

MAINE STATE LEGISLATURE

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R. of 8

L.D. 1483

Date: 2/23/16

(Filing No. S- 367)

TRANSPORTATION

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STATE OF MAINE

SENATE

127TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 581, L.D. 1483, Bill, "An Act To Amend Maine's Motor Vehicle Laws"

Amend the bill by inserting after the title and before the enacting clause the following:

'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of state departments and institutions will become due and payable immediately; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

Amend the bill by inserting after the enacting clause and before section 1 the following:

'Sec. 1. 3 MRSA §959, sub-§1, ¶O, as amended by PL 2013, c. 505, §1, is further amended to read:

O. The joint standing committee of the Legislature having jurisdiction over transportation matters shall use the following schedule as a guideline for scheduling reviews:

(1) Maine Turnpike Authority in 2021;

(2) The Bureau of Motor Vehicles within the Department of the Secretary of State in 2015;

(3) The Department of Transportation in ~~2015~~ 2017; and

COMMITTEE AMENDMENT

(4) Maine State Pilotage Commission in 2017.'

Amend the bill by striking out all of section 4.

Amend the bill by striking out all of sections 11 and 12 and inserting the following:

'Sec. 11. 29-A MRSA §755, sub-§3, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

3. Suspension. The Secretary of State may suspend the certificate of registration of a vehicle reported stolen or converted. ~~Until the Secretary of State learns of that vehicle's recovery or that the report of theft or conversion was erroneous, the Secretary of State may not issue a certificate of title or certificate of salvage for the vehicle.~~

Sec. 12. 29-A MRSA §1256, first ¶, as amended by PL 2013, c. 606, §1, is further amended to read:

A person who ~~has reached~~ is 15 years of age and who has successfully completed a driver education course and passed an examination for operation of a motor vehicle as provided in section 1301 may be issued a special restricted license based on educational, employment or medical need without the person's having held a permit for a period of 6 months as required by section 1304, subsection 1, paragraph H, subparagraph (1) as follows.

Sec. 13. 29-A MRSA §1256, sub-§2-A, as enacted by PL 2013, c. 606, §4, is amended to read:

2-A. Medical need. A person seeking to qualify for a special restricted license based on medical need must file an application. The Secretary of State may grant a person who ~~has reached~~ is 15 years of age a special restricted license under circumstances of medical necessity that are experienced by the person or a member of the person's immediate family if the Secretary of State determines the circumstances to be exigent and not inconsistent with the interest of highway safety and if that person has completed a minimum of ~~35~~ 70 hours of driving, including ~~5~~ 10 hours of night driving, while accompanied by a parent, guardian or licensed driver at least 20 years of age. ~~A person issued a special restricted license must complete a minimum of 35 additional hours of driving, including 5 additional hours of night driving, while accompanied by a parent, guardian or licensed driver at least 20 years of age in order to qualify for a provisional license without restriction. The Secretary of State may reduce the required minimum hours of driving under this subsection if the secretary determines a reduction is not inconsistent with the interest of highway safety.~~

A. An application must include:

(1) A signed, notarized statement from a physician attesting to the existence of circumstances of medical necessity; and

(2) A signed, notarized statement from the applicant or the applicant's parent or guardian that:

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

1 (b) Use of a motor vehicle is necessary for transportation in connection with
 2 circumstances of medical necessity that are experienced by the person or a
 3 member of the person's immediate family.

4 B. A special restricted license issued pursuant to this subsection only authorizes the
 5 holder to operate a motor vehicle between the holder's residence and school and
 6 locations necessitated by the circumstances of medical necessity unless accompanied
 7 by a licensed driver who meets the requirements of section 1304, subsection 1,
 8 paragraph E, subparagraphs (1) to (4).'

9 Amend the bill by striking out all of sections 17 to 21.

10 Amend the bill by inserting after section 23 the following:

11 'Sec. 24. 36 MRSA §1484, sub-§3, ¶B, as amended by PL 2007, c. 627, §33, is
 12 further amended to read:

13 B. The excise tax on a motor vehicle owned by a nonresident individual must be paid
 14 in the place where the owner is temporarily or occasionally residing. If there is no
 15 such residing place, the tax must be paid to the Secretary of State and credited to the
 16 Highway Fund.

17 Sec. 25. 36 MRSA §3202, sub-§2-C, as amended by PL 2011, c. 644, §11, is
 18 further amended to read:

19 2-C. IFTA governing documents. "IFTA governing documents" means the IFTA
 20 Articles of Agreement, the IFTA Audit Manual and the IFTA Procedures Manual, as
 21 amended as of ~~December 31, 2011~~ July 15, 2015.

22 Sec. 26. Appropriations and allocations. The following appropriations and
 23 allocations are made.

24 SECRETARY OF STATE, DEPARTMENT OF

25 Administration - Motor Vehicles 0077

26 Initiative: Provides funding for the approved reorganization of one Business Manager I
 27 position to a Motor Vehicles Section Manager position.

28	HIGHWAY FUND	2015-16	2016-17
29	Personal Services	\$4,434	\$10,457
30	All Other	\$207	\$488
31			
32	HIGHWAY FUND TOTAL	\$4,641	\$10,945

33 Administration - Motor Vehicles 0077

34 Initiative: Provides funding for the approved reclassification of one Public Service
 35 Manager I position to a Public Service Manager II position.

