

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST SPECIAL SESSION-2021

Legislative Document

No. 1433

H.P. 1049

House of Representatives, April 12, 2021

An Act To Amend the Motor Vehicle Laws

Submitted by the Secretary of State pursuant to Joint Rule 204.

Received by the Clerk of the House on April 8, 2021. Referred to the Committee on Transportation pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative MARTIN of Sinclair.
Cosponsored by Representative: PERKINS of Oakland.

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

2 **Sec. 1. 29-A MRSA §101, sub-§3, ¶E**, as amended by PL 2005, c. 314, §2, is
3 further amended to read:

4 E. Not a reconstructed vehicle; ~~and~~

5 **Sec. 2. 29-A MRSA §101, sub-§3, ¶F**, as enacted by PL 2005, c. 314, §3, is
6 amended to read:

7 F. Not an altered vehicle; ~~and~~

8 **Sec. 3. 29-A MRSA §101, sub-§3, ¶G** is enacted to read:

9 G. Not an off-road vehicle.

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

12 C. Maintained primarily for use in exhibitions, club activities, parades or other
13 functions of public interest; ~~and~~

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

16 D. Not used as its owner's primary mode of transportation of passengers or goods;
17 ~~and~~

18 **Sec. 6. 29-A MRSA §101, sub-§4, ¶E** is enacted to read:

19 E. Not an off-road vehicle.

20 **Sec. 7. 29-A MRSA §101, sub-§19-A**, as repealed and replaced by PL 2011, c.
21 139, §1, is amended to read:

22 **19-A. Custom vehicle.** "Custom vehicle" means a motor vehicle manufactured after
23 model year 1948 that:

24 A. Is at least 25 years old or was manufactured to resemble a motor vehicle that is at
25 least 25 years old; ~~and~~

26 B. Has been altered or modified from the manufacturer's original design or has a body
27 constructed from nonoriginal material; ~~and~~

28 C. Is not an off-road vehicle.

29 **Sec. 8. 29-A MRSA §101, sub-§47-A**, as enacted by PL 2005, c. 577, §6, is
30 amended to read:

31 **47-A. Off-road vehicle.** "Off-road vehicle" means a motor vehicle that, because of
32 the vehicle's design ~~and~~, configuration, original manufacture or original intended use, does
33 not meet the inspection standards of chapter 15, the Federal Motor Vehicle Safety
34 Standards, the United States Environmental Protection Agency's pollutant requirements or
35 the National Highway Traffic and Safety Administration's crash testing standards and that
36 is not a moped or motorcycle.

37 **Sec. 9. 29-A MRSA §201, sub-§6** is enacted to read:

1 **6. Rules.** The Secretary of State may adopt rules to implement the provisions of this
2 section. The rules may include requirements for agent training, accounting standards,
3 inventory control processes and the collection and transmission of data and funds between
4 agents and the bureau. Rules adopted pursuant to this subsection are routine technical rules
5 as defined in Title 5, chapter 375, subchapter 2-A.

6 **Sec. 10. 29-A MRSA §351, sub-§5,** as amended by PL 2001, c. 671, §4, is further
7 amended to read:

8 **5. Expiration of 14-day temporary registration plate.** Notwithstanding the
9 provisions of this section, a person who operates a vehicle with an expired temporary
10 registration plate issued pursuant to section 462 954 commits:

11 A. A traffic infraction for which a forfeiture of not more than \$50 may be adjudged if
12 the registration has been expired for less than 150 days; or

13 B. A Class E crime if the registration has been expired for 150 days or more.

14 **Sec. 11. 29-A MRSA §354,** as enacted by PL 2005, c. 577, §8, is amended to read:

15 **§354. Off-road vehicles**

16 Off-road vehicles may not be registered in accordance with this Title. Vehicles owned
17 and operated by government entities are not subject to the provisions of this section.

18 **Sec. 12. 29-A MRSA §462,** as amended by PL 2019, c. 397, §§6 and 7, is repealed.

19 **Sec. 13. 29-A MRSA §468, sub-§10, ¶B,** as amended by PL 2013, c. 66, §1, is
20 further amended to read:

21 B. The sponsor of the specialty plate under this subsection provides a list of 500 names
22 for each class requested, dated signatures and current plate numbers of supporters who
23 have signed a statement declaring they intend to purchase and display the motorcycle,
24 trailer or commercial vehicle class of specialty license plate; and

25 **Sec. 14. 29-A MRSA §468, sub-§11** is enacted to read:

26 **11. Additional specialty plates.** The Secretary of State may not authorize additional
27 specialty license plate sponsors to begin the collection of names and associated fees unless
28 there are fewer than 15 active specialty license plates. The Secretary of State shall keep a
29 list of all approved requests in order of the date the request was approved. The Secretary
30 of State shall approve the collection of names and associated fees in order of the date the
31 request was approved.

