

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SIXTEENTH LEGISLATURE

SECOND REGULAR SESSION

January 5, 1994 to April 14, 1994

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 14, 1994

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1993

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective April 14, 1994.

CHAPTER 682

H.P. 1454 - L.D. 1982

An Act Regarding the Department of Corrections

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

Sec. 1. 34-A MRSA §1403, sub-§10 is enacted to read:

10. Inmate benefit welfare account. The commissioner shall provide an accounting of all inmate benefit welfare accounts and of the student welfare fund at the Maine Youth Center each fiscal year to the joint select committee of the Legislature having jurisdiction over corrections matters. The annual accounting must include total income for the year, total expenditures for the year, anticipated capital and operating expenditures from these accounts in the next fiscal year and balances in the accounts. Nothing in this subsection may change the nature of these accounts as internal management tools.

Sec. 2. 34-A MRSA §3047, sub-§2, as corrected by RR 1991, c. 1, §48, is amended to read:

2. Money. May give the prisoner an amount equal to the net salary of a single wage earner with no more than dependents for 40 hours of work at the state minimum wage less all applicable state and federal deductions provided that any amount in excess of \$50 may not be provided by the General Fund, except that the commissioner may not give money to a prisoner who:

A. Has, within the 6 months prior to the date of parole or discharge, transferred from the clients' account to any person more than \$500, excluding any money transferred for the support of dependents; or

B. Has, on the date of parole or discharge, more than \$500 in personal assets;

See title page for effective date.

CHAPTER 683

S.P. 277 - L.D. 841

An Act to Revise and Recodify the Maine Revised Statutes, Title 29

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

PART A

Sec. A-1. 29 MRSA, as amended, is repealed.

Sec. A-2. 29-A MRSA is enacted to read:

TITLE 29-A

MOTOR VEHICLES

CHAPTER 1

GENERAL PROVISIONS

§101. Definitions

As used in this Title, unless the context otherwise indicates, the following terms have the following meanings.

1. Adjudication. "Adjudication" means a finding by a court that a person has committed a traffic infraction and includes the acceptance by the clerk of the violations bureau or any judicial division of an answer of not contested.

2. Altered vehicle. "Altered vehicle" means a motor vehicle with a gross vehicle weight rating of 10,000 pounds or less that is modified so that the distance from the ground to the lowermost point on any part of the frame or body is different from the manufacturer's specifications, unless that difference is caused by:

A. The use of tires that are no more than 2 sizes larger than the manufacturer's recommended size;

B. The installation of a heavy duty suspension, including shock absorbers and overload springs; or

C. Normal wear of the suspension system that does not affect control of the vehicle.

3. Antique auto. "Antique auto" means an automobile manufactured in or after model year 1916 that is:

A. More than 25 years old;

B. Equipped with an engine manufactured either at the same time as the vehicle or to the specifications of the original engine;

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

D. Not used as its owner's primary mode of transportation of passengers or goods.

4. Antique motorcycle. "Antique motorcycle" means a motorcycle or a motor-driven cycle that is:

A. More than 25 years old;

B. Equipped with an engine manufactured either at the same time as the vehicle or to the specifications of the original engine;

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

D. Not used as its owner's primary mode of transportation of passengers or goods.

5. Articulated bus. "Articulated bus" means a bus consisting of 2 passenger-carrying sections in which the rear body section is flexibly but permanently connected to the front section in a manner that allows the vehicle to bend without having an interior barrier to movement between sections of the vehicle.

6. Authorized emergency vehicle. "Authorized emergency vehicle" has the same meaning as defined in section 2054.

7. Automobile. "Automobile" means a motor vehicle designed for the conveyance of passengers that has a seating capacity of not more than 15 persons, including the operator.

8. Axle. "Axle" means an assembly of a vehicle consisting of 2 or more wheels whose centers are in one horizontal plane and by which a portion of the weight of a vehicle load may be transmitted to the roadway.

9. Bicycle. "Bicycle" means a device upon which a person may ride that is propelled by human power and that has 2 tandem wheels, either of which is more than 20 inches in diameter.

10. Bureau. "Bureau" means the Bureau of Motor Vehicles.

11. Bus. "Bus" means a motor vehicle designed for carrying more than 15 persons, including the operator.

12. Business or residential district. "Business or residential district" means the part of a municipality, contiguous to a way, that is built up with structures that are situated less than 150 feet apart for a distance of at least 1/4 of a mile.

13. Camp trailer. "Camp trailer" means a trailer or semitrailer primarily designed and constructed to provide temporary living quarters for recreational, camping, travel or other use.

"Camp trailer" includes a manufactured or homemade tent trailer, so called, that consists of a platform, shelf or box with means of permanently or temporarily attaching a tent. "Camp trailer" does not include a mobile home.

14. Certified reserve officer. "Certified reserve officer" means an officer who has attended the 100-hour reserve training program sponsored by the Maine Criminal Justice Academy and has received the academy's certification as a reserve officer.

15. Classic vehicle. "Classic vehicle" means a motor vehicle more than 10 years old but less than 25 years old that the Secretary of State determines is of significance to vehicle collectors because of its make, model and condition and is valued at more than \$5,000.

16. Commercial driver's license. "Commercial driver's license" means a license authorizing an individual to operate a class of commercial motor vehicle.

17. Commercial motor vehicle. "Commercial motor vehicle" means a motor vehicle that:

A. Has a gross vehicle weight rating or a registered weight of 26,001 or more pounds;

B. Is a bus; or

C. Is used in the transportation of hazardous materials requiring placarding under the federal Hazardous Materials Transportation Act and related regulations in 49 Code of Federal Regulations, Part 172, Subpart F.

18. Crosswalk. "Crosswalk" means the portion of a way:

A. At an intersection that is included within extensions of the lateral lines of the sidewalks on opposite sides of the way beginning at the curbs or, in the absence of curbs, from the edge of traversable ways; or

B. At an intersection or elsewhere that is distinctly indicated for pedestrian crossing by lines or other markings on the way surface.

19. Curb. "Curb" means the edge of a sidewalk nearest to a way or either edge of the wrought or usually traveled part of a way.

20. Daytime. "Daytime" means any time from 1/2 hour before sunrise to 1/2 hour after sunset.

21. Department. "Department" means the Department of Transportation.

22. Driver. "Driver" has the same meaning as "operator" as defined in subsection 48.

23. Farming. "Farming" means engaging in farming in all its branches and the cultivation and tillage of the soil as a livelihood and includes dairying; raising livestock, freshwater fish, fur-bearing animals or poultry; producing, cultivating, growing and harvesting fruit, produce or floricultural or horticultural commodities; or any practices on a farm that are incident to or in conjunction with these farming operations. For the purposes of this Title, "farming" does not include forestry, the growing of timber or the operation of a farm for recreational activity.

24. Fish truck. "Fish truck" means a 2-axle or 3-axle motor truck used primarily to harvest and transport fish or marine animals, including use in aquaculture.

25. For-hire transportation. "For-hire transportation" means the transportation for compensation of passengers, freight or merchandise not owned by the carrier.

26. Gross weight. "Gross weight" means the weight in pounds of an empty vehicle or axle plus the weight of the maximum load to be carried by the vehicle or axle.

27. Hazardous material. "Hazardous material" has the same meaning as in the federal Hazardous Materials Transportation Act, 49 United States Code, Section 1801 et seq.

28. Horseless carriage. "Horseless carriage" means an automobile manufactured before model year 1916 that is:

A. Equipped with an engine manufactured either at the same time as the vehicle or to the specifications of the original engine of the vehicle;

B. Maintained primarily for use in exhibitions, club activities, parades and other functions of public interest; and

C. Not used as its owner's primary mode of transportation of passengers or goods.

29. Intersection. "Intersection" means:

A. For ways joining each other at approximately right angles, the area within the extension of the outside boundary of the way or curb lines;

B. For other joining ways, the area at the junction within which vehicles may come in contact; or

C. Where the opposite lanes of a divided highway are separated by 30 feet or more, every crossing of each lane by an intersecting highway.

30. Law enforcement officer. "Law enforcement officer" means a person who by virtue of public employment is vested by law with a duty to maintain public order or to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes.

31. License. "License" means an operator's license or driver's license or other license, permit or privilege to operate a motor vehicle. "License" includes, but is not limited to, a nonresident operating privilege and the privilege of a person to apply for or obtain a license or permit to operate a motor vehicle.

32. Limousine. "Limousine" means a vehicle for hire, with a driver, that is used for the transportation of passengers and that has a seating capacity of at least 5 and no more than 14 persons behind the driver.

33. Median strip. "Median strip" means a physical barrier separating lanes of traffic moving in opposite directions.

34. Minor. "Minor" means a person who has not attained 18 years of age.

35. Mobile home. "Mobile home" means a structure, transportable in one or more sections, that:

A. Is 8 feet or more in width and 32 feet or more in length;

B. Is built on a permanent chassis;

C. Is designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities; and

D. Includes internal plumbing, heating or air conditioning and electrical systems.

The term "mobile home" includes a mobile home when used: for the advertising, sale, display or promotion of merchandise or services; for a commercial purpose, except the transportation of property; or as public school facilities.

36. Moped. "Moped" means a motor-driven cycle with 2 or 3 wheels that:

A. May have foot pedals to permit human propulsion;

B. Has a motor with a maximum of 2 brake horsepower and a cylinder capacity not exceeding 50 cubic centimeters that is capable of propelling the vehicle unassisted at a speed of 30 miles per hour or less on a level road surface; and

C. Is equipped with a power drive system that only functions directly or automatically and does not require clutching or shifting by the operator after the drive system is engaged.

"Moped" does not include a motorized bicycle or tricycle.

37. Motor carrier. "Motor carrier" means a contract carrier, a common carrier or a private carrier of property or passengers by motor vehicle.

38. Motorcycle. "Motorcycle" means a motor vehicle that has a seat or a saddle for the use of the rider and is designed to travel with not more than 3 wheels in ground contact. "Motorcycle" does not include a motorized bicycle or tricycle, a tractor or a parking control vehicle.

39. Motor-driven cycle. "Motor-driven cycle" means a motorcycle, including a motor scooter, with a motor that produces less than 150 cubic centimeters displacement or that has 5 brake horsepower or less. "Motor-driven cycle" does not include a motorized bicycle or tricycle.

40. Motor home. "Motor home" means a motor vehicle that:

A. Is originally designed, reconstructed or permanently altered to provide facilities for human habitation; or

B. Has a camper permanently attached to it.

"Motor home" does not include a mobile home.

41. Motorized bicycle or tricycle. "Motorized bicycle or tricycle" means a bicycle or tricycle that:

A. May have pedals to permit human propulsion;

B. Has a motor attached to a wheel that is rated at no more than 1.5 brake horsepower and has a cylinder capacity not exceeding 50 cubic centimeters; and

C. Has an automatic transmission.

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

A. A snowmobile as defined in Title 12, section 7821;

B. An all-terrain vehicle as defined in Title 12, section 7851, unless the all-terrain vehicle is registered for highway use; and

C. A motorized wheelchair.

43. Motor vehicle violation. "Motor vehicle violation" means a violation of this Title.

44. Moving violation. "Moving violation" means a violation of this Title for which points may be assessed in accordance with section 2458, subsection 3.

45. Muffler. "Muffler" means a device consisting of a series of chambers or baffle plates or another mechanical design for receiving exhaust gas from an internal combustion engine and reducing noise.

46. Nighttime. "Nighttime" means a time other than daytime.

47. Nonresident. "Nonresident" means a person whose legal residence is not in the State.

48. Operator. "Operator" means an individual who drives or is in control of a vehicle or who is exercising control over or steering a towed vehicle.

49. Original registration. "Original registration" means a registration other than a renewal of registration by the same owner.

50. Owner. "Owner" means a person holding title to a vehicle or having exclusive right to the use of the vehicle for a period of 30 days or more.

51. Parking area. "Parking area" means an area designed for use as access or parking for patrons and customers of establishments to which the public is invited.

52. Parking control vehicle. "Parking control vehicle" means a 3-wheel vehicle of 25 horsepower or less that has a metal roof and is operated by a law enforcement officer or a parking control officer to control parking and traffic.

53. Pedestrian. "Pedestrian" means a person on foot or an operator of a wheelchair or a 4-wheeled or 3-wheeled motorized wheelchair.

54. Person. "Person" means an individual, corporation, firm, partnership, joint venture, associa-

tion, fiduciary, trust, estate or any other legal or commercial entity.

55. Pickup truck. "Pickup truck" means a truck with a registered gross vehicle weight of 6,000 pounds or less.

56. Pilot vehicle. "Pilot vehicle" means a motor vehicle equipped and operated as required by rules adopted by the Secretary of State that accompanies a vehicle or combination of vehicles that have a length, width, height or weight greater than that specified in this Title.

57. Pneumatic tire. "Pneumatic tire" means a tire in which confined air supports the load.

58. Private way. "Private way" means a way privately owned and maintained over which the owner may restrict use or passage and includes a discontinued way even if a public recreation easement has been reserved.

59. Public way. "Public way" means a way, owned and maintained by the State, a county or a municipality, over which the general public has a right to pass.

60. Reconstructed vehicle. "Reconstructed vehicle" means a vehicle that has been reconstructed to change the original steering, braking system, suspension system or body design, including, but not limited to, a dune buggy, a street rod, a passenger car converted to a pickup truck or a manufactured vehicle body mounted on another manufactured chassis. Repair to a vehicle that replaces parts with similar parts is not reconstruction.

61. Registration. "Registration" means the registration certificate, plates and renewal devices pertaining to the registration of a vehicle, including temporary registered gross weight increases.

62. Resident. "Resident" means a person who has declared or established residency in this State or has been domiciled in this State for a period of at least 30 days, except for persons in compliance with section 109, subsection 1.

A nonresident who has a place of business in this State is deemed to be a resident:

A. For all vehicles owned by that person that are garaged or maintained in this State; or

B. If engaged in the business of renting you-drive or you-haul vehicles for an apportioned share of all vehicles based on the ratio of the mileage of vehicles operated in this State to the total mileage of vehicles operated both within and without the State.

63. Revocation of driver's license. "Revocation of driver's license" means the termination of a license or privilege to operate by formal action of the bureau or a court. A revoked license may not be restored or renewed but may only be regained by a new application.

64. Saddlemount vehicle transporter combination. "Saddlemount vehicle transporter combination" means a combination vehicle consisting of a truck or truck tractor towing one or more trucks or truck tractors, each of which is connected by a saddle to the frame or 5th wheel of the vehicle in front of it. The saddle is a mechanism that connects the front axle of the towed vehicle to the frame or 5th wheel kingpin connection. This vehicle combination may include a fullmount, which consists of a smaller vehicle mounted completely on the frame of either the first or the last vehicle in a saddlemount vehicle transporter combination.

65. Sell. "Sell" means to sell, offer, negotiate or advertise to sell, display for sale, exchange or otherwise transfer for value.

66. Semitrailer. "Semitrailer" means a vehicle:

A. Without motive power;

B. Designed for being drawn by a motor vehicle; and

C. Designed so that some part of its weight and its load rests upon or is carried by that motor vehicle.

"Semitrailer" includes, but is not limited to, so-called pole dollies and pole dickeys and wheels commonly used as a support for the ends of logs or other long articles. "Semitrailer" excludes tow dollies.

67. Solid tires. "Solid tires" means tires of solid rubber or other material that do not depend on confined air for the support of the load.

68. Solid waste. "Solid waste" means useless, unwanted or discarded solid material with insufficient liquid content to be free-flowing, including, but not limited to, rubbish, garbage, refuse-derived fuel, scrap materials, junk, refuse, inert fill material and landscape refuse, but not including hazardous waste, biomedical waste, septic tank sludge or agricultural wastes. The fact that a solid waste or constituent of the waste may have value or other use or may be sold or exchanged does not exclude it from this definition.

69. Special equipment. "Special equipment" means equipment that is drawn by a motor vehicle and that is not designed or used to convey property other than hand tools or parts used in connection with the operation of that equipment, including, but not

limited to, air compressors, conveyors, cement mixers, wood splitting or sawing machines, sprayers, compactors, pumps, drills and brush chippers.

70. Special mobile equipment. "Special mobile equipment" means a self-propelled device operated over the highways that is not designed or used primarily for the transportation of persons or property, including, but not limited to, road construction or maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels, cranes, graders, rollers, trucks used only to plow snow and to carry sand for ballast, well drillers and wood-sawing equipment used for hire or similar types of equipment.

Special mobile equipment that makes frequent movement over public ways, including, but not limited to, self-propelled well drillers or air compressors, is considered Class A equipment. All other special mobile equipment may be considered Class A or Class B equipment at the option of the registrant.

71. Stinger-steered autotransporter. "Stinger-steered autotransporter" means a combination vehicle consisting of a tractor and semitrailer designed and used specifically for the transport of motor vehicles that has the 5th wheel located on a drop frame located behind and below the rearmost axle of the power unit.

72. Stock race car. "Stock race car" means a factory-produced motor vehicle that is equipped with roll bars or bracing welded or attached to the frame in a permanent manner, special safety belts and firewalls and that has part of the body removed.

73. Stop. "Stop," when required, means complete cessation of movement.

74. Stop or stopping. "Stop" or "stopping," when prohibited, means halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device.

75. Street or highway. "Street" or "highway" means a public way.

76. Street rod. "Street rod" means a replica of or a modified antique auto manufactured prior to 1949 that complies with standards adopted by the Chief of the State Police.

77. Suspension of driver's license. "Suspension of driver's license" means the temporary withdrawal of a license or privilege to operate a motor vehicle by formal action of the bureau or a court.

78. Sunrise and sunset. "Sunrise" and "sunset" are the times given in the Maine Farmers' Almanac

for sunrise and sunset respectively on that particular day.

79. Taxicab. "Taxicab" means a sedan, station wagon or minivan used for hire, with a driver, that has a seating capacity of fewer than 5 persons behind the driver.

80. Team. "Team" means a conveyance for persons and for property on a way, except a motor vehicle or a vehicle that is propelled or drawn by human power or used exclusively on tracks.

81. Tow dolly. "Tow dolly" means a device towed by a motor vehicle and designed and used exclusively to transport another motor vehicle and on which the front or rear wheels of the towed motor vehicle are mounted, while the other wheels of the towed motor vehicle remain in contact with the ground.

82. Tractor. "Tractor" means a motor vehicle used primarily off the highway for farming, forestry or other similar types of activities.

83. Traffic. "Traffic" means pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together using public way for travel.

84. Traffic control device. "Traffic control device" means a sign, a signal, a marking or a device placed or erected by a public body or official to regulate, warn or guide traffic.

85. Traffic infraction. "Traffic infraction" means any violation of any provision of this Title, or of any rules established under this Title, not expressly defined as a crime and otherwise not punishable by incarceration.

The term "traffic infraction" as used in any public or private law of this State or in any rule adopted pursuant to any law of this State has this same meaning and effect.

86. Trailer. "Trailer" means a vehicle without motive power, designed to carry persons or property and to be drawn by a motor vehicle, not operated on tracks, and so constructed that no part of its weight rests upon the towing vehicle. "Trailer" does not include tow dollies.

87. Trolley trailer. "Trolley trailer" means a trailer equipped with permanent seats that face forward, are parallel to each other and have devices at each end to prevent a passenger from falling from the trailer when it is in motion. A trolley trailer has a maximum seating capacity of 24 passengers.

88. Truck. "Truck" means a motor vehicle designed and used primarily to carry property. A truck may be used to tow trailers or semitrailers.

89. Truck camper. "Truck camper" means a slide-in camper designed to be mounted on a truck body to provide temporary living quarters for recreational, camping, travel or other use.

90. Truck tractor. "Truck tractor" means a motor vehicle designed and used exclusively to draw other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and the load drawn.

91. Vehicle. "Vehicle" means a device for conveyance of persons or property on a way. "Vehicle" does not include conveyances propelled or drawn by human power or used exclusively on tracks or snowmobiles as defined in Title 12, section 7821.

92. Way. "Way" means the entire width between boundary lines of a road, highway, parkway, street or bridge used for vehicular traffic, whether public or private.

93. Wrecker. "Wrecker" means a motor vehicle with hoisting apparatus and special equipment designed and used for towing or carrying wrecked or disabled vehicles or freeing vehicles stalled or stuck in snow, mud or sand. "Wrecker" does not include a vehicle designed to carry or tow more than one vehicle on its own body.

§102. Public way use authorized

Any vehicle may be operated on a public way unless prohibited or restricted by this Title, by special law or municipal ordinance, or by rule of the department.

§103. Traffic infraction

1. Traffic infraction. A traffic infraction is not a crime. The penalty for a traffic infraction may not be deemed for any purpose a penal or criminal punishment.

2. Jury trial. There is no right to trial by jury for a traffic infraction.

3. Exclusive penalty. The exclusive penalty for a traffic infraction is a fine of not more than \$500, unless specifically authorized, or suspension of a license, or both.

§104. Penalty for violation of provisions of Title

Except as otherwise provided, a person who violates a provision of this Title commits a traffic infraction. When a violation of this Title has a desig-

nated minimum sentence, the court may not suspend the sentence.

§105. Enforcement

1. Authority to stop motor vehicle. If a law enforcement officer has probable cause to believe that a violation of law has taken or is taking place, that officer, if the officer is in uniform, may stop a motor vehicle for the purpose of:

A. Arresting the operator for a criminal violation;

B. Issuing the appropriate written process for a criminal or civil violation or a traffic infraction;
or

C. Questioning the operator or occupants.

2. Scope of inspection. A law enforcement officer who has stopped a motor vehicle pursuant to subsection 1 may demand and inspect the driver's license, certificate of registration, permits and the identification numbers of the motor vehicle.

3. Impoundment. When a motor vehicle is operated by a person not able to produce a certificate of registration, or by a person other than the person in whose name the vehicle is registered and the operator is unable to present reasonable evidence of authority to operate that vehicle, an officer may impound and hold that vehicle until that vehicle is claimed by the registered owner or until the registered owner verifies the authority of the operator. The registered owner must be notified immediately of the impoundment.

4. Violation. A person is guilty of a Class E crime if that person, while operating a vehicle in violation of this Title, fails or refuses upon request to give that person's correct name, address and date of birth to a law enforcement officer.

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

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

§107. Officers authorized to service process or notice

A person authorized to serve civil process may serve a process or notice required by this Title.

§108. Service of process on nonresidents

1. Acceptance of jurisdiction. The acceptance by a nonresident of the rights and privileges conferred by this Title as evidenced by the nonresident's or the nonresident's agent's operation of a motor vehicle on a public way in this State or of aircraft in this State is:

A. An appointment of the Secretary of State to be the nonresident's true and lawful attorney on whom may be served a process in an action or proceeding against that nonresident, growing out of an accident or collision in which that person may be involved during that operation; and

B. Evidence of agreement that the process against the nonresident that is so served is of the same legal force and validity as if served on the nonresident personally.

2. Method of service. Service must be made by leaving a copy of the process with a fee of \$2 in the office of the Secretary of State. This service is sufficient if:

A. Notice of the service and a copy of the process are personally served on the defendant and the return showing that service is filed with the clerk of the court where the action is pending; or

B. Notice of the service and a copy of the process are sent by registered mail to the defendant and the defendant's receipt for the registered mail and the plaintiff's affidavit of compliance are filed with the clerk of the court in which the action is pending.

3. Deceased defendant. If the defendant is deceased, service may be made in the same manner on a personal representative or, if there is no personal representative, on the public administrator in the county in which the action is pending. Notwithstanding other requirements for probate, when service is made on the public administrator, the administrator shall petition the Probate Court for probate of the defendant's estate.

4. Continuances. The court may order a continuance if necessary to afford the defendant or a personal representative reasonable opportunity to defend the action.

5. Plaintiff's bond. The plaintiff shall file with the return of service a bond to the defendant, with 2 or more sureties approved by the judge or clerk of the court, or with a surety company authorized to do business in this State, as surety in the sum of \$100, conditioned that, if judgment is rendered against the plaintiff, as much of the penalty of the bond required to satisfy a judgment for costs awarded must be applied to the judgment. The attorney for the plaintiff is

liable to the defendant for costs in the action for an amount not exceeding \$50 until the bond is filed.

6. Fee taxed in costs to prevailing plaintiff. The fee of \$2, paid by the plaintiff to the Secretary of State, is taxed in the plaintiff's costs, if the plaintiff prevails in the action.

7. Record of service. The Secretary of State shall keep a record of the day and the hour of service.

8. Application to a resident who becomes a nonresident. This section applies to a resident who becomes a nonresident prior to the time that an action or proceeding has been brought.

§109. Reciprocity

1. Provisions not applicable to nonresidents. The provisions of this Title on registration of vehicles and operator's licenses do not apply to:

A. A nonresident owner or operator, if that person has complied with the provisions of the laws on registration and licensing of the jurisdiction of residence; and

B. A nonresident student enrolled in a university, college or school within this State as long as that student possesses a valid registration and license issued by the jurisdiction of legal residence.

The exemptions from registration of this subsection apply only to the noncommercial use and operation of vehicles in this State.

2. Formal agreements. The Secretary of State, after determining that like privileges are granted by a state or province, shall enter into a written agreement with that state or province setting forth the conditions under which residents of that jurisdiction engaged in interstate commerce operations in and through this State are exempt from the registration and licensing laws of this State.

3. Limitation. A vehicle may not be operated commercially at a site within this State or used for the transportation of persons, merchandise or materials from one point in this State to another point in this State unless registered in this State or exempt from registration by a written reciprocity agreement as provided in this section, except that a nonresident-owned semitrailer drawn by a truck tractor registered in this State is permitted to transport merchandise in intrastate commerce.

4. Weight. Nothing in this Title permits operation on a public way of a vehicle not registered in this State with weight that exceeds or equipment that

does not meet that required of similar resident vehicles.

5. Violation. A violation of this section is a Class E crime.

§110. Application for license and registration by person establishing residency

A person establishing residency in this State must apply for registration and a license in this State within 30 days of establishing residency.

§111. Hearings; fees of witnesses; summary process

In the administration of the laws relative to vehicles and to the operators and the operation thereof, the Secretary of State or a deputy may conduct hearings, subpoena witnesses, administer oaths, take testimony and order the production of books and papers, and for the purposes mentioned in this Title may issue all processes necessary for the performance of the Secretary of State's duties. The fees for travel and attendance of witnesses are the same as for witnesses before the Superior Court and must be paid by the State out of vehicle registration fees upon certificates of the Secretary of State filed with the State Controller. The Superior Court, on the petition of the Secretary of State, may issue summary process to enforce the lawful orders of the Secretary of State in any matter. Hearings conducted by the Secretary of State must be as provided by Title 5, chapter 375, subchapter IV.

§112. Notice of hearing

Notice of any hearing held by the Secretary of State or by the Secretary of State's authority under this Title must be consistent with Title 5, section 9052 and notify the licensee or registrant that the licensee or registrant may then and there appear, in person or through counsel, to show cause why that license or certificate of registration should not be suspended or revoked. Service of that notice is sufficient if sent by regular mail to the address given by the licensee or registrant at least 10 days before the date set for hearing.

§113. Computer transcripts as evidence

1. Transcript. A properly certified transcript of entries of conviction, adjudication, suspension or revocation in official records stored within a computer or data processing device is admissible in evidence to show the truth of the facts stated in the transcript.

2. Certification. A transcript may be certified by:

A. A clerk or deputy clerk of any judicial division of the District Court or the violations bureau for records from a judicial division or the violations bureau;

B. A clerk or deputy clerk of a Superior Court for Superior Court records; or

C. The Secretary of State for any court's records received by the Secretary of State from a court.

3. Secretary of State's certification. Notwithstanding any other law or rule of evidence, the certificate of the Secretary of State or a deputy, under seal of the State, must be received in a judicial or administrative proceeding as prima facie evidence of any fact stated in the certificate or documents attached to the certificate.

CHAPTER 3

SECRETARY OF STATE

SUBCHAPTER I

ADMINISTRATION

§151. Duties of Secretary of State

The Secretary of State shall:

1. Forms; certificates; notices. Except as otherwise prescribed in this Title, prescribe and provide suitable forms of applications, certificates of title, notices of security interests and all other notices and forms necessary to carry out the provisions of this Title;

2. Maintain offices. Maintain 13 full-time offices at convenient places to carry out duties related to applications for registration of and licenses for the operation of motor vehicles; and

3. Publish abstract of laws. Publish an abstract of statutes pertaining to vehicles and rules made by the Secretary of State and the Department of Transportation pertaining to this Title, together with other information related to public safety and regulation of traffic.

§152. Powers of Secretary of State

The Secretary of State may:

1. Investigation for information. Make necessary investigations for information required to carry out the provisions of this Title, including, but not limited to, review of records and investigations in the field;

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

A motor vehicle investigator may enforce section 254, chapters 5, 7, 9 and 11, chapter 19, subchapter II, chapter 23, subchapter III and those provisions of Title 17-A that relate to duties assigned under this Title with the powers throughout the State that a sheriff has in a county. Enforcement power does not include provisions under section 2054, subsection 2, paragraph D and does not include authority to make routine motor vehicle stops;

3. Central computer system. Notwithstanding any other provisions of law, purchase and maintain a central computer system for purposes of administering this Title and conducting departmental operations. All other uses must be approved by the Secretary of State. The Secretary of State shall adopt rules regarding the maintenance and use of data processing information files required to be kept confidential and shall distinguish those files from files available to the public;

4. Facsimile signature of Secretary of State. Use a facsimile signature, which has the same validity as the Secretary of State's written signature and is admissible in court;

5. Assign new identification number. Assign a new identification number to a vehicle if it has none, or if the vehicle's identification number is destroyed or obliterated, or if the frame, chassis or, if the vehicle is a truck, the cab is changed, and shall issue a new certificate of title showing the new identification number upon surrender of the old certificate and completion of an application for title and payment of the fee; and

6. Other data. Require data necessary on forms, applications, certificates, licenses or other documents.

§153. Rules

The Secretary of State may adopt, amend or repeal rules necessary to administer this Title, as provided in the Maine Administrative Procedure Act.

§154. Collection of fees; report

1. Collection of fees. The Secretary of State shall collect all fees required for registering vehicles and licensing operators and all permit fees and transmit these fees to the Treasurer of State.

2. Report. The Secretary of State, as required by the Governor, shall make a report of the fees received for vehicle registrations and issuances of licenses and from other sources, with appropriate recommendations.

3. Collection costs. Whenever the payment of a fee results in a protest or is returned by the bank upon which it was drawn because of insufficient funds, closed account, no account or a similar reason, the Secretary of State shall charge a service collection fee of \$2 plus the cost of collection.

4. Recovery of fees or use taxes. Whenever the payment of a fee or use tax required to be collected by the Secretary of State results in a protest or is returned by the bank upon which it was drawn because of insufficient funds, closed account, no account or a similar reason, the Secretary of State may mail a notice of dishonor, as defined in Title 11, section 3-508, to the person liable, demanding payment and warning the person that if the amount due is not paid within 10 days after the mailing of the notice, suspension of the person's license and registration will result. If the person fails to pay the required amount within 10 days after the mailing of the notice, the Secretary of State may suspend all licenses, permits, certificates and registrations of the person liable for the fee, fees or tax.

5. Recovery of tax on vehicles. Upon receipt of notification of the State Tax Assessor under Title 36, sections 1955-A or 1955-B, the Secretary of State shall mail a notice to the person liable for the tax, warning that if the amount of tax due is not paid within 10 days after the mailing of the notice, suspension of the registration issued for the vehicle in question will result. If the person fails to pay the required amount within 10 days after the mailing of the notice, the Secretary of State shall suspend the registration issued for the vehicle on which the tax remains unpaid.

§155. Reciprocal taxes or fees

1. Authority to levy reciprocal fees or taxes. If another jurisdiction imposes a tax or fee on a class of motor vehicles registered in this State and traveling in that jurisdiction and that tax or fee is additional to those imposed by this State upon the same class of motor vehicles not registered in that jurisdiction, the Secretary of State, the Commissioner of Administrative and Financial Services and the Commissioner of Transportation acting together shall levy the same or substantially the same tax or fee upon the same class of motor vehicles registered in that jurisdiction and traveling in this State.

2. Adoption of rules. The Secretary of State, the Commissioner of Administrative and Financial

Services and the Commissioner of Transportation shall jointly adopt or amend rules for carrying out the purposes of this section.

3. Monitoring of fees and taxes. The Secretary of State shall monitor taxes and fees assessed against motor vehicles registered in this State by other jurisdictions to ensure comparable treatment of motor vehicles registered elsewhere and traveling in this State.

4. Accrual of revenue to Highway Fund. Revenue derived from taxes or fees levied under this section accrue to the Highway Fund.

5. Penalty. A person who fails to pay a tax or fee due under this section commits a Class E crime.

§156. Reciprocal agreements with New Hampshire

Notwithstanding any law to the contrary, the Secretary of State may make agreements with the duly authorized representatives of the State of New Hampshire to provide that buses, taxicabs, trucks, truck tractors, trailers, semitrailers or double-bottoms owned by residents of that state and legally registered in that state may be operated in this State, including for purposes of intrastate commerce, within a zone not to exceed 10 miles from the border with that state. The agreements must provide that a resident of this State, when using the public ways of that adjoining state, is entitled to receive substantially equivalent benefits and privileges.

§157. Reciprocal and apportioned registrations; International Registration Plan

Notwithstanding this Title, the Secretary of State, in concurrence with the Commissioner of Transportation, may enter into reciprocal agreements or plans with another jurisdiction providing for the registration of vehicles on an apportionment or allocation basis. In the exercise of this authority, the Secretary of State may enter into and become a member of the International Registration Plan. Registration of vehicles under the plan must be in accordance with chapter 5, subchapter I, article 5.

SUBCHAPTER II

MUNICIPAL AGENTS AND RENEWAL AGENTS

§201. Municipal officials as agents

1. Appointment of agents by Secretary of State; scope of authority. With the approval of the municipal officers, the Secretary of State may appoint a municipal tax collector, or other persons designated by a municipality, to collect excise taxes on vehicles and to receive applications for licenses, license re-

newals, registrations and renewals of registrations of motor vehicles, trailers and semitrailers. The Secretary of State may authorize a municipal agent to issue licenses, registrations and renewals of licenses and registrations or may limit the agent's authority to the issuance of renewals only.

2. Issuance of registrations or renewals. An agent appointed in accordance with subsection 1 may:

A. Issue renewals of registration for school buses operated by school administrative units or private contractors;

B. Issue registration renewals for all motor vehicles and trailers, except for those required to be registered directly through the Bureau of Motor Vehicles as designated by the Secretary of State; and

C. If authorized to issue registrations and renewals of registrations, issue:

(1) Registrations for pickup trucks registered for 6,000 pounds or less gross vehicular weight, automobiles, trailers, semitrailers and farm tractors; and

(2) Registrations for trucks of greater gross weight than provided in subparagraph (1), after the agent has satisfactorily participated in special training as prescribed by the Secretary of State.

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

A. A municipal agent may charge an applicant a fee not to exceed \$3 over the required fee for each renewal of license or registration issued and a fee not to exceed \$4 over the required fee for each new license or registration issued.

B. In a municipality in which agents are authorized to issue licenses, registrations or renewals of licenses or registrations for applicants from another municipality or from an unorganized territory, the agent may charge those applicants \$1 in addition to the fees authorized by this subsection for each license, registration or renewal.

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

D. A municipal agent authorized to process permits and decals for vehicles with gross vehi-

cle weight in excess of 6,000 may charge a fee not to exceed \$1 over the required fee for each permit or decal issued.

E. A municipal agent may charge a fee not to exceed \$1 over the required fee for the issuance of a duplicate registration.

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

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

4. Training. The Secretary of State shall provide necessary training for municipal agents. A municipal agent may not be appointed for specific duties unless the agent has successfully completed the appropriate training program.

5. Duration of appointment; revocation of appointment. Unless revoked, the appointment of an agent continues as long as the agent holds that office or employment. An appointment may be revoked:

A. If the municipal officers that approved the appointment request that it be revoked; or

B. For cause by the Secretary of State.

§202. Appointment of agents for renewal of operator's licenses only

The Secretary of State may appoint agents authorized solely to issue renewals of operator's licenses and who are stationed at convenient locations in the State. Agents may charge an applicant a fee not to exceed \$2 over the required operator's license fee for each renewal issued. The agent retains the additional \$2 fee and forwards all other fees to the Secretary of State.

Renewal agents appointed pursuant to this section are not authorized to issue registrations or initial operator's licenses.

§203. Disposal of fees; certain towns

Seventy-five percent of all fees received by the State from the inhabitants of the towns of Cranberry Isles, Frenchboro, Swan's Island, Isle au Haut, North Haven, Vinalhaven and Islesboro for the registration of motor vehicles must be spent in those towns, under the supervision of the Department of Transportation, on the roads in each town according to the proportion the amount paid by its inhabitants bears to the amount paid by the inhabitants of all of these towns.

SUBCHAPTER III

RECORDS

§251. Records

1. Records required to be kept. The Secretary of State shall keep record of applications for driver's licenses, motor vehicle registrations and certificates of title, and of issued driver's licenses, instruction permits, motor vehicle registrations and certificates of title.

2. Public access to records. Records of the Secretary of State pertaining to the applications, registrations and certifications of vehicles and to driver's licenses must be open to public inspection during office hours.

3. Complaints confidential. Written complaints and certain control numbers used in the titling of motor vehicles may be kept confidential.

§252. Reports of records

1. Reports furnished to commercial users; fee. The Secretary of State shall furnish reports of records pertaining to convictions, adjudications, accidents, suspensions, revocations and other information to individuals for a fee of \$4 each. Certified copies are an additional \$1.

2. Fee waived for official requests. There is no fee for requests from other motor vehicle departments, state, county and federal agencies and law enforcement agencies.

§253. Confidentiality of nongovernment vehicle records

Upon receiving a written request by an appropriate criminal justice official and showing cause that it is in the best interest of public safety, the Secretary of State may determine that records of a nongovernment vehicle may be held confidential for a specific period of time, which may not exceed the expiration of the current registration.

§254. Rented vehicles; records

1. Owner of vehicle to keep record. A person engaged in the business of renting motor vehicles with or without a driver, other than as a transaction involving the sale of the vehicle, shall maintain a record of the identity of the person to whom the vehicle is rented, including a record of the driver's license of the person to whom the vehicle is rented and the exact time the vehicle is subject to that rental or in the person's possession.

2. Records open to inspection. Records kept pursuant to subsection 1 must be open to inspection by any law enforcement officer.

3. Offense. A person commits a Class E crime if that person fails to maintain, possess or permit an inspection of the record required by subsection 1.

4. Form. If the Secretary of State prescribes a form for the keeping of the record required in subsection 1, the owner must use that form. The form must be carried in the vehicle during the period of lease or hire.

CHAPTER 5

VEHICLE REGISTRATION

SUBCHAPTER I

REGISTRATION

Article 1

General Registration Requirements

§351. Registration required

1. Failure to register. A person commits a Class E crime if that person fails to register a vehicle that is operated or remains on a public way as provided by this Title.

2. Operating a motor vehicle with an expired registration. The owner or operator of a vehicle stopped by a law enforcement officer and having a registration that had expired within 30 days must be issued a warning, rather than a summons, in a form designated by the Chief of the State Police. This warning must state that:

A. Within 2 business days, the owner or operator must register the vehicle;

B. The renewed registration expires on the same month as the previous registration; and

C. The registration fee is the same as for a full year registration.

3. Temporary permit. A law enforcement officer, an employee of the bureau designated by the Secretary of State or a certified reserve officer while on duty, when necessary and not detrimental to public safety, may issue a permit in writing to allow:

A. An unregistered motor vehicle to be towed either by a regular service wrecker or by the use of a towbar;

B. The operation of an unregistered motor vehicle only to the owner's residence or to an office of the bureau for the sole purpose of renewing the registration by the same owner; or

C. An unregistered trailer or semitrailer with a gross weight of 3,000 pounds or less to be towed, for one trip only, between the points of origin and destination.

A permit may be issued under paragraphs A and B only when the previous registration on the vehicle has expired within 30 days. A permit issued under this subsection is valid for no more than 3 days including the date of issuance.

4. Duplicate registration, notification of change in location or status. Duplicate registrations are provided in accordance with section 1405. A person to whom a registration has been issued must notify the Secretary of State of a change in location or status in accordance with section 1407.

§352. Minors

The Secretary of State may not approve the application of a minor for registration of a vehicle unless the minor is at least 15 years old and the application is signed by:

1. Parent. A parent or guardian that has the custody of the minor;

2. Employer. If the minor has no parent or guardian, the minor's employer; or

3. Minor. If the minor is emancipated, the minor. In this case, the application must be accompanied by an attested copy of the court order of emancipation.

§353. Members of Armed Forces

A registration issued by the Armed Forces of the United States in foreign countries for a vehicle owned by military personnel is valid for 45 days after the owner has returned to the United States.

Article 2

Certificates of Registration

§401. Application

1. Filing of application. Application for vehicle registration may be made by mail or otherwise to the Secretary of State.

2. Content of application. An application must contain information requested by the Secretary of State, including name, residence and address of the registrant, current mileage of the vehicle, a brief

description of the vehicle, the maker, the vehicle identification number, the amount of motive power stated in horsepower, the type of motor fuel and the actual gross weight of the vehicle if intended for commercial use. The application must be signed by the registered owner or legal representative.

3. Issuance of registration. The Secretary of State, on approving the application, shall issue:

A. A registration number or other distinguishing mark; and

B. A certificate of registration that contains the name, place of residence and address of the registered owner.

4. Refusal. The Secretary of State may refuse to register the vehicle or to issue a certificate if the applicant has not provided satisfactory information or if the Secretary of State determines that the type of vehicle should not be permitted to be on the highways of the State.

5. File. The Secretary of State shall maintain a file of applications and registrations arranged alphabetically according to the name of the applicant and numerically according to registration number.

§402. Insurance required prior to registration

1. Insurance required. A person may not register a vehicle unless the person satisfies the Secretary of State that the vehicle is covered by a liability insurance policy.

2. Method of establishing evidence of insurance. A person establishes insurance by showing the vehicle insurance identification card as defined by section 1551, subsection 4, a letter from an insurance company or agent showing that the vehicle is covered by a liability insurance policy, an insurance binder or an insurance policy that has a summary document that describes the vehicle insured, the name of the insured, the amount of insurance, the type of insurance coverage and the period for which the vehicle is covered to either the municipal agent or the bureau.

3. Alternative methods of establishing evidence of insurance. An individual is considered to comply with subsection 2 if the individual shows evidence of compliance with the provisions of section 1605, subsection 3, paragraph A, B or C.

4. Exceptions. The provisions of this section do not apply to:

A. Government vehicles as identified in section 517;

B. Vehicles owned or controlled by a dealer as defined by chapter 9;

C. Vehicles registered as vehicles for hire; or

D. Trailers and semitrailers.

§403. Motor vehicle emission inspection requirement for vehicle registration

1. Requirement. The owner of a motor vehicle registered in any area designated by the Federal Government pursuant to 40 Code of Federal Regulations, Part 81 as nonattainment for ozone and classified as a moderate or a more severe nonattainment area must present a certificate of compliance or waiver, as defined by Title 38, section 2401, at the time of registration. A certificate of compliance or waiver is not required for motor vehicles exempted by Title 38, section 2402.

2. Suspension. If the owner of a motor vehicle subject to the requirement of subsection 1 fails to present a certificate of compliance or waiver, the Secretary of State shall suspend the registration certificate and plates for that motor vehicle. The suspension must continue until the owner of the motor vehicle presents a certificate of compliance or waiver to the Secretary of State or an authorized agent.

3. Penalty. The owner of a motor vehicle with a registration certificate and plates suspended pursuant to subsection 2 may not permit that motor vehicle to be operated on a public way or parking area. A violation of this subsection is a traffic infraction for which a forfeiture must be assessed. If the model year of the motor vehicle is 1981 or later, the forfeiture must be \$450. If the model year of the motor vehicle is earlier than 1981, the forfeiture must be \$125.

§404. Carrying of registration

1. Requirement. A certificate of registration, except a dealer certificate, must be carried on the person of the operator or occupant, or kept in some easily accessible place in the vehicle.

2. Dismissal. A person served with a Violation Summons and Complaint charging a violation of this section may have the complaint dismissed if that person shows satisfactory evidence that the vehicle was registered at the time of the alleged violation. The clerk of the District Court violations bureau must dismiss the complaint if, prior to the date required for filing an answer to the complaint, the person charged files with the bureau a copy of the Violation Summons and Complaint together with satisfactory evidence that the vehicle was registered at the time of the alleged violation. If a person files a timely answer of "not contested" to a Violation Summons and Complaint alleging a violation of this section and that

person presents satisfactory evidence to the court at the time of trial showing that the vehicle was registered at the time of the alleged violation, the court must dismiss the complaint.

§405. Expiration dates

1. Automobile, truck, truck tractor, motor home, motorcycle, moped, motor-driven cycle and camp trailer registration. Registration for an automobile, truck, truck tractor, motor home, motorcycle, moped, motor-driven cycle and camp trailer is as follows.

A. A registration expires on the last day of the month one year from the month of issuance.

B. When an application is made after the registration for the previous year has expired, the term of the renewal begins on the month of the issuance of the previous registration.

C. A person who has a fleet of 5 or more automobiles, trucks or truck tractors may petition the Secretary of State for a common expiration date of all vehicle registrations.

2. Other vehicles. All vehicles not governed by subsection 1 have registration periods from March 1st to the last day of February of the next calendar year.

3. Early display of plates. A number plate or suitable device furnished for the next registration period may be displayed on the first day of the month in which the current registration expires.

4. Emergency. The Secretary of State may extend the expiration date of a registration under emergency conditions.

§406. Nontransferability of certificate

A vehicle registration expires on the transfer of ownership except for a transfer to a surviving spouse.

1. Return of certificate. The person in whose name a transferred vehicle is registered shall return the certificate of registration to the Secretary of State with a written notice containing:

A. The date of the transfer;

B. The name, address and residence of the buyer;

C. A description of the vehicle, including its engine, serial or vehicle identification number; and

D. The odometer reading at the time of transfer.

2. Issuance of new registration. On surrender of the registration, the Secretary of State may not issue a new registration unless the information required under sections 752 and 2106 has been provided on the surrendered registration form.

§407. Defaced or missing identification numbers

1. Assignment of special number. When an engine, serial or vehicle identification number has been omitted, altered, removed or defaced, the Secretary of State shall assign and attach to the vehicle a special number and maintain a record of the number.

2. Violation. A person commits a Class E crime if that person sells, exchanges, offers to sell or exchange, transfers or uses a manufacturer's vehicle identification or serial number plate that has been removed from the vehicle to which it was originally attached.

§408. Vehicles reported stolen

When the Secretary of State receives an application for registration of a vehicle previously reported as stolen, the Secretary of State shall notify the owner of that vehicle. The Secretary of State may withhold registration for further investigation.

§409. Collection of taxes

1. Collection of tax. The Secretary of State shall act at the time and place of registration on behalf of the State Tax Assessor to collect the sales or use tax due under Title 36, Part 3 for a vehicle or truck camper for which an original registration is required.

2. Documentation; payment of tax. Registration may not be issued, unless in addition to meeting the other registration requirements of this Title, the applicant has:

A. Submitted a dealer's certificate in a form prescribed by the State Tax Assessor, showing either that:

(1) The sales tax due has been collected by the dealer; or

(2) The sale of the vehicle or truck camper is not subject to tax; or

B. Properly signed a use tax certificate in a form prescribed by the State Tax Assessor and:

(1) Paid the amount of tax due; or

(2) Shown that the sale or use of the vehicle or truck camper is not subject to tax.

3. Collection fee. Each official shall retain from the use taxes collected a fee of \$1.25 for each vehicle or truck camper, even if a certificate indicates that no use tax is due.

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

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

4. Forwarding certificates. Certificates submitted pursuant to this section must be sent promptly to the State Tax Assessor.

5. Other taxes. A motor vehicle, mobile home, camp trailer or truck camper may not be registered until the excise tax or personal property tax or real estate tax has been paid in accordance with Title 36, sections 551, 602, 1482 and 1484.

6. Remedies cumulative. The provisions of this section are in addition to other methods for the collection of the sales or use tax.

Article 3

Registration Plates

§451. Issuance and form of registration plates

1. Authority to issue registration plates. The Secretary of State shall provide a new general issue of registration plates periodically as determined by the Legislature. Each new general issue must be easily distinguishable by color from the preceding general issue.

2. Furnishing registration plates. The Secretary of State shall furnish registration plates, without charge, with each registration except to dealers, manufacturers and holders of transporter registration plates.

3. Annual registration plates or devices. The Secretary of State shall issue new registration plates or a suitable device in lieu of new registration plates each calendar year. The plate or device must clearly indicate the year or period for which it is issued. The Secretary of State may issue permanent registration plates designed to provide for renewal by changing the expiration date without issuing new registration plates. A device attached to the appropriate vehicle or registration plate is proper registration for the period specified.

4. Registration plate design. Registration plates must be designed as follows.

A. Registration plates must bear the year of issue or the last 2 numerals of that year and the

word "Maine" or the abbreviation "Me." in letters of at least 3/4 inch in height centered at the top of the registration plate.

B. Except on motorcycle plates, registration plate numbers may not be substantially less than 3 inches high.

C. On registration plates issued for private use and trucks, the word "Vacationland" must be centered at the bottom in letters not less than 3/4 inch in height.

D. A new registration plate must have:

(1) A white background;

(2) Identification numbers, letters and the border distinctly navy blue; and

(3) An illustration of a lobster distinctly lobster red.

5. Special classes of registration plates. A vehicle required to be registered in a special class under this Title may display only the number plates designed for that special class of registration.

6. Plates to be manufactured at State Prison. The Secretary of State or the duly designated official in charge of vehicle registration shall purchase and cause to be installed at the State Prison the necessary equipment and materials for the production of all vehicle registration plates used in the State. Only plates that can not be produced at the prison may be purchased for state use.

The Warden of the State Prison shall have charge of operations at the State Prison relative to the manufacture of all plates made for the State. The Warden of the State Prison, with the consent of the Secretary of State, may employ for limited periods of time a supervisor for the purpose of instructing inmates in the operation of making such plates.

7. Rules. The Secretary of State may adopt rules to protect the integrity of registration plates or provide for the issue of replacement plates.

§452. Manner of display

1. Position of registration plate. A registration plate must be displayed horizontally. Only one set of Maine registration plates may be displayed on one vehicle. A registration plate must be attached to the front and the rear of each vehicle except as follows.

A. A trailer and semitrailer registration plate may be attached only to the rear of that trailer or semitrailer.

B. A motorcycle or motor-driven cycle registration plate may not be attached to the front of that motorcycle or motor-driven cycle.

C. A manufacturer, dealer or transporter registration plate may be attached only to the rear of the vehicle.

D. A truck tractor registration plate may be attached only to the front of that truck tractor.

2. Farm trucks. The registration plate for a farm truck or vehicle used for hauling forest products may be attached by means of a rigid or semirigid bracket that allows the plate to swing freely.

3. Proper display; clean and visible. Registration plates must always be properly displayed. The plates, including the numbers, letters and words, must always be plainly visible and legible.

§453. Vanity registration plates

1. Vanity registration plates. The Secretary of State may issue registration plates that contain letters or a combination of letters and numbers for automobiles, taxi cabs, limousines, pickup trucks, motorcycles, motor homes or trailers not to exceed 2,000 pounds, whether semitrailers, 4-wheeled or camp trailers. The number of characters appearing on such a plate may not exceed 7.

2. Fee. The annual service fee for a vanity registration plate is \$15 in addition to the regular motor vehicle registration fee. The service fee must be credited to the General Highway Fund. A sum sufficient to defray the cost of this program must be allocated annually from the General Highway Fund.

3. Duplicate plates. The Secretary of State may not issue duplicate vanity registration plates for trailers, until the registrant has already been issued an identical vanity registration plate for an automobile. The Secretary of State may not issue duplicate vanity registration plates for taxicabs or limousines that are issued to automobiles. The Secretary of State may not issue duplicate vanity plates in the same class of vehicles.

4. Radio plates. Vanity registration plates may be issued inscribed with official amateur radio call letters. Applications for radio plates must be accompanied by a notarized proof of ownership of a valid amateur radio station license issued by the Federal Communications Commission.

5. Facsimile plates. The Secretary of State may issue a facsimile plate for a 60-day period during production of the semipermanent plate. The facsimile plate must be attached to the rear plate bracket.

§454. Commemorative registration plates

1. Commemorative registration plate authorized. The Secretary of State may authorize a state, county or municipal government or a subdivision of a state, county or municipal government to design and sell a reflectorized, commemorative, simulated registration plate in celebration of its centennial, bicentennial or sesquicentennial.

2. Display. A commemorative plate may be displayed to replace the front registration plate on a motor vehicle, except a truck tractor, including a motor vehicle registered outside this State and operated within it, from January 1st to December 31st of the year celebrated.

3. Otherwise prohibited. A commemorative plate may not be sold or displayed except as provided in this section.

§455. Environmental registration plates

The Secretary of State shall issue Maine Environmental Trust Fund registration plates beginning April 1, 1994 in accordance with this section. Environmental registration plates are not required for registration of a motor vehicle but are to allow citizens to participate voluntarily in the Maine Environmental Trust Fund program. A citizen may apply for environmental registration plates and contribute to the Maine Environmental Trust Fund as provided in this section.

1. Issuance of environmental registration plates. The Secretary of State, upon receiving an application and evidence of payment of the excise tax required by Title 36, the registration fee required by this Title and the contribution to the Maine Environmental Trust Fund provided for in subsection 4, shall issue a registration certificate and a set of environmental registration plates to be used in lieu of regular registration plates. The Secretary of State may issue environmental registration plates to a vehicle in any registration class if the designated registration plate for that class does not preclude its use in conjunction with the environmental registration plate design.

2. Plate design; optional environmental vanity plates. The Secretary of State, the Commissioner of Conservation, the Commissioner of Environmental Protection and the Commissioner of Inland Fisheries and Wildlife in consultation with the joint standing committee of the Legislature having jurisdiction over transportation matters shall determine the plate design.

The design must accommodate the use of numbers and letters as provided in section 453. Upon request and as provided by section 453, the Secretary of State shall issue environmental plates that are also vanity

plates. Environmental vanity plates are issued in accordance with this section and section 453. The annual service fee of \$15 for vanity plates is credited to the Highway Fund.

3. Temporary facsimile plate. The Secretary of State may issue a facsimile plate for temporary use up to a 60-day period until the permanent plate is received. The facsimile plate must be attached to the rear plate bracket.

4. Contribution to the Maine Environmental Trust Fund. In addition to the regular motor vehicle registration fee prescribed by law for the particular class of vehicle registered, the annual contribution for environmental registration plates is \$20, which must be deposited with the Treasurer of State and credited to the Maine Environmental Trust Fund established in Title 12, section 7759.

5. Reimbursement for production and issuance costs. The Treasurer of State shall transfer annually from the Maine Environmental Trust Fund to the Secretary of State \$10 for each set of environmental registration plates issued or renewed. This transfer is to reimburse the Secretary of State for costs associated with production and issuance of the plates.

§456. University of Maine System; special registration plates

1. University of Maine System plate. The Secretary of State, upon receiving an application and evidence of payment of the excise tax required by Title 36, section 1482, the registration fee required by section 501 and the administrative fee and voluntary contribution provided for in subsection 2, shall issue a registration certificate and a set of University of Maine System registration plates to be used in lieu of regular registration plates. These plates must bear identification numbers and letters. The number of characters appearing on a plate may not exceed 7.

2. Administrative fee and contribution to University of Maine System Scholarship Fund. University of Maine System special registration plates are not required for registration of a motor vehicle. A person may contribute to the University of Maine System Scholarship Fund by applying for the special registration plates and submitting, in addition to the regular motor vehicle registration fee, a sum of \$20 credited as follows:

A. Ten dollars to the University of Maine System Scholarship Fund established in Title 20-A, section 11631; and

B. Ten dollars to the Highway Fund for administrative and production costs.

3. Design. The Secretary of State shall determine a design for the special University of Maine System plates. If the design accommodates the use of numbers and letters as provided in section 453, the Secretary of State shall issue upon request University of Maine System vanity plates that are also vanity plates. University of Maine System vanity plates are issued in accordance with the provisions of this section and section 453.

4. Not transferable. Special plates issued under this section are not transferable.

§457. Antique vehicle registration plates

1. Antique vehicle registration plates authorized. The Secretary of State may issue registration plates for antique autos, horseless carriages, street rods or antique motorcycles. These plates must bear the inscription "Maine" and the inscription "Antique Auto," "Horseless Carriage" or "Street Rod" or, for antique motorcycles, the inscription "Antique."

2. Existing number plates. An owner of an antique vehicle may keep an existing registration plate number for the new registration plates.

3. Contemporary plates. An owner of an antique auto, horseless carriage, street rod or antique motorcycle may use registration plates that were issued in the same year the antique vehicle was manufactured, as long as the motor vehicle:

A. Is over 25 years old;

B. Is registered as an antique vehicle; and

C. Carries a valid antique motor vehicle registration certificate and plates.

4. Display of contemporary plates. Contemporary registration plates must have matching plate numbers, be affixed to both the front and rear and conspicuously bear the year of manufacture.

5. Street rod standards. The Chief of the State Police shall establish standards to qualify vehicles as street rods. These standards include:

A. The age of the vehicle;

B. The equipment and its condition;

C. Permissible modifications; and

D. Verification of membership in a qualified street rod owners organization.

6. Application. An application for registration of a vehicle under this section must be accompanied by an affidavit that includes a statement of the age and intended use of the motor vehicle and that the

vehicle is garaged or maintained in the State. A person registering a street rod must furnish verification that the vehicle is a qualified street rod.

7. Registration fee. The fee for registration of an antique auto, horseless carriage or antique motorcycle is \$12. The fee for registration of a street rod is \$27.

§458. Stock race cars

1. Stock race car plates authorized. The Secretary of State may issue a registration plate for stock race cars.

2. Fee. The fee for a registration plate under this section is \$5.

3. Operation restricted. A stock race car may not be operated under its own power on a public way.

§459. Manufacturers, dealers and transporters

1. Special plates. The Secretary of State may select and issue special distinguishing letters, marks or designs for number plates issued to manufacturers, dealers and holders of transporter registration certificates.

