

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ONE
P. of S.

Date: 2/16/2020

MINORITY

(Filing No. S-383)

TRANSPORTATION

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

129TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 316, L.D. 1084, Bill, "An Act Regarding the Operation of Pedal-powered Tour Vehicles"

Amend the bill by striking out everything after the enacting clause and inserting the following:

Sec. 1. 29-A MRSA §101, sub-§42, as amended by PL 2019, c. 349, §5, is further amended to read:

42. Motor vehicle. "Motor vehicle" means a self-propelled vehicle not operated exclusively on railroad tracks, but does not include:

A. A snowmobile as defined in Title 12, section 13001;

B. An all-terrain vehicle as defined in Title 12, section 13001, unless the all-terrain vehicle is permitted in accordance with section 501, subsection 8 or is operated on a way and section 2080 applies; ~~and~~

C. A motorized wheelchair, an electric personal assistive mobility device or an electric bicycle; ~~or~~

D. A pedal-powered tour vehicle.

Sec. 2. 29-A MRSA §101, sub-§52-A is enacted to read:

52-A. Pedal-powered tour vehicle. "Pedal-powered tour vehicle" means a device that is primarily propelled by human power, has a maximum operating speed of not more than 15 miles per hour, has seating for passengers, is operated by a person seated on a seat and is driven on the ground on 4 wheels by the operator.

Sec. 3. 29-A MRSA §116 is enacted to read:

§116. Pedal car businesses

A person may not operate a pedal-powered tour vehicle on a public way in a municipality without a commercial pedal car business license issued by the municipality.

COMMITTEE AMENDMENT

A. of S.

1 A municipality that issues a commercial pedal car business license shall comply with the
2 following requirements.

3 **1. Minimum licensing requirements.** A municipality may not issue a commercial
4 pedal car business license to a person who:

5 A. Does not have a Class C driver's license issued by the Secretary of State;

6 B. Is in violation of a condition or restriction on that person's Class C driver's license
7 or any of the requirements of chapter 11; or

8 C. Does not show proof of having general liability insurance and business insurance
9 in an amount and type determined appropriate by the municipality.

10 **2. License fees and renewal.** A municipality may establish fees for the issuance and
11 renewal of a commercial pedal car business license, which must be consistent with any
12 fees the municipality sets for other tourism-based and recreation-based businesses. A
13 commercial pedal car business license must be renewed annually and may not be renewed
14 unless the applicant establishes compliance with subsections 1 and 4.

15 **3. Registration number; decal.** A commercial pedal car business license must be
16 assigned a registration number for each pedal-powered tour vehicle that is permitted to
17 operate under the license. The municipality shall provide a registration decal including
18 the assigned registration number, which must be displayed on each vehicle registered
19 under the commercial pedal car business license.

20 A registration decal issued under this subsection must be a minimum of 3 inches in height
21 and of uniform color and design as determined by the municipality. The registration
22 decal must be mounted on the rear left side of each pedal-powered tour vehicle in a
23 location at least 2 inches to the right of the left turn signal.

24 **4. Equipment inspections.** A commercial pedal car business license may not be
25 issued or renewed unless each pedal-powered tour vehicle to be operated under the
26 license has been inspected within one year from the date of issuance or renewal for
27 compliance with the equipment standards in section 1771.

28 **Sec. 4. 29-A MRSA §1771** is enacted to read:

29 **§1771. Pedal-powered tour vehicle inspections**

30 **1. Inspection standards.** A pedal-powered tour vehicle may not be operated in
31 accordance with sections 116 and 2093 unless it meets the inspection standards of this
32 section. Pedal-powered tour vehicle equipment subject to inspection must:

33 A. Be in good working condition;

34 B. Be safely attached or secured to the chassis or body of the pedal-powered tour
35 vehicle;

36 C. Be mechanically safe;

37 D. Not pose a hazard to the occupants of the pedal-powered tour vehicle or to the
38 general public; and

A. of B.

1 E. Meet the standards set forth in rules adopted by the Chief of the State Police
2 pursuant to subsection 3 or the alternative standards adopted pursuant to subsection 4
3 by the municipality in which a pedal-powered tour vehicle is licensed to operate.

4 **2. Standard for rejection.** A pedal-powered tour vehicle must be rejected for
5 violation of the inspection standards for equipment if any equipment described in section
6 1927, subsection 1 does not function sufficiently for the safety of the general public or is
7 loose and not securely attached to the vehicle.

8 **3. Rules.** The Chief of the State Police may adopt rules for the administration and
9 enforcement of this section. Rules adopted pursuant to this subsection are routine
10 technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

11 **4. Municipal authority.** A municipality may adopt alternative inspection and safety
12 standards that apply to pedal-powered tour vehicles operated in that municipality
13 pursuant to section 116. If a municipality adopts alternative inspection and safety
14 standards, the municipality shall notify the Chief of the State Police that such standards
15 will be enforced within that municipality instead of the standards set by the Chief of the
16 State Police under subsection 3.