32 **Sec. 15. 29-A MRSA §501, sub-§7, ¶H** is enacted to read:

33 H. A temporary registration plate may not be used on a house trailer or mobile home
34 unless the operator of the vehicle possesses the written certificate from the tax collector
35 required by section 1002, subsection 9.

36 **Sec. 16. 29-A MRSA §522,** as amended by PL 2009, c. 174, §22, is repealed.

37 **Sec. 17. 29-A MRSA §602, sub-§11,** as enacted by PL 1993, c. 683, Pt. A, §2 and
38 affected by Pt. B, §5, is amended to read:

39 **11. Recycler.** "Recycler" means a person engaged in the business of purchasing or
40 acquiring salvage in any manner vehicles or vehicle parts for the purpose of:

- 1 A. Reselling the vehicle ~~or its component parts~~ as salvage or scrap;
- 2 B. Rebuilding or repairing ~~the vehicle~~ salvage vehicles for the purpose of resale;
- 3 C. Selling or storing the vehicle's parts or basic materials;
- 4 D. Permitting the display or storage of ~~the vehicle or its parts~~ salvage vehicles; ~~or~~
- 5 E. Acting as a scrap processor; or
- 6 F. Advertising in any form that an individual or business engages in any of the
- 7 activities in paragraphs A to E.

8 **Sec. 18. 29-A MRSA §664-A, sub-§1**, as amended by PL 2009, c. 598, §29, is
9 further amended to read:

10 **1. Vehicle sold by dealer.** A vehicle that is sold by a dealer must be accompanied by
11 a properly assigned and valid certificate of title or certificate of salvage at the time of its
12 sale. A dealer may retain and process certificates of title and certificates of salvage at the
13 dealer's primary facility if in the case when the dealer displays a vehicle at an annex facility
14 the dealer maintains a copy of the certificate of title or certificate of salvage at the annex
15 facility. A dealer selling a vehicle to a lessee who elects to purchase the leased vehicle at
16 the end of the lease term is exempt from this provision.

17 **Sec. 19. 29-A MRSA §664-A, sub-§3**, as enacted by PL 1997, c. 437, §20, is
18 amended to read:

19 **3. Transfer.** When transferring possession of a vehicle held for resale to a retail
20 purchaser or selling a leased vehicle to the lessee, a dealer shall comply with section 654.

21 **Sec. 20. 29-A MRSA §664-A, sub-§5**, as amended by PL 2011, c. 556, §6, is
22 further amended to read:

23 **5. Sold at auction.** Except for a vehicle sold to a dealer at a vehicle auction licensed
24 under section ~~852~~ 1051, a vehicle that is sold at an auction must be accompanied by a valid
25 certificate of title or salvage at the time of its sale. The seller of a vehicle sold to a dealer
26 at a vehicle auction licensed under section ~~852~~ 1051 must provide the purchasing dealer
27 with a valid certificate of title or certificate of salvage within 30 days.

28 **Sec. 21. 29-A MRSA §702, sub-§2-A** is enacted to read:

29 **2-A. Lienholder registration.** A lienholder who secures a lien on 15 or more titles
30 annually is required to register with the Secretary of State for a lienholder identification
31 number in accordance with rules adopted by the Secretary of State.

32 **Sec. 22. 29-A MRSA §752-A, sub-§2**, as repealed and replaced by PL 2005, c.
33 683, Pt. A, §49, is amended to read:

34 **2. ~~Ten~~ Twenty years old.** A vehicle, beginning with model year 2011, that is ~~10~~ 20
35 years old or older.

36 **Sec. 23. 29-A MRSA §852, sub-§2**, as amended by PL 2003, c. 434, §11 and
37 affected by §37, is further amended by repealing the first blocked paragraph.

38 **Sec. 24. 29-A MRSA §903, sub-§3**, as amended by PL 2009, c. 435, §14, is
39 amended by enacting a new first blocked paragraph to read:

1 A reduction in the number of plates under this subsection must be based on rules adopted
2 by the Secretary of State. A dealer shall maintain a surety bond adequate to cover the
3 number of sales indicated by that dealer's plates.

