

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1783

H.P. 1268

House of Representatives, May 28, 2019

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 "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative BRYANT of Windham.
Cosponsored by Senator DIAMOND of Cumberland and
Representatives: AUSTIN of Skowhegan, COLLINGS of Portland, MARTIN of Greene,
PERKINS of Oakland, SHEATS of Auburn, WHITE of Waterville.

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

2 **Sec. 1. 29-A MRSA §106**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected
3 by Pt. B, §5, is amended to read:

4 **§106. Enforcement of laws pertaining to dealers, transporters and automobile**
5 **graveyards**

6 All state, county and local law enforcement officers and all ~~investigators~~ motor
7 vehicle detectives appointed by the Secretary of State pursuant to section 152, subsection
8 2 shall expeditiously enforce the provisions of chapter 9; section 1612; Title 10, chapter
9 217; and Title 30-A, chapter 183, subchapter ~~1~~ 1 as it relates to automobile graveyards.

10 **Sec. 2. 29-A MRSA §409, sub-§2, ¶A**, as amended by PL 2017, c. 67, §1, is
11 further amended to read:

12 A. ~~Submitted a dealer's certificate in a form prescribed by the State Tax Assessor a~~
13 properly completed bill of sale, showing either that:

- 14 (1) The sales tax due has been collected by the dealer; or
15 (2) The sale of the vehicle is not subject to tax; or

16 **Sec. 3. 29-A MRSA §409, sub-§3**, as amended by PL 2017, c. 67, §1, is further
17 amended to read:

18 **3. Collection fee.** ~~Each official shall retain from the use taxes collected a fee of The~~
19 Secretary of State must be reimbursed by the State Tax Assessor \$1.25 for each vehicle
20 per use tax certificate processed, even if a certificate indicates that no use tax is due.

21 Retained fees must be transmitted to the Treasurer of State and credited to the Highway
22 Fund.

23 Taxes collected must be transmitted to the Treasurer of State and credited to the General
24 Fund.

25 **Sec. 4. 29-A MRSA §409, sub-§4**, as enacted by PL 1993, c. 683, Pt. A, §2 and
26 affected by Pt. B, §5, is amended to read:

27 **4. Forwarding certificates.** Certificates submitted pursuant to this section must be
28 sent promptly to the State Tax Assessor and the Secretary of State.

29 **Sec. 5. 29-A MRSA §453, sub-§3-A, ¶E**, as enacted by PL 2015, c. 206, §2, is
30 amended to read:

31 E. ~~The Secretary of State finds consists~~ Consists of language that encourages
32 violence or may result in an act of violence or other unlawful activity because of the
33 content of the language requested by the registrant.

34 **Sec. 6. 29-A MRSA §456-C, sub-§5**, as enacted by PL 2007, c. 240, Pt. LLLL,
35 §2, is repealed.

1 **Sec. 7. 29-A MRSA §462, sub-§8**, as amended by PL 2003, c. 132, §1, is
2 repealed.

3 **Sec. 8. 29-A MRSA §467**, as enacted by PL 1995, c. 645, Pt. C, §7, is repealed.

4 **Sec. 9. 29-A MRSA §468-A, sub-§10**, as enacted by PL 2007, c. 383, §6, is
5 amended to read:

6 **10. Limit on authorization.** The Secretary of State shall retire and cease to issue
7 any plate authorized after January 1, 2007 ~~upon the occurrence of the earlier of:~~

8 A. When the number of sets of the plate issued falls below 4,000 for more than one
9 year; ~~and~~

10 ~~B. Ten years after the date of authorization.~~

11 **Sec. 10. 29-A MRSA §512, sub-§3**, as enacted by PL 1997, c. 776, §16, is
12 amended to read:

13 **3. Permanent registration program.** A person registering ~~30,000~~ 20,000 or more
14 semitrailers may be issued 25-year permanent registrations. For the purposes of this
15 subsection, "permanent registration" means a long-term trailer registration certificate and
16 plate with an expiration date of December 31st, 25 years from the year of issue.

17 A. The fee for each registration is \$80. The fee is nonrefundable.

18 B. All registrations expire on December 31st, 25 years from the year of issue.

19 C. The registrant may transfer an unexpired registration to a semitrailer not
20 previously registered to the registrant in this State. The transfer fee is \$20.

21 D. The Secretary of State may adopt rules to implement this subsection. Rules
22 adopted pursuant to this subsection are routine technical rules as defined in Title 5,
23 chapter 375, subchapter ~~H-A~~ 2-A.