2. Special vanity plates. A new car dealer may apply for vanity registration plates that may bear letters or combinations of letters and numbers that are approved by the Secretary of State or a designee. A plate may not be duplicated by other licensed vehicle dealers. These special vanity plates may not be used to supplement existing registration numbers assigned.

The Secretary of State shall charge an additional \$30 fee per plate issued pursuant to this subsection.

§460. State officials

1. State official registration plates authorized. The Secretary of State, on payment of taxes required in section 409, subsection 5 and fees required in section 501, subsections 1 and 2 and upon application, shall issue one pair of specially designed number plates for one designated motor vehicle owned or controlled by each member of the United States Senate or the United States House of Representatives from this State, or members of the Legislature, Representatives of the Indian Tribes at the Legislature, the President of the Senate, the Speaker of the House of Representatives, the Secretary of the Senate and the Clerk of the House of Representatives. A specially designed plate and its registration certificate may be used in place of the regular plate and registration. The named official may attach to such a motor vehicle one of the valid registration plates issued under section 451 and one of the valid regis-

tration special registration plates issued under this section.

2. Additional plates. On request by a United States Senator or by a United States Representative, the Secretary of State, for a fee of \$2, shall issue an additional pair of specially designed number plates for a 2nd designated motor vehicle owned or controlled by that member.

3. Period of validity. An official plate is valid only while the member actually serves in the office for which the member is elected.

4. Design. The Secretary of State shall determine the color, shape, size, lettering and numbering of the official registration plates, except the plates issued to a member of the House of Representatives, other than the Speaker of the House of Representatives, must bear the number of that House District, and plates issued to a member of the Senate, other than the President of the Senate, must bear the number of that Senatorial District.

§461. Reservation of same number

1. Plate issue year. In a year in which new registration plates are issued, the Secretary of State shall reserve until July 1st the same registration number for the succeeding registration year for a person who notifies in writing the Secretary of State prior to May 1st of that person's desire to retain that registration number. The fee for retention of the same registration number is \$5.

If a person does not have a vehicle to register on May 1st, a registration number may be held for a maximum of 2 registration years by depositing with the Secretary of State \$10 for each year; except that the registered owner of an antique vehicle may reserve the antique registration assigned to that person for 4 years by depositing the sum of \$12 for each registration year. These fees are not refundable and may not be applied against the registration fee.

All numbers other than those reserved must be released and issued in rotation after July 1st.

A person wishing to select a number out of rotation may do so by paying the registration fee and a reserved number fee of \$5.

A holder of vanity registration plates must pay the sum of \$15 to reserve those letters or combination of letters and numbers, which is credited toward the renewal fee.

2. Nonplate issue year. In other than a plate issue year, when a person fails to reregister and the registration remains expired for 8 consecutive

months, the reservation of the same number ceases and the number becomes available for reissuance.

For a maximum of 2 registration years, a person may reserve the registration number assigned to that person by depositing with the Secretary of State the sum of \$10 for each year; except that the registered owner of an antique motor vehicle may reserve the antique registration assigned to that person for 4 years by depositing with the Secretary of State the sum of \$12 for each year. A person wishing to select a number out of rotation may do so by paying the registration fee and a reserved number fee of \$5.

§462. Temporary registration plates

1. Temporary plate attachment. Except a transporter licensee or loaner licensee, a person licensed as a dealer may, on the sale or exchange of a motor vehicle or trailer, attach to its rear a temporary registration plate. For the purposes of this subsection, "loaner licensee" means a person to whom the Secretary of State has granted permission to use loaner plates on vehicles owned by that person for the purpose of loaning those vehicles to customers whose vehicles are being repaired at the licensee's business location.

2. Payment of fee for temporary registration plate. The fee for a temporary registration plate is \$1 per plate. A purchaser may operate the motor vehicle or trailer with a temporary registration plate for a period of 14 consecutive days without payment of a regular fee. If the purchaser is a nonresident member of the Armed Services, the purchaser may operate a motor vehicle or trailer for a period of 20 consecutive days without payment of a regular fee. At the end of this initial period, a resident who is unable to comply with the requirements of chapter 7 or a nonresident who has applied for but has not yet received a registration certificate from a home state may request the Secretary of State to extend this period without charge for an additional 20 days.

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

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

5. Motorcycle. A temporary registration plate for a motorcycle must be the same size as the regular motorcycle plate.

6. Notice of date of expiration. A person attaching a temporary registration plate to a vehicle sold or exchanged by that person, shall mark on the

plate the date of expiration and immediately notify the Secretary of State of the sale or exchange, giving the name and address of the purchaser, the number of the temporary plate and other information as the Secretary of State may require. The date may not be less than one inch in height and must be written with indelible or waterproof ink.

7. Temporary registration certificate. When a temporary registration plate is attached to a vehicle, the Secretary of State must furnish the purchaser a certificate of temporary registration.

8. Trailer transit plate. Persons in the business of delivering or servicing mobile homes or storage trailers may apply for a trailer transit license and plates for the purpose of transporting or servicing mobile homes or storage trailers temporarily in their custody. The holder of a trailer transit plate may not use the plate in lieu of registration plates issued under this Title and may not loan the plate to another person. If the trailer transit plate is used on a storage trailer, the storage trailer must be empty. Trailer transit plates may not be used on a towing vehicle.

Issuance of a trailer transit license and plate does not exempt the holder from compliance with any state law or municipal ordinance governing the movement of mobile homes or storage trailers over the highways of this State and does not exempt the holder from required permits or certificates prior to moving such vehicles.

Fees for trailer transit licenses and plates are established in section 852.

9. Unavailability. The Secretary of State, if unable to furnish immediately a plate or marker, may issue a temporary certificate with temporary plates. The certificate must be carried and plates displayed in the same manner as regular certificates and plates.

10. Prohibition; records. A person issued temporary registration plates may not attach a plate to a vehicle that the person did not sell, lease or transfer and may not provide the plates to another person other than by attachment to a vehicle as authorized by this section. A person issued temporary registration plates by the Secretary of State shall maintain a written record of the use or disposal of every plate. The record must be available for inspection by the Secretary of State at the person's place of business. A person who fails to comply with this subsection commits a civil violation.

§463. Disposition of registration plates

1. Property of State. Registration plates issued by the Secretary of State continue to be the property of the State.

2. Expiration upon transfer or assignment.

When the owner of a vehicle transfers or assigns title or interest in a vehicle the registration expires.

3. Return of registration plate and registration certificate. When a registration certificate is suspended, revoked, canceled or has expired and the owner has no intention to renew or transfer within 6 months, the owner shall remove the registration plates and forward them, along with the registration certificate, to the Secretary of State.

4. Reassignment of registration number. The registrant may request that plates and the registration number be assigned in the registrant's name to another vehicle.

5. Unauthorized taking of registration plate. A person commits a Class E crime if that person steals, takes or carries away, without permission or authority, a registration plate from another person entitled to possession of that plate.

§464. Unused registration plates

An owner that returns registration plates with an affidavit stating that those plates have never been used must be refunded the registration fee paid if:

1. Time limit. The plates are returned within 120 days of issue; and

2. Registration plate unused. The Secretary of State is satisfied that the plates have never been used.

§465. Loss of registration plates

1. Loss of registration plates. If a registration plate is lost or the number becomes mutilated or illegible, the owner or person in control of the vehicle shall immediately place a temporary substitute number plate bearing the registration number on the vehicle.

2. Conformity with registration plate required. A temporary plate must conform to the registration plate and be displayed as nearly as possible as a regular registration plate.

3. Report. Within 24 hours after loss or mutilation of registration plates, a person shall notify the Secretary of State and apply for new registration plates.

4. Reissue. If satisfied as to the truth of the facts stated in the application, the Secretary of State shall supply new registration plates on payment of a fee of \$5 for each plate.

5. One of a set. Whenever one of a set of registration plates is lost and a new set is issued, the

remaining plate must be returned to the Secretary of State.

6. Registration plate lost in transit. If registration plates are lost in transit and the applicant certifies in an affidavit that the plates have not been received, and that if they are received the applicant will return them, the Secretary of State after investigation may furnish the applicant with a 2nd set of plates without additional charge.

7. Applicability. This section does not apply to dealers and transporters.

Article 4**Registration Provisions****§501. Fees for registration; motor vehicles**

The annual fees for the registration of motor vehicles must accompany the application for registration and are as follows.

1. Automobiles; pickup trucks. The fee for an automobile or pickup truck used for the conveyance of passengers or interchangeably for passengers or property is \$22.

An automobile used for the conveyance of passengers or property is a "combination" vehicle and may be issued a special plate with the word "combination" instead of "Vacationland." A passenger vehicle used under contract with the State, a municipality or a school district to transport students must be designated as "combination." A vehicle owned or operated by parents or legal guardians is exempt from this subsection.

Commercial plates may not be issued for or displayed on an automobile.

2. Island vehicles. An automobile operated exclusively on an island that has no roads maintained or supported by the State may be registered for a fee of \$2. The municipality may collect an additional \$4 fee to defray the cost of removing abandoned vehicles.

3. Passenger vehicles for hire. The fee for a passenger vehicle used for hire is double the fee provided in subsection 1. The Secretary of State may issue a 2nd registration for the same vehicle at no additional fee.

4. Funeral coaches. The fee for a private automobile, funeral coach or funeral hearse, used by a licensed practitioner of funeral services under Title 32, chapter 21, is the fee provided in subsection 1. The fee for a funeral coach or funeral hearse used for hire for any other purpose is the same as the fee provided in subsection 3.

5. School vehicles. The fee for a motor vehicle used only to transport school children to and from school is the same as the fee in subsection 1.

6. Buses. An owner or operator of interstate buses for hire used to transport passengers, operating a fleet of 2 or more buses under the authority of the Interstate Commerce Commission, shall pay fees for that number of buses of the owner or operator as the proportion that the mileage of all buses of the owner or operator operated in this State bears to the total mileage of all buses of the owner or operator operated both within and without the State in the preceding year.

7. Temporary registration permit. The Secretary of State may issue a temporary registration permit for the purpose of moving certain vehicles otherwise required to be registered as follows.

A. A temporary registration permit is for one trip only, between the points of origin and destination and intermediate points set forth in the permit.

B. A temporary registration permit is for the transit of the vehicle only. The vehicle may not be used for the transportation of passengers or property, for compensation or otherwise, unless specifically authorized on the temporary registration permit. If the vehicle is a chartered bus that is not covered by a reciprocity agreement with the state or country of registration, the Secretary of State may authorize transportation of passengers.

C. The Secretary of State may not issue a temporary registration permit that is valid for longer than 15 days from the effective date of the registration.

D. The fee for the temporary registration permit is \$10.

E. The temporary registration permit must be carried in the vehicle at all times.

F. A person who operates or moves a vehicle outside the routes specified in the temporary registration permit commits a traffic infraction and may not be fined less than \$25 nor more than \$200.

8. Special permit. The Secretary of State may issue, on application and the payment of a fee of \$2, a special registration permit authorizing the limited operation on the highway of self-propelled golf carts, lawn mowers, ATV's and other similar vehicles with restrictions and limitations of use that minimize the danger to the operator. The following provisions apply to special registration permits.

A. A special registration permit is valid until March 1st of the next calendar year.

B. A driver's license is not required for operation under this subsection.

C. Vehicles registered under this subsection are exempt from the laws regulating the inspection of motor vehicles.

D. A person under the age of 15 years may not operate a vehicle under this subsection on a public way.

E. Operation of an ATV is limited to agricultural purposes in connection with a farm and to operation from or to the premises where kept, from or to a farm lot or between farm lots used for farm purposes by the ATV owner.

9. Attached vehicles. A deputy sheriff with a writ of attachment may move the attached motor vehicle to a place of storage without registration or registration permit as long as the county has insurance as required by chapter 13.

10. Off-highway vehicles. The Secretary of State may issue, on application and the payment of a fee of \$25, a special registration permit authorizing the limited operation on a way of trucks and truck tractors that are otherwise used exclusively for off-highway purposes. The following provisions apply to registration permits issued pursuant to this subsection.

A. A registration permit may not be granted unless the applicant presents a written certificate from the tax collector of the municipality from which the vehicle is being moved identifying the vehicle and stating that all personal property taxes applicable to the vehicle, including those for the current year, have been paid or that the vehicle is exempt from those taxes.

B. Highway use is limited to travel to and from garages for the purpose of obtaining repairs or maintenance or travel from one job site to another job site.

C. The registration permit may not authorize transporting property or passengers.

D. A registration permit is valid until March 1st of the next calendar year.

E. A vehicle issued a registration permit pursuant to this subsection is exempt from inspection requirements.

F. The registration permit must be in the vehicle when the vehicle is operated on the highway.

§502. Transfer and return of registration

1. Transferring registration. A person who transfers the ownership or discontinues the use of a registered motor vehicle, trailer or semitrailer and applies for registration of another motor vehicle, trailer or semitrailer in the same registration year may use the same number plates on payment of a transfer fee of \$8, as long as the registration fee is the same as that of the former vehicle. If the fee for the vehicle to be registered is greater than the fee for the vehicle first registered, that person must also pay the difference. If application is made for a truck camper or a trailer with a gross weight of 2,000 pounds or less, the transfer fee is \$5.

2. Return of registration. The certificate issued for the registration of the former vehicle must be returned to the Secretary of State showing that ownership has been transferred or use discontinued and that the registration has been canceled.

3. Refunds; credits. No portion of a fee is refundable, but credits toward the registration of another vehicle may be given. On registration by an owner or owner's surviving spouse, a credit is allowed as follows.

A. For the first 8 months of a registration year, the full fee may be credited toward the registration of another vehicle.

B. For the last 4 months of a registration year, an amount not to exceed 1/2 of the original fee may be credited toward the registration of another vehicle.

§503. Miscellaneous registration fees

Fees for certain replacement plates, registration validation devices and new registration plates are as follows.

1. Replacements. Replacement registration plates are furnished to replace lost or mutilated plates or plates assigned to the registrant that have not been expired for more than 8 months. The fee for each plate is \$5.

Replacement registration validation devices for number plates or truck campers are furnished for 50¢ each.

2. New issues. For each new registration plate issued pursuant to section 451, the Secretary of State shall collect a fee of \$1 and the municipal agent shall collect another \$1 fee in addition to any other registration fees.

§504. Registration of commercial motor vehicles

1. Truck or truck tractor. For a truck or truck tractor equipped with pneumatic tires, the following annual registration fee schedule applies.

A. For gross weight from 0 to 6,000 pounds, the fee is \$22.

B. For gross weight from 6,001 to 9,000 pounds, the fee is \$28.

C. For gross weight from 9,001 to 12,000 pounds, the fee is \$45.

D. For gross weight from 12,001 to 14,000 pounds, the fee is \$78.

E. For gross weight from 14,001 to 16,000 pounds, the fee is \$102.

F. For gross weight from 16,001 to 18,000 pounds, the fee is \$127.

G. For gross weight from 18,001 to 20,000 pounds, the fee is \$158.

H. For gross weight from 20,001 to 23,000 pounds, the fee is \$185.

I. For gross weight from 23,001 to 26,000 pounds, the fee is \$217.

J. For gross weight from 26,001 to 28,000 pounds, the fee is \$264.

K. For gross weight from 28,001 to 32,000 pounds, the fee is \$305.

L. For gross weight from 32,001 to 34,000 pounds, the fee is \$339.

M. For gross weight from 34,001 to 38,000 pounds, the fee is \$376.

N. For gross weight from 38,001 to 40,000 pounds, the fee is \$400.

O. For gross weight from 40,001 to 42,000 pounds, the fee is \$423.

P. For gross weight from 42,001 to 45,000 pounds, the fee is \$447.

Q. For gross weight from 45,001 to 48,000 pounds, the fee is \$494.

R. For gross weight from 48,001 to 51,000 pounds, the fee is \$530.

S. For gross weight from 51,001 to 54,000 pounds, the fee is \$565.

T. For gross weight from 54,001 to 55,000 pounds, the fee is \$577.

U. For gross weight from 55,001 to 60,000 pounds, the fee is \$637.

V. For gross weight from 60,001 to 65,000 pounds, the fee is \$696.

W. For gross weight from 65,001 to 69,000 pounds, the fee is \$759.

X. For gross weight from 69,001 to 72,000 pounds, the fee is \$794.

Y. For gross weight from 72,001 to 75,000 pounds, the fee is \$818.

Z. For gross weight from 75,001 to 78,000 pounds, the fee is \$854.

AA. For gross weight from 78,001 to 80,000 pounds, the fee is \$874.

BB. For gross weight from 80,001 to 90,000 pounds, the fee is \$979.

2. Credit for certain commercial vehicles. If a commercial vehicle registered for a gross weight of 23,001 pounds or more is operated only in the truck tractor-semitrailer configuration, a credit of \$40 is allowed for the original annual registration fee. The owner of the vehicle must be issued a truck tractor registration plate which must be displayed on its front.

3. On ways adjoining premises. A registration or license is not required for the use of a truck, trailer or tractor on that part of a way adjoining the premises of the vehicle's owner.

4. Federal heavy vehicle use tax; proof of payment required. Except as provided by 26 Code of Federal Regulations, Section 41.6001-2(b)(3), a registration certificate may not be issued for a motor vehicle subject to the use tax imposed by the United States Internal Revenue Code of 1954, Section 4481, until the applicant has presented proof of payment as prescribed by the Secretary of the United States Treasury.

The Secretary of State shall keep records and may issue evidence to comply with 26 Code of Federal Regulations, Part 41, revised as of May 23, 1985, and the United States Internal Revenue Code of 1954, Sections 4481, 4482 and 4483.

Pursuant to rule, the Secretary of State may certify that a vehicle qualifies for exemptions under 26 Code of Federal Regulations, Section 41.4483-3(g) or Section 41.4483-6(b), revised as of May 23, 1985.

5. Truck tractor and semitrailer. In computing fees for a combination of truck tractor and semitrailer, the vehicle to be registered for gross weight is the truck tractor and the rate is the same as for a truck of similar gross vehicle weight.

§505. Farm trucks

1. Definition. For purposes of this section, "farm truck" means a truck equipped with axles other than dolly axles under section 1902, subsection 4, or a farm truck towing a trailer or semitrailer when that truck is used primarily for transportation of agricultural commodities, supplies or equipment for a farm owned, operated or occupied by the registrant. "Farm truck" does not include a truck used for the retail delivery of milk or used on a substantially daily delivery schedule on established routes.

2. Annual registration fee. For a farm truck, the following annual registration fee schedule applies.

A. For gross weight from 0 to 6,000 pounds, the fee is \$18.

B. For gross weight from 6,001 to 9,000 pounds, the fee is \$21.

C. For gross weight from 9,001 to 11,000 pounds, the fee is \$24.

D. For gross weight from 11,001 to 14,000 pounds, the fee is \$36.

E. For gross weight from 14,001 to 16,000 pounds, the fee is \$47.

F. For gross weight from 16,001 to 18,000 pounds, the fee is \$69.

G. For gross weight from 18,001 to 20,000 pounds, the fee is \$81.

H. For gross weight from 20,001 to 23,000 pounds, the fee is \$98.

I. For gross weight from 23,001 to 26,000 pounds, the fee is \$116.

J. For gross weight from 26,001 to 29,000 pounds, the fee is \$143.

K. For gross weight from 29,001 to 32,000 pounds, the fee is \$163.

L. For gross weight from 32,001 to 35,000 pounds, the fee is \$239.

M. For gross weight from 35,001 to 38,000 pounds, the fee is \$262.

N. For gross weight from 38,001 to 42,000 pounds, the fee is \$285.

O. For gross weight from 42,001 to 46,000 pounds, the fee is \$308.

P. For gross weight from 46,001 to 50,000 pounds, the fee is \$331.

Q. For gross weight from 50,001 to 54,000 pounds, the fee is \$354.

3. Maximum weight. The maximum registered weight of a farm truck is 54,000 pounds. The fine for exceeding the registered gross weight of a farm truck is the difference between the fee for a farm truck and a commercially registered truck or truck tractor within the category of the actual weight at the time of the violation.

4. Special registration plates. The Secretary of State shall issue registration plates to distinguish a farm truck from a commercial vehicle. A farm truck may be driven with that registration only if the vehicle is used primarily for the transportation of agricultural products for a farm owned, operated or occupied by the registrant and may not be used for the transportation of firewood, unless that transportation is incidental to other farm operations.

5. Violation. A person fraudulently obtaining or using a farm truck registration for a purpose other than authorized by this section commits a traffic infraction with a penalty of not less than \$100 nor more than \$500.

6. Additional fee; tire type. The fee for registering a farm truck equipped with 2 or more solid tires is 33 1/3% more than the fee required for a vehicle equipped with pneumatic tires.

7. Prorated fee; transportation of owner's agricultural produce. For a farm truck, 1/2 the registration fee must be charged during the last 6 months of a registration year.

8. Temporary registered class weight increase. Farm trucks registered under this section may receive a temporary registered class weight increase by paying a percentage of the difference between the amount paid for farm truck registration and the annual fee for the desired gross weight in accordance with the permit table contained in section 507.

§506. Registration fee for motor homes

The annual fee for registration of motor homes is the same as for farm trucks.

The Secretary of State may select and issue a special distinguishing letter, mark or design for registration plates issued to motor homes.

§507. Temporary registered gross weight increase

When a truck is properly base registered in this State, the registrant may increase the registered gross vehicle weight of the truck upon application and payment of the proper fee. Temporary registered gross weight increases may be issued by the Bureau of Motor Vehicles, the Bureau of the State Police or by any agent appointed by the Secretary of State who has been appointed for that specific purpose. Agents must be either municipal tax collectors or town or city managers.

Temporary registered gross weight increases must be issued for at least 2 months and may not exceed 8 months. A temporary registered gross weight increase may not extend beyond the expiration of the regular registration.

The fee for a temporary registered gross weight increase is the difference between the annual fee for the original registration and the annual fee for the desired temporary registered gross weight multiplied by the percentage in the following table:

<u>2 months</u>	<u>30%</u>
<u>3 months</u>	<u>40%</u>
<u>4 months</u>	<u>50%</u>
<u>5 months</u>	<u>60%</u>
<u>6 months</u>	<u>70%</u>
<u>7 months</u>	<u>75%</u>
<u>8 months</u>	<u>80%</u>

Vehicles base registered in this State pursuant to the International Registration Plan may be issued a temporary registered gross weight increase pursuant to this section. The fee is not apportionable, and the temporary registered gross weight increase is valid only in this State or in a jurisdiction not a member of the International Registration Plan.

The Secretary of State is authorized to issue temporary registered gross weight increases by facsimile means. The Secretary of State may make such provisions as the Secretary of State considers necessary to ensure the integrity of facsimile documents.

§508. Truck campers

Upon receiving an application and the payment of a fee of \$10, the Secretary of State may issue an annual registration permit for truck campers.

A resident person, firm or corporation, or owner as defined in section 101, subsection 50, who fails to register a truck camper commits a traffic infraction with a minimum fine of \$100. A registration permit

is not required for the 14-day period immediately following the purchase of a truck camper from a person who is engaged in the business of selling truck campers.

§509. Tractors

1. Tractors. The annual fee for the registration of a tractor must accompany an application for registration and is as follows.

Tractors equipped with:

A. Pneumatic tires, 25¢ per horsepower and 25¢ per 100 pounds of weight;

B. Solid rubber tires, 25¢ per horsepower and 50¢ per 100 pounds of weight; and

C. Iron, steel or other hard tires, 25¢ per horsepower and 80¢ per 100 pounds of weight.

The minimum fee is \$2.

2. Tractors used for farming. The fee for a tractor used for agricultural purposes or not customarily used on public ways is \$2, except as provided in section 510, subsection 1.

3. Old homemade tractors used for farming. The fee for a homemade tractor used for agricultural purposes with motor and chassis at least 10 years old that has a body capacity of not more than 1 1/2 cubic yards and that is used exclusively for agricultural purposes is \$2. Such a vehicle may not be operated on the highway more than 10 miles from the place where the vehicle is customarily kept.

§510. Exemption from registration

1. Tractors used for farming. Registration or a license is not required for a tractor or trailer used solely for farming purposes when operated to or from:

A. The premises where kept;

B. A farm lot and between farm lots, when used for farm purposes by the owner; or

C. A filling station or garage for fuel or repairs.

2. Skidder. Registration is not required for a log skidder used solely for logging purposes when operated to or from:

A. The premises where kept and a woodlot, or between woodlots used for logging purposes by the owner of the log skidder or the owner's employee; or

B. A filling station or garage for fuel or repairs.

Chains attached to the tires or wheels of the skidder must be removed prior to operation on a paved way.

3. Tractors used for logging. Registration is not required for a converted motor vehicle used as a tractor when used solely for logging purposes when operated to or from:

A. The premises where the tractor is kept;

B. A woodlot and between woodlots used for logging purposes by the owner; or

C. A filling station or garage for fuel or repairs.

4. Privilege to operate a farm tractor suspended. If a person's license has been revoked or suspended, that person may not operate a farm tractor on a public way except as provided in subsection 1, paragraphs A and B until the Secretary of State reinstates that person's license or issues to that person another license.

§511. Trailers and semitrailers

1. Registration fees; trailers and semitrailers. The following annual registration fee applies to trailers, semitrailers and camp trailers.

A. The fee is \$8.50 for a:

(1) Trailer or semitrailer not exceeding 2,000 pounds gross vehicle weight;

(2) Boat trailer not exceeding 4,000 pounds gross vehicle weight;

(3) Mobile home; or

(4) Farm trailer, whether semitrailer or 4-wheeled type, equipped with pneumatic tires, used for the sole purpose of transporting a load:

(a) Of the owner's farm products, crops, fertilizers or farm tools and utensils;

(b) Of no more than 4 tons; and

(c) For no more than 20 miles one way.

B. The fee is \$16 for a camp trailer exceeding 2,000 pounds.

C. The fee is \$16 for a semitrailer exceeding 2,000 pounds.

D. Except as provided in paragraph A, a trailer exceeding 2,000 pounds must be registered on the basis of gross weight in accordance with the schedule under section 504.

Fees paid under this section and section 512 are administrative fees and nonapportionable. The Secretary of State may collect apportionable fees for trailers and semitrailers pursuant to the International Registration Plan.

Except for camp trailers, trailer and semitrailer registrations under this section may be issued for 2 years for a fee twice that of the annual registration fee.

2. Exemption for circus and carnival trailers.

Circus and carnival trailers or semitrailers unloaded from railroad cars at the nearest railroad station or railroad siding and hauled to and from circus or carnival grounds are exempt from fees for registration and licensing.

§512. Semipermanent registration plates for trailers and semitrailers

The Secretary of State may establish an 8-year and 12-year semipermanent registration plate program for trailers and semitrailers and a 20-year semipermanent registration plate program for semitrailers and under these programs may issue registration plates of a design determined by the Secretary of State. A person registering a semitrailer in accordance with this section may register a semitrailer for fewer than 5 years only to maintain a common expiration date for a fleet.

1. Eight-year and 12-year semipermanent registration plate program for trailers and semitrailers. Any person may apply on a form supplied by the Secretary of State for a semipermanent registration plate.

A. To receive a registration plate, a person must be a Maine resident, have a place of business and an address in Maine, or have a designated agent or representative resident in Maine.

The Secretary of State shall require the appointment of an agent for a nonresident applicant receiving semitrailer or trailer registration plates under this section. The agent must be a Maine resident. Legal process served upon an agent is deemed service on the registrant.

A corporation organized under the laws of this State is deemed a resident of this State and a foreign corporation is deemed a resident of this State if it is registered to do business in this State.

B. The fee for each semitrailer is \$10 and the fee is \$5 for each trailer not more than 2,000 pounds gross vehicle weight. The fee for a trailer registered for more than 2,000 pounds is the same as the annual registration fee in section 511.

A pro rata amount of the fee must be refunded when a plate is returned within 120 days of the effective date of that year's registration with an affidavit stating that the registration has never been used and the Secretary of State is satisfied that the plate has never been used.

C. With the agreement of the Commissioner of Transportation, the Secretary of State may adopt rules for the payment of the fees in annual or biennial installments. In adopting those rules, the Secretary of State shall consider the financial effect of the registration fee on the registrants, the benefit or burden of installment payment on state revenues and the difficulty of administering this subsection.

D. Notwithstanding section 401, an application for registration must be signed by the owner or lessee applying for registration, the person authorized by the applicant or the applicant's designated agent.

E. On approval of an application, the Secretary of State shall:

- (1) Record the registration of the semitrailer or trailer described in the application and assign a distinguishing number or other mark;
- (2) Issue a certificate of registration that contains the name and address of the owner or lessee or the address of its designated agent; and
- (3) Furnish one semipermanent registration plate for each trailer or semitrailer.

F. Semipermanent registration plates expire at the end of the semipermanent plate program or, in the case of a new semitrailer or new trailer, at the end of the 12th registration year following the year of issuance. The registration plates issued for the next program may be displayed on and after December 1st of the preceding calendar year. A registration plate issued after the commencement of the plate program may be displayed either beginning on the date of purchase or on the February 1st following issuance, depending upon the number of paid registration years.

2. Twenty-year semipermanent semitrailer registration plate program. Corporations applying for a minimum of 1,000 registrations in a registration year may apply for semipermanent semitrailer registration plates which may be issued for periods of up to 20 years.

A. The fee for each registration is \$10 per year or portion of a year. The Secretary of State shall establish a procedure to bill each registrant using semipermanent semitrailer registrations once annually except the billing at the time of purchase of a full 20-year registration must be for a 3-year period. Fees for the first 3 years are non-refundable. A fee for a registration of less than 20 years must be prorated accordingly. If any registrant fails to remit the payment in a timely manner, the Secretary of State shall suspend all registrations issued to that registrant pursuant to this subsection.

B. A registrant must be a resident corporation or maintain a resident agent authorized to serve as a legal representative. A resident corporation may retain a resident agent. For the purposes of this subsection, a corporation organized under the laws of this State is a resident of this State and a foreign corporation is a resident of this State if it has registered to conduct business in this State pursuant to Title 13-A, chapter 12.

C. The Secretary of State may authorize resident agents to receive unassigned registration plates and registration certificates on behalf of registrants. Resident agents are responsible for all registration plates and registration certificates in their possession pursuant to this subsection.

D. Registration plates issued pursuant to this subsection are valid and may be displayed upon issue for renewal purposes only. Registrations issued pursuant to this subsection remain active unless canceled or reported lost.

E. All registration certificates issued pursuant to this subsection must be signed by the owner, lessee, corporate officer, resident agent or other authorized person.

§513. Special mobile equipment

1. Definition. For the purpose of this section, "special mobile equipment" does not include a vehicle that may be used for the conveyance of property except:

A. Conveying hand tools or parts used in connection with the operation of that equipment; or

B. Road construction or maintenance machinery transporting earth on that portion of the highway under construction.

2. Annual registration fee. The annual registration fee for special mobile equipment that is permanently mounted on a traction unit or motor chassis is as follows.

A. Class A special mobile equipment must be operated under an annual registration. The fee for a Class A special mobile equipment registration permit is as follows.

(1) For gross weight from 0 to 54,000 pounds, the fee is as in section 505, subsection 2.

(2) For gross weight from 54,001 to 60,000 pounds, the fee is \$384.

(3) For gross weight from 60,001 to 65,000 pounds, the fee is \$414.

(4) For gross weight from 65,001 to 70,000 pounds, the fee is \$444.

(5) For gross weight from 70,001 to 75,000 pounds, the fee is \$474.

(6) For gross weight from 75,001 to 80,000 pounds, the fee is \$504.

(7) For gross weight from 80,001 to 90,000 pounds, the fee is \$564.

B. The fee for Class B special mobile equipment is \$17.

C. For Class B special motor equipment, if the gross weight is in excess of 20,000 pounds, the registrant must obtain a permit as required by section 2382, subsection 5.

D. Special mobile equipment may be operated unloaded between construction projects and to or from the place where the vehicle is customarily kept, if a permit is first obtained under section 2382, subsection 5.

§514. Evasion of registration fees and excise taxes

A person required to register a vehicle in this State who instead registers the vehicle in another state or province is guilty of evasion of registration fees and excise taxes. Violation of this section is a traffic infraction punishable by a fine of not less than \$500 nor more than \$1,000.

The Secretary of State shall notify the State Tax Assessor upon receipt of the court abstract so that the State Tax Assessor may determine whether further investigation is necessary.

§515. Motorcycles and parking control vehicles

The annual fee for registering:

1. Motorcycle. A motorcycle or a parking control vehicle is \$18; and

2. Moped. A moped is \$6.

§516. Stock car

The annual fee for registering a stock race car is \$5.

§517. Government vehicles

1. Exemption. The following vehicles are exempt from registration fees, but must be registered and are subject to inspection requirements:

- A. Vehicles owned by the State;
- B. Vehicles owned by a county;
- C. Vehicles owned or used by a municipality;
- D. Vehicles owned or used by an organized volunteer fire department;
- E. Vehicles owned by a school district;
- F. Vehicles owned by a water district;
- G. Vehicles loaned by a dealer for use in driver education in a public school or private secondary school;
- H. Vehicles loaned by a dealer to a municipality for use by a law enforcement agency for educational purposes;
- I. Vehicles loaned to the University of Maine System and the Maine Technical College System and used in organized programs;
- J. Vehicles owned by the University of Maine System;
- K. School buses operated under a lease of at least 30 days to a municipality or school district; and
- L. Vehicles used in volunteer ambulance or rescue squad services.

2. Plates. The Secretary of State shall issue distinctive plates that expire at the end of a 6-year period for state plates and a 10-year period for municipal plates within the semipermanent plate program. Vehicles owned by the State may display a marker or insignia, approved by the Secretary of State, plainly designating them as owned by the State.

3. Exception. If an exempt vehicle is leased or rented for commercial purposes, registration fees must be paid for that vehicle.

4. Unmarked law enforcement vehicles. An unmarked motor vehicle used primarily for law enforcement purposes, when authorized by the Secretary

of State and upon approval from the appropriate requesting authority, is exempt from displaying a special registration plate. Records for all unmarked vehicle registrations are confidential.

Upon receipt of a written request by an appropriate criminal justice official showing cause that it is in the best interest of public safety, the Secretary of State may determine that records of a nongovernment vehicle may be held confidential for a specific period of time, which may not exceed the expiration of the current registration.

5. Municipal police vehicles. A vehicle owned by a municipality and used by a full-time law enforcement department may be issued special police registration plates at the request of the chief law enforcement official of that municipality.

6. Federal government vehicles. The Secretary of State may issue registration certificates and plates without fee to federal or other governmental agencies. Vehicles owned by the Federal Government used under lease to a Maine resident must be registered in this State.

§518. Emergency vehicles

Emergency vehicles registered in another jurisdiction and operating in this State as a result of a declared emergency are exempt from further registration requirements.

§519. Registration plates for firefighters

1. Authority to issue special registration plate. Upon application by an active firefighter whose status is certified by the fire chief, assistant fire chief or acting fire chief, the Secretary of State shall issue a special firefighter registration plate.

2. Registration plate design. The Secretary of State may design a numerical registration plate with the letters "FF" as a suffix.

3. Use of registration plate. The registration plate may be used only on one motor vehicle with a registered gross weight of not more than 9,000 pounds.

4. Fee for registration plate. An additional one-time fee of \$5 is charged for a set of firefighter registration plates.

5. Recall of registration plate. If a firefighter ceases to be an active firefighter, the fire chief shall notify the Secretary of State and the Secretary of State shall recall the registration plate.

§520. Special equipment

1. Registration fee. The annual registration fee for special equipment, based on gross weight, is \$7 for equipment weighing one to 2,000 pounds; \$12 for 2,001 to 5,000 pounds; and \$17 for over 5,000 pounds.

2. Exception. Registration is not required when special equipment is used solely:

A. On that part of a public way adjoining the premises of the owner; or

B. For farm purposes, and public way use is limited to travel from or to:

(1) The premises where the equipment is kept;

(2) A farm lot and between farm lots used for farm purposes by the owner; or

(3) A filling station or garage for fuel or repairs.

§521. Registration; handicapped people

1. Definition. "Handicapped person" means a person who is permanently confined to a wheelchair or restricted to the permanent use of crutches or braces or otherwise handicapped in such a way that the person's mobility is seriously restricted.

2. Special registration plates. A handicapped person, or the spouse, parent or legal guardian of a handicapped person, who has registered a motor vehicle as the motor vehicle of principal use by the handicapped person may be issued a set of special registration plates. The registration plates must bear the International Handicap Symbol.

3. Permanent placards. A permanent placard may also be issued. The following provisions apply to placards.

A. The placard must be affixed so that the information on it is clearly legible from the outside of the motor vehicle. The placard must contain the name of the handicapped person.

B. The Secretary of State shall establish a system of color coding placards that facilitates the determination of their validity.

C. The Secretary of State may issue a placard to a handicapped person who does not have a duly registered motor vehicle. That placard may be displayed on a motor vehicle properly registered in this State only when the handicapped person is a passenger or when the driver of the vehicle

is waiting for a service to be rendered to the handicapped person.

4. Motorcycle. A handicapped person who has registered a motorcycle may be issued a designating plate as a registration plate.

5. Application. An application must be accompanied by the certificate of a physician as to that person's physical disability. A person whom a physician certifies to have a permanent handicap is not required to submit an annual certificate.

6. Temporary placards. A temporary placard may be issued to a person who is temporarily handicapped. The following provisions apply to temporary placards.

A. An application for a temporary placard must be accompanied by the certificate of a physician attesting to that person's physical disability. The certificate must bear the person's name and an assigned expiration date. The bureau must give priority consideration to these requests.

B. Temporary placards must show the expiration date specified by the physician.

C. During its term, a temporary placard has the effect of a handicapped plate.

D. Any temporary placard issued under this section may be displayed in any motor vehicle that the handicapped person to whom the placard was provided is operating or in which the handicapped person is a passenger, is being transported or is waiting for a service to be rendered. The temporary placard must be affixed so that the information on the placard is clearly legible from outside the motor vehicle.

7. Registration and placard fees. The annual fee is the same as the regular registration fee for the vehicle. The fee for each permanent or temporary placard is \$1.

8. Violation. A person other than a handicapped person or the spouse of a handicapped person using a set of special designating plates or a placard commits a traffic infraction and is subject to a \$100 penalty. The special designating plates or placard may be suspended for improper use.

§522. Hearing-impaired people

1. Issuance of placard. The Secretary of State may issue a placard for hearing-impaired people to a person who is hearing impaired on receipt of a form from the Division of Deafness, Bureau of Rehabilitation, certified by a physician or an audiologist stating

that the applicant is hearing impaired and can not hear or understand normal speech.

2. Manner of display. The placard must be displayed in a conspicuous location in the vehicle as near to the operator as possible without obstructing the view of the operator.

3. Fee. The fee for a placard issued pursuant to this section is \$1.

§523. Certain veterans

1. Amputee or blind veterans. On application to the Secretary of State for registration of any motor vehicle of any amputee or blind veteran who has received an automobile from the United States Government under authority of 38 United States Code, Sections 3901, et seq. or any amputee or blind veteran receiving compensation from the Veterans Administration or any branch of the United States Armed Forces for service-connected disability who has a specially designed motor vehicle, that veteran is entitled to have that automobile duly registered and a registration certificate delivered to the veteran without the requirement of the payment of any fee.

Any veteran who has lost both legs or the use of both legs and who has registered a motor vehicle without the payment of a fee as provided in this section upon certification by the Veterans Administration or appropriate branch of the United States Armed Forces must be issued special designating plates. Those designating plates must be issued by the Secretary of State and must bear the words "Disabled Veteran."

2. Disabled veterans; special free license plates. The Secretary of State on application and upon evidence of payment of the excise tax required by Title 36, section 1482, shall issue a registration certificate and set of special designating plates to be used in lieu of regular registration plates to any 100% disabled veteran when that application is accompanied by certification from the United States Veterans Administration or any branch of the United States Armed Forces as to the veteran's disability and receipt of 100% service-connected benefits and that the veteran is permanently confined to a wheelchair or restricted to the use of crutches or braces or otherwise handicapped in such a way that mobility is seriously restricted. A handicap placard is issued in addition to the disabled veteran registration plate at no fee.

These special designating plates must bear the words "Disabled Veteran," which indicate that the vehicle is owned by a disabled veteran.

3. Special veterans registration plates. The Secretary of State, on application and upon evidence of payment of the excise tax required by Title 36, section 1482, the registration fee required by section

501 and a one-time additional fee of \$5, shall issue a registration certificate and a set of special veterans registration plates to be used in lieu of regular registration plates to any person who has served in the United States Armed Forces and who has been honorably discharged. If a veteran is the primary driver of 2 vehicles, the Secretary of State may issue in accordance with this section a set of special veterans registration plates for each vehicle.

Each application must be accompanied by the applicant's Armed Forces Report of Transfer or Discharge, DD Form 214, or certification from the United States Veterans Administration or the appropriate branch of the United States Armed Forces verifying the applicant's military service and honorable discharge.

All surplus revenue collected for issuance of the special registration plates is retained by the Secretary of State to maintain and support this program.

§524. Other special veterans registration plates

1. United States Medal of Honor recipients; special license plates. The Secretary of State, on application and upon evidence of payment of the excise tax required by Title 36, section 1482, shall issue a registration certificate and set of special designating plates, to be used in lieu of regular registration plates, to any Maine resident who has been awarded the Medal of Honor by the Congress of the United States when the application is accompanied by a copy of the military orders awarding the Medal of Honor.

These special designating plates must be of a design as determined by the Secretary of State.

2. Former prisoners of war; special license plates. The Secretary of State, on application and upon evidence of payment of the excise tax required by Title 36, section 1482, shall issue a registration certificate and set of special designating plates to be used in lieu of regular registration plates to any person who served in the United States Armed Forces and who was a prisoner of war at any time during tenure of service, or the surviving spouse of a former prisoner of war who is deceased, when that application is accompanied by a copy of the appropriate military form certifying that the person is a former prisoner of war. This special license plate is issued specifically to former prisoners of war and their spouses and the privilege of using the special plate is transferable only on the death of the former prisoner of war to the former prisoner's spouse. Upon the death of the former prisoner of war, the surviving spouse may retain and display the special license plate. Upon remarriage, the surviving spouse may not use the special license plate on a motor vehicle, but may retain it as a keepsake. Upon the death of the surviv-

ing spouse, the family may retain the special license plate, but not use it on a motor vehicle.

These special designating plates must be of a design as determined by the Secretary of State that is unique and not duplicated by any other design.

3. Pearl Harbor survivors; special license plates. The Secretary of State, on application and upon evidence of payment of the excise tax required by Title 36, section 1482, shall issue a registration certificate and set of special designating plates to be used in lieu of regular registration plates to any person who served in the United States Armed Forces and who was stationed at Pearl Harbor, Oahu, Hawaii during the attack by Japanese forces on December 7, 1941, when that application is accompanied by appropriate military certification verifying the applicant's service at Pearl Harbor during the attack. This special license plate is issued specifically to Pearl Harbor survivors and the privilege of using the special plate is not transferable.

These special designating plates must be of a design as determined by the Secretary of State.

§525. Fuel tax identification decals

1. Fuel use reporting account. A person operating a vehicle using fuel other than gasoline must establish an account for fuel use reporting if that vehicle:

- A. Is registered for a gross vehicle weight in excess of 26,000 pounds; or
- B. Is designed to carry 20 or more passengers.

2. Exceptions. A person operating a vehicle on a public way, subject to Title 36, chapter 457, 459 or 463-A, must obtain a fuel use identification decal for that vehicle, except for:

- A. A vehicle owned and operated by government agencies;
- B. A vehicle bearing dealer registration plates;
- C. A recreational vehicle; or
- D. An authorized emergency vehicle registered in another jurisdiction and operating in response to a declared emergency.

3. Interstate fleets. Interstate bus and one-way rental vehicle operators must obtain fuel use identification decals on the same prorated basis as is used to determine fuel used and vehicles registered within the State.

- A. The number of buses that the state mileage factor represents of the entire fleet mileage is re-

quired to display the fuel use identification decal or a certified statement issued by the Secretary of State that the appropriate fee has been paid.

B. The number of one-way rental vehicles that this registration factor represents of the entire one-way rental fleet is required to display the fuel use identification decal.

4. Exception. A farm vehicle or farm truck subject to limited inspection under section 1752, subsections 2 and 4 is not required to have a fuel use identification decal.

5. Fee. The decal fee for each vehicle is \$5.

6. Issuance; display; expiration. The Secretary of State shall issue identification decals and shall specify the location on the exterior of a vehicle to which a decal must be affixed permanently. A decal must be visible and legible.

A. A fuel use identification decal expires on December 31st.

B. A cab card, issued by the Secretary of State, must be carried in the vehicle at all times.

C. A person transferring ownership of a vehicle bearing a valid fuel use identification decal must disfigure the decal.

D. A person acquiring a vehicle with an unexpired fuel use identification decal may not operate that vehicle without a valid trip permit or a fuel use identification decal issued to that person.

7. Trip permits. In lieu of fuel tax licensing and reporting, the Secretary of State may issue a trip permit that authorizes for a period not to exceed 3 consecutive days a specific vehicle to be operated without a fuel use identification decal. The permit must accompany the vehicle at all times. The fee for a permit is \$50.

8. Enforcement. A state police officer or any member of the Department of Public Safety designated by the Commissioner of Public Safety may enforce this section.

A person in violation of the requirements for reporting fuel use taxes under Title 36 may be required to fully comply before being allowed to proceed.

9. Violation. A violation of this section is a Class E crime, except that a person commits a Class D crime if that person displays, causes or permits to be displayed a false decal or permit or a decal or permit issued to another person.

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

Notwithstanding Title 17-A, a person convicted of violating this section is subject to a forfeiture of at least \$250, which may not be suspended.

10. Suspension. On certification by the State Tax Assessor to the Secretary of State that a person is in violation of Title 36, chapter 457, 459 or 463-A, the Secretary of State shall suspend all fuel use identification decals issued to that person. The Secretary of State shall promptly notify the Department of Public Safety of a suspension, revocation or reinstatement.

Until the State Tax Assessor certifies to the Secretary of State that a person is in compliance, a person who has had decals revoked may not operate a vehicle requiring a decal. To have the right to operate reinstated, a person must pay a fee of \$25 to the Secretary of State.

11. Cooperation. The State Tax Assessor, the Department of Public Safety and the Secretary of State shall cooperate in the issuance of decals, licenses and permits, enforcement of this section and to ensure that timely information is readily available to all enforcement personnel of the status of those in noncompliance with the fuel use tax laws, intrastate and interstate for-hire operating authority permit requirements and motor vehicle registration laws.

12. Funds. All fees, fines and forfeitures accrue to the Highway Fund.

Article 5

International Registration Plan

§531. Application of the International Registration Plan; apportioned registrations

The Secretary of State shall implement the International Registration Plan, referred to in this article as the "plan," in accordance with this section.

1. Registration year. Fleets must be apportioned under the plan on a staggered basis. The registrant shall elect a common registration expiration date for all apportioned vehicles in the fleet. For purposes of this section, "fleet" means one or more vehicles.

2. Application of plan. The plan agreement prevails if in conflict with other laws or rules regarding registration of vehicles.

3. Rulemaking. The Secretary of State shall adopt rules to carry out provisions of the plan.

4. Registration transition. The registration of motor vehicles that are to be registered under the plan may be prorated on a monthly basis. Prorated registrations may be issued for any number of months necessary to provide for the consolidation of fleets of vehicles under a single expiration date.

5. Registration of fleet operated by nonresident owner. The Secretary of State may provide for the registration of a fleet of vehicles operated by a nonresident owner on an apportionment or allocation basis when those vehicles are regularly operated between points outside the State to points in the State.

§532. Vehicles registered pursuant to the plan

Notwithstanding any other provision of this Title, the following provisions apply to vehicles required to be registered pursuant to the plan.

1. Cab cards. For each vehicle base registered in this State under the plan, there is a fee of \$5 for each original cab card or replacement cab card.

2. Temporary registration. The Secretary of State may issue a temporary registration certificate for a vehicle for which an application for registration has been made. Temporary registrations may be issued for periods not to exceed 45 days. Only one temporary registration may be issued per vehicle per year.

3. Trip permits. The Secretary of State may issue 72-hour trip permits for vehicles required to be registered in the plan that have not been apportioned with this State. The fee for each trip permit is \$25 per vehicle. Trip permits provide all the privileges of the plan.

4. Display of registration plate. Vehicles registered in the plan for the first time may be operated without displaying a registration plate if the vehicle has been issued a valid temporary registration by the base jurisdiction.

5. Facsimile credentials. The Secretary of State may issue facsimile credentials identifying specific vehicles for registration purposes. Temporary facsimile credentials issued by another jurisdiction pursuant to the plan may be accepted as proof that a vehicle is legally registered.

6. Unladen weight permits. The Secretary of State may issue unladen weight permits for motor vehicles based in this State or last registered in this State and otherwise required to be registered in the plan. An unladen weight permit allows a motor vehicle to be operated without a load in a plan jurisdiction without an apportioned registration. The fee

for an unladen weight permit is \$25. The permit is valid for 30 days. The Secretary of State may require any information that the Secretary of State considers necessary.

7. Refunds. The Secretary of State may issue a refund of registration fees paid for operating in this State when the Secretary of State determines that a registrant was assessed too great a registration fee. The Secretary of State may not refund a registration fee collected for another jurisdiction, but may assist a motor carrier based in this State in obtaining refunds from other member jurisdictions. The Secretary of State is not required to refund an amount of less than \$5.

8. Presentation of credentials. Upon request of any law enforcement officer, an operator of a motor vehicle registered pursuant to the plan must present temporary or permanent credentials for inspection.

9. Penalty. Notwithstanding any other provisions of this Title, failure to comply with the registration requirements of the plan is a traffic infraction. The minimum fine for this violation is \$500. The Secretary of State shall notify the registrant's base jurisdiction of the violation. Presenting altered credentials is a Class E crime.

SUBCHAPTER II

OPERATING AUTHORITY

§551. Multistate agreement authority

1. Authorization. The Secretary of State, acting with the concurrence of the Commissioner of Transportation and the Commissioner of Public Safety, may enter into a multistate agreement for the administration of this subchapter.

2. Purpose. It is the purpose of this section to:

A. Promote and encourage the fullest and most efficient use of the highway system by providing for a single point of contact for the administration of states' operating authority requirements;

B. Provide for a uniform set of rules among participating states;

C. Enable participating states to act cooperatively in the collection of fees and the enforcement of insurance requirements; and

D. Establish and maintain the concept of one administrating state for each permittee based on the rules established under a multistate agreement.

3. Principle. The Legislature, in authorizing the Secretary of State to enter into a multistate agreement, recognizes that the concept of one administrating state should promote the more efficient use of the highway system while protecting the travelling public. The Legislature further recognizes that a multistate agreement should reduce the administrative burden for the motor carrier industry by limiting the number of contacts necessary when a motor carrier operates in interstate commerce.

4. Authorization. The Secretary of State may enter into a multistate agreement for the administration of this subchapter consistent with the purposes and principles of this section. The Secretary of State may collect and distribute fees for other participating jurisdictions and receive fees from those jurisdictions collected on behalf of this State.

5. Rules. The Secretary of State, with the concurrence of the Commissioner of Transportation and the Commissioner of Public Safety, may make rules to implement a multistate agreement entered into under this section.

§552. Operating authority license required

1. License required. A person transporting freight, merchandise, household goods or passengers by motor vehicle for hire on public ways between points within this State, or points within and without the State, must obtain an operating authority license.

2. Fee. The initial application fee for an operating authority license is \$25. For a passenger carrier, the annual renewal fee is \$15.

3. Transfer. A license may not be transferred except, if the holder incorporates, the holder may transfer a license to the corporation upon the payment of a transfer fee and the filing of written notice of intent to transfer with the Secretary of State.

4. Effect. A license is not a termination, restriction in scope or suspension of a prior intrastate certificate of public convenience and necessity as defined in 49 United States Code, Section 306(6).

5. Passenger vehicles. A motor vehicle licensed to transport passengers for hire is not required to obtain a separate license as a freight and merchandise carrier.

6. One permit. Only one interstate or intrastate license is required.

7. Deemed to hold permit. Notwithstanding any other provision of this section, any person, firm or corporation transporting freight, merchandise, household goods or passengers by motor vehicle for hire in this State, on the effective date of this Act,

pursuant to a certificate, permit or a license issued by the Public Utilities Commission or the Department of Transportation, as the case may be, is deemed to hold an operating permit as required by this section.

§553. Identification device

1. Identification device required. Unless the primary purpose is to transport passengers in the motor vehicle for hire, a motor vehicle for which a license is required under this subchapter must display an identification device.

2. Fee. The annual fee for the device is \$8 for each motor vehicle. The fee for each transfer of that device is \$2.

3. Permit. The Secretary of State may refuse to furnish identification for a motor vehicle not registered in the name of the holder of a license.

4. Temporary authority. The Secretary of State may issue temporary authority for transportation for hire pending issuance of a device. The temporary authority may not exceed that already granted by the United States Interstate Commerce Commission or the Secretary of State. The cost of the temporary authority must be paid by the requesting carrier.

§554. Lapse of license

If the holder of the license fails to obtain an identification device within one year of obtaining a license or fails to renew an identification device for one year, the license lapses.

§555. Bureau of State Police; enforcement

1. Rulemaking authority. The Bureau of State Police, in this section referred to as "the bureau," may, in accordance with the Maine Administrative Procedure Act, modify or decline to adopt any of the federal regulations or amendments referenced in this section, adopt rules to ensure proper enforcement of this subchapter and to promote the safety of the operation of motor carriers over the highways. This authority includes the right to make rules related to the length of duty of drivers.

2. Adoption of federal regulations. The bureau may adopt rules to incorporate by reference federal regulations in 49 Code of Federal Regulations, Parts 40, 390, 391, 392, 393, 395 and 396, as amended, and may adopt amendments to those federal regulations. The following provisions apply to the adoption of federal regulations under this section.

A. The Maine Administrative Procedure Act does not apply to the adoption by reference of federal regulations under this subsection.

B. A rule adopted under this subsection must contain a brief description of the substance of the federal regulation or amendment and instructions for obtaining a copy or a certified copy of that federal regulation or amendment from the appropriate federal agency.

C. For every rule adopted under this subsection:

(1) The bureau shall file with the Secretary of State:

(a) A certified copy of the rule;

(b) A published copy of the federal regulation or amendment as printed in the Federal Register; and

(c) Annually, a published copy of the updated volume of the Code of Federal Regulations containing the federal regulation; and

(2) The bureau shall supply, without cost or at actual cost, copies of each rule to a person who has filed within the past year a written request to be supplied with copies of rules, and to any other person on request. The bureau shall also make available for inspection at no charge, and for copying at actual cost, a current published copy of the referenced federal regulations.

D. The Secretary of State shall publish, pursuant to Title 5, section 8053, subsection 5, a notice containing the following information:

(1) A statement that the rule has been adopted and its effective date;

(2) A brief description of the substance of the rule and the referenced federal regulation or amendment; and

(3) The addresses at which copies of the rule and the federal regulation or amendment may be obtained;

E. The Secretary of State shall maintain and make available at the Secretary of State's office for inspection at no charge, and for copying or purchase at actual cost, current copies of these rules and include them within the compilations subject to Title 5, section 8056, subsection 3, paragraphs A-1 and B. The Secretary of State shall also make available for inspection at no charge and for copying at actual cost a current published copy of the referenced federal regulations and amendments; and

F. A rule adopted under this section may not take effect until at least 5 days after filing with the Secretary of State, except that, if the bureau finds that immediate adoption of the rule is necessary to avoid an immediate threat to public health, safety or general welfare, the bureau may adopt the rule as an emergency rule in accordance with Title 5, section 8054, and that rule takes effect immediately.

2. Agreement. The bureau may make cooperative agreements with the Interstate Commerce Commission and the United States Department of Transportation to enforce the laws and regulations of the United States and this State concerning highway transportation.

3. Precedence of rules. For vehicles to which this chapter applies, if a conflict exists between these safety rules adopted pursuant to this section and other laws requiring safety equipment, rules adopted pursuant to this section control.

4. Enforcement. The Secretary of State upon request of the bureau may refuse to reissue an identification device for a willful or continued violation of this chapter or a regulation of the United States Department of Transportation. Enforcement is as follows.

A. The bureau may file a complaint in the Administrative Court seeking revocation or suspension of an operating permit.

B. Notwithstanding Title 5, section 10051, the Secretary of State may suspend a license for lack of sufficient insurance.

A suspension continues until the Secretary of State is satisfied that the carrier has obtained adequate insurance.

Notice and an opportunity for hearing are as provided the Maine Administrative Procedure Act.

C. A law enforcement officer must investigate an alleged violation of this subchapter or a rule adopted by the bureau or by the United States Department of Transportation, prosecute violators and aid in the enforcement of the provisions of this subchapter.

§556. Exemptions

A motor vehicle is exempt from this subchapter, except sections 555, 558 and 560, as follows:

1. Exclusive use. A vehicle engaged exclusively in:

A. The transportation of freight or merchandise of the owner in the course of a primary business;

B. The transportation of the United States mail;

C. The transportation during the harvesting season, within 100 highway miles, of fresh fruits and fresh vegetables or products of vining and cutting plants from farms to processing plants or freezing plants, places of storage or places of shipment;

D. The hauling of wood, pulpwood, logs, sawed lumber, wood chips, bark, hogged fuel or sawdust within 100 highway miles from the woodlot or forest area where cut, sawed or chipped;

E. The hauling of sawlogs and pulpwood harvested on lands owned by the State beyond the 100-mile limitation if, for lands administered by the Department of Conservation, the Commissioner of Conservation consents or, for lands administered by the Baxter State Park Authority, the authority consents to the transport. Consent must be given to avoid severe economic hardship or disruption of land management plans;

F. The hauling, within 100 highway miles, of lumber horses, crew, equipment and supplies to or from a woodlot or forest area;

G. The transportation of livestock, including race horses, for exhibition purposes, to and from agricultural fairs, race tracks and other exhibits;

H. The hauling, within 100 highway miles, of milk and cream to receiving stations;

I. The transportation of Christmas trees, wreaths and greens;

J. The transportation, within 100 highway miles of the carrier's regular place of business, of disabled, collision damaged, wrecked or repossessed motor vehicles;

K. The transportation of refuse, garbage and trash;

L. The transportation of sand, gravel, loam, rocks, crushed rock, hot top, cold top or bituminous mixes;

M. The transportation of buildings, houses and similar permanent structures being relocated, but not including mobile offices and mobile homes; and

N. The transportation of newspapers and newspaper inserts;

2. Single municipality. A vehicle used within 15 highway miles of the limits of a municipality in which the vehicle is registered or in which the owner maintains an established place of business when the property is received or delivered there.