1	HIGHWAY FUND	2015-16	2016-17
2	Personal Services	\$2,456	\$13,260
3	All Other	\$115	\$618
4			
5	HIGHWAY FUND TOTAL	\$2,571	\$13,878

6 **Administration - Motor Vehicles 0077**

7 Initiative: Provides funding for the approved reorganization of one Office Assistant II
8 position to a Customer Representative Associate II-MV position.

9	HIGHWAY FUND	2015-16	2016-17
10	Personal Services	\$5,239	\$14,233
11	All Other	\$244	\$644
12			
13	HIGHWAY FUND TOTAL	\$5,483	\$14,877

14	SECRETARY OF STATE, DEPARTMENT OF		
15	DEPARTMENT TOTALS	2015-16	2016-17
16			
17	HIGHWAY FUND	\$12,695	\$39,700
18			
19	DEPARTMENT TOTAL - ALL FUNDS	\$12,695	\$39,700
20			

21 Amend the bill by adding before the summary the following:

22 **'Emergency clause.** In view of the emergency cited in the preamble, this
23 legislation takes effect when approved.'

24 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
25 section number to read consecutively.

26 **SUMMARY**

27 This amendment strikes the provision of the bill that clarifies that a registration plate
28 may not be obscured by a plate frame or covering or other device that prevents the plate
29 from being read visually or electronically.

30 This amendment strikes from the bill the repeal of the provision of law that allows a
31 person who has reached 15 years of age to obtain a special restricted license based on
32 educational, employment or medical need without having held a learner's permit for a
33 period of 6 months. Under current law, a person who is 15 years of age to 20 years of age
34 can obtain a special restricted license. The amendment instead limits the special
35 restricted license only to a person who is 15 years of age. Current law provides that a
36 person seeking to qualify for a special restricted license based on educational or
37 employment need must complete a minimum of 70 hours of driving, including 10 hours
38 of night driving. The amendment increases the minimum driving time required of a

1 person who is seeking to qualify for a special restricted license based on medical need
2 from 35 hours to 70 hours, including 10 hours of night driving instead of the current 5
3 hours. The amendment gives the Secretary of State discretion to reduce the required
4 minimum hours of driving for a person seeking to qualify for a special restricted license
5 based on medical need.

6 The amendment also strikes from the bill the provisions that require antique autos and
7 antique motorcycles manufactured after 1991 to be subject to biennial inspection.

8 The amendment strikes the requirement in current law that the Secretary of State may
9 not issue a certificate of title or certificate of salvage for a vehicle reported stolen or
10 converted until the Secretary of State learns of that vehicle's recovery or that the report of
11 theft or conversion was erroneous. This is an obsolete requirement as the Department of
12 the Secretary of State, Bureau of Motor Vehicles works with insurance companies and
13 salvage companies when issuing certificates on vehicles reported stolen.

14 The amendment changes the year the Department of Transportation is reviewed
15 pursuant to the State Government Evaluation Act from 2015 to 2017.

16 Current law provides that the excise tax on a motor vehicle owned by a nonresident
17 with no temporary or occasional residing place in the State must be paid to the Secretary
18 of State. This amendment provides that the excise tax paid to the Secretary of State by a
19 nonresident with no temporary or occasional residing place in the State must be credited
20 to the Highway Fund.

21 The amendment clarifies that the term "IFTA governing documents" under the
22 Special Fuel Tax Act refers to International Fuel Tax Agreement documents amended as
23 of July 15, 2015 rather than December 31, 2011.

24 The amendment also adds an appropriations and allocations section and an
25 emergency preamble and emergency clause.

26 **FISCAL NOTE REQUIRED**

27 (See attached)

COMMITTEE AMENDMENT



127th MAINE LEGISLATURE

LD 1483

LR 2332(02)

An Act To Amend Maine's Motor Vehicle Laws

Fiscal Note for Bill as Amended by Committee Amendment *W(S-367)*
 Committee: Transportation
 Fiscal Note Required: Yes

Fiscal Note

	FY 2015-16	FY 2016-17	Projections FY 2017-18	Projections FY 2018-19
Net Cost (Savings)				
General Fund	\$38,428	\$230,568	\$230,568	\$230,568
Highway Fund	(\$25,733)	(\$190,868)	(\$189,729)	(\$189,556)
Appropriations/Allocations				
Highway Fund	\$12,695	\$39,700	\$40,839	\$41,012
Revenue				
General Fund	(\$38,428)	(\$230,568)	(\$230,568)	(\$230,568)
Highway Fund	\$38,428	\$230,568	\$230,568	\$230,568

Fiscal Detail and Notes

The bill includes a Highway Fund allocation of \$12,695 in fiscal year 2015-16 and \$39,700 in fiscal year 2016-17 to the Department of Secretary of State for position reorganizations. The bill also proposes to change the crediting of excise tax from nonresidents from the General Fund to the Highway Fund and would increase Highway Fund revenue by \$38,428 in fiscal year 2015-16 and \$230,568 in fiscal year 2016-17 with a corresponding decrease in General Fund revenue.