

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 1320

H.P. 898

House of Representatives, April 14, 2015

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 "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative McLEAN of Gorham.
Cosponsored by Senator ROSEN of Hancock and
Representatives: DOORE of Augusta, GILLWAY of Searsport, GOLDEN of Lewiston,
HOGAN of Old Orchard Beach, PARRY of Arundel, POWERS of Naples, Senator:
HASKELL of Cumberland.

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

2 **Sec. 1. 29-A MRSA §101, sub-§55**, as enacted by PL 1993, c. 683, Pt. A, §2 and
3 affected by Pt. B, §5, is amended to read:

4 **55. Pickup truck.** "Pickup truck" means a truck with a registered gross vehicle
5 weight of ~~6,000~~ 10,000 pounds or less.

6 **Sec. 2. 29-A MRSA §457, sub-§7**, as amended by PL 1999, c. 790, Pt. C, §1 and
7 affected by §19, is further amended to read:

8 **7. Registration fee.** The fee for registration of ~~an antique auto~~, a horseless carriage
9 or antique motorcycle is \$15. The fee for registration of a street rod or antique auto is
10 \$30.

11 **Sec. 3. 29-A MRSA §501, sub-§1**, as amended by PL 2011, c. 356, §6, is further
12 amended to read:

13 **1. Automobiles; pickup trucks.** The fee for an automobile, a pickup truck
14 registered for 6,000 pounds or less or a sport utility vehicle used for the conveyance of
15 passengers or interchangeably for passengers or property is \$35. The fee for a pickup
16 truck registered for more than 6,000 pounds but no more than 10,000 pounds is \$37.

17 An automobile or sport utility vehicle used for the conveyance of passengers or property
18 is a "combination" vehicle and may be issued a special plate with the word "combination"
19 instead of "Vacationland." A passenger vehicle used under contract with the State, a
20 municipality or a school district to transport students must be designated as
21 "combination." A vehicle owned or operated by parents or legal guardians is exempt
22 from this subsection.

23 Commercial plates may not be issued for or displayed on an automobile.

24 A sport utility vehicle may be registered either as an automobile or a truck. A sport
25 utility vehicle with a gross vehicle weight or combined gross vehicle weight in excess of
26 10,000 pounds and used in the furtherance of a commercial enterprise must be registered
27 as a truck according to its actual gross weight as provided in section 504.

28 The gross weight of a pickup truck registered as provided by this subsection may not
29 exceed ~~6,000~~ 10,000 pounds. An owner of a pickup truck who operates the pickup truck
30 with a gross weight in excess of ~~6,000~~ 10,000 pounds or the pickup truck drawing a
31 semitrailer with a combined gross weight in excess of ~~6,000~~ 10,000 pounds must register
32 the truck as provided in section 504.

33 ~~A combination of vehicles consisting of a pickup truck as defined in section 101,~~
34 ~~subsection 55 and a semitrailer with a registered weight of 2,000 pounds or less may be~~
35 ~~operated at the combined gross weight of the pickup truck and the semitrailer.~~

36 A combination of vehicles consisting of a motor vehicle and a camp trailer is not required
37 to be registered for the gross weight of the combination.

38 Beginning July 1, 2009, \$10 of the fee must be transferred on a quarterly basis by the
39 Treasurer of State to the TransCap Trust Fund established by Title 30-A, section 6006-G.

1 **Sec. 4. 29-A MRSA §1256, sub-§1**, as amended by PL 2013, c. 606, §2, is
2 further amended to read:

3 **1. Educational need.** A person seeking to qualify for a special restricted license
4 based on educational need must file an application. If the applicant qualifies under
5 paragraph A, and has completed a minimum of ~~70~~ 35 hours of driving, including ~~40~~ 5
6 hours of night driving, while accompanied by a parent, guardian or licensed driver at least
7 20 years of age, a special restricted license must be issued to the applicant. A person
8 issued a special restricted license must complete a minimum of 35 additional hours of
9 driving, including 5 additional hours of night driving, while accompanied by a parent,
10 guardian or licensed driver at least 20 years of age in order to qualify for a provisional
11 license without restriction.

12 A. An application must include:

13 (1) A signed notarized statement from the applicant and the applicant's parent or
14 guardian that:

15 (a) No readily available alternative means of transportation exists; and

16 (b) Use of a motor vehicle is necessary for transportation to and from a
17 public secondary school, a private secondary school approved for attendance
18 purposes by the Commissioner of Education or a career and technical
19 education center or region that the applicant is attending;

20 (2) A verification of school attendance; and

21 (3) A statement by the principal of the school of the lack of a readily available
22 alternative means of transportation.