Property originating or terminating beyond the 15-mile limit may only be delivered to or received from a carrier operating under a permit issued by the Secretary of State, a railway, railway express or water common carrier.

A carrier may deliver and pick up with an exempt motor vehicle, in a municipality in which the carrier has a terminal, freight and merchandise to be transported through territory for which a permit is required;

3. Government. A vehicle engaged, directly or through a contractor, exclusively in construction or maintenance work for the Federal Government, the State, a county or a municipality;

4. Agricultural cooperatives. A vehicle of an agricultural cooperative association transporting property exclusively for its members on a nonprofit basis, or of an independent contractor transporting property exclusively for the association;

5. Farm. A vehicle of an independent contractor while engaged exclusively in the transportation of:

A. Seed, feed, fertilizer and livestock for an owner or operator of a farm directly from the place of purchase to the farm; or

B. Agricultural products for an owner or operator of a farm, directly from the farm on which the products were grown to a place of storage, processing or shipment within 100 highway miles; and

6. Passenger vehicles. While transporting passengers as follows:

A. The operation of a motor vehicle under contract with the State, a municipality or a school district used in transporting students;

B. Motor vehicles having a capacity of not more than 6 passengers operated over irregular routes and without a fixed schedule;

C. Motor vehicles owned or operated by or on behalf of hotels and used exclusively for the transportation of patrons between hotels and public transportation;

D. Motor vehicles owned or operated by or on behalf of growers, processors and manufacturers of fruit, vegetable or fish products and used in

the transportation of workers between their homes and places of employment; and

E. Motor carriers transporting passengers that receive state, municipal or federal subsidies are required to submit their operating name and list of equipment to the bureau and are subject to the rules of the bureau pertaining to safety promulgated under section 555. For the purpose of this section, the term "subsidies" includes assistance that is provided by the State Government, municipal government or Federal Government that is used for purposes of planning to offset operating losses or to acquire capital equipment.

"Cooperative use transportation" means the collective use of privately owned vehicles by 2 or more people where the providing of transportation is not the primary business of the owner or driver of the vehicle, or both, but is incidental to their livelihood. Cooperative use includes, but is not limited to, shared driving, shared expense car pools, station wagon pools or van pools, employer-owned or leased vehicles, including buses that are operated for convenience of the employees, commuter services organized and arranged by employee cooperatives, labor unions, credit unions and neighborhood groups that are operated for the convenience of their members and vehicles operated under the auspices of government-sponsored commuter matching services and brokerage programs and individuals or groups providing nonprofit matching and other brokerage type services.

"For-profit brokerage and matching services" means that the provider of the service neither sets the rates for the service, provides backup transportation, passes upon the qualifications of the drivers of their vehicles, establishes the routes nor collects the fees paid for the service. The business of matching drivers with passengers and the rendering of technical assistance in support of cooperative use transportation is exempt from rules under this chapter.

"For-profit car pooling and van pooling" means the business of organizing and operating a car pooling or van pooling system. In this context, "car pools and van pools" means any vehicle used in a continuing form of prearranged commuter transportation by a relatively fixed group of 15 persons or fewer for travel between their places of residence and their places of employment. The operation of for-profit car pools and van pools must be incidental to the livelihood or employment of the owner or operators. The business of organizing and operating a car pooling or van pooling system, including the selection and approval of cars, vans and drivers, the fixing and collection of fees, the establishment of routes and the provision of backup transportation, is exempt from rules under this chapter, except for sections 555, 558 and 560, provided that the owner's name, the list of equipment and

proof of adequate insurance coverage, as determined by the Secretary of State, is filed with the Secretary of State prior to commencing operation.

This section applies to a nonresident owner or operator to the extent that the jurisdiction of residence grants the same or similar privileges as identified by the Secretary of State.

If a foreign jurisdiction requires a permit or charges residents of this State a fee for transportation exempted under this section, this section's exemptions do not apply to owners or operators resident in that jurisdiction.

If a foreign jurisdiction prohibits the transportation of wood, pulpwood or logs from that jurisdiction to this State, or requires a citizen of this State to establish citizenship, a residence or place of business or to register a business in that jurisdiction in order to transport wood, pulpwood or logs from that jurisdiction to this State, similar provisions must apply to residents of that jurisdiction who transport wood, pulpwood or logs from this State to that jurisdiction. This paragraph does not apply to the sale of sawlogs and pulpwood.

§557. Municipal authority

This subchapter does not restrict the authority of a municipality to enact ordinances to regulate and control the routing, parking, speed or safety of operation of motor vehicles; to exercise general police power over its public ways; or to require compliance with certain conditions before a motor vehicle is operated within that municipality.

§558. Violation of provisions of this subchapter

1. Violation. A person commits a Class E crime if that person violates or knowingly permits a violation of this subchapter or a rule adopted pursuant to this subchapter.

2. Notice of failure to appear or noncompliance with orders. If a person after being ordered to appear to answer a violation fails to appear or after appearing fails to comply with an order issued pursuant to this subchapter, the court shall notify the Secretary of State.

3. Suspension of operating authority license and registrations. After receiving notice pursuant to subsection 2, the Secretary of State shall suspend the person's operating authority license, all registration certificates and plates and the privilege to operate a motor vehicle in this State. The suspension must remain in effect until the person appears in court and complies with a court order.

§559. Agents for service of process

1. Appointment of agent. A holder of a license issued under this subchapter shall file with the Secretary of State, in writing, an appointment of a resident of this State to be its representative on whom all lawful processes may be served, and who may be required to appear in court on behalf of the carrier as if the carrier were in court.

2. Assent. The written assent of the resident representative must be filed with the Secretary of State and is valid until revoked.

3. Failure to file. If a carrier fails to file an appointment of a resident representative, the Secretary of State may not issue a license until the carrier files that appointment.

§560. Certificate of Chief of State Police; Secretary of State

The certificate of the Chief of the State Police must be received in any court of law in this State as prima facie evidence of the making or issuing by the Bureau of State Police of any rule authorized by this chapter. The certificate of the Secretary of State or the Secretary of State's deputy, under seal of the State, must be received in any court of law in this State or in any proceeding pursuant to this chapter as prima facie evidence of the issuance, suspension, revocation or restoration of any driver's license, or the issuance, suspension, annulment or restoration of any motor vehicle.

§561. Transportation Safety Fund

1. Fund established. Fees and fines authorized by this subchapter must be deposited with the Treasurer of State in a separate account to be known as the Transportation Safety Fund otherwise known in this section as the "fund."

2. Legislative approval of budget. Expenditures from the fund are subject to legislative approval in the same manner as allocations from the Highway Fund.

3. Use of funds. Subject to the Civil Service Law, the fund may be used to hire employees and to defray other costs as follows.

A. There must be allocated to the Department of Public Safety for the State Police no more than \$2,600,000 in fiscal year 1993-94 and \$2,600,000 in fiscal year 1994-95 for duties imposed by this chapter and Title 35-A and for related activities.

B. There must be allocated to the Department of the Secretary of State for the Bureau of Motor

Vehicles no more than \$660,000 annually for enforcement of commercial driver license law.

C. Any balance in excess of that required for paragraph A may be allocated in the same manner and for the same purposes as money in the Highway Fund, but with special emphasis on matters related to transportation safety. An allocation of this balance must be identified as to source.

4. Unexpended funds. Funds not expended at the end of a fiscal year do not lapse, but are carried forward.

CHAPTER 7

TITLE TO VEHICLES

SUBCHAPTER I

GENERAL PROVISIONS

§601. Short title; construction

This chapter may be cited as the "Maine Motor Vehicle Certificate of Title and Antitheft Act."

This chapter must be construed to effectuate its general purpose and to make it uniform with similar laws of other states.

§602. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Certificate of origin. "Certificate of origin" means the original written instrument or document required to be executed and delivered by the manufacturer or an importer to the manufacturer's or importer's agent or dealer or a person purchasing directly from the manufacturer or importer certifying the origin of the vehicle.

2. Component part. "Component part" means one of the following parts of a vehicle:

- A. Engine or motor;
- B. Transmission;
- C. Chassis, frame or equivalent part;
- D. Door;
- E. Hood;
- F. Tailgate, deck lid or hatchback;
- G. Quarter panel or fender;

H. Front fork or crankcase of a motorcycle; or

I. Cargo bed, transfer case or sleeper of a truck.

3. Dealer. "Dealer" means a person engaged in the business of buying, selling, exchanging or offering to negotiate, negotiating or advertising the sale of, a vehicle and who has:

A. An established place of business for those purposes in this State; and

B. A current dealer license issued by the Secretary of State.

4. Dismantled vehicle. "Dismantled vehicle" means a vehicle with a component part removed.

5. Identification number. "Identification number" means the vehicle identification number and any other identifying numbers or letters on a vehicle designated by a manufacturer, the Secretary of State or equivalent authority in another state.

6. Insurance salvage pool. "Insurance salvage pool" means a person engaged in the business of storing salvage vehicles on behalf of an insurer and disposing of the salvage vehicles through a system of bidding or sales, regardless of whether the insurer or the insurance salvage pool is considered the seller.

7. Lienholder. "Lienholder" means a person holding a security interest in a vehicle.

8. Owner. "Owner" means a person, other than a lienholder, that has control or title to a vehicle. "Owner" includes, but is not limited to, a person entitled to use and possess a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security.

9. Perfected security interest. "Perfected security interest" means security interest that is valid against 3rd parties generally, subject only to specific statutory exceptions.

10. Rebuild. "Rebuild" means to replace any component part of a vehicle.

11. Recycler. "Recycler" means a person engaged in the business of purchasing or acquiring salvage vehicles for the purpose of:

- A. Reselling the vehicle or its component parts;
- B. Rebuilding or repairing the vehicle for the purpose of resale;
- C. Selling the vehicle's basic materials;
- D. Permitting the display or storage of the vehicle or its parts; or

E. Acting as a scrap processor.

12. Repair. "Repair" means to remedy structural or other damage without replacing component parts of a vehicle.

13. Salvage vehicle. "Salvage vehicle" means a vehicle that, by reason of its condition or circumstance, is declared a total loss by an insurer or owner, or a vehicle for which a certificate of salvage has been issued.

14. Scrap. "Scrap," the verb, means to compress, shred or destroy.

15. Scrap processor. "Scrap processor" means a person that is engaged in the business of scrapping salvage vehicles for the basic material in them but that is not engaged in the business of selling parts or rebuilding or repairing salvage vehicles.

16. Security agreement. "Security agreement" means a written agreement that reserves or creates a security interest.

17. Security interest. "Security interest" means an interest in a vehicle reserved or created by agreement and that secures payment or performance of an obligation, including, but not limited to, the interest of a lessor under a lease intended as security.

18. State. "State" means a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province of the Dominion of Canada.

19. Total loss. "Total loss" means a vehicle that is transferred to an insurer due to damage, destruction or theft, or a vehicle determined by an owner to have no marketable value other than the value of the basic material and parts used in the construction of the vehicle.

20. Vehicle. "Vehicle" means a vehicle, as defined in section 101, or the body or chassis of any vehicle that is to be dismantled, scrapped or rebuilt.

§603. Fees

1. Fee of \$10. A fee of \$10 must be paid to the Secretary of State for the following:

A. A report of a search of the records of the Bureau of Motor Vehicles for each name or identification number;

B. Filing an application for a first certificate of title, including security interest;

C. Filing notice of a security interest after the first certificate of title has been issued;

D. A certificate of title after a transfer;

E. A certificate of salvage;

F. A corrected certificate of title or salvage;

G. A duplicate certificate; or

H. Assignment of a new vehicle identification number.

2. Fee of \$2.50. A fee of \$2.50 must be paid to the Secretary of State for the following:

A. A second or subsequent security interest noted on an application for certificate of title;

B. Filing an assignment of a security interest; or

C. An ordinary certificate of title issued on surrender of a distinctive certificate.

3. Dealer charges. A vehicle dealer may not charge fees for titling purposes in excess of those in this section.

Other fees charged for document processing must be disclosed to a purchaser prior to final sale and be clearly posted on a vehicle to which the charge applies.

Violation of this subsection is a Class E crime.

4. Penalty. If an application, certificate of title or other document required to be delivered to the Secretary of State is not delivered to the Secretary of State within 20 days, the Secretary of State shall collect, as a penalty, an amount equal to the fee required for the transaction.

5. Exemption from title fees. Owners exempt from registration fees are also exempt from title fees.

SUBCHAPTER II

CERTIFICATE OF TITLE AND CERTIFICATE OF SALVAGE

§651. Certificate of title required

1. Application of subchapter. Except as provided in section 652, this subchapter applies to a vehicle at first registration or when a change of registration is required by reason of a sale for consideration.

2. Renewal. The Secretary of State may not require an application for a certificate of title upon renewal of registration.

3. Warranty title; antique auto; horseless carriage; classic vehicle. The Secretary of State

may, on documented and notarized evidence of ownership and payment of a \$40 fee, issue a warranty title to a Maine resident owner of an antique auto, horseless carriage or classic vehicle. A warranty title denotes that there are no known liens or encumbrances against the vehicle.

4. Certificate of salvage. The Secretary of State may issue a certificate of salvage upon surrender of a certificate of title and evidence that a vehicle was declared a total loss by an owner or an insurance company.

5. Certificate of lien. The Secretary of State shall issue a certificate of lien to the first named lienholder, when a certificate of title or a certificate of salvage names a lienholder.

§652. Exempted vehicles

A certificate of title or a certificate of salvage is not required for:

1. United States' vehicle. A vehicle owned by the Federal Government, unless it is registered in this State;

2. Manufacturer's or dealer's vehicle. A vehicle owned by a manufacturer or dealer and held for sale, even though incidentally moved on the highway or used for purposes of testing or demonstration, or a vehicle used by a manufacturer solely for testing;

3. Nonresident's vehicle. A vehicle owned by a nonresident and not required to be registered in this State, unless it is registered in this State;

4. Vehicles used in interstate or intrastate transportation. A vehicle regularly engaged in interstate or intrastate transportation of persons or property, for which a current certificate of title has been issued in another state;

5. Self-propelled wheelchair. A self-propelled wheelchair;

6. Trailers under 3,000 pounds. A trailer with an unladen weight of 3,000 pounds or less;

7. Motorcycle of less than 300 cubic centimeters. A motorcycle, motor-driven cycle or a moped with an engine displacement of less than 300 cubic centimeters;

8. Resident's vehicle registered in another state. A vehicle owned by a resident but registered in another state;

9. Mobile home. A mobile home;

10. Certain driver education vehicles. A vehicle loaned by a dealer to a municipality or a private secondary school for use in driver education in a secondary school;

11. Special mobile equipment. Special mobile equipment;

12. Special equipment. Special equipment;

13. Model year prior to 1984. Vehicles with a model year prior to 1984;

14. Salvage vehicle. A salvage vehicle with a certificate of salvage or other comparable document from another state; and

15. Other vehicles. A vehicle required to be registered under section 109, subsection 3 for which a current certificate of title has been issued in another state.

§653. Certificate of origin

1. Execution upon delivery. When a new vehicle is delivered by a manufacturer or importer to an agent or a franchised dealer, the manufacturer or the importer shall execute and deliver a certificate of origin.

2. Certificate of origin required. A person may not bring into this State a new vehicle, unless that person possesses the certificate of origin.

3. Information contained in certificate. The certificate of origin must contain:

A. The manufacturer's vehicle identification number;

B. The name of the manufacturer;

C. The number of cylinders;

D. A general description of the body;

E. The model year designation; and

F. The type of model.

4. Sale. When a new vehicle is sold, the seller shall execute and deliver to the purchaser an assignment of the certificate of origin with the names and the business or residence addresses of both. The seller shall certify that the assignment was executed with full knowledge of the contents by and with the consent of both purchaser and seller.

5. Penalty. Violation of this section is a Class E crime.

§654. Application for certificate of title and certificate of salvage

1. Contents. An application to the Secretary of State for a certificate of title or a certificate of salvage must be made on a form prescribed by the Secretary of State, be signed by the owner of the vehicle and contain the following information:

A. The name, residence and mailing address of the owner;

B. A description of the vehicle, including, as far as data exists, its make, model, model year, vehicle identification number, type of body, current mileage and whether new or used;

C. The date of purchase by the applicant, the name and address of the person from whom the vehicle was acquired;

D. If for a certificate of title, the names and addresses of lienholders in the order of their priority and the dates of their liens;

E. If for a new vehicle, a certificate of origin;

F. If for a used vehicle, a previous certificate of title;

G. Any further information that the Secretary of State requires to identify the vehicle and to enable determination of whether the owner is entitled to a certificate and the existence of security interests in the vehicle; and

H. The required fee.

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

3. Registered in another state. If the application is for a vehicle last registered in another jurisdiction, in addition to the requirements set forth in subsection 1, the application must include:

A. A certificate of title or a certificate of salvage issued by that jurisdiction; and

B. The certificate of a person authorized by the Secretary of State that the identification number of the vehicle has been inspected and found to conform to the description given in the applica-

tion, or other proof of the identity of the vehicle required by the Secretary of State.

4. Vehicle declared total loss. If a vehicle is declared a total loss by an owner or insurer, the owner or insurer shall file an application for a certificate of salvage pursuant to section 667. The application must be on a form prescribed by the Secretary of State and, in addition to the requirements set forth in subsection 1, must include:

A. A certificate of title or a certificate of origin; and

B. Any other information or documents the Secretary of State requires to administer the provisions of this section.

The Secretary of State shall act on an application for a certificate of salvage within 20 days of receipt of the application.

§655. Missing ownership documents or assignments

1. Application for certificate. The owner of a vehicle who is unable to obtain a certificate of origin, certificate of title, certificate of salvage or an assignment of these documents showing sale to the owner may file with the Secretary of State an application for a certificate in the owner's name. The application must be accompanied by the required fee.

2. Evidence. The owner shall provide evidence that:

A. The applicant is the true owner of the vehicle;

B. There are no prior outstanding liens against the vehicle; and

C. The applicant has been unsuccessful in an attempt to have the certificate or other documents transferred or assigned because the prior owner can not be located, has ignored the request or refuses to transfer or assign the documents to the applicant.

3. Review of application and evidence. The Secretary of State shall review the application, examine the evidence and investigate the ownership of the vehicle. As part of that investigation, the Secretary of State shall:

A. Request the prior owner or holder of the certificate or other document to remit the document to the Secretary of State or make the necessary assignments; or

B. Notify the prior owner, at the prior owner's last known address, of the Secretary of State's

intent to issue a certificate of title or a certificate of salvage to the new owner.

4. Issuance of certificate of title or certificate of salvage to new owner. The Secretary of State shall issue a certificate of title or certificate of salvage to the new owner:

A. If the prior owner or holder of the document remits the document and properly assigns it to the new owner; or

B. When the prior owner or holder fails to provide the document or make the necessary assignment, if:

(1) The prior owner or holder does not contest, within 15 days of receiving notice, the intent to issue a certificate to the new owner;

(2) There is satisfactory proof of ownership; and

(3) The certificate includes the statement: "This certificate may be subject to the rights of a prior owner."

5. Delivery. The certificate of title or certificate of salvage must be sent to the owner named on the certificate. If a lienholder is named on the certificate, the Secretary of State shall send a certificate of lien to the first named lienholder.

6. Ordinary certificate. If the Secretary of State does not receive a notice of interest of a prior owner within 6 months from the issuance of the certificate, the holder may be issued a certificate in ordinary form to replace the one issued as described in subsection 4, paragraph B, subparagraph (3).

§656. Secretary of State to check identification number

Upon receiving an application for a certificate of title or certificate of salvage, the Secretary of State shall check the identification number in the application against the records of certificates issued and of stolen or converted vehicles.

§657. Issuance of certificate

The Secretary of State shall issue a certificate of title or certificate of salvage as provided in this section.

1. Original certificate. When satisfied of an application's genuineness and regularity and that the applicant is entitled to a certificate, the Secretary of State shall issue an original certificate of title or certificate of salvage.

2. Assignment of title. The Secretary of State, upon receipt of a properly assigned certificate of title or certificate of salvage with an application for a new certificate, the required fee and any other documents required by law, shall issue a new certificate of title or certificate of salvage in the name of the transferee as owner and mail that certificate to the owner. If a lienholder is named on the certificate of title or certificate of salvage, the Secretary of State must mail a certificate of lien to the first named lienholder.

3. New certificate. The Secretary of State may issue a new certificate of title or certificate of salvage as provided in section 655.

4. Involuntary transfer. The Secretary of State, upon receipt of an application for a new certificate of title by a transferee other than by voluntary transfer, with proof of the transfer, the required fee and any other documents required by law, shall issue a new certificate of title in the name of the transferee as owner. If the outstanding certificate of title is not delivered to the Secretary of State, the Secretary of State shall demand the outstanding certificate of title from the holder.

5. Records. The Secretary of State shall maintain a record of issued certificates of title and salvage, which must be recorded:

A. Under a distinctive title number assigned to the vehicle;

B. Under the identification number of the vehicle;

C. Alphabetically, under the name of the owner; and

D. By any other method.

6. Inspection. Before a certificate of title or a certificate of salvage is issued, the Secretary of State may require that a vehicle be inspected for conformity to the description given in the application.

7. Mailing of certificate. The Secretary of State shall mail a certificate of title or certificate of salvage to the owner named on the certificate. The Secretary of State shall also mail a certificate of lien to the first lienholder named on the certificate. The certificate of lien must contain the same information required to be on the certificate of title by section 658, subsection 1, and a place for the release of each lien.

§658. Information contained on certificates

1. Contents. A certificate of title or salvage must contain the following information:

A. The date issued;

B. The name and address of the owner;

C. The names and addresses of lienholders, in the order of priority as shown on the application or prior certificate;

D. The title number assigned to the vehicle;

E. A description of the vehicle, including its make, model, model year designation, identification number, type of body, whether new or used, current mileage and, if a new vehicle, the date of the first sale of the vehicle for use; or

F. Any other data the Secretary of State prescribes to administer this section.

2. Distinctive certificate of title. Unless a bond is filed as provided in section 659, a distinctive certificate of title must be issued for a vehicle that was last registered in another jurisdiction that does not require that lienholders be named on a certificate of title.

The certificate of title must contain the statement: "This vehicle may be subject to an undisclosed lien."

If no notice of a security interest in the vehicle is received within 4 months from the issuance of the distinctive certificate of title, the Secretary of State shall, on application and surrender of the distinctive certificate of title, issue a certificate of title in ordinary form.

3. Forms. The certificate of title or certificate of salvage must contain forms for assignment and warranty of title by the owner or a dealer and may contain forms for an application for a certificate of title by a transferee, the naming of a lienholder or the assignment or release of the security interest.

4. Prima facie evidence. A certificate of title or certificate of salvage is prima facie evidence of the information appearing on it.

5. Levies. A certificate of title or certificate of salvage is not subject to garnishment, attachment, execution or other judicial process. This does not prevent a lawful levy upon the vehicle.

§659. Withholding of certificate of title or certificate of salvage; bond required

1. Action by Secretary of State. If the Secretary of State is not satisfied as to ownership of the vehicle or the absence of security interests, the Secretary of State may register the vehicle but must either:

A. Withhold a certificate of title or certificate of salvage until the applicant presents documents to satisfy the Secretary of State as to ownership

and the absence of undisclosed security interests; or

B. Require the applicant to file a bond executed by the applicant that is:

(1) Either accompanied by a deposit of cash or executed by a person authorized to conduct a surety business in this State;

(2) In an amount equal to 1 1/2 times the value of the vehicle as determined by the Secretary of State; and

(3) Conditioned to indemnify a prior or subsequent owner or lienholder against any expense, loss or damage, including reasonable attorney's fees, by reason of the issuance of the certificate or on account of any defect in or undisclosed security interest in the interest of the applicant to the vehicle.

2. Recovery of bond for breach. An interested person may recover on a bond required under this section for a breach of its conditions, but the aggregate liability of the surety to all persons may not exceed the amount of the bond.

3. Return of bond or deposit. Unless the Secretary of State has been notified of the pendency of an action to recover against the bond, a bond or deposit required under this section must be returned at the end of 3 years or earlier, if the vehicle is no longer registered in this State and the current certificate of title or salvage is surrendered to the Secretary of State.

§660. Refusal of certificate of title or salvage

The Secretary of State shall refuse to issue a certificate of title or salvage if the required fee is not paid or if the Secretary of State has reason to believe that:

1. Applicant not owner. The applicant is not the owner of the vehicle;

2. False statement. The application contains a false or fraudulent statement; or

3. Insufficient information. The application fails to furnish required information or documents or additional information the Secretary of State reasonably requires.

§661. Duplicate certificate of title, certificate of salvage or certificate of lien

1. Application. If a certificate of title or certificate of salvage is lost, stolen, mutilated or destroyed or becomes illegible, the owner or legal representative of the owner named in the certificate, as shown by the

records of the Secretary of State, shall promptly make application for and may obtain a duplicate upon furnishing information satisfactory to the Secretary of State. A duplicate certificate of title or certificate of salvage must contain the legend, "This is a duplicate certificate and may be subject to the rights of a person under the original certificate." It must be mailed to the owner named on the certificate unless that owner gives written authorization to mail the certificate to another person. If a certificate of lien has been lost, stolen, mutilated or destroyed or becomes illegible, the first lienholder shown on the certificate may apply for and obtain a duplicate upon furnishing information satisfactory to the Secretary of State.

2. Time. The Secretary of State may not issue a duplicate until 15 days after receipt of the application.

3. Surrender of original. A person recovering an original certificate for which a duplicate has been issued shall promptly surrender the original to the Secretary of State. Violation of this subsection is a Class E crime.

§662. Transfer of interest in vehicle

1. Transfer of interest by owner. If an owner transfers an interest in a vehicle, other than by the creation of a security interest, the owner shall execute, at the time of delivery of the vehicle, an assignment and warranty of title to the transferee in the space provided on the certificate or as the Secretary of State prescribes. The warranty must include the odometer information required by section 752.

The owner shall deliver the certificate and assignment to the transferee or to the Secretary of State.

Except as provided in section 664, an owner must provide the transferee with a properly released certificate of lien if one was issued to a lienholder.

A transferee other than a dealer licensed under chapter 9 shall obtain a title in the transferee's name before transferring the vehicle to another person.

2. Delivery of certificate by lienholder. Unless the transfer was a breach of the security agreement, upon request of the owner or transferee, a lienholder in possession of the certificate of title, certificate of salvage or certificate of lien shall deliver a certificate to the transferee or, upon receipt of the assignment, the application for a new certificate and the fee, the lienholder shall deliver them to the Secretary of State. The delivery of the certificate does not affect the rights of a lienholder.

3. Retention. If a security interest is reserved or created at the time of the transfer, the certificate must be retained by or delivered to the lienholder. The parties shall comply with sections 701 and 752.

4. Transfer effective. Except as provided in section 664 and as between the parties, a transfer by an owner is not effective until the provisions of this section and section 665 have been fulfilled and the required fees have been paid. An owner who has delivered possession of the vehicle and has complied with this section and section 665 is not liable thereafter as owner for damages resulting from operation of the vehicle.

5. Transfer to dealer. When a dealer licensed under chapter 9 acquires a vehicle, the dealer must possess a transfer form in accordance with section 752 for the transfer of that vehicle to the dealer and that transfer form must state the odometer reading, the names of the transferors and the name of the dealer as transferee. A dealer who violates this subsection commits a traffic infraction. A minimum fine of \$200 must be adjudged for each infraction. This forfeiture may not be suspended.

§663. Transfer on death of spouse

On the death of a married resident owner of a motor vehicle registered in this State, ownership of the motor vehicle passes to the surviving spouse if no will provides otherwise and permission is granted by a lienholder. Registration and title of the vehicle must be transferred to the surviving spouse at no fee and is exempt from the purchase and use tax.

§664. Resale by dealer

1. Vehicle held by dealer. If a dealer holds a vehicle for resale and obtains the certificate of title or certificate of salvage, the dealer is not required to deliver the certificate to the Secretary of State.

2. Transfer. When transferring a vehicle held for resale to a retail purchaser, a dealer shall comply with section 654.

3. Unreleased security interest. If a certificate of title shows an unreleased security interest, a dealer may not transfer the vehicle unless the dealer possesses a properly released certificate of lien or a certificate is forthcoming from a lienholder.

4. Sold or displayed for sale at auction. A vehicle being sold or displayed for sale at an auction must be accompanied by a valid certificate of title at the time of its sale or display. A salvage vehicle sold or displayed for sale at an auction or insurance salvage pool must be accompanied by a valid certificate of salvage at the time of its sale or display for sale, unless it is accompanied by a certificate of title from a jurisdiction that does not issue certificates of salvage.

5. Exemption. A vehicle exempt under section 652 or a vehicle coming from a jurisdiction that does not issue certificates of title must be accompanied by

information and documents to establish the ownership of the vehicle and the existence or nonexistence of a security interest in it.

6. Penalty. Violation of this section is a Class E crime.

§665. Involuntary transfers of interest in motor vehicle

1. Other than voluntary transfer. If the interest of an owner in a vehicle passes to another, other than by voluntary transfer, the owner shall immediately surrender the certificate of title or certificate of salvage to the transferee or the Secretary of State. Except as otherwise provided in this section, the transferee shall promptly deliver to the Secretary of State the last certificate, if available, proof of the transfer and an application for a new certificate.

2. Interest terminated by lienholder. If the interest of the owner is terminated or the vehicle is sold under a security agreement by a lienholder named in the certificate of title or salvage, the following provisions apply.

A. If the owner has the certificate of title or certificate of salvage, the owner shall immediately surrender the certificate to the lienholder or the Secretary of State.

B. The transferee shall promptly deliver to the Secretary of State the last certificate of title or certificate of salvage, an application for a new certificate and an affidavit made on behalf of the lienholder that the vehicle was repossessed and the interest of the owner was lawfully terminated or sold pursuant to the terms of the security agreement.

C. If the last certificate of title or certificate of salvage is not available, the lienholder may execute an assignment in the space provided on the certificate of lien.

D. The lienholder may apply for a certificate of title or certificate of salvage in the lienholder's name and execute an assignment in the space provided on the certificate of title or certificate of salvage.

E. If the lienholder holds the vehicle for resale, the lienholder need not apply for a new certificate. Upon transfer to another person, the lienholder shall promptly mail or deliver to the transferee or to the Secretary of State the certificate showing the lien to be released and the affidavit and other documents required to be sent to the Secretary of State by the transferee.

3. Interest transferred. A person who holds a certificate of title or certificate of salvage and whose interest has been extinguished or transferred other than by voluntary transfer shall deliver the certificate to the Secretary of State on request.

The delivery of the certificate does not affect the rights of a person surrendering it.

The issuance of a new certificate is not conclusive of the rights of an owner or lienholder named in the old certificate.

4. Forfeiture of interest. If the interest of an owner is forfeited to the State under Title 15, chapter 517, the following provisions apply.

A. The owner shall promptly deliver to the Secretary of State the certificate of title.

B. If the owner is unknown, the State may proceed to perfect title.

C. If the forfeited vehicle is resold, the Secretary of State shall issue a new certificate of title to the purchaser.

D. If the forfeiting owner fails to comply with this subsection, the Secretary of State shall revoke the owner's certificate of title and issue a new certificate of title to the purchaser.

5. Divorce. When a divorce decree awards a vehicle to an individual, the following provisions apply.

A. Ownership of the vehicle passes to that individual and the ownership of the vehicle by any other person named on a certificate of title, certificate of salvage, certificate of lien or certificate of registration for the vehicle is extinguished.

B. The person whose ownership is extinguished shall surrender the certificate of title or salvage to the individual awarded the vehicle by the divorce decree.

C. If there is a lien on the vehicle, the lienholder shall surrender a certificate of title or salvage or certificate of lien for the vehicle to the Secretary of State. The delivery of the certificate to the Secretary of State does not affect the rights of the lienholder.

D. The individual awarded the vehicle shall apply for a certificate of title or certificate of salvage and, if there was an unsatisfied lien at the time of the divorce decree, shall state the lien on the application. Upon receipt of the application, the required fee, the certificate of title or salvage and proof of the award of the vehicle in a di-

voiced, the Secretary of State shall issue a title in the name of the individual awarded the vehicle and, if there is a lien on the vehicle, shall issue a certificate of lien to the lienholder.

§666. Records of surrendered certificates of title

The Secretary of State shall maintain a file for 5 years of every surrendered certificate for tracing title of vehicles.

§667. Salvage

1. Certificate of salvage. When, by reason of its condition or circumstance, a vehicle for which a certificate of title has been issued by this State is declared a salvage vehicle:

A. By an insurer, the insurer or its designee shall surrender the certificate of title to the Secretary of State and apply for a certificate of salvage, in accordance with section 654, within 20 days of the settlement of the insurance claim; or

B. By the owner of the vehicle, the owner shall surrender the certificate of title to the Secretary of State and apply for a certificate of salvage in accordance with section 654 prior to the transfer of the vehicle, unless the owner transfers the vehicle to a recycler licensed under this chapter.

2. Assignment of ownership. At the time the salvage vehicle is transferred, the insurer, the insurer's designee or the owner shall endorse the assignment of ownership on the certificate of salvage and surrender it to the transferee of the salvage vehicle. If a vehicle owner retains a salvage vehicle as part of a settlement with an insurer, the insurer shall comply with this section and endorse the assignment of ownership on the certificate of salvage and surrender it to the vehicle owner.

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

A. An owner who scraps or dismantles a vehicle shall immediately surrender the certificate of title or certificate of salvage to the Secretary of State for cancellation.

B. A person who acquires a vehicle to be scrapped or dismantled shall immediately surrender the certificate to the Secretary of State. If an owner transfers a vehicle for which a certificate of salvage has not been issued to a salvage dealer or recycler licensed under this chapter, the vehicle is deemed declared by the owner to be a salvage vehicle, and the salvage dealer or recycler shall immediately apply for a certificate of salvage for the vehicle in accordance with

section 654, unless the vehicle's certificate of title is surrendered in compliance with this subsection.

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

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

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

4. Repaired or rebuilt vehicle. If a salvage vehicle is repaired or rebuilt for operation on a public way, the vehicle may only be titled or registered for operation or offered for sale in this State if:

A. The identification number of the vehicle and its component parts are inspected and verified;

B. The vehicle passes a motor vehicle inspection under section 1751; and

C. If necessary, a new vehicle identification number is assigned.

Upon demand of the Secretary of State or a transferee, a repairer or rebuilder shall produce receipts of purchase of the vehicle or for component parts used in the repairing or rebuilding process, or both. If new parts are not used to rebuild a salvage vehicle, the rebuilder shall produce the vehicle identification number of the vehicles from which the parts were taken and the certificates of title or the certificates of salvage for the vehicles if not already surrendered. The repairer or rebuilder shall disclose, in writing, to the transferee of a repaired or rebuilt salvage vehicle the fact that the vehicle was a salvage vehicle and shall disclose what repairs were made to the vehicle.

5. Distinctive. The following legends apply to certificates of title issued subsequent to issuance of certificates of salvage for vehicles.

A. The legend "salvage" must appear on a certificate of title if:

(1) A vehicle has no marketable value other than the value of the basic materials or parts used in the construction of the vehicle;

(2) A vehicle is sold with a stipulation that it is only to be used for the benefit of its parts; or

(3) A certificate of title previously issued by the Secretary of State or by any other

jurisdiction bearing the legend "salvage" accompanies an application to the State for a subsequent certificate of title.

B. The legend "rebuilt salvage" must appear on a certificate of title for a rebuilt salvage vehicle if:

(1) Two or more vehicles with different frames are joined;

(2) A salvage vehicle has 5 or more component parts replaced; or

(3) A certificate of title with the legend "rebuilt salvage" issued by the Secretary of State or by any other jurisdiction accompanies an application to the State for a subsequent certificate of title.

C. The legend "rebuilt" must appear on a certificate of title for a rebuilt salvage vehicle if:

(1) A salvage vehicle has at least one, but less than 5, component parts replaced; or

(2) A certificate of title with the legend "rebuilt" issued by the Secretary of State or by any other jurisdiction accompanies an application to the State for a subsequent certificate of title.

D. If a salvage vehicle for which a certificate of title has been issued by this State with any of the legends described in this section is subsequently titled in another jurisdiction and later retitled in this State, any subsequent certificate of title from this State must also contain the legends appearing on the previous certificate of title from this State.

6. Violation. A person who violates this section commits a Class D crime.

§668. Suspension or revocation of certificate of title or certificate of salvage

1. Findings. The Secretary of State shall suspend or revoke a certificate of title, certificate of salvage or certificate of registration on notice and reasonable opportunity to be heard, if the Secretary of State finds:

A. A certificate of title or certificate of salvage was fraudulently procured or erroneously issued;

B. A vehicle has been scrapped or dismantled;

C. A person failed to deliver a certificate of title or certificate of salvage or an application for certificate of title or certificate of salvage or fails

to furnish information the Secretary of State requests within 10 days after the time required; or

D. A person failed to mail or deliver a certificate of title or certificate of salvage to the Secretary of State following the creation of a security interest by court order or other governmental action or following an involuntary transfer.

2. Validity. Suspension or revocation of a certificate does not affect the validity of a security interest noted on it.

3. Certificate delivered. When the Secretary of State suspends or revokes a certificate of title, certificate of salvage or certificate of registration, the owner or person in possession of that document, immediately upon receiving notice of the suspension or revocation, shall deliver the document and registration plates to the Secretary of State.

4. Seizure. The Secretary of State may seize the certificate, registration document or registration plate that has been suspended or revoked.

SUBCHAPTER III

SECURITY INTEREST

§701. Creation of security interests

1. Application. If an owner creates a security interest in a vehicle, the owner shall:

A. Complete an application that provides the name and address of the lienholder and the date of the lien; and

B. Immediately deliver the certificate of title, application and fee to the lienholder.

2. Delivery by lienholder. The lienholder shall immediately deliver the certificate, application and fee to the Secretary of State.

3. Additional. Upon request of the owner or subordinate lienholder, a lienholder in possession of the certificate of title shall deliver the certificate to the subordinate lienholder for delivery to the Secretary of State. Upon receipt from the subordinate lienholder of an owner's application and fee, the lienholder shall deliver them to the Secretary of State with the certificate. The delivery of the certificate does not affect the rights of the first lienholder under that lienholder's security agreement.

4. New certificate. Upon receipt of the certificate, the application and fee, the Secretary of State shall issue a new certificate containing the name and address of the new lienholders and mail the certificate

of title to the owner. The Secretary of State shall also mail a certificate of lien to the first lienholder.

§702. Perfecting security interest

1. Valid against creditors, transferees and lienholders. A security interest in a vehicle for which a certificate of title is issued is not valid against creditors of the owner or subsequent transferees or lienholders unless perfected as provided in this subchapter.

2. Method. A security interest is perfected by the delivery to the Secretary of State of:

A. The certificate of origin or existing certificate of title or certificate of salvage;

B. An application for a certificate of title containing the name and address of the lienholder and the date of the security agreement; and

C. The required fee.

3. Date. A security interest is perfected as of the date of its creation if delivery is completed within 20 days after its creation; otherwise, a security interest is perfected as of the time of the delivery.

4. Vehicle brought into State. If a vehicle is subject to a security interest when brought into this State, the validity of the security interest is determined by the law of the jurisdiction in which the vehicle was located when the security interest attached, subject to the following.

A. If the parties understood at the time the security interest attached that the vehicle would be kept in this State and the vehicle was brought into this State within 30 days thereafter, for purposes other than transportation through this State, the validity of the security interest is determined by the law of this State.

B. If the security interest was perfected under the law of the jurisdiction in which the vehicle was located when the security interest attached, the following provisions apply.

(1) If the name of the lienholder is shown on an existing certificate of title issued by that jurisdiction, the security interest continues perfected in this State.

(2) If the name of the lienholder is not shown on an existing certificate of title issued by that jurisdiction, the security interest continues perfected in this State for 4 months after a first certificate of title is issued in this State, and also thereafter if, within the 4-month period, the security in-

terest is perfected in this State. If the security interest is perfected after the 4-month period, perfection dates from the time of perfection in this State.

C. If the security interest was not perfected under the law of the jurisdiction in which the vehicle was located when the security interest attached, that interest may be perfected in this State and perfection dates from the time of perfection in this State.

D. A security interest may also be perfected by the lienholder delivering to the Secretary of State a notice of security interest and the required fee.

4. Vehicles located outside the State and registered in this State. If a vehicle is located outside this State and is not the subject of a valid certificate of title issued by another jurisdiction, upon registration of the vehicle in this State, the provisions of this chapter on perfection of a security interest apply. Notwithstanding Title 11, Article 9, Part 1, perfection under this subchapter remains valid until:

A. The certificate issued by this State is surrendered for retitling in another jurisdiction; or

B. Registration plates issued by this State are removed from the vehicle, the registration issued by this State is surrendered and the vehicle is re-registered in another jurisdiction.

§703. Exemptions

This subchapter does not affect:

1. Liens for services or materials. A lien given by statute or rule of law to a supplier of services or materials for the vehicle;

2. Government lien. A lien given by statute to the United States, this State or a political subdivision of this State;

3. Salvage lien. A lien given for a salvage vehicle, except when the vehicle is repaired or rebuilt for operation on a public way; or

4. Manufacturer's lien. A security interest created by a manufacturer or dealer who holds the vehicle for sale. A buyer in the ordinary course of trade from the manufacturer or dealer takes free of this security interest.

§704. Assignment of security interest

1. Assignment. A lienholder may assign a security interest to a person other than the owner without affecting the interest of the owner or the validity of the security interest.

2. Obligations continue. A person without notice of an assignment is protected in dealing with the lienholder as the holder of the security interest.

3. Liability. The lienholder remains liable for an obligation as lienholder until the assignee is named as lienholder on the certificate of title or certificate of salvage.

4. Endorsement. The assignee may, but need not to perfect the assignment, have a certificate of title or certificate of salvage issued with the assignee named as lienholder, upon delivering to the Secretary of State the certificate and an assignment by the lienholder named in the certificate in the form the Secretary of State prescribes, together with an application and the required fee.

§705. Release of security interest

1. Release on satisfaction. Upon satisfaction of the security interest of the lienholder, the lienholder shall, within 10 days after demand or, in any event, within 20 days, execute a release of the security interest in the space provided on the certificate. The lienholder shall:

A. Release the certificate of title, certificate of salvage or certificate of lien to the subordinate lienholder if one is named;

B. If the lien was satisfied in conjunction with the sale of the vehicle and there is no subordinate lienholder, release the certificate of title, certificate of salvage or certificate of lien to the owner or to a person who delivers to the lienholder an authorization from the owner to receive the certificate; or

C. Deliver the certificate to the owner and notify the Secretary of State that the lien has been satisfied.

2. Prior lienholder. If the certificate of title, certificate of salvage or certificate of lien is in the possession of a prior lienholder, the satisfied lienholder shall execute a release and deliver it to the owner or to a person who delivers to the lienholder an authorization from the owner to receive the release.

Upon the satisfaction of a subordinate security interest in a vehicle for which the certificate of title, certificate of salvage or certificate of lien is in the possession of a prior lienholder, the lienholder whose security interest is satisfied shall execute, within 10 days after demand and, in any event, within 20 days, a release in the form the Secretary of State prescribes and mail or deliver the release to the owner or any person who delivers to the lienholder an authorization from the owner to receive that release. The subordinate lienholder whose security interest is satisfied

shall mail or deliver a copy of the release to the first lienholder named in the certificate of title or certificate of salvage for the vehicle and shall notify the Secretary of State that the lien has been satisfied in a manner prescribed by the Secretary of State.

§706. Lienholder to furnish information

Upon request of the owner, another lienholder named on the certificate of title or certificate of salvage or a dealer to which the vehicle has been transferred, a lienholder shall disclose pertinent information as to the security agreement, the indebtedness secured by that agreement and certificate of title or certificate of salvage numbers.

§707. Method of perfecting security interest exclusive

This subchapter provides the exclusive method for perfecting and giving notice of security interests subject to this subchapter. These security interests are exempt from other provisions of law concerning the filing of instruments creating or evidencing security interests.

SUBCHAPTER IV

ANTITHEFT PROVISIONS AND PENALTIES

§751. Altering, forging or counterfeiting certificates

A person is guilty of a Class D crime if that person:

1. Certificate. Alters, forges or counterfeits a certificate of title, certificate of salvage or certificate of lien;

2. Assignment. Alters or forges an assignment of a certificate of title or certificate of salvage or an assignment or release of a security interest on a certificate of title, certificate of salvage, certificate of lien or an official form of the Secretary of State;

3. Possession of forgery. Has possession of or uses a certificate knowing that the certificate of title, certificate of salvage or certificate of lien had been altered, forged or counterfeited;

4. False statement. Uses a false or fictitious name or address, makes a material false statement, fails to disclose a security interest or conceals any other material fact in an application for a certificate of title, certificate of salvage, certificate of lien or on any documents in support of that application; or

5. Sale. Sells or exchanges, offers to sell or exchange or gives away a certificate of title, certificate

of salvage, certificate of lien or vehicle identification number plate.

§752. Odometers; transfers

1. Information on transfer. At the time of transfer of a motor vehicle, each transferor shall furnish to the transferee the information required by this subsection in accordance with the federal Truth in Mileage Act of 1986, Public Law 99-579, and the rules promulgated under 49 Code of Federal Regulations, Part 580. The information must be on the reverse of any title or manufacturer's certificate of origin that complies with the federal Truth in Mileage Act of 1986 and rules. If the reverse of the title or manufacturer's certificate of origin is filled or is not in compliance, the disclosure must be on a transfer form prescribed by the Secretary of State. The information required by this subsection must also be provided on any other forms prescribed by the Secretary of State that require odometer information. The required information is as follows:

A. The date of the transfer;

B. The odometer reading at the time of transfer, not to include 1/10th of miles;

C. The transferor's printed name and current address;

D. The transferee's printed name and current address;

E. The identity of the vehicle being transferred, including its make, model, year and body type and its vehicle identification number if on a form other than a title; and

F. The transferor's certification that:

(1) To the best of the transferor's knowledge, the odometer reading reflects the actual mileage;

(2) The odometer reading reflects the amount of mileage in excess of its mechanical limit; or

(3) The odometer reading is not the actual mileage. If the odometer reading is not the actual mileage, the transferor shall give reasons for the discrepancy on a form prescribed by the Secretary of State.

2. Signatures. The transferor shall sign the title or transfer document to certify the odometer information required by subsection 1. The transferee shall sign the title or transfer document to acknowledge the transferor's odometer disclosure only after the required information is completed and the trans-

feror has signed. A person may not sign as both transferor and transferee in the same transaction.

3. Violation. Any person, corporation, organization or other legal entity that knowingly violates this section commits a Class D crime. A violation of this section is a violation of Title 5, chapter 10.

§753. Other offenses

A person commits a Class E crime if that person:

1. Use. Permits another person, without authority, to use or possess a certificate of title or certificate of salvage;

2. Delivery to Secretary of State. Fails to deliver a certificate of title or certificate of salvage or application for a certificate of title or certificate of salvage to the Secretary of State within 10 days after the time required;

3. Delivery to transferee. Fails to deliver to a transferee a certificate of title or certificate of salvage within 10 days after the time required;

4. Assigned. Fails to have a correctly assigned clear title to a vehicle as required by section 664;

5. False report. Knowingly makes a false report of the theft or conversion of a vehicle to a law enforcement officer or to the Secretary of State; or

6. Other. Violates a provision of this chapter that, notwithstanding section 104, is not expressly declared a traffic infraction or another class of crime.

§754. Examination and impoundment of vehicle

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

2. Impoundment. When a State Police officer or an investigator has reasonable grounds to believe that a vehicle identification number is fictitious, removed or altered, or that a violation of law involving a vehicle or vehicle part has taken place, the police officer or investigator may impound the vehicle or vehicle part and hold the vehicle or part until the violation is cleared.

3. Vehicle identification numbers. A manufacturer or assembler of a vehicle shall provide that vehicle with a vehicle identification number and on request shall supply the Secretary of State and the Chief of the State Police with all available information concerning the location of vehicle identification

numbers and other identifying numbers on that vehicle.

The Secretary of State may refuse to register or issue a certificate of title for a vehicle made by a manufacturer or assembler who fails to comply with this section.

The vehicle identification number for a motor vehicle must conform with the requirements of the Federal Government.

4. Vehicle disposal. Impounded vehicles that are unclaimed, recovered after theft or unidentifiable become the property of the State. The Secretary of State shall dispose of those vehicles in the following manner.

A. Within 10 days after impoundment, the Secretary of State shall notify by registered or certified mail, return receipt requested, the last known owner and all lienholders of record. The notice must describe the year, make, model and vehicle identification number, if known. The notice must state that failure of the owner or lienholder to exercise the owner's or the lienholder's right to reclaim the vehicle within 30 days from receipt of notice means the vehicle is abandoned.

B. After expiration of the 30-day notice period, the Secretary of State may dispose of the vehicle at public auction or report the vehicle as abandoned under Title 33, chapter 37.

§755. Report of theft; recovery of unclaimed vehicle

1. Enforcement officers. A law enforcement officer who learns of the theft of a vehicle not since recovered or of the recovery of a vehicle whose theft or conversion the officer knows or has reason to believe has been reported to the Secretary of State shall report the theft or recovery of a motor vehicle to the Secretary of State.

2. Owner or lienholder. An owner or a lienholder may report the theft or conversion of a vehicle to the Secretary of State.

The Secretary of State may disregard the report of a conversion unless a warrant has been issued for the arrest of a person charged with the conversion.

A person who has reported the theft or conversion, after learning of the vehicle's recovery, shall report the recovery to the Secretary of State.

3. Suspension. The Secretary of State may suspend the certificate of registration of a vehicle reported stolen or converted. Until the Secretary of

State learns of that vehicle's recovery or that the report of theft or conversion was erroneous, the Secretary of State may not issue a certificate of title or certificate of salvage for the vehicle.

§756. Impeachment of defendant

In a prosecution for a crime under this subchapter, a certified copy of a conviction under section 751 is admissible to impeach the credibility of the defendant.

CHAPTER 9

DEALERS

SUBCHAPTER I

GENERAL PROVISIONS

§851. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Business location. "Business location" means a permanent enclosed building in which the business involving transporter or loaner licenses may be lawfully carried on in accordance with the terms of all applicable building codes and zoning and other land use regulatory ordinances. This location must be located within the State, be easily accessible and open to the public at all reasonable times, have an office with suitable equipment for the business conducted and have an exterior sign indicating the business name.

2. Dealer. "Dealer" means a person engaged in the business of buying, selling, exchanging or offering to negotiate, negotiating or advertising the sale of a vehicle or industrial equipment and who has:

A. An established place of business for those purposes in this State; and

B. A current dealer license issued by the Secretary of State.

"Dealer" does not include the State when selling state-owned vehicles.

3. Equipment dealer. "Equipment dealer" means a dealer whose primary business is the buying or selling of new or used industrial equipment or both, or farm equipment, or both.

4. Established place of business. "Established place of business" means a permanent, enclosed building:

- A. Located within the State;
- B. Easily accessible and open to the public at all reasonable times;
- C. With an improved display area of not less than 5,000 square feet in or immediately adjoining it;
- D. In which the business of a dealer, including the display and repair of motor vehicles, may be lawfully carried on in accordance with building codes and zoning or land-use ordinances;
- E. In which the public may contact the dealer at all reasonable times;
- F. In which is kept and maintained the equipment, books, records and files necessary to conduct the business; and
- G. Displaying an exterior sign, permanently affixed to the land or building, that indicates the business name.

4-A. Full-time employee. "Full-time employee" means any person who is employed and works at least 30 hours per week.

5. Full-time sales representative. "Full-time sales representative" means an employee who is employed by a dealer who, under any form of contract, sells, offers for sale or attempts to negotiate a sale or exchange of an interest in a vehicle.

6. Immediate family. "Immediate family" means a spouse or child residing in the same household as the dealer.

7. Light trailer. "Light trailer" means a trailer or semitrailer with an unladen gross weight of 3,000 pounds or less.

8. Motorcycle dealer. "Motorcycle dealer" means a dealer whose primary business is the buying or selling of new or used motorcycles, or both, or motor-driven cycles, or both.

9. New vehicle dealer. "New vehicle dealer" means a dealer whose primary business is the buying and selling of new motor vehicles and who has a franchise from a distributor or manufacturer.

10. Trailer dealer. "Trailer dealer" means a dealer whose primary business is the buying and selling of new or used trailers or semitrailers, or both.

11. Used car dealer. "Used car dealer" means a dealer whose primary business is the buying and selling of used motor vehicles.

12. Used motor vehicle. "Used motor vehicle" means a motor vehicle that has been registered at least once or is not covered by a manufacturer's new car warranty.

13. Vehicle auction. "Vehicle auction" means selling a vehicle by bidding at a public or private sale.

14. Vehicle auction business. "Vehicle auction business" means a business that operates a vehicle auction for gain or compensation.

§852. Fees

1. Initial application fee. The fee for an initial application for a license under this subchapter is \$150. The fee is not refundable.

2. Dealer licenses. The annual fee for a dealer license or renewal is:

- A. For a motorcycle dealer, \$50;
- B. For a light trailer dealer, \$50; and
- C. For any other vehicle dealer, \$150.

A licensed recycler is exempt from an additional license fee if already licensed as a used vehicle dealer.

3. Dealer plates. The annual fee for each dealer plate is:

- A. For a motorcycle dealer, \$5;
- B. For a light trailer dealer, \$5; and
- C. For any other vehicle dealer, \$20.

The fee for an additional plate issued to a dealer other than a motorcycle dealer or a light trailer dealer after September 1st is 1/2 of the annual plate fee.

For a fee of \$5 per plate, the Secretary of State shall furnish dealer plates to motorcycle dealer and light trailer dealers to replace lost or mutilated dealer plates.

4. Branch or annex location. The annual license fee for each branch or annex location is \$75.

5. Vehicle auction business license. The annual fee for a vehicle auction business license is \$150.

§853. Suspension and revocation

Notwithstanding Title 4, section 1151, subsection 2 and Title 5, sections 10003 and 10051, the Secretary of State may suspend, revoke or deny any license, registration or renewal issued pursuant to this chapter.

SUBCHAPTER II**APPLICATION FOR DEALER LICENSE****§901. Application**

1. Application. A dealer shall apply for a license by filing with the Secretary of State an application in the form prescribed by the Secretary of State and by paying the necessary fee.

2. Contents. An application must contain the following:

A. The applicant's name, type of business organization and place of business;

B. The qualifications and business history of the applicant and the same information for each partner, officer or director;

C. Whether the applicant has been found guilty of a criminal offense involving fraud or conversion within the past 5 years or has been held liable for a judgment involving fraud, misrepresentation or conversion. For a corporation or partnership, the same information must be provided for each director, officer or partner; and

D. Any other information required by the Secretary of State.

3. New or used vehicle dealer. If the applicant is a new or used vehicle dealer, information on the type of business also must be provided, including:

A. Whether the applicant intends to sell used motor vehicles and, if so, whether there is space for servicing and repairs;

B. A certificate by a state police officer or a representative of the Secretary of State that the applicant has an established place of business at each business location in the State;

C. For a new vehicle dealer, a copy of a current service agreement with a manufacturer or distributor requiring the applicant, on demand of a customer receiving a new vehicle warranty, to perform or arrange for, within a reasonable distance of the established place of business, the service, repair and replacement work required by warranty; and

D. Any other information the Secretary of State requires.

4. Surety bonds. A dealer other than an equipment and light trailer dealer shall file with the

Secretary of State and maintain a surety bond in the following amount, based on the prior year's sales:

A. For 0 to 50 sales, \$5,000;

B. For 51 to 100 sales, \$10,000;

C. For 101 to 150 sales, \$15,000;

D. For 151 to 200 sales, \$20,000; or

E. For 201 sales and over, \$25,000.

Initial licensees shall file a bond based on projected sales.

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

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

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

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

§902. Action on application for dealer license

The Secretary of State shall act on an application for an initial dealer license or a renewal of such a license within 90 days of receipt of the application.

If the Secretary of State refuses to grant or renew a license, notice must be given to the applicant that an opportunity for hearing before the Secretary of State will be provided on request to show cause why that license should be granted or renewed.

§903. Grounds for denying, suspending, revoking or modifying dealer license

1. Grounds. The Secretary of State may deny, suspend, revoke or modify a dealer license for any of the following reasons:

A. A material misstatement in the application for a license;

B. Failure to comply with this subchapter, a rule of the Secretary of State, a provision of this Title related to sales or service of a motor vehicle, or a violation of Title 17-A or this Title;

C. For a dealer licensed under this chapter, failure to have an established place of business;

D. Failure to notify the Secretary of State in writing at least 30 days prior to moving the location of an established place of business;

E. Failure to maintain a surety bond;

F. Defrauding of a retail buyer to the buyer's or another's damage;

G. Conviction of any fraudulent act in connection with the business of selling motor vehicles or parts or being held liable by a civil judgment involving fraud, misrepresentation or conversion;

H. Violation of the Maine Unfair Trade Practices Act, or Title 17, section 3203;

I. Submission of a check, draft or money order to the Secretary of State that is dishonored or refused upon presentation;

J. Certification by the State Tax Assessor that a tax, other than property tax, deemed final under Title 36 remains unpaid in an amount exceeding \$1,000 for a period greater than 60 days after notice of the finality of the tax and that the person has refused to cooperate with the Bureau of Taxation in complying with a reasonable plan for meeting that liability;

K. Failure to appear at a hearing required by the Secretary of State or failure to appear in court to answer a summons; or

L. Failure to comply or to maintain compliance with section 1612.

2. Procedures. The procedures of chapter 23, subchapter III apply to a suspension.

3. Plate reduction. The number of plates allowed a motor vehicle dealer who fails to sell a minimum of one vehicle per month or 12 vehicles within a 12-month period must be reduced to one dealer plate unless the Secretary of State determines that the reduction is not warranted.

