.** If a license, nondriver identification card,
36 registration certificate or ~~instruction~~ learner's permit is lost or destroyed, a person may
37 obtain a duplicate upon furnishing proof of loss or destruction.

1 **2. Additional licenses, nondriver identification cards, registration certificates**
2 **and learner's permits.** If satisfied that public safety will not be endangered, the
3 Secretary of State may issue a duplicate to a person who has an original.

4 **3. Fee.** The fee for a duplicate registration certificate and ~~instruction~~ learner's permit
5 is \$2 \$4. The fee for a duplicate license and nondriver identification card is \$5 \$7.

6 **4. Change of information, photograph or digital image.** When any change is
7 made on an operator's photograph or digitized license or nondriver identification card,
8 that license or nondriver identification card is a duplicate.

9 **Sec. B-27. 29-A MRSA §1406,** as amended by PL 2011, c. 356, §19, is repealed.

10 **Sec. B-28. 29-A MRSA §1406-A** is enacted to read:

11 **§1406-A. Expiration**

12 **1. License fees; expiration of license; persons under 65 years of age.** The
13 following provisions apply to the expiration of a driver's license for persons under 65
14 years of age.

15 A. A noncommercial driver's license to operate a motor vehicle issued to a person
16 under 65 years of age expires at midnight on the license holder's 6th birthday
17 following the date of issuance. The fee for the 6-year noncommercial driver's license
18 is \$30.

19 B. A commercial driver's license to operate a motor vehicle issued to a person under
20 65 years of age expires at midnight on the license holder's 4th birthday following the
21 date of issuance. The fee for the 4-year commercial driver's license is \$34.

22 C. Notwithstanding paragraph A, the Secretary of State may, solely for the purpose
23 of equalizing the 6-year license renewal cycle, issue noncommercial driver's licenses
24 to persons under 65 years of age that expire either one or 2 years before or after the
25 holder's 6th birthday following the date of issuance. Notwithstanding paragraph A,
26 the fee for a driver's license issued pursuant to this subsection is \$5 multiplied by the
27 number of years for which the driver's license is issued.

28 This paragraph is repealed June 30, 2014.

29 **2. License fee; expiration of license; persons 65 years of age and over.** A
30 noncommercial or commercial driver's license to operate a motor vehicle issued to a
31 person 65 years of age or older at the date of issuance expires at midnight on the license
32 holder's 4th birthday following the date of issuance. The fee for the 4-year
33 noncommercial driver's license is \$21. The fee for the 4-year commercial driver's license
34 is \$28.

35 **3. Leap year birthday.** For the purposes of this section, a person born on February
36 29th is deemed to have been born on March 1st.

37 **4. Renewals.** Prior to the expiration of a license to operate a motor vehicle, the
38 Secretary of State shall send the license holder a renewal notice.

1 **5. Fee; lawfully present noncitizens.** The fee for a driver's license issued to
2 lawfully present noncitizens must be prorated from the fee under subsection 1, paragraph
3 A and applies as follows:

4 A. For a license issued for 120 days or more and under one year, the fee is \$5;

5 B. For a license issued for one year or more and under 2 years, the fee is \$10;

6 C. For a license issued for 2 years or more and under 3 years, the fee is \$15;

7 D. For a license issued for 3 years or more and under 4 years, the fee is \$20;

8 E. For a license issued for 4 years or more and under 5 years, the fee is \$25; and

9 F. For a license issued for 5 years or more and under 6 years, the fee is \$30.

10 **6. Expiration of license; lawfully present noncitizens.** Notwithstanding any law to
11 the contrary, a license issued to an applicant who is not a citizen or a legal permanent
12 resident of the United States expires coterminously with the applicant's authorized
13 duration of stay or the otherwise applicable expiration date of the license under this
14 section, whichever occurs first. A license issued under this subsection must be valid for a
15 period of at least 120 days.