4 **Sec. 25. 29-A MRSA §952, sub-§1, ¶D**, as enacted by PL 1993, c. 683, Pt. A, §2
5 and affected by Pt. B, §5, is amended to read:

6 D. A suitable office in which business is conducted and records of the business are
7 kept; and

8 **Sec. 26. 29-A MRSA §952, sub-§1, ¶E**, as enacted by PL 1993, c. 683, Pt. A, §2
9 and affected by Pt. B, §5, is amended to read:

10 E. At least one mechanic, who may be the owner, who has a thorough knowledge of
11 the vehicles being handled; and

12 **Sec. 27. 29-A MRSA §952, sub-§1, ¶F**, as enacted by PL 1993, c. 683, Pt. A, §2
13 and affected by Pt. B, §5, is repealed.

14 **Sec. 28. 29-A MRSA §952, sub-§1-A** is enacted to read:

15 **1-A. Display license.** A dealer shall display the dealer's license at the dealer's place
16 of business.

17 **Sec. 29. 29-A MRSA §952, sub-§1-B** is enacted to read:

18 **1-B. Vehicles.** A dealer shall:

19 A. On all used motor vehicles offered for sale, ensure that the written vehicle history
20 statement is conspicuously affixed to the vehicle pursuant to Title 10, section 1475;
21 and

22 B. For all vehicles sold, comply with the provisions of Title 10, chapter 217.

23 **Sec. 30. 29-A MRSA §952, sub-§3**, as amended by PL 2001, c. 671, §18, is further
24 amended to read:

25 **3. Penalty.** A person who fails to comply with ~~subsection~~ subsections 1, paragraphs
26 A to F or subsection 4 1-A and 1-B commits a traffic infraction.

27 **Sec. 31. 29-A MRSA §952, sub-§4**, as enacted by PL 1993, c. 683, Pt. A, §2 and
28 affected by Pt. B, §5, is repealed.

29 **Sec. 32. 29-A MRSA §954, sub-§8** is enacted to read:

30 **8. Temporary registration plates.** Temporary registration plates are governed in
31 accordance with this subsection.

32 A. A temporary registration plate may be issued by an authorized dealer only in
33 conjunction with a sale of a vehicle within this State or for the purpose of driving or
34 otherwise moving a vehicle purchased in this State to another state or country for
35 titling, registration, use or resale in that state or country. A temporary registration plate
36 may be issued via electronic means pursuant to rules adopted by the Secretary of State.

37 B. Except a transporter licensee or loaner licensee, a person licensed as a dealer may,
38 on the sale or exchange of a motor vehicle or trailer, attach to the motor vehicle's or
39 trailer's rear a temporary registration plate. For the purposes of this paragraph, "loaner
40 licensee" means a person to whom the Secretary of State has granted permission to use

1 loaner plates on vehicles owned by that person for the purpose of loaning those vehicles
2 to customers whose vehicles are being repaired at the licensee's business location.

3 C. The fee for a temporary registration plate is \$1 per plate. A purchaser may operate
4 the motor vehicle or trailer with a temporary registration plate for a period of 14
5 consecutive days without payment of an annual registration fee. If the purchaser is a
6 nonresident member of the United States Armed Forces, the purchaser may operate a
7 motor vehicle or trailer for a period of 20 consecutive days without payment of an
8 annual registration fee. At the end of this initial period, a resident who is unable to
9 comply with the requirements of chapter 7 or a nonresident member of the United
10 States Armed Forces who has applied for but has not yet received a registration
11 certificate from a home state may request the Secretary of State to extend this period
12 without charge for an additional 20 days.

13 D. A temporary registration plate may not be used on a loaded truck without a written
14 permit from the Secretary of State.

15 E. A temporary registration plate for a motorcycle must be the same size as the regular
16 motorcycle plate.

17 F. A person attaching a temporary registration plate to a vehicle sold or exchanged by
18 that person shall mark on the plate the date of expiration and immediately notify the
19 Secretary of State of the sale or exchange, giving the name and address of the
20 purchaser, the number of the temporary plate and other information as the Secretary of
21 State may require. The date may not be less than one inch in height and must be written
22 with indelible or waterproof ink.

23 G. When a temporary registration plate is attached to a vehicle, the Secretary of State
24 must furnish the purchaser with a temporary registration certificate. A temporary
25 registration certificate may be issued only in conjunction with the issuance of a
26 temporary registration plate by an authorized dealer.

27 H. A person who issues temporary registration plates may not:

28 (1) Attach a plate to a vehicle that the person did not sell, lease or transfer; or

29 (2) Provide the plates to another person other than by attachment to a vehicle as
30 authorized by this subsection.