4. Continuing business. A person may not continue to engage in the business of buying or selling of vehicles after suspension or revocation of the dealer license. A person is guilty of a Class E crime if that person continues in business after suspension or revocation. That crime is punishable by a fine of not less than \$200, which may not be suspended.

5. Refusal to surrender. A dealer who fails or refuses to surrender a license, plates, registration certificates or temporary plates on demand of the Secretary of State following the suspension, revoca-

tion or nonrenewal of a dealer license commits a Class E crime.

§904. Vicarious liability

1. Acts of officers, directors, trustees or partners. There is sufficient cause for the denial, suspension or revocation of the license of a partnership or corporation if an officer, director, trustee or partner has committed an act or omitted a duty that would be cause for denying, suspending or revoking a license to the party as an individual.

2. Acts of sales representative. A licensee is responsible for the acts of a sales representative acting as the licensee's agent, if the licensee approved of or had knowledge of the acts or other similar acts and, after such approval or knowledge, retained the benefit, proceeds, profits or advantages accruing from those acts or otherwise ratified those acts.

SUBCHAPTER III

LICENSING OF DEALERS

§951. Licensing of dealers

1. Definition. A person is "engaged in the business of buying, selling, exchanging, offering to negotiate, negotiating or advertising a sale of vehicles" if that person:

A. Buys vehicles for the purpose of resale;

B. Sells more than 5 vehicles in any 12-month period; or

C. Displays 3 or more vehicles for sale within a 30-day period on premises controlled by that person.

Vehicles owned and registered by that person for at least 6 months are not included for purposes of this definition.

2. Dealers must be licensed. A person may not engage in the business of buying, selling, exchanging, offering to negotiate, negotiating or advertising a sale of vehicles unless that person has been issued a license under this subchapter. Violation of this subsection is a Class E crime.

3. Term. The term of a license is from the date of issuance to the 31st day of December.

4. Exemption. Financial institutions, as defined in Title 9-B, section 131, subsections 17 and 17-A, are exempt from the requirements of this section when selling vehicles repossessed and sold by full-time employees of the institution. Financial institutions that do not use full-time employees to

repossess and sell vehicles must use dealers licensed pursuant to this chapter.

5. Approval of location. All branch and annex locations must be approved and licensed. The annual fee for each branch or annex location is \$75. Violation of this subsection is a Class E crime.

§952. Requirements

1. Facilities. To qualify for a dealer license, an applicant must maintain the following facilities and personnel:

A. Facilities for the display of vehicles being handled;

B. A repair department for repair of 2 vehicles simultaneously;

C. Sufficient tools and equipment for servicing of the vehicles handled;

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

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

F. On all used motor vehicles offered for sale, the written vehicle history statement required to be conspicuously affixed to the vehicle pursuant to Title 10, section 1475.

2. Exemptions. A person who held used car registration plates on January 1, 1964 is exempt from subsection 1, paragraphs B and E. This exemption expires if that person sells or discontinues that business and subsequently becomes licensed again on or after January 1, 1985.

A vehicle manufacturer who does not retail vehicles directly to the public is exempt from the requirements under subsection 1, except the requirement under paragraph D.

3. Penalty. A person who fails to comply with subsection 1, paragraphs A to E or subsection 4 commits a Class E crime.

4. Display. The dealer must display the license at the dealer's place of business.

§953. License to deal in new vehicle

1. License; new vehicle dealer. A person may not have on a licensed facility at any one time more than 5 new vehicles unless the person is licensed as a new vehicle dealer.

2. Requirements. A new vehicle dealer license may be issued only to:

A. A sales branch or agency of a manufacturer of vehicles;

B. A distributor of new vehicles who holds an unexpired appointment in writing from the manufacturer of such vehicles; or

C. A dealer in new vehicles who holds an unexpired appointment in writing from the manufacturer of such vehicles or from an authorized distributor of such vehicles.

3. Copy of appointment. An applicant for a license to deal in new vehicles shall submit with the application a certification of franchise from the manufacturer of the new vehicles to be sold.

4. License. The make of the new vehicle in which the licensee is authorized to deal must be stated on the license.

5. Additional charges. A new vehicle dealer may not charge an extra charge for preparation service or optional equipment unless that charge is described and clearly posted on the motor vehicle to which it applies. For purposes of this subsection, the following terms have the following meanings.

A. "Extra charge" means a consumer charge that is not included in the manufacturer's suggested retail price.

B. "Preparation service" means an adjustment, inspection, test, repair, replacement of parts, cleaning, polishing or other labor performed by the dealer without prior written authorization of the purchaser.

C. "Optional equipment" means equipment, protective coating, special feature, appliance, part or accessory added to a vehicle and not included in the manufacturer's suggested retail price.

6. Penalty. A person who fails to comply with this section commits a Class E crime.

§954. Special dealer licenses and plates

1. Equipment. Equipment dealer plates and a license may be issued to a person engaged in the manufacturing or buying and selling of:

A. Farm tractors with engines in excess of 40 horsepower;

B. Farm equipment;

C. Construction vehicles or equipment; or

D. Industrial vehicles or equipment.

2. Motorcycle. Motorcycle dealer plates and a license may be issued to a person engaged in the manufacturing or buying and selling of new or used motorcycles or motor-driven cycles.

3. Light trailer. Light trailer dealer plates and a license may be issued to a person engaged in the manufacturing or buying and selling of trailers or semitrailers with an unladen gross weight of 3,000 pounds or less.

4. Trailer. Heavy trailer dealer plates and a license may be issued to a person engaged in the manufacturing or buying and selling of mobile homes or of trailers or semitrailers with an unladen weight of more than 3,000 pounds.

5. Transporter. A garage owner, body shop, finance company, bank, recycler or repossession company licensed by the Bureau of Consumer Credit Protection may be issued transporter plates and a license to transport a vehicle owned by or in the custody of that owner or business.

A. The holder may use this plate only if the vehicle is accompanied by the owner or the owner's employee.

B. A transporter plate may not be:

- (1) Used in lieu of registration plates;
- (2) Loaned to another;
- (3) Used for personal reasons; or
- (4) Used on a towing vehicle.

§955. Change in status of dealership

1. Termination of new vehicle dealership. A new vehicle dealer whose franchise is terminated or changed shall immediately surrender the dealer plates and license to the Secretary of State. If business is to be continued, the Secretary of State shall issue the appropriate class of plates.

2. Used vehicle dealer obtaining a new vehicle franchise. A used vehicle dealer who obtains a new vehicle franchise from a manufacturer or distributor shall immediately surrender the used vehicle plates and certificates and the Secretary of State shall issue the appropriate class of plates.

3. Penalty. A person who fails to comply with this section commits a Class E crime.

§956. Record of transactions

1. Record of vehicles. A dealer shall complete and maintain for a period of not less than 3 years after the date of transaction a record of the purchase or sale of a vehicle and the following:

A. A description of the vehicle, including make, model, model year, body type, vehicle identification number, color and whether the vehicle is new or used;

B. The name and address of the person from whom purchased;

C. The name of the legal owner, if different from the name from whom purchased in paragraph B;

D. The name and address of the purchaser;

E. The mileage of the vehicle when received and sold;

F. Copies of the warranty and of the disclosure statement, pursuant to Title 10, section 1474, received and issued by the dealer with the sale;

G. An invoice disclosing from whom the vehicle was obtained. If the vehicle was obtained from another dealer, the dealer's name must be disclosed; and

H. On a used motor vehicle offered for sale, the written vehicle history statement required by Title 10, section 1475.

2. Inspection. The records, vehicles and vehicle parts in the dealer's possession must be available for inspection during the dealer's normal business hours by the Secretary of State, law enforcement officers or representatives of the office of the Attorney General.

3. Filing. A copy of the records, except the information required by subsection 1, paragraphs F, G and H, must be filed with the Secretary of State on a form prescribed by the Secretary of State, immediately following the sale or disposition of the vehicle.

4. Federal requirements. A dealer shall comply with the federal Truth in Mileage Act of 1986, Public Law 99-579, as amended, and the regulations promulgated under 49 Code of Federal Regulations, Part 580, as amended, in keeping of records.

5. Personnel. The dealer shall maintain a current record of all sales representatives and full-time employees employed by the dealer, including but not limited to the general manager, the sales manager and the service manager. The record must include the full name, date of birth, social security number

and home address of each full-time employee and the position held by each. Those records must be available for inspection by the Secretary of State, the Attorney General and law enforcement officers.

6. Penalty. Violation of this section is a Class E crime.

SUBCHAPTER IV

DISPLAY

§1001. Display and content of license

1. Specify place of business. A dealer license must specify the location of each place of business occupied by the licensee in conducting business.

2. Specify vehicle types. A dealer license must state the types of vehicle that the licensee may deal and the location in which each particular type of vehicle is dealt.

3. Display. A license must be conspicuously displayed at each location.

§1002. Vehicle and equipment dealer plates

1. Limitations on use. A person using a dealer plate may not operate or permit to be operated a vehicle owned or controlled by a manufacturer or dealer except for:

A. Purposes directly connected with the business of buying, selling, testing, adjusting, servicing, demonstrating or exchanging the vehicle, including use of that vehicle by a full-time employee to attend schools and seminars designed to assist the employee in the testing, adjusting or servicing of vehicles;

B. Personal use by a manufacturer or dealer. There may be no more than one dealer plate for the personal use of the manufacturer or dealer and one dealer plate for the personal use of the immediate family of the dealer;

C. Use of the vehicle in a funeral or public parade when no charge is made for that use;

D. Use by a full-time sales representative, general manager, sales manager or service manager who is on the dealer's payroll but not in the dealer's immediate family or members of that person's household;

E. Use by customers for not more than 7 days to demonstrate the vehicle; or

F. Use by the manufacturer or dealer when the combined weight of the vehicle and the load does not exceed 10,000 pounds unless the vehi-

cle, by design, exceeds 10,000 pounds without a load.

2. Term. Dealer plates are valid for the calendar year. On and after December 25th, dealer plates issued for the next year may be displayed. The Secretary of State may determine the number and conditions of use of dealer plates.

3. Penalty. A violation of subsection 1 is a traffic infraction for which a minimum penalty of \$200 must be adjudged for each infraction. That penalty may not be suspended.

4. Service vehicle. A dealer may attach to that dealer's service vehicles specially designed service vehicle plates. These plates may be used only in direct connection with the licensee's business. A dealer may attach a service vehicle plate only to a vehicle used for the service or repair of vehicles sold or being repaired by the dealer. A dealer may not attach a service vehicle plate to a vehicle that delivers parts to individuals or to businesses that are not owned by the licensee.

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

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

C. The fee for a service vehicle plate is \$50 annually per plate, except that on application for additional plates between September 1st and December 31st in any year, the fee is \$25 per plate.

5. Equipment dealers. Unless otherwise prohibited, equipment dealer plates may be attached only for demonstration, emergency and service purposes to the following:

A. Motorized graders;

B. Power shovels;

C. Front-end loaders;

D. Backhoes;

E. Rubber-tired bulldozers;

F. Large 4-wheel drive trucks and snowplows;

G. Motor cranes;

H. Road sweepers;

I. Sidewalk cleaners;

- J. Log skidders;
- K. Other related heavy equipment;
- L. Farm tractors;
- M. Self-propelled combines;
- N. Harvesters;
- O. Other related farm machinery; or
- P. Equipment or a motor vehicle taken in trade.

A specially designed equipment dealer plate may be attached to a motor truck used for service in direct connection with the equipment dealer business. Any motor truck to which a specially designed equipment dealer plate has been attached may not be used for any purpose except in the service of equipment directly connected with the business of the equipment dealer. An equipment dealer business may not be provided with more than 3 specially designed equipment dealer plates.

6. Wreckers. The following provisions apply to the operation of wreckers and to dealer wrecker plates.

- A. A vehicle dealer or equipment dealer may operate a wrecker with a dealer wrecker plate if the wrecker is used only in direct connection with the service or repair business of the dealer.
- B. A wrecker on which a dealer wrecker plate is attached may not be used in commercial towing.
- C. The annual fee for a dealer wrecker plate is \$50 per plate for attachment to a wrecker that does not exceed 24,000 pounds gross vehicle weight and \$200 for attachment to a wrecker that does not exceed 80,000 pounds gross vehicle weight. For additional plates applied for after September 1st and before December 31st, the fee is 1/2 the plate fee.
- D. The dealer wrecker plate is valid from the date of issue to December 31st. On and after December 25th, a person may display the plates issued for the next year.
- E. The certificate of registration for the dealer wrecker plate must be displayed at the dealer's established place of business.
- F. The Secretary of State shall determine the number of dealer wrecker plates that may be issued to a dealer.

7. Demonstrating a loaded truck. A dealer must obtain a written permit from the Secretary of State to demonstrate a loaded truck, truck tractor,

trailer, semitrailer or combination of vehicles bearing dealer plates.

A permit is not required to demonstrate a vehicle or combination of vehicles without a load.

A permit may be issued to a nonresident dealer when reciprocity has been established.

A permit may not be issued to allow demonstration for a period longer than 7 days.

8. Vehicle weighing more than 10,000 pounds.

A dealer must obtain written permit from the Secretary of State for any vehicle weighing more than 10,000 pounds unladen to carry a load.

9. Mobile homes. A mobile home may not be moved over a public way unless the operator of the vehicle hauling it has in possession a written certificate from the tax collector of the municipality in which the mobile home is situated on the day of the move, identifying the mobile home and stating that all applicable property taxes, including those for the current tax year, have been paid or that the mobile home is exempt from taxes. The tax year is the period from April 1st to March 31st. For the purposes of this subsection, taxes for the current tax year include taxes not yet committed. If the amount of these taxes can not then be determined, the amount must be presumed to be the same as the previous year's taxes until the current year's taxes are assessed. Notwithstanding Title 36, section 506, the tax collector may accept prepayment of these taxes and shall repay any amount paid in excess of that finally assessed, with interest on that amount as provided in Title 36, section 506-A. If a mobile home was moved into the municipality after April 1st so that no tax was assessed in the previous year and will be moved from the municipality before the commitment of the current year's taxes but after April 1st, the term "previous year's taxes" means taxes estimated by using the prior year's tax rate.

10. Loss of dealer plate. Upon the loss of a dealer plate, the dealer immediately shall notify the Secretary of State. If a dealer has written authorization from the Secretary of State, a dealer may use a temporary number plate bearing the registration number issued to that dealer.

§1003. Loaner registration certificate and plates

1. Application for certificate and plates. A dealer or an owner of a body shop, transmission shop or garage may apply for a loaner license and plates.

2. Permissible use. A loaner plate may be used on a vehicle owned by the licensee for the sole purpose of loaning the vehicle to a customer when the customer's vehicle is disabled and in the garage for

repairs. The limit on the use of the loaned vehicle is 7 consecutive days. The Secretary of State may extend the period to no more than 30 days.

3. Disabled vehicle registration; restrictions; permissions. The registration certificate assigned to the disabled vehicle must be carried in the loaner vehicle and produced upon demand of a law enforcement officer. Restrictions imposed on or permissions granted to the disabled vehicle apply to the loaner vehicle.

4. Record. A complete record must be kept at the licensee's established place of business, stating the hour and date the vehicle is loaned and returned, the serial number of the vehicle loaned, the loaner plate number and the registration number of the customer's vehicle. Failure to keep this record is a Class E crime.

5. Operator license. Before releasing a vehicle to an operator, the licensee must see that the operator has a current operator license and record that operator's name and address.

6. Personal use. A loaner plate may not be used by the licensee for personal use or pleasure, in lieu of registration.

7. Special initial registration plates. A new car dealer holding special initial registration plates issued pursuant to section 457 may apply for special loaner plates bearing the same combination of letters and numbers as appears on the initial registration plates. Special loaner plates may not be used to supplement existing loaner registration numbers assigned. The Secretary of State shall charge an additional \$30 fee per special loaner registration plate.

§1004. Transit placard

A transit placard may be issued upon application to the Secretary of State by any person involved in the business of importing new motor vehicles to facilitate the movement over the highway of the motor vehicles from the port of entry to a storage yard within a 10-mile radius of the port.

A transit placard must be displayed in or on any unregistered motor vehicle that is being operated or towed from the port to a storage yard. In no event may any transit placard be used for any purpose other than that is permitted under this section. Transit placards may not be used on a towing vehicle.

Transit placards expire at the end of the month one year from the month of issue.

The fee for a transit license is \$100 annually and the fee for each placard is \$10. Government and quasi-government agencies may not be assessed a fee.

SUBCHAPTER V

VEHICLE AUCTION BUSINESS

§1051. Vehicle auction business license

1. License. A person may not engage in the business of auctioning vehicles without first being issued a vehicle auction business license.

2. Conditions for license. A vehicle auction business license may be issued only after the Secretary of State has made a thorough inspection of the premises on which the business is to be conducted and is satisfied that the proposed business meets all requirements and that the proposed methods of operation are suitable for the business.

3. Facilities. A vehicle auction business must maintain proper facilities for display of vehicles being auctioned. The Secretary of State may waive the provision of this subsection for an auction business that does not auction vehicles on its own premises if the facilities used are proper for the display of vehicles.

4. Records. A vehicle auction business must maintain an office in which books, records and files related to the business are kept.

5. Authority of the Secretary of State. The Secretary of State may:

- A. Attend all motor vehicle auctions;
- B. Inspect all books, records and files related to a vehicle auction business; or
- C. Inspect all vehicles to be auctioned.

6. Location. Except as provided in subsection 3, a vehicle auction business license authorizes business at the licensed premises only. The boundaries of the business are determined by the plan submitted with the application and may be altered with the approval of the Secretary of State.

7. Nontransferability. A vehicle auction business license is not transferable.

8. Application. This section does not apply to vehicle auctioneers who are licensed and bonded pursuant to Title 32, chapter 5-A and who are conducting a vehicle auction incidental to the liquidation of a business or an estate.

9. Penalty. A person who fails to obtain a vehicle auction business license as required by this section commits a Class E crime.

§1052. Record of transactions by vehicle auction business

1. Record of sale. A vehicle auction business must complete a record for each sale of a vehicle.

2. Contents of record. The record of sale must include the following:

- A. A description of the vehicle;
- B. The name of the transferor and transferee;
- C. The date of the transaction;
- D. The odometer reading at the time of sale;
- E. A statement that a completed disclosure, as required by Title 10, section 1475, subsection 1, was affixed to the vehicle before sale; and
- F. Any additional information that may be required by the official form provided by the Secretary of State.

3. Filing. A copy of the record of sale must be filed with the Secretary of State immediately following the sale.

4. Maintaining record. The licensee shall maintain a copy of the record of sale for at least 3 years after the date of sale.

5. Availability of records for inspection. All books, records and files related to the sale of vehicles or vehicle parts must be available during normal business hours for inspection by the Secretary of State, law enforcement officers or representatives of the office of the Attorney General. The records must be kept in compliance with the federal Truth in Mileage Act of 1986, Public Law 99-579 and regulations promulgated under 49 Code of Federal Regulations, Part 580.

6. Penalty. Violation of this section is a Class E crime.

SUBCHAPTER VI

LICENSING OF RECYCLERS

§1101. Recycler license required

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

2. Insurance salvage pool. A person may not engage in business as an insurance salvage pool without a license issued under this subchapter or under section 1051.

3. Dealer registration. A person licensed under this section who displays, sells, exchanges, offers to negotiate, negotiates or advertises the sale of rebuilt or repaired salvage vehicles must comply with chapter 9, subchapter III.

4. Term. The term of a license is from the date of issuance to December 31st.

5. Penalty. Violation of this section is a Class E crime.

§1102. Exemptions

The following are exempt from this subchapter:

1. Financial institutions. A financial institution, as defined in Title 9-B, section 131, subsections 17 and 17-A;

2. Insurance companies. An insurance company licensed to do business in this State;

3. Persons performing repairs to own vehicles. A person performing repairs to a vehicle registered in that person's name;

4. Certain retail businesses. A retail business that primarily sells new or rebuilt auto parts and does not buy salvage vehicles to dismantle for inventory; and

5. Towing businesses. A towing business or garage that tows accident-damaged vehicles and stores them while awaiting disposition or that acquires vehicles pursuant to chapter 15, subchapter III, if the vehicles are disposed of through sale or transfer immediately upon gaining ownership.

§1103. License requirements

To qualify for a license, an applicant must:

1. Established place of business. Have an established place of business that is a permanent commercial location within the State;

A. That is easily accessible and open to the public at all reasonable times;

B. At which the business of a recycler may be carried on in accordance with all applicable laws, codes, zoning and land use regulations;

C. At which the public may contact the recycler at all reasonable times; and

D. At which the books, records and files necessary to conduct business at that place are kept and maintained;

2. Sign. Display an exterior sign permanently affixed to the land or buildings;

3. Storage and display facilities. Have proper facilities for storage and display of vehicles being handled; and

4. Office. Have a suitable office from which business is conducted and in which records of the business are kept.

§1104. Application for license

An application for a recycler license must contain the following information in such form as the Secretary of State may prescribe:

1. Identification. The applicant's name, type of business organization and place of organization;

2. History. The qualifications and business history of the applicant and any partner, officer or director;

3. Criminal and civil record. Whether the applicant has been found guilty of any criminal offense within the past 5 years involving fraud or conversion or has had a judgment of liability in a civil action involving fraud, misrepresentation or conversion. For a corporation or partnership, the application must provide the information required in this subsection for all directors, officers or partners;

4. Place of business. A satisfactory report from a representative of the Secretary of State that the applicant has an established place of business at each business location in the State; and

5. Additional information. Any other information that the Secretary of State requires to implement this section.

§1105. License fees

1. Application fee. The fee for an initial application for a license under this subchapter is \$150 and is nonrefundable.

2. License fee. The fee for the issuance or renewal of a license is \$150. A business licensed under chapter 9, subchapter III is exempt from this fee.

3. Branches. Each branch or annex location of a recycler must be approved and licensed by the Secretary of State. The annual fee for each branch or annex is \$75.

§1106. Action on application for license or renewal

The Secretary of State shall act on an application for a recycler license or its renewal within 90 days of receipt.

If the Secretary of State refuses to grant or to renew a license, notice must be given to the applicant that an opportunity for hearing before the Secretary of State will be provided on request to show cause why that license should be granted or renewed.

§1107. Display and content of license

1. Content. A recycler license must specify:

A. The location of each established place of business and other locations occupied in conducting business;

B. The effective and expiration dates of the license; and

C. Any other information the Secretary of State considers necessary to implement this section.

2. Display. The license must be conspicuously displayed at each established place of business or other location occupied in conducting business.

§1108. Denial, suspension or revocation of a recycler license

1. Grounds. The Secretary of State may deny, suspend or revoke a recycler license on the following grounds:

A. A material misstatement in an application for a license;

B. Failure to comply with a provision of this subchapter, any lawful rule adopted by the Secretary of State or any provision of Title 17-A or this Title as they relate to the sales of vehicles or parts;

C. Failure to maintain an established place of business;

D. Failure to notify the Secretary of State in writing 30 days prior to moving or ceasing operation;

E. The defrauding of a buyer, to the buyer's or another's damage, in the conduct of the licensee's business;

F. Conviction of a fraudulent act in connection with the business of selling motor vehicles or parts or being held liable by a civil judgment involving fraud, misrepresentation or conversion;

G. Violation of Title 5, sections 206 to 212; Title 17, section 3203; or Title 30-A, sections 3751 to 3760;

H. Submission of a check, draft or money order to the Secretary of State that is dishonored or refused upon presentation;

L. Certification by the State Tax Assessor that a tax, other than property tax, considered final under Title 36, remained unpaid in an amount exceeding \$1,000 for a period greater than 60 days after notice of finality and that the licensee or applicant refused to cooperate with the Bureau of Taxation in establishing and remaining in compliance with a reasonable plan for meeting that liability; or

J. Failure to appear at a hearing required by the Secretary of State or failure to appear in court pursuant to a lawful summons.

2. Proximity to veterans' cemetery. A license may be denied if a place of business is within one mile of a federally owned or state veterans' cemetery, unless the Secretary of State finds that:

A. The conduct of the business will not unduly interfere or degrade the purposes of the cemetery;

B. The business and location will be adequately screened for sight and noise; and

C. There is adequate distance, not less than 1,500 feet, between the cemetery and place of business.

3. Refusal to surrender license. Any recycler who fails or refuses to surrender the license upon demand of the Secretary of State following the suspension or revocation of that license, commits a Class E crime.

4. Penalties. Any person who continues to engage in business as a salvage vehicle dealer, recycler or as a scrap processor, after suspension or revocation of the license issued by the Secretary of State, is guilty of a Class E crime, punishable by a fine of not less than \$200 and that fine may not be suspended.

§1109. Vicarious liability

1. Corporators or partners. If a licensee is a partnership or corporation, it is sufficient cause for denial, suspension or revocation of a license if an officer, director, trustee or partner of the partnership or corporation has committed an act or omitted a duty that would be cause for denying, suspending or revoking a license.

2. Employees. A licensee is responsible for the acts of employees if that licensee approved of or had knowledge of the acts or other similar acts and after that approval or knowledge retained the benefit, proceeds, profits or advantages accruing from the acts or otherwise ratified the acts.

§1110. Records of transactions

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

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

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

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

2. Availability. The records, the place of business and the vehicles and vehicle parts in the possession of the licensee must be available for inspection during normal business hours by the Secretary of State, a law enforcement officer or representatives of the office of the Attorney General.

3. Compliance with federal law. In the keeping of records, a licensee shall comply with the federal Truth in Mileage Act of 1986, Public Law 99-579, as amended, and the regulations of the United States Secretary of Transportation, 49 Code of Federal Regulations, Part 580.

4. Penalty. Violation of this section is a Class E crime.

§1111. Surrendering certificate

A recycler who scraps or dismantles a vehicle shall deliver the certificate of title or certificate of salvage to the Secretary of State for cancellation. Except for a dismantled vehicle that has been repaired or rebuilt, a certificate of title or registration to the vehicle may not be issued again. Violation of this section is a Class E crime.

§1112. Identification number

A recycler may not possess or exercise control over a vehicle or vehicle part that has had the vehicle identification number removed. It is not a defense that the recycler did not know that the vehicle identi-

fication number had been removed. Violation of this section is a Class E crime.

CHAPTER 11
DRIVER'S LICENSE

SUBCHAPTER I

GENERAL PROVISIONS

§1251. License required

1. Violation. A person commits an offense of operating a motor vehicle without a license if that person operates a motor vehicle on a public way or parking area without being licensed or in violation of a condition or restriction on the license. For a resident, that license must be issued by this State.

2. Penalty. Operating without a license is a Class E crime, except that if the license has expired within 30 days, the offense is a traffic infraction.

3. Issue restrictions. A person may not receive a license unless:

A. That person surrenders all valid licenses in that person's possession issued by any jurisdiction; and

B. The Secretary of State is satisfied that the applicant is a proper person to receive a license.

4. Number limited. A person may not have more than one valid license, unless authorized by the Secretary of State. A person may not have more than one commercial license.

5. Age limit. A license, except a special restricted license under section 1256, may not be issued to a person who has not attained 16 years of age.

6. Exemptions. The following people are exempt from the license requirements of this chapter:

A. A nonresident who is 16 years of age or older and who has in that person's possession a valid license issued by that person's state or country of domicile. A nonresident who is not yet 16 years of age may not operate a motor vehicle;

B. A person on active duty in the United States Armed Forces, if that person possesses:

(1) A valid license issued by that person's state of domicile; or

(2) For a period of 45 days after return from duty outside the United States, a valid

license issued by the United States Armed Forces in foreign countries; and

C. A spouse of a member of the United States Armed Forces while accompanying that member on active duty assignment to this State, and who is not a resident of this State and who has a valid license issued by another jurisdiction.

§1252. Classes

A license is not valid for the operation of a vehicle unless a class or restriction is indicated on the license.

1. Classes. There are 3 classes of licenses as follows:

A. A Class A license may be issued for the operation of a combination of vehicles with a gross vehicle weight rating or registered weight of 26,001 or more pounds, if the gross vehicle weight rating or gross weight of the vehicles being towed is in excess of 10,000 pounds.

A holder of a Class A license may, with an appropriate endorsement, operate a vehicle in Class B or C;

B. A Class B license may be issued for the operation of a single motor vehicle with a gross vehicle weight rating or registered weight of 26,001 or more pounds or such a vehicle towing a vehicle with a gross vehicle weight rating or gross weight not in excess of 10,000 pounds.

A holder of a Class B license may, with an appropriate endorsement, operate a vehicle in Class C; and

C. A Class C license may be issued for the operation of a single vehicle with a gross vehicle weight rating or registered weight of less than 26,001 pounds or such a vehicle towing a vehicle with a gross vehicle weight rating or gross weight not in excess of 10,000 pounds.

A holder of a Class C license may, with an appropriate endorsement, operate all vehicles in that class.

A Class C license authorizes:

(1) A full-time or volunteer member of an organized municipal, state or federal fire department to operate fire apparatus;

(2) A person to operate recreational vehicles for personal use;

(3) A person to operate military vehicles including National Guard vehicles; or

(4) A person to operate registered farm motor trucks bearing the letter "F," on the registration plate within 150 miles of the registered owner's farm.

2. School bus, motorcycle or motor-driven cycle. Operation of a school bus, motorcycle or motor-driven cycle requires a special endorsement on a license.

A nonresident school bus driver picking up and discharging school children or driving in conjunction with school-related activities may operate a vehicle with a certificate issued by the Secretary of State.

A school bus certificate may be issued only after the applicant has successfully passed the required examination.

3. Mopeds. A moped may not be operated:

A. By a person who does not possess a valid license of any class or a license specially endorsed to operate a motorcycle, a motor-driven cycle or a moped; or

B. On an interstate highway or on a way on which a bicycle is prohibited.

4. Examination. The Secretary of State shall examine an applicant for the class for which the applicant applies.

5. Immediate examination. An applicant for a Class A or Class B license who provides satisfactory evidence that an immediate examination is needed for employment purposes must be examined within 10 days of notification.

6. Endorsement. The Secretary of State shall endorse each license with its class and a special endorsement for specific types of vehicles.

7. Violation. A person commits a Class E crime if that person operates a vehicle not included within the class of license issued to that person.

8. Employer's requirements. An employer may impose more stringent or additional qualifications, requirements or examinations than are imposed in this section or may require additional certificates.

§1253. Commercial licenses

1. Classifications. A Class A or Class B license, or a Class C license carrying an endorsement under subsection 3, is a commercial license.

2. Compliance with federal law. The State must comply with the Commercial Motor Vehicle Safety Act of 1986, Public Law 99-570, Title XII, and regulations adopted under that Act in issuing or

suspending a commercial license. To ensure compliance, the Secretary of State shall adopt rules.

These rules must include, but are not limited to, provisions that:

A. Provide for full state participation in the national commercial driver's license clearinghouse;

B. Require commercial drivers to have a single license;

C. Reduce and prevent commercial motor vehicle accidents, fatalities and injuries by disqualifying commercial drivers who have committed serious traffic or other designated offenses from operating commercial motor vehicles;

D. Protect public safety by removing from public ways a commercial driver who has:

(1) Operated or attempted to operate a commercial vehicle while having 0.04% or more by weight of alcohol in that driver's blood;

(2) Refused to submit to or complete a lawfully requested test to determine blood-alcohol level; or

(3) Operated or attempted to operate a motor vehicle while under the influence of intoxicating liquor or drugs; and

E. Provide maximum safety on public ways.

3. Endorsements for double or triple trailers, buses, tank trucks or hazardous materials. Operation of a double or triple trailer, bus or tank truck requiring a commercial driver's license or a vehicle carrying hazardous materials requiring a placard requires a special endorsement on a commercial license.

An endorsement may be made under this subsection only after the applicant has successfully passed the examination for the specific vehicle.

To retain a hazardous material endorsement on renewal of a commercial license, a reexamination of the hazardous material written test is required.

4. Air brakes. If an applicant either fails the air brake component of the examination under subsection 3 or performs the examination in a vehicle not equipped with air brakes, that person is prohibited from operating a commercial motor vehicle equipped with air brakes. The license must be so restricted.

5. Operation with a blood-alcohol level of 0.04% or more or under the influence of intoxicating liquor or drugs. The Secretary of State shall

suspend, without preliminary hearing, the commercial license of a person who has operated or attempted to operate a commercial motor vehicle while having 0.04% or more by weight of alcohol in the blood or while under the influence of intoxicating liquor or drugs.

The period of suspension must satisfy the regulations adopted by the United States Secretary of Transportation under the Commercial Motor Vehicle Safety Act of 1986, Public Law 99-570, Title XII.

§1254. Special licenses

1. Motorcycles and motor-driven cycles. The Secretary of State may issue a license specifically endorsed for the operation of a motorcycle or motor-driven cycle with the same requirements as a motor vehicle license. A motor vehicle license does not authorize operation of a motorcycle or motor-driven cycle unless the license is endorsed for those vehicles.

2. Moped license. The Secretary of State may issue a license to operate a moped. An applicant must have attained 16 years of age and must pass an examination on qualifications to operate a moped. The examination fee and license fee for a moped license is the same as for a Class C license.

3. Motorized bicycle or tricycle operator. A motorized bicycle or tricycle may only be operated by a person who possesses a valid license of any class, an instruction permit or a license endorsed for a motorcycle, motor-driven cycle or moped.

4. Forms. The Secretary of State shall prepare forms for applications under this section.

§1255. Members of the Armed Forces

1. Privileges. A resident who is serving on active duty in the United States Armed Forces and otherwise qualified to operate a motor vehicle:

A. Shall receive a license on application to the Secretary of State;

B. Is exempt from the payment of a fee for a license;

C. May operate a motor vehicle, notwithstanding the expiration date of that person's license, without obtaining a new license; and

D. Shall, while operating a motor vehicle, carry conclusive evidence of membership in the Armed Forces.

2. After discharge. The privileges of this section remain in effect for a period of 30 days after discharge or release from the Armed Forces.

3. Revocation or suspension. This section does not permit a person whose license or right to operate is revoked or suspended or who has been refused a license to operate a motor vehicle.

§1256. Special restricted license

A person who has reached 15 years of age and who has successfully completed a driver education course may be issued a special restricted license based on educational or employment need as follows.

1. Educational need. A person seeking to qualify for a special restricted license based on educational need must file an application. If the applicant qualifies under paragraph A, after passing an examination for operation of a motor vehicle as provided in section 1301 a special restricted license must be issued to the applicant. A person who is between the ages of 16 and 17 is not required to complete a driver education course to qualify for a restricted license based on educational need.

A. An application must include:

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

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

(b) Use of a motor vehicle is necessary for transportation to and from a public secondary school, a private secondary school approved for attendance purposes by the Commissioner of Education or an applied technology center or region that the applicant is attending;

(2) A verification of school attendance; and

(3) A statement by the principal of the school of the lack of a readily available alternative means of transportation.

B. This license only authorizes the holder to operate a motor vehicle between the holder's residence and school.

2. Employment need. A person seeking to qualify for a special restricted license based on employment need must file an application. If the applicant qualifies under paragraph A, after passing an examination for operation of a motor vehicle as provided in section 1301 a special restricted license must be issued to the applicant.

A. An application must include:

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

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

(b) Use of a motor vehicle is necessary for transportation to, from or in connection with employment of the applicant; and

(2) A verification of employment by the employer.

B. This license only authorizes the holder to operate a motor vehicle between the holder's residence, school and place of employment and other places necessary in direct connection with that employment.

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

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

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

4. Hearing. If requested the Secretary of State shall provide an opportunity for hearing on the suspension as soon as practicable.

After hearing, the Secretary of State, for good cause shown, may continue, modify or rescind the suspension.

This subsection does not apply when a person is convicted of or adjudicated to have committed an offense that carries a suspension or revocation period as determined pursuant to this section.

§1257. Restricted licenses

The Secretary of State may restrict a license to operation:

1. Specific vehicle. Of a specified vehicle;

2. Daylight. During daylight hours;

3. Area operation. Within a designated area;
or

4. Other. Under any other restriction or condition that the Secretary of State determines is in the interest of highway safety.

§1258. Medical Advisory Board

1. Board. The Medical Advisory Board, as established by Title 5, section 12004-I, subsection 84, consists of members appointed by the Secretary of State. Membership of the board is as follows.

A. The board must include licensed physicians representing the specialties of cardiology, internal medicine, neurology or neurological surgery, ophthalmology, psychiatry, family practice and rehabilitative medicine.

B. The Secretary of State shall designate the chair of the board.

C. Members of the board are entitled to compensation in accordance with Title 5, chapter 379.

2. Duties. The duties of the board are as follows.

A. The board shall meet at least annually and may hold as many meetings as necessary.

B. The board shall advise the Secretary of State on written medical and vision standards related to operator's licensing. Standards may only be adopted as rules.

C. The board shall coordinate efforts to educate health care providers and the public in the medical aspects of motor vehicle operator licensing.

3. Determination of competency. The Secretary of State may request written medical reports to determine who receives records, testimony, recommendations and reports of the board and determine the competency of a person to operate a motor vehicle.

4. Board review. The Secretary of State, having cause to believe that a licensed driver or applicant may not be physically or mentally qualified to be licensed, may obtain the advice of the board, a member of the board or another medical or paramedical professional licensed or certified in a medical specialty as follows.

A. The board may formulate advice from records and reports or may cause an examination and report to be made by a member or another qualified person.

B. The person under review may deliver a written report to the board and the board must give due consideration to the report.

C. The Secretary of State may request that the board interview in person someone whose ability to operate a motor vehicle safely is unascertainable through written reports or records.

5. Suspension pending compliance. The license of a person under review who refuses to submit to an examination or to provide information as requested by the Secretary of State pursuant to this subchapter may be suspended until the individual complies with the request.

6. Immunity. A member of the board or other person making an examination and report of opinion, recommendation or advice to the Secretary of State in good faith is immune from criminal or civil liability for so doing. A physician or other person who becomes aware of a physical, mental or emotional impairment that appears to present an imminent threat to driving safety and reports this information to the Secretary of State in good faith is immune from criminal or civil liability for so doing. The immunity for damages under this subsection applies only to the extent this immunity is not in conflict with federal law or regulation.

7. Confidentiality. A report received or made by the board, or a member, for the purpose of assisting the Secretary of State in determining whether a person is qualified to be licensed is confidential and only for the use of the board, the Secretary of State and the person under review.

These reports may not be divulged to another person unless the person under review gives written permission.

SUBCHAPTER II

ISSUING LICENSES

§1301. Application

1. Application required. An applicant must present to the Secretary of State an application for license on a form prepared by the Secretary of State.

2. Contents. The applicant must provide specific answers that demonstrate the experience and competence of the applicant to operate a motor vehicle.

3. Proof of age. An applicant who has not attained the age of 23 years must provide satisfactory proof of the applicant's date of birth prior to receiving a permit or original license.

4. Examination. An applicant must pass a physical examination by actual demonstration of ability to operate a motor vehicle and a written examination. Failure to complete the driving test within 18 months of receiving an instruction permit requires reexamination for the permit.

5. Permanent license number. The Secretary of State may require an applicant to submit that person's social security number upon application for a license to establish a permanent license number.

§1302. Minors

1. Authorization. The Secretary of State may not accept the application for a license of a minor unless the application is:

A. Signed by a parent or guardian;

B. Signed by the spouse of the minor, provided the spouse is 18 years of age or older;

C. When the minor has no parent, guardian or spouse who has attained the age of 18 years of age, signed by the employer of the minor if that employer is 18 years of age or older; or

D. Accompanied by an attested copy of a court order of emancipation under Title 15, section 3506-A.

2. Suspension. If a person who has signed the application files with the Secretary of State a notarized written request that the license be suspended, the Secretary of State shall, pursuant to chapter 23, suspend the license without hearing. A suspension under this section may not be construed against the minor in any manner.

§1303. Vision test requirements

1. Test requirement. A person must pass the vision portion of a license examination:

A. At the time of the first license renewal after attaining 40 years of age;

B. At every 3rd license renewal after the renewal in paragraph A until attaining 65 years of age; and

C. At every license renewal after attaining 65 years of age.

2. Exceptions. In lieu of a test, a person may submit:

A. An acceptable certificate signed by a doctor, optometrist, registered nurse or other person approved by the Secretary of State, setting forth the person's visual acuity in each eye, both eyes

combined and field of vision. The certificate must indicate that it is based on an examination completed within one year of the date of application; or

B. Satisfactory evidence of a valid Interstate Commerce Commission driver's license issued within the past year.

§1304. Instruction permits

1. Instruction permits. The following provisions apply to instruction permits.

A. A person who is 15 years of age or older and has completed a course in driver education may apply for an instruction permit.

B. After an applicant has successfully passed all parts of an examination other than the driving test, the Secretary of State may issue an instruction permit.

C. The permit entitles the permittee to drive a motor vehicle on the public ways. The permittee must have the permit in immediate possession while driving on the public ways.

D. The permit is valid for a period of 18 months.

E. Unless the permittee is operating a motorcycle or motor-driven cycle, the permit requires the permittee to be accompanied by a licensed operator who:

- (1) Has at least one year of driving experience;
- (2) Is at least 18 years of age; and
- (3) Is occupying a seat beside the driver.

F. The Secretary of State may issue a restricted instruction permit to an applicant who is enrolled in a driver education program that includes practice driving. That permit is valid:

- (1) For a school year or other specified period; and
- (2) Only when the permittee is accompanied by an instructor approved by the Commissioner of Education or a commercial driver education instructor licensed by the Board of Commercial Driver Education.

G. A person who has not yet attained the age of 17 years may not apply for a license until 3 months after the date of issue of an instruction permit.

2. Motorcycle, motor-driven cycle and moped. The following provisions apply to instruction permits for the operation of motorcycles, motor-driven cycles or mopeds.

A. A person must be at least 16 years of age to apply for a motorcycle, motor-driven cycle or moped instruction permit.

B. An applicant must pass a vision test and a knowledge test related specifically to the safe operation of a motorcycle, motor-driven cycle or moped.

C. An applicant must complete a motorcycle driver education program as required by section 1352.

D. An instruction permit is valid for one year.

E. Failure to complete the driving test within one year from issue date requires reexamination for the instruction permit. In the case of a motorcycle or motor-driven cycle learner's permit, failure to complete the driving test within one year from issue date of the permit requires another completion of the motorcycle driver education course required by section 1352 before a subsequent permit is issued.

F. An application for reexamination may not be accepted until 60 days after expiration of the permit.

G. An instruction permit allows the holder to operate a motorcycle, motor-driven cycle or moped only during daylight hours. That permit does not allow the holder to carry a passenger unless the passenger holds a valid motorcycle license.

H. The fee for a motorcycle, motor-driven cycle or moped instruction permit and the first road test is \$10. The fee for a subsequent examination is \$5.

3. Bus. The following provisions apply to instruction permits for the operation of a bus.

A. A person must be at least 21 years of age to apply for a bus instruction permit.

B. An applicant must pass a vision test and a knowledge test on the safe operation of a bus.

C. The instruction permit entitles the permittee, as long as the permit is in the permittee's immediate possession, to drive a bus on a public way. The permit expires one year after the date of issuance.

The permittee must be accompanied by a licensed bus operator who has at least one year of bus driving experience and is at least 22 years of age.

The accompanying operator must occupy a seat in the immediate vicinity of the driver and no other passengers may be allowed on the bus.

4. School bus. The following provisions apply to instruction permits for the operation of school buses.

A. A person must be at least 21 years of age to apply for a school bus instruction permit to operate a school bus.

B. An applicant must meet the school bus operator requirements of this Title and must pass a vision test and a knowledge test on the safe operation of a school bus.

C. The instruction permit entitles the permittee, as long as the permit is in the permittee's immediate possession, to drive a school bus on a public way. The permit is valid for one year.

(1) The permittee must be accompanied by a licensed school bus operator who has at least one year of driving experience and is at least 22 years of age.

(2) The accompanying operator must occupy a seat in the immediate vicinity of the permittee and no other passengers may be allowed on the bus.

5. Expiration. An instruction permit expires when the holder successfully passes a complete examination. The permit must be surrendered to the Secretary of State.

6. Criminal offense. A person commits a Class E crime if that person accompanies a permittee who is operating a vehicle on a public way and that accompanying person has impaired mental or physical functioning as a result of the use of intoxicating liquor or drugs.

§1305. Temporary licenses

1. Issuance of temporary licenses. The Secretary of State may issue a temporary license to an applicant.

2. Requirements. The Secretary of State may require the applicant to:

A. Successfully pass a complete examination; or

B. Hold a valid or recently expired driver's license from another state or country.

3. Duration. A temporary license permits the applicant to operate a motor vehicle on a public way for not more than 60 days.

§1306. Waiver

The Secretary of State may waive examination for an applicant who has been licensed by this State to operate a motor vehicle during one of the 5 preceding calendar years without a lapse of 5 years since date of expiration of the last 4-year or 6-year license.

§1307. Examination fees

An applicant required to take an examination shall pay an examination fee to the Secretary of State prior to administration of the examination as follows.

1. Class A or Class B license. The examination fee for a Class A or Class B license is \$35, which includes the first road test. A reexamination is \$15.

2. Class C license. The examination fee for a Class C license is \$10, which includes the first road test. A reexamination is \$5.

3. Examination fee for endorsements. The examination fee for a double or triple trailer, semi-trailer, bus, tank truck or hazardous materials endorsement is \$10. A reexamination is \$5.

4. Cancellation of examination appointment. If an examination requires an appointment and the examinee does not keep that appointment, the Secretary of State shall assess an additional \$20 fee for a Class A or Class B examination and \$5 for a bus, school bus or Class C examination at the time of reappointment for examination. If the examinee notifies the Department of the Secretary of State, Bureau of Motor Vehicles, Driver Examination Section of cancellation at least 48 hours prior to the examination, the Secretary of State shall waive the additional fee.

5. Exception. A person required to take an examination because of advanced age or physical disability is not required to pay an examination or cancellation fee.

§1308. Reexamination of accident-prone driver

1. Definition. For purposes of this section, an "accident-prone driver" means an operator of a motor vehicle who has contributed to the cause of 3 or more accidents within a period of 3 consecutive years.

2. Examination. An accident-prone driver, after notice and hearing, may be required to pass an operator's examination to retain a license.

3. Evidence. A determination that an individual is accident-prone is not admissible in evidence in a civil action arising out of an accident.

4. Suspension. This section does not limit the authority of the Secretary of State to suspend a license.

§1309. Reexamination of incompetent or unqualified operators

1. Reexamination may be required. The Secretary of State, having good cause to believe that a licensed operator is incompetent or otherwise not qualified to be licensed, may require, on at least 5 days prior written notice, that operator to submit to an examination.

2. Suspension of license. On conclusion of an examination, the Secretary of State may suspend the license of that person or issue a restricted license.

3. Refusal to submit to examination. Refusal or neglect of the licensee to submit to an examination is sufficient ground for suspension.

SUBCHAPTER III

DRIVER EDUCATION

§1351. Driver education

1. Driver education required for certain minors. Except to operate a moped only, a license may not be issued to a person under 17 years of age unless that person presents a certificate of successful completion of an approved driver education course and examination.

2. Approved course. An approved driver education course is a course given by a:

- A. Public secondary school;
- B. Private secondary school approved for attendance purposes by the Commissioner of Education;
- C. Applied technology center or an applied technology region; or
- D. Person licensed by the Board of Commercial Driver Education.

3. Certificate. A successful course completion certificate may be issued if the course meets the standards adopted by the Commissioner of Education or the commercial driver education school licensing requirements under Title 32, chapter 95. A certificate may not be issued to a person who was not at least 15 years of age when beginning the course.

§1352. Motorcycle driver education

1. Motorcycle driver education required. Notwithstanding any other provision of law, a motorcycle or motor-driven cycle instruction permit, license or endorsement may not be issued to a person, unless that person presents a certificate of successful completion of a motorcycle driver education program and examination approved by the Secretary of State.

2. Education program. The following provisions apply to motorcycle driver education programs.

A. A motorcycle driver education program must consist of an 8-hour block of instruction directly related to the actual operation of motorcycles and motor-driven cycles, emphasizing safety measures designed to ensure greater awareness of careful and skillful operation of motorcycles and motor-driven cycles.

B. The program may be offered by a public secondary school, a private secondary school approved for attendance purposes by the Commissioner of Education, an applied technology center or applied technology region or adult education program conducted under Title 20-A, chapter 316.

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

D. A program may include instruction and riding experience on a motorcycle driving range.

E. The Secretary of State must approve a motorcycle driver education program.

3. Instructors. The following provisions apply to the certification of instructors.

A. A person may not conduct a motorcycle driver education program unless certified by the Secretary of State as a qualified instructor.

B. The Secretary of State shall:

- (1) Conduct certification courses; and
- (2) Establish reasonable qualification standards and requirements for certification. The requirements must include a provision to demonstrate proficiency in operating a motorcycle.

C. A person may conduct or sponsor a motorcycle driver education program for remuneration without the commercial driver education school or instructor license required by Title 32, chap-

ter 95, as long as the program and the instructors are certified by the Secretary of State.

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

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

B. The Secretary of State shall charge a program fee comparable to other motorcycle driver education programs.

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

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

6. Waiver of written examination requirement. The Secretary of State may waive the required written examination on receipt of a completion certificate.

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

§1353. Fees

The annual fee for instructor certification is \$100. The annual fee for inspection of a motorcycle education classroom is \$50. The fee for inspection of a motorcycle driving range is \$50.

SUBCHAPTER IV

LICENSE

§1401. Contents of license

1. Required information. A license must state, at a minimum, the name, date of birth, place of residence or mailing address if different from the residence, of the licensee and the permanent number assigned to that licensee.

2. Photograph. A license, except for a temporary license, must bear a full-face color photograph of the licensee. The following are exempt from the photographic requirement:

A. A person who renews a license on or after that person's 65th birthday;

B. A person in active military service stationed outside the State; and

C. Another person approved by the Secretary of State.

3. Signature. A licensee's usual signature must appear in the place designated. A license is not valid until endorsed.

4. Fee. In addition to the license fee, the photograph fee is \$2.

§1402. Anatomical gifts

1. Declaration of anatomical gift. If a licensee makes a declaration on an organ donor card as provided in subsection 3 and submits the completed card to the Secretary of State, the Secretary of State shall issue a license to operate motor vehicles or motorcycles to the licensee that includes a pouch containing the organ donor card declaring that the licensee has made an anatomical gift under the Uniform Anatomical Gift Act. There is an additional \$1 fee for issuance of the anatomical gift pouch and organ donor card.

2. Willingness to make anatomical gift. The Secretary of State shall make available without additional fee an organ donor decal that expresses the licensee's willingness to make an anatomical gift. The decal must state: The decal affixed hereto indicates a willingness on the part of the licensee to make an anatomical gift upon his/her death.

3. Organ donor card. The Secretary of State shall make available to each applicant for a license or renewal license to operate motor vehicles or motorcycles an organ donor card by which the licensee may make a declaration of an anatomical gift under the Uniform Anatomical Gift Act. The completed organ donor card must accompany the license issued in a pouch provided by the Secretary of State. The organ donor card must be in substantially the following form:

DECLARATION OF ANATOMICAL GIFT

I am of sound mind and at least 16 years of age. I hereby make a gift to take effect upon my death of: (CHECK ONE)

() My entire body or any parts of my body.

() Only the following specific part or parts of my body:

.....
.....

.....
I authorize any person or institution authorized as a donee under Maine law, by the Uniform Anatomical Gift Act, to be the recipient of this gift.

I understand that if I make this gift and receive a motor vehicle or motorcycle driver's license indicating this gift, I must destroy, cancel or mutilate the organ donor card and pouch to revoke the gift.

Signed by the donor and the following 2 witnesses in the presence of each other.

Signature.....

Address.....

.....

Witness.....

Address.....

.....

Witness.....

Address.....

.....

COMPLETION OF THIS CARD IS OPTIONAL

§1403. Living wills

Subject to available funding, the Secretary of State shall make living will forms available in offices of the Bureau of Motor Vehicles. The form must be in substantially the form provided in Title 18-A, section 5-702 and with the addition of a title at the top of the form to read "LIVING WILL" and the following information at the end: "Completion of this form is optional."

§1404. Coded licenses

The Secretary of State shall provide that a license issued to:

- 1. **Under 21.** A person less than 21 years of age bears a distinctive color code; and
- 2. **Prior convictions.** A person convicted of operating under the influence of intoxicating liquor or drugs or with an excessive blood-alcohol level, as defined in section 2453, subsection 2, within 6 years of the date the license is issued, reissued or returned after a period of suspension bears a coded notation of that fact.

§1405. Duplicate documents

1. Lost or destroyed licenses, registration certificates and instruction permits. If a license, registration certificate or instruction permit is lost or destroyed, a person may obtain a duplicate upon furnishing proof of loss or destruction.

2. Additional licenses, registration certificates and instruction permits. If satisfied that public safety will not be endangered, the Secretary of State may issue a duplicate to a person who has an original.

3. Fee. The fee for a duplicate license, registration certificate and instruction permits is \$2. An additional fee of \$2 is required for a photograph.

4. Change of photograph. When a request is made for a change on an operator's photograph license, that license is a duplicate.

§1406. Expiration

1. Expiration of license; persons under 65 years of age. Effective July 1, 1993, a license to operate a motor vehicle issued to a person under 65 years of age expires at midnight on the license holder's 6th birthday following the date of issuance.

2. Expiration of license; persons 65 years of age and over. Effective July 1, 1993, a license to operate a motor vehicle issued to a person 65 years of age or older at the date of issuance expires at midnight on that license holder's 4th birthday following the date of issuance.

3. Leap year birthday. A person born on February 29th is deemed to have been born on March 1st.

4. Renewals. Prior to the expiration of the license, the Secretary of State shall send the holder a renewal application.

5. Fee; 6-year license. The fee for the 6-year license is \$27. The fee for the 6-year commercial driver's license is \$38.

6. Fee; 4-year license. The fee for the 4-year license is \$18. The fee for the 4-year commercial driver's license is \$25.

§1407. Change of location or status

When a person, after applying for or receiving a driver's license or registration, moves from the address named in the application or on the license or registration issued or changes name, that person shall, within 10 days, notify the Secretary of State, in writing, of the old and new addresses or former and new

names and of the number of the licenses and registrations held.

§1408. License or permit to be carried and exhibited on demand

1. Immediate possession required. A licensee, including a temporary licensee or holder of an instruction permit, must have the license in immediate possession when operating a motor vehicle.

2. Display. On demand of a law enforcement officer, the licensee must produce the license for inspection.

3. Dismissal. A person served with a Violation Summons and Complaint charging a violation of this section may have the complaint dismissed if that person shows satisfactory evidence that the person held a valid license at the time of the alleged violation. The clerk of the District Court Violations Bureau must dismiss the complaint if, prior to the date required for filing an answer to the complaint, the person charged files a copy of the Violation Summons and Complaint with the bureau, together with evidence that the person held a valid license at the time of the alleged violation. If a person files a timely answer of not contested to a Violations Summons and Complaint alleging a violation of this section and that person presents satisfactory evidence to the court at the time of trial that the person held a valid license at the time of the alleged violation, the court must dismiss the complaint.

§1409. Amputee and disabled veteran

A license fee is not required from:

1. Federal motor vehicle. An amputee veteran who has received a motor vehicle from the United States Government under authority of P.L. 663, 79th Congress, as amended, or P.L. 187, 82nd Congress, as amended;

2. Service-connected disability. An amputee veteran receiving compensation for service-connected disability from the Veterans Administration or the United States Armed Forces and who has a specially designed motor vehicle; or

3. One hundred percent service-connected disability. A veteran with 100% service-connected disability.

SUBCHAPTER V

DRIVER LICENSE COMPACT

Article 1

Compact

§1451. Findings and declaration of policy -- Article I

1. Findings. The party states find that:

A. The safety of their streets and highways is materially affected by the degree of compliance with state and local ordinances related to the operation of motor vehicles;

B. Violation of such a law or ordinance is evidence that the violator engages in conduct that is likely to endanger the safety of persons and property; and

C. The continuance in force of a license to drive is predicated upon compliance with laws and ordinances related to the operation of motor vehicles, in whichever jurisdiction the vehicle is operated.

2. Policy. It is the policy of each of the party states to:

A. Promote compliance with the laws, ordinances and administrative rules and regulations related to the operation of motor vehicles by their operators in each of the jurisdictions where such operators drive motor vehicles; and

B. Make the reciprocal recognition of licenses to drive and eligibility therefor more just and equitable by considering the overall compliance with motor vehicle laws, ordinances and administrative rules and regulations as a condition precedent to the continuance or issuance of any license by reason of which the licensee is authorized or permitted to operate a motor vehicle in any of the party states.

§1452. Definitions -- Article II

As used in this compact:

1. Conviction. "Conviction" means a conviction of any offense related to the use or operation of a motor vehicle that is prohibited by state law, municipal ordinance or administrative rule or regulation, or a forfeiture of bail, bond or other security deposited to secure appearance by a person charged with having committed any such offense, and which conviction or forfeiture is required to be reported to the licensing authority.

2. Home state. "Home state" means the state that has issued and has the power to suspend or re-

voke the use of the license or permit to operate a motor vehicle.

3. State. "State" means a state, territory or possession of the United States, the District of Columbia or the Commonwealth of Puerto Rico.

§1453. Reports of conviction -- Article III

The licensing authority of a party state shall report each conviction of a person from another party state occurring within its jurisdiction to the licensing authority of the home state of the licensee. The report must clearly identify the person convicted; describe the violation specifying the section of the statute, code or ordinance violated; identify the court in which action was taken; indicate whether a plea of guilty or not guilty was entered, or whether the conviction was a result of the forfeiture of bail, bond or other security; and must include any special findings made in connection with the conviction.