17 **Sec. 5. 29-A MRS §1927** is enacted to read:

18 **§1927. Equipment requirements for pedal-powered tour vehicles**

19 **1. Equipment required.** A pedal-powered tour vehicle must be equipped with:

- 20 A. Brakes for each wheel;
- 21 B. Headlights that comply with section 1904;
- 22 C. One exterior rearview mirror;
- 23 D. One interior rearview mirror;
- 24 E. A parking brake;
- 25 F. Rear reflectors;
- 26 G. Stop lamps;
- 27 H. Rear lights that comply with section 1905;
- 28 I. Turn signal lamps;
- 29 J. Seat belts for all passengers;
- 30 K. Seat backs for all passengers; and
- 31 L. Grab rails for passengers to hold on to while seated.

32 Nothing in this subsection prohibits a municipality from establishing additional
33 equipment and safety requirements for pedal-powered tour vehicles licensed by that
34 municipality under section 116.

35 **2. Working condition.** Equipment required in subsection 1 must be in good
36 working condition.

37 **Sec. 6. 29-A MRS §2093** is enacted to read:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40

§2093. Operation of pedal-powered tour vehicles

A person may not operate a pedal-powered tour vehicle on any portion of a public way that is not in a municipality. A person operating a pedal-powered tour vehicle on a public way in a municipality shall comply with the operational restrictions established in this section and the licensing requirements in section 116.

1. Designated operation zones. A municipality that issues a commercial pedal car business license shall designate zones of operation within the municipality where pedal-powered tour vehicles are permitted to operate. A pedal-powered tour vehicle may not be operated on a public way that is not part of a zone of operation designated by a municipality.

A municipality may not designate for the operation of pedal-powered tour vehicles any portion of a public way with a speed limit above 15 miles per hour except for a portion of a public way at an intersection that must be crossed in order to connect sections of a designated zone of operation.

2. Operator restrictions. Except to make a left turn, the operator of a pedal-powered tour vehicle on a public way shall keep the vehicle as close to the right curb or edge of the public way as practicable.

Nothing in this subsection exempts the operator of a pedal-powered tour vehicle from other rules of operation established under this chapter or prevents a municipality from establishing additional restrictions on the operation of pedal-powered tour vehicles.

Sec. 7. 29-A MRS §2112-A, sub-§4 is enacted to read:

4. Pedal-powered tour vehicles. The operator of a pedal-powered tour vehicle on a public way is subject to every provision in this section related to the operation of a vehicle or motor vehicle on a public way. A municipality that allows the operation of pedal-powered tour vehicles may establish additional restrictions related to open alcoholic beverage containers and the consumption of alcohol by passengers on a pedal-powered tour vehicle.'

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

SUMMARY

This amendment replaces the bill. The amendment restricts a person from operating a pedal-powered tour vehicle on any portion of a public way that is not within a municipality, defines "pedal-powered tour vehicle" and exempts pedal-powered tour vehicles from the definition of "motor vehicle." It subjects the operator of a pedal-powered tour vehicle to the open container laws and allows a municipality to establish additional restrictions related to open alcoholic beverage containers and the consumption of alcohol by passengers on a pedal-powered tour vehicle. The amendment also creates equipment requirements for the operation of pedal-powered tour vehicles and creates licensing requirements, which include proof of insurance, for any municipality that allows the operation of pedal-powered tour vehicles.

2. 11. 8.

COMMITTEE AMENDMENT "A" to S.P. 316, L.D. 1084 (S-383)

1
2
3
4
5
6
7
8

The amendment requires that, if a municipality allows the operation of a pedal-powered tour vehicle on a public way, the municipality must create designated zones of operation for pedal-powered tour vehicles and such zones may not include public ways with a speed limit that exceeds 15 miles per hour. The amendment also creates requirements for the operators of pedal-powered tour vehicles and allows municipalities to establish other inspection, equipment and safety standards.

FISCAL NOTE REQUIRED

(See attached)

COMMITTEE AMENDMENT



Approved: 01/24/20 *mac*

129th MAINE LEGISLATURE

LD 1084

LR 1661(03)

An Act Regarding the Operation of Pedal-powered Tour Vehicles

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-383)

Committee: Transportation

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor cost increase - Highway Fund
Minor revenue increase - General Fund
Minor revenue increase - Other Special Revenue Funds

Correctional and Judicial Impact Statements

The additional workload associated with the minimal number of new cases filed in the court system does not require additional funding at this time.

The collection of additional fine revenue will increase General Fund and dedicated revenue by minor amounts.

Fiscal Detail and Notes

Additional costs to the Department of Public Safety associated with rulemaking can be absorbed within existing budgeted resources.