31 A person who violates this paragraph commits a traffic infraction.

32 I. A person who issues temporary registration plates and certificates shall maintain a
33 written record on a form prescribed by the Secretary of State of the use or disposal of
34 every plate. The record must be available for inspection by the Secretary of State at the
35 person's place of business and the person shall submit the record annually upon
36 application for renewal of a dealer license. A person who violates this paragraph
37 commits a traffic infraction.

38 **Sec. 33. 29-A MRSA §1002, sub-§4**, as amended by PL 2005, c. 433, §14 and
39 affected by §28, is further amended to read:

40 **4. Service vehicle.** A licensed new or used car dealer may attach to that dealer's
41 service vehicles specially designed service vehicle plates. These plates may be used only
42 in direct connection with the ~~licensee's business~~ new or used car license. A dealer may
43 attach a service vehicle plate only to a vehicle used for the service or repair of vehicles sold

1 or being repaired by the dealer. A dealer may not attach a service vehicle plate to a vehicle
2 that delivers parts to individuals or to businesses that are not owned by the licensee dealer.

3 A. A dealer is not entitled to more than 3 service vehicle plates at each established
4 place of business.

5 B. The weight limit for a service vehicle, including the combined weight of vehicle
6 and load, may not exceed 24,000 pounds. This weight limit does not apply to service
7 vehicles of equipment dealers.

8 C. The fee for a service vehicle plate is \$50 annually per plate.

9 D. A vehicle to which a service vehicle plate is attached must have the name of the
10 licensed dealership on the sides of the vehicle in letters at least 3 inches in height and
11 clearly visible. The name of any other business may not be displayed on the sides of
12 the vehicle to which the service vehicle plate is attached.

13 **Sec. 34. 29-A MRSA §1101, sub-§1**, as repealed and replaced by PL 1997, c. 776,
14 §33, is amended to read:

15 **1. Recycler.** "Recycler" means a person engaged in the business of purchasing or
16 acquiring salvage in any manner vehicles or vehicle parts for the purpose of:

17 A. Reselling the vehicle ~~or its component parts~~ as salvage or scrap;

18 B. Rebuilding or repairing ~~the vehicle~~ salvage vehicles for the purpose of resale;

19 C. Selling or storing the vehicle's parts or basic materials;

20 D. Displaying or storing ~~the vehicle or its parts~~ salvage vehicles; ~~or~~

21 E. Acting as a scrap processor; ~~or~~

22 F. Advertising in any form that an individual or business engages in any of the
23 activities in paragraphs A to E.

24 A person may not engage in business as a recycler without a recycler license issued under
25 this subchapter.

26 **Sec. 35. 29-A MRSA §1102-A**, as enacted by PL 2009, c. 435, §17, is repealed and
27 the following enacted in its place:

28 **§1102-A. Mobile crushers**

29 **1. Mobile crushers permitted.** A person operating a mobile crusher in this State,
30 whether based in or outside of the State, is subject to the provisions of this subchapter
31 except the provisions of section 1103. The Secretary of State may adopt rules for the
32 permitting of mobile crushers. For purposes of this section, "mobile crusher" means a
33 transportable device that is used to crush motor vehicles.

34 **2. Penalty.** Violation of this section is a traffic infraction.

35 **Sec. 36. 29-A MRSA §1108, sub-§1, ¶B**, as amended by PL 1995, c. 482, Pt. A,
36 §20, is further amended to read:

37 B. Failure to comply with a provision of this subchapter, any lawful rule adopted by
38 the Secretary of State or any provision of Title 17 or Title 17-A or this Title as they
39 relate to being a proper person to be in the business of ~~the sales of~~ acquiring or selling
40 vehicles or parts;

1 **Sec. 37. 29-A MRSA §1110, sub-§1**, as amended by PL 2019, c. 397, §16, is
2 further amended to read:

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

5 A. ~~Every~~ A record of every vehicle received or disposed of; its make, model, model
6 year, vehicle identification number; the date of its receipt or disposition; and the name
7 and address of the person from whom received or to whom given;

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

12 B. ~~Every~~ A record of every vehicle scrapped or dismantled by the licensee, the date of
13 that action and the vehicle's make, model, model year and vehicle identification
14 number; ~~and~~

15 C. ~~The~~ A record of the seller's name and address from a government-issued photograph
16 identification document or credential. For purposes of this subsection, "government-
17 issued photograph identification document or credential" includes, but is not limited
18 to, a current and valid United States passport, military identification card, driver's
19 license or nondriver identification card; ~~and~~

