

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1577

H.P. 1084

House of Representatives, May 4, 2017

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 COLLINS of York and
Representatives: BRYANT of Windham, CEBRA of Naples, GILLWAY of Searsport,
PARRY of Arundel, PERKINS of Oakland, SCHNECK of Bangor, Senators: MIRAMANT of
Knox, ROSEN of Hancock.

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

2 **Sec. 1. 5 MRSA §17716**, as amended by PL 2007, c. 491, §135, is further
3 amended to read:

4 **§17716. Motor vehicle detectives**

5 A motor vehicle ~~investigator~~ detective, senior motor vehicle ~~investigator~~ detective,
6 principal motor vehicle ~~investigator~~ detective or chief motor vehicle ~~investigator~~
7 detective who elects the retirement option provided in section 17851, subsection 14 shall
8 contribute to the State Employee and Teacher Retirement Program or have pick-up
9 contributions made by the employer as provided in section 17852, subsection 15.

10 **Sec. 2. 5 MRSA §17851, sub-§14**, as enacted by PL 1997, c. 402, §2, is amended
11 to read:

12 **14. Motor vehicle detectives; option.** A motor vehicle ~~investigator~~ detective, senior
13 motor vehicle ~~investigator~~ detective, principal motor vehicle ~~investigator~~ detective or
14 chief motor vehicle ~~investigator~~ detective qualifies for a service retirement benefit upon
15 reaching 55 years of age after completing at least 25 years of creditable service in that
16 capacity if notice of election of the option and payment of employee contributions and
17 actuarial costs are made as provided in section 17852, subsection 15.

18 **Sec. 3. 5 MRSA §17852, sub-§15**, as amended by PL 2007, c. 491, §§171, 172,
19 is further amended to read:

20 **15. Motor vehicle investigators and motor vehicle detectives; option.** The
21 retirement benefit of a person who qualifies under section 17851, subsection 14 and who
22 retires upon or after reaching 55 years of age is computed in accordance with subsection
23 1 if:

24 A. The person was first employed as a motor vehicle investigator or a motor vehicle
25 detective on or after October 1, 1997, elects the option provided in section 17851,
26 subsection 14 and pays to the State Employee and Teacher Retirement Program an
27 increased employee payroll contribution in an amount that equals the full actuarial
28 cost of electing that option; or

29 B. The person was first employed as a motor vehicle investigator before October 1,
30 1997, elects the option provided in section 17851, subsection 14 and pays to the State
31 Employee and Teacher Retirement Program a single payment or periodic payments of
32 a lump sum or a combination of single and periodic payments of that amount that
33 equals the full actuarial cost of electing that option for service before that date.

34 A person who requests calculation of the full actuarial cost, regardless of whether the
35 person elects the option, must pay to the retirement system by a single lump sum payment
36 the reasonable administrative costs of determining the full actuarial costs. Payment of the
37 full actuarial cost related to service on or after October 1, 1997 is made as part of the
38 employee payroll contribution.

1 For the purposes of this subsection, "full actuarial cost" means that the person's payment
2 or payments must fully offset any unfunded liability that would or does result from
3 retirement under the option provided in section 17851, subsection 14 and must fully fund
4 the cost of the person's retirement prior to normal retirement age so that an additional
5 employer contribution is not required.

6 A person who makes the election provided in section 17851, subsection 14 at any time
7 after the date on which the person is first employed as a motor vehicle investigator or a
8 motor vehicle detective must include interest, at a rate to be set by the board not to exceed
9 regular interest by 5 or more percentage points, applied as of the date on which the person
10 was first employed in that capacity to the contributions the person would have paid or had
11 picked up by the employer had the person elected that option at the date of first
12 employment.

13 This subsection takes effect October 1, 1997. Election to retire under this subsection is a
14 one-time irrevocable election. A person who was first employed as a motor vehicle
15 investigator or a motor vehicle detective on or after October 1, 1997 must make the
16 election no later than 90 days after the date of first employment. A person who was first
17 employed in that capacity before October 1, 1997 must make the election no later than
18 January 1, 1998.

19 **Sec. 4. 5 MRSA §17852, sub-§16**, as enacted by PL 1997, c. 401, §3, is further
20 amended to read:

21 **16. Motor vehicle detectives exercising option; retirement before 55 years of**
22 **age.** For a person exercising the option provided in section 17851, subsection 14 who
23 makes the payments required in subsection 15 and who retires before reaching 55 years of
24 age, the retirement benefit is determined as follows.

