

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

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Legislative Document

No. 1524

H.P. 1048

House of Representatives, April 25, 2017

An Act To Amend Maine Motor Vehicle Laws

Submitted by the Department of Public Safety 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 HANINGTON of Lincoln.

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

2 **Sec. 1. 22 MRSA §1549**, as enacted by PL 2007, c. 591, §1 and affected by §2, is
3 repealed.

4 **Sec. 2. 29-A MRSA §101, sub-§93**, as enacted by PL 1993, c. 683, Pt. A, §2 and
5 affected by Pt. B, §5, is amended to read:

6 **93. Wrecker.** "Wrecker" means a motor vehicle with hoisting apparatus and special
7 equipment designed and used for towing or carrying wrecked or disabled vehicles or
8 freeing vehicles stalled or stuck in snow, mud or sand, when such a motor vehicle in fact
9 is being used for one of those purposes. "Wrecker" does not include a vehicle designed to
10 carry or tow more than one vehicle on its own body.

11 **Sec. 3. 29-A MRSA §525, sub-§9-A**, as repealed and replaced by PL 2003, c.
12 688, Pt. A, §32 and affected by §33, is amended to read:

13 **9-A. Violation.** The following penalties apply to violations of this section.

14 A. Except as provided in paragraph B, a person who violates this section commits a
15 Class E crime traffic infraction for which a fine of no more than \$250 may be
16 imposed for the first offense and a fine of no more than \$500 may be imposed for
17 each subsequent offense.

18 B. A person who displays or causes or permits to be displayed a false decal or permit
19 or a decal or permit issued to another person commits a Class D crime. Violation of
20 this paragraph is a strict liability crime as defined in Title 17-A, section 34,
21 subsection 4-A for which the court shall impose a fine of at least \$250, which may
22 not be suspended.

23 An owner or operator stopped for violating this section and against whom enforcement
24 action has been taken does not commit a subsequent violation of this section involving
25 the same vehicle until after the close of business on the next business day following the
26 date of the violation.

27 ~~The court shall impose a fine of at least \$250, which may not be suspended.~~

28 ~~Violation of this section is a strict liability crime as defined in Title 17-A, section 34,~~
29 ~~subsection 4-A.~~

30 **Sec. 4. 29-A MRSA §558-A, sub-§2, ¶A**, as amended by PL 2015, c. 176, §1, is
31 further amended to read:

32 A. A person may not violate any provision of the rules of the Department of Public
33 Safety, Bureau of State Police adopted under section 555 that incorporates by
34 reference any of the following federal regulations or ~~that is an~~ the most current
35 amended version of any of the following federal regulations as filed with the
36 Secretary of State pursuant to section 555, subsection 2, paragraph C, subparagraph
37 (1), division (c):

38 (1) 49 Code of Federal Regulations, Section 390.21 (2007);

- 1 (2) Except as otherwise provided in subsection 1, paragraph C, 49 Code of
- 2 Federal Regulations, Section 391.41 (~~2007~~);
- 3 (3) 49 Code of Federal Regulations, Sections 392.7, 392.8, 392.9(a), 392.9(b),
- 4 392.16, 392.22, 392.24, 392.25, 392.33, 392.71, 392.80 and 392.82 (~~2007~~);
- 5 (4) Any section of 49 Code of Federal Regulations, Part 393 (~~2007~~);
- 6 (4-A) 49 Code of Federal Regulations, Sections 395.3(a)(3)(ii), 395.8(a)(2)(ii),
- 7 395.8(d) and 395.8(i) (~~2014~~); or
- 8 (5) 49 Code of Federal Regulations, Part 396, except Sections 396.7 and 396.9
- 9 (~~2007~~).