20 D. Copies of titles, transfers and other documents used for titling purposes.

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

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

26 **Sec. 38. 29-A MRSA §1256**, as amended by PL 2015, c. 473, §§12 and 13, is further
27 amended to read:

28 **§1256. Special restricted license**

29 A person who is 15 years of age and who has successfully completed a driver education
30 course and passed an examination for operation of a motor vehicle as provided in section
31 1301 may be issued a special restricted license based on educational, employment or
32 medical need ~~without the person's having held a permit for a period of 6 months as required~~
33 ~~by section 1304, subsection 1, paragraph H, subparagraph (1) as follows.~~

34 **1. Educational need.** A person seeking to qualify for a special restricted license based
35 on educational need must file an application. If the applicant qualifies under paragraph A,
36 has held a permit for a period of 6 months and has completed a minimum of 70 hours of
37 driving, including 10 hours of night driving, while accompanied by a parent, guardian or
38 licensed driver at least 20 years of age, a special restricted license must be issued to the
39 applicant.

40 A. An application must include:

41 (1) A signed notarized statement from the applicant and the applicant's parent or
42 guardian that:

- 1 (a) No readily available alternative means of transportation exists; and
- 2 (b) Use of a motor vehicle is necessary for transportation to and from a public
- 3 secondary school, a private secondary school approved for attendance
- 4 purposes by the Commissioner of Education or a career and technical
- 5 education center or region that the applicant is attending;

6 (2) A verification of school attendance; and

7 (3) A statement by the principal of the school of the lack of a readily available

8 alternative means of transportation.

9 B. A special restricted license issued pursuant to this subsection only authorizes the

10 holder to operate a motor vehicle between the holder's residence and school unless

11 accompanied by a licensed driver who meets the requirements of section 1304,

12 subsection 1, paragraph E, subparagraphs (1) to (4).

13 **2. Employment need.** A person seeking to qualify for a special restricted license

14 based on employment need must file an application. If the applicant qualifies under

15 paragraph A, has held a permit for a period of 6 months and has completed a minimum of

16 70 hours of driving, including 10 hours of night driving, while accompanied by a parent,

17 guardian or licensed driver at least 20 years of age, a special restricted license must be

18 issued to the applicant.

19 A. An application must include:

20 (1) A signed, notarized statement from the applicant and the applicant's parent or

21 guardian that:

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

23 (b) Use of a motor vehicle is necessary for transportation to, from or in

24 connection with employment of the applicant; and

25 (2) A verification of employment by the employer.

26 B. A special restricted license issued pursuant to this subsection only authorizes the

27 holder to operate a motor vehicle between the holder's residence, school and place of

28 employment and other places necessary in direct connection with that employment

29 unless accompanied by a licensed driver who meets the requirements of section 1304,

30 subsection 1, paragraph E, subparagraphs (1) to (4).

31 **2-A. Medical need.** A person seeking to qualify for a special restricted license based

32 on medical need must file an application. The Secretary of State may grant a person who

33 is 15 years of age a special restricted license under circumstances of medical necessity that

34 are experienced by the person or a member of the person's immediate family if the Secretary

35 of State determines the circumstances to be exigent and not inconsistent with the interest

36 of highway safety and if that person has held a permit for a period of 6 months and

37 completed a minimum of 70 hours of driving, including 10 hours of night driving, while

38 accompanied by a parent, guardian or licensed driver at least 20 years of age. The Secretary

39 of State may reduce the required minimum hours of driving under this subsection if the

40 secretary determines a reduction is not inconsistent with the interest of highway safety.

41 A. An application must include:

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

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

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

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

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

14 **3. Suspension of provisional license.** A special restricted license is a provisional
15 license. Notwithstanding chapter 23, subchapter ~~III~~ 3, article 2 and in addition to section
16 1302, subsection 2, the Secretary of State shall suspend a special restricted license when:

17 A. The holder is convicted of or adjudicated to have committed a violation of the
18 license restriction or of a motor vehicle moving violation when holding a special
19 restricted license. A person whose license is suspended pursuant to this paragraph is
20 not entitled to another special restricted license; or

21 B. The Secretary of State receives written notice from the holder, parent, guardian,
22 physician, principal or employer that the holder no longer qualifies for a special
23 restricted license.

24 **Sec. 39. 29-A MRSA §1304, sub-§2, ¶I** is enacted to read:

25 I. A learner's permit may be issued by the Secretary of State or by the provider of a
26 motorcycle rider education course under section 1352.

