

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 1455

S.P. 573

In Senate, March 30, 2023

An Act to Establish the Weighing Point Preclearance Program

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator FARRIN of Somerset.
Cosponsored by Representative PARRY of Arundel.

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

2 **Sec. 1. 29-A MRSA §2366** is enacted to read:

3 **§2366. Weighing Point Preclearance Program**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 A. "Preclearance system" means an electronic system that verifies a commercial motor
7 vehicle's size, weight, registration and safety records as the commercial motor vehicle
8 drives on a highway and allows compliant commercial motor vehicles to bypass
9 weighing points.

10 B. "Preclearance system provider" means a provider of the preclearance system under
11 subsection 6.

12 C. "Program" means the Weighing Point Preclearance Program established pursuant
13 to subsection 2.

14 D. "State Police" means the Department of Public Safety, Bureau of State Police.

15 E. "Weighing point" means a roadside station where commercial motor vehicles are
16 required to stop for weight and safety inspections by the State Police.

17 **2. Establishment of program.** The State Police shall establish the Weighing Point
18 Preclearance Program in accordance with the commercial motor vehicle information
19 systems and networks electronic screening truck inspection and weighing point
20 preclearance standards authorized by the Federal Motor Carrier Safety Administration.

21 Any proposed infrastructure to be installed within the right-of-way of a state highway
22 pursuant to this subsection must be designed and constructed in accordance with standards
23 from the department, as applicable, and reviewed by the department, as applicable, for
24 approval prior to construction. All costs associated with the design, inspection, installation,
25 maintenance and operation of the preclearance system is the responsibility of the
26 preclearance system provider.

27 **3. Department preclearance system program.** If the department administers a
28 program that is not the Weighing Point Preclearance Program and that uses a preclearance
29 system, the department shall determine which weighing points must participate in that
30 program, and all preclearance system providers' devices and platforms must be treated
31 equally and used concurrently at participating weighing points in accordance with this
32 section.

33 **4. Operation of program.** The State Police shall operate the program at each location
34 where commercial motor vehicle weight enforcement is conducted. A preclearance system
35 provider's devices and platform must be used uniformly at each location where the program
36 is operated in accordance with subsection 6.

37 **5. Program standards.** The State Police shall establish standards for the program in
38 order to meet the needs of the State and conform with weighing point preclearance
39 programs in other states, including standards regarding safety history and preclearance
40 credential status.

41 **6. Preclearance system criteria and devices.** The preclearance system used by the
42 program must meet the following criteria.

1 A. The preclearance system must use global positioning system technology or
2 infrastructure-based equipment and be able to be used at both fixed weighing point
3 facilities and mobile or remote locations.

4 B. The preclearance system must be a system that is broadly deployed across the
5 United States for interstate operability purposes on the effective date of this section.

6 **7. Software and hardware.** Computer software and hardware that are necessary for
7 the use of the preclearance system under subsection 6 must be made available at no cost to
8 the State Police. The preclearance system provider is responsible for all costs of operating
9 and maintaining the computer software and hardware. The computer software and
10 hardware must meet the following criteria.

11 A. The computer software and hardware must meet the requirements of the Federal
12 Motor Carrier Safety Administration for compliance with the commercial motor
13 vehicle information systems and networks electronic screening truck inspection and
14 weighing point preclearance standards.

15 B. Hardware installed in a commercial motor vehicle pursuant to the program must be
16 operated in compliance with applicable state law and rules relating to hands-free
17 devices and distracted driving.

18 C. Program preclearance information must be transmitted and received by the
19 commercial motor vehicle driver through electronic messaging within the cab of the
20 commercial motor vehicle.

21 **8. Data access.** The State Police and the department, as applicable, have unrestricted
22 access to data provided by the preclearance system under subsection 6 as part of the
23 program, including real-time event data and real-time sensor data.

24 **9. Rules; consultation.** The State Police may adopt rules as necessary to implement
25 the provisions of this section, including designating authorized devices that meet the
26 requirements under subsection 7 for use in the program. The State Police may consult with
27 the department as necessary for the implementation of this section. Rules adopted pursuant
28 to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter
29 2-A.

30 **SUMMARY**

31 This bill establishes the Weighing Point Preclearance Program, which is operated by
32 the Department of Public Safety, Bureau of State Police and which uses an electronic
33 system that verifies a commercial motor vehicle's size, weight, registration and safety
34 records as the commercial motor vehicle drives on a highway and allows compliant
35 commercial motor vehicles to bypass weighing points. The bill also provides that if the
36 Department of Transportation administers a separate program that uses a preclearance
37 system, the department must determine which weighing points must participate in that
38 program, and all preclearance system providers' devices and platforms must be treated
39 equally and used concurrently at participating weighing points.