10 **Sec. 5. 29-A MRSA §1605, sub-§6**, as enacted by PL 1993, c. 683, Pt. A, §2 and
 11 affected by Pt. B, §5, is amended to read:

12 **6. Operating without giving proof.** A person commits a Class ~~E~~ D crime if that
 13 person is required to maintain proof of financial responsibility and, without authorization
 14 from the Secretary of State and without that proof, operates a vehicle or knowingly
 15 permits a vehicle owned by that person to be operated by another on a public way.

16 **Sec. 6. 29-A MRSA §1605, sub-§6-A** is enacted to read:

17 **6-A. Operating without proof when an accident involving death or serious**
 18 **bodily injury results.** A person commits a Class C crime if that person is required to
 19 maintain proof of financial responsibility and, without authorization from the Secretary of
 20 State and without that proof, operates a vehicle or knowingly permits a vehicle owned by
 21 that person to be operated by another on a public way and an accident involving the
 22 vehicle and resulting in the death of or serious bodily injury to any person occurs on the
 23 public way. For the purposes of this subsection, "serious bodily injury" has the same
 24 meaning as in Title 17-A, section 2, subsection 23.

25 **Sec. 7. 29-A MRSA §1752, sub-§3**, as amended by PL 2013, c. 381, Pt. A, §4, is
 26 further amended to read:

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

28 **Sec. 8. 29-A MRSA §1951**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected
 29 by Pt. B, §5, is amended to read:

30 **§1951. Name of owner or lessee displayed**

31 A truck tractor owner or operator shall display on both sides of the truck tractor the
 32 name of the owner or lessee in letters ~~not less than 2 1/2 inches in height~~ that meet the
 33 standards set forth in 49 Code of Federal Regulations, Section 390.21.

34 **Sec. 9. 29-A MRSA §1953, sub-§2, ¶C**, as enacted by PL 1993, c. 683, Pt. A, §2
 35 and affected by Pt. B, §5, is amended to read:

36 C. A truck tractor when ~~not~~ hauling a trailer or semitrailer;

1 **Sec. 10. 29-A MRSA §2120** is enacted to read:

2 **§2120. Smoking in vehicles when minor under 16 years of age is present**

3 **1. Definition.** As used in this section, unless the context otherwise indicates,
4 "smoking" means inhaling, exhaling, burning or carrying a lighted cigarette, cigar, pipe,
5 weed, plant, regulated narcotic or other combustible substance.

6 **2. Prohibition.** Smoking is prohibited in a motor vehicle by the operator or a
7 passenger when a person who has not attained 16 years of age is present in that motor
8 vehicle, regardless of whether the motor vehicle's windows are open.

9 **3. Prohibition on inspection or search.** A motor vehicle, the contents of the motor
10 vehicle or the operator or a passenger in the motor vehicle may not be inspected or
11 searched solely because of a violation of this section.

12 **4. Not a moving violation.** A violation of this section is not a moving violation.

13 **5. Penalty; warning.** A person who violates this section commits a civil violation
14 for which a fine of \$50 must be assessed, except that a law enforcement officer may give
15 a written warning to the operator or a passenger of a motor vehicle who is in violation of
16 this section.

17 **Sec. 11. 29-A MRSA §2390, sub-§1,** as amended by PL 2007, c. 306, §8, is
18 further amended to read:

19 **1. Trucks, trailers and recreational vehicles.** The following maximum length
20 limits apply to trucks, trailers and recreational vehicles and include permanent or
21 temporary structural parts of the vehicle and load, but do not include refrigeration units or
22 other nonload-carrying appurtenances permitted by federal regulation.

23 A. A vehicle may not exceed 45 feet, except as provided in this section.

24 B. The maximum overall length of a combination of vehicles may not exceed 65 feet
25 unless otherwise permitted by law.

26 C. A trailer or semitrailer may be greater than 45 feet but not more than 48 feet in
27 structural length only if the distance between the center of the rearmost axle of the
28 truck tractor and the center of the rearmost axle of the trailer or semitrailer does not
29 exceed 38 feet.