27 **Sec. 40. 29-A MRSA §1351, sub-§3**, as repealed and replaced by PL 1997, c. 393,
28 Pt. A, §36 and affected by §37, is amended to read:

29 **3. Certificate Completion certificates.** A successful course completion certificate
30 may be issued if the course meets the standards adopted by the Secretary of State. A
31 certificate may not be issued to a person who was not at least 15 years of age when
32 beginning the course. The certificate may be used as a temporary learner's permit for the
33 operation of a noncommercial Class C motor vehicle for 60 days from the course
34 completion date displayed on the front of the certificate. The permittee must be in
35 possession of the certificate while operating a motor vehicle and accompanied by a licensed
36 operator who has held a valid driver's license for at least 2 years; is at least 20 years of age;
37 is occupying the seat beside the operator; and is licensed to operate the class of vehicle
38 operated by the permittee.

39 **Sec. 41. 29-A MRSA §1352, sub-§3**, as amended by PL 2019, c. 337, §3, is further
40 amended to read:

1 **3. Instructors; instructor license requirements.** The Secretary of State shall adopt
2 rules governing the issuance and renewal of instructor licenses. The following provisions
3 apply to the licensing of instructors.

4 A. A person may not conduct a motorcycle rider education course unless licensed by
5 the Secretary of State as a qualified instructor.

6 B. The Secretary of State shall:

7 (1) Conduct, or authorize other qualified persons to conduct, instructor preparation
8 courses; and

9 (2) Establish reasonable qualification standards and requirements for licensing.
10 The requirements must include a provision to demonstrate proficiency in operating
11 a motorcycle.

12 D. The Secretary of State may, at any reasonable time, monitor and evaluate an
13 instructor's performance to determine compliance with this section.

14 E. The instructor shall immediately notify the Secretary of State, in writing, whenever
15 the instructor's mailing address or name changes.

16 F. An applicant for a license under this subsection shall submit to a Department of
17 Public Safety, State Bureau of Identification background check upon initial and
18 renewal application. The Bureau of Motor Vehicles shall request the background check
19 from the State Bureau of Identification. A fee must be assessed at the time of initial
20 and renewal application pursuant to Title 25, section 1541, subsection 6.

21 G. The Secretary of State shall use state and federal criminal history record information
22 for the purpose of screening motorcycle rider education instructors in order to
23 determine whether issuance of a motorcycle rider education instructor license is
24 granted or maintained.

25 **Sec. 42. 29-A MRSA §1352, sub-§5,** as enacted by PL 1993, c. 683, Pt. A, §2 and
26 affected by Pt. B, §5, is amended to read:

27 **5. Completion certificates.** An instructor shall issue a completion certificate to a
28 student who has successfully completed the course. The certificate may be used as a
29 temporary motorcycle permit for the operation of a motorcycle for 60 days from the course
30 completion date displayed on the front of the certificate. The individual must be in
31 possession of the certificate while operating a motorcycle, must wear a helmet and cannot
32 carry passengers while operating a motorcycle. If "passed 3-Wheel BRC" is stamped on
33 the front of the certificate, the individual is restricted to the operation of a 3-wheel
34 motorcycle.

35 **Sec. 43. 29-A MRSA §1352, sub-§6, ¶B,** as amended by PL 2017, c. 229, §23, is
36 further amended to read:

37 B. Road examination on receipt of a certificate demonstrating successful completion
38 of a ~~novice rider~~ motorcycle rider education course approved by the Secretary of State.
39 An endorsement issued pursuant to this paragraph prohibits the holder from carrying a
40 passenger for a period of 60 days following the date of issuance of the endorsement.

41 **Sec. 44. 29-A MRSA §1354, sub-§2, ¶A,** as amended by PL 2011, c. 556, §12, is
42 further amended to read:

1 A. A Class A driver education school license may be issued to a driver education
2 school that employs Class A ~~or Class B~~ instructors and that is authorized to teach both
3 the classroom and behind-the-wheel phases of driver education and behind-the-wheel
4 private lessons to individuals who hold a valid learner's permit, driver's license or
5 temporary driver's license. A driver education school licensed under this paragraph
6 may also employ Class B instructors to provide the behind-the-wheel phase of driver
7 education and behind-the-wheel private lessons. A driver education school licensed
8 under this paragraph may teach both the classroom and behind-the-wheel phases of
9 driver education and behind-the-wheel private lessons.