25 A. For members with 10 years of creditable service on July 1, 1993, the retirement
26 benefit is determined in accordance with subsection 1, except that:

27 (1) The amount arrived at under subsection 1 is reduced by applying to that
28 amount the percentage that a life annuity due at 55 years of age bears to the life
29 annuity due at the age of retirement; and

30 (2) For the purpose of making the computation under subparagraph (1), the
31 board-approved tables of annuities in effect at the date of the member's retirement
32 are used.

33 For the purpose of calculating creditable service under this subsection only,
34 "creditable service" includes time during which a member participated in the
35 voluntary cost-savings plan or the voluntary employee incentive program; authorized
36 by Public Law 1989, chapter 702, Part F, section 6 and Public Law 1991, chapter
37 591, Part BB and chapter 780, Part VV; 10 years of combined creditable service
38 under this Part and Title 3, chapter 29; or creditable service available to a member
39 that the member was eligible to purchase on June 30, 1993 and that the member does
40 purchase in accordance with rules adopted by the board.

41 B. For members who do not have 10 years of creditable service on July 1, 1993, the
42 retirement benefit is determined in accordance with subsection 1, except that the
43 benefit is reduced by 6% for each year that the person's age precedes 55 years of age.

1 **Sec. 5. 20-A MRSA §12552, sub-§2**, as amended by PL 2009, c. 421, §1, is
2 further amended to read:

3 **2. Law enforcement officer.** "Law enforcement officer" means an active state
4 police officer, municipal police officer, county sheriff or deputy sheriff in this State.
5 "Law enforcement officer" also means an active game warden, fire marshal, forest ranger,
6 Baxter State Park ranger, detective employed by the Office of the Attorney General
7 pursuant to Title 5, section 202, person employed by the Department of Corrections as an
8 investigative officer as defined in Title 34-A, section 1001, subsection 10-A, juvenile
9 community corrections officer as described in Title 34-A, section 5602, probation officer,
10 security officer appointed by the Commissioner of Public Safety pursuant to Title 25,
11 section 2908, motor vehicle ~~investigator~~ detective or supervisor appointed by the
12 Secretary of State pursuant to Title 29-A, section 152, military security police officer
13 appointed by the Adjutant General, University of Maine System police officer or marine
14 patrol officer, if employed on a full-time basis in that position in this State.

15 **Sec. 6. 25 MRSA §1611, sub-§5**, as amended by PL 2013, c. 147, §2, is further
16 amended to read:

17 **5. Law enforcement officer or officer.** "Law enforcement officer" or "officer"
18 means an active state police officer, municipal police officer, county sheriff, deputy
19 sheriff, game warden, an employee of the Office of the State Fire Marshal who has law
20 enforcement powers pursuant to section 2396, subsection 7, fire marshal, judicial
21 marshal, forest ranger, Baxter State Park ranger, a detective employed by the Office of
22 the Attorney General pursuant to Title 5, section 202, a person employed by the
23 Department of Corrections as an investigative officer as defined in Title 34-A, section
24 1001, subsection 10-A, a juvenile community corrections officer as described in Title
25 34-A, section 5602, a probation officer, a security officer appointed by the Commissioner
26 of Public Safety pursuant to section 2908, a motor vehicle ~~investigator~~ detective or
27 supervisor appointed by the Secretary of State pursuant to Title 29-A, section 152, a
28 military security police officer appointed by the Adjutant General, a University of Maine
29 System police officer or marine patrol officer in this State.

30 **Sec. 7. 29-A MRSA §101, sub-§80-A** is enacted to read:

31 **80-A. Tow-away transporter combination.** "Tow-away transporter combination"
32 means a combination of vehicles, with a combined gross weight not exceeding 26,000
33 pounds, consisting of a truck or truck and tractor and 2 trailers or semitrailers, which do
34 not carry property and constitute inventory property of a manufacturer, distributor or
35 dealer of such trailers or semitrailers.

36 **Sec. 8. 29-A MRSA §152, sub-§2**, as amended by PL 2007, c. 12, §1, is further
37 amended to read:

38 **2. Deputize agents, examiners and detectives.** Appoint and deputize agents,
39 examiners and motor vehicle ~~investigators~~ detectives, stationed at convenient places, to
40 receive applications for registration and licenses for the operation of vehicles, to conduct
41 examinations and to perform assigned duties.

1 A motor vehicle ~~investigator~~ detective has the powers and duty to enforce all provisions
2 of this Title and Title 17-A and all the laws of the State with the same powers that a
3 sheriff has in a county. A motor vehicle ~~investigator~~ detective is at all times subject to all
4 other investigatory duties assigned by the Secretary of State.