24 **Sec. 11. 29-A MRSA §523, sub-§7**, as amended by PL 2013, c. 586, Pt. I, §1, is
25 repealed.

26 **Sec. 12. 29-A MRSA §532, sub-§8**, as enacted by PL 1993, c. 683, Pt. A, §2 and
27 affected by Pt. B, §5, is amended to read:

28 **8. Presentation of credentials.** Upon request of any law enforcement officer, an
29 operator of a motor vehicle registered pursuant to the plan must present temporary or
30 permanent credentials for inspection. The credentials must be a legible original, legible
31 copy or legible electronic image in compliance with the provisions of the plan governing
32 credentials for apportioned registrations under the plan.

33 **Sec. 13. 29-A MRSA §652, sub-§18**, as enacted by PL 2015, c. 88, §3, is
34 amended to read:

35 **18. Vehicle model year 1995 to 1999.** A vehicle that is model year 1995, 1996,
36 1997, 1998 or 1999 if:

1 A. A recycler, salvage vehicle dealer or scrap processor obtains the seller's name and
2 the address of the seller's residence from a government-issued photograph
3 identification document or credential and maintains the seller's name and address and
4 vehicle identification number of the scrapped vehicle for a period of at least ~~one year~~
5 5 years; and

6 B. A recycler, salvage vehicle dealer or scrap processor accurately reports the
7 destruction of the vehicle to the Secretary of State within 30 days in a manner
8 prescribed by the Secretary of State.

9 Violation of this subsection is a traffic infraction.

10 This subsection applies only to vehicles that are scrapped. For purposes of this
11 subsection, a government-issued photograph identification document or credential
12 includes, but is not limited to, a current and valid United States passport, military
13 identification, driver's license or nondriver identification card.

14 **Sec. 14. 29-A MRSA §667, sub-§3**, as enacted by PL 1993, c. 683, Pt. A, §2 and
15 affected by Pt. B, §5, is amended to read:

16 **3. Surrender and cancellation of certificate.** Surrender and cancellation of a
17 certificate of title or certificate of salvage must be as follows.

18 A. An owner who scraps or dismantles a vehicle shall ~~immediately~~ surrender the
19 certificate of title or certificate of salvage to the Secretary of State for cancellation
20 within 30 days of that action.

21 B. A person who acquires a vehicle to be scrapped or dismantled shall ~~immediately~~
22 surrender the certificate to the Secretary of State within 30 days of that action. If an
23 owner transfers a vehicle for which a certificate of salvage has not been issued to a
24 salvage dealer ~~or~~, recycler or scrap processor licensed under ~~this chapter 9,~~
25 the vehicle is deemed declared by the owner to be a salvage vehicle, and the salvage
26 dealer ~~or~~, recycler or scrap processor shall immediately apply for a certificate of
27 salvage for the vehicle in accordance with section 654 within 30 days, unless the
28 vehicle's certificate of title is surrendered in compliance with this subsection.

29 C. A person who repairs or rebuilds for operation on public ways a salvage vehicle
30 shall comply with subsection 4 and shall:

31 (1) If the vehicle was not insured, obtain the certificate of title from the owner;
32 or

33 (2) If the vehicle was insured, obtain a certificate of salvage or a certificate of
34 title from the insurer and apply for a certificate of salvage.

35 D. A salvage dealer, recycler or scrap processor may retain possession of a
36 certificate of salvage until the recycler scraps or dismantles the vehicle. Once a
37 vehicle is scrapped or dismantled, the salvage dealer, recycler or scrap processor shall
38 deliver the certificate of title or certificate of salvage to the Secretary of State for
39 cancellation within 30 days of that action.

1 E. Except in the case of a dismantled vehicle that has been repaired or rebuilt, a
2 certificate of title or registration to a scrapped or dismantled vehicle may not be
3 reissued.

4 **Sec. 15. 29-A MRSA §954, sub-§§6 and 7** are enacted to read:

5 **6. Trailer transit plate.** A business that delivers or services mobile homes, leases
6 or transports storage trailers or transports light trailers, modular homes or frames for
7 transporting modular homes may apply for a trailer transit license and plate. The transit
8 plate may not be loaned, used in place of registration plates on another vehicle, used for
9 personal reasons or used on the towing vehicle. Issuance of a trailer transit license and
10 plate does not exempt the holder from compliance with any state law or municipal
11 ordinance governing the movement of mobile homes, storage trailers, modular homes or
12 frames for transporting modular homes or light trailers over the highways of this State
13 and does not exempt the holder from required permits or certificates prior to moving the
14 vehicles. Trailer transit plates issued pursuant to this subsection may be used only
15 subject to the following conditions.