30 The overall length of the combination of truck tractor and trailer or semitrailer in this
31 paragraph may not exceed 69 feet, including all structural parts of the vehicle,
32 permanent or temporary, and any load carried on or in the vehicle, including any rear
33 overhang.

34 The interaxle distance and overall combination vehicle length maximum limits
35 required by this paragraph do not apply on the Interstate Highway System and those
36 qualifying federal aid primary system highways designated by the Secretary of the
37 United States Department of Transportation, pursuant to the United States Surface
38 Transportation Assistance Act of 1982, Public Law 97-424, Section 411.

- 1 D. The load on a combination vehicle transporting tree-length logs exclusively may
2 extend rearward beyond the body of the vehicle by no more than 8 1/2 feet, as long as
3 no more than 25% of the length of the logs extends beyond the body and the total
4 length of the vehicle and load does not exceed 74 feet.
- 5 E. A combination of truck tractor and full trailer or semitrailer may be operated on
6 the Interstate Highway System and those qualifying federal aid primary system
7 highways designated by the Secretary of the United States Department of
8 Transportation, pursuant to the United States Surface Transportation Assistance Act
9 of 1982, Public Law 97-424, Section 411, with an overall length in excess of 65 feet,
10 if the trailer or semitrailer length does not exceed 48 feet.
- 11 F. A combination of truck tractor, semitrailer and full trailer, or a combination of
12 truck tractor and 2 semitrailers, may be operated on the Interstate Highway System
13 and those qualifying federal aid primary system highways designated by the
14 Secretary of the United States Department of Transportation, pursuant to the United
15 States Surface Transportation Assistance Act of 1982, Public Law 97-424, Section
16 411, with an overall length in excess of 65 feet, if no semitrailer or trailer length
17 exceeds 28.5 feet. This vehicle combination may also operate on other highways
18 designated by the Commissioner of Transportation.
- 19 G. A stinger-steered autotransporter may be operated on the Interstate Highway
20 System and those qualifying federal aid primary system highways designated by the
21 Secretary of the United States Department of Transportation, pursuant to the United
22 States Surface Transportation Assistance Act of 1982, Public Law 97-424, Section
23 411, with an overall length not to exceed ~~75~~ 80 feet.
- 24 H. A combination vehicle designed for and transporting automobiles may be
25 operated with an additional front overhang of not more than ~~3~~ 4 feet and rear
26 overhang of not more than ~~4~~ 6 feet.
- 27 I. Drive-away saddlemount vehicle transporter combinations with an overall length
28 not exceeding 97 feet may be operated on the Interstate Highway System and those
29 qualifying federal aid primary system highways designated by the Secretary of the
30 United States Department of Transportation pursuant to the United States Surface
31 Transportation Assistance Act of 1982, Public Law 97-424, Section 411.
- 32 J. Notwithstanding any other provision of this subsection, a single semitrailer whose
33 total structural length exceeds 48 feet but does not exceed 53 feet may be operated in
34 combination with a truck tractor on a highway network if the following conditions are
35 met.
- 36 (1) The wheelbase of the semitrailer, measured as the distance from the kingpin
37 to the center of the rearmost axle of the semitrailer, may not exceed 43 feet.
- 38 (2) The kingpin setback of the semitrailer, measured as the distance from the
39 kingpin to the front of the semitrailer, may not exceed 3 1/2 feet in length.
- 40 (3) The rear overhang of the semitrailer, measured as the distance from the
41 center of the rear tandem axles of the semitrailer to the rear of the semitrailer,
42 may not exceed 35% of the wheelbase of the semitrailer.

1 (4) The semitrailer must be equipped with a rear underride guard that is of
2 sufficient strength to prevent a motor vehicle from penetrating underneath the
3 semitrailer, extends across the rear of the semitrailer to within an average
4 distance of 4 inches of the lateral extremities of the semitrailer, exclusive of
5 safety bumper appurtenances, and is placed at a height not exceeding 22 inches
6 from the surface of the ground as measured when the semitrailer is empty and is
7 on a level surface.