5 **Sec. 9. 29-A MRSA §201, sub-§1**, as enacted by PL 1993, c. 683, Pt. A, §2 and
6 affected by Pt. B, §5, is amended to read:

7 **1. Appointment of agents by Secretary of State; scope of authority.** With the
8 approval of the municipal officers, the Secretary of State may appoint a municipal tax
9 collector, or other persons designated by a municipality, to collect excise taxes on
10 vehicles and to receive applications for ~~licenses, noncommercial driver's license renewals,~~
11 ~~and duplicates, nondriver identification card renewals and duplicates and new~~
12 ~~registrations and renewals of registrations of motor vehicles, trailers and semitrailers.~~
13 The Secretary of State may authorize a municipal agent to issue ~~licenses, registrations and~~
14 ~~renewals and duplicates of noncommercial driver's licenses and, nondriver identification~~
15 ~~cards, new registrations and renewals of registrations~~ or may limit the agent's authority to
16 the issuance of renewals only.

17 **Sec. 10. 29-A MRSA §201, sub-§3**, as amended by PL 2005, c. 573, §2, is
18 further amended to read:

19 **3. Service fees.** Municipal agents appointed in accordance with subsection 1 may
20 charge service fees for ~~licenses, registrations and renewals of licenses and registrations as~~
21 follows.

22 A. A municipal agent may charge an applicant a fee not to exceed \$3 over the
23 required fee for each renewal of a noncommercial driver's license or nondriver
24 identification card or registration issued and a fee not to exceed \$4 over the required
25 fee for each new ~~license or~~ registration issued.

26 B. In a municipality in which agents are authorized to issue ~~licenses, registrations or~~
27 ~~renewals of noncommercial driver's licenses, nondriver identification cards or~~
28 ~~registrations for applicants from another municipality or from an unorganized~~
29 ~~territory, the agent may charge those applicants \$1 in addition to the fees authorized~~
30 ~~by this subsection for each license, registration or renewal.~~

31 C. A municipal agent authorized to issue temporary registration permits may charge
32 an applicant a fee not to exceed \$1 over the required permit fee.

33 D. A municipal agent authorized to process permits and decals for vehicles with
34 gross vehicle weight in excess of 6,000 may charge a fee not to exceed \$1 over the
35 required fee for each permit or decal issued.

36 E. A municipal agent may charge a fee not to exceed \$1 over the required fee for the
37 issuance of a duplicate registration, duplicate noncommercial driver's license or
38 duplicate nondriver identification card.

39 ~~F. A municipal agent may charge any applicant a fee not to exceed \$2 over and~~
40 ~~above the required operator's license fee for each renewal issued.~~

1 G. A municipal agent may charge an applicant a fee not to exceed \$1 over the
2 required fee when an applicant is requesting issuance of a set of plates designated as
3 specialty plates by the Secretary of State to replace previously issued plates.

4 H. The Secretary of State may authorize municipal agents to charge a fee not to
5 exceed \$1 over the required fee for other transactions that the municipal agent carries
6 out on behalf of the Secretary of State and that are not listed in this subsection.

7 The municipality may retain all service fees authorized in this subsection.

8 **Sec. 11. 29-A MRSA §256**, as enacted by PL 1995, c. 645, Pt. B, §6 and affected
9 by §24, is amended to read:

10 **§256. Federal Driver's Privacy Protection Act of 1994**

11 The Secretary of State shall ~~comply with~~ adopt routine technical rules to implement
12 the provisions of ~~Title 18,~~ United States Code, Chapter 123 in disclosing records.

13 **Sec. 12. 29-A MRSA §525, sub-§6, ¶B**, as amended by PL 1995, c. 482, Pt. B,
14 §13 and affected by §22, is further amended to read:

15 B. A cab card must be carried in the vehicle at all times. For the purposes of this
16 paragraph, "cab card" means identification issued or approved by the Secretary of
17 State that contains the legal name and address of the person who has established a
18 fuel use reporting account for the vehicle. With the approval of the Secretary of
19 State, the cab card may be carried and presented in an electronic format.

20 **Sec. 13. 29-A MRSA §525, sub-§9-A**, as repealed and replaced by PL 2003, c.
21 688, Pt. A, §32 and affected by §33, is amended to read:

22 **9-A. Violation.** The following penalties apply to violations of this section.

23 A. Except as provided in paragraph B, a person who violates this section commits a
24 ~~Class E crime~~ traffic infraction.

25 B. A person who displays or causes or permits to be displayed a false decal or permit
26 or a decal or permit issued to another person commits a Class ~~D~~ E crime.