23 B. A special restricted license issued pursuant to this subsection only authorizes the
24 holder to operate a motor vehicle between the holder's residence and school unless
25 accompanied by a licensed driver who meets the requirements of section 1304,
26 subsection 1, paragraph E, subparagraphs (1) to (4).

27 **Sec. 5. 29-A MRSA §1256, sub-§2**, as amended by PL 2013, c. 606, §3, is
28 further amended to read:

29 **2. Employment need.** A person seeking to qualify for a special restricted license
30 based on employment need must file an application. If the applicant qualifies under
31 paragraph A, and has completed a minimum of ~~70~~ 35 hours of driving, including ~~40~~ 5
32 hours of night driving, while accompanied by a parent, guardian or licensed driver at least
33 20 years of age, a special restricted license must be issued to the applicant. A person
34 issued a special restricted license must complete a minimum of 35 additional hours of
35 driving, including 5 additional hours of night driving, while accompanied by a parent,
36 guardian or licensed driver at least 20 years of age in order to qualify for a provisional
37 license without restriction.

38 A. An application must include:

39 (1) A signed, notarized statement from the applicant and the applicant's parent or
40 guardian that:

- 1 (a) No readily available alternative means of transportation exists; and
2 (b) Use of a motor vehicle is necessary for transportation to, from or in
3 connection with employment of the applicant; and
4 (2) A verification of employment by the employer.

5 B. A special restricted license issued pursuant to this subsection only authorizes the
6 holder to operate a motor vehicle between the holder's residence, school and place of
7 employment and other places necessary in direct connection with that employment
8 unless accompanied by a licensed driver who meets the requirements of section 1304,
9 subsection 1, paragraph E, subparagraphs (1) to (4).

10 **Sec. 6. 29-A MRSA §1307, sub-§4**, as amended by PL 2013, c. 381, Pt. B, §17,
11 is further amended to read:

12 **4. Cancellation of examination appointment.** If an examination requires an
13 appointment and the applicant does not keep that appointment, the Secretary of State shall
14 assess an additional \$30 fee for a Class A ~~or~~ Class B or Class C commercial examination
15 and \$20 for a bus, school bus or Class C noncommercial examination at the time of
16 reappointment for examination. If the applicant notifies the Department of the Secretary
17 of State, Bureau of Motor Vehicles, Driver Examination Section of cancellation at least
18 48 hours prior to the examination, the Secretary of State shall waive the additional fee.

19 **Sec. 7. 29-A MRSA §1405, sub-§3**, as amended by PL 2013, c. 381, Pt. B, §23,
20 is repealed and the following enacted in its place:

21 **3. Fee.** The fee for a duplicate registration certificate is \$2. The fee for a duplicate
22 learner's permit, duplicate license or duplicate nondriver identification card is \$5.

23 **Sec. 8. 29-A MRSA §1912, sub-§2**, as enacted by PL 1993, c. 683, Pt. A, §2 and
24 affected by Pt. B, §5, is amended to read:

25 **2. Cutouts prohibited.** ~~Except as provided in subsection 5, a~~ A muffler or exhaust
26 system may not be equipped with a cutout, bypass or similar device.

27 **Sec. 9. 29-A MRSA §1912, sub-§5**, as repealed and replaced by PL 2003, c. 452,
28 Pt. Q, §23 and affected by Pt. X, §2, is repealed.

29 **Sec. 10. 29-A MRSA §2401, sub-§12-A** is enacted to read:

30 **12-A. THC.** "THC" means delta-9-tetrahydrocannabinol.

31 **Sec. 11. 29-A MRSA §2411, sub-§1-A, ¶A**, as amended by PL 2009, c. 447,
32 §37, is further amended to read:

33 A. Operates a motor vehicle:

- 34 (1) While under the influence of intoxicants; ~~or~~
35 (2) While having an alcohol level of 0.08 grams or more of alcohol per 100
36 milliliters of blood or 210 liters of breath; or

1 (3) While having a THC level of 5 nanograms or more per milliliter in blood;

2 **Sec. 12. 29-A MRSA §§2432-A and 2432-B** are enacted to read:

3 **§2432-A. THC level; evidentiary weight**

4 **1. Level less than 2 nanograms.** If a person has a THC level of less than 2
5 nanograms per milliliter in blood, it is prima facie evidence that the person is not under
6 the influence of THC.

7 **2. Level of 2 nanograms and less than 5 nanograms.** If a person has a THC level
8 of 2 nanograms but less than 5 nanograms per milliliter in blood, it is admissible
9 evidence, but not prima facie, indicating whether or not that person is under the influence
10 of THC to be considered with other competent evidence.

11 **3. Level of 5 nanograms or greater.** If a person has a THC level of 5 nanograms or
12 more per milliliter in blood, the person is presumed to be under the influence of THC.