16 **Sec. B-29. 29-A MRSA §1408, sub-§1,** as enacted by PL 1993, c. 683, Pt. A, §2
17 and affected by Pt. B, §5, is amended to read:

18 **1. Immediate possession required.** A licensee, including a temporary licensee or
19 holder of ~~an instruction~~ a learner's permit, must have the license in immediate possession
20 when operating a motor vehicle.

21 **Sec. B-30. 29-A MRSA §1410, sub-§2,** as amended by PL 2001, c. 671, §§27
22 and 28, is further amended to read:

23 **2. Issuance of card; contents.** Upon receipt of a completed application and
24 payment of a fee of ~~\$5~~ \$7, the Secretary of State shall issue a nondriver identification
25 card to the applicant. If an applicant is the holder of a motor vehicle driver's license
26 bearing a photograph or digital image of the individual and issued under this chapter, the
27 Secretary of State or the Secretary of State's representative may refuse to issue a
28 nondriver identification card. The Secretary of State shall provide that a nondriver
29 identification card issued to a person less than 21 years of age has a distinctive color
30 code. Each nondriver identification card must contain:

31 A. The applicant's photograph or digital image;

32 B. The applicant's name and address;

33 C. The applicant's date of birth; and

34 E. Any other information and identification that the Secretary of State by rule
35 requires.

36 **Sec. B-31. 29-A MRSA §1410, sub-§4,** as enacted by PL 1997, c. 437, §40, is
37 amended to read:

1 **4. Expiration.** Each nondriver identification card issued pursuant to this section
2 expires ~~6 years from~~ at midnight on the nondriver identification card holder's 6th birthday
3 following the date of issuance.

4 **Sec. B-32. 29-A MRSA §1603, sub-§7,** as enacted by PL 1993, c. 683, Pt. A, §2
5 and affected by Pt. B, §5, is amended to read:

6 **7. Unsatisfied judgment.** Upon receipt of a judgment against the owner or operator
7 of a vehicle involved in ~~an~~ a reportable accident as defined in section 2251 that resulted
8 from a cause of action that arose from that accident, the Secretary of State shall
9 immediately suspend the license and registration of the judgment debtor.

10 A. A suspension remains in effect until the owner or operator has obtained a written
11 release, a discharge in bankruptcy or a judgment of no liability, has filed an
12 installment payment of judgment agreement pursuant to section 1604 or has fully
13 satisfied the judgment.

14 B. Prior to restoration, the owner or operator must provide proof of financial
15 responsibility.

16 **Sec. B-33. 29-A MRSA §2119, sub-§1, ¶D** is enacted to read:

17 D. "Operate" means driving a motor vehicle on a public way with the motor running,
18 including while temporarily stationary because of traffic, a traffic light or a stop sign
19 or otherwise stationary. "Operate" does not include operating a motor vehicle with or
20 without the motor running when the operator has pulled the motor vehicle over to the
21 side of, or off, a public way and has halted in a location where the motor vehicle can
22 safely remain stationary.

23 **Sec. B-34. 29-A MRSA §2251, sub-§7-A, ¶B,** as amended by PL 2011, c. 654,
24 §8, is further amended to read:

25 B. Except as provided in ~~paragraph~~ paragraphs B-1 and D, the Department of Public
26 Safety, Bureau of State Police may not publicly disseminate personally identifying
27 accident report data that are contained in an accident report database maintained,
28 administered or contributed to by the Bureau of State Police. Such data are not
29 public records for the purposes of Title 1, chapter 13.

30 **Sec. B-35. 29-A MRSA §2251, sub-§7-A, ¶D** is enacted to read:

31 D. The Department of Public Safety, Bureau of State Police shall disseminate
32 personally identifying accident report data that are contained in an accident report
33 database maintained, administered or contributed to by the Bureau of State Police to
34 the Secretary of State for use in the determination and issuance of a suspension of a
35 driver's license. Such data are not public records for the purposes of Title 1, chapter
36 13.