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

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

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

34 **Sec. 14. 29-A MRSA §525, sub-§10**, as amended by PL 2009, c. 213, Pt.
35 YYYY, §1, is further amended to read:

36 **10. Suspension.** If a person fails to file a fuel tax report or to pay any taxes, interest,
37 penalties or audit assessment as required pursuant to Title 36, chapter 459 or any rule

1 adopted pursuant to this section, the Secretary of State shall suspend the person's fuel tax
2 license, all fuel decals issued to the person and that person's privilege to operate as a
3 motor carrier. The operation of a vehicle after suspension under this section is a traffic
4 infraction. A suspension or revocation issued by another jurisdiction pursuant to the
5 International Fuel Tax Agreement is a suspension in this State. In order to be reinstated,
6 the person must file all delinquent tax returns and pay all assessments, interest and
7 penalties. In addition, the person must pay a \$50 reinstatement fee pursuant to section
8 2486, subsection 1.

9 **Sec. 15. 29-A MRSA §525, sub-§15** is enacted to read:

10 **15. Pilot projects.** Notwithstanding any provision of this section, the Secretary of
11 State, in consultation with the State Tax Assessor and the Commissioner of Public Safety,
12 may participate in a pilot project relative to the distribution and display of International
13 Fuel Tax Agreement credentials and may modify or waive requirements for the display of
14 fuel decals for approved licensees.

15 **Sec. 16. 29-A MRSA §654, sub-§2,** as amended by PL 2011, c. 356, §16, is
16 further amended to read:

17 **2. Purchased from the dealer.** If the application is for a vehicle purchased from a
18 dealer, in addition to the requirement set forth in subsection 1, the application must be
19 signed by the dealer and must contain the name and the address of any lienholder or
20 assignee holding an interest created or reserved at the time of sale and the date of the lien.
21 The dealer shall, within 30 days after the sale, deliver the application to the Secretary of
22 State. The dealer must deliver a copy of the application to the lienholder.

23 ~~Violation of this subsection is a traffic infraction for which a fine of not less than \$100~~
24 ~~and not more than \$500 may be adjudged for each infraction.~~

25 A. Violation of this subsection is a traffic infraction when the application is delivered
26 to the Secretary of State more than 30 days but less than 90 days after the date of sale.

27 B. Violation of this subsection is a Class E crime when the application has not been
28 delivered to the Secretary of State 90 days or more after the date of sale.

29 **Sec. 17. 29-A MRSA §664-A, sub-§1,** as amended by PL 2009, c. 598, §29, is
30 further amended to read:

31 **1. Vehicle sold by dealer.** A vehicle that is offered for sale or sold by a dealer must
32 be accompanied by a properly assigned and valid certificate of title or certificate of
33 salvage ~~at the time of its sale~~. A dealer may retain and process certificates of title and
34 certificates of salvage at the dealer's primary facility if in the case when the dealer
35 displays a vehicle at an annex facility the dealer maintains a copy of the certificate of title
36 or certificate of salvage at the annex facility.

37 **Sec. 18. 29-A MRSA §754, sub-§1,** as enacted by PL 1993, c. 683, Pt. A, §2 and
38 affected by Pt. B, §5, is amended to read:

1 **1. Examination of identification numbers.** A State Police officer or a motor
2 vehicle ~~investigator~~ detective may examine the vehicle identification numbers of a
3 vehicle or vehicle part. Failure to allow the examination is a Class E crime.

4 **Sec. 19. 29-A MRSA §901, sub-§4,** as enacted by PL 1993, c. 683, Pt. A, §2 and
5 affected by Pt. B, §5, is amended to read:

6 **4. Surety bonds.** A dealer other than an equipment and light trailer dealer shall file
7 with the Secretary of State and maintain a surety bond in the following amount, based on
8 the prior year's sales:

- 9 A. For 0 to 50 sales, ~~\$5,000~~ \$25,000;
- 10 B. For 51 to 100 sales, ~~\$10,000~~ \$50,000;
- 11 C. For 101 to 150 sales, ~~\$15,000~~ \$75,000; or
- 12 D. For 151 ~~to 200~~ sales and over, ~~\$20,000~~; ~~or~~ \$100,000.
- 13 E. ~~For 201 sales and over, \$25,000.~~

14 Initial licensees shall file a bond based on projected sales.

15 Persons beginning in the business as licensed vehicle dealers are subject to review after
16 initial bonding depending on volume.

17 All licensees must be reviewed annually by the Secretary of State to determine
18 compliance with the correct amount of the bonds.