8 (5) The semitrailer must be equipped with vehicle lights that comply with or
9 exceed federal standards and reflective material approved by the Commissioner
10 of Transportation that must be located on the semitrailer in a manner prescribed
11 by the commissioner. The semitrailer must display a conspicuous warning on the
12 rear of the semitrailer indicating that the vehicle combination has a wide turning
13 radius.

14 (8) Except as provided in subparagraph (10), the overall length of the truck
15 tractor and semitrailer combination of vehicles traveling beyond the national
16 network may not exceed 74 feet, including all structural parts of the vehicle,
17 permanent or temporary, and any load carried on or in the vehicle. For the
18 purposes of this subparagraph, "national network" means those highways in the
19 State identified under 23 Code of Federal Regulations, Appendix A to Part 658.

20 (9) Notwithstanding section 2380, the width of the semitrailer must be 102
21 inches, except that the width of the rear safety bumper and appurtenances to the
22 safety bumper may not exceed 103 inches and except that the width of a flatbed
23 or lowboy semitrailer, measured as the distance between the outer surface edges
24 of the semitrailer's tires, must be at least 96 inches but no more than 102 inches.

25 (10) For vehicles whose overall length exceeds 74 feet, including all structural
26 parts of the vehicle, permanent or temporary, and any load carried on or in the
27 vehicle, access is permitted to service facilities or terminals within one mile of
28 the national network. For purposes of this subparagraph, "national network"
29 means those highways in the State identified under 23 Code of Federal
30 Regulations, Appendix A to Part 658.

31 (12) This vehicle combination may not transport cargo that has been prohibited
32 for this vehicle combination by the Commissioner of Transportation.

33 (13) This paragraph does not apply to a trailer or semitrailer when transporting
34 or returning empty from transporting a nondivisible load or object under the
35 provisions of an overlimit permit granted by section 2382.

36 Nothing in this paragraph limits the authority of the department under Title 23,
37 section 52 to adopt rules prohibiting or limiting access by semitrailers or other
38 vehicles to a highway or portion of a highway or other segment of the transportation
39 infrastructure in order to ensure public safety.

40 **SUMMARY**

41 This bill amends the motor vehicle and traffic laws to:

- 1 1. Clarify the definition of the word "wrecker" to specify that it applies only when
2 the vehicle is in the act of towing or carrying a vehicle or freeing a stuck vehicle;
- 3 2. Decriminalize certain provisions of law regarding fuel tax licensing and reporting.
4 Displaying a false fuel use identification decal remains a Class D crime;
- 5 3. Specify that the version of the federal regulations incorporated by reference into
6 rules of the Department of Public Safety is the most current version as filed with the
7 Secretary of State;
- 8 4. Increase the class of crime from a Class E to a Class D crime for operating, or
9 permitting the operation of, a motor vehicle without proof of financial responsibility and
10 to a Class C crime if death or serious bodily injury results from an accident involving that
11 motor vehicle;
- 12 5. Clarify that the exemption from inspection requirements for antique autos applies
13 only if the vehicle is registered as an antique auto;
- 14 6. Require a truck tractor owner or operator to display on both sides of the truck
15 tractor the name of the owner or lessee in letters that meet the standards set forth in the
16 Code of Federal Regulations. Current law specifies the size of the letters;
- 17 7. Correct an error in the statute pertaining to splash guards to exempt a truck tractor
18 from having splash guards when it is hauling a trailer or semitrailer;
- 19 8. Reallocate from the Maine Revised Statutes, Title 22 to Title 29-A the statute that
20 prohibits a person from smoking in a motor vehicle when a person who has not attained
21 16 years of age is present in that motor vehicle; and
- 22 9. Clarify the statute governing vehicle lengths so that it explicitly states the statute
23 applies to recreational vehicles and so that it conforms certain vehicle lengths to federal
24 law.