13 **§2432-B. Preliminary breath testing devices**

14 **1. Use of preliminary breath testing devices permitted.** A law enforcement
15 officer who possesses basic certification as a full-time law enforcement officer, pursuant
16 to Title 25, section 2804-C, subsection 1, who reasonably believes that a person has been
17 operating a motor vehicle under the influence of intoxicants, without making an arrest,
18 may request that the person submit to a preliminary breath test to determine the person's
19 alcohol level, which, in addition to other relevant evidence, the officer may use to
20 determine whether there is probable cause to believe that person was operating a motor
21 vehicle while under the influence of intoxicants.

22 **2. Approved devices; training.** A law enforcement officer may only administer a
23 preliminary breath test using a preliminary breath test device that has been approved by
24 the National Highway Traffic Safety Administration and evaluated by the Department of
25 Health and Human Services. Prior to administering a preliminary breath test using an
26 approved device, an officer must be properly trained in the use of the device through a
27 training course approved by the Maine Criminal Justice Academy Board of Trustees.

28 **3. Admissibility of results.** Results of a test administered pursuant to this section
29 are admissible in evidence in any court or administrative hearing in determining probable
30 cause for operating a motor vehicle while under the influence.

31 **4. Failure as evidence.** Failure of a person to submit to a preliminary breath test is
32 not admissible in evidence on the issue of whether a person was operating under the
33 influence of intoxicants. Any other evidence bearing on the issue of whether the person
34 was operating under the influence of intoxicants is admissible, even if a person fails to
35 submit to a preliminary breath test or the results of such a test are not available for any
36 reason.

37

1 **5. Preliminary breath test not mandatory; subsequent test for intoxicants**
2 **permitted.** A preliminary breath test is not mandatory and a law enforcement officer's
3 **request to submit to such a test may be declined.** A person who submits to a preliminary
4 **breath test also, upon a law enforcement officer's request, shall submit to and complete a**
5 **chemical test to determine alcohol level and drug concentration as required by this Title.**

6 **Sec. 13. 29-A MRSA §2453-A, sub-§2,** as enacted by PL 2011, c. 335, §5, is
7 amended to read:

8 **2. Report of drug recognition expert.** A drug recognition expert certified in
9 accordance with section 2526 who has probable cause to believe that a person was
10 operating a motor vehicle under the influence of a specific category of drug, a
11 combination of specific categories of drugs or a combination of alcohol and one or more
12 specific categories of drugs, **except for THC or its metabolite,** shall send to the Secretary
13 of State a report, under oath on a form approved by the Secretary of State, of all relevant
14 information, including, but not limited to, the following:

15 A. Information adequately identifying the person who is the subject of the report;
16 and

17 B. The grounds the drug recognition expert had for probable cause to believe the
18 person operated a motor vehicle while under the influence of drugs.

19 Section 2481, subsections 2 and 3 apply to the report submitted by the drug recognition
20 expert.

21 **Sec. 14. 29-A MRSA §2453-B** is enacted to read:

22 **§2453-B. Suspension on administrative determination; operating under the**
23 **influence of THC**

24 **1. Purpose.** The purpose of this section is:

25 A. To provide maximum safety for all persons who travel on or otherwise use the
26 public ways; and

27 B. To remove quickly from public ways those persons who have shown themselves
28 to be a safety hazard by operating a motor vehicle while under the influence of THC.

29 **2. Report of drug recognition expert.** A drug recognition expert certified in
30 accordance with section 2526 who has probable cause to believe that a person was
31 operating a motor vehicle under the influence of THC shall send to the Secretary of State
32 a report, under oath on a form approved by the Secretary of State, of all relevant
33 information, including, but not limited to, the following:

34 A. Information adequately identifying the person who is the subject of the report;
35 and

36 B. The grounds the drug recognition expert had for probable cause to believe the
37 person operated a motor vehicle while under the influence of THC.

38 Section 2481, subsections 2 and 3 apply to the report submitted by the drug recognition
39 expert.

1 **3. Drug test.** The person who analyzed the drug contained in the blood of the person
2 who is the subject of the drug recognition expert's report under subsection 2 shall send the
3 test result certificate to the Secretary of State.

4 **4. Suspension.** The Secretary of State shall immediately suspend a license of a
5 person determined to have operated a motor vehicle under the influence of THC.

6 **5. Period of suspension.** The following periods of suspension apply.

7 A. The same suspension period applies as if the person were convicted for OUI.

8 B. If a person's license is also suspended for an OUI conviction arising out of the
9 same occurrence, the period of time the license has been suspended pursuant to this
10 section prior to the conviction must be deducted from the period of time of a court-
11 imposed suspension.