19 Failure to maintain such a bond is grounds for immediate suspension of the dealer
20 license.

21 Any persons with a claim against the bond required by this subsection must file the claim
22 within 3 years from the date of sale.

23 **Sec. 20. 29-A MRSA §1002, sub-§8, ¶B,** as enacted by PL 2003, c. 652, Pt. B,
24 §5 and affected by §8, is amended to read:

25 B. A dealer must obtain a written permit from the Secretary of State to operate a
26 vehicle or combination of vehicles carrying a load. The permit must be issued in
27 accordance with the following provisions.

- 28 (1) The operation of the vehicle or combination of vehicles and load must be in
29 conjunction with the sale or purchase of a motor vehicle, vehicle or equipment by
30 the dealer.
- 31 (2) The load must consist of a motor vehicle, trailer or equipment that the dealer
32 is licensed to sell.
- 33 (3) The load may not consist of more than one automobile, truck or truck tractor
34 at any time.
- 35 (4) The initial fee and renewal fee for a permit issued under this paragraph are
36 \$200 each.

1 (5) A permit expires ~~one year~~ 90 days from the date of issuance and may be
2 renewed ~~annually~~.

3 (6) A permit must contain the name and address of the licensed dealer, an
4 effective date, an expiration date and any other information required by the
5 Secretary of State.

6 **Sec. 21. 29-A MRSA §1301, sub-§6-A**, as enacted by PL 2011, c. 149, §4, is
7 amended to read:

8 **6-A. Confidentiality.** Except as ~~authorized under~~ required by 18 United States
9 Code, Section 2721(b), the Secretary of State may not disseminate information collected
10 under subsection 6 ~~to any entity without specific authorization from the Legislature~~. For
11 every willful violation of this subsection, a person commits a civil violation for which a
12 fine of not more than \$500 may be adjudged.

13 **Sec. 22. 29-A MRSA §1303, sub-§2, ¶A**, as enacted by PL 1993, c. 683, Pt. A,
14 §2 and affected by Pt. B, §5, is amended to read:

15 A. An acceptable certificate signed by a doctor, optometrist, registered nurse or other
16 person approved by the Secretary of State, setting forth the person's visual acuity in
17 each eye, ~~both eyes combined~~ and field of vision. The certificate must indicate that it
18 is based on an examination completed within one year of the date of application; or

19 **Sec. 23. 29-A MRSA §1304, sub-§2, ¶C**, as amended by PL 2005, c. 577, §19,
20 is further amended to read:

21 C. An applicant for a motorcycle permit must complete a motorcycle ~~driver~~ rider
22 education ~~program~~ course as required by section 1352.

23 **Sec. 24. 29-A MRSA §1304, sub-§2, ¶E**, as amended by PL 2015, c. 473, §14,
24 is further amended to read:

25 E. If the holder of a learner's permit fails to complete the driving test within 2 years
26 from the date of issuance of a learner's permit the holder must retake the motorcycle
27 ~~driver~~ rider education ~~program~~ course for a subsequent learner's permit to be issued.

28 **Sec. 25. 29-A MRSA §1352**, as amended by PL 2015, c. 473, §§15 and 16, is
29 further amended to read:

30 **§1352. Motorcycle rider education**

31 **1. Motorcycle rider education required.** Notwithstanding any other provision of
32 law, a motorcycle learner's permit, license or endorsement may not be issued to a person,
33 unless that person presents a certificate of successful completion of a motorcycle ~~driver~~
34 rider education ~~program~~ course and examination approved by the Secretary of State.

35 **2. Education course.** The following provisions apply to motorcycle ~~driver~~ rider
36 education ~~programs~~ courses.

37 A. A motorcycle ~~driver~~ rider education ~~program~~ course must consist of classroom
38 and hands-on instruction directly related to the actual operation of motorcycles,

1 emphasizing safety measures designed to ensure greater awareness of careful and
2 skillful operation of motorcycles.

3 B. The ~~program~~ course may be offered by a public secondary school, a private
4 secondary school approved for attendance purposes by the Commissioner of
5 Education, a career and technical education center or career and technical education
6 region or adult education program conducted under Title 20-A, chapter 316.

7 C. A motorcycle ~~program~~ course offered independently of an approved driver
8 education course may not be offered for credit toward a high school diploma.

9 E. The Secretary of State must approve a motorcycle ~~driver rider~~ education ~~program~~
10 course.

11 **3. Instructors.** The following provisions apply to the ~~certification~~ licensing of
12 instructors.