16 A. A storage trailer must be empty during transportation.

17 B. A light trailer may be transported with a load appropriate for the light trailer, as
18 long as the load is owned by or in the custody of the transporting business.

19 C. A light trailer may be transported with a trailer transit plate only if the business
20 owner or an employee of the business accompanies the vehicle transporting the light
21 trailer.

22 Fees for trailer transit licenses and plates are established in section 852. Trailer transit
23 licenses are exempt from section 951, subsection 6.

24 For purposes of this subsection, "business" means a corporation, firm, partnership, joint
25 venture, sole proprietorship or other commercial entity. For the purposes of this
26 subsection, "modular home" has the same meaning as in Title 30-A, section 4358,
27 subsection 1, paragraph A, subparagraph (2).

28 A person who violates this subsection commits a traffic infraction.

29 **7. Expiration date.** A trailer transit plate under subsection 6 expires annually on the
30 last day of the month of March.

31 **Sec. 16. 29-A MRSA §1110, sub-§1**, as enacted by PL 1993, c. 683, Pt. A, §2
32 and affected by Pt. B, §5, is amended to read:

33 **1. Record keeping.** A licensee shall maintain business records for 5 years, including
34 a record of:

35 A. Every vehicle ~~or component part~~ received or disposed of; its make, model, model
36 year, vehicle identification number ~~and any other part identifying number~~; the date of
37 its receipt or disposition; and the name and address of the person from whom
38 received or to whom given; ~~and~~

1 A-1. Every component part, as defined in section 602, subsection 2, received or
2 disposed of; its part identifying number; the date of its receipt or disposition; and the
3 name and address of the person from whom received or to whom given;

4 B. Every vehicle scrapped or dismantled by the licensee, the date of that action and
5 the vehicle's make, model, model year and vehicle identification number; and

6 C. The seller's name and address from a government-issued photograph
7 identification document or credential. For purposes of this subsection, "government-
8 issued photograph identification document or credential" includes, but is not limited
9 to, a current and valid United States passport, military identification card, driver's
10 license or nondriver identification card.

11 A licensed mobile crusher must maintain an operator log for each location. The log must
12 contain the make, model, model year and vehicle identification number of each vehicle
13 crushed and the date of that action.

14 A scrap processor is exempt from the requirements set forth in paragraph A A-1 for
15 vehicles received that are already dismantled.

16 **Sec. 17. 29-A MRSA §1110, sub-§3**, as enacted by PL 1993, c. 683, Pt. A, §2
17 and affected by Pt. B, §5, is amended to read:

18 **3. Compliance with federal law.** In the keeping of records, a licensee shall comply
19 with the federal Truth in Mileage Act of 1986, Public Law 99-579, as amended, and the
20 regulations of the United States Secretary of Transportation, 49 Code of Federal
21 Regulations, Part 580. A licensee shall comply with the federal Anti Car Theft Act of
22 1992, Public Law 102-519, as amended, 49 United States Code, Section 30502 and the
23 Code of Federal Regulations, Part 25.56.

24 **Sec. 18. 29-A MRSA §1111**, as enacted by PL 1993, c. 683, Pt. A, §2 and
25 affected by Pt. B, §5, is repealed.

26 **Sec. 19. 29-A MRSA §1304, sub-§4-A, ¶G**, as enacted by PL 2013, c. 381, Pt.
27 B, §16, is amended to read:

28 G. The commercial learner's permit is valid for no more than ~~180 days~~ one year from
29 the date of issuance. ~~The Secretary of State may renew the commercial learner's~~
30 ~~permit for an additional 180 days without requiring the commercial learner's permit~~
31 ~~holder to retake the general and endorsement knowledge tests.~~

32 **Sec. 20. 29-A MRSA §1352, sub-§7**, as amended by PL 2017, c. 229, §23, is
33 further amended to read:

34 **7. Suspension and revocation.** The Secretary of State may suspend, revoke or deny
35 a certificate of completion or an instructor's license for just cause in accordance with the
36 Maine Administrative Procedure Act. A person refused an instructor's license or whose
37 instructor's license is suspended or revoked may request a hearing with the Secretary of
38 State. A requested hearing must be conducted pursuant to chapter 23, subchapter 3, article
39 3.