§1454. Effect of conviction -- Article IV

1. Convictions. The licensing authority in the home state, for the purposes of suspension, revocation or limitation of the license to operate a motor vehicle, shall give the same effect to the conduct reported, pursuant to Article III of this compact, as it would if such conduct had occurred in the home state, in the case of convictions for:

- A. Manslaughter or negligent homicide resulting from the operation of a motor vehicle;
- B. Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree that renders the driver incapable of safely driving a motor vehicle;
- C. Any felony in the commission of which a motor vehicle is used; or
- D. Failure to stop and render aid in the event of a motor vehicle accident resulting in the death or personal injury of another.

2. Other convictions. As to other convictions, reported pursuant to Article III, the licensing authority in the home state shall give such effect to the conduct as is provided by the laws of the home state.

3. Similar offenses. If the laws of a party state do not provide for offenses or violations denominated or described in precisely the words employed in subsection 1 of this Article, the party state shall construe the denominations and descriptions appearing in subsection 1 as being applicable to and identifying those offenses or violations of a substantially similar nature and the laws of the party state must

contain such provisions as may be necessary to ensure that full force and effect is given to this Article.

§1455. Applications for new licenses -- Article V

Upon application for a license to drive, the licensing authority in a party state shall ascertain whether the applicant has ever held, or is the holder of a license to drive issued by any other party state. The licensing authority in the state where application is made may not issue a license to drive to the applicant if:

1. License suspended. The applicant has held such a license, but the same has been suspended by reason, in whole or in part, of a violation and if such suspension period has not terminated;

2. License revoked. The applicant has held such a license, but the same has been revoked by reason, in whole or in part, of a violation and if such revocation has not terminated, except that after the expiration of one year from the date the license was revoked, such person may make application for a new license if permitted by law. The licensing authority may refuse to issue a license to any such applicant if, after investigation, the licensing authority determines that it will not be safe to grant to such person the privilege of driving a motor vehicle on the public highways; or

3. Surrender of license. The applicant is the holder of a license to drive issued by another party state and currently in force unless the applicant surrenders such license.

§1456. Applicability of other laws -- Article VI

Except as expressly required by provisions of this compact, nothing contained herein may be construed to affect the right of any party state to apply any of its other laws related to licenses to drive to any person or circumstance, nor to invalidate or prevent any driver license agreement or other cooperative arrangement between a party state and a nonparty state.

§1457. Compact administrator and interchange of information -- Article VII

The head of the licensing authority of each party state shall be the administrator of this compact for that state. The administrators, acting jointly, have the power to formulate all necessary and proper procedures for the exchange of information under this compact.

The administrator of each party state shall furnish to the administrator of each other party state any information or documents reasonably necessary to facilitate the administration of this compact.

§1458. Entry into force and withdrawal -- Article VIII

This compact must enter into force and become effective as to any state when it has enacted the same into law.

Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal may take effect until 6 months after the executive head of the withdrawing state has given notice of the withdrawal to the executive heads of all other party states. No withdrawal may affect the validity or applicability by the licensing authorities of the states remaining party to the compact of any report of conviction occurring prior to the withdrawal.

§1459. Construction and severability -- Article IX

This compact must be liberally construed so as to effectuate the purposes thereof. The provisions of this compact must be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance may not be affected thereby. If this compact is held contrary to the constitution of any state party thereto, the compact must remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

Article 2**Provisions Related to Compact****§1471. Ratification**

The driver license compact is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as provided in this subchapter.

§1472. Licensing authority

As used in the compact, the term "licensing authority" with reference to this State, means the Secretary of State. The Secretary of State shall furnish to the appropriate authorities of any other party state any information or documents reasonably necessary to facilitate the administration of Articles III, IV and V of the compact.

§1473. Expenses

The compact administrator provided for in Article VII of the compact is not entitled to any additional compensation on account of service as adminis-

trator, but is entitled to expenses incurred in connection with duties and responsibilities as administrator, in the same manner as for expenses incurred in connection with any other duties or responsibilities of office or employment.

§1474. Executive head defined

As used in the compact, with reference to this State, the term "executive head" means the Governor.

§1475. Duty of court to report action on licenses

Any court of this State, which has jurisdiction to take any action suspending, revoking or otherwise limiting a license to drive, shall report any such action and the adjudication upon which it is based to the Secretary of State within 5 days on forms furnished by the Secretary of State.

CHAPTER 13**FINANCIAL RESPONSIBILITY
AND INSURANCE****SUBCHAPTER I****GENERAL PROVISIONS****§1551. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Certificate. "Certificate" means the certificate of an insurance company or a surety company authorized to transact business in this State under Title 24-A that certifies that the company has issued a motor vehicle liability policy covering the vehicle involved in the accident.

2. Conviction. "Conviction" means conviction, adjudication or judgment, and includes but is not limited to a forfeiture of bail or collateral deposited to secure a defendant's appearance in court, on a charge of violating a motor vehicle law that has not been vacated.

3. Evidence of insurance. "Evidence of insurance" means:

A. A motor vehicle insurance identification card; or

B. A motor vehicle liability insurance policy or binder issued pending the issuance of the actual policy or insurance identification card.

4. Insurance identification card. "Insurance identification card" means a card issued to an insured

by an insurer pursuant to Title 24-A, section 2412, subsection 7; or a card issued by the Secretary of State to a person who elects to provide proof of financial responsibility in accordance with section 1605.

5. Judgment. "Judgment" means a judgment that has become final without appeal by expiration of the time within which appeal might have been perfected, or by final affirmance on appeal, rendered by a court of competent jurisdiction of any state or of the United States.

6. Motor vehicle liability bond. "Motor vehicle liability bond" means a bond certified as proof of financial responsibility in accordance with section 1605.

7. Motor vehicle liability policy. "Motor vehicle liability policy" means a policy of liability insurance certified as proof of financial responsibility in accordance with section 1605, and includes, but is not limited to, a motor vehicle liability bond.

8. Owner. "Owner" means a person who holds:

A. Legal title to a vehicle;

B. A right to possession and a right to purchase a vehicle on performance of conditions stated in a conditional sale or lease agreement; or

C. A mortgage on the vehicle, if the mortgagor is entitled to possession.

9. OUI. "OUI" means operating under the influence of intoxicants or with an excessive blood-alcohol level.

10. Person. "Person" means every person, firm, copartnership, association or corporation, but not the State or any political subdivision of the State.

11. Policy. "Policy" means a motor vehicle liability insurance policy or motor vehicle liability bond.

12. Secretary of State. "Secretary of State" means the Secretary of State or the Secretary of State's deputy.

13. State. "State" means a state of the United States, the District of Columbia or a province of the Dominion of Canada.

§1552. Application

The provisions of this chapter do not apply to a snowmobile or an ATV, unless the ATV is registered for highway use.

§1553. Administration

The Secretary of State shall administer and enforce this chapter.

SUBCHAPTER II

GENERAL FINANCIAL RESPONSIBILITY

§1601. Required maintenance of financial responsibility

1. Requirement. An operator or owner of a vehicle registered in this State shall maintain the amounts of motor vehicle financial responsibility specified in section 1605.

2. Evidence of insurance or financial responsibility. When a law enforcement officer stops an operator for a moving violation or the operator is involved in an accident that must be reported under section 2251, the officer shall request the operator to produce evidence of liability insurance or financial responsibility.

3. Failure to produce evidence of insurance. If a person fails to produce evidence of liability insurance or financial responsibility, this failure is prima facie evidence that the person is uninsured and in violation of this section.

4. Dismissal. A person served with a Violations Summons and Complaint charging a violation of this section may have the complaint dismissed if that person shows satisfactory evidence of liability insurance or financial responsibility that was in effect at the time of the alleged violation. The clerk of the District Court Violations Bureau must dismiss the complaint if, prior to the date required for filing an answer to the complaint, the person charged files a copy of the Violation Summons and Complaint with the bureau, together with satisfactory evidence of liability insurance or financial responsibility that was in effect at the time of the alleged violation. If a person files a timely answer of not contested to a Violations Summons and Complaint alleging a violation of this section and that person presents to the court at the time of trial satisfactory evidence of liability insurance or financial responsibility that was in effect at the time of the alleged violation, the court must dismiss the complaint.

5. Penalty. Violation of this section is a traffic infraction, for which a forfeiture of not less than \$100 and not more than \$500 may be assessed.

6. Suspension. Thirty days after the receipt of an abstract of an adjudication of a violation of this section, the Secretary of State shall suspend:

A. The license of that person;

B. The registration of a vehicle owned by that person; or

C. The right to apply for a driver's license or vehicle registration.

The suspension continues until that person provides evidence of insurance to the Secretary of State.

7. Multiple convictions. A person who is convicted of 2 or more violations of this section within a 3-year period is subject to the proof of financial responsibility requirements provided in section 1605.

8. Agent immunity from liability. An insurance agent, broker or agency may not be held liable for an inaccurate insurance identification card if the card was issued based on information contained in the records of that person or was issued based on false or misleading statements made by the insured.

9. Exemption. The provisions of this section do not apply to:

A. A governmental vehicle;

B. A vehicle owned or controlled by a dealer as defined by chapter 9, subchapter I; or

C. A vehicle registered as a vehicle for hire.

§1602. Proof demanded

1. Demand. On receipt of an accident report required under section 2251, the Secretary of State shall demand of the owner or operator proof of financial responsibility under section 1605.

This subsection does not apply to:

A. The owner of a vehicle operated by a person that obtained possession or control without the owner's express or implied consent;

B. The owner or operator of a vehicle involved in an accident when the Secretary of State is satisfied that neither the owner nor the operator caused the accident;

C. The owner or operator of a vehicle involved in an accident caused by an act of a 3rd party that was a motor vehicle violation of which that 3rd party has been convicted or adjudicated;

D. The owner or operator of a vehicle involved in an accident in which damage or injury was caused only to the person or property of the owner or operator, unless at the time of the accident that owner or operator was violating provisions of this Title;

E. The operator of a motor vehicle licensed by the Public Utilities Commission;

F. An owner or operator of a vehicle covered by a policy, in effect at the time of the accident;

G. An operator who is not the owner of a vehicle and who is covered by a policy, in effect at the time of the accident, for the operation of vehicles not owned by the operator;

H. The operator or owner of a vehicle if the liability of the operator or owner for damages resulting from the accident is, in the judgment of the Secretary of State, covered by any other form of policy. A policy is effective under this paragraph:

(1) If it is issued by an insurer, insurance company or surety company authorized to do business in this State; or

(2) If the vehicle is not registered in this State, or was registered outside the State at the effective date of the policy, if the policy meets the amounts of financial responsibility required by section 1605;

I. The operator of a vehicle owned by the State or a political subdivision, or by a corporation that has complied with section 1605, subsection 3, paragraph C; or

J. The owner of a vehicle operated by another individual 18 years of age or older when the owner was not negligent in giving consent to that individual to use the vehicle.

2. Suspension. If within 30 days of the date of demand the required proof has not been given, the Secretary of State shall:

A. Suspend the license of that person;

B. Suspend the registration of a vehicle owned by that person; or

C. Suspend or deny the right to apply for a driver's license or vehicle registration.

3. Duration of suspension. The suspension or period of denial must continue until the person provides proof of financial responsibility under section 1605.

4. Restricted license. If the Secretary of State finds that suspension imposes an extreme hardship for which there is no other practical remedy and that the safety of the public will not be impaired and if judgment has not been rendered, the Secretary of State may issue a restricted license, subject to restrictions, conditions and immediate suspension if misused.

5. Waiver. The Secretary of State may waive the requirement of filing proof of financial responsibility 3 years from the date of demand for compliance, if no further proof is required under this subchapter.

6. Insurance report. Within 15 days of receipt of notice from the Secretary of State that a policy was carried at the time of the accident or that the liability for damages was covered by another form of insurance or bond, an insurance carrier shall notify the Secretary of State if that policy was not in effect at the time of the accident.

7. Erroneous information. If erroneous information of financial responsibility is furnished, the Secretary of State shall take appropriate action after the receipt of correct information.

§1603. Suspension

1. Suspension of license or registration following conviction or adjudication. On receipt of an abstract of conviction or adjudication of a person for a violation of a motor vehicle law other than OUI, the Secretary of State may suspend the license of that person and the registration of a vehicle registered in the name of that person until that person gives proof of financial responsibility under section 1605.

2. Suspension of license or registration following OUI convictions. On receipt of an attested copy of the court record of an OUI conviction when the person has been previously convicted within a 6-year period of OUI, the Secretary of State may not reinstate the person's license until the person gives proof of financial responsibility. The period of suspension under this subsection may not be less than the original period of suspension imposed for the conviction.

3. Minimum. After a conviction or adjudication of a person for a violation of a motor vehicle law and reinstatement of that person's license and registration, the person shall maintain proof of financial responsibility for at least 3 years.

4. Conviction or adjudication in another state. The Secretary of State shall take action as required in this section upon receiving proper evidence of a conviction or adjudication in another state.

5. Waiver. The Secretary of State may waive the demand for proof of financial responsibility after 3 years from the date of demand for proof.

6. General suspension. After an accident, the Secretary of State, on reasonable grounds appearing on records in the Secretary of State's office, may suspend a person's license or registration until that person gives proof of financial responsibility for a period as the Secretary of State may require.

7. Unsatisfied judgment. Upon receipt of a judgment against the owner or operator of a vehicle involved in an accident that resulted from a cause of action that arose from that accident, the Secretary of State shall immediately suspend the license and registration of the judgment debtor.

A. A suspension remains in effect until the owner or operator has obtained a written release, a discharge in bankruptcy or a judgment of no liability, has filed an installment payment of judgment agreement pursuant to section 1604 or has fully satisfied the judgment.

B. Prior to restoration, the owner or operator must provide proof of financial responsibility.

8. Penalty. A person commits a Class E crime if that person gives information required in a report of traffic accident or otherwise as provided in this section, knowing or having reason to believe that information is false.

9. Return license, certificates and plates. A person whose license or registration has been suspended shall immediately return every license, registration certificate and registration plate issued to that person to the Secretary of State. A person commits a Class E crime if that person, after notice of suspension, fails or refuses to return every license, registration certificate and registration plate.

§1604. Installment payment of judgment; default

1. Installment payment agreement. The Secretary of State may restore any license and registration certificates and plates suspended pursuant to section 1603, subsection 7, paragraph A upon receipt of a court order permitting the judgment debtor to make installment payments on the judgment if any installment is not in default and the person files and maintains proof of financial responsibility with the Secretary of State.

2. Default. Following notice that the judgment debtor has failed to make any installment payment as specified by the order, the Secretary of State shall suspend the license and registration certificates and plates of the judgment debtor. The suspension must continue until the judgment is completely satisfied or the debtor has secured a written release from the judgment creditor in the form required by the Secretary of State.

§1605. Proof of financial responsibility

1. Requirements. To be accepted as proof of financial responsibility, a policy must:

A. Conform to section 1606, subsection 2;

B. Include the condition that the obligor must, within 30 days of rendition of judgment, satisfy the judgment in an action to recover damages:

(1) To property or for bodily injury, including death;

(2) Accidentally sustained during the term of the policy by a person other than the insured, employees of the insured actually operating the motor vehicle or another person responsible who is entitled to worker's compensation benefits; and

(3) Arising out of the ownership, operation, maintenance, control or use of a vehicle within the limits of the United States of America or Canada; and

C. Be in the amount or limit of at least:

(1) \$10,000 for damage to property;

(2) \$20,000 for injury to or death of any one person; and

(3) \$40,000 for one accident resulting in injury to or death of more than one person.

2. Scope of proof. Insurance in the minimum amounts listed in subsection 1, paragraph C must be furnished for each vehicle registered. Separate proof of financial responsibility is not required for a trailer, semitrailer, camp trailer or mobile home, registered to a person required to file proof of financial responsibility, that is covered by a policy on a vehicle registered by that person and provides the coverage required for a motor vehicle liability policy.

3. Methods of giving proof. Proof of financial responsibility may be given by the following methods:

A. By filing with the Secretary of State a certificate from an insurance or surety company;

B. By the deposit of money or securities; or

C. For a corporation, by satisfying the Secretary of State that the corporation has financial ability to comply with the requirements of this subchapter.

4. Money or securities deposited as proof. A person may give proof of financial responsibility by delivering to the Secretary of State a receipt of the Treasurer of State showing a deposit of money or securities approved by the Treasurer of State with a value or amount equal to that required in a policy.

Securities must be of a type that may legally be purchased by savings banks or for trust funds.

Money or securities deposited are subject to execution to satisfy a judgment, but are not otherwise subject to attachment or execution.

The depositor shall also provide evidence that there are no unsatisfied judgments against the depositor registered in the office of the clerk of any Superior Court in this State.

5. May substitute other proof. The Secretary of State shall return or cancel proof on acceptance of other adequate proof of financial responsibility.

6. Operating without giving proof. A person commits a Class E crime if that person is required to maintain proof of financial responsibility and, without authorization from the Secretary of State and without that proof, operates a vehicle or knowingly permits a vehicle owned by that person to be operated by another on a public way.

7. Restricted license. When a person is required to maintain proof of financial responsibility, the Secretary of State may issue a restricted license to that person authorizing the operation of a vehicle as long as the owner maintains proof of financial responsibility.

§1606. Filing

A policy may not be certified as proof of financial responsibility until a copy of the form of the policy has been on file with the Superintendent of Insurance for at least 30 days or the Superintendent of Insurance has approved in writing the form of the policy.

1. Form. The Superintendent of Insurance shall approve a form of policy that contains:

A. The name and address of the insured;

B. A description of the vehicle covered;

C. The premium charges;

D. The policy period;

E. The limits of liability; and

F. An agreement that insurance is provided under this subchapter.

2. Required provisions. Even if not expressed, a policy is subject to the following provisions.

A. The liability of a company under a policy must become absolute when the loss or damage covered by the policy occurs.

B. Satisfaction by the insured of a final judgment for that loss or damage may not be a con-

dition precedent to the obligation of the company to make payment on account of the loss or damage.

C. A policy may not be canceled or annulled by an agreement between the company and the insured after the insured has become liable for loss or damage.

D. On recovery of a final judgment for a loss or damage specified in this section, if the judgment debtor at the accrual of the cause of action was insured against liability under a policy, the judgment creditor may have the insurance proceeds applied to satisfy the judgment.

E. The policy, the written application and a rider or endorsement constitute the entire contract between the parties.

F. If the death, insolvency or bankruptcy of the insured occurs within the policy period, the policy must cover the legal representatives of the insured during the unexpired portion.

3. Default judgment. When the defendant has defaulted, damages may not be assessed, except by special order of the court, until expiration of 30 days after the plaintiff gives notice of default to the company that issued the policy.

Notice may be given by mail, postage prepaid, to the company that issued the policy or to its agent.

If satisfied that the insured has failed to comply with the terms of the policy by failing to notify the company that issued the policy of an accident, the Secretary of State may revoke the insured's license and registration for an appropriate period.

4. Recovery may not be barred. A statement of the insured or principal or a violation of the policy may not operate to defeat or avoid the policy so as to bar recovery within the limit provided in the policy.

5. Cancellation of policy. A policy certified as proof of financial responsibility may not be canceled until at least 10 days after notice of cancellation has been filed in the office of the Secretary of State.

A policy subsequently certified terminates on the effective date of certification the insurance previously certified with respect to a motor vehicle designated in both certificates.

The company may specify on a certificate the expiration date of the policy. When an expiration date is provided, the policy is deemed terminated for purposes of this chapter on and after that date, unless that policy has been previously canceled or superseded.

When an expiration date is not specified on the certificate, the policy continues until canceled or superseded in accordance with section 1605, subsection 5.

6. Company doing business in another state. A policy is not effective unless issued by a company authorized to do business in this State.

If a vehicle is not registered in this State on the effective date of the policy, the policy is not effective unless the company, if not authorized to do business in this State, executes a power of attorney authorizing the Secretary of State to accept service of notice or process on its behalf in any action on the policy arising from an accident.

§1607. Satisfied judgments

1. Satisfaction. To meet the obligation of financial responsibility only, a judgment is satisfied:

A. When \$20,000 has been credited on a judgment for bodily injury to or death of one person as the result of one accident rendered in excess of that amount;

B. Subject to paragraph A, when \$40,000 has been credited on a judgment for bodily injury to or death of 2 or more people as the result of one accident rendered in excess of that amount; or

C. When \$10,000 has been credited on a judgment for injury to or destruction of property of others as a result of one accident rendered in excess of that amount.

2. Settlement payments. Payments made in settlement of a claim for bodily injury, death or property damage arising from a motor vehicle accident must be credited against the amounts provided for in this section.

§1608. Hearing

1. Request for hearing. A person aggrieved by a decision of the Secretary of State in applying this chapter, within 10 days after receipt of the decision, may request in writing a hearing by the Secretary of State.

2. Stay of decision. Pending a hearing, the decision may be stayed.

3. Determination of issuance. If the Secretary of State holds a hearing to determine whether or not a license or registration should be issued to a person against whom the provisions of this subchapter have been invoked, the Secretary of State shall provide notice of the hearing to the other party involved in the accident that gave rise to this subchapter being invoked.

§1609. Nonresidents; accidents in other states

1. Nonresidents. The following provisions apply to nonresidents.

A. This chapter applies to a person who is not a resident of this State.

B. If a nonresident has failed to give proof of financial responsibility, that nonresident may not operate a vehicle in this State and may not allow a vehicle owned by that nonresident to be operated in this State.

C. The Secretary of State may not issue to a nonresident a license or register a vehicle owned by a nonresident in the same manner as required with respect to a resident of this State.

D. The operation by a nonresident, or with a nonresident owner's express or implied consent, of a vehicle on a public way acts as an appointment of the Secretary of State to be the nonresident's attorney, on whom may be served all lawful processes in an action growing out of an accident in which that nonresident or vehicle may be involved.

E. When a nonresident's operating privilege is suspended, the Secretary of State shall transmit a certified copy of the record of that action to the appropriate official in the nonresident's state.

2. Accidents in other states. On receipt of certification that the operating privilege of a resident of this State has been suspended or revoked by another state for failure to provide proof of financial responsibility under circumstances that require the Secretary of State to suspend a nonresident's operating privilege had an accident occurred in this State, the Secretary of State may suspend the license of that resident and the registrations of vehicles owned by that resident.

The suspension may continue until the resident furnishes proof of compliance with the law of the other state.

§1610. Savings clause

This chapter does not limit a plaintiff in a civil action from relying on other processes provided by law.

§1611. Insurance, bond or self-insurance required

1. Insurance, bond or self-insurance required. The Secretary of State may not register any motor vehicle for rent, lease, hire or livery and a person may not operate or cause to be operated on any public way in the State such a motor vehicle until the

owner or owners of that vehicle procure insurance or a bond covering the operation of that vehicle by:

A. Presenting a valid and sufficient insurance policy from:

(1) An insurance company authorized by the Superintendent of Insurance to transact business in this State; or

(2) With the approval of the Secretary of State, an insurance company authorized to transact business in any state that provides an indemnity bond bonding the insurance company in an amount the Secretary of State prescribes and having as surety a surety company authorized by the Superintendent of Insurance to transact business in this State;

B. Presenting a good and sufficient indemnity bond, approved by the Secretary of State, bonding the applicant in an amount the Secretary of State prescribes and having as surety 2 responsible individuals or a surety company authorized to transact business in this State; or

C. Presenting a declaratory judgment issued by the Interstate Commerce Commission authorizing the owner to self-insure.

2. Minimum insurance requirements. The minimum insurance requirements are as follows.

A. There is a \$350,000 combined single limit for rental vehicles, emergency vehicles and for-hire transportation vehicles for transporting freight or merchandise but not passengers.

B. For vehicles used exclusively to transport passengers for hire between points within the State, including motor vehicles under contract with the State, a municipality or a school district for the transportation of students, but not vehicles defined as school buses in section 2301, subsection 5, there is a combined single limit of:

(1) One hundred twenty-five thousand dollars, or split limits consisting of \$50,000 per person and \$100,000 per occurrence for bodily injury liability, and \$25,000 for property damage liability for vehicles not under contract with the State, a municipality or a school district for the transportation of students that are designed to carry no more than 3 passengers behind the driver's seat;

(2) Three hundred thousand dollars for vehicles that are designed to carry 4 to 7

passengers behind the driver's seat, except as provided in subparagraph (1);

(3) Seven hundred fifty thousand dollars for vehicles that are designed to carry 8 to 15 passengers behind the driver's seat;

(4) One million five hundred thousand dollars for vehicles that are designed to carry 16 to 30 passengers behind the driver's seat; and

(5) Two million dollars for vehicles that are designed to carry 31 or more passengers behind the driver's seat.

C. For vehicles used to transport passengers for hire between points within the State and points outside the State, but not vehicles defined as school buses in section 2301, subsection 5, or vehicles under contract with the State, municipality or school district for the transportation of students, there is a combined single limit of:

(1) For vehicles with 15 or fewer passengers, \$1,500,000; and

(2) For vehicles with 16 or more passengers, \$5,000,000.

The Secretary of State shall mark or stamp for-hire vehicle registrations not in compliance with this paragraph as "intrastate only." Car pools or van pools as defined in section 556, subsection 6 and taxicabs are exempt from the provisions of this paragraph but are subject to the provisions of paragraph B.

D. For school buses as defined in section 2301, subsection 5 there is a combined single limit of:

(1) For school buses with up to 30 passengers, \$500,000; and

(2) For school buses with 31 or more passengers, \$1,000,000.

3. Maintenance of insurance. The owner or owners of any vehicle subject to this section shall maintain at all times the required amount of insurance or bond during the term of the vehicle's registration. For vehicles registered in this State, the Secretary of State shall immediately suspend or revoke, pursuant to chapter 23, the registration certificate and registration plates of any vehicle for which the insurance or bond in the amounts required is not maintained. Any person whose registration certificate, registration plates and operating authority license have been suspended or revoked pursuant to this section shall immediately return the registration certificate, registration plates and the operating

authority license to the Secretary of State. For vehicles not required to be registered in this State, the Secretary of State shall suspend the person's operating authority license or right to operate in this State.

4. Additional requirements. In addition to this section, those for-hire carriers not exempted under section 556 must comply as required pursuant to sections 552 and 553.

5. Coverage of insurance or bond. The required insurance policy or bond must adequately provide liability insurance for the collection of damages for which the holder of a permit or the owner of a motor vehicle or vehicles may be liable by reason of the operation of a motor vehicle or vehicles subject to this chapter.

6. Exemption. All vehicles owned by a municipality or school district are exempt from the insurance requirements established in this section.

§1612. Insurance before registration for dealers and transporters

The Secretary of State may not issue a dealer, transporter, loaner, motorcycle dealer or trailer dealer license or registration plates under chapter 9, subchapter I, except to equipment dealers or dealers who are only licensed to sell trailers with a gross vehicle weight rating of 3,000 pounds or less, and which do not request dealer registration plates in conjunction with the license, until the applicant has procured and filed with the Secretary of State a certificate showing that the applicant is covered by an automobile bodily injury and property damage liability insurance policy providing coverage as set forth in this Title with respect to the plates issued, approved by the Superintendent of Insurance, insuring against any legal liability in accordance with the terms of that policy for personal injury or death of any one person in the sum of \$20,000 and for any number of persons in the sum of \$40,000 and against property damage in the sum of \$10,000 which injury, death or damage may result from or have been caused by the operation of any vehicle bearing such registration plates. In lieu of such insurance, the applicant may file with the Secretary of State a bond or bonds issued by a surety company authorized to do business in the State in the amount of at least \$20,000 on account of injury to or death of any one person and subject to such limits as respects injury to or death of one person; of at least \$40,000 on account of any one accident resulting in injury to or death of more than one person; and of at least \$10,000 for damage to property of others.

Notwithstanding this section, a trailer or mobile home dealer, licensed pursuant to section 954, who certifies to the Secretary of State that the dealer does not haul trailers or mobile homes on the public roads

and highways of the State is not required to file certification of liability insurance or surety bond. The Secretary of State may not issue temporary plates or dealer plates to a trailer or mobile home dealer exempted from filing certification of liability insurance or surety bond under this paragraph.

Notwithstanding Title 4, section 1151, subsection 2 and Title 5, sections 10003 and 10051, the Secretary of State has the authority to suspend a motor vehicle dealer license upon the dealer's failure to maintain insurance as required by this section.

The operation, or the release for operation, of any vehicle registered under chapter 9, subchapter I that is not in compliance with this section is a Class E crime.

SUBCHAPTER III

VICARIOUS LIABILITY

§1651. Liability for minor

An owner who knowingly permits a minor to operate that owner's vehicle on a public way is jointly and severally liable with that minor for damages caused by the negligence of the minor in operating that vehicle.

§1652. Owner and renter jointly and severally liable

1. Liability. An owner engaged in the business of renting motor vehicles, with or without drivers, who rents a vehicle to another for use on a public way, is jointly and severally liable with the renter for damage caused by the negligence of the renter in operating the vehicle and for any damages caused by the negligence of a person operating the vehicle by or with the permission of the renter.

2. Applicability. This section does not apply to a rental as part of a bona fide transaction involving the sale of a motor vehicle.

3. Limitation. This section does not give to a passenger in a rented vehicle a right of action against the owner.

4. Contributory negligence. This section does not affect contributory negligence as a defense.

§1653. Allowing impaired operator

1. Liability. An owner or person having control of a motor vehicle who, having knowledge or reason to know that a person is under the influence of intoxicating liquor or drugs or has a blood-alcohol level of .08% or more by weight of alcohol in the blood, permits that person to operate that motor

vehicle is jointly and severally liable with that person for damages caused by the negligence of the person.

2. Not exclusive. This section does not limit and does not diminish any cause of action or right of recovery that is or may become available under the common law.

CHAPTER 15

INSPECTION AND REPAIR

SUBCHAPTER I

INSPECTION

§1751. Motor vehicle inspection

1. Inspection required. Except as provided in this chapter or section 2307, subsection 1, a motor vehicle required to be registered in this State must have an annual inspection. A person may have a motor vehicle inspected more frequently.

2. Equipment subject to inspection. The following equipment is subject to inspection:

- A. Body components;
- B. Brakes;
- C. Exhaust system;
- D. Glazing;
- E. Horn;
- F. Lights and directional signals;
- G. Rearview mirrors;
- H. Reflectors;
- I. Running gear;
- J. Safety seat belts on 1966 and subsequent models;
- K. Steering mechanism;
- L. Tires;
- M. Windshield wipers;
- N. Catalytic converter on 1983 and subsequent models; and
- O. Filler neck restriction on 1983 and subsequent models.

3. Inspection fee. The inspection fee is \$6 for each inspection and is payable whether the vehicle passes inspection or not.

§1752. Motor vehicles exempt from inspection

The following are exempt from inspection:

1. Registered in another state. A motor vehicle owned and registered in another state and displaying a valid certificate of inspection from another state or a federally approved commercial vehicle inspection program;

2. Farm tractors. A farm tractor;

3. Antique autos. An antique auto registered under section 457;

4. Farm truck. A farm truck that:

A. Is operated within a 20-mile radius from the main entrance of the farm where the vehicle is customarily kept;

B. Has a partial annual inspection of the running gear, steering mechanism, brakes, exhaust system and lights; and tires under section 1917, subsection 3; and

C. Bears the name of the municipality in which the excise tax is paid in 4-inch letters on the left door of the cab;

5. Island vehicles. A motor vehicle that is:

A. Used for the conveyance of passengers;

B. Registered for a fee of \$2 under section 501, subsection 2; and

C. Operated exclusively on an island having no roads maintained or supported by the State;

6. Motorized bicycle or tricycle. A motorized bicycle or tricycle;

7. Fish truck. A fish truck that:

A. Is operated within a 20-mile radius of the municipality where excise tax on the truck is paid;

B. Has a partial annual inspection consisting of the running gear, steering mechanism, brakes, exhaust system and lights; and

C. Bears the name of the municipality in which the excise tax is paid in 4-inch letters on the left door of the cab;

8. Woods tractor. A converted motor vehicle used as a woods tractor that:

A. Is operated within a 10-mile radius of the farm where the vehicle is customarily kept or in

the immediate vicinity of the work site where wood is being harvested;

B. Is operated only in daylight hours; and

C. Has a partial annual inspection of running gear, steering mechanism, brakes and exhaust system; and tires under section 1917, subsection 3; and

9. Registered in this State. A motor vehicle registered in this State displaying a valid certificate of inspection from another state or a federally approved commercial vehicle inspection program until its normal expiration.

§1753. Inspection of commercial vehicles, trailers and semitrailers

1. Inspection required. Except as provided in subsection 4, a commercial motor vehicle that is required to be registered in this State, is used in intrastate or interstate commerce and that has a gross vehicle weight or gross vehicle weight rating greater than 10,000 pounds, including the gross vehicle weight rating or gross weight of any trailer or semitrailer, must be inspected annually. A trailer or semitrailer used with a commercial vehicle required to be inspected must also be inspected.

2. Scope of inspection. The Chief of the State Police shall adopt rules for the inspection required by subsection 1 that meet the requirements of 49 Code of Federal Regulations, Section 396.17.

3. Fee. The fee for an inspection under this section is based on the inspector's normal hourly labor charge and is due whether or not the vehicle passes inspection. A licensed inspection station shall post the hourly labor charge in a conspicuous place.

4. Vehicles exempt from annual inspection. The following vehicles are exempt from the requirements of this section:

A. When used exclusively in intrastate commerce, a trailer or semitrailer with a gross vehicle weight, including any load, that does not exceed 3,000 pounds;

B. When used exclusively in intrastate commerce, a semitrailer designed and used exclusively for dispensing cable from reels attached to the semitrailer, commonly called a reel trailer, and any semitrailer designed and used exclusively to support the ends of poles being transported, commonly called a pole dolly, when the gross weight of the semitrailer and load does not exceed 12,000 pounds;

C. Any mobile home, empty storage trailer or empty storage semitrailer displaying a trailer transit plate in accordance with section 954, subsections 4 and 5;

D. A farm truck or a fish truck exempted under section 1752; and

E. A trailer or semitrailer displaying a valid certificate of inspection from another state or a federally approved commercial vehicle inspection program until the normal expiration of its certificate of inspection.

5. Proof of inspection. Proof of inspection must be shown either by a report that certifies that the inspection satisfies the requirements of this section or by an inspection sticker placed on the vehicle. If proof is shown by a report, the report must be produced on the demand of a law enforcement officer.

§1754. Inspection by dealers and transporters

1. Inspection standards. A holder of a dealer license or a transporter registration certificate may permit a vehicle to be operated on a public way only if the vehicle:

A. Meets inspection standards;

B. Is owned by the dealer or holder of the transporter registration certificate and is operated by the owner or the owner's employee for the sole purpose of travelling to a body repair establishment and is mechanically safe but requires body repairs;

C. Is sold or transferred to another person, meets inspection standards and displays a valid certificate of inspection issued within 60 days of the sale or transfer; or

D. If operated by a dealer or holder of a transporter registration certificate, is operated only from a point of purchase to the licensee's place of business. For the purposes of this paragraph, "point of purchase" includes, but is not limited to, an auto auction, distribution center or another licensed vehicle dealer.

This subsection does not allow the operation of an unsafe motor vehicle on a public way.

2. Remove prior certificate. If the vehicle bears a prior inspection certificate, that certificate must be removed.

3. Violations. The provisions of this subsection apply to violations of this section.

A. A violation of this section is a traffic infraction for which a penalty of not more than \$1,000 for each violation may be assessed.

B. A violation of this section is also a violation of the provisions governing unfair trade practice under Title 5, chapter 10.

C. It is not a defense to this section that the dealer or holder did not know that the vehicle did not meet inspection standards or required a certificate.

§1755. Inspection of fire trucks

A fire chief, or a municipal official of a municipality without a fire chief, may contract with a licensed inspection station for a licensed inspection mechanic to perform an inspection at the location where fire trucks are customarily kept.

§1756. Inspection standards

1. Inspection standards. Equipment subject to inspection must:

A. Be in good working order;

B. Be safely attached or secured to the chassis or body of the vehicle;

C. Be mechanically safe;

D. Not pose a hazard to the occupant of the vehicle or to the general public; and

E. Meet the standards set forth in rules adopted by the Chief of the State Police.

2. Inspection standard for catalytic converter. Notwithstanding the inspection standards of subsection 1, a catalytic converter subject to the inspection required by section 1751, subsection 2, paragraph N must meet the rules promulgated by the Chief of the State Police and must be safely attached or secured to the chassis or body of the vehicle.

3. Windows. In addition to the standards set forth in subsection 1, windows must meet the standards of sections 1915 and 1916.

4. Fenders. Except as provided by section 1953, subsection 2, paragraph E, a motor vehicle other than a street rod must be equipped with fenders or fenders and extensions. When a wheel and tire are installed that permit the tire tread to extend beyond the natural fender configuration, the fenders must be modified or extended to cover the exposed tire tread.

5. Safety seat belts. On 1980 and subsequent models, safety seat belts must be inspected to ensure that:

A. The motor vehicle has the proper number for that make and model; and

B. Each belt is fully functional.

§1757. Standard for rejection for nonfunctioning equipment

A motor vehicle must be rejected for violation of the inspection standard for equipment if any equipment described in section 1751, subsection 2 does not function sufficiently for the safety of the general public or is loose and not securely attached to the vehicle.

§1758. Issuance of sticker; placement on vehicle

1. Windshield placement. If a motor vehicle meets the inspection standard, an official inspection sticker must be placed in the lower left-hand corner of the windshield or in the center of the windshield in back of the rearview mirror.

2. Without windshield. If the vehicle is not normally equipped with a windshield, the certificate of inspection must be kept with the registration certificate of the vehicle.

§1759. Temporary permits and warnings

1. Issuance. A law enforcement officer or employee of the Bureau of Motor Vehicles designated by the Secretary of State may issue a permit allowing operation of an uninspected vehicle to an inspection station for inspection.

2. Reconstructable vehicle. This section does not apply to reconstructable motor vehicles as defined in Title 10, section 1471.

3. Warning. The owner or operator of a vehicle operated with an expired inspection sticker during the first month immediately after expiration may not be issued a summons to court by may only be issued a warning. This warning must state that the vehicle must be inspected within 2 business days. Failure to comply with a warning is a violation punishable in accordance with section 1768.

§1760. Examination and impoundment of vehicles

1. Examination for compliance. A law enforcement officer in uniform may stop and examine a motor vehicle to determine whether the vehicle's equipment complies with the requirements of section 1756.

2. Scope of inspection. The officer may demand and inspect the driver's license, the certificate of registration, permits and the identification numbers of the motor vehicle.

3. Probable cause for inspection. A law enforcement officer may require the operator to proceed to an official inspection station and submit the vehicle to an inspection and tests as may be appropriate on reasonable grounds to believe that:

A. A vehicle is unsafe or not equipped as required by law; or

B. The vehicle's equipment does not conform to the inspection standard.

§1761. Certified inspection mechanics

1. Performance of inspection. No person other than a holder of an inspection mechanic certificate may perform an inspection or issue or sign a certificate of inspection.

2. Requirements for inspection mechanic certification. To receive an inspection mechanic certificate, an applicant must:

A. Pass a written or oral examination that is designed to test knowledge of motor vehicle inspection and the method of inspecting and testing motor vehicle equipment; and

B. Be a person of honesty, integrity and reliability.

3. Examination fee. Applicants for inspection mechanic certification must pay to the Chief of the State Police a fee of \$1 for an application for examination or for renewal of a certificate.

4. Term of certification. An inspection mechanic certificate is valid for a period of 5 years from the date of issue.

5. Renewal. An examination is not required if application for a renewal is made within one year of expiration.

6. Remission of certificate. If the holder of an inspection mechanic certificate no longer performs inspections, the certificate must be remitted immediately to the Chief of the State Police.

7. Notification of change in place of employment. Prior to inspecting vehicles for a new employer, the holder of an inspection mechanic certificate shall notify the Chief of the State Police of a change of place of employment.

8. Testing in parking area. Notwithstanding sections 1251, 1252 and 1253, a certified inspection mechanic who has a valid operator's license of any class may operate a motor vehicle in a parking area adjacent to an official inspection station for the purpose of testing equipment as required by the rules adopted pursuant to this chapter.

§1762. Official inspection stations

1. Licensing of official inspection stations. The Chief of the State Police may license garages as part-time or full-time official inspection stations.

2. Requirements. To qualify as an official inspection station, a garage must meet the following requirements and the rules adopted by the Chief of the State Police.

A. The buildings must be structurally sound with a level floor and sufficient width and length for inspections.

B. Doors must be of sufficient size to accommodate the class of vehicle indicated in the station license.

C. The station must be equipped with a screen or chart and other equipment approved by the Chief of the State Police to test lights and other motor vehicle equipment subject to inspection.

D. The station must employ a certified inspection mechanic.

E. The station must perform vehicle inspections while it is open to the general public.

F. A full-time inspection station must be open to the general public for 35 hours or more per week. A part-time inspection station must be open to the general public for at least 16 but less than 35 hours per week.

3. Examination of premises and operator of garage. Before a license is granted, the premises must be examined and the operator of the garage investigated as to reliability and fitness.

4. Term of license. The license is valid for 2 years from January 1st of the year of issue.

5. Licenses not transferable. A license may not be assigned or transferred or used at other than a designated location.

6. Posting of license on premises. A license must be posted in a conspicuous place at the designated location.

§1763. Suspension or revocation of license or inspection mechanic certificate

Notwithstanding Title 5, section 10003, a State Police officer may immediately suspend or revoke the license issued to any official inspection station or the inspection mechanic certificate issued to any inspecting mechanic for a violation of this chapter or the rules promulgated pursuant to section 1769. The penalty for a first offense is a license suspension for a

period of 6 months. The penalty for a 2nd or subsequent offense is a license suspension for a period of one year or license revocation.

Pursuant to Title 5, chapter 375, the Chief of the State Police or the chief's designee shall schedule a hearing, if requested by the owner of an official inspection station, an employee of that station or the inspection mechanic, to review the suspension or revocation. The suspension or revocation remains in effect pending the final agency decision and during any appeal of that decision.

As a prerequisite to reinstatement following a license suspension or revocation, the Chief of the State Police may require an inspection mechanic to satisfactorily complete the inspection mechanic examination provided for in section 1761, subsection 2.

§1764. Fleet inspection stations

1. License by Chief of the State Police. The Chief of the State Police may license fleet inspection stations to inspect 10 or more vehicles registered in the name of a single owner.

2. Requirements. To qualify as a fleet inspection station, a station must:

A. Meet the standards of section 1762, subsection 2, paragraphs A, B and C; and

B. Have at least 10 vehicles registered in the name of the fleet inspection station owner or be under contract to the owner of the fleet of vehicles for exclusive maintenance.

3. Limit to fleet vehicles. Fleet station inspections are limited exclusively to fleet vehicles.

4. Employment of certified inspection mechanics. A fleet inspection station must employ a sufficient number of certified inspection mechanics to inspect every vehicle in the fleet annually.

A certified inspection mechanic may inspect fleets of vehicles at the fleet station, if proper inspection equipment is available.

Fleet vehicles must be inspected by a certified inspection mechanic who may issue and sign inspection certificates.

Fleet vehicle inspectors are subject to the same provisions as certified inspection mechanics.

§1765. Out-of-doors inspections

A certified inspection mechanic may inspect a vehicle out-of-doors if:

1. Class of vehicles. The vehicle conforms to the class of vehicle that the inspection station license authorizes for inspection; and

2. Altered vehicles. Alterations or additions to the basic design or structure of the vehicle not produced by the original manufacturer prevent the vehicle from entering inside the inspection station.

§1766. Inspection stickers

1. Stickers remain property of State. Inspection stickers and materials issued to inspection stations by the Chief of the State Police remain the property of the State.

2. Stock of stickers. An inspection station must stock a sufficient number of stickers to meet all demands. The stickers must be made of a material and quality of adhesive prescribed by the Chief of the State Police.

3. Fee. Stickers are furnished by the Chief of the State Police at \$1 each.

4. Statement of intent to hire a certified mechanic. If a station is disqualified by the loss of a certified mechanic, the owner shall, within 5 working days, return all stickers to the Chief of the State Police.

The owner may file a statement of intent to hire a certified inspection mechanic within 14 working days, in which case the Chief of the State Police shall hold the returned stickers for the licensee.

If a statement of intent is not filed, returned stickers may be reissued.

5. Return or refund of unused stickers. Within 20 working days of the calendar year or the suspension, revocation or termination of an inspection license, unused or expired stickers must be returned to the Chief of the State Police and the purchase price refunded or exchanged for current year stickers. Refunds or exchanges may only be made for full sheets of unused stickers.

6. Return of inspection materials. Upon suspension, revocation or termination of an inspection license, the station owner or manager shall return all inspection materials to the Chief of the State Police, who shall issue a receipt for the returned materials.

§1767. Disposition of fees

The revenues generated by this chapter must be credited to the General Highway Fund.

§1768. Unlawful acts

1. Display of fictitious certificate. A person commits a Class E crime if that person displays or permits to be displayed on a vehicle a certificate of inspection knowing the certificate to be fictitious or issued to another vehicle or issued without an inspection having been made.

2. Use of counterfeit certificate of inspection. A person commits a Class E crime if the person makes, possesses, issues or knowingly uses an imitation or counterfeit of an official certificate of inspection or a certificate of inspection that was not issued by an official inspection station in accordance with law.

3. Misrepresentation of vehicle inspection station. A person commits a Class E crime if that person represents a place as an official inspection station and the station is not operating under a valid license.

4. Issuance of certificate for substandard vehicle. A person commits a Class E crime if that person knowingly causes an official inspection sticker to be attached to a vehicle that does not conform to the inspection standard.

5. Operation of defective vehicle. A person commits a Class E crime if that person operates a vehicle on a public way with equipment on the vehicle that does not conform to the standards of this subchapter.

6. Alteration after inspection. A person commits a Class E crime if that person alters equipment after inspection so that the equipment does not conform to the standards of this subchapter.

7. Operation of vehicle without certificate of inspection. An owner or operator of a vehicle required to be inspected commits a traffic infraction if that person operates that vehicle or permits that vehicle to be operated without displaying a current and valid certificate of inspection or producing the certificate on demand of a police officer.

§1769. Rules

1. Scope. The Chief of the State Police may adopt rules:

A. For the administration and enforcement of this chapter;

B. To designate periods of time during which owners of vehicles must display or produce a certificate of inspection; and

C. Concerning the inspection of registered special mobile equipment not ordinarily operated over the highway.

2. Review of rules by Legislature. The joint standing committee of the Legislature having jurisdiction over transportation matters shall review the rules prior to adoption.

§1770. Penalties

1. General penalty. Notwithstanding Title 17-A, and unless otherwise specified, a violation of this chapter is a Class E crime, punishable by a fine of not less than \$25 nor more than \$500 or by imprisonment for not more than 30 days, or by both.

2. Traffic infraction. A violation of the rules adopted by the Chief of the State Police pertaining to this subchapter is a traffic infraction subject to a forfeiture of not less than \$25 nor more than \$250.

SUBCHAPTER II

REPAIR

§1801. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Customer. "Customer" means a person, including, but not limited to, an agent, who contracts with a repair facility for repair of a motor vehicle.

2. Flat rate. "Flat rate" means a method of calculating charges for labor that is based on the specific repair done and not on the amount of time actually spent on that repair.

3. Repair. "Repair" means the examination, maintenance, servicing, adjustment, improvement, replacement, removal or installation of a part of a motor vehicle, including, but not limited to, body work, painting and incidental services such as storage and towing, and excluding the sale of motor fuel.

4. Repair facility. "Repair facility" means a motor vehicle repair facility offering services to the general public for compensation.

§1802. Maximum charge for repair

1. Written designation by customer. Before a repair facility begins repairing a customer's motor vehicle, the customer may designate in writing a specific amount of charges for repair in excess of which the customer does not agree to be liable without further specific agreement, either oral or written.

2. No liability without agreement. A customer is not liable for a charge in excess of the specific amount designated in accordance with subsection 1 without further specific oral or written agreement.

§1803. Inspection of parts

Before demanding payment of any charge, a repair facility must allow a customer to inspect replaced parts and must return replaced parts to the customer on request unless the facility is required to return the parts to the manufacturer or distributor under a bona fide warranty or exchange arrangement.

§1804. Used parts

Unless the customer specifically agrees before installation of the part, a repair facility may not install a used, reconditioned or rebuilt part.

§1805. Notices

1. Form of notice. A repair facility must post the following notice in a place where it is reasonably likely to be seen by customers. The notice must be completed with information on charges and printed so that it is conspicuous and can be read by the average person.

The following form must be used:

"NOTICE TO OUR CUSTOMERS

REQUIRED UNDER STATE LAW

Before we begin making repairs, you have a right to put in writing the total amount you agree to pay for repairs. You will not have to pay anything over that amount unless you agree to it when we contact you later.

Before you pay your bill, you have a right to inspect any replaced parts. You have a right to take with you any replaced parts, unless we are required to return the parts to our distributor or manufacturer.

We can not install any used or rebuilt parts unless you specifically agree in advance.

You can not be charged any fee for exercising these rights.

WE CHARGE \$ _____ PER HOUR FOR LABOR.
(We round off the time to the nearest _____.)"

2. Flat rate. The notice must also contain the following if it applies:

"We also charge a flat rate for some repairs. Our service manager will explain what a flat rate is and show you how much it may cost you."

3. Availability of guide. The notice must also contain the following:

"The current edition of the National Automobile Dealer's Association Official Used Car Guide New England Edition is available for your review upon request."

§1806. Fee prohibited

A repair facility may not, directly or indirectly, charge a fee for performing an obligation or for exercising a right under this subchapter.

§1807. Unfair trade practice

A repair facility's failure to comply with this subchapter constitutes an unfair trade practice under Title 5, chapter 10.

§1808. Waiver prohibited

The duties imposed by and rights created under this subchapter may not be waived or otherwise modified. Any waiver or modification is contrary to public policy and is void and unenforceable.

§1809. Savings clause

This subchapter is in addition to and does not limit or replace other rights or procedures provided by statute or common law.

SUBCHAPTER III

ABANDONED VEHICLES

§1851. Application

This subchapter applies to a vehicle that is:

- 1. Towed at request of owner or driver.** Towed at the request of the owner or driver;
- 2. Towed because illegally parked or left standing.** Towed pursuant to section 2068 or 2069;
- 3. Towed because left without permission.** Towed after being left on property without permission;
- 4. Left without permission.** Left on property without the permission of the property owner or person in charge of the property or premises where the vehicle is located;
- 5. Left after repair completed.** Left at a place of business after being repaired pursuant to a written work order signed by the person requesting the repair work; or

6. Left on residential property. Left on an individual's residential property for more than 6 months.

A vehicle towed for snow removal purposes is exempt from the provisions of this subchapter for 48 hours immediately following completion of the tow.

§1852. Abandonment defined

For the purposes of this subchapter, a vehicle is considered "abandoned" if the owner or lienholder does not retrieve it and pay all reasonable charges for towing, storing and authorized repair of the vehicle within 14 days of publication as required by section 1854 or within 14 days of receipt of the notice required by section 1855.

§1853. Letter of ownership or certificate of title

If a person abandons a vehicle as described in section 1851, the owner of the premises or property where the vehicle is located may obtain a letter of ownership or a certificate of title by complying with this subchapter.

§1854. Unknown owner

1. Inquiry in writing. If the owner or lienholder of a vehicle is unknown, the owner of the premises where the vehicle is located shall inquire of the Secretary of State in writing whether the Secretary of State's records contain information as to the owner and lienholder, if any, of the vehicle. If only the lienholder is unknown, the inquiry required by this section may be made by telephone and need only be confirmed in writing with the Secretary of State.

2. Contents of inquiry. This inquiry must include the vehicle's make, model, year, body type, vehicle identification number and any registration and plates on the vehicle.

3. Response. On receipt of the inquiry, the Secretary of State shall provide the holder of the vehicle with the name and address of the vehicle's owner and lienholder or shall state that no record of the vehicle is on file.

4. Publication. If the Secretary of State finds no record of the vehicle, the owner of the premises where the vehicle is located shall publish a notice at least twice in a newspaper of general circulation in the county where the premises is located. That notice must clearly:

A. Describe the vehicle;

B. State that if the owner of the vehicle or lienholder has not properly retrieved it and paid all reasonable charges for its towing and storage

within 14 days from date of last publication, ownership of the vehicle will pass to the owner of the premises where the vehicle is located; and

C. State how the owner of the premises may be contacted.

§1855. Owner or lienholder known

1. Mailing of notice. If the owner of a vehicle is known, the owner of the premises where the vehicle is located shall mail notice to the owner. If the lienholder is known, notice must also be sent to the lienholder.

2. Contents; demand. The notice must clearly describe the vehicle and must give the vehicle's location and the storage fee. The notice must state that if the owner or lienholder has not properly retrieved the vehicle and paid all reasonable charges for towing, storage and authorized repair work within 14 days of receipt of the notice, ownership of the vehicle will pass to the owner of the premises where the vehicle is located.

3. Mailing. The notice must be sent by certified mail, return receipt requested. If the notice is returned unclaimed or can not be delivered, the person required to give the notice shall comply with the publication requirements of section 1854 within 10 work days of the return of the notice.

§1856. Change of ownership

1. Evidence of compliance. A person who has complied with section 1854 or 1855 shall present evidence of compliance to the Secretary of State immediately after the 14-day notice period. The Secretary of State may not issue a letter of ownership or certificate of title until at least 30 days after the date on which the person first has possession of and control over the vehicle.

2. Issuance of certificate; letter of ownership. The Secretary of State, upon being satisfied that the person has notified or has attempted to notify all parties with an interest in the vehicle, may issue certificates of title or letters of ownership as follows.

A. For a vehicle not required to be titled, on presentation of sufficient evidence and payment of a \$5 fee, the Secretary of State may issue a letter of ownership to the owner of the premises on which the vehicle is located.

B. For vehicles subject to chapter 7, on presentation of sufficient evidence and application for certificate of title in accordance with section 654 and payment of a fee set forth in section 603, the Secretary of State may issue a certificate of title

to the owner of the premises on which the vehicle is located.

If the owner or lienholder of the vehicle retrieves it and pays the towing, storage and repair charges before the Secretary of State issues a letter of ownership or certificate of title, the person holding the vehicle must immediately release it to the person paying the charges and must immediately notify the Secretary of State of the release.

§1857. Limits

If the inquiry to the Secretary of State required by section 1854 or the notice required by section 1855 is made more than 30 days after receipt of a vehicle described in section 1851, the person holding the vehicle may not collect more than 30 days of storage fees. Daily storage charges must be reasonable and total storage charges may not exceed \$600 for a 30-day period.

§1858. Abandonment of vehicle on public way

Abandonment of a vehicle on a public way is a traffic infraction. A person who is found to have abandoned a vehicle under this subsection is responsible for any towing charges that are directly related to the abandonment of the vehicle.

§1859. Removal of vehicle

Removal of a vehicle described in section 1851 or of any part or accessory from the vehicle without the written consent of the person in charge or the owner of the premises or property where the vehicle is located is a Class E crime. This subsection applies to all persons, including the owner of the vehicle.

CHAPTER 17

EQUIPMENT

SUBCHAPTER I

GENERAL PROVISIONS

§1901. General restriction

A person may not use, sell or equip a vehicle with a lens, muffler, reflector, lighting device, window-tinting material or other aftermarket equipment contrary to this Title or contrary to the rules of the Chief of the State Police.

§1902. Brakes

1. General rule. A motor vehicle must have adequate brakes in good working order that are sufficient to control the vehicle.

2. Specific standards. Brakes must be adjusted so as to stop:

A. A 2-wheel brake vehicle, within a distance of 45 feet, from a speed of 20 miles per hour;

B. A 4-wheel brake vehicle, within 30 feet, from a speed of 20 miles per hour; or

C. A motorcycle or motor-driven cycle, within 30 feet, from a speed of 20 miles per hour.

3. Parking brakes. A vehicle, except a 2-wheel motorcycle or 2-wheel motor-driven cycle, must be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading, on a surface free from snow, ice or loose material. Parking brakes:

A. Must be capable of being applied by the driver's muscular effort, spring action or equivalent means;

B. May be operated with assistance of the service brakes or other source of power, provided that failure of the service brake actuation system or other power assisting mechanism does not prevent the parking brakes from being applied;

C. Must be designed so that, once applied, they remain applied with the required effectiveness despite leakage or exhaustion of any source of energy;

D. May share the same brake drums, brake shoes and lining assemblies, brake shoe anchors and mechanical brake shoe actuation mechanisms associated with the wheel brake assemblies used for service brakes; and

E. If the means of applying the parking and service brakes are connected, must be constructed so that failure of one part does not leave the vehicle without operative brakes.

4. Trucks; specific requirements. A truck, truck tractor, trailer or semitrailer must be equipped with adequate brakes acting on all wheels of all axles, except that the following need not meet this requirement:

A. A trailer or semitrailer not exceeding a gross weight of 3,000 pounds;

B. A vehicle towed by use of a wrecker;

C. A vehicle meeting braking requirements of the motor carrier safety regulations of the United States Department of Transportation;

D. A semitrailer with a gross weight of semitrailer and load not to exceed 12,000 pounds, designed and used exclusively:

(1) For the dispensing of cable from attached reels, commonly called reel trailers; or

(2) To support the end of poles while being transported, commonly called pole dollies; and

F. A dolly axle, so-called, on a farm truck transporting agricultural products and supplies.

A dolly axle may not be considered in determining the gross weight or axle limits permitted on the vehicle.

A 2-axle or 3-axle farm truck equipped with a dolly axle is considered a 2-axle or 3-axle vehicle.

5. Multiple axles. If equipped with 3 or more axles, a truck, tractor or truck tractor manufactured prior to August 1, 1980 need not have brakes on the front wheels; if the vehicle is equipped with 2 or more steerable axles, the wheels of one such axle need not have brakes.

6. Rules. The Chief of the State Police may adopt rules governing the sufficiency and adjustment of brakes.

§1903. Adequate signaling device

A motor vehicle must have a suitable and adequate horn or other device for signaling. A signaling device or horn may not be unnecessarily sounded.

§1904. Headlights

1. General rule. A motor vehicle must be equipped with headlights of sufficient power and so adjusted and operated as to enable the operator to proceed with safety under all ordinary conditions of highway and weather.

2. Location of headlights. On a motor vehicle, a headlight must be located at a height, measured from the center of the headlight, of not more than 54 inches nor less than 22 inches above the level surface on which the vehicle stands. Headlights on snow plows may be at a height greater than 54 inches.