10 **Sec. 45. 29-A MRSA §1354, sub-§2, ¶D** is enacted to read:

11 D. A Class B driver education school license may be issued to a driver education
12 school that employs a Class A or Class B instructor. A driver education school licensed
13 under this paragraph may provide only behind-the-wheel private lessons to individuals
14 who hold a valid learner's permit, driver's license or temporary driver's license.

15 **Sec. 46. 29-A MRSA §1354, sub-§4**, as amended by PL 2011, c. 556, §14, is
16 further amended to read:

17 **4. Instructor license requirements.** With assistance from the Technical Review
18 Panel established in subsection 6, the Secretary of State shall adopt rules governing the
19 issuance and renewal of instructor licenses. In addition to the requirements established by
20 rule, each applicant must meet the following requirements:

21 A. The applicant must be at least 21 years of age and have a high school diploma or
22 its equivalent;

23 B. The applicant must have at least 4 years of driver experience as a licensed operator
24 and possess a valid driver's license;

25 C. The applicant may not have had a license revoked pursuant to chapter 23,
26 subchapter 5 within the preceding 6-year period;

27 D. The applicant may not have had an OUI as defined in section 2401, subsection 8
28 within the preceding 6-year period;

29 E. The applicant must pass ~~an examination consisting of a knowledge, vision and road~~
30 ~~test in the type of vehicle for which the license is to be used as prescribed by the~~
31 ~~Secretary of State; and~~

32 F. The applicant must complete an educational program prescribed by the Secretary
33 of State;

34 G. The applicant shall submit to a Department of Public Safety, State Bureau of
35 Identification background check upon initial and renewal application. The Bureau of
36 Motor Vehicles shall request the background check from the State Bureau of
37 Identification. A fee must be assessed at the time of initial and renewal application
38 pursuant to Title 25, section 1541, subsection 6;

39 H. The Secretary of State shall use state and federal criminal history record information
40 for the purpose of screening driver education instructors in order to determine whether
41 issuance of a driver education instructor license is granted or maintained; and

1 I. The applicant shall submit to having fingerprints taken. The Bureau of Motor
2 Vehicles shall make available an approved list of agencies providing fingerprinting.
3 Upon payment to an approved agency by the applicant and after the approved agency
4 takes or causes to be taken the applicant's fingerprints and forwards the fingerprints to
5 the State Bureau of Identification, the State Bureau of Identification shall conduct state
6 and national criminal history record checks. Fingerprinting is required upon initial
7 application and every 5 years thereafter.

8 **Sec. 47. 29-A MRSA §1909**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected
9 by Pt. B, §5, is amended to read:

10 **§1909. Registration lamp**

11 A vehicle must have a white light capable of illuminating the rear registration plate so
12 that the characters on the plate are visible for a distance of at least 50 feet. This section
13 does not apply to unregistered farm tractors or vehicles with valid temporary plates issued
14 by licensed car dealers.

15 **Sec. 48. 29-A MRSA §2092, sub-§3** is enacted to read:

16 **3. Government vehicles.** Vehicles owned and operated by government entities are
17 not subject to the provisions of this section.

18 **Sec. 49. 29-A MRSA §2472, sub-§2-A**, as enacted by PL 2011, c. 654, §11 and
19 affected by §16, is amended to read:

20 **2-A. Driver improvement program.** A person whose license is suspended pursuant
21 to subsection 2 shall complete ~~a minimum of 4 hours of~~ a driver improvement program
22 approved by the Secretary of State before the suspension may be terminated.

23 **Sec. 50. 29-A MRSA §2508, sub-§1**, as amended by PL 2013, c. 187, §2 and c.
24 389, §3 and affected by §7, is further amended to read:

25 **1. Installation of ignition interlock device.** Notwithstanding the periods of
26 suspension pursuant to section 2411 or 2451, subsection 3, the Secretary of State may
27 reinstate the license of a person convicted of a violation of section 2411, except for a
28 violation of section 2411, subsection 1-A, paragraph D, subparagraph (1-A), or whose
29 license is suspended by the Secretary of State pursuant to section 2453 or 2453-A if the
30 person satisfies all other conditions for license reinstatement and installs an ignition
31 interlock device approved by the Secretary of State in the motor vehicle the person
32 operates, under the following conditions.

33 A. The license of a person with 2 OUI offenses may be reinstated after 9 months of
34 the suspension period has ~~run~~ been served if the person has installed ~~for a period of 2~~
35 years an ignition interlock device approved by the Secretary of State in the motor
36 vehicle the person operates for the length of suspension time remaining.