12 **6. Stay of suspension.** If, within 10 days from the effective date of the suspension,
13 the Secretary of State receives a request in writing for a hearing in accordance with
14 section 2483, the suspension is stayed until a hearing is held and a decision is issued.

15 **7. Hearing.** The scope of the hearing must include whether:

16 A. The person operated a motor vehicle with a THC level of 5 nanograms or more
17 per milliliter in blood; and

18 B. There was probable cause to believe that the person was operating a motor vehicle
19 while under the influence of THC.

20 **8. Restoration of license.** Restoration of any license or permit to operate, right to
21 operate a motor vehicle and right to apply for or obtain a license suspended under this
22 section must be in accordance with sections 2502 to 2506.

23 **Sec. 15. 29-A MRSA §2508, sub-§1,** as amended by PL 2013, c. 187, §2 and c.
24 389, §3 and affected by §7, is further amended to read:

25 **1. Installation of ignition interlock device.** Notwithstanding the periods of
26 suspension pursuant to section 2411 or 2451, subsection 3, the Secretary of State may
27 reinstate the license of a person convicted of a violation of section 2411, except for a
28 violation of section 2411, subsection 1-A, paragraph D, subparagraph (1-A), or whose
29 license is suspended by the Secretary of State pursuant to section 2453 ~~or~~ 2453-A or
30 2453-B if the person satisfies all other conditions for license reinstatement and installs an
31 ignition interlock device approved by the Secretary of State in the motor vehicle the
32 person operates, under the following conditions.

33 A. The license of a person with 2 OUI offenses may be reinstated after 9 months of
34 the suspension period has run if the person has installed for a period of 2 years an
35 ignition interlock device approved by the Secretary of State in the motor vehicle the
36 person operates.

37 A-1. The license of a person with one OUI offense may be reinstated after 30 days of
38 the suspension period has run if the person has installed for a period of 150 days or
39 the length of time remaining for a suspension imposed pursuant to section 2411,

1 subsection 5, paragraph A, subparagraph (2), whichever is shorter, an ignition
2 interlock device approved by the Secretary of State in the motor vehicle the person
3 operates.

4 B. The license of a person with 3 OUI offenses may be reinstated after 3 years of the
5 suspension period has run if the person has installed for a period of 3 years an
6 ignition interlock device approved by the Secretary of State in the motor vehicle the
7 person operates.

8 C. The license of a person with 4 or more OUI offenses may be reinstated after 4
9 years of the suspension period has run if the person has installed for a period of 4
10 years an ignition interlock device approved by the Secretary of State in the motor
11 vehicle the person operates.

12 D. The license of a person convicted of a violation of section 2411, subsection 1-A,
13 paragraph D, subparagraph (1) or a person whose driver's license is suspended by the
14 Secretary of State pursuant to section 2453 or 2453-A for a period specified by
15 section 2411, subsection 5, paragraph D-1 may be reinstated after 3 years of the
16 suspension period has run if the person has installed for a period of 3 years an
17 ignition interlock device approved by the Secretary of State in the motor vehicle the
18 person operates.

19 A person whose license is reinstated pursuant to this subsection shall pay an
20 administrative fee of \$50 to the Secretary of State, in addition to the fee required by
21 section 2486, subsection 1-A.

22 **SUMMARY**

23 This bill amends the motor vehicle laws to:

24 1. Increase the gross weight requirements for pickup trucks from 6,000 pounds to
25 10,000 pounds so pickup trucks under 10,001 pounds can be registered with passenger-
26 type plates;

27 2. Increase the registration fee for antique autos from \$15 to \$30;

28 3. Discontinue the muffler bypass permit as this permit is obsolete;

29 4. Clarify that the cancellation fee for all commercial examinations, including a
30 Class C commercial examination, is \$30;

31 5. Increase the fee for duplicate learner's permits from \$2 to \$5 to support the costs
32 associated with issuance. A federal rule effective July 8, 2015 requires that a commercial
33 driver's license permit be issued with the same security features as a base license. This
34 will require a card-type permit to be issued with the same associated costs for production;
35 and

36 6. Apply the same requirements of driving time needed in order to be eligible for a
37 special restricted license for educational and employment needs as exists in current law
38 for medical needs.

1 This bill also makes the operation of a motor vehicle while having a delta-9-
2 tetrahydrocannabinol, or THC, level of 5 nanograms or more per milliliter of blood a
3 criminal offense, authorizes the Secretary of State to suspend administratively the license
4 of a person who operates a motor vehicle with a THC level of 5 nanograms or more per
5 milliliter of blood and sanctions the use of approved preliminary breath-testing devices by
6 law enforcement officers in determining whether a person operated a motor vehicle under
7 the influence of intoxicants.