3. White light. Headlights must be equipped with lenses or reflectors that emit only white light.

4. Number of headlights. A motor vehicle must have mounted on the front at least 2 headlights, one on each side. A motorcycle or motor-driven cycle must have one mounted headlight.

5. Requirements. The following requirements apply to a headlight.

A. If the vehicle is mechanically constructed so that it is limited to less than 15 miles per hour, it must have headlights capable of furnishing sufficient candlepower to render any substantial object clearly discernible on a level way at least 50 feet directly ahead and at the same time at least 7 feet to the right of the axis of the vehicle for a distance of at least 25 feet.

B. If the vehicle is mechanically constructed so that it can exceed 15 miles per hour, it must have headlights capable of furnishing sufficient candlepower to render any substantial object clearly discernible on a level way at least 200 feet directly ahead and at the same time at least 7 feet to the right of the axis of the vehicle for a distance of at least 100 feet.

C. A headlight capable of furnishing more than 4 candlepower, if equipped with a reflector, may not be used unless the headlight is designed, equipped or mounted so that no portion of the beam of light, when projected 75 feet or more ahead, rises above a plane of 42 inches higher than and parallel with the level surface on which the vehicle stands.

D. The top of a main beam of light may not be higher than the headlight center.

E. An electric bulb or other lighting device of a greater capacity than 32 candlepower may not be used, except for the standard equipment sealed beam unit.

F. A headlight may not project the top of a main beam, at a distance of 25 feet ahead of the vehicle, on an approximately level stretch of highway, onto the body of a person or an object, at a height greater than that of the center of the front light from the highway.

6. Motorcycle. A motorcycle or motor-driven cycle that does not have an adequate beam for headlights is restricted to daytime operation.

7. Exception for farm tractors. This section does not apply to unregistered farm tractors.

§1905. Rear lights

1. Requirement. Except as provided in subsection 3, a motor vehicle with 3 or more wheels must have on the rear 2 lights, one on each side of the axis, each capable of displaying a red light visible for a distance of at least 100 feet behind the vehicle.

2. Vehicles used in conjunction. When a vehicle is used in conjunction with another vehicle, only the last must carry the lights.

3. Vehicles manufactured with one rear light. If a vehicle was manufactured with only a single rear light, that light is sufficient if the light complies with the visibility requirement and is in the center or to the left of the vehicle's axis.

4. Exception for farm tractors. This section does not apply to unregistered farm tractors.

§1906. Clearance lights

A vehicle 7 feet or more in width must have a green or amber light attached to the extreme left of the front, adjusted to indicate the extreme left lateral extension of the vehicle or load and at least one red light on the extreme left lateral extension of the vehicle or load on the rear.

A vehicle with a closed body 8 feet or more in height must display 2 green or amber lights attached to the extreme left of the front of its body, one at the top and the other at the bottom. The vehicle must also display at least one red light on the extreme upper left lateral extension of its body.

Body width lights and height lights must be visible not less than 200 feet in the direction towards which the vehicle is proceeding or facing.

In place of body width lights and height lights, a vehicle may be equipped with an adequate reflector conforming as to color and location to the requirements for the light.

This section does not apply to unregistered farm tractors.

§1907. Rear reflectors

A vehicle must be equipped with at least one adequate reflector securely attached to the rear. The reflector:

1. Part of rear light. May be a part of the rear light;

2. Color. Must be red; and

3. Reflection. Must be designed, located and maintained to reflect at night on an unlighted highway, from at least 200 feet, the lawful undimmed headlights of a vehicle approaching from the rear.

4. Exception for unregistered farm tractors. This section does not apply to unregistered farm tractors.

§1908. Location of rear lights, reflectors and signal lamps

On a vehicle 7 feet wide or wider, all rear lights, reflectors and signal lights must be within 12 inches of the extreme extension of the vehicle. On flat-body dump trucks, rear lights and signal lamps may be mounted on the rear of the frame. This section does not apply to unregistered farm tractors or to trailers with rear lights, reflectors and signal lights installed by the commercial manufacturer.

§1909. Registration lamp

A vehicle must have a white light capable of illuminating the rear registration plate so that the characters on the plate are visible for a distance of at least 50 feet. This section does not apply to unregistered farm tractors.

§1910. Rules governing lights on vehicles

The Chief of the State Police may adopt rules governing the adjustment, use and operation of lights on vehicles.

§1911. Hydraulic brake fluid

1. Definition. "Hydraulic brake fluid" means the liquid medium through which force is transmitted to the brakes in the hydraulic brake system of a vehicle.

2. Requirement. Hydraulic brake fluid must be distributed and serviced with due regard for the safety of the occupants of the vehicle and the public.

3. Rules. The Commissioner of Public Safety may adopt rules establishing standards and specifications for hydraulic brake fluid that must correlate with and, so far as practicable, conform to current standards and specifications of the Society of Automotive Engineers applicable to the fluid.

4. Prohibition. A person may not distribute, have for sale, offer for sale, sell or service a vehicle with hydraulic brake fluid unless that fluid complies with the requirements of this section.

§1912. Mufflers

1. Muffler required. A person may not operate a motor vehicle unless that vehicle is equipped with an adequate muffler properly maintained to prevent excessive or unusual noise.

2. Cutouts prohibited. Except as provided in subsection 5, a muffler or exhaust system may not be equipped with a cutout, bypass or similar device.

3. Amplification prohibited. A person may not operate a motor vehicle with an exhaust system

that has been modified to amplify or increase the noise emitted by the motor above that emitted by the muffler originally installed on the vehicle.

4. Exhaust system fastened to engine. The entire exhaust system must be complete, without leakage and securely fastened to the engine block and frame.

5. Racing meets. Notwithstanding subsection 2, an owner or operator of a motor vehicle used occasionally in racing meets may obtain a permit from the Secretary of State for installing a cutout, bypass or similar device on the exhaust system of that motor vehicle.

The cutout, bypass or similar modification must be kept closed and inoperative while the vehicle is on a public way.

The permit must be in the vehicle at all times while on a public way.

The Secretary of State shall determine the eligibility of all applicants for a permit.

The permit fee is \$1 for the registration year.

§1913. Mirrors

1. Mirrors required. A person may not operate on a public way a vehicle so constructed, equipped, loaded or used that the operator is prevented from having a constantly free and unobstructed view of the way immediately to the rear, unless there is attached a mirror or reflector placed and adjusted to afford the operator a clear, reflected view of the highway to the rear of the vehicle for a distance of at least 200 feet.

2. Temporary mirrors. When a vehicle is operated without a trailer or semitrailer, temporary outside rearview mirrors must be removed or otherwise adjusted so as not to extend beyond the width of the automobile.

3. Motorcycles. A motorcycle or motor-driven cycle must be equipped with a rear view mirror mounted and adjusted to afford the operator a clear, reflected view of the highway in the rear for a distance of at least 200 feet.

§1914. Safety seat belts

1. Safety seat belts required. A person may not buy, sell, lease, trade or transfer from or to a resident at retail a model year 1966 or later motor vehicle, unless that vehicle is equipped with safety seat belts installed for use in the left and right front seats.

§1915. Windows

1. Safety glass. A motor vehicle must be equipped with safety glass wherever glass is used in partitions, doors, windows or windshields.

"Safety glass" means a product composed of glass or of other materials, manufactured, fabricated or treated to prevent shattering and flying of broken glass.

The Commissioner of Public Safety may maintain a list of the approved types of glass.

Replacements of glass partitions, doors, windows or windshields must be made with safety glass.

2. Window repairs. When a window, other than the windshield, is broken, the operator may repair the window by temporarily replacing it with an opaque substance until there is a reasonable opportunity for replacement.

§1916. Reflective and tinted glass

1. Windows to be unobscured. A person may not operate a motor vehicle and an inspection mechanic may not issue a certificate of inspection for a motor vehicle, if:

A. A window is composed of, covered by or treated with any material that is reflective;

B. The front windshield is composed of, covered by or treated with a material that reduces the light transmittance through the window more than the original installation window or an original replacement window;

C. A side window or rear window is composed of, covered by or treated with a material that has a light transmittance of less than 50%; or

D. A front windshield, front door window or window at either end of a rear passenger seat does not contain 2-way glass that provides the occupants with a clear view of the road and a person outside the vehicle with a clear view of the occupants and the interior of the vehicle.

2. Exceptions. The following exceptions apply.

A. The provisions of subsection 1 do not apply to:

(1) A certificate or other paper required or allowed by law to be displayed;

(2) The label attached to a window showing the price, estimated mileage and other federally mandated information commonly known as the manufacturer's suggested retail price label;

(3) Sun-screening or window-tinting material along a 4-inch strip at the top of the windshield; or

(4) Motor vehicles for which the Chief of the State Police has granted an exception because the health of the owner or a person who usually occupies the vehicle is adversely affected by sunlight. The Chief of the State Police may, upon proper application, provide the owner of a motor vehicle with a certificate of exemption that must be displayed upon the request of a law enforcement officer.

B. The provisions of subsection 1, paragraphs C and D do not apply to side windows behind the operator's seat or the rear window of the following motor vehicles, provided that the vehicle is equipped with 2 outside rear view mirrors, one on each side, adjusted so that the operator has a clear view of the highway behind the vehicle:

(1) A bus that transports passengers for hire;

(2) A motor vehicle used to transport human remains by a funeral establishment, as described in Title 32, section 1501, or by a medical examiner, appointed pursuant to Title 22, section 3022 or 3023; or

(3) A limousine that regularly transports passengers for hire, has a carrying capacity of more than 6 passengers and whose owner is required to obtain an operating permit pursuant to section 552.

C. The provisions of subsection 1, paragraphs C and D, do not apply to side windows behind the operator's seat or the rear window of a motor vehicle that is equipped with original installation windows or original replacement windows, originally installed or replaced in conformance with Federal Motor Vehicle Standard 205, except that any such window with a light transmittance of less than 70% may not be covered by or treated with any material that further reduces the light transmittance.

3. Light transmittance certificate. The owner or operator of a motor vehicle with tinted windows that are not replaced in accordance with Federal Motor Vehicle Safety Standard 205 or windows covered by or treated with tinting material must acquire a light transmittance certificate and must show the certificate to the inspection mechanic at the time of inspection.

A person who, for compensation, installs tinted replacement windows or window-tinting materials may

issue a certificate for a motor vehicle that complies with the light transmittance standards and shall ensure compliance and issue a certificate for a vehicle on which that person has installed the tinted window or tinting material.

Upon request, the Bureau of State Police shall provide light transmittance certificates to persons who, for compensation, install tinted replacement windows or window-tinting materials. Light transmittance certificates provided by the Bureau of State Police to installers in accordance with this subsection remain the property of the State.

An installer who is adjudicated of a violation of this section or files an answer of "not contested" to a summons for a violation of this section shall return all unissued light transmittance certificates to the Bureau of State Police within 10 days of adjudication or of filing the answer. The Bureau of State Police may not provide that installer with light transmittance certificates for a period of 6 months after the date of adjudication or filing an answer of "not contested."

4. Violations. A person may not:

A. Install a replacement window in or window-tinting material on a motor vehicle that does not meet the standards of subsections 1 and 2;

B. Fail to issue a certificate as required by subsection 3, after installing for compensation a tinted replacement window or window-tinting material;

C. Alter the window-tinting materials after a certificate has been issued pursuant to subsection 3 and then display the certificate as proof that the windows meet the standards of subsection 1 or 2;

D. Display or permit to be displayed a light transmittance certificate, knowing the certificate to be fictitious or issued to another motor vehicle or issued without the motor vehicle meeting the standards of subsection 1 or 2;

E. Knowingly cause a light transmittance certificate to be issued for a motor vehicle that does not meet the standards of subsection 1 or 2;

F. Operate or cause the operation of a motor vehicle that does not meet the requirements of this section; or

G. Fail to return all unissued light transmittance certificates to the Bureau of State Police in accordance with subsection 3.

5. Presumption. If the operator of a motor vehicle with a tinted replacement window or window-

tinting material installed fails to produce a certificate as required by subsection 3 on the request of a law enforcement officer, it is presumed that the motor vehicle does not meet the requirements of this section.

6. Penalty. A person who is adjudicated of a violation of this section commits a traffic infraction that must be punished by a forfeiture of not less than \$100.

7. Rules. The Chief of the State Police may adopt rules to implement and administer this section and to collect reasonable fees for that administration.

§1917. Tires

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

A. "Tread depth" means the amount of tread design on the tire. "Tread depth" includes original, retread and recap tread design and, in respect to a special mileage commercial tire, recut, regrooved and siped tread design.

B. "Special mileage commercial tire" means a tire manufactured with an extra layer of rubber between the cord body and original tread design, which extra layer is designed for the purpose of recutting or regrooving, and which tire is specifically labelled as a "special mileage commercial tire."

2. Safe tires required. A motor vehicle may not be operated on a public way unless it is equipped with tires in safe operating condition. A tire mounted on a motor vehicle is not considered to be in safe operating condition unless it meets the visual and tread depth requirements set forth in subsections 3 and 4.

3. Visual requirements. A tire is not in safe operating condition if that tire has:

A. A fabric break or a cut in excess of one inch in any direction as measured on the outside of the tire and deep enough to reach the body cords;

B. A temporary repair by the use of blowout patches or boots;

C. A bump, bulge or knot related to separation or partial failure of the tire structure;

D. A portion of the ply or cord structure exposed; or

E. Sidewalls damaged to the extent that the body cords are damaged.

4. Tread depth. A tire is not in safe operating condition if it is worn to the point where less than 2/32 inch of tread design remains at all points at which gauge readings are required. Tread depth must be measured as follows.

A. Tire tread depth must be measured by a tread depth gauge that is calibrated in 1/32 inch.

B. Readings must be taken in 2 adjacent major tread grooves at 2 points in each of the grooves not closer than 15 inches.

C. Readings for a tire that has the tread design running across the tire or for a siped tire must be taken at or near the center of the tire at 2 points of the circumference not closer than 15 inches.

5. Exemptions. A farm vehicle used exclusively for agricultural purposes, including, but not limited to, a self-propelled combine, self-propelled corn and hay harvesting machine or tractor used exclusively for agricultural purposes, is exempt from this section.

§1918. Regrooved tires

A person commits a Class E crime if that person distributes, has for sale, offers for sale, sells or uses on a motor vehicle a pneumatic tire that has been regrooved below the original tread depth, unless that tire was originally manufactured with extra under-tread material.

§1919. Studded tires

From the first day of May to the first day of October, a person may not operate a vehicle with tires having metal studs, wires, spikes or other metal protruding from the tire tread.

The Commissioner of Transportation may extend the use period or, in a special case, grant a permit covering stated periods of time for the use of studded tires for other periods. The fee for such permits may not be less than \$3 nor more than \$15, as determined by the commissioner. The permit must be carried in some easily accessible place in or about the vehicle.

This section does not apply to fire department vehicles or school buses during the months school is in regular session.

§1920. Vehicle frame height

1. Minimum and maximum frame end heights. A motor vehicle may not be operated on a public way or receive a certificate of inspection with a frame end height of less than 10 inches or a maxi-

imum frame end height based on the manufacturer's gross vehicle weight rating that is greater than:

A. For an automobile, 22 inches in the front and rear;

B. For a vehicle of 4,500 pounds and less, 24 inches in the front and 26 inches in the rear;

C. For a vehicle of 4,501 pounds to 7,500 pounds, 27 inches in the front and 29 inches in the rear; and

D. For a vehicle of 7,501 pounds to 10,000 pounds, 28 inches in the front and 30 inches in the rear.

Measurements must be taken from a level surface to the lowest point on the frame.

2. Modifications. A vehicle may not be modified to cause, under normal operation, the vehicle body or chassis to come into contact with the ground, expose the fuel tank to damage from collision or cause the wheels to come in contact with the body.

3. Suspension. An original suspension system may not be disconnected. This section does not prohibit the installation of heavy duty equipment, including shock absorbers and overload springs, or prohibit a person from operating on a public way a motor vehicle with normal wear of the suspension system if normal wear does not affect control of the vehicle.

§1921. Television prohibited from vehicles

A person may not operate a motor vehicle equipped with a television viewer, screen or other means of visually receiving a television broadcast that is visible to the operator.

§1922. Advertisements on motor vehicles

1. Prohibition. Except as provided in this section, an owner or operator may not operate on a public way a motor vehicle to which is affixed an illuminated advertisement.

2. Display rules. For purposes of vehicle identification, in addition to the provisions of section 1951, a motor truck, truck tractor or semitrailer may display an illuminated sign in accordance with rules adopted by the Commissioner of Public Safety according to the Maine Administrative Procedure Act.

3. Standards. Among other standards determined by the Commissioner of Public Safety to be necessary to protect the welfare and safety of the general public, an illuminated sign:

A. Must bear the name of the owner of the vehicle, the lessee of the vehicle or the person for which the operator is transporting property or goods; and

B. May identify the cargo in transit.

4. Location of sign. An illuminated sign may only be displayed as follows:

A. On truck tractors, on the wind deflector on the roof of the truck tractor;

B. On a semitrailer, on the front portion of the semitrailer; and

C. On a truck, on the front portion of the storage compartment above and behind the cab.

5. Lights prohibited. An illuminated sign may not be lighted by a flashing, blinking or neon light.

6. Form, size and light of sign. An illuminated sign must be in a form, size and light so as not to distract or impair the vision of the operator of another motor vehicle.

7. Exception. This section does not apply to the illuminated name and telephone number identification affixed to vehicles for the conveyance of passengers.

SUBCHAPTER II

TRUCKS

§1951. Name of owner or lessee displayed

A truck tractor owner or operator shall display on both sides of the truck tractor the name of the owner or lessee in letters not less than 2 1/2 inches in height.

§1952. Flares; emergency signals

1. Carry flares. A truck or truck tractor with a registration for operation with gross vehicle weight in excess of 10,000 pounds must be equipped with 2 red flags, 3 flares and 3 red lanterns or red emergency reflectors. A vehicle transporting inflammable liquids or gas in bulk may not carry flares.

2. Disabled vehicle. When a truck or truck tractor with a registration for operation with gross vehicle weight in excess of 10,000 pounds is disabled on a public way, the operator shall, during the time that lights are required to be illuminated, place emergency signals as follows:

A. One flare or lantern or red emergency reflector in the center of the lane of traffic occupied by the disabled motor vehicle not less than 100 feet

from the vehicle in the direction of traffic approaching in that lane;

B. One flare or lantern or red emergency reflector not less than 100 feet from the vehicle in the center of the same lane in the opposite direction; and

C. One flare or lantern or red emergency reflector at the traffic side of the vehicle not closer than 10 feet from the front or rear.

When lights are not required to be illuminated, red flags must be used, except that no flag is required to be placed at the side of the vehicle.

§1953. Splash guards

1. Required. A truck, truck tractor, trailer and semitrailer must be equipped with suitable guards that will effectively reduce the spray or splash of mud, water or slush caused by the rear wheels.

2. Exception. Splash guards are not required for:

A. A truck with a gross vehicle weight of 6,000 pounds or less;

B. A dump truck:

(1) While being operated on construction or reconstruction projects in a construction area established by the Department of Transportation; and

(2) On a public way between the project and a pit or quarry where materials are being obtained when the pit or quarry is within 7 miles of the construction area;

C. A truck tractor when not hauling a trailer or semitrailer;

D. A fire department vehicle;

E. A motor vehicle equipped with fenders; or

F. A truck with a stake body that extends not less than 6 feet beyond the rear axle and that is registered under section 505.

CHAPTER 19

OPERATION

SUBCHAPTER I

RULES OF THE ROAD

§2051. Traffic lanes

When a public way has been divided into 2 or more clearly marked lanes for traffic, the following provisions apply.

1. Single lane. A vehicle must be operated as nearly as practical entirely within a single lane. A vehicle may not be moved from a lane until the operator has first ascertained that the movement can be made with safety.

2. Center lane. On a public way that is divided into 3 lanes and provides for 2-way movement of traffic, a vehicle may not be operated in the center lane except:

A. When overtaking and passing another vehicle when the way is clearly visible and the center lane is clear of traffic for a safe distance;

B. In preparation for a left turn; or

C. Where the center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is posted to give notice of that allocation.

3. Signs. An operator shall obey an official sign or traffic control device:

A. Directing slowly moving traffic to use a designated lane;

B. Designating a lane to be used by traffic moving in a particular direction regardless of the center of the way; or

C. Prohibiting the changing of lanes on sections of a public way.

§2052. Divided highways

1. Divider defined. For purposes of this section, a "divider" means an intervening space, a physical barrier or a clearly indicated dividing space dividing 2 ways and constructed to impede vehicular traffic over it.

2. Drive on right-hand way. When a public way has a divider, a vehicle may be driven only on the right-hand way.

3. Crossing. An operator may not drive a vehicle over, across or within a divider, or an opening or crossover of a divider. An operator may not disobey the restrictions on official signs at an opening or crossover of a divider.

4. Limited access. An operator may not drive a vehicle onto or from a limited-access way except at established entrances and exits.

5. Limiting use. The Department of Transportation or a municipality, with respect to a way under that authority's jurisdiction, may prohibit the use of a way by pedestrians, bicycles or other nonmotorized traffic, motorized bicycles or tricycles, or motor-driven cycles.

On limiting the use, the authority shall erect and maintain official signs stating the prohibition. A person may not disobey the restrictions stated on those signs.

6. Ways with speed limit of 65 miles per hour. An operator driving on a limited-access way with a speed limit of 65 miles per hour is restricted in ordinary operation to the right-hand lane and may use adjacent lanes for overtaking and passing another vehicle, but must return to the right-hand lane at the earliest opportunity. This requirement does not apply to an authorized emergency vehicle, or to a vehicle otherwise directed by posted signs, a law enforcement officer or a highway maintenance crew.

§2053. Right-of-way

1. Keeping right. When operators of vehicles approach each other from opposite directions, each must travel to the right of the center of the travel portion of the public way to allow the other to pass without interference. When it is unsafe or difficult to pass without interference, an operator must stop at a reasonable time and convenient place, to allow the other to pass.

2. Slow-moving vehicles. An operator of a vehicle moving slowly shall keep the vehicle as close as practicable to the right-hand boundary of the public way, and allow faster moving vehicles reasonably free passage to the left.

3. Public intersections. The operator of a vehicle at intersecting public ways has the right-of-way over a vehicle on the operator's left, and must yield right-of-way to one on its right, except:

A. At a traffic circle or rotary; or

B. When otherwise directed by a law enforcement officer.

4. Private to public intersection. An operator of a vehicle entering a public way from a private way must yield the right-of-way to a vehicle on the public way or to a pedestrian. After yielding, the operator of the vehicle must proceed cautiously.

For the purposes of this subsection, "private way" means any way or road access onto a public way, including an alley, driveway or entrance.

5. Vehicle turning left. An operator of a vehicle who intends to turn left must yield the right-of-way to a vehicle approaching from the opposite direction when the approaching vehicle is within the intersection or so close as to constitute an immediate hazard.

6. Traffic circles or rotary intersections. An operator of a vehicle approaching a traffic circle or rotary intersection, must yield the right-of-way to a vehicle already within the traffic circle or rotary intersection, unless otherwise regulated by a law enforcement officer or by traffic control devices.

7. Traffic islands. An operator of a vehicle passing around a rotary traffic island must drive only to the right of the island.

8. Highway construction and maintenance areas. An operator of a vehicle must yield the right-of-way to an authorized vehicle or person actually engaged in work on a public way:

A. Within a construction or maintenance area indicated by official traffic control devices; or

B. When the vehicle displays flashing lights meeting the requirements of section 2054.

§2054. Emergency and auxiliary lights; sirens; privileges

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

A. "Ambulance" means any vehicle designed, constructed and routinely used or intended to be used for the transportation of ill or injured persons and licensed by Maine Emergency Medical Services pursuant to Title 32, chapter 2-B.

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

- (1) An ambulance;
- (2) A Baxter State Park Authority vehicle operated by a Baxter State Park ranger;
- (3) A Bureau of Marine Patrol vehicle operated by a coastal warden;
- (4) A Department of Conservation vehicle operated by a forest ranger;
- (5) A Department of Conservation vehicle used for forest fire control;
- (6) A Department of Corrections vehicle used for responding to the escape of or performing the high-security transfer of a

prisoner, juvenile client or juvenile detainee;

(7) A Department of Inland Fisheries and Wildlife vehicle operated by a warden;

(8) A Department of Public Safety vehicle operated by a liquor enforcement officer for the purpose of enforcing section 2411 or Title 28-A, a state fire inspector or a Maine Drug Enforcement Agency officer;

(9) An emergency medical service vehicle;

(10) A fire department vehicle;

(11) A hazardous material response vehicle;

(12) A railroad police vehicle;

(13) A sheriff's department vehicle;

(14) A State Police or municipal police department vehicle;

(15) A vehicle operated by a chief of police, a sheriff or a deputy sheriff when authorized by the sheriff;

(16) A vehicle operated by a municipal fire inspector, a municipal fire chief, an assistant or deputy chief or a town forest fire warden;

(17) A vehicle operated by a qualified deputy sheriff or other qualified individual to perform court security-related functions and services as authorized by the State Court Administrator pursuant to Title 4, section 17, subsection 15; or

(18) A Federal Government vehicle operated by a federal law enforcement officer.

C. "Auxiliary light" means a light, other than standard equipment lighting such as headlights, taillights, directional signals, brake lights, clearance lights, parking lights and license plate lights, that is displayed on a vehicle and used to increase the operator's visibility of the road or the visibility of the vehicle to other operators and pedestrians.

D. "Emergency light" means an auxiliary light displayed and used on an authorized emergency vehicle to distinguish it and make it recognizable as an authorized emergency vehicle.

E. "Emergency medical service vehicle" means a vehicle equipped and used to transport emergency medical personnel or equipment to ill or

injured persons and authorized by Maine Emergency Medical Services.

F. "Fire vehicle" means any vehicle listed under paragraph B, subparagraph (5) or (16).

G. "Hazardous material response vehicle" means a vehicle equipped for and used in response to reports of emergencies resulting from actual or potential releases, spills or leaks of, or other exposure to, hazardous substances that is authorized by a mutual aid agreement pursuant to Title 37-B, section 795, subsection 3 and approved by the local emergency planning committee or committees whose jurisdiction includes the area in which the vehicle operates.

H. "Highway maintenance vehicle" means a vehicle used to maintain the highways, including, but not limited to, a plow, grader, sand truck, sweeper and tar truck.

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

2. Authorized lights. Authorized lights are governed as follows.

A. Only an ambulance; an emergency medical service vehicle; a fire department vehicle; a police vehicle; a Department of Conservation vehicle used for forest fire control; a Department of Corrections vehicle as described in subsection 1, paragraph B, subparagraph (6); and a highway maintenance vehicle may be equipped with a device that provides for alternate flashing of the vehicle's headlights.

B. Only a police vehicle may be equipped with a device that provides for alternate flashing of the vehicle's brake or rear directional lights and back-up lights.

C. The use of amber lights on vehicles is governed by the following.

(1) A vehicle engaged in highway maintenance or in emergency rescue operations by civil defense and public safety agencies and a public utility emergency service vehicle may be equipped with auxiliary lights that emit an amber light.

(2) A wrecker must be equipped with a flashing light mounted on top of the vehicle in such a manner as to emit an amber light over a 360° angle. The light must be in use on a public way or a place where public traffic may reasonably be anticipated

when servicing, freeing, loading, unloading or towing a vehicle.

(3) A vehicle engaged in snow removal or sanding operations on a public way must be equipped with and display at least 2 auxiliary lights mounted on the highest practical point on the vehicle and provide visible light coverage over a 360° range. The lights must emit an amber beam of light, be at least 6 inches in diameter and be equipped with blinking attachments. In lieu of the lights specified, a vehicle may be equipped with at least one auxiliary rotating flashing light having 4-inch sealed beams and showing amber beams of light over a 360° range or an amber strobe, or combination of strobes, that emits at a minimum a beam of 1,000,000 candlepower and provides visible light coverage over a 360° range. When the left wing of a plow is in operation and extends over the center of the road, an auxiliary light must show the extreme end of the left wing. That light may be attached to the vehicle so that the beam of light points at the left wing. The light illuminating the left wing may be controlled by a separate switch or by the regular lighting system and must be in operation at all times when the vehicle is used for plowing snow on public ways.

(4) A vehicle equipped and used for plowing snow on other than public ways may be equipped with an auxiliary rotary flashing light that must be mounted on top of the vehicle in such a manner as to emit an amber beam of light over a 360° angle, or an amber strobe, or combination of strobes, that emits at a minimum a beam of 1,000,000 candlepower and provides visible light coverage over a 360° range. The light may be in use on a public way only when the vehicle is entering the public way in the course of plowing private driveways and other off-highway locations.

(5) A rural mail vehicle may be equipped with auxiliary lights.

(a) The lights used to the front must be white or amber, or any shade between white and amber.

(b) The lights used to the rear must be amber or red, or any shade between amber and red.

(c) The lights, whether used to the front or rear, must be mounted at the

same level and as widely spaced laterally as possible.

(d) The lights, whether used to the front or rear, must flash simultaneously.

(e) The lights must be visible from a distance of at least 500 feet under normal atmospheric conditions at night.

(6) A vehicle used or provided by a contract security company to assist in traffic control and direction at construction or maintenance sites on a public way may be equipped with auxiliary lights. The auxiliary lights must be amber.

D. Emergency lights used on a police vehicle; a Department of Corrections vehicle as described in subsection 1, paragraph B, subparagraph (6); a vehicle operated by a chief of police, a sheriff or a deputy sheriff; and a vehicle operated by a qualified deputy sheriff or other qualified individual performing court security-related functions and services must emit a blue light or a combination of blue and white light. No other vehicle may be equipped with or display a blue light, except that on any vehicle, or replica of a vehicle, manufactured prior to 1952 and registered under section 457, the taillight may contain a blue or purple insert of not more than one inch in diameter.

E. Two fog or auxiliary lights, which must emit amber or white light, may be mounted on a motor vehicle. The rays from the lights may not shine more than 2 feet above the road at a distance of 30 feet. A fog or auxiliary light mounted higher than the center of the main headlights may not be illuminated while a motor vehicle is being operated on any public way.

F. Only vehicles listed in this paragraph, rural mail vehicles as provided in paragraph C, subparagraph (5) and school buses may be equipped with, display or use a red auxiliary or emergency light.

(1) Emergency lights used on an ambulance, an emergency medical service vehicle, a fire department vehicle, a fire vehicle or a hazardous material response vehicle must emit a red light or a combination of red and white light.

(2) The municipal officers, when approved by the fire chief, may authorize an active member of a municipal or volunteer fire department to use a flashing red signal

light not more than 5 inches in diameter on a vehicle. The light may be displayed but may be used only while the member is en route to or at the scene of a fire or other emergency. The light must be mounted as near as practicable above the registration plate on the front of the vehicle or on the dashboard. A light mounted on the dashboard must be shielded so that the emitted light does not interfere with the operator's vision.

(3) Members of an emergency medical service licensed by Maine Emergency Medical Services may display and use on a vehicle a flashing red signal light of the same proportion, in the same location and under the same conditions as those permitted municipal and volunteer firefighters, when authorized by the chief official of the emergency medical service.

G. A vehicle may be equipped with a spotlight. Only spotlights on authorized emergency vehicles, highway maintenance vehicles and public utility vehicles may be used on a public way, except any vehicle may use a spotlight in cases of necessity when other lights required by law fail to operate.

3. Sirens. A bell or siren may not be installed or used on any vehicle, except an authorized emergency vehicle.

4. Right-of-way. An authorized emergency vehicle operated in response to, but not returning from, a call or fire alarm or operated in pursuit of an actual or suspected violator of the law has the right-of-way when emitting a visual signal using an emergency light and an audible signal using a bell or siren. On the approach of any such vehicle, the operator of every other vehicle shall immediately draw that vehicle as near as practicable to the right-hand curb, parallel to the curb and clear of any intersection and bring it to a standstill until the authorized emergency vehicle has passed.

5. Exercise of privileges. The operator of an authorized emergency vehicle when responding to, but not upon returning from, an emergency call or fire alarm or when in pursuit of an actual or suspected violator of the law may exercise the privileges set forth in this subsection. The operator of an authorized emergency vehicle may:

A. Park or stand, notwithstanding the provisions of this chapter;

B. Proceed past a red signal, stop signal or stop sign, but only after slowing down as necessary for safe operation;

C. Exceed the maximum speed limits as long as life or property is not endangered, except that employees of the Department of Corrections may not exercise this privilege;

D. Disregard regulations governing direction of movement or turning in specified directions; and

E. Proceed with caution past a stopped school bus that has red lights flashing only:

(1) After coming to a complete stop; and

(2) When signaled by the school bus operator to proceed.

6. Emergency lights and audible signals. The operator of an authorized emergency vehicle who is exercising the privileges granted under subsection 5 shall use an emergency light authorized by subsection 2. The operator of an authorized emergency vehicle who is exercising the privileges granted under subsection 5, paragraphs B, C, D and E shall sound a bell or siren when reasonably necessary to warn pedestrians and other operators of the emergency vehicle's approach.

7. Duty to drive with due regard for safety. Subsections 4, 5 and 6 do not relieve the operator of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor do those subsections protect the operator from the consequences of the operator's reckless disregard for the safety of others.

8. Standards for lights on highway maintenance vehicles. The Commissioner of Transportation, with the consent of the Chief of the State Police, shall adopt standards and specifications for head-lights, clearance lights, identification lights and other lights on highway maintenance vehicles. These standards must include prescribed usage for the various lights when a highway maintenance vehicle is in operation. The standards and specifications adopted pursuant to this section must correspond to and so far as practical conform with those approved by the national association of state highway officials. The standards and specifications adopted pursuant to this section are in addition to and do not supersede the lighting requirements established in subsections 1 to 7 and sections 1904 to 1909.

Highway maintenance vehicles owned by a municipality or performing maintenance under contract to a municipality must meet the lighting requirements established in subsections 1 to 7 and sections 1904 to 1909. A municipality may adopt the standards and

specifications developed in accordance with this subsection.

§2055. Animals on a public way

1. Riding animals or driving animal-drawn vehicles. A person riding an animal or driving an animal-drawn vehicle on a public way has the rights and is subject to the duties of a vehicle operator, except those provisions that by their nature have no application.

2. Unattended animal-drawn vehicle. A person may not allow an animal-drawn vehicle to be on a public way unattended unless the vehicle is reasonably fastened.

3. Frightened animals. When a person riding, driving or leading an animal that appears to be frightened signals by putting up a hand or by other visible sign, an operator approaching from the opposite direction must stop as soon as possible and remain stationary as long as necessary and reasonable to allow the animal to pass. When traveling in the same direction, the operator must use reasonable caution in passing an animal.

4. Annoyance. An operator may not knowingly operate a motor vehicle in a manner to annoy, startle, harass or frighten an animal being ridden or driven on or near a public way.

5. Throwing object. An operator or person in a motor vehicle may not throw an object or substance from the vehicle toward an animal being ridden or driven on or near a public way.

§2056. Pedestrians

1. Pedestrian traffic. When use of a sidewalk next to a public way is practicable, a pedestrian may not walk on that public way.

2. Pedestrian on way. Where sidewalks are not provided, a pedestrian shall walk facing approaching traffic on the left side of the public way or the way's shoulder when practicable.

3. Pedestrians on sidewalks. An operator shall yield the right-of-way to a pedestrian on a sidewalk.

4. Pedestrians in crosswalks. When traffic-control devices are not in operation, an operator must yield the right-of-way to a pedestrian crossing within a crosswalk when the pedestrian is on the same half of the way or approaching so closely as to be in danger.

5. Pedestrian crossing. A pedestrian must yield the right-of-way to a vehicle when crossing a way:

A. Other than within a marked crosswalk; or

B. With an available pedestrian tunnel or overhead pedestrian crossing.

6. Pedestrian prohibitions. A pedestrian may not:

A. Cross between adjacent intersections at which traffic-control devices operate, except in a marked crosswalk;

B. Cross an intersection diagonally, unless authorized by official traffic-control devices; or

C. Suddenly leave a curb or other place of safety and walk or run into the path of a vehicle that is so close that it is impossible for the operator to yield.

7. When vehicle stopped. When a vehicle is stopped at an intersection or a marked crosswalk to permit a pedestrian to cross, the operator of another vehicle approaching from the rear may not overtake and pass the stopped vehicle.

8. Due care. Notwithstanding other provisions of this chapter or of a local ordinance, an operator of a vehicle shall:

A. Exercise due care to avoid colliding with a pedestrian;

B. Give warning by sounding the horn when necessary; and

C. Exercise proper caution on observing a child or any obviously confused, incapacitated or intoxicated person.

§2057. Traffic-control devices

An operator shall obey a traffic-control device, unless otherwise directed by a law enforcement officer. A traffic-control device conforming to the requirements for these devices is presumed to comply with this chapter.

1. Lighted devices. A traffic-control device may emit only the colors green, red and yellow, except for a pedestrian signal carrying a legend. The lights have the following meanings.

A. A green light:

(1) If circular, means the operator may proceed straight through or turn right or left, unless a sign prohibits either turn; or

(2) If an arrow, alone or in combination with another indication, means the operator may cautiously enter the intersection

only to make the movement indicated by the arrow or other movement as is permitted by other indications shown at the same time.

Notwithstanding the light, the operator must yield the right-of-way to a vehicle or pedestrian lawfully within the intersection or crosswalk.

B. A yellow light:

(1) If steady and circular or an arrow, means the operator must take warning that a green light is being terminated or a red light will be exhibited immediately; or

(2) If showing rapid intermittent flashes, means the operator may proceed only with caution.

C. A red light:

(1) If steady and circular, means the operator must stop and remain standing until an indication to proceed is shown.

An operator may cautiously enter the intersection to make a right turn after stopping, unless prohibited by an appropriate sign such as "NO RIGHT TURN ON RED."

An operator executing a turn shall yield the right-of-way to pedestrians on a crosswalk and to a vehicle having a green signal at the intersection;

(2) If a steady arrow, means the operator may not enter the intersection to make the movement indicated by that arrow; or

(3) If showing rapid intermittent flashes, means the operator must stop and then proceed as if at a stop sign.

D. Red and yellow illuminated together, means the operator may not enter the intersection, as the intersection is reserved for the exclusive use of pedestrians.

2. Basis for prohibiting turn. A municipality or the Department of Transportation, in determining whether to prohibit a right turn on a red light, must consider at least the following factors:

A. The proximity to that light of schools, fire stations, residences or institutions for the blind;

B. The number of pedestrians using the intersection; and

C. The complexity of the intersection.

3. Lane direction control devices. When lane direction control devices are placed over the individual lanes, an operator may travel in a lane over which a green signal is shown, but may not enter or travel in a lane over which a red signal is shown.

4. Located other than at an intersection. If a traffic control device is located at a place other than an intersection, this section is applicable except as to those provisions that by their nature can have no application.

5. Pedestrians. Unless otherwise directed by a pedestrian control signal, a pedestrian facing:

A. A green signal, except when the sole green signal is a turn arrow, may proceed across the way within a marked or unmarked crosswalk;

B. A steady circular yellow or yellow arrow signal, may not start to cross the way, as there is insufficient time to cross before a red indication is shown; or

C. A steady circular red signal or a steady red arrow, may not enter the way.

6. Pedestrian control devices. When a pedestrian control device exhibiting the words "walk" and "don't walk" is used, it indicates as follows.

A. A pedestrian facing a "walk" signal may proceed across the way in the direction of the signal and must be given the right-of-way.

B. A pedestrian may not start to cross a way in the direction of a "don't walk" signal, but a pedestrian who has partially completed crossing may proceed to a sidewalk or safety island.

7. Stop signs. Unless directed to proceed by a law enforcement officer or traffic control device, an operator of a vehicle approaching a stop sign shall stop and:

A. Yield the right-of-way to a vehicle that has entered the intersection or that is approaching so closely as to constitute an immediate hazard; and

B. Having yielded, an operator may proceed. All other operators approaching the intersection shall yield the right-of-way to the vehicle so proceeding.

8. Place of stop. A stop must be made before entering the intersecting way as follows:

A. Where the intersection is regulated by a traffic control device, at a sign or marking on the pavement indicating where the stop is to be

made or, in the absence of a sign or marking, at the device; or

B. Where the intersection is regulated by a stop sign, before entering the crosswalk or, in the absence of a cross walk, at a marked stop line; but if there is no stop line, at a point nearest the intersecting way where the operator has a view of approaching traffic.

9. Evidence. The placing of a traffic control device in a position approximately conforming to this chapter is prima facie evidence that the device has been placed by the official act or direction of lawful authority.

10. Failure to yield. A person commits a Class E crime if that person operates a vehicle past a yield sign and collides with a vehicle or pedestrian proceeding on the intersecting way.

§2058. Through ways

1. Designation. The Department of Transportation may designate a state or state aid highway as a "through way." The Department of Transportation, after notice, may revoke any such designation. Municipal officers may designate a way under their jurisdiction as a "through way."

2. Signs. A through way designation is not effective until suitable warning signs or signals are erected.

3. Intersection. For the purpose of this section, a way joining a through way at an angle, whether or not crossing, is deemed to intersect the through way.

4. Other stop signs. The Department of Transportation or municipal officers may designate an intersection as a stop intersection and erect stop signs at one or more entrances.

5. Yield. The Department of Transportation or municipal officers may erect standard signs requiring operators to yield the right-of-way at certain intersections.

Yield signs may be designated where it is expedient to allow traffic to move through or into the intersection at a reasonable speed for existing conditions of traffic and visibility, yielding the right-of-way to vehicles or pedestrians approaching from either direction on the intersecting street.

A vehicle approaching on a through way so as to arrive at an intersection at approximately the same instant as a vehicle approaching on another way has the right-of-way.

6. Procedure. A through way designation pursuant to this section is exempt from the Maine Administrative Procedure Act.

§2059. One-way road

On a public way posted for one-way traffic, a vehicle may be driven only in the direction designated.

§2060. Turning at intersections

An operator intending to turn at an intersection may do so as follows.

1. Right turns. The operator shall make both the approach and a right turn as close as practicable to the right-hand curb or edge of the way.

2. Left turns on 2-way roadways. At an intersection where traffic is permitted to move in both directions on each way entering the intersection, an approach for a left turn must be made in that portion of the right half of the way nearest the center line and by passing to the right of the center line where it enters the intersection. After entering the intersection, an operator must make the left turn so as to leave the intersection to the right of the center line of the roadway being entered.

When practicable, the left turn must be made in that portion of the intersection to the left of the center of the intersection.

An operator intending to turn to the left must yield the right-of-way to a vehicle approaching from the opposite direction that is so close as to constitute an immediate hazard.

3. Left turns on other than two-way roadways. At an intersection where traffic is restricted to one direction on a way, an operator intending to turn left shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of that vehicle. After entering the intersection, the left turn must be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in that direction on the way being entered.

A municipality may cause markers, buttons or signs to be placed within or adjacent to an intersection requiring a different course to be traveled by a vehicle turning at an intersection. When markers, buttons or signs are so placed, an operator shall obey them.

§2061. Riding in trailers

1. Prohibition. A person commits a traffic infraction if that person occupies a camp trailer,

mobile home, semitrailer or trailer while it is being moved on a public way.

2. Exceptions. This section does not apply to:

A. An employee in the necessary discharge of duties to an employer;

B. A trailer being utilized for farming or agricultural purposes; or

C. A trolley trailer, as defined in section 101, subsection 87, when all passengers on the trolley trailer are seated and the towing machine does not exceed 10 miles per hour.

§2062. Motorcycles

1. Seating. Seating on a motorcycle is as follows.

A. A person operating a motorcycle may ride only on the permanent and regular seat attached.

B. More than 2 persons may not ride on a motorcycle.

C. The number of passengers in a sidecar attached to a motorcycle may not exceed the number of permanent seats for which the sidecar has been designed, to a maximum of 2 persons.

D. A passenger may only ride on permanent seating with no more than one passenger occupying each seat.

2. Headlight. When the motorcycle is on a public way, the motorcycle's headlight must be on.

3. Handlebars. A person may not operate on a public way a motorcycle equipped with handlebars whose handgrips are higher than the shoulder level of the operator.

4. Lane use; motorcycles and mopeds. An operator of a motorcycle other than a moped may fully use a lane.

More than 2 motorcycles may not be operated abreast within the same lane.

A motor vehicle may not be driven in such a manner as to deprive a motorcycle of the full use of a lane.

A moped may only be operated in single file and as far as practicable to the right side of the way at all times, except when making a left turn.

5. Passing. A motorcycle operator may not overtake or pass in the lane occupied by the vehicle being overtaken, except for passing a bicycle. This

subsection does not apply to a law enforcement officer performing an officer's duties.

6. Between lines. A person may not operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.

7. Raising wheel. A person may not intentionally or knowingly raise the front wheel of a motorcycle off the surface when operating it on a public way or any place where public traffic may reasonably be anticipated.

For the purpose of this section, "motorcycle" includes "motor-driven cycle."

§2063. Bicycles and toy vehicles

1. Definitions. For the purpose of this section, "bicycle" includes a motorized bicycle or tricycle, and "toy vehicle" includes, but is not limited to, skateboards, rollerskates, wagons, sleds and coasters.

2. Riding to the right. A person operating a bicycle shall ride it as far as practicable to the right side of the way, except when making a left turn. This subsection does not apply in a municipality that, by ordinance and with the approval of the Department of Public Safety and the Department of Transportation, makes other provisions for the location of bicycle traffic.

3. Seating. A person operating a bicycle may not ride other than astride a regular and permanently attached seat. A bicycle may not be used to carry more persons than the number for which it is designed and equipped.

4. Hitching rides. A person riding on a bicycle or toy vehicle may not attach it to a moving vehicle on a way.

5. Rights and duties. A person riding a bicycle on a way has the rights and is subject to the duties applicable to the operator of a vehicle, except as to:

A. Special regulations; and

B. Provisions in this Title that by their nature can have no application.

6. Speed. A motorized bicycle may not be operated in excess of 20 miles per hour.

7. Penalties. A person 17 years of age or over who violates this section commits a traffic infraction with a maximum fine of \$10.

8. Impoundment. The chief of police of a municipality, or if there is no chief of police, the chair of the local legislative body, when satisfied that a juvenile under the age of 17 years has ridden a bicycle

in violation of this section, may impound the bicycle for a period not to exceed 5 days for the first offense, 10 days for a 2nd offense and 30 days for a subsequent offense.

§2064. No coasting on grade in neutral

An operator, when traveling on a downgrade, may not coast with the gears of the vehicle in neutral.

§2065. Driving over fire hose

An operator of a motor vehicle may not drive over an unprotected hose of a fire department laid down on a way for a fire or alarm without the consent of the police or fire department official in command.

§2066. Following too closely

1. Prohibition. An operator of a vehicle may not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of the vehicles, the traffic and the condition of the way.

2. Vehicles towing other vehicles. An operator of a vehicle towing another vehicle, when traveling outside of a business or residential district and following a vehicle towing another vehicle and when conditions permit, shall leave sufficient space so that an overtaking vehicle may enter the space between the 2 vehicles without danger. This subsection does not prohibit a motor vehicle towing another vehicle from overtaking and passing another vehicle.

3. Motorcades. Motor vehicles being driven outside of a business or residential district in a caravan or motorcade must be operated as to allow sufficient space between vehicles so that an overtaking vehicle may enter the space between vehicles without danger. This subsection does not apply to funeral processions.

4. Trucks. A truck operator, when traveling outside of a business or residential district, may not follow within 150 feet of another truck. This subsection does not prohibit one truck overtaking or passing another.

5. Following fire apparatus. An operator may not follow within 500 feet of fire apparatus traveling in response to a fire alarm.

§2067. Lights

1. Display of lights A vehicle located on a way must be equipped with lights as described in section 1904. The lights must be illuminated during the period 1/2 hour after sunset to 1/2 hour before sunrise and at any time when, due to insufficient light or unfavorable atmospheric conditions, including, but

not limited to, rain, freezing rain, fog or snow, persons or vehicles on the way are not discernible for a distance of 1,000 feet ahead. This section does not apply to a vehicle that is parked or standing off the main traveled portion of the way.

2. Dimming. When a vehicle equipped with multiple-beam road lights approaches an oncoming vehicle within 500 feet or follows a vehicle within 300 feet, the operator shall dim the headlights or switch to a low beam and shall turn off a fog or auxiliary light allowed by section 2054, subsection 2, paragraph E that exceeds 20,000 candlepower.

3. Parking. Unless a municipal ordinance specifically provides otherwise, a vehicle may not be parked on or beside the left-hand side of a way during the times when lighted lamps are required in a manner that its lights project in the direction of oncoming traffic.

§2068. Parking

1. On ways. The following provisions apply to parking on public ways.

A. A person may not park a vehicle, whether attended or unattended, on the traveled portion of a public way outside of a business or residence district when it is practicable to park off of the way.

B. A person may not park a vehicle on a public way unless:

(1) A clear and unobstructed width of at least 10 feet is left for free passage of other vehicles on the way; and

(2) An approaching vehicle has a clear view of the way for 300 feet beyond the parked vehicle, before approaching within 200 feet of it.

C. The Department of Transportation may place signs prohibiting or restricting the stopping, standing or parking of vehicles on a public way or within 10 feet of the traveled portion of a way or on property under its jurisdiction, where stopping, standing or parking is dangerous to those using the way or would unduly interfere with the free movement of traffic.

An operator may not stop, stand or park a vehicle in violation of the restriction on such a sign.

D. This subsection does not apply to a vehicle that is:

(1) Disabled to the extent that it is impossible to avoid stopping and temporarily leaving the vehicle; or

(2) Employed in construction, maintenance or repair of pipes and wires of a public utility in, on, along, over, across and under a public way.

2. Brakes set. An operator may not allow a motor vehicle to stand on a public way and remain unattended without effectively setting its brakes.

3. Moving parked vehicle. A person may not move a vehicle that is stopped, standing or parked on a public way until movement can be made with reasonable safety.

4. Opening and closing doors. A person may not open the door of a motor vehicle on the side of moving traffic unless opening the door is reasonably safe to do and can be done without interfering with the movement of traffic.

5. Open doors. A person may not leave a door of a vehicle open on the side of moving traffic for a period of time longer than necessary to load or unload passengers.

§2069. Authority to remove an improperly parked vehicle; vehicles used in commission of a crime

1. Parked in violation. A law enforcement officer or the Department of Transportation may cause the removal of a vehicle or require the operator to move the vehicle from a location in violation of section 2068, subsection 1 to a location where parking is permitted.

2. Interfering with snow removal, normal traffic movement. A law enforcement officer may cause the removal to a suitable parking place, at the expense of the registered owner, of a vehicle interfering with snow removal or the normal movement of traffic or parked within the limits of a right-of-way. The Department of Transportation may take the same action for a vehicle standing on property under its jurisdiction.

3. Vehicle used in connection with a crime. A law enforcement officer may cause the removal to a suitable parking place of a vehicle connected with the arrest of the operator or owner of a vehicle or used in connection with the commission of a crime.

4. Liability for damages; charges. The State, a political subdivision of the State or a law enforcement officer is not liable for damage that may be caused by removal of a vehicle or for any towing or storage charges.

5. Notification Upon removal of a vehicle in accordance with this section, the notification requirements and provisions for payment of towing and storage costs in chapter 15, subchapter III apply.

§2070. Passing another vehicle

1. Passing on left. An operator of a vehicle passing another vehicle proceeding in the same direction must pass to the left at a safe distance and may not return to the right until safely clear of the passed vehicle.

2. Giving way. Except when passing on the right is permitted, the operator of passed vehicle:

A. Shall give way to the right in favor of the passing vehicle upon audible signal; and

B. May not increase speed until completely overtaken by the passing vehicle.

3. Visibility. A passing vehicle may be operated to the left of the way's center only when the left side is clearly visible and free of oncoming traffic for a sufficient distance ahead to permit overtaking to be completed without interfering with the safe operation of an approaching or passed vehicle.

4. Returning to the right. The passing vehicle must return to the right before coming within 100 feet of an approaching vehicle.

5. Limitation. Except on a one-way road, an operator may not drive to the left side of the way under the following conditions:

A. When approaching the crest of a grade or on a curve where the operator's view is obstructed for a distance as to create a hazard if another vehicle approached from the opposite direction;

B. When approaching within 100 feet of or traversing an intersection or railroad grade crossing, except when turning to the left to enter an intersecting way; or

C. When the view is obstructed within 100 feet of a bridge, viaduct or tunnel.

6. Passing on the right. An operator may pass a vehicle on the right only under the following conditions:

A. When the vehicle to be passed is making or about to make a left turn;

B. On a way with unobstructed pavement not occupied by parked vehicles and of sufficient width for 2 or more lines of traffic in each direction; or

C. On a way on which traffic is restricted to one direction, when the roadway is free from obstructions and of sufficient width for 2 or more lines of traffic.

An operator may pass on the right only under conditions permitting that movement in safety. An operator may not overtake by driving off the pavement or main traveled portion of the way.

§2071. Turning and signals

1. Prohibition. An operator may not turn a vehicle or move right or left on a public way unless the movement can be made with reasonable safety.

2. Turn signal. An operator may not turn a vehicle without giving an appropriate signal if other traffic may be affected by that movement.

A turn signal must be given continuously during at least the last 100 feet traveled before turning.

3. Stop signal. An operator may not stop or suddenly decrease a vehicle's speed without first giving an appropriate signal to the operator of a vehicle immediately to the rear.

4. Types of signals. A stop or turn signal must be given either by the hand and arm, a signal light or mechanical signal device.

When a vehicle is constructed or loaded so that a hand and arm signal is not visible to the front and rear, then signals must be given by a light or device.

A light signal must emit a white or amber light to the front and a red or amber light to the rear for turn signals and red to the rear for stop signals.

5. Hand signals. Signals by hand and arm must be given by the left arm from the left side of a vehicle in the following manner:

A. To indicate a left turn, the hand and arm must be extended horizontally;

B. To indicate a right turn, the hand and arm must be extended upward; and

C. To indicate a stop or a decrease in speed, the hand and arm must be extended downward.

6. Fire departments exempted. This section does not apply to vehicles operated by organized fire departments.

§2072. U-turns

An operator may not turn a vehicle to proceed in the opposite direction on a curve or on the approach to or near the crest of a grade, where the vehicle can

not be seen by the operator of another vehicle approaching in either direction within 500 feet.

§2073. Authority to regulate speeds

1. Authority to regulate. Except as provided in section 2075, subsection 2 and notwithstanding section 2074, subsection 1, the Commissioner of Transportation, with the approval of the Chief of the State Police, may:

A. Restrict the maximum rate of speed on a public way where a speed limit will minimize the danger of accident, promote the free flow of traffic, conserve motor fuel or respond to changes in federal laws;

B. Increase the maximum rate of speed on a public way where higher speeds are warranted to promote the normal and reasonable movement of traffic; or

C. Make an adjustment of maximum rates of speed. An adjustment under this paragraph is exempt from the provisions of the Maine Administrative Procedure Act.

The commissioner may not set maximums that exceed 60 miles per hour or, on the interstate system or other divided controlled-access highways, 65 miles per hour.

The commissioner may not set maximums for the Maine Turnpike.

2. Municipal request. If a municipal request to the Department of Transportation to change a speed limit is denied, the municipality may request the department to hold a public hearing within the municipality to provide the department with the views of the public on the requested speed limit change. The department shall:

A. Hold the hearing within 30 days of the request; and

B. Inform the municipality of a final decision on the requested speed limit change within 30 days after the hearing.

3. Prohibition. A person may not operate a vehicle in excess of maximum speeds fixed pursuant to this section, as long as notice of changes in speed limits has been given by signs erected by the Department of Transportation.

4. Other ways. The Department of Transportation is not required to erect speed signs on a town way, unimproved state aid highway or on a way constructed to interstate standards.

Notwithstanding the provisions of Private and Special Law 1865, chapter 532, section 8-A, speed limits within the limits of the property owned by or under the control of the University of Maine System must be established by the Department of Transportation and the Maine State Police as provided in this section. The speed limits must be posted by the University of Maine System in accordance with written directions or policies of the Department of Transportation.

§2074. Rates of speed

An operator shall operate a vehicle at a careful and prudent speed not greater than is reasonable and proper having due regard to the traffic, surface and width of the way and of other conditions then existing.

1. Rates of speed. Except when conditions or other regulations require a lower speed, the following are maximum rates of speed:

A. Fifteen miles per hour when passing a school during recess or while children are going to or leaving school during opening or closing hours;

B. Fifteen miles per hour when approaching within 50 feet and in traversing an intersection when the operator's view is obstructed except when preference is given to through movement of traffic in one direction by "stop" signs or other traffic control devices or by direction of a law enforcement officer. An operator's view is considered obstructed when at any time during the last 50 feet of an approach to an intersection there is not a clear and uninterrupted view of the intersection and of the traffic on all ways entering the intersection for a distance of 200 feet from it;

C. Twenty-five miles per hour in a business or residential district or built-up portion unless otherwise posted;

D. Forty-five miles per hour on all other public ways unless otherwise posted;

E. On ways with a higher maximum speed limit, 45 miles per hour for a school bus transporting pupils to and from school. At all other times, a school bus may not exceed 55 miles per hour; and

F. On ways with a higher maximum speed limit when lights are required, 35 miles per hour for a motor-driven cycle, unless it is equipped with a headlight adequate to reveal a person 300 feet ahead of it.

2. Compact areas. The compact or built-up portion of a municipality is the territory contiguous to a way that is built up with structures situated less than 150 feet apart for a distance of at least 1/4 of a mile. Municipal officers may designate a compact or built-up portion by appropriate signs.

3. Criminal offense. A person commits a Class E crime if that person operates a motor vehicle at a speed that exceeds the maximum rate of speed by 30 miles per hour or more.

The complaint for a violation of a speed limit must specify the speed at which the defendant is alleged to have operated a motor vehicle.

A person who operates a motor vehicle on the Maine Turnpike or the Interstate Highway System at a speed that exceeds the posted speed of 65 miles per hour commits a traffic infraction punishable by a fine of not less than \$50.

§2075. Other speed regulations

1. Minimum speed limit. A person may not operate a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation of the motor vehicle or in compliance with law.