37 **Sec. B-36. 29-A MRSA §2471, sub-§2,** as amended by PL 2007, c. 383, §29, is
38 further amended to read:

1 **2. Suspension terms.** If a person is convicted or adjudicated of a moving motor
2 vehicle violation that occurred during the period of the provisional license, the Secretary
3 of State shall suspend the license ~~without right to hearing~~:

- 4 A. For 30 days on the 1st offense;
- 5 B. For 60 days on the 2nd offense; and
- 6 C. For 90 days on the 3rd or subsequent offense.

7 If requested, the Secretary of State shall provide an opportunity for a hearing on the
8 suspension as soon as practicable. After the hearing, the Secretary of State, for good
9 cause shown, may continue, modify or rescind the suspension.

10 **Sec. B-37. 29-A MRSA §2486, sub-§1-A,** as amended by PL 2011, c. 654, §15,
11 is further amended to read:

12 **1-A. Reinstatement fee for suspensions for OUI or failure to submit to a test.**
13 Except as provided in section 2472, subsection 7, before a suspension for OUI or failure
14 to submit to a test is terminated and a license or certificate reinstated, a fee of ~~\$50~~ \$100
15 must be paid to the Secretary of State.

16 **Sec. B-38. 29-A MRSA §2551-A, sub-§1, ¶A,** as amended by PL 2007, c. 531,
17 §7 and affected by §10, is further amended to read:

18 A. The person has accumulated 3 or more convictions or adjudications for distinct
19 offenses described ~~below~~ in this paragraph arising out of separate acts committed
20 within a 5-year period:

- 21 (1) Homicide resulting from the operation of a motor vehicle;
- 22 (2) OUI conviction;
- 23 (3) Driving to endanger, in violation of section 2413;
- 24 (4) Operating after suspension or revocation, in violation of section 2412-A;
- 25 (5) Operating without a license;
- 26 (6) Operating after revocation, in violation of former section 2557, section
27 2557-A or section 2558;
- 28 (7) Knowingly making a false affidavit or swearing or affirming falsely in a
29 statement required by this Title or as to information required in the administration
30 of this Title;
- 31 (8) A Class A, B, C or D offense in which a motor vehicle is used;
- 32 (9) ~~Failure to report~~ Leaving the scene of an accident involving injury or death,
33 in violation of section 2252;
- 34 (10) ~~Failure to report~~ Leaving the scene of an accident involving property
35 damage, in violation of section 2253, 2254 or 2255;
- 36 (11) Eluding an officer, in violation of section 2414;
- 37 (12) Passing a roadblock, in violation of section 2414, subsection 4;

1 (13) Operating a motor vehicle at a speed that exceeds the maximum speed limit
2 by 30 miles per hour or more; and

3 (14) For a person whose license is reinstated pursuant to section 2412-A,
4 subsection 7 or section 2508, operating a motor vehicle without an ignition
5 interlock device; tampering with or circumventing the operation of an ignition
6 interlock device; or requesting or soliciting another person to blow into or
7 otherwise activate an ignition interlock device for the purpose of providing the
8 person with an operable motor vehicle; or

9 **Sec. B-39. 35-A MRSA §6109-B, sub-§1, ¶B**, as enacted by PL 2009, c. 37, §1,
10 is amended to read:

11 B. "Large-scale transportation of water" means the transportation of water for
12 commercial purposes by pipeline or other conduit or by tank ~~truck~~ vehicle or in a
13 container, greater in size than 10 gallons, beyond the boundaries of the municipality
14 or township in which the water is naturally located or of any bordering municipality
15 or township.