13 A. A person may not conduct a motorcycle ~~driver rider~~ education ~~program~~ course
14 unless ~~certified~~ licensed by the Secretary of State as a qualified instructor.

15 B. The Secretary of State shall:

16 (1) Conduct, or authorize other qualified persons to conduct, ~~certification~~
17 instructor preparation courses; and

18 (2) Establish reasonable qualification standards and requirements for
19 ~~certification~~ licensing. The requirements must include a provision to demonstrate
20 proficiency in operating a motorcycle.

21 **4. Instructor availability.** When a ~~certified~~ licensed instructor is not available in a
22 geographic area, the Secretary of State may assign a qualified instructor for the ~~program~~
23 course subject to the following provisions.

24 A. The requesting authority must ensure a minimum class size of 6 students.

25 B. The Secretary of State shall charge a ~~program~~ course fee comparable to other
26 motorcycle ~~driver rider~~ education ~~programs~~ courses.

27 C. An instructor is not a "teacher" within the meaning of Title 5, section 17001,
28 subsection 42 or Title 20-A.

29 **5. Completion certificates.** An instructor shall issue a completion certificate to a
30 student who has successfully completed the course.

31 **6. Waiver of examination.** The Secretary of State may waive the required:

32 A. Written examination on receipt of a completion certificate; and

33 B. Road examination ~~for the holder of a valid motor vehicle operator's license~~ on
34 receipt of a certificate demonstrating successful completion of a novice rider course
35 approved by the Secretary of State. An endorsement issued pursuant to this
36 paragraph prohibits the holder from carrying a passenger for a period of 60 days
37 following the date of issuance of the endorsement.

1 **7. Suspension and revocation.** The Secretary of State may suspend, revoke or deny
2 a certificate of completion or an instructor's ~~certificate~~ license for just cause in
3 accordance with the Maine Administrative Procedure Act.

4 **Sec. 26. 29-A MRSA §1353**, as enacted by PL 1993, c. 683, Pt. A, §2 and
5 affected by Pt. B, §5, is amended to read:

6 **§1353. Motorcycle rider education fees**

7 The annual fee for an instructor ~~certification~~ license is \$100. The annual fee for
8 inspection of a motorcycle education classroom is \$50. The annual fee for inspection of a
9 motorcycle driving range is \$50.

10 **Sec. 27. 29-A MRSA §1401, sub-§2**, as amended by PL 2003, c. 434, §19 and
11 affected by §37, is further amended to read:

12 **2. Photograph or digital image.** A license, except for a temporary license, must
13 bear a full-face ~~color~~ photograph or digital image of the licensee. The following are
14 exempt from the photographic or digital image requirement:

- 15 B. A person in active military service stationed outside the State; and
- 16 C. Another person approved by the Secretary of State.

17 **Sec. 28. 29-A MRSA §1401, sub-§6**, as repealed and replaced by PL 2011, c.
18 149, §5, is amended to read:

19 **6. Storage, recording, retention and distribution of digital images and digitized**
20 **signatures.** Digital images and digitized signatures used to produce a license are
21 confidential and may be distributed only for use by a law enforcement agency in carrying
22 out its functions or as otherwise authorized ~~under the provisions of 18 United States~~
23 ~~Code, Section 2724~~ by rule adopted pursuant to section 256. The Secretary of State may
24 store, record and retain digital images and digitized signatures used only for the purpose
25 of producing a license. A violation of this subsection is a violation of section 2103,
26 subsection 4.

27 **Sec. 29. 29-A MRSA §1405, sub-§3**, as repealed and replaced by PL 2015, c.
28 206, §7, is amended to read:

29 **3. Fee.** The fee for a duplicate registration certificate is \$2. The fee for a duplicate
30 learner's permit, duplicate license or duplicate nondriver identification card is \$5. The
31 fee for the expedited issuance of a duplicate license or nondriver identification card is an
32 additional \$10. The reason for the expedited issuance must be provided and the Secretary
33 of State shall determine if expedited issuance is warranted.

34 **Sec. 30. 29-A MRSA §1406-A, sub-§2-A** is enacted to read:

35 **2-A. Expedited issuance of driver's license.** An applicant requesting the expedited
36 issuance of a driver's license under this section must pay an additional fee of \$10 and

1 provide the reason for the request. The Secretary of State shall determine if expedited
2 issuance is warranted.