When the Department of Transportation determines, on the basis of an engineering and traffic investigation, that slow speeds on a public way consistently impede the normal and reasonable movement of traffic, the Commissioner of Transportation, with the approval of the Chief of the Maine State Police, may establish a minimum speed limit.

A person may not operate a vehicle below a posted minimum speed limit, except when necessary for safe operation.

2. Public ways under construction. The Commissioner of Transportation may restrict the speed limit on a public way under construction when a lower rate of speed would minimize the danger of accident. A person may not operate a motor vehicle in excess of these speeds, as long as notice of the maximum speed has been given by signs on the way. This subsection does not apply to the Maine Turnpike.

3. Municipal authority. A municipality may not alter a speed limit or enact or enforce a regulation contrary to this Title. A municipality may:

A. Regulate traffic by means of signal devices or other appropriate methods on a way on which traffic is heavy or continuous;

B. Limit traffic to one-way traffic on a way, subject to Title 23, section 1351;

C. Regulate speed of vehicles in public parks by erecting at all entrances to the park adequate signs giving notice of the special speed regulations; and

D. With the approval of the Department of Transportation and the Chief of the Maine State Police, increase the speed limit on through ways by erecting adequate signs giving notice of the speed limit.

4. Speed measurement. The results of a measurement of the following instruments must be accepted as prima facie evidence of the speed of a motor vehicle in a criminal or traffic infraction proceeding:

A. Radar;

B. An electronic device that measures speed by radiomicrowaves, laser or otherwise; or

C. A device that measures, in any sequence, a selected distance traversed by a motor vehicle operated by the law enforcement officer and the time required by another motor vehicle to traverse that same distance, and computes therefrom the average speed of the other vehicle.

5. Signs. The presence of signs is prima facie evidence that those signs were erected, that they provide the notice required and that the speeds indicated were fixed in accordance with this chapter.

§2076. Railroad or grade crossings

1. Reduction of speed at crossing. An operator of a motor vehicle passing a sign provided for in Title 23, sections 1251 and 1252 shall, at a distance of 100 feet from the nearest rail of the crossing reduce the vehicle speed to a reasonable and proper rate, observe in each direction and proceed cautiously over the crossing.

2. Warning devices. When a crossing is protected by gates that are lowered or being lowered, or a flagger or automatic signal is indicating that a train is approaching, an operator shall bring a vehicle to a full stop at a distance of not less than 10 feet from the nearest rail of the crossing.

A vehicle may proceed across the track when the gates have been raised, the flagger indicates that no train is approaching, or if there is an automatic signal, the operator has ascertained that no train is approaching. An operator proceeding by an automatic signal shall use extra caution.

3. Required stops. The operator of the following vehicles may not cross a railroad track at a grade crossing unless the vehicle stops between 50 feet and 15 feet from the nearest rail, listens, looks in each direction along the tracks for an approaching train and ascertains that no train is approaching:

- A. A bus transporting passengers;
- B. A motor vehicle transporting any quantity of chlorine;
- C. A motor vehicle that, in accordance with 49 Code of Federal Regulations, Part 172, Subpart F, is required to be marked or placarded with one of the following markings:
 - (1) Explosives A;
 - (2) Explosives B;
 - (3) Poison gas;
 - (4) Flammable solid W;
 - (5) Radioactive;
 - (6) Flammable;
 - (7) Blasting agent;
 - (8) Nonflammable gas;
 - (9) Chlorine;
 - (10) Poison;
 - (11) Oxygen;
 - (12) Flammable gas;
 - (13) Combustible;
 - (14) Flammable solid;
 - (15) Oxydizer;
 - (16) Organic peroxide;
 - (17) Corrosive; or
 - (18) Dangerous;
- D. A cargo tank vehicle, whether loaded or empty, used to transport:
 - (1) A hazardous material as defined in 49 Code of Federal Regulations, Parts 170 to 189; or
 - (2) A commodity under special permit in accordance with the provisions of the Code of Federal Regulations; or

E. A cargo tank vehicle transporting a commodity that at the time of loading has a temperature above its flash point as determined by 49 Code of Federal Regulations, Part 173.115.

4. Exceptions. An operator is not required to stop under this section:

- A. At a streetcar crossing or railroad tracks used exclusively for industrial switching purposes, within a business district;
- B. When a law enforcement officer or crossing flagger directs traffic to proceed;
- C. At an abandoned crossing that is marked with a sign indicating that the rail line is abandoned; or
- D. At an industrial or spur line railroad grade crossing marked with a sign reading "exempt." An "exempt" sign must be erected by or with the consent of the Department of Transportation.

5. Penalty. An operator failing to comply with the requirements of this section commits a Class E crime. An operator commits a Class D crime if that operator is required to stop under subsection 3 and fails to stop for or yield the right-of-way to a train, engine or conveyance on the track.

6. Abandoned or exempt crossings. The department may exempt a crossing after providing written notice within 30 days to the railroad and municipality in which the crossing is located or, after hearing, if requested within 30 days either by the railroad, municipality or 10 or more residents of the State. For each exempt crossing, the department may order and impose safety provisions as it determines expedient or necessary. For any exempt crossing that does not have automatic warning devices, the engineer shall stop the train prior to entering the crossing, and a member of the train crew shall stop all motor vehicle traffic prior to flagging the train through the crossing. For an exempt crossing with automatic warning devices, the engineer shall stop the train prior to entering the crossing and determine that all motor vehicle traffic has come to a stop prior to proceeding. Any exempt crossing must be posted with appropriate signs, which must be erected and maintained by the department.

§2077. Working on ways

Sections 2051, 2053, 2055, 2056, 2066, 2068 and 2076 do not apply to a person, team, motor vehicle and other equipment actually engaged in work on the surface of a public way, but does apply to such a person and vehicle when traveling to or from such work.

§2078. Emergency rule

For public safety or convenience, during a fire, accident, emergency or special event, a law enforcement officer may temporarily close a way to vehicular traffic or to vehicles of a certain description, or divert pedestrian or vehicular traffic.

An operator commits a Class E crime if that operator refuses to follow the directions for the movement of vehicles on request or signal of a law enforcement officer.

§2079. Unnecessary noise

Braking or acceleration may not be unnecessarily made so as to cause a harsh and objectional noise.

§2080. Operation of all-terrain vehicles

Notwithstanding any other provision of law, whenever an all-terrain vehicle is operated on a way, it is subject to all provisions of this Title, except chapters 5, 7, 13 and 15.

§2081. Use of safety seat belts

1. Definition. "Child safety seat" means a child safety seat that meets the standards described in Federal Motor Vehicle Safety Standards, 49 Code of Federal Regulations, Part 571, in effect on January 1, 1981, as subsequently amended.

2. Children under 4. When a child who is less than 4 years of age is being transported in a motor vehicle that is required by the United States Department of Transportation to be equipped with safety seat belts, the operator must have the child properly secured in accordance with the manufacturer's instructions in a child safety seat.

3. Person between 4 and 19. When a person 4 years of age or older, but less than 19 years of age, is a passenger in a vehicle that is required by the United States Department of Transportation to be equipped with seat belts, the operator must have the person properly secured in a seat belt or in a child safety seat. When a person who is less than 19 years of age is the operator of a vehicle that is required by the United States Department of Transportation to be equipped with seat belts, that operator must be properly secured in a seat belt.

4. Enforcement. The following provisions apply to subsections 2 and 3.

A. The requirements do not apply to a passenger over one year of age when the number of passengers exceeds the vehicle seating capacity and all of the seat belts are in use.

B. A person against whom enforcement action has been taken is not guilty of a subsequent violation of subsection 2 until 24 hours have elapsed from the date and time of the first violation indicated on the Violation Summons and Complaint.

C. A violation of this section is a traffic infraction. The court shall waive the fine for a first violation of subsection 2 by a parent or legal guardian if the parent or legal guardian provides the court with satisfactory evidence that the parent or legal guardian has acquired a child safety seat for continuous use by the child within 30 days of the violation.

5. Evidence. In an accident involving a motor vehicle, the nonuse of seat belts by the operator or passengers or the failure to secure a child is not admissible in evidence in a civil or criminal trial, except in a trial for violation of this section.

§2082. Windows

1. Obstructions. A person may not operate a vehicle with a sign, poster, opaque or semitransparent material or substance on the front windshield, side wing or side or rear window that obstructs the operator's clear view of the way or an intersecting way.

2. Objects. A person may not operate a motor vehicle with an object placed or hung in or on the vehicle, other than the required or provided equipment of the vehicle, in a manner that obstructs or interferes with the view of the operator through the windshield or prevents the operator from having a clear and full view of the road and conditions of traffic.

3. Parking or identification stickers. A motor vehicle may display no more than one sticker on its windshield for parking or entry identification.

4. Location of inspection stickers. No portion of a sticker other than an inspection sticker may be more than 4 inches from the bottom edge of the windshield. If the inspection sticker is located in the lower left hand corner of the windshield, the other sticker must be located to the right of it.

5. Exception. A motor vehicle of the Maine Emergency Management Agency or used to perform public services of an emergency nature may be identified by a windshield sticker bearing the name or service emblem of the agency authorized to act.

6. Interference with operation. A person may not operate a vehicle when the vehicle is loaded, or there are more than 3 persons in the front seat and the load or persons obstruct the view of the operator to

the front or sides or interfere with the operator's control over the driving mechanism of the vehicle.

7. Placement of stickers on illegally parked vehicles. A person may not place a sticker or other device on the windshield of a motor vehicle parked in a manner that allegedly constitutes trespass by motor vehicle, as defined in Title 17-A, section 404, if the sticker or other device would obstruct the driver's forward view. A person who places a sticker in violation of this paragraph commits a civil violation for which a forfeiture not to exceed \$50 may be adjudged. This paragraph does not apply to law enforcement officers engaged in the performance of official duties.

§2083. Protective headgear

1. Requirement. The following persons must wear protective headgear:

A. If under 15 years of age, a passenger on a motorcycle, motor-driven cycle or an attached side car;

B. If under 15 years of age, an operator of an off-road motorcycle or motor-driven cycle;

C. An operator of a motorcycle or motor-driven cycle, operating under a learner's permit or within one year of successfully completing a driving test; and

D. A passenger of an operator required to wear headgear.

2. Compliance. An operator of a motorcycle or motor-driven cycle, parent or guardian may not allow a passenger under the age of 15 years to ride in violation of this section.

3. Standard. Protective headgear must conform with minimum standards of construction and performance as prescribed by the American National Standards Institute specifications Z 90.1 or by the Federal Motor Vehicle Safety Standard No. 218.

4. Public program. In furtherance of reasonable protective public policy, the Department of Public Safety, Bureau of Safety must develop and implement a public information and education program designed to encourage helmet utilization by all motorcycle, motor-driven cycle and moped riders.

5. Violation. Violation of this section is a traffic infraction.

§2084. Bicycles

1. Night equipment. A bicycle, motorized bicycle or tricycle, when in use in the nighttime or at

other times when motor vehicles are required to display headlights, must have:

A. Lighted a front light that emits a white light visible from a distance of at least 200 feet to the front;

B. A red reflector to the rear that is visible at least 200 feet to the rear; and

C. Reflector strips on the pedals and handlebars.

2. Brakes. A bicycle, motorized bicycle or tricycle must be equipped with a brake sufficient to enable the operator to stop the vehicle within a reasonable distance.

SUBCHAPTER II

VIOLATIONS

§2101. Permitting unlawful use

A person commits a Class E crime if that person knowingly authorizes or permits a vehicle owned by or under control of that person to be driven on a public way by any person not authorized under this Title or in violation of a provision of this Title.

§2102. Unlawful use of license, instruction permit or identification card

A person commits a Class E crime if that person:

1. Display. Displays or possesses a revoked, suspended, mutilated, fictitious or fraudulently altered driver's license or identification card issued or represented to be issued by this State or any other state or province;

2. Loan. Knowingly permits another person to use that person's driver's license or identification card issued or represented to be issued by this State or any other state or province;

3. Representation. Displays or represents as one's own a driver's license or identification card issued to another by this State or any other state or province; or

4. Use. Knowingly permits an unlawful use of a driver's license or identification card issued or represented to be issued by this State or any other state or province.

§2103. Fraud or falsity on documents

1. Material misstatement of fact. A person commits a Class E crime if that person knowingly makes a material misstatement of fact on an applica-

tion or document submitted in support of an application for a license, certificate, permit, examination, identification card, use decal, placard or any other document requesting action from the Secretary of State.

2. Deception. A person commits a Class E crime if that person knowingly substitutes, or knowingly causes another to substitute, as that person's, another's registration certificate, number plate, driver's license or permit, identification card, fuel use or highway use permit or decal or a placard for an examination or application.

3. Suspension. On receipt of an attested copy of a court record of conviction or other sufficient evidence of a violation of subsection 1 or 2, the Secretary of State shall immediately revoke every license, certificate, permit or decal issued to that person.

These documents must be surrendered to the Secretary of State on demand.

Fees paid for these documents may not be refunded.

4. Printing or reproduction of motor vehicle document. A person commits a Class D crime if that person prints, prepares, reproduces, sells or transfers without the written consent of the Secretary of State a paper or document in the form of a certificate of registration, driver's license or any other certificate, permit, license or form used by the Secretary of State in administering this Title. Notwithstanding this subsection, a person may photocopy a certificate of registration solely for record-keeping purposes without the written consent of the Secretary of State.

5. Aggravated misstatement of fact. A person commits aggravated misstatement of fact if that person:

A. Uses documents of another person without the other person's consent in committing a violation of subsection 1 or 2;

B. Obtains a document, decal or placard in a fictitious name;

C. Obtains a document, decal or placard in another person's name and, as a result of use of the material, the other person receives one or more summonses or is arrested, indicted or convicted of an offense not committed by the other person;

D. Obtains a driver's license through violation of subsection 1 or 2 when the person's operating privileges have been revoked pursuant to chapter 23, subchapter V or have been suspended pursuant to this Title or an order of a court; or

E. Uses material obtained through violation of subsection 1 or 2 in the commission of a crime or a civil violation.

Aggravated misstatement of fact is a Class D crime.

§2104. Improper plates

1. False plates. A person commits a Class E crime if that person attaches or permits to be attached to a vehicle a registration plate assigned to another vehicle or not currently assigned to that vehicle.

2. False identification. A person commits a Class E crime if that person obscures identification numbers, identification letters, the state name, validation sticker or mark distinguishing the type of plate attached to a vehicle.

§2105. Vehicle with no identification marks

A person commits a Class D crime if that person knowingly buys, sells, receives, disposes of, conceals or possesses a motor vehicle, semitrailer or trailer from which the manufacturer's serial number or other distinguishing number or mark has been removed or altered to conceal or misrepresent the identity of the vehicle.

§2106. Tampering with odometer

1. Odometer. A person is guilty of a Class D offense if that person:

A. Disconnects, changes or tampers with the odometer of a motor vehicle with the intent to misrepresent or change the number of miles indicated on the odometer; or

B. When the odometer reading differs from the number of miles a vehicle has been driven, knowingly offers for sale that motor vehicle without disclosing that the actual mileage is unknown or is known to be different than the odometer reading.

2. Service and repair. Nothing in this section prevents the repair or replacement of an odometer, as long as the odometer mileage remains the same after the service, repair or replacement. If the odometer is incapable of registering the same mileage after the repair or replacement, the odometer must be adjusted to read zero and a notice provided by the Secretary of State must be attached to the left doorframe of the vehicle by the owner or the owner's agent or by an authorized agent of the Secretary of State. The notice must specify the mileage prior to repair or replacement of the odometer and the date of repair or replacement.

3. Violation. A person commits a Class D crime if that person fails to attach a notice as required under subsection 2 or removes or alters a notice.

4. Unfair trade practice. A violation of this section constitutes an unfair trade practice under Title 5, chapter 10.

§2107. Tampering with signs

A person commits a Class E crime if that person removes or tampers with a sign, light, flare, reflector or other signalling or safety device placed by the Department of Transportation, a county or municipal official or a contractor performing repairs or maintenance work on or adjoining a public way.

§2108. Use of closed way

A person commits a Class E crime if that person operates a vehicle over a public way that is lawfully closed by posted notice for construction or repairs unless permission to pass is expressly granted by a person in charge of the work.

§2109. Stopping of traffic by hawkers and vendors

A person commits a traffic infraction if that person signals a moving vehicle, stops a vehicle or accosts an occupant of a vehicle stopped on a public way to solicit a contribution or subscription, or sell merchandise or a ticket of admission to an entertainment or public gathering.

§2110. Hitchhiking forbidden

1. Definition. As used in this section, "hitchhike" means to endeavor by words, gestures or otherwise to beg, invite or secure transportation in a motor vehicle not engaged in carrying passengers for hire, unless the hitchhiker is known to the driver or a passenger.

2. Violation. A person commits a traffic infraction if that person hitchhikes on:

A. The traveled portion of a public way;

B. A limited access highway, including but not limited to the Maine Turnpike; or

C. Any portion of a public way during the nighttime.

3. Exception. This section does not prohibit solicitation of aid in the event of an accident or by persons who are sick or seeking assistance for the sick, if the sickness is bona fide and an emergency exists.

4. Regulation. A municipality may regulate or prohibit hitchhiking on a public way by ordinance.

The Department of Transportation may regulate or prohibit hitchhiking on a state or state aid highway in the interest of safety at those locations where accidents may be a problem, limited visibility exists or severe traffic conflicts or other safety factors may occur.

5. Posting. An area in which hitchhiking has been regulated or prohibited must be clearly identified by posted signs.

6. Forfeitures. For a violation of subsection 2, a forfeiture not to exceed \$50 may be adjudged.

§2111. Air pollution control systems

1. Definition. For the purpose of this section, "air pollution control system" means a device or element of design installed on or in a motor vehicle or engine to comply with pollutant emission restrictions established by federal law.

2. Prohibition. A person commits a Class E crime if that person operates a motor vehicle, except for an antique auto, a motor vehicle using liquefied petroleum gas as engine fuel or a farm tractor on a public way if any operational element of the air pollution control system of that vehicle has been removed, dismantled or otherwise rendered inoperative.

3. Suspension. If a person is convicted of violating this section, the clerk of the court shall furnish to the Secretary of State an attested copy of the judgment of conviction. On receipt of that copy, the Secretary of State shall suspend the registration of the vehicle in violation.

The suspension may be appealed as provided in section 2485.

Unless otherwise ordered by the Superior Court on appeal, the suspension remains in effect until the Secretary of State has received notice from an official inspection station that the air pollution control system of that vehicle is in good working order.

§2112. Drinking while operating a motor vehicle

1. Definitions. As used in this section, "alcohol" means an alcoholic, spirituous, vinous, fermented or other alcoholic beverage, or combination of liquors and mixed liquors, intended for human consumption that contains more than 1/2 of 1% of alcohol by volume.

2. Violation; penalty. A person who drinks alcohol while operating a motor vehicle on a public way commits a traffic infraction for which a forfeiture not to exceed \$500 may be adjudged.

SUBCHAPTER III**ACCIDENT AND THEFT REPORTS****§2251. Accident reports**

1. Definition. As used in this section, "reportable accident" means an accident on a public way or a place where public traffic may reasonably be anticipated, resulting in bodily injury or death to a person or apparent property damage of \$500 or more.

2. Report required. A reportable accident must be reported immediately by the quickest means of communication to a state police officer, or to the nearest state police field office, or to the sheriff's office, or to a deputy sheriff, within the county in which the accident occurred, or to the office of the police department, or to an officer, of the municipality in which the accident occurred. The accident must be reported by:

- A. The operator of an involved vehicle;
- B. A person acting for the operator; or
- C. If the operator is unknown, the owner of an involved vehicle having knowledge of the accident.

3. Form. The Chief of the State Police:

- A. Shall prepare and supply forms for reports that require sufficiently detailed information to disclose the cause, conditions, persons and vehicles involved;
- B. Shall receive, tabulate and analyze accident reports; and
- C. May publish statistical information on the number, cause and location of accidents.

4. Investigation. A law enforcement officer who investigates a reportable accident shall:

- A. Interview participants and witnesses; and
- B. Within 5 days from the time of notification of the accident, transmit a written report containing all available information to the Chief of the State Police.

Every reported accident must be promptly investigated.

If the accident results in serious bodily injury or death of any person, the investigation must be conducted by an officer who has met the training standards of a full-time law enforcement officer.

5. Forty-eight-hour report. An operator of a vehicle involved in a reportable accident shall, within 48 hours after the accident, make a written report of the accident to the Secretary of State on forms provided by the Secretary of State. The Secretary of State may require supplemental reports when the original report is insufficient.

6. Financial responsibility information. The 48-hour accident report form must also contain, as prescribed by the Secretary of State, information to determine whether the requirement for proof of financial responsibility is inapplicable.

The person reporting shall furnish additional relevant information as the Secretary of State requires.

The Secretary of State may rely on the accuracy of the information until there is reason to believe that the information is erroneous.

7. Report information. An accident report made by an investigating officer or a 48-hour report made by an operator is for the purposes of statistical analysis and accident prevention.

A report or statement contained in the accident report, a statement made or testimony taken at a hearing before the Secretary of State held under section 2483, or a decision made as a result of that report, statement or testimony may not be admitted in evidence in any trial, civil or criminal, arising out of the accident.

A report may be admissible in evidence solely to prove compliance with this section.

The Chief of the State Police may disclose the date, time and location of the accident and the names and addresses of operators, owners, injured persons, witnesses and the investigating officer. On written request, the chief may furnish a photocopy of the investigating officer's report at the expense of the person making the request.

8. Violation. A person commits a Class E crime if that person:

- A. Is required to make an oral or written report and knowingly fails to do so within the time required; or
- B. Is an operator involved in a reportable accident and knowingly fails to give a correct name and address when requested by an officer at the scene.

9. Prima facie evidence. The absence of notice to a law enforcement agency with jurisdiction where the accident occurred is prima facie evidence of failure to report an accident.

10. Suspension. Pursuant to chapter 23, the Secretary of State may suspend or revoke the motor vehicle driver's license and certificate of registration of a person who is required to make a report and fails to do so or who knowingly fails to give correct information required on a report.

11. Exemption. The operator of a snowmobile as defined by Title 12, section 7821, or an all-terrain vehicle as defined by Title 12, section 7851, unless the all-terrain vehicle is registered for highway use by the Secretary of State under this Title, is exempt from the reporting requirements of subsections 2 and 5.

§2252. Accidents involving death or personal injury

1. Operator required to stop. The operator of a vehicle involved in an accident anywhere that results in personal injury or death to a person shall immediately stop the vehicle at the scene of the accident or stop as close as possible and immediately return to the scene.

2. Provide information. The operator shall remain at the scene and provide to the injured person or the operator or an occupant of the other vehicle:

- A. The operator's name and address;
- B. The registration number of the operator's vehicle; and
- C. An opportunity to examine the driver's license if the other operator or occupant so requests and the license is available.

3. Render assistance. The operator shall render reasonable assistance to an injured person.

4. Violation. A person commits a Class D crime if that person fails to comply with this section.

§2253. Accidents involving vehicle damage

1. Operator required to stop. The operator of a vehicle involved in an accident that results in damage to an attended vehicle shall immediately stop the vehicle at the scene of the accident or stop as close as possible and immediately return to the scene.

2. Provide information. The operator shall remain at the scene and provide to the operator or an occupant of the other vehicle:

- A. The operator's name and address;
- B. The registration number of the operator's vehicle; and

C. An opportunity to examine the driver's license if the other operator or occupant so requests and the license is available.

3. Violation. A person commits a Class E crime if that person fails to comply with this section.

§2254. Accidents involving unattended vehicle

1. Operator required to stop. The operator of a vehicle involved in an accident that results in damage to an unattended vehicle shall immediately stop the vehicle at the scene of the accident or stop as close as possible and immediately return to the scene.

2. Provide information. The operator shall notify the owner or operator of the unattended vehicle or shall leave on that vehicle in a conspicuous place a statement containing:

- A. The operator's name and address;
- B. The registration number of the operator's vehicle; and
- C. A statement of the circumstances of the accident.

3. Violation. A person commits a Class E crime if that person fails to comply with this section.

§2255. Accidents involving property damage

1. Notification. The operator of a vehicle involved in an accident anywhere that results in property damage shall take reasonable steps to notify the owner of that property of the accident.

2. Provide information. The operator shall provide to the property owner:

- A. The operator's name and address;
- B. The registration number of the operator's vehicle; and
- C. An opportunity to examine the driver's license if the operator or owner so requests and the license is available.

3. Violation. A person commits a Class E crime if that person fails to comply with this section.

§2256. Garage proprietor to report serious accident

1. Report required. If a person in charge of a garage or repair shop receives a motor vehicle that shows evidence of a serious accident or bullet damage, that person shall immediately report that vehicle to the nearest law enforcement agency, giving the serial and engine number or identification number,

registration number and the name and address of the owner or operator of the vehicle.

2. Violation. A person commits Class E crime if that person fails to report a vehicle as required by this section.

§2257. Thefts

1. Record of thefts. The Chief of the State Police shall:

A. Maintain a record of stolen motor vehicles; and

B. Promptly report the theft of a vehicle to the Secretary of State, giving a complete description of the vehicle, including the name and address of the person reporting the theft.

2. Recovery. When a stolen vehicle is recovered, the owner shall notify the Chief of the State Police of the recovery. The Chief of the State Police shall remove the record of that theft and notify the Secretary of State.

3. Violation. An owner of a vehicle reported as stolen commits a Class E crime if that person fails to give notice of the vehicle's recovery.

SUBCHAPTER IV

SCHOOL BUSES

§2301. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Private school. "Private school" has the same meaning as in Title 20-A, section 1, subsection 22.

2. Private school activity bus. "Private school activity bus" means a privately owned motor vehicle with a carrying capacity of 10 to 15 passengers that is not operated with public funds and that is used by a private school to transport students other than to and from home and school.

3. School. "School," as used in this subchapter, means an institution or facility for the teaching of children or for the custodial care of children, whether public or private, which is regularly attended by such children.

4. School-age persons. "School-age persons" means all children up to the age of 18 years, persons 18 years and older who are enrolled in a state-approved program of primary or secondary education, as defined in Title 20-A, and persons as described in

Title 34-B, section 5402, subsection 1 living at Pine-land Center or in any of its residential facilities who are bused to and from sites off the center grounds as part of their treatment.

5. School bus. "School bus" means a motor vehicle with a carrying capacity of 10 or more passengers used to transport children as approved by school authorities to and from school, school activities, municipally operated activities or activities of a nonprofit corporation or association. It does not include a private motor vehicle used to transport members of the owner's household, or a private school activity bus.

§2302. School bus markings; lights; mirrors

1. Identifications. Each school bus:

A. Must be identified with the words, "school bus":

(1) Printed in letters not less than 8 inches high; and

(2) Located between the warning signal lamps as high as possible without impairing front and rear visibility of the lettering;

B. Must have no other lettering on the front or rear, except lettering not more than 4 inches high indicating an emergency exit and a bus number;

C. Must be painted national school bus glossy yellow, except that the hood may be lusterless black;

D. Must have bumpers of glossy black unless painting is impracticable through use of rubber, reflective material or other devices;

E. Must be equipped with a system of signal lights that conform to school bus requirements approved by the Commissioner of Education;

F. Must be equipped with a system of mirrors that give the seated operator a view of the way to each side of the bus, and of the area immediately in front of the front bumper;

G. May be equipped with a system of stop arms to be operated only with the red signal lights; and

H. May be equipped with reflective strips of national school bus yellow.

2. Smaller buses. A school bus with a carrying capacity of 20 or fewer passengers is required to comply only with the requirements of subsection 1, paragraphs C, D and F.

3. Other purposes. A school bus permanently converted wholly to other purposes must be painted a color other than national school bus glossy yellow and have the words "school bus," school bus signal lights and stop arms removed.

4. Other passengers. A school bus operated on a public way and transporting passengers who do not include school-age persons must have the words "school bus" removed or concealed and the school bus signal lamps may not be operable.

5. Application. A vehicle operated on a public way displaying the words "school bus" or with the equipment required by this section may only be used to transport school-age persons, as defined in section 2301.

§2303. School bus operator requirements

1. Requirements. The Secretary of State may not issue a school bus operator endorsement unless the applicant:

A. Holds a valid driver's license for operation of the class vehicle and has at least one year's experience as a licensed motor vehicle operator;

B. Is at least 21 years of age and has held a driver's license for at least one year;

C. Meets all training, physical, mental and moral requirements of the Commissioner of Education, as certified to the Secretary of State in writing;

D. Is qualified as a driver under the motor carrier safety regulations of the Federal Highway Administration, if that person or that person's employer is subject to those regulations;

E. Passes an examination of the person's ability to operate the specific vehicle that will be driven as a school bus or a vehicle of comparable type;

F. Has not had a license revoked pursuant to chapter 23, subchapter V, within the preceding 6-year period; and

G. Has not received an OUI conviction, as defined in section 2401, subsection 9, within the preceding 6-year period.

2. Current endorsement holders. The Secretary of State shall suspend or revoke a school operator's endorsement as provided in section 2452.

3. Annual physical. The applicant must pass an annual physical examination at the cost of the employer.

4. Safety and driver training. The Department of Education shall, within available resources, develop, certify and administer regional school bus driver training programs and assist school administrative units in school bus safety and driver training.

5. Fee. A fee of \$10 must accompany the initial application. The fee for a subsequent examination is \$5.

§2304. School bus seating; doors; standing prohibited

1. Seating. A school bus must meet the following seating requirements.

A. The manufacturer's specified seating capacity is determined by dividing the linear width of each seat by 13 and then rounding the quotient down to the nearest whole number.

B. The maximum seating capacity must be the following percentages of the manufacturer's specified seating capacity:

(1) Grades 9 to 12, 85%;

(2) Grades kindergarten to 12, 95%;

(3) Grades kindergarten to 8, 100%; or

(4) If at least 15 inches of seat width per student, 100%.

C. There may not be auxiliary seating accommodations such as temporary or jump seats.

D. Seats must face the front of the bus and be divided by a center aisle at least 12 inches wide.

E. Seating capacity must be displayed in a manner prescribed by the Commissioner of Education.

2. Doors. A school bus must be equipped with at least 2 doors as follows:

A. One door on the right side near the front for ordinary exits and entrances; and

B. A 2nd door located in the center of the rear or if the engine makes that impossible, on the left side in the center or to the rear of center. The 2nd door must be free of obstruction, clearly marked as an emergency exit, and constructed to open from inside and outside.

3. Standing passengers. The operator of a school bus may not permit any passengers to stand when the bus is in motion on a public way.

4. Safety seat belts. The operator and passengers in school buses equipped with safety seat belts shall wear those belts when the vehicle is in motion.

§2305. School bus construction; fire extinguisher

1. Access. A school bus must be constructed to permit the operator access to the passenger compartment without leaving the vehicle.

2. Exhaust pipe. The exhaust pipe must be entirely outside the passenger compartment of a school bus.

3. Fuel tank filler, vent, drain openings. The fuel tank filler, vent and drain openings must be outside the school bus body.

4. Fire extinguisher. A school bus must have at least one dry chemical fire extinguisher:

- A. Of at least 2 1/2 pound capacity;
- B. Mounted in automotive type manufacturer's extinguisher bracket;
- C. Located in the operator's compartment in full view of and readily accessible to the operator; and
- D. Having an Underwriters' Laboratories rating of not less than 10-B: C.

§2306. School buses to stop at railroad track crossings

1. Full stop. The operator of a school bus shall come to a full stop before crossing a railroad track at a point not more than 50 feet nor less than 15 feet from the nearest rail.

2. Ensure no train. The operator shall ascertain beyond a reasonable doubt that no train, engine or conveyance is approaching on the track before proceeding to cross.

3. Violation. A person commits a Class E crime if that person, while operating a school bus, fails to stop or yield the right-of-way as required by this section.

4. Suspension. On conviction of failure to stop or yield to a train, an operator's permit to operate a school bus must be revoked by the Secretary of State for a period of not less than 2 years.

§2307. School bus inspection

1. Biennial inspection. Notwithstanding chapter 15, a school bus must be inspected by an official inspection station designated by the Chief of

the State Police as a school bus inspection station, during each August and February.

2. Additional inspection. In addition to inspection under subsection 1, between September 1st and November 30th and between March 1st and May 31st a school bus inspection must be conducted by the State Police.

3. Other dates. A school bus requiring inspection during a month other than August and February that satisfies the inspection requirements must be issued the school bus inspection sticker that expires the next August or February, whichever is earlier.

4. Fee. The operator of an official school bus inspection station is entitled to a fee of \$8 for each school bus inspected. The fee does not include labor or material used in correction of faults.

§2308. Overtaking and passing school buses

1. Receiving or discharging passengers. A school bus operator shall activate flashing lights at least 100 feet before a stop is made to receive or discharge passengers. These lights must be continually displayed until after the bus has received or discharged passengers.

2. Stopping. The operator of a vehicle on a way or on school property, on meeting or overtaking a school bus from either direction when the bus has stopped with its red lights flashing to receive or discharge passengers, shall stop the vehicle before reaching the school bus. The operator may not proceed until the school bus resumes motion or until signaled by the school bus operator to proceed.

3. Separated roadways. The operator of a vehicle on a way separated by curbing or other physical barrier need not stop on meeting or passing a school bus:

- A. Traveling in a lane separated by the barrier from the lane in which that operator is traveling; or
- B. On a limited access highway where pedestrians are not permitted to cross the roadway with the school bus stopped in a loading zone.

4. Use of flashing red lights restricted. A school bus operator may not use the system of flashing lights on a school bus for a purpose other than controlling traffic while stopping to receive or discharge school-age persons.

5. Registered owner's liability for vehicle illegally passing a school bus. A person who is a registered owner of a vehicle at the time that vehicle is involved in a violation of subsection 2 commits a

traffic infraction. For purposes of this subsection, "registered owner" includes a person issued a dealer or transporter registration plate.

A. The operator of a school bus who observes a violation of subsection 2 may report the violation to a law enforcement officer. If a report is made, the operator shall report the time and the location of the violation and the registration plate number and a description of the vehicle involved. The officer shall initiate an investigation of the reported violation and, if possible, contact the registered owner of the motor vehicle involved and request that the registered owner supply information identifying the operator.

B. The investigating officer may cause the registered owner of the vehicle to be served with a summons for a violation of this subsection.

C. Except as provided in paragraph D, it is not a defense to a violation of this subsection that a registered owner was not operating the vehicle at the time of the violation.

D. The following are defenses to a violation of this subsection.

(1) If a person other than the owner is convicted of operating the vehicle at the time of the violation in violation of subsection 2, then the registered owner may not be found in violation of this subsection.

(2) If the registered owner is a lessor of vehicles and at the time of the violation the vehicle was in the possession of a lessee, and the lessor provides the investigating officer with a copy of the lease agreement containing the information required by section 2308, subsection 5, then the lessee and not the lessor may be charged under this subsection.

(3) If the vehicle is operated using a dealer or transporter registration plate and at the time of the violation the vehicle was operated by any person other than the dealer or transporter, and if the dealer or transporter provides the investigating officer with the name and address of the person who had control over the vehicle at the time of the violation, then that person and not the dealer or transporter may be charged under this subsection.

(4) If a report that the vehicle was stolen is given to a law enforcement officer or agency before the violation occurs or within a reasonable time after the violation

occurs, then the registered owner may not be charged under this subsection.

E. Notwithstanding subsection 6, a person who violates this subsection commits a traffic infraction.

6. Penalty. A violation of this section is a Class E crime which, notwithstanding Title 17-A, section 1301, is punishable by a \$250 minimum fine for the first offense and a mandatory 30-day suspension of a driver's license for a 2nd offense occurring within 3 years of the first offense.

§2309. Exemptions from subchapter

A vehicle with a carrying capacity of 20 or fewer passengers used to transport children to day care or head start facilities is exempt from this subchapter.

§2310. Other permitted uses for buses

A bus, integrally constructed, with a carrying capacity of 40 or more passengers, operated by a motor carrier holding an operator's permit issued by the Bureau of State Police may be used for school activities other than conveying children to and from home and school.

§2311. Rules

The Commissioner of Education may adopt or amend rules consistent with this Title and in accordance with the Maine Administrative Procedure Act, concerning school bus construction, equipment and operation.

CHAPTER 21

WEIGHT, DIMENSION AND PROTECTION OF WAYS

SUBCHAPTER I

WEIGHT

§2351. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Axle weight. "Axle weight" means the weight of an axle plus the weight of the load carried by the axle.

2. Gross vehicle weight. "Gross vehicle weight" or "GVW" means the actual total weight of the vehicle and load.

3. Gross vehicle weight rating. "Gross vehicle weight rating" or "GVWR" means the weight of the vehicle and load as determined by the final stage manufacturer, as it appears on the vehicle.

4. Interstate Highway System. "The Interstate Highway System" has the same definition as in the United States Highway Act of 1956.

5. Registered weight. "Registered weight" means the gross vehicle weight specified on the vehicle's registration certificate.

§2352. Maximum operational weight

Except as allowed by specific exception in sections 2357, 2365 and 2382, a vehicle may not be operated on a public way if the weight exceeds:

1. Maximum. A gross vehicle weight of 90,000 pounds, except as provided in section 2354, subsection 2;

2. Registered weight. Registered weight with a tolerance of 500 pounds or 2 1/2% over the registered weight, whichever is greater;

3. Configuration weight. The weight limits on axle configurations; or

4. Axle. The axle weight limit as provided in this subchapter.

§2353. Weight limits

1. Weight limits. Except as provided in section 2355, the following gross vehicle weight limits apply to vehicles operating on a public way:

A. For a 2-axle vehicle, 34,000 pounds;

B. For a 3-axle vehicle or combination of vehicles, 54,000 pounds;

C. For a 4-axle vehicle or combination of vehicles and, except as provided by section 2364, for single unit vehicles of 5 or more axles, 69,000 pounds; and

D. Except as provided in section 2354, subsections 1 and 2, section 2357, subsection 4 and section 2365 for combination vehicles with 5 or more axles, 80,000 pounds.

2. Weight reductions. The maximum gross vehicle weight permitted for combination vehicles having:

A. Four axles is reduced by 1,000 pounds for each foot the distance is less than 18 feet between the centers of the extreme axles, exclud-

ing the steering axle, measured to the nearest foot; or

B. Five or more axles is reduced by 2,000 pounds for each foot the distance is less than 24 feet between the centers of the extreme axles, excluding the steering axle, measured to the nearest foot.

3. Exception. Subsection 2 does not apply to vehicles operated on the Interstate Highway System.

4. Axle weight limits. The following axle weight limits apply.

A. Except as provided in section 2355, a vehicle may not be operated with a gross weight exceeding:

(1) On a single-axle unit, 22,400 pounds;

(2) On a tandem-axle unit, 38,000 pounds; or

(3) On a tri-axle unit, 48,000 pounds.

B. A single axle of a tandem-axle unit may not support more than 60% of the total weight supported by that tandem-axle unit, unless neither axle exceeds the weight legally allowed on a single-axle unit of that vehicle.

C. A single axle of a tri-axle unit may not support more than 40% of the total weight supported by that tri-axle unit.

D. The maximum gross weight of a vehicle or axle may not be increased by the addition of an axle unless it supports at least 50% of the added weight permitted by its addition.

E. A single-axle unit is one axle or 2 axles less than 4 feet apart. Two or more axles at least 4 feet and not more than 8 feet apart are a tandem-axle unit. Three axles measuring more than 8 feet and less than 12 feet between the first and 3rd axles are a tri-axle unit. If a single-axle unit is closer than 10 feet, or 9 feet in the case of a steering axle, to the nearest axle of a tri-axle unit, the 4 axles are a tri-axle unit.

5. Maximum tire weight. Notwithstanding any other provision of this Title, a vehicle may not be operated when the load on the road surface is greater than 600 pounds per inch of tire width, manufacturer's rating, except farm trucks transporting potatoes directly from the fields to the place of storage or to a processing facility during the potato harvesting season.

A tractor, the propulsive power of which is exerted not through wheels resting on the ground but by

means of a flexible band or chain known as a movable track, is not subject to this subsection if the portions of track in contact with the surface of the way present plane surfaces.

6. Exemption. A vehicle modified for the purpose of plowing snow is exempt from the weight limits imposed by this chapter when equipped with a snowplow and wing or wings and engaged in plowing snow or in ice control. A vehicle modified for the purpose of plowing snow is exempt from the maximum tire weight provisions of subsection 5 at all times. Any fire-fighting vehicle with its proper equipment that meets the National Fire Protection Association standards is exempt from the gross and axle weight limits imposed by this chapter. Any vehicle engaged in emergency maintenance of a public way is exempt from the weight limits imposed by this chapter.

§2354. Six-axle limits

Notwithstanding this subchapter, a combination vehicle consisting of a 3-axle truck tractor with a tri-axle semitrailer may be operated with a maximum gross vehicle weight of:

1. 90,000 pounds. Ninety thousand pounds, as long as:

A. The vehicle is registered for at least 90,000 pounds or the maximum allowable registered weight in its home jurisdiction; and

B. If the maximum allowable registered weight in the home jurisdiction is less than 90,000 pounds, the vehicle has a permit authorizing that operation in this State. The annual fee for the permit is \$105. The permit may be issued for a period of 3 months or more on a monthly prorated basis, but may not exceed the expiration date of the annual registration.

The maximum gross vehicle weight permitted is reduced by 2,000 pounds for each foot the distance is less than 32 feet between the extreme axles, excluding the steering axle, measured to the nearest foot; or

2. 100,000 pounds. One hundred thousand pounds, as long as the vehicle meets the requirements of subsection 1 and these additional requirements:

A. The distance between the extreme axles, excluding the steering axle, is not less than 36 feet as measured to the nearest foot;

B. The minimum distance between the steering axle and the first axle of the tandem-axle group is at least 10 feet as measured to the nearest foot;

C. The maximum weight on the:

(1) Tandem axle does not exceed 41,000 pounds; and

(2) Tri-axle does not exceed 50,000 pounds;

D. All brakes, axles and suspensions are certified for weight capacity by a final stage manufacturer. The certification must be presented before the permit is issued. The certification must be affixed to or carried in the vehicle and presented on request to a state police officer; and

E. A general commodity permit is obtained. The permit must be carried in the vehicle at all times. The fee for an annual permit is \$252; a 3-month permit is \$75; and a permit for a period of 4 months or more is \$21 per month. A permit may be transferred to another vehicle for an additional fee of \$2.

The permit may be obtained from a branch office of the Secretary of State, Bureau of Motor Vehicles, or from an agent appointed by the Secretary of State. A municipal agent may charge an additional \$1 and may retain that sum as compensation.

Revenue from the permit fee must be expended for the enforcement of truck weight regulations.

Nothing contained in this subsection applies to vehicles using the Interstate Highway System as defined in the Federal Aid Highway Act of 1956.

For vehicles operating under this subsection gross vehicle weight violations are determined on the basis of 90,000 pounds.

For all vehicles manufactured, modified or retrofitted with liftable or variable load suspension axles after October 30, 1991, liftable or variable load suspension axles are permitted only under the following conditions: only one liftable or variable load axle may be present on the truck tractor and only one liftable or variable load axle may be present on the semitrailer; liftable or variable load axles must be located on the vehicle so that they are legally part of the tandem axle group or tri-axle group as appropriate; and the axle weight rating of liftable or variable load axles must conform to the expected loading of the suspension and must be 20,000 pounds or more.

§2355. Interstate Highway System weight limits

1. Maximum weight. Notwithstanding section 2353, subsections 1 and 2, a vehicle may be operated on the Interstate Highway System with maximum weights permitted by this subsection if the weight does not exceed 80,000 pounds or the following formula, whichever is less.

$$W = 500 \left(\frac{LN}{N-1} + 12N + 36 \right)$$

W = overall gross weight on any group of 2 or more consecutive axles to the nearest 500 pounds

L = overall distance in feet between the extreme of any group of 2 or more consecutive axles

N = number of axles in group under consideration.

2. Axle limits. Notwithstanding sections 2353 and 2357, on the Interstate Highway System, the weight may not exceed:

A. On a single-axle unit:

(1) When the GVW is 73,280 pounds or less, 22,000 pounds; or

(2) When the GVW exceeds 73,280 pounds, 20,000 pounds;

B. On a tandem-axle unit, 34,000 pounds; and

C. On axles groups containing 2 or more axles, the maximum determined by the formula in subsection 1.

3. Three-axle truck. A 3-axle truck with brakes on all wheels, with a GVW of 48,000 pounds or less, may be operated on the Interstate Highway System when hauling:

A. Forest products or raw ore from the mine or quarry to a place of processing, with a distance between extreme axles of not less than 18 feet; or

B. Construction materials, with a distance between extreme axles of not less than 16 feet.

§2356. Operation of commercial vehicle exceeding registered weight

1. Operation prohibited. A person commits a Class E crime if that person operates a vehicle in excess of its registered weight on a public way.

2. Prima facie evidence. Operation of a vehicle is prima facie evidence that the operation was caused by the person holding the permit or certificate for that vehicle from the Secretary of State.

3. Exception. An operator who is employed by a carrier holding a permit or certificate and who has not participated in loading the vehicle is not subject to a penalty.

4. Penalty. Notwithstanding Title 17-A, section 4-B, except as provided in subsection 5, the fine for a violation of subsection 1 must be 1/2 of the difference in the registration fees for the actual weight and the registered weight of the vehicle. Except as provided in subsection 5, the minimum fine for a violation of this section is \$25.

5. Reduced penalty. If a short-term registration has been issued to a vehicle operated in violation of subsection 1, the short-term registration fee paid is credited against up to 50% of the fine if the following conditions are met:

A. The short-term registration was issued in the registration year during which the violation occurred and prior to the violation;

B. The short-term registration was for a weight equal to or in excess of the actual weight; and

C. The short-term registration is provided to the court.

If an adequate short-term registration expired 10 days or less prior to the violation of subsection 1 and the short-term registration is provided to the court, the maximum fine for a violation is \$25.

6. Private ways exempted. This section does not apply to operating on private ways.

§2357. Weight tolerance for certain vehicles

1. Vehicles included. The following vehicles qualify for the weight tolerances of this section:

A. A vehicle loaded entirely with building materials that absorb moisture during delivery originating and terminating within the State, bark, sawdust, firewood, sawed lumber, dimension lumber, pulpwood, wood chips, logs, soil, unconsolidated rock material including limestone, bolts, farm produce, road salt, manufacturer's concrete products, solid waste or incinerator ash;

B. Dump trucks or transit-mix concrete trucks, carrying highway construction materials;

C. A vehicle loaded with a majority of products requiring refrigeration, whether by ice or mechanical equipment; or

D. A vehicle loaded with raw ore from the mine or quarry to a place of processing.

2. Tolerance. A vehicle qualifying under this section is not in violation if its gross vehicle weight does not exceed 110% of the maximum gross vehicle weight established in section 2353, subsection 1 and the maximum axle loads do not exceed:

- A. For a single-axle unit, 24,200 pounds;
- B. For a tandem-axle unit, 46,000 pounds;
- C. For a tri-axle unit, 54,000 pounds; and
- D. On the tri-axle unit of a 4-axle single-unit vehicle hauling forest products, 64,000 pounds.

3. Axle limits. Notwithstanding subsection 2, the tandem-axle unit limit for a vehicle with a combination of 5 or more axles may not exceed 44,000 pounds.

4. Six-axle combination. Notwithstanding subsection 2, a 6-axle combination vehicle, consisting of a 3-axle truck tractor operating in combination with a tri-axle semitrailer may not exceed 100,000 pounds. The distance between the extreme axles of a vehicle under this subsection, excluding the steering axle, must be at least 32 feet.

If a truck tractor is registered in a jurisdiction where the maximum allowable registered weight is less than 90,000 pounds, the vehicle must have a permit authorizing operation in this State. The annual fee for the permit is \$105. The permit may be issued for a period of 3 months or more on a monthly prorated basis, but may not exceed the expiration date of the annual registration.

5. Application. The tolerances provided under this section only apply when a vehicle:

- A. Is actually transporting the listed commodities; and
- B. Is registered for at least the maximum legal weight for its configuration allowed under section 2353.

6. Seals. If a seal is required on a vehicle, the State Police shall record the numbers of the old seal and the new seal.

7. Penalty calculation; fine base. When a weight tolerance established in this section is exceeded, the difference between the actual weight and the fine base for the tolerance must be used as the basis for determining the percentage of overload in section 2360 and the tolerance must be disregarded. The fine base for tolerances described in subsection 2 is the appropriate limit in section 2353 and 90,000 pounds is the appropriate limit for the 6-axle combination vehicle described in subsection 4.

8. Interstate Highway System. This section does not apply to a vehicle operated on the Interstate Highway System.

§2358. Weighing of vehicles

A state police officer may require a motor vehicle or combination of vehicles described in this chapter to stop and submit to weighing. The following provisions apply to the weighing of vehicles.

1. Travel to public scales. If scales are not available, the officer may require that an operator of a vehicle go to the nearest public scales capable of weighing the vehicle, if the travel does not increase by more than 5 miles the distance that the operator may reasonably travel to reach its destination.

2. Weighing points. The Chief of the State Police may designate weighing points where public stationary scales are located.

A weighing point must have signs:

- A. Not less than 500 feet from approaching traffic;
- B. Bearing the words "State Police Truck Check - All Trucks Stop"; and
- C. Displaying flashing yellow lights, which must operate when the weighing station is open.

The placement of signs is prima facie evidence that these signs were displayed in accordance with this section.

An operator of a vehicle subject to GVW restrictions who fails to stop at the weighing point when the signs are operating, unless otherwise directed by a state police officer, commits a traffic infraction for which a forfeiture not to exceed \$500 may be adjudged.

3. Designating officers. The Chief of the State Police may designate certain state police officers to examine loads and replace seals as provided by this section.

4. Required stops. On direction of a state police officer, an operator must drive the vehicle onto the scales for weighing and permit examination of the registration certificate and the load.

5. Seals. When examination requires the breaking of a seal previously placed on a vehicle, a new seal must be placed on it.

The officer shall make a complete record and forward it to the Chief of the State Police.

A seal on a truck having an exposed refrigeration unit may not be broken.

6. Unloading excess. When an officer determines that a vehicle exceeds the permitted weight, the

officer must require the operator to stop the vehicle in a designated place.

The vehicle may not proceed until the operator has reduced the weight to permitted limits; except that if the excess weight does not exceed 2,000 pounds, an officer may permit the vehicle to proceed without unloading. The officer may summons the owner or driver of that vehicle.

An officer, the State or a political subdivision is not responsible for loss or damage to a vehicle or its contents as a result of unloading.

7. Out-of-service sticker. If the weight exceeds the maximum allowable gross vehicle weight by 20% or more, the officer shall affix an out-of-service sticker to the windshield until the vehicle is brought into compliance.

The vehicle may not be moved until it is brought into compliance.

When a vehicle is brought into compliance, an officer may attest to compliance by signing the out-of-service sticker.

A person commits a Class E crime if that person moves a vehicle with an out-of-service sticker that has not been signed by an officer attesting to compliance.

An owner or operator who fails to have the out-of-service sticker attested or who fails to return the attested sticker or portion to the Bureau of State Police within 15 days of issuance commits a traffic infraction.

8. Allowable movement. Notwithstanding this section, a state police officer may allow a vehicle to be operated a reasonable distance to a more appropriate location for unloading or parking.

9. Fees. Subject to the provisions of Title 5, chapter 375, subchapter IV, the operator of a vehicle registered in this State found to violate section 2352 shall pay to the officer weighing the vehicle the difference between the annual registration fee for the actual weight of the vehicle and the annual registration fee previously paid prior to proceeding.

The operator of a foreign-registered vehicle found to be in violation of section 2352, subsection 2 must obtain a trip permit for a fee of \$25 before the vehicle may proceed. The trip permit is valid for 72 hours. The Secretary of State shall notify the violator's home jurisdiction of the violation of section 2352.

The payment of a fee under this section does not preclude the imposition of fines or penalties. Upon payment of the fee, the officer shall give the operator a temporary registration certificate. Fees collected

must be returned to the Secretary of State at least biweekly. These fees accrue to the Highway Fund.

10. Records. A state police officer shall keep a complete record of each vehicle weighed.

The records must include information as to the general type of load carried.

The officer shall send a copy of each record, prior to the close of the month following the weighing, to the Chief of the State Police.

The Chief of the State Police shall prepare and furnish the forms for these records.

§2359. Prima facie evidence

For the purposes of this Title, weights as indicated by a stationary or portable scale approved by the Department of Transportation and tested within 12 calendar months prior to the time of use by a person and method approved by the Department of Transportation are considered accurate.

§2360. Excess vehicle weight

1. Violation of weight provision. A person who operates or causes operation of a motor vehicle in violation of a weight provision for any axle or group of axles or gross vehicle weight commits a traffic infraction.

2. Penalty. Notwithstanding section 101, subsection 85, a person who is guilty of excessive vehicle weight must be punished by a fine in accordance with this section. When both gross and axle weight limits are exceeded, the penalty imposed must be for the violation that results in the higher fine.

3. Schedule of fines. The fine must be based on the amount of gross vehicle weight or axle weight in excess of the limits prescribed in sections 2352 to 2355.

This schedule is cumulative:

<u>Percent over allowed basic weight</u>	<u>Fine for each percent</u>
<u>1-10%</u>	<u>\$10 for each percent</u>
<u>11-20%</u>	<u>\$100 + \$15 for each percent over 10%</u>
<u>21-30%</u>	<u>\$250 + \$20 for each percent over 20%</u>
<u>31-40%</u>	<u>\$450 + \$25 for each percent over 30%</u>

<u>41-50%</u>	<u>\$700 + \$30 for each percent over 40%</u>
<u>more than 50%</u>	<u>\$1,000 + \$10 for each percent over 50%</u>

4. Minor gross weight violations. It is not a violation if the allowable gross vehicle weight is exceeded by less than 500 pounds multiplied by the number of axles less one. If the allowable gross weight is exceeded by more than 500 but less than 1,000 pounds multiplied by the number of axles less one, the fine is reduced by 50%.

5. Minor axle weight violations. It is not a violation if the allowable weight on an axle or group of axles is exceeded by less than 1,000 pounds. If the excess is less than 1,000 pounds plus 500 pounds multiplied by the number of axles in the axle group, the fine is reduced by 66%. If the excess is less than 1,000 pounds plus 1,000 pounds multiplied by the number of axles in the axle group, the fine is reduced by 50%.

6. Axle overweight not exceeding 5%. It is not a violation if, before any redistribution of load under subsection 7, the gross vehicle weight is not exceeded and the weight of a single-axle unit, tandem-axle unit or tri-axle unit is not more than 105% of the allowable weight for that axle unit.

7. Redistribution of load. Notwithstanding any other provisions of this section, when an officer determines that a vehicle that is within the gross vehicle weight limit is in violation of an axle weight limit, the officer shall permit the operator to redistribute the load once before proceeding. If redistribution brings the vehicle into compliance with axle limits, then the fine is reduced as follows:

- A. If the violation is less than 2,000 pounds, no penalty;
- B. If the violation is less than 3,000 pounds, by 66%; and
- C. If the violation is less than 4,000 pounds, by 50%.

8. Multiple reductions. If multiple waivers or reductions of fines may apply, the subsection that gives the smallest fine applies. Reductions may not be combined.

9. Minimum fine. For a vehicle using the Interstate Highway System, the minimum fine for a gross vehicle weight or axle weight violation is \$20, which may not be waived, and cost of court. For a vehicle on all other highways, the minimum fine for a gross vehicle weight or axle weight violation is \$10.

10. Application. Subsections 4 to 7 do not apply to travel on the Interstate Highway System.

§2361. Aggravated excessive vehicle weight violations

1. Traffic infraction. A person who operates or causes operation of a motor vehicle exceeding the maximum allowable gross vehicle weight limit by 20% or more commits a traffic infraction except as provided in section 2363.

2. Penalty. Notwithstanding section 101, subsection 85, a fine equal to the applicable gross weight fine, increased by 50% for the first offense, and by 100% for the 2nd or subsequent offense during a 12-month period, is imposed. In the event that a larger fine would be due for an axle violation under section 2361, that larger fine must be imposed.

3. Prior offenses. A state police officer shall investigate to determine whether the charged person has been adjudicated under provisions of this section, including an inquiry of the Secretary of State.

An offense that occurs with the same vehicle within a 12-month period following a previous adjudication for a violation is a 2nd or subsequent offense.

A previous adjudication has occurred within the 12-month period if the date of docket entry of the adjudication is 12 months or less from the date of the new conduct that is a violation.

If the person being prosecuted has the same name and date of birth as a person who has a previous adjudication, then there is a presumption that they are the same person.

§2362. Repeat offender

1. Record keeping. The Secretary of State must maintain a record of aggravated excessive vehicle weight violations.

2. Suspension for repeat offenders. If the record maintained by the Secretary of State shows that a vehicle has been operated in violation of section 2361 3 or more times during a 12-month period, then the Secretary of State shall suspend the registration plates and certificate of that vehicle, or, for a foreign-registered vehicle, the right to operate in this State.

3. Length of suspension. The term of suspension for the 3rd offense is 30 days and, for the 4th and subsequent offenses, 60 days.

4. Criminal penalty. Notwithstanding section 2361, a 3rd or subsequent violation of section 2361 within a 12-month period is a Class E crime, but the

fine specified in section 2361 and the suspension specified in this section apply.

§2363. Refusal to permit weighing

1. Violation. An operator or owner commits a Class E crime if that person refuses to permit the weighing of a vehicle as provided in this subchapter.

2. Fine. Notwithstanding Title 17-A, a fine of not more than \$1,500 may be imposed. The fine accrues to the Highway Fund.