1 **Sec. 21. 29-A MRSA §1354, sub-§8**, as amended by PL 2011, c. 556, §20, is
2 further amended to read:

3 **8. Suspension or revocation of license; hearings.** The Secretary of State may
4 suspend, revoke or refuse to issue or renew a driver education school or instructor license
5 or deny a certificate of completion for just cause or for noncompliance with statutory and
6 regulatory requirements in accordance with the Maine Administrative Procedure Act. A
7 person refused a license or denied a certificate of completion or whose license is
8 suspended or revoked may request a hearing with the Secretary of State. A requested
9 hearing must be conducted pursuant to chapter 23, subchapter ~~2~~ 3, article 3.

10 **Sec. 22. 29-A MRSA §1404**, as amended by PL 2009, c. 598, §34, is further
11 amended to read:

12 **§1404. Design layout or marking of license of a minor**

13 The Secretary of State shall provide that a license issued to a person less than 21
14 years of age bears a distinctive ~~eoløe-eode~~ design layout or marking.

15 **Sec. 23. 29-A MRSA §1404-A**, as enacted by PL 2007, c. 123, §1, is amended to
16 read:

17 **§1404-A. Deaf or hard-of-hearing designation**

18 The Secretary of State shall, at the request of a person who is deaf or hard-of-hearing,
19 ~~issue a sticker to that person to place in a location designated by the Secretary of State on~~
20 ~~the back of the person's print a driver's license or nondriver identification card with a~~
21 distinctive marker or code to indicate that the person is deaf or hard-of-hearing. The
22 Secretary of State may require appropriate documentation that a person is deaf or hard-of-
23 hearing before issuing ~~the sticker the driver's license or nondriver identification card~~. For
24 purposes of this section, the terms "deaf person" and "hard-of-hearing person" have the
25 same meanings as in section 1358, subsection 1.

26 **Sec. 24. 29-A MRSA §1405, sub-§4**, as amended by PL 2013, c. 381, Pt. B, §23,
27 is further amended to read:

28 **4. Change of information.** When any change is made on ~~an operator's photograph~~
29 ~~or digitized a driver's license or, nondriver identification card, registration certificate or~~
30 learner's permit, that updated driver's license or, nondriver identification card, registration
31 certificate or learner's permit is considered a duplicate.

32 **Sec. 25. 29-A MRSA §1410, sub-§2**, as amended by PL 2013, c. 51, §6, is
33 further amended to read:

34 **2. Issuance of card; contents.** Except as provided by section 1255, upon receipt of
35 a completed application and payment of a fee of \$5, the Secretary of State shall issue a
36 nondriver identification card to the applicant. If an applicant is the holder of a motor
37 vehicle driver's license bearing a photograph or digital image of the individual and issued
38 under this chapter, the Secretary of State or the Secretary of State's representative may

1 refuse to issue a nondriver identification card. The Secretary of State shall provide that a
2 nondriver identification card issued to a person less than 21 years of age has a distinctive
3 color code design layout or marking. Each nondriver identification card must contain:

- 4 A. The applicant's photograph or digital image;
- 5 B. The applicant's name and address;
- 6 C. The applicant's date of birth; and
- 7 E. Any other information and identification that the Secretary of State by rule
8 requires.

9 **Sec. 26. 29-A MRSA §2054, sub-§1, ¶I**, as enacted by PL 1993, c. 683, Pt. A,
10 §2 and affected by Pt. B, §5, is amended to read:

- 11 I. "Police vehicle" means any vehicle listed under paragraph B, subparagraph (2),
12 (3), (4), (7), (8), (12), (13), (14) ~~or~~ (18), (20) or (21).

13 **Sec. 27. PL 2007, c. 648, §6** is amended to read:

14 **Sec. 6. Participation in verification program; report.** ~~Notwithstanding the~~
15 ~~Maine Revised Statutes, Title 29-A, section 1411, the~~ The Secretary of State shall by
16 December 1, 2009 participate in the federal Systematic Alien Verification for
17 Entitlements Program maintained by United States Citizenship and Immigration Services
18 for the exclusive purpose of verifying the lawful presence of noncitizen applicants for
19 driver's licenses or nondriver identification cards.

20 ~~No later than January 30th of each year, beginning in 2010, the Secretary of State~~
21 ~~shall report to the joint standing committee of the Legislature having jurisdiction over~~
22 ~~transportation matters regarding the operation and effectiveness of the Systematic Alien~~
23 ~~Verification for Entitlements Program.~~

24 SUMMARY

25 This bill is the Department of the Secretary of State, Bureau of Motor Vehicles'
26 omnibus bill. The bureau is recommending several changes to the motor vehicle laws to
27 facilitate program administration and to bring administrative fees more in line with actual
28 costs.

29 It amends the enforcement provision governing dealers, transporters and automobile
30 graveyards to change investigators to motor vehicle detectives to match the current job
31 title.