3 **Sec. 31. 29-A MRSA §1408, sub-§1**, as amended by PL 2013, c. 381, Pt. B, §26,
4 is further amended to read:

5 **1. Immediate possession required.** A licensee, including a temporary licensee or
6 holder of a learner's permit, must have the license in immediate possession when
7 operating a motor vehicle. Possession may be in electronic form. For purposes of this
8 section, "electronic form" means a digital representation of the information contained in a
9 physical license or permit on a portable electronic device.

10 **Sec. 32. 29-A MRSA §1408, sub-§2**, as enacted by PL 1993, c. 683, Pt. A, §2
11 and affected by Pt. B, §5, is amended to read:

12 **2. Display.** On demand of a law enforcement officer, the licensee must produce the
13 license or an electronic version of the license for inspection. The use of a portable
14 electronic device to provide license information does not constitute consent for a law
15 enforcement officer to access other contents of the portable electronic device.

16 **Sec. 33. 29-A MRSA §2054, sub-§1, ¶B**, as amended by PL 2011, c. 657, Pt. W,
17 §5 and repealed and replaced by c. 691, Pt. A, §30, is further amended to read:

18 B. "Authorized emergency vehicle" means any one of the following vehicles:

- 19 (1) An ambulance;
- 20 (2) A Baxter State Park Authority vehicle operated by a Baxter State Park
21 ranger;
- 22 (3) A Bureau of Marine Patrol vehicle operated by a coastal warden;
- 23 (4) A Department of Agriculture, Conservation and Forestry vehicle operated by
24 a forest ranger;
- 25 (5) A Department of Agriculture, Conservation and Forestry vehicle used for
26 forest fire control;
- 27 (6) A Department of Corrections vehicle used for responding to the escape of or
28 performing the high-security transfer of a prisoner, juvenile client or juvenile
29 detainee;
- 30 (7) A Department of Inland Fisheries and Wildlife vehicle operated by a warden;
- 31 (8) A Department of Public Safety vehicle operated by a police officer appointed
32 pursuant to Title 25, section 2908, a state fire investigator or a Maine Drug
33 Enforcement Agency officer;
- 34 (9) An emergency medical service vehicle;
- 35 (10) A fire department vehicle;
- 36 (11) A hazardous material response vehicle, including a vehicle designed to
37 respond to a weapon of mass destruction;

- 1 (12) A railroad police vehicle;
- 2 (13) A sheriff's department vehicle;
- 3 (14) A State Police or municipal police department vehicle;
- 4 (15) A vehicle operated by a chief of police, a sheriff or a deputy sheriff when
5 authorized by the sheriff;
- 6 (16) A vehicle operated by a municipal fire inspector, a municipal fire chief, an
7 assistant or deputy chief or a town forest fire warden;
- 8 (17) A vehicle operated by a qualified deputy sheriff or other qualified
9 individual to perform court security-related functions and services as authorized
10 by the State Court Administrator pursuant to Title 4, section 17, subsection 15;
- 11 (18) A Federal Government vehicle operated by a federal law enforcement
12 officer;
- 13 (19) A vehicle operated by a municipal rescue chief, deputy chief or assistant
14 chief;
- 15 (20) An Office of the Attorney General vehicle operated by a detective
16 appointed pursuant to Title 5, section 202;
- 17 (21) A Department of the Secretary of State vehicle operated by a motor vehicle
18 ~~investigator~~ detective; and
- 19 (22) A University of Maine System vehicle operated by a University of Maine
20 System police officer.

21 **Sec. 34. 29-A MRSA §2303, sub-§1, ¶C**, as enacted by PL 1993, c. 683, Pt. A,
22 §2 and affected by Pt. B, §5, is repealed.

23 **Sec. 35. 29-A MRSA §2390, sub-§1, ¶K** is enacted to read:

24 K. A tow-away transporter combination may be operated with an overall length not
25 exceeding 82 feet on the interstate highway system and those qualifying federal aid
26 primary system highways designated by the Secretary of the United States
27 Department of Transportation pursuant to the federal Fixing America's Surface
28 Transportation Act, Public Law 114-94, Section 5523 (2016).

29 **Sec. 36. 29-A MRSA §2451, sub-§3**, as repealed and replaced by PL 2015, c.
30 329, Pt. A, §17, is amended to read:

31 **3. Suspension period.** Unless a longer period of suspension is otherwise provided
32 by law and imposed by the court, the Secretary of State shall suspend the license of a
33 person convicted of OUI for the following minimum periods:

34 A. One hundred fifty days, if the person has one OUI conviction within a 10-year
35 period;

36 B. Three years, if the person has 2 OUI offenses within a 10-year period;

37 C. Six years, if the person has 3 OUI offenses within a 10-year period; ø

- 1 E. Eight years, if the person has 4 or more OUI offenses within a 10-year period; or
2 F. Ten years, if the person has a prior conviction for a Class B or Class C OUI
3 offense pursuant to section 2411, subsection 1-A, paragraph D, subparagraph (2).