37 A-1. The license of a person with one OUI offense may be reinstated after 30 days of
38 the suspension period has ~~run~~ been served if the person has installed ~~for a period of~~
39 150 days or the length of time remaining for a suspension imposed pursuant to section
40 2411, subsection 5, paragraph A, subparagraph (2), whichever is shorter, for the length
41 of time remaining for the suspension an ignition interlock device approved by the
42 Secretary of State in the motor vehicle the person operates.

1 B. The license of a person with 3 OUI offenses may be reinstated after 3 years of the
2 suspension period has ~~run~~ been served if the person has installed ~~for a period of 3 years~~
3 for the length of time remaining for the suspension an ignition interlock device
4 approved by the Secretary of State in the motor vehicle the person operates.

5 C. The license of a person with 4 or more OUI offenses may be reinstated after 4 years
6 of the suspension period has ~~run~~ been served if the person has installed ~~for a period of~~
7 4 years for the length of time remaining for the suspension an ignition interlock device
8 approved by the Secretary of State in the motor vehicle the person operates.

9 D. The license of a person convicted of a violation of section 2411, subsection 1-A,
10 paragraph D, subparagraph (1) or a person whose driver's license is suspended by the
11 Secretary of State pursuant to section 2453 or 2453-A for a period specified by section
12 2411, subsection 5, paragraph D-1 may be reinstated after 3 years of the suspension
13 period has ~~run~~ been served if the person has installed ~~for a period of 3 years~~ for the
14 length of time remaining for the suspension an ignition interlock device approved by
15 the Secretary of State in the motor vehicle the person operates.

16 A person whose license is reinstated pursuant to this subsection shall pay an administrative
17 fee of \$50 to the Secretary of State, in addition to the fee required by section 2486,
18 subsection 1-A.

19 SUMMARY

20 This bill amends the motor vehicle laws in the following ways.

21 1. It amends various vehicle definitions.

22 2. It adds a provision for the continued use by government entities of off-road vehicles.

23 3. It allows for rulemaking for municipal agents similar to other rule-making authority.

24 4. It moves statutory language from the Maine Revised Statutes, Title 29-A, section
25 462 to the applicable dealer sections of law and the temporary registration plate section of
26 law.

27 5. It adds language to limit the number of active specialty license plates to no more
28 than 15.

29 6. It repeals the authority of the Secretary of State to issue placards for deaf, hard-of-
30 hearing and late-deafened persons.

31 7. It changes the definition of "recycler" for consistency.

32 8. It amends the law governing licenses issued to auction locations.

33 9. It requires lienholders to register for a unique identifier to enable the bureau to
34 maintain accurate records on lienholders.

35 10. It amends statute to comply with the National Highway Traffic Safety
36 Administration's final rule regarding odometer disclosures under 49 Code of Federal
37 Regulation 580.17, the Federal Truth in Mileage Act. Beginning January 1, 2021, vehicles
38 with model year 2011 must have the odometer captured. Vehicles model year 2010 and
39 earlier remain exempt under the new rule.

40 11. It amends dealer license fees.

- 1 12. It amends the law regarding the number of plates issued to dealers.
- 2 13. It requires dealers to comply with Title 10, chapter 217 as a condition of their
3 license.
- 4 14. It moves statutory references regarding the issuance of temporary registration
5 plates and certificates.
- 6 15. It provides clarity on which dealers may use service vehicle plates.
- 7 16. It closes loopholes that allow individuals or businesses to engage in unlawful
8 activities without being licensed as recyclers and more clearly defines the activity of a
9 licensed recycler.
- 10 17. It amends the law regarding mobile crushers to provide a penalty for violations.
- 11 18. It clarifies that recycling of vehicles includes the actions of acquiring and selling
12 vehicles or parts.
- 13 19. It changes the record-keeping requirements of recyclers.
- 14 20. It tightens the requirements for special restricted licenses by requiring applicants
15 who are 15 years of age to hold a permit for 6 months before applying for a special restricted
16 license.
- 17 21. It allows the course completion certificate issued by motorcycle rider education
18 schools to act as a 60-day temporary permit.
- 19 22. It clarifies that the completion certificate for driver education instructors acts as a
20 60-day temporary learner's permit.
- 21 23. It adds requirements regarding background checks for motorcycle instructor
22 licenses.
- 23 24. It clarifies the definition of a Class A driver education school.
- 24 25. It provides flexibility in what the Secretary of State may consider when approving
25 a driver improvement program.
- 26 26. It amends the law regarding when a person is eligible to install an ignition interlock
27 device during the term of the person's suspension and when that person can remove the
28 device without penalty.