16 **Sec. B-40. 36 MRSA §2906, sub-§3**, as amended by PL 2009, c. 434, §44, is
17 further amended to read:

18 **3. Allowance for certain losses.** An allowance of not more than 1/2 of 1% from the
19 amount of internal combustion engine fuel received by a licensed distributor, plus 1/2 of
20 1% on all transfers in vessels, tank cars or full tank ~~truck~~ vehicle loads by a licensed
21 distributor in the regular course of the licensed distributor's business from one of the
22 licensed distributor's places of business to another within the State, may be granted by the
23 assessor to cover losses sustained by the licensed distributor through shrinkage,
24 evaporation or handling. The total allowance for these losses must be supported by
25 documentation satisfactory to the assessor and may not exceed 1% of the receipts by the
26 licensed distributor. The allowance must be calculated on an annual basis. A further
27 deduction may not be allowed unless the assessor is satisfied upon definite proof
28 submitted to the assessor that a further deduction should be allowed for a loss sustained
29 through fire, accident or some unavoidable calamity.

30 **Sec. B-41. 36 MRSA §3203, sub-§5**, as amended by PL 2009, c. 434, §50, is
31 further amended to read:

32 **5. Allowance for certain losses of undyed distillates.** An allowance of not more
33 than 1/4 of 1% from the amount of undyed distillates received by a licensed supplier, plus
34 1/4 of 1% on all transfers in vessels, tank cars or full tank ~~truck~~ vehicle loads by the
35 licensed supplier in the regular course of business from one of the licensed supplier's
36 places of business to another of the licensed supplier's places of business within the State,
37 may be allowed by the assessor to cover the loss through shrinkage, evaporation or
38 handling sustained by the licensed supplier. The total allowance for these losses must be
39 supported by documentation satisfactory to the assessor and may not exceed 1/2 of 1% of
40 the receipts by the licensed supplier. The allowance must be calculated on an annual
41 basis. A further deduction may not be allowed unless the assessor is satisfied upon
42 definite proof submitted to the assessor that a further deduction should be allowed for a
43 loss sustained through fire, accident or some unavoidable calamity.

1 **Sec. B-42. 38 MRSA §582, sub-§6-B**, as repealed and replaced by PL 1989, c.
2 197, §1, is amended to read:

3 **6-B. Bulk gasoline terminal.** "Bulk gasoline terminal" means a gasoline storage
4 facility ~~which~~ that receives gasoline from refineries, primarily by pipeline, ship or barge,
5 and delivers gasoline to bulk gasoline plants or commercial or retail accounts primarily
6 by tank ~~truck~~, vehicle and that has a daily throughput of more than 76,000 liters, or
7 20,000 gallons, of gasoline.

8 **PART C**

9 **Sec. C-1. 29-A MRSA §521, sub-§9-A**, as amended by PL 2005, c. 528, §1, is
10 further amended to read:

11 **9-A. Enforcement of disability parking restrictions.** A law enforcement officer
12 may enforce disability parking restrictions. The State Police shall enforce disability
13 parking restrictions at service facilities established on the Maine Turnpike and on the
14 interstate highway system in the State. A person commits a traffic infraction if that
15 person parks in a parking space designated and clearly marked for persons with physical
16 disabilities and has not been issued or is not transporting a person who has been issued a
17 disability registration plate or a removable windshield placard pursuant to this section or
18 section 523 or a disability registration plate or placard issued by another state. A person
19 commits a traffic infraction if that person parks in an access aisle, regardless of whether
20 the person has been issued a disability registration plate or removable placard.
21 ~~Notwithstanding section 2604~~, a A person who violates this subsection is subject to a fine
22 of not less than \$200 and not more than \$500.

23 **Sec. C-2. 29-A MRSA §521, sub-§9-B, ¶E**, as enacted by PL 2005, c. 528, §2,
24 is amended to read:

25 E. ~~Notwithstanding section 2604~~, a A person who violates this subsection is subject
26 to a fine of not less than \$200 and not more than \$500.

27 **Sec. C-3. 29-A MRSA §2604**, as amended by PL 1995, c. 584, Pt. B, §11, is
28 repealed.