4 For the purposes of this subsection, a conviction or suspension has occurred within a 10-
5 year period if the date of the new conduct is within 10 years of a date of suspension or
6 imposition of sentence. The 10-year limitation does not apply to a prior conviction for a
7 Class B or Class C OUI offense; the conviction may have occurred at any time.

8 **Sec. 37. 29-A MRSA §2472, sub-§2-B**, as amended by PL 2013, c. 496, §16, is
9 further amended to read:

10 **2-B. Reexamination.** The holder of a juvenile provisional license convicted of an
11 offense listed in section 2551-A, subsection 1, paragraph A, as limited by section 2551-A,
12 subsection 3, must successfully complete an examination ~~pursuant to section 1301,~~
13 ~~subsection 4~~ as prescribed by the Secretary of State within 90 days after that license is
14 restored. Failure to successfully complete the examination results in a subsequent
15 suspension.

16 SUMMARY

17 This bill makes the following changes to the motor vehicle laws:

18 1. It allows a municipal official or other persons designated by the municipality to
19 receive and process applications for noncommercial driver's license renewals and
20 duplicates and nondriver identification card renewals and duplicates through the
21 municipality;

22 2. It allows the Secretary of State to carry out procedures established in rules for the
23 disclosure of personal information contained in motor vehicle records in accordance with
24 state and federal law;

25 3. It clarifies that the Secretary of State may authorize the display of the International
26 Fuel Tax Agreement cab card in electronic format and reduces most violations of the
27 International Fuel Tax Agreement laws from a Class E crime to a traffic infraction. It
28 also makes clear that a suspension issued by another International Fuel Tax Agreement
29 jurisdiction is a suspension in Maine. It further authorizes the Secretary of State to
30 participate in any pilot project related to International Fuel Tax Agreement licenses and
31 decals;

32 4. It changes the violation provisions for when a dealer fails to file a title application
33 with the Secretary of State within 30 days from a traffic infraction and fine for any
34 violation to a traffic infraction for applications filed more than 30 days to less than 90
35 days after the sale and a Class E crime for applications not filed 90 days or more after the
36 sale. It also requires that vehicles offered for sale by a dealer must be accompanied by a
37 valid certificate of title and raises the amounts of the surety bond on projected dealer
38 sales;

1 5. It reduces the term for a permit to carry a load for vehicles weighing more than
2 10,000 pounds while displaying a dealer plate to 90 days from one year;

3 6. It prohibits disclosure of social security numbers in motor vehicle records except
4 as required by federal law;

5 7. It modernizes language and provides consistency between statute and the rules
6 governing motorcycle rider education requirements. It allows a person without a driver's
7 license to complete the mandatory basic rider education course and be issued a Maine
8 license restricted to the operation of a motorcycle without a road examination. It also
9 modifies the statutory language regarding fees associated with the motorcycle rider
10 education program to be consistent with other references to rider education;

11 8. It removes the requirement that a driver's license bear a color photograph of the
12 licensee and allows the Secretary of State to adopt rules to determine the authorized
13 distribution of digital images and digitized signatures. It allows a person to have and
14 present a mobile driver's license in electronic form if one is made available. It also
15 creates an additional fee for expediting the issuance of driver's licenses and nondriver
16 identification cards and duplicates;

17 9. It streamlines the requirement in the licensing of new school bus operators by
18 allowing certain Department of Education training requirements to be completed after
19 hiring;

20 10. It clarifies and makes consistent the Secretary of State's administrative driver's
21 license suspension authority with court-ordered suspension authority; and

22 11. It allows the Secretary of State to administer only the road test in conjunction
23 with the reexamination process for a suspended juvenile provisional license and removes
24 the requirement to provide a written examination to fulfill the restoration requirements.

25 12. It amends the law to conform to current testing practices for visual acuity.

26 13. It changes the position name of motor vehicle investigator to motor vehicle
27 detective to be consistent with the position name change negotiated in the Maine State
28 Employees Association contract.

29 14. It defines "tow-away transporter combination" as a truck or truck tractor towing
30 2 trailers or semitrailers when the trailers or semitrailers are the property being
31 transported by a manufacturer, distributor or dealer and establishes a maximum total
32 vehicle length for the configuration of 82 feet. This change is required pursuant to the
33 federal Fixing America's Surface Transportation Act.