32 It replaces the requirement that an applicant for an original motor vehicle registration
33 submit a dealer's certificate with the requirement that the applicant submit a properly
34 completed bill of sale. It replaces the requirement that a municipal official retain from
35 the use taxes collected a fee of \$1.25 for each vehicle with a requirement that the
36 Secretary of State be reimbursed by the State Tax Assessor \$1.25 per use tax certificate
37 processed. It requires registration certificates to be forwarded to the Secretary of State as
38 well as the State Tax Assessor.

1 It amends the law allowing the Secretary of State to refuse to issue or to recall a
2 vanity plate having language that encourages violence or may result in an act of violence
3 or other unlawful activity to remove express language stating that it is the Secretary of
4 State who makes the finding regarding the language.

5 It repeals the requirement that the Commissioner of Inland Fisheries and Wildlife
6 submit a new sportsman registration plate design every 6 years.

7 It repeals the trailer transit plate provision from the law regarding temporary
8 registration plates and enacts the language of the provision in the law regarding special
9 dealer licenses and plates. It makes a violation of that provision a traffic infraction and
10 specifies a trailer transit plate expires annually at the end of March.

11 It removes the 10-year authorization period for recognition license plates.

12 It reduces the minimum number of registrations required for eligibility for the 25-
13 year permanent registration program for semitrailers from 30,000 to 20,000.

14 It repeals the moratorium on commemorative veteran decals, which ran from October
15 1, 2009 to October 1, 2014.

16 It clarifies that International Registration Plan credentials may be presented in
17 electronic format.

18 It changes the retention period for information pertaining to a scrapped vehicle from
19 one year to 5 years to bring it into compliance with the record requirements for salvage
20 vehicle recyclers. It adds an accuracy requirement to allow for a penalty for recyclers
21 who incorrectly record information for scrapped vehicles of model years 1995 to 1999
22 and makes a violation a traffic infraction.

23 It amends the Maine Revised Statutes, Title 29-A, section 667, regarding salvage
24 vehicles, to change the reporting requirements due date in the provisions regarding
25 surrender and cancellation of a certificate of title or certificate of salvage from
26 "immediately" to within 30 days. It adds scrap processors to the list of persons to whom
27 an owner must have transferred a vehicle for which a certificate of salvage has not been
28 issued in order for that vehicle to be deemed declared by the owner to be a salvage
29 vehicle. It also allows a salvage dealer, recycler or scrap processor to retain possession of
30 a certificate of salvage until the recycler scraps or dismantles the vehicle and requires that
31 30 days after the scrapping or dismantling of the vehicle the certificate of title or
32 certificate of salvage must be delivered to the Secretary of State for cancellation. It
33 repeals the current requirement regarding the surrender of the certificate of title or
34 certificate of salvage.

35 It requires a salvage dealer, recycler or scrap processor to obtain the vehicle seller's
36 name and address from a government-issued photograph identification document or
37 credential. It requires a licensed mobile crusher to maintain an operator log for each of
38 its locations, which must include the make, model, model year and vehicle identification
39 number of each vehicle crushed and the date of the action.

1 It adds the requirement for recyclers to use the National Motor Vehicle Title
2 Information System as required by federal law and regulation.

3 It provides for the issuance of a commercial learner's permit for one year.

4 It provides a motorcycle driver education instructor a hearing pursuant to Title 29-A,
5 chapter 23, subchapter 2, article 3 when refused an instructor's license or the instructor's
6 license is suspended or revoked.

7 It allows the Secretary of State to suspend, revoke or refuse to issue or renew a driver
8 education school or instructor license or deny a driver education program certificate of
9 completion for just cause or for noncompliance with statutory or regulatory requirements.

10 It provides that a driver's license or nondriver identification card of a person under 21
11 years of age must bear a distinctive layout or marking rather than a distinctive color code.

12 It eliminates the sticker designation for a deaf or hard-of-hearing person and replaces
13 it with a distinctive marker or code on the person's driver's license or nondriver
14 identification card.

15 It clarifies that when any change is made to a driver's license, nondriver identification
16 card, registration certificate or learner's permit that requires that an updated credential be
17 issued, it is considered a duplicate for processing purposes.

18 It includes vehicles of the Attorney General's office and the Secretary of State's office
19 in the definition of "police vehicle" in the law governing emergency and auxiliary lights.

20 It removes the requirement that the Secretary of State report annually to the joint
21 standing committee of the Legislature having jurisdiction over transportation matters on
22 the federal Systematic Alien Verification for Entitlements Program.