29 **Sec. C-4. 34-B MRSA §1411, sub-§4**, as amended by PL 1995, c. 65, Pt. A,
30 §136 and affected by §153 and Pt. C, §15, is further amended to read:

31 **4. Prohibited acts; fine.** A person who violates any rule adopted under this section
32 commits a civil violation for which a ~~forfeiture~~ fine may be adjudged in an amount
33 consistent with the amount charged for a similar violation by the municipality in which
34 the institution is located, but not to exceed the maximum amount provided for a traffic
35 infraction under Title 29-A, section ~~2604~~ 103. Notwithstanding any other law, the fines
36 and costs of court paid under this section inure to the municipality in which the
37 proceedings take place.

1 **SUMMARY**

2 The bill does the following.

3 Part A of the bill:

4 1. Removes the provision of law that allows the Secretary of State to issue vanity
5 plates for radio plates as these plates now qualify as vanity plates;

6 2. Changes the headnote for the provision governing antique vehicle plates to
7 "hobbyist registration plates";

8 3. Increases the fee for the Purple Heart motorcycle vanity plate from \$15 to \$25;

9 4. Removes the one-mile restriction on dealer secondary locations;

10 5. Removes a confusing cross-reference in a provision regarding the exemption of
11 antique automobiles from inspection; and

12 6. Corrects a cross-reference in a provision regarding the eligibility of certain habitual
13 offenders to obtain work-restricted licenses.

14 Part B of the bill:

15 1. Clarifies that the Secretary of State is allowed to receive law enforcement
16 intelligence and investigative information without redaction to assist in the determination
17 and issuance of driver's license suspensions;

18 2. Adopts federal definitions from the federal Commercial Motor Vehicle Safety Act
19 of 1986 pertaining to commercial motor vehicle operation;

20 3. Adds foster relationships to the definition of an immediate family member;

21 4. Replaces the term "instruction permit" with the term "learner's permit" throughout
22 the statutes to be consistent with federal definitions in the Commercial Motor Vehicle
23 Safety Act of 1986;

24 5. Adopts language from federal regulations to clarify and define the provisions
25 related to issuance of commercial learner's permits;

26 6. Increases fees for all driving exams by \$2;

27 7. Amends the provision of law exempting a person from paying a fee for a driver
28 examination when the person is of an advanced age or has a physical disability to remove
29 the language regarding age and disability and instead allow fees to be waived when the
30 Secretary of State believes that a person is incompetent or otherwise not qualified to be
31 licensed and requires the person to take an examination;

32 8. Amends the provision of law that provides requirements for the Secretary of
33 State's waiver of the examination for the issuance of a motorcycle license;

1 9. Amends the definition of "driver education" in the provision governing driver
2 education programs;

3 10. Repeals the provision that pertains to advanced driver education;

4 11. Adds nondriver identification cards to the list of documents authorized for
5 issuance as duplicates if the original is lost and increases the fees for a duplicate
6 document by \$2;

7 12. Changes the expiration term for a commercial driver's license for persons under
8 65 years of age from 5 years to 4 years;

9 13. Increases the fee for a nondriver identification card by \$2 and increases the
10 reinstatement fee for suspensions for OUI and failure to submit to tests from \$50 to \$100;

11 14. Enacts a new provision of law establishing a prorated fee structure for driver's
12 licenses issued to lawfully present noncitizens;

13 15. Makes technical amendments to law regarding the expiration of nondriver
14 identification cards to make it consistent with the law regarding the expiration of a
15 driver's license, changes the term "accident" to "reportable accident" in the law regarding
16 unsatisfied judgments and the Secretary of State's authority in carrying out financial
17 responsibility requirements and clarifies that leaving the scene of an accident involving
18 injury or death or property damage is a determinant for habitual offender status;

19 16. Enacts the definition of "operate" for the provision of law pertaining to text
20 messaging while operating a motor vehicle; and

21 17. Amends the adult provisional license law to provide an opportunity for a hearing
22 to those persons convicted or adjudicated of a moving motor vehicle violation under that
23 law.

24 Part C of the bill:

25 1. Repeals the Maine Revised Statutes, Title 29-A, section 2604, since the provisions
26 of section 2604 are duplicative of Title 29-A, section 103; and

27 2. Amends cross-references to implement this change.