§2364. Six-axle single unit truck

A 6-axle single unit truck may be operated, or caused to be operated, if:

1. General road limit. The general road limit for this vehicle is 54,000 pounds gross vehicle weight when the vehicle operates as a 3-axle single unit vehicle; 69,000 pounds when the vehicle operates as a 4-axle or 5-axle single unit vehicle; and 77,200 pounds gross vehicle weight when the vehicle operates as a 6-axle single unit vehicle;

2. Axle distance. Axle distances as measured from axle center to axle center, numbering the axles beginning with the steering axle and moving rearward on the vehicle, are as follows:

<u>Axle to axle</u>	<u>At least</u>	<u>But not more than</u>
<u>Steering to axle 2</u>	<u>13 ft. 7 in.</u>	<u>14 ft. 1 in.</u>
<u>Axle 2 to axle 3</u>	<u>4 ft. 3 in.</u>	<u>4 ft. 9 in.</u>
<u>Axle 3 to axle 4</u>	<u>4 ft.</u>	<u>5 ft. 3 in.</u>
<u>Axle 4 to axle 5</u>	<u>4 ft. 3 in.</u>	<u>4 ft. 9 in.</u>
<u>Axle 5 to axle 6</u>	<u>5 ft.</u>	<u>5 ft. 6 in.</u>
<u>Steering to axle 6</u>	<u>Not applicable</u>	<u>32 ft. 10 in.</u>

The distance between the front bumper and the rear bumper of the vehicle may not exceed 41 feet;

3. Lifiable axles. Axles 2, 5 and 6 of the vehicle may be lifiable axles. Axles 2 and 6 must be self-steering axles of a type that has been approved by the Department of Transportation;

4. Four-tiered axles. All axles must be 4-tiered axles except the steering axle and axle 2;

5. Certified weight capacity. All brakes, axles and suspensions must be certified with respect to weight capacity by a final stage manufacturer. The final stage manufacturer must also certify that the

vehicle's axle spacings and interlock devices met the requirements of this paragraph at the time of manufacture. The certification must be filed with the Secretary of State on forms prescribed by the Secretary of State. A copy of the certification must be carried in the vehicle at all times;

6. Operation as a 3-axle single unit vehicle. When operating as a 3-axle single unit vehicle:

A. All provisions of this Title appropriate for a 3-axle single unit truck with rear tandem axle apply;

B. When commodities permitted by section 2357 are carried, gross weight and axle weights must be those specified for 3-axle vehicles for the specific commodities carried; and

C. The basic weight used to calculate fines is a gross vehicle weight road limit of 54,000 pounds or the axle weight limits provided by this section, as appropriate. If there are 2 or more weight violations, only the largest fine applies;

7. Operation as a 4-axle or 5-axle single unit vehicle. When operating as a 4-axle or 5-axle single unit vehicle:

A. Axle 5 must be fully lowered and in contact with the ground at all times;

B. All provisions of this Title appropriate for a 4-axle single unit truck with rear tri-axle apply, using the tri-axle group limits for axles 2 to 5;

C. When commodities permitted by section 2357 are carried, gross weight and axle weights are those specified for 4-axle or 5-axle vehicles for the specific commodities carried, as appropriate; and

D. The basic weight used to calculate fines is a gross vehicle weight road limit of 69,000 pounds or the axle weight limits provided by this section, as appropriate. If there are 2 or more weight violations, only the largest fine applies;

8. Operation as a 6-axle single unit vehicle. When operating a 6-axle single unit vehicle:

A. The vehicle must be registered for at least 77,200 pounds;

B. Only forest products may be carried;

C. All lifiable axles must be in contact with the ground except that axles 2 and 6 may be temporarily lifted when necessary during cornering operations. Immediately following this cornering operation, the axles must be lowered to full contact with the ground. Axles 2 and 6, if

liftable, must be fitted with interlock devices that prevent the operator from lifting the axle or axles when the vehicle speed exceeds 15 miles per hour. The devices must be designed to permit the axle-lifting operation only in the low range in a 2-range transmission or in either the low or medium range in a 3-range transmission. The devices must also be designed to automatically lower axles 2 and 6 to normal contact with the ground when the transmission is shifted from the applicable ranges under this division;

D. The maximum permitted gross vehicle weight is 85,000 pounds;

E. The maximum weight of the steering axle may not exceed 15,600 pounds and the maximum weight of each of the other axles of the vehicle may not exceed 15,000 pounds;

F. The following forgiveness provisions are granted on the gross vehicle weight and axle weight limits:

Gross vehicle weight

<u>85,001 lbs. to 87,499 lbs.</u>	<u>Fine waived</u>
<u>87,500 lbs. to 89,999 lbs.</u>	<u>Fine reduced 50%</u>
<u>90,000 lbs. or more</u>	<u>Full fine</u>

Axle weight

<u>Steering axle</u>	<u>No forgiveness granted</u>
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Axles 2 to 6:

<u>15,001 lbs. to 15,999 lbs.</u>	<u>Fine waived</u>
<u>16,000 lbs. to 16,499 lbs.</u>	<u>Fine reduced 2/3</u>
<u>16,500 lbs. to 16,999 lbs.</u>	<u>Fine reduced 50%</u>
<u>17,000 lbs. or more</u>	<u>Full fine</u>

No other tolerances or forgivenesses apply; and

G. The basic weight used to calculate fines is a gross vehicle weight road limit of 77,200 pounds or the axle weight limits enumerated in paragraph E, as appropriate. If there are 2 or more weight violations, the largest fine only applies; and

9. Application. Nothing contained in this section is applicable to vehicles operating on the Interstate Highway System, as defined in the Federal Aid Highway Act of 1956.

§2365. Four-axle single unit truck in combination with 2-axle trailer

A combination vehicle consisting of a 4-axle single unit truck operating in combination with a 2-axle trailer may be operated, or caused to be oper-

ated, with a maximum gross weight of 94,000 pounds if:

1. Registration. The trailer unit is registered for a minimum of 28,000 pounds gross weight and the combined registered weight of the truck and trailer unit is at least 85,000 pounds gross weight;

2. Special commodities. Only those commodities specified in section 2357, subsection 1 are being carried when a vehicle is being operated at a gross vehicle weight exceeding 80,000 pounds;

3. Single axle weights. The following single axle weights are not exceeded:

A. For a steering axle, the limit is the lesser of 14,000 pounds or the weight limit provided by this chapter;

B. For 2 to 4 truck axles, the limit is 20,000 pounds for each axle; or

C. For trailer axles, the limit is 18,000 pounds for each axle;

4. Tri-axle gross weight. The gross weight of the tri-axle, which is the sum of the weight of the 2nd, 3rd and 4th axles of the truck, does not exceed 50,000 pounds;

5. Liftable axles. When operating at a gross vehicle weight exceeding 88,000 pounds, all liftable axles of the vehicle are in full contact with the ground at all times;

6. Percent over basic weight. The "percent over basic weight" used to calculate fines for weight violations by the vehicle are based upon a gross vehicle weight limit of 85,000 pounds or upon the axle weight limits enumerated in subsections 3 and 4, as appropriate;

7. Vehicle dimensions. The following vehicle dimensions are met:

	<u>At Least</u>	<u>Not to Exceed</u>
<u>Overall Vehicle</u>		
<u>Length</u>	<u>--</u>	<u>65 ft. 0 in.</u>
<u>Axle 1 to Axle 6</u>	<u>56 ft. 10 in.</u>	<u>58 ft. 10 in.</u>
<u>Axle 1 to Axle 2</u>	<u>13 ft. 6 in.</u>	<u>18 ft. 4 in.</u>
<u>Axle 2 to Axle 3</u>	<u>3 ft. 8 in.</u>	<u>5 ft. 0 in.</u>
<u>Axle 3 to Axle 4</u>	<u>3 ft. 8 in.</u>	<u>5 ft. 0 in.</u>
<u>Axle 4 to Axle 5</u>	<u>12 ft. 11 in.</u>	<u>17 ft. 6 in.</u>
<u>Axle 5 to Axle 6</u>	<u>15 ft. 2 in.</u>	<u>20 ft. 7 in.</u>

Axle distances are measured from axle center to axle center; and

8. Certification of brakes, axles and suspensions. All brakes, axles and suspensions of both the truck and trailer units are certified with respect to weight capacity by a final stage manufacturer. Separate certifications for the truck and trailer units must be filed with the Secretary of State on forms prescribed by the Secretary of State. A copy of the certification for each unit must be carried in the vehicle at all times.

Nothing contained in this section is applicable to vehicles operating on the Interstate Highway System, as defined in the Federal Aid Highway Act of 1956.

SUBCHAPTER II

DIMENSION

§2380. Height and width restrictions

1. Maximum width. A vehicle that is wider than 102 inches over all may not be operated on a public way or bridge.

2. Maximum height. A vehicle with a permanent or temporary structural part more than 13 feet, 6 inches in height measured vertically from a level ground surface may not be operated on a public way or bridge.

A load may extend 6 inches above the maximum permissible structural height of a vehicle.

A vehicle may not be operated over a section of a way or bridge that does not provide adequate overhead clearance.

3. Reflecting mirrors. A portion of a vehicle or load, except a reflecting mirror, may not project beyond the side of that vehicle to make a total width greater than specified in this section.

4. Hay. Notwithstanding subsection 1, rolled baled hay may be loaded on a vehicle not to exceed 11 feet in width when transported within a 20-mile radius of the farm on which the hay is harvested or stored. A vehicle used for the transportation of rolled baled hay may not be operated on a public way during nighttime.

5. Wood piled in tiers. If firewood, pulpwood or bolts are piled in tiers from the front to rear of the vehicle:

A. When the load will pitch to the center of the vehicle, a strip of wood or metal 3 inches thick must extend along the sides of the platform, from front to rear, securely fastened to the platform; or

B. The load must be bound from front to rear with 2 chains, wire ropes, steel cable binders or web straps or a combination:

(1) Meeting the specifications of section 2386; and

(2) Held firmly in place and properly spaced to secure the load.

The vehicle so loaded must carry a solid-boarded tailboard or 5 stakes of sufficient strength evenly spaced to maintain the weight of the load. The load may not at any place be higher than the tailboard or stakes.

6. Liability. A person damaging a bridge or overpass with a vehicle or load in excess of the legal height or width limits established in this chapter or a posted limit is deemed the proximate cause of all damage and is liable for the costs of all repairs necessary to restore the structure to its condition prior to the accident. Officials in charge of the maintenance of a bridge or overpass may bring a civil action to recover the costs of repairs.

7. Penalty. The penalty for the violation of this section is a fine of not less than \$100 nor more than \$1,000, except that the minimum fine for a violation of a posted bridge height is \$250.

8. Exceptions. This section does not apply to:

A. Snow plows and equipment used exclusively for the removal of snow from public ways;

B. Construction equipment used on way and bridge construction projects; and

C. A load of loose hay, pea vines, cornstalks or other loosely mounded loads that can not damage structures or threaten public safety.

§2381. Moving heavy objects and objects that exceed dimensional limits

1. Prohibition. A person may not move a vehicle or other object over a public way or bridge without obtaining a permit under this section if that vehicle or object exceeds the length, width, height or weight prescribed in this Title or if it has attached to its wheels a flange, rib, clamp or other object likely to injure the surface of the public way or bridge.

2. Exception. This section does not prohibit:

A. The transportation of poles by a tractor and semitrailer without regard to overall length;

B. Overwidth mowing machines, light farm tractors or other lightweight farming vehicles and equipment not customarily operated over

public ways, if equipped with lights or reflectors to the front and rear adequately warning, during nighttime, other highway users of the extreme width; or

C. The use of tire chains of reasonable proportions when required for safety because of snow, ice or other slippery conditions.

3. Transporter certificates. This section applies but is not limited to holders of transporter registration certificates.

§2382. Overlimit movement permits

1. Overlimit movement permits issued by State. The Secretary of State, acting under guidelines and advice of the Commissioner of Transportation, may grant permits to move nondivisible objects having a length, width, height or weight greater than specified in this Title over a way or bridge maintained by the Department of Transportation.

2. Permit fee. The Secretary of State, with the advice of the Commissioner of Transportation, may set the fee for these permits, at not less than \$3, nor more than \$15, based on weight, height, length and width.

3. County and municipal permits. A permit may be granted, for a reasonable fee, by county commissioners or municipal officers for travel over a way or bridge maintained by that county or municipality.

4. Permits for weight. A vehicle granted a permit for excess weight must first be registered for the maximum gross vehicle weight allowed for that vehicle.

5. Special mobile equipment. The Secretary of State may grant a permit, for no more than one year, to move pneumatic-tire equipment under its own power, including Class A and Class B special mobile equipment, over ways and bridges maintained by the Department of Transportation. The fee for that permit is \$15 for each 30-day period.

6. Scope of permit. A permit is limited to the particular vehicle or object to be moved and particular ways and bridges.

7. Construction permits. A permit for a stated period of time may be issued for loads and equipment employed on public way construction projects, United States Government projects or construction of private ways, when within construction areas established by the Department of Transportation. The permit:

A. Must be procured from the municipal officers for a construction area within that municipality;

B. May require the contractor to be responsible for damage to ways used in the construction areas and may provide for:

(1) Withholding by the agency contracting the work of final payment under contract; or

(2) The furnishing of a bond by the contractor to guarantee suitable repair or payment of damages.

The suitability of repairs or the amount of damage is to be determined by the Department of Transportation on state-maintained ways and bridges, otherwise by the municipal officers;

C. May be granted by the Department of Transportation or by the state engineer in charge of the construction contract; and

D. For construction areas, carries no fee and does not come within the scope of this section.

8. Gross vehicle weight permits. The following may grant permits to operate a vehicle having a gross vehicle weight exceeding the prescribed limit:

A. The Secretary of State, with the consent of the Department of Transportation, for state and state aid highways and bridges within city or compact village limits;

B. Municipal officers, for all other ways and bridges within that city and compact village limits; and

C. The county commissioners, for county roads and bridges located in unorganized territory.

9. Pilot vehicles and state police escorts. Pilot vehicles required by a permit must be equipped with warning lights and signs as required by the Secretary of State with the advice of the Department of Transportation.

Warning lights may only be operated and lettering on the signs may only be visible on a pilot vehicle while it is escorting on a public way a vehicle with a permit.

The Secretary of State shall require a State Police escort for a single vehicle or a combination of vehicles of 125 feet or more in length or 16 feet or more in width. The Secretary of State, with the advice of the Commissioner of Transportation, may require vehicles of lesser dimensions to be escorted by the State Police.

The Bureau of State Police shall establish a fee for State Police escorts.

All fees collected must be used to defray the cost of services provided.

With the advice of the Commissioner of Transportation and the Chief of the State Police, the Secretary of State shall establish rules for the operation of pilot vehicles.

10. Taxes paid. A permit for a mobile home may not be granted unless the applicant provides reasonable assurance that all property taxes, sewage disposal charges and drain and sewer assessments applicable to the mobile home, including those for the current tax year, have been paid or that the mobile home is exempt from those taxes.

§2383. Crossing of public way

1. Authorization. The following, by a contract with the abutting landowners at the designated crossing, may authorize the crossing of ways by vehicles or objects having an excessive length, width, height or weight:

A. The Department of Transportation for state aid highways and other ways maintained by the department;

B. Municipal officers for ways within the municipality; and

C. The county commissioners for county roads in the unorganized territory.

2. Contract. A contract must contain at least the following:

A. The term, including a term of years, for which the authorization remains valid;

B. Provisions for reimbursement to the authorizing agency for costs of repair or maintenance of the way arising out of the use of the crossing; and

C. Other terms and conditions for safety, grading and maintenance.

3. Scope. A contract grants authority to use the crossing to the abutting landowners at the point of crossing and to those using the crossing with the landowner's permission.

§2384. Regional overdimensional truck permits

1. Authorization. The Commissioner of Transportation may enter into a regional overdimensional truck permit agreement.

2. Purpose. It is the purpose of this section to:

A. Promote and encourage the fullest and most efficient use of the highway system by making uniform, among member jurisdictions, the administration of overdimensional and overweight permits for nondivisible loads on vehicles in interstate operation;

B. Enable participating jurisdictions to act cooperatively in the issuance of overdimensional and overweight permits and in the collection of appropriate fees; and

C. Establish and maintain the concept of one administering jurisdiction for each permittee based on the rules established under the agreement.

3. Principles. The State recognizes that the regional administration of overdimensional and overweight permits for nondivisible loads will promote the more efficient use of the highway system while protecting that system from abuse. The State further recognizes that this agreement will reduce the administrative burdens for both the participating jurisdictions and the permittees by limiting the number of contacts necessary when a motor carrier moves an overdimensional or overweight load interstate.

4. Authorization. The Commissioner of Transportation may enter into an agreement, not in conflict with any other sections of this Title or of Title 23, that furthers the intent of this section.

5. Fees. The Secretary of State may collect and distribute fees for other participating jurisdictions and receive fees from those jurisdictions collected on behalf of this State.

6. Report. The commissioner shall submit a biennial report to the joint standing committee of the Legislature having jurisdiction over transportation matters in January of even-numbered years. The report must outline progress in the expansion and the operation of the agreement.

§2385. Protruding objects and trailers

1. Warning device. A vehicle carrying an object that projects more than 4 feet from the rear must carry, at or near the rear of the object:

A. During nighttime, a red light; and

B. At all other times, a clean fluorescent cloth at least 12 by 12 inches.

2. Logs. During the hours when lights are required, a vehicle carrying logs that project more than 4 feet from the rear of the vehicle must display a

red reflector or reflectorized paint on the end of the log projecting furthest to the rear. The reflector or reflectorized paint must be of sufficient size and properly located and maintained so as to reflect, at night on an unlighted highway, the undimmed headlights of a vehicle approaching from the rear for at least 200 feet.

3. Safety chains. A trailer, semitrailer or vehicle being towed must, in addition to the tow bar or coupling device, have a safety chain or steel cable so attached as to prevent breakaway from the towing vehicle.

The chain or steel cable must be made of not less than 1/4-inch wire.

This subsection does not apply to truck tractor and semitrailer units equipped with 5th wheel mechanism.

§2386. Binding of loads

1. Load in excess of 8 feet. A vehicle used to transport a load of long logs, junk or unserviceable motor vehicles, greater than 8 feet in height, must have the load bound by at least 3 securing lines, which may be chains and binders, wire ropes, steel cables, polyester or nylon web straps or any combination.

2. Lower load. If the height of the load is less than 8 feet and more than 30 inches, the load must be bound by at least 2 securing lines.

3. Quality. Chains, ropes or cables may not be less than 3/8 inch in diameter.

4. Webbing. Web straps must have a working strength of not less than 12,000 pounds each. A loss of 25% or more of the width or 25% of the thickness across 1/2 the width at any point makes the straps insufficient.

5. Location. These securing lines must be held firmly in place and properly spaced to secure the load.

§2387. Bridge loads

1. Local authority to limit weight, number or speed. Officials responsible for the repair and maintenance of a bridge may limit the combined weight of vehicle and load or any axle, or the number or speed of vehicles permitted on a bridge to the limit necessary for the safety of life or property or the maintenance of the bridge.

2. Department of Transportation responsibility. If an official fails to set limits, the Department of Transportation may set limits.

3. Posting. Regulations are in effect when notice is conspicuously posted at each end of a bridge.

4. Advice. Limits must be based on the advice of the Department of Transportation or a registered professional civil engineer retained for the purpose of inspecting and determining the safe capacity of bridges.

In an emergency, the officials may set limits as they may determine proper for the structural capacity or the maintenance of the bridge.

As soon as is reasonably possible, the officials shall seek the advice of the Department of Transportation.

5. Penalty. Violation of a posted bridge weight limit is a traffic violation, for which a forfeiture of \$20 per each full 1,000 pounds plus \$30 per each full 10% over the posted limit may be adjudged.

It is not a violation if the excess weight is less than 500 pounds multiplied by the number of axles less one.

If the violation is for excess weight less than 1,000 pounds multiplied by the number of axles less one, the fine is reduced by 50%.

§2388. Violations; bond; appeals

1. Violation. Except as otherwise provided, an operator who violates a provision of this subchapter commits a traffic infraction for which a forfeiture of not less than \$25 nor more than \$1,000 for each offense may be adjudged.

2. Bond. In granting a permit under this subchapter, an operator may be required to post a satisfactory bond to reimburse for expenses necessarily incurred in repairing damage caused to the way or bridge by the operator's use.

3. Appeals. An appeal in writing may be taken to the Department of Transportation from an order or decision of a municipal official under sections 2380 to 2382, 2387 and 2395.

The Department of Transportation may hear and decide the matter in a summary manner, modifying, affirming or vacating the action and may issue any order necessary to carry out its decision.

An appeal does not suspend the order or decision of the municipal official unless ordered by the Department of Transportation.

An appeal may be taken to the Public Utilities Commission from an action by a railroad corporation under section 2388 in respect to a highway bridge maintained by the corporation. The commission, after notice and hearing, may confirm or modify that action.

§2389. Truck, trailer and combinations; limitations

1. Limitation on drawn trailers. Only one trailer or semitrailer may be drawn by a motor vehicle, except that a combination of a truck tractor, semitrailer and full trailer may be operated on the Interstate Highway System and those qualifying federal aid primary system highways designated by the Secretary of the United States Department of Transportation, pursuant to the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, Section 411. "Driveaway" and "towaway" operations, as defined by the Secretary of State, may include a combination of saddle-mount vehicles not to exceed 3 units in contact with the road.

2. Converted semitrailers. A semitrailer converted to a trailer by use of a converter dolly remains a semitrailer for all other purposes in this Title and is considered one vehicle while connected.

§2390. Maximum length limits

1. Trucks and trailers. The following maximum length limits include permanent or temporary structural parts of the vehicle and load, but do not include refrigeration units or other nonload-carrying appurtenances permitted by federal regulation.

A. A vehicle may not exceed 45 feet, except as provided in this section.

B. A combination of truck tractor and full trailer or truck tractor and semitrailer may not exceed 65 feet.

C. A trailer or semitrailer may be greater than 45 feet but not more than 48 feet in length provided that the distance between the center of the rearmost axle of the truck tractor and the center of the rearmost axle of the trailer or semitrailer does not exceed 38 feet.

The interaxle distance maximum limit does not apply on the Interstate Highway System and those qualifying federal aid primary system highways designated by the Secretary of the United States Department of Transportation, pursuant to the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, Section 411.

D. The load on a combination vehicle transporting tree-length logs exclusively may extend rearward beyond the body of the vehicle by no more than 8 1/2 feet, as long as no more than 25% of the length of the logs extends beyond the body.

E. A combination of truck tractor and full trailer or semitrailer may be operated on the Interstate Highway System and those qualifying federal aid primary system highways designated by the Secretary of the United States Department of Transportation, pursuant to the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, Section 411, with an overall length in excess of 65 feet, if the trailer or semitrailer length does not exceed 48 feet.

F. A combination of truck tractor, semitrailer and full trailer, or a combination of truck tractor and 2 semitrailers, may be operated on the Interstate Highway System and those qualifying federal aid primary system highways designated by the Secretary of the United States Department of Transportation, pursuant to the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, Section 411, with an overall length in excess of 65 feet, if no semitrailer or trailer length exceeds 28.5 feet.

G. A stinger-steered autotransporter may be operated on the Interstate Highway System and those qualifying federal aid primary system highways designated by the Secretary of the United States Department of Transportation, pursuant to the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, Section 411, with an overall length not to exceed 75 feet.

H. A combination vehicle designed for and transporting automobiles may be operated with an additional front overhang of not more than 3 feet and rear overhang of not more than 4 feet.

I. Saddle-mount vehicle transporter combinations with up to 3 saddle-mounted vehicles and one fullmount, with an overall length not exceeding 75 feet, may be operated on the Interstate Highway System and those qualifying federal aid primary system highways designated by the Secretary of the United States Department of Transportation, pursuant to the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, Section 411.

J. Notwithstanding any other provision of this subsection, a single semitrailer whose total length exceeds 48 feet but does not exceed 53 feet may be operated in combination with a truck tractor on highways designated by the Commissioner of Transportation if the following conditions are met.

(1) The wheelbase of the semitrailer, measured as the distance from the kingpin

to the center of the rearmost axle of the semitrailer, may not exceed 43 feet.

(2) The kingpin setback of the semitrailer, measured as the distance from the kingpin to the front of the semitrailer, may not exceed 3 1/2 feet in length.

(3) The rear overhang of the semitrailer, measured as the distance from the center of the rear tandem axles of the semitrailer to the rear of the semitrailer, may not exceed 35% of the wheelbase of the semitrailer.

(4) The semitrailer must be equipped with a rear underride guard that is of sufficient strength to prevent a motor vehicle from penetrating underneath the semitrailer, extends across the rear of the semitrailer to within an average distance of 4 inches of the lateral extremities of the semitrailer, exclusive of safety bumper appurtenances, and is placed at a height not exceeding 22 inches from the surface of the ground as measured when the semitrailer is empty and is on a level surface.

(5) The semitrailer must be equipped with vehicle lights that comply with or exceed federal standards and reflective material approved by the Commissioner of Transportation that must be located on the semitrailer in a manner prescribed by the commissioner. The semitrailer must display a conspicuous warning on the rear of the semitrailer indicating that the vehicle combination has a wide turning radius.

(6) The semitrailer and the truck tractor used in combination with the semitrailer may not have liftable axles.

(7) The maximum gross weight of the truck tractor and semitrailer combination may not exceed 80,000 pounds or the maximum gross vehicle weight permitted by chapter 21, subchapter I, whichever is less.

(8) The overall length of the truck tractor and semitrailer combination may not exceed 70 feet, including all structural parts of the vehicle, permanent or temporary, and any load carried on or in the vehicle.

(9) Notwithstanding section 2380, the width of the semitrailer must be 102 inches, except that the width of the rear safety bumper and appurtenances to the safety bumper may not exceed 103 inches and except that the width of a flatbed or

lowboy semitrailer, measured as the distance between the outer surface edges of the semitrailer's tires, must be at least 96 inches but no more than 102 inches.

(10) For semitrailers being operated off the designated routes, a 53-foot semitrailer access permit must be obtained from the Department of Transportation. The permit must apply to a specific motor carrier, specify routing and any other travel conditions and be carried in the truck tractor. Access to service facilities for the purpose of food, fuel, repairs and rest must be permitted only on intersecting crossroads within 1/2 mile of the system of federal aid primary highways designated by the Commissioner of Transportation for 53-foot semitrailer travel.

(11) A 53-foot semitrailer permit must be obtained from the Secretary of State. The fee, which is nontransferable and nonrefundable, is \$60 per year for a maximum of 2 years or \$5 per month or portion of a month for a period of from one to 24 months. The Secretary of State shall issue an identification decal of such size and design as the Secretary of State prescribes that must be permanently affixed to the exterior of the semitrailer in a location the Secretary of State specifies and the decal must be at all times visible and legible.

(12) This vehicle combination may not transport cargo that has been prohibited for this vehicle combination by the Commissioner of Transportation.

The Secretary of State shall adopt rules for the permitting of this vehicle combination.

2. Articulated buses. Notwithstanding any other provisions of this section, articulated buses may be operated or caused to be operated as long as the following conditions are met:

A. The total length of the vehicle does not exceed 61 feet, excluding bumpers;

B. The rearmost axle of the vehicle is self-steering;

C. The vehicle is equipped with an interlock device to prevent the vehicle from jackknifing while backing up;

D. The vehicle is equipped with an audible or visible signal that indicates to the driver who overrides the interlock device when the vehicle is nearing the jackknife position; and

F. The turntable floor is properly aligned to maintain a level surface while the vehicle is in operation.

3. Exemption. Fire department vehicles and disabled motor vehicles being towed to a repair facility are exempt from length restrictions.

4. Rules of access. The Commissioner of Transportation shall adopt rules consistent with the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, to ensure reasonable access to vehicles described in subsection 1, paragraphs E, F, G and I between the Interstate Highway System and those qualifying federal aid primary system highways designated by the Secretary of the United States Department of Transportation, pursuant to the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, Section 411, and terminals, facilities for food, fuel, repairs and rest and points of loading and unloading for household goods carriers. The commissioner may issue permits for that travel.

SUBCHAPTER III

PROTECTION OF WAYS

§2395. Ways requiring special protection

1. Right of the Department of Transportation. The Department of Transportation may restrict the weight or passage of any vehicle over any way when, in its judgment, such passage would be unsafe or likely to cause excessive damage to the way or bridge. Nothing in this Title may be construed to restrict or abridge this right.

2. Rules. The Department of Transportation, county commissioners and municipal officers may adopt rules to ensure proper use and prevent abuse of the public ways under their respective jurisdictions whenever those ways require special protection. Rules issued pursuant to this section are exempted from the provisions of the Maine Administrative Procedure Act, Title 5, chapter 375.

3. Designation by the Department of Transportation. The Department of Transportation may designate state and state aid highways and bridges over which restrictions on gross weight, speed, operation and equipment apply during periods of the year determined by the Department. It is unlawful for any vehicle to travel over public ways with a gross registered weight exceeding that prescribed by the Department and traveling with a load other than tools or equipment necessary for operation of the vehicle.

4. Designation by counties and municipalities. County commissioners and municipal officers may

designate public ways other than those in subsection 3 and impose restrictions within their respective jurisdictions similar to those made by the Department of Transportation under subsection 3.

5. Notice. A notice specifying the designated sections of a public way, the periods of closing and prescribed restrictions or exclusions must be conspicuously posted at each end of the public way requiring special protection in accordance with this section.

6. Enforcement. Municipal officers within their respective municipalities have the same power as the State Police in the enforcement of this section and of all rules of the Department of Transportation, the county commissioners and the municipal officers that pertain to this section. The municipal officers, in such cases, serve without compensation.

7. Violation. A violation of this section is a traffic infraction punishable by a fine, which may not be suspended, or not less than \$250.

8. Information on bridges. Whenever necessary, the Department of Transportation may provide to municipal and county officials information concerning the capacity of bridges under the jurisdiction of those officials and the advisability of posing those bridges.

§2396. Certain substances on public ways

1. Injurious substances. A person may not place on a way a tack, nail, wire, scrap metal, glass, crockery or other substance that may injure feet, tires or wheels. If a person accidentally places such substance on a way, that person shall immediately make all reasonable efforts to clear the way of that substance.

2. Unsecured load. A person may not operate on a public way a vehicle with a load that is not fastened, secured, confined or loaded to reasonably prevent a portion from falling off.

For the purposes of this section, "load" includes, but is not limited to, firewood, pulpwood, logs, bolts or other material, but does not include loose hay, pea vines, straw, grain or cornstalks.

When the load consists of sawdust, shavings or wood chips, and a reasonable effort has been made to completely cover the load, minor amounts blown from the vehicle while in transit do not constitute a violation.

3. Gravel. A load of gravel, sand, crushed stone, rubbish, wood chips, building debris or trash must be covered or otherwise secured or confined to prevent any portion of the load from falling from or spilling out of the vehicle.

4. Snow. A person may not place and allow to remain on a public way snow or slush that has not accumulated there naturally.

§2397. Menacing or damaging vehicles

The Secretary of State may revoke or suspend the certificate of registration of a vehicle that is:

1. Menace. So constructed that when in operation the vehicle is a menace to the safety of its occupants or to the public; or

2. Damage. So constructed or operated as to cause unreasonable damage to public ways or bridges.

CHAPTER 23

**MAJOR OFFENSES - SUSPENSION
AND REVOCATION**

SUBCHAPTER I

GENERAL PROVISIONS

§2401. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Alcohol and drug program. "Alcohol and drug program" means the alcohol and other drug education, evaluation and treatment program administered by the Office of Substance Abuse under Title 5, chapter 521, subchapter V.

2. Blood-alcohol level. "Blood-alcohol level" means a stated percentage by weight of alcohol in the blood, based on grams of alcohol per 100 milliliters of blood.

3. Chemical test. "Chemical test" means a test used to determine blood-alcohol level or drug concentration by analysis of blood, breath or urine.

4. Drugs. "Drugs" means scheduled drugs as defined under Title 17-A, section 1101.

5. Failure to submit to a test or failed to submit to a test. "Failure to submit to a test" or "failed to submit to a test" means failure to comply with the duty to submit to and complete chemical testing under section 2521.

6. Operating. "Operating," in any form, means operating or attempting to operate a motor vehicle.

7. OAS. "OAS" means to operate after the Secretary of State or a court has suspended the driver's license.

8. OUI. "OUI" means operating under the influence of intoxicants or with an excessive blood-alcohol level under section 2411, 2453, 2454, 2456 or 2472.

9. OUI conviction. "OUI conviction" means a conviction for:

A. A violation of section 2411;

B. A violation of Title 15, section 3103, subsection 1, paragraph F;

C. Violation of former Title 29, section 1312, subsection 10 or section 1312-B;

D. In a jurisdiction that is a party to the Driver License Compact established in chapter 11, subchapter V, an offense described in the compact, section 1454, subsection 1, paragraph B, or an offense that is similar as provided by section 1454, subsection 3; or

E. In a court of the United States or a court of a state that is not a party to the compact, an offense for which punishment includes the possibility of incarceration, whether or not actually imposed, and the elements of the offense as provided in the law of that jurisdiction include operation of a motor vehicle while intoxicated, impaired or under the influence of alcohol, intoxicating liquor, drugs or with a level of blood-alcohol sufficient for conviction under the laws of that jurisdiction.

10. OUI offender. "OUI offender" means a person who receives an OUI conviction.

11. OUI offense. "OUI offense" means an OUI conviction or suspension for failure to submit to a test.

12. OUI suspension. "OUI suspension" means the suspension of a driver's license for an OUI conviction.

13. Under the influence of intoxicants. "Under the influence of intoxicants" means being under the influence of alcohol, a drug other than alcohol, a combination of drugs or a combination of alcohol and drugs.

§2402. Calculating prior convictions

For purposes of this chapter, a prior conviction or action has occurred within the 6-year period if the date of the action or the date of the docket entry of conviction is 6 years or less from the date of the new conduct.

§2403. Period of administrative suspension deducted from court-imposed suspension

Except for a suspension for failure to submit to a test, the period of time of an administrative suspension ordered by the Secretary of State prior to an OUI conviction that arose out of the same occurrence is deducted from the period of time of any court-imposed suspension. If the suspension is for failure to submit to a test, a period of suspension imposed by the court or by the Secretary of State for an OUI conviction is consecutive to the period of suspension imposed for failure to submit to a test.

§2404. Owner liable for damage by impaired operator

An owner or person having control over a motor vehicle who, having knowledge or reason to know that a person under the influence of intoxicants has a blood-alcohol level of .08% or more by weight of alcohol in the blood, permits that person to operate that motor vehicle is jointly and severally liable with that person for damages caused by the negligence of the person. This section is not in derogation of, does not limit and does not diminish any cause of action or right of recovery that is or may become available under the common law.

§2405. Optional reporting of drivers operating under the influence of intoxicating liquor or drugs

1. Persons who may report. If, while acting in a professional capacity, a medical or osteopathic physician, resident, intern, emergency medical services person, medical examiner, physician's assistant, dentist, dental hygienist, dental assistant or registered or licensed practical nurse knows or has reasonable cause to believe that a person has been operating a motor vehicle, snowmobile, all-terrain vehicle or watercraft while under the influence of intoxicants and that motor vehicle, snowmobile, all-terrain vehicle or watercraft has been involved in an accident, that person may report those facts to a law enforcement official.

2. Immunity from liability. A person participating in good faith in reporting under this section, or in participating in a related proceeding, is immune from criminal or civil liability for the act of reporting or participating in the proceeding.

Nothing in this section may be construed to bar criminal or civil action regarding perjury.

In a proceeding regarding immunity from liability, there is a rebuttable presumption of good faith.

3. Privileged or confidential communications. The physician-patient privileges under the Maine

Rules of Evidence and the confidential quality of communication under Title 24-A, section 4224 and Title 32, section 1092-A are abrogated in relation to required reporting or other proceeding.

SUBCHAPTER II**JUDICIAL ACTIONS****Article 1****Offenses****§2411. Criminal OUI**

1. Offense. A person commits OUI, which is a Class D crime, if that person operates a motor vehicle:

A. While under the influence of intoxicants; or

B. While having a blood-alcohol level of 0.08% or more.

2. Pleading and proof. The alternatives outlined in subsection 1, paragraphs A and B may be pleaded in the alternative. The State is not required to elect between the alternatives prior to submission to the fact finder.

3. Investigation. After a person has been charged with OUI, the officer shall investigate whether the charged person has prior OUI offenses. As part of the investigation, the officer shall make necessary inquiries of the Secretary of State.

4. Arrest. A law enforcement officer may arrest, without a warrant, a person the officer has probable cause to believe has operated a motor vehicle while under the influence of intoxicants if the arrest occurs within a period following the offense reasonably likely to result in the obtaining of probative evidence of blood-alcohol level or drug concentration.

5. Penalties. The following minimum penalties apply and may not be suspended:

A. For a person having no previous OUI offenses within a 6-year period:

(1) A fine of not less than \$300;

(2) A court-ordered suspension of a driver's license for a period of 90 days; and

(3) A period of incarceration of not less than 48 hours, when the defendant:

(a) Was tested as having a blood-alcohol level of 0.15% or more;

(b) Was exceeding the speed limit by 30 miles per hour or more;

(c) Eluded or attempted to elude an officer;

(d) Failed to submit to a test at the request of a law enforcement officer; or

(e) Was operating with a passenger under 16 years of age;

B. For a person having one previous OUI offense within a 6-year period:

(1) A fine of not less than \$500;

(2) A period of incarceration of not less than 7 days;

(3) A court-ordered suspension of a driver's license for a period of one year; and

(4) In accordance with section 2416, a court-ordered suspension of the person's right to register a motor vehicle;

C. For a person having 2 previous OUI convictions within a 6-year period:

(1) A fine of not less than \$750;

(2) A period of incarceration of not less than 30 days;

(3) A court-ordered suspension of a driver's license for a period of 2 years; and

(4) In accordance with section 2416, a court-ordered suspension of the person's right to register a motor vehicle;

D. For a person having 3 or more OUI convictions within a 6-year period the offense is a Class C crime. The minimum penalties specified in paragraph C apply, but the minimum fine is \$1,000; and

E. For a person sentenced under paragraph B, C or D, the court shall order the defendant to participate in the alcohol and drug program for multiple offenders. The court may waive the multiple offender intervention program under Title 5, section 20073, subsections 4 and 5, if the court finds that the defendant has completed a residential alcohol or drug treatment program, or its equivalent, subsequent to the date of the offense.

In the determination of an appropriate sentence, failure to submit to a test is an aggravating factor.

The court shall give notice of the suspension and take physical custody of the driver's license.

The Secretary of State may impose an additional period of suspension under section 2451, subsection 3, or may extend a period of suspension until satisfaction of any conditions imposed pursuant to chapter 23, subchapter III, article 4.

6. Aggravated punishment category. If the State pleads and proves that, while operating a motor vehicle in violation of this section, the operator in fact caused serious bodily injury as defined in Title 17-A, section 2, subsection 23 to another person or in fact caused the death of another person, the offense is a Class C crime. The minimum penalties specified in subsection 5 apply, but the minimum period of suspension must be 18 months unless a longer minimum period applies.

7. Surcharge. A surcharge must be charged for a conviction under this section. The surcharge is \$30, except that, when the person operated or attempted to operate a motor vehicle while under the influence of drugs or a combination of liquor and drugs, the surcharge is \$125. For the purposes of collection procedures, the surcharge is considered a fine. Notwithstanding section 2602, this surcharge accrues to the Highway Fund for the purpose of covering the costs associated with the administration and analysis of blood-alcohol tests.

8. Juvenile crime. References in this Title to this section include the juvenile crime in Title 15, section 3103, subsection 1, paragraph F, and the disposition, including a suspension, for that juvenile crime in Title 15, section 3314, subsection 3, except as otherwise provided or except where the context clearly requires otherwise.

§2412. Operating while license suspended or revoked

1. Offense; penalty. A person commits a Class E offense if that person operates a motor vehicle on a public way or in a parking area when that person's license has been suspended or revoked, and that person:

A. Has received written notice of a suspension or revocation from the Secretary of State;

B. Has been orally informed of the suspension or revocation by a law enforcement officer;

C. Has actual knowledge of the suspension or revocation;

D. Has been sent written notice in accordance with section 2458, subsection 4; or

E. Has failed to answer or to appear in court pursuant to a notice or order specified in section 2605 or 2608.

2. Exception. This section does not apply to a person whose license to operate or right to apply for or obtain a license or permit has been revoked under the laws in subchapter V governing habitual offenders.

3. Minimum mandatory sentences. If the suspension was for an OUI offense, the court shall impose a fine of not less than \$350, a period of incarceration of not less than 7 consecutive days, and a mandatory suspension of license of not less than one year nor more than 3 years consecutive to the original suspension. If the court fails to suspend, the Secretary of State shall impose the minimum one-year suspension and may impose up to 3 years of suspension.

For all other suspensions, if the person has one or more prior convictions for violating this section within a 6-year period, the minimum fine is \$200.

The minimum mandatory sentence applies only if the offense occurred during the original period of suspension or an extension by the Secretary of State, but not during an extension of the original suspension imposed to compel compliance with conditions for the restoration of a license or for failure to pay a reinstatement fee.

4. Juvenile procedures. The requirements under Title 15, section 757 of a separate reading of the allegation and a separate trial do not apply to a proceeding under this subsection.

5. Take custody of license. The court shall give notice of the suspension and shall take physical custody of a driver's license as provided in section 2434.

§2413. Driving to endanger

1. Definition. A person commits a Class E crime if, with criminal negligence as defined in Title 17-A, that person drives a motor vehicle in any place in a manner that endangers the property of another or a person, including the operator or passenger in the motor vehicle being driven.

2. Allegation of facts. In pleading under this section, it is not necessary to allege specifically the facts that constitute criminal negligence.

3. Penalties. In addition to any other penalty, the court shall suspend the driver's license for not less than 30 days nor more than 180 days, which mini-

imum may not be suspended. If the court fails to suspend the license, the Secretary of State shall impose the minimum period of suspension.

4. Exception. This section does not apply to the operation of a vehicle:

A. In racing events and exhibitions at which the public does not have access to the operating area; or

B. On private land to which the public does not have access when used by or with authorization of the landowner.

5. Notice. The court shall give notice of the suspension and take physical custody of a driver's license as provided in section 2434.

§2414. Refusing to stop for a law enforcement officer

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

A. "Roadblock" means a vehicle, a physical barrier or other obstruction placed on a way at the direction of a law enforcement officer.

B. "Signal" includes, but is not limited to, the use of a hand signal, siren or flashing emergency lights.

2. Failure to stop. A person commits a Class E crime if that person fails or refuses to stop a vehicle on request or signal of a uniformed law enforcement officer.

3. Eluding an officer. A person commits a Class C crime if that person, after being requested or signaled to stop, attempts to elude a law enforcement officer by operating a vehicle at a reckless rate of speed that results in a high-speed chase between the operator's vehicle and a law enforcement vehicle using a blue light and siren.

4. Passing a roadblock. A person commits a Class C crime if the person, without authorization, operates or attempts to operate a motor vehicle past a clearly identifiable police roadblock.

5. High-speed chase policies. All state, county and municipal law enforcement agencies must adopt written policies on high-speed chases.

6. Aggravating factor. A person commits a Class B crime if that person attempts to elude a law enforcement officer or passes or attempts to pass a roadblock and another person suffers serious bodily injury, as defined in Title 17-A, section 2, subsection 23, as a result.

§2415. Operating while suspended or revoked under another license

A resident or nonresident whose license has been suspended or revoked commits a Class E crime if that person operates a motor vehicle during that suspension or revocation under a license or permit issued by any other jurisdiction. This section does not apply to a person whose license has been revoked under the habitual offender provisions in subchapter V.

§2416. Registration suspension by court

1. Required registration suspension; return of certificate and plates. The court shall suspend the right to register a motor vehicle and all registration certificates and plates issued by the Secretary of State to any person convicted for a violation of section 2411 who has a previous conviction for OUI within the 6-year period defined by section 2402. The Secretary of State shall return the certificate of registration and plates to the defendant when the defendant's license and registration privileges have been restored.

2. Exception for hardship. Notwithstanding subsection 1, if a spouse or other family member regularly using a vehicle subject to suspension of registration establishes to the satisfaction of the court that hardship will result from that suspension, the court need not suspend the registration certificates and plates or the right to register that vehicle.

3. Reissuance of registration. Notwithstanding a court order suspending a registration, the Secretary of State may restore a registration certificate and plates without fee during the remaining term of the registration to a spouse or other family member upon receipt of an affidavit authorizing the spouse or other family member to register the vehicle.

§2417. Suspended registration

A person commits a Class E offense if that person operates or permits another to operate a vehicle when the registration of that vehicle is suspended or revoked.

§2418. Other court suspension of driver's license

1. Court suspension. In addition to or instead of any other penalty provided in this Title, the court may suspend a driver's license for a period not exceeding 60 days.

2. Judicial recommendations. A judge may make a recommendation to the Secretary of State on suspension of licenses and certificates of registration as the judge considers to be in furtherance of justice.

Article 2**Forfeiture****§2421. Forfeiture of motor vehicles for OUI**

1. Forfeiture. After notice and hearing, a motor vehicle must be forfeited to the State when a defendant is:

A. The sole owner-operator of that vehicle; and

B. Convicted of:

(1) OUI; and

(2) A simultaneous offense of operating after suspension when the underlying suspension was imposed for a prior OUI conviction.

The court shall order the forfeiture unless another person satisfies the court prior to the judgment and by a preponderance of the evidence that the other person had a right to possess that motor vehicle, to the exclusion of the defendant, at the time of the offense.

2. Seizure of vehicle of owner-operator. A motor vehicle operated by a sole owner is subject to seizure by a law enforcement officer when:

A. The owner-operator operates or attempts to operate that motor vehicle under the influence of intoxicating liquor or drugs or while having 0.08% of alcohol by weight in the blood; and

B. The owner-operator is under suspension or revocation as a result of a previous conviction of operating under influence of alcohol or drugs or while having 0.08% of alcohol by weight in the blood.

3. Lienholders. A forfeiture of a motor vehicle encumbered by a perfected bona fide security interest is subject to the interest of the secured party if the party did not have knowledge of the act on which the forfeiture is based.

4. Preliminary order. At the request of the State, the court may issue, ex parte, a preliminary order to seize or secure a motor vehicle subject to forfeiture and to provide for custody.

That order may include an order to a financial institution or to any fiduciary or bailee to impound the vehicle in its possession or control and to release the vehicle only on further order of the court.

The court may issue an order only on a showing of probable cause and after criminal complaints of OUI and OAS have been filed against the owner-operator.

The application, issuance, execution and return of an order are subject to applicable state law.

A law enforcement officer may seize a motor vehicle without court order when:

A. The seizure is incident to an arrest with probable cause for an OUI by the sole owner and the officer has probable cause to believe the vehicle is subject to forfeiture; or

B. The vehicle has been subject of a prior judgment in favor of the State in a forfeiture proceeding under this section or any other provision of law.

5. Reports. An officer, department or agency seizing a vehicle shall file a report of seizure with the Attorney General or a district attorney having jurisdiction over the vehicle. The report must be:

A. Filed within 21 days of the date of seizure; and

B. Labeled "Vehicle Report" and include, without limitation:

(1) A description of the vehicle;

(2) The place and date of seizure;

(3) The name and address of the owner or operator of the vehicle at the time of seizure; and

(4) The name and address of any other person who appears to have an ownership interest in the vehicle.

6. Storage of seized motor vehicles. A seized motor vehicle must be held in secure storage by the seizing agency or at the direction of the prosecuting official until disposition of the underlying criminal charges. The State shall assume all costs of storage of a vehicle not forfeited.

7. Records of seized motor vehicles. An officer, department or agency having custody of a motor vehicle subject to forfeiture or having disposed of the vehicle shall maintain complete records showing:

A. From whom the motor vehicle was received;

B. Under what authority the motor vehicle was held, received or disposed of;

C. To whom the motor vehicle was delivered; and

D. The date and manner of destruction or disposition of the motor vehicle.

8. Rules. The Attorney General shall adopt rules in accordance with Title 5, chapter 375, for the disposition to state, county and municipal agencies of forfeited motor vehicles.

Article 3

Judicial Procedures

§2431. Evidentiary rules

1. Test results. Test results showing drug concentrations or blood-alcohol level at the time alleged are admissible in evidence. Failure to comply with the provisions of sections 2521 and 2523 may not, by itself, result in the exclusion of evidence of blood-alcohol level or drug concentration, unless the evidence is determined to be not sufficiently reliable.

2. Analysis of blood, breath and urine. The following provisions apply to the analysis of blood, breath and urine, and the use of that analysis as evidence.

A. A person certified in accordance with section 2524 conducting a chemical analysis of blood, breath or urine to determine blood-alcohol level or drug concentration may issue a certificate stating the results of the analysis.

B. A person qualified to operate a self-contained, breath-alcohol testing apparatus may issue a certificate stating the results of the analysis.

C. A certificate issued in accordance with paragraph A or B, when duly signed and sworn, is prima facie evidence that:

(1) The person taking the specimen was authorized to do so;

(2) Equipment, chemicals and other materials used in the taking of the specimen were of a quality appropriate for the purpose of producing reliable test results;

(3) Equipment, chemicals or materials required to be approved by the Department of Human Services were in fact approved;

(4) The sample tested was in fact the same sample taken from the defendant; and

(5) The blood-alcohol level or drug concentration in the blood of the defendant at the time the sample was taken was as stated in the certificate.

D. With 10 days written notice to the prosecution, the defendant may request that a qualified

witness testify to the matters of which the certificate constitutes prima facie evidence. The notice must specify those matters concerning which the defendant requests testimony. The certificate is not prima facie evidence of those matters.

E. A person drawing a specimen of blood may issue a certificate that states that the person is in fact duly licensed or certified and that the proper procedure for drawing a specimen of blood was followed. That certificate, when signed and sworn to by the person, is prima facie evidence of its contents unless, with 10 days' written notice to the prosecution, the defendant requests that the person testify.

F. Evidence that the breath or urine sample was in a sealed carton bearing the Department of Human Services' stamp of approval is prima facie evidence that the equipment was approved by the Department of Human Services.

G. The results of a self-contained breath-alcohol apparatus test is prima facie evidence of blood-alcohol level.

H. Evidence that the self-contained breath-alcohol testing equipment bearing the Department of Human Services' stamp of approval is prima facie evidence that the equipment was approved by the Department of Human Services.

I. Evidence that materials used in operating or checking the operation of the self-contained breath-alcohol testing equipment bore a statement of the manufacturer or of the Department of Human Services is prima facie evidence that the materials were of the composition and quality stated.

J. Transfer of sample specimens to and from a laboratory for purposes of analysis by certified or registered mail complies with all requirements regarding the continuity of custody of physical evidence.

3. Failure as evidence. Failure of a person to submit to a chemical test is admissible in evidence on the issue of whether that person was under the influence of intoxicants.

If the law enforcement officer fails to give either of the required warnings, the failure of the person to submit to a chemical test is not admissible, except where a test was required under section 2522.

If a failure to submit to a chemical test is not admitted into evidence, the court may inform the jury that no test result is available.

If a test result is not available for a reason other than failing to submit to a chemical test, the unavailability and the reason is admissible in evidence.

4. Statements by accused. A statement by a person as to name or date of birth, or the name or date of birth contained on a driver's license surrendered by that person, is admissible in a proceeding under this Title.

A statement of the person's name or date of birth constitutes sufficient proof by itself, without further proof of corpus delicti.

A statement by a defendant that the defendant was the operator of a motor vehicle is admissible in a proceeding under section 2411, if it is made voluntarily and is otherwise admissible under the United States Constitution or the Constitution of Maine. The statement may constitute sufficient proof by itself, without further proof of corpus delicti, that the motor vehicle was operated by the defendant.

§2432. Blood-alcohol level; evidentiary weight

1. Level less than 0.05%. If a person has a blood-alcohol level of 0.05% or less, it is prima facie evidence that that person is not under the influence of alcohol.

2. Level greater than 0.05% and less than 0.08%. If a person has a blood-alcohol level in excess of 0.05%, but less than 0.08%, it is relevant evidence, but not prima facie, indicating whether or not that person is under the influence of intoxicants to be considered with other competent evidence.

3. Level of 0.08% or greater. In proceedings other than under section 2411, a person is presumed to be under the influence of intoxicants if that person has a blood-alcohol level of 0.08% or more.

§2433. Sentencing procedures

1. Permissible considerations. Notwithstanding the provisions of Title 15, section 757, in determining the appropriate sentence, the court shall consider whether the defendant operated with a passenger under 16 years of age, the record of convictions for criminal traffic offenses, adjudications of traffic infractions or suspensions of license for failure to submit to a test.

In determining the appropriate sentence, the court may rely on oral representations based on records maintained by the courts, the State Bureau of Identification or the Secretary of State, including telecommunications of records maintained by the Secretary of State.

If the defendant disputes the accuracy of a representation concerning a conviction or adjudication, the court shall grant a continuance to determine the accuracy of the record.

2. Instructions at time of sentencing. At the time of sentencing, the court shall provide the defendant with written instructions prepared by the Division of Driver Education Evaluation. The instructions must be written in plain and readable language and at a minimum include the following explanations:

A. The circumstances under which the Secretary of State may suspend a driver's license;

B. The different components of the process to have a driver's license restored, including a description of the components provided by state agencies and those provided by practitioners and counselors not employed by the State;

C. The role of the Driver Education Evaluation Program Appeals Board and the circumstances for an appeal to the board;

D. The differences between the procedures applicable to first offenders and multiple offenders and adults and those under 21 years of age;

E. When the Secretary of State may stay a suspension and grant a work-restricted license or other restricted or provisional license; and

F. The conditions of license restoration.

§2434. Notice of suspension by court

The following provisions apply to any conviction for OUI or for any offense for which the court suspends a license or registration.

1. Notification by court. The court shall inform the defendant of the suspension.

2. Acknowledgement of receipt of notice. The defendant shall acknowledge this notice in writing on a form provided by the court.

3. Physical custody of license. Unless the defendant appeals and a stay of execution of the suspension is granted, the court shall take physical custody of a license issued by this State or another state, foreign country or province if that person is residing or employed in this State. The court may take a license issued by another state, foreign country or province if the person is not residing or employed in this State.

4. Stay of suspension. The court, on reasonable cause shown, may stay a suspension for a period not to exceed 4 hours from the time of sentencing and issue evidence of that stay.

5. Forward documents to Secretary of State.

The court shall forward the license, a copy of the sentence and the acknowledgement of notice to the Secretary of State.

6. Order return of certificate and plates. The court shall order the return of the suspended registration certificate and plates to the Secretary of State.

7. Additional time to surrender license. On reasonable cause shown, the court may allow a person who does not possess the license at the time of sentencing up to 96 hours to surrender that license.

8. Commencement of suspension. Notwithstanding section 2482, subsection 4, the period of suspension commences immediately on announcement of sentence. Two additional days of suspension must be added for each day after the license surrender day that a person fails to surrender the license to the court.

9. Waiver of reinstatement fee. On motion and for good cause shown, the court ordering a suspension under section 2605 or 2608 may waive the reinstatement fee.

10. Failure to sign acknowledgment of notice or surrender license. A person commits a Class E crime if that person refuses to sign the acknowledgement of notice or, without good cause, fails to surrender a license within the period of suspension.

§2435. Stay pending appeal

If a person's license is suspended as a result of a conviction of a crime other than under section 2411, or is suspended as a result of an adjudication of a traffic infraction and the person appeals from the conviction or adjudication, the execution of a suspension of the person's license must be stayed until disposition on appeal or withdrawal of the appeal, unless good cause is shown why the person should not be allowed to retain a license or right to operate.

SUBCHAPTER III

ADMINISTRATIVE ACTIONS

Article 1

Suspension and Revocation

§2451. Suspensions for OUI

1. Recording and notice by Secretary of State. On receipt of an attested copy of the court record of a suspension of a license for OUI, the Secretary of State shall immediately record the suspension and send written notice of the suspension to the person whose license has been suspended.

2. Court failure to suspend. If the court fails to suspend a license for the period under this chapter, the Secretary of State shall suspend the license for the specified period and send written notice of the suspension to the person whose license has been suspended.

3. Additional suspension. The Secretary of State may suspend a license of a person, including a juvenile, convicted of OUI for an additional period of up to 275 days.

4. Consecutive suspensions. A suspension under this section is consecutive to a suspension for failure to submit to a test required by this chapter.

§2452. Suspension or revocation of school bus operator endorsement

The Secretary of State shall:

1. Permanent revocation. Permanently revoke the school bus operator endorsement of any person convicted of OUI who operated a school or private school activity bus during the commission of the offense;

2. Suspend for at least 3 years. Suspend for a period of at least 3 years the school bus operator endorsement of any person convicted of a first OUI violation. The person whose school bus operator endorsement has been suspended for a first OUI violation may petition the Secretary of State to restore the endorsement after one year of the suspension has been completed. The petition must include a recommendation from the school superintendent that the endorsement be restored. The Secretary of State may grant the petition with any conditions, restrictions or terms determined to be in the interest of highway safety; and

3. Suspend for at least 6 years. Suspend for a period of at least 6 years the school bus operator endorsement of any person convicted of a 2nd or subsequent OUI violation within a 6-year period as defined by section 2402.

This section applies to offenses that occur after the effective date of this section.

§2453. Suspension on administrative determination; excessive blood-alcohol level

1. Purpose. The purpose of this section is:

A. To provide maximum safety for all persons who travel on or otherwise use the public ways; and

B. To remove quickly from public ways those persons who have shown themselves to be a

safety hazard by operating a motor vehicle with an excessive blood-alcohol level.

2. Definition. For the purposes of this section, "operating a motor vehicle with an excessive blood-alcohol level" means operating a motor vehicle with a blood-alcohol level of 0.08% or more.

3. Suspension. The Secretary of State shall immediately suspend a license of a person determined to have operated a motor vehicle with an excessive blood-alcohol level.

4. Drug and alcohol program. The Secretary of State may not suspend a license solely because a person has not satisfactorily completed an alcohol and drug program, as defined in subchapter I. This limitation does not affect statutory restoration authority.

5. Stay. If, within 10 days from the effective date of the suspension, the Secretary of State receives a request in writing for a hearing in accordance with section 2483, the suspension is stayed until a hearing is held and a decision is issued.

6. Period of suspension. The following periods of suspension apply.

A. For any OUI offense, the same suspension period applies as if the person were convicted of OUI.

B. If the Secretary of State determines that the person operated the motor vehicle at the time of the offense with a passenger under 16 years of age, an additional suspension period of up to 275 days may be imposed.

C. If a person's license is also suspended for an OUI conviction arising out of the same occurrence, the period of time the license has been suspended under this section prior to the conviction must be deducted from the period of time of a court-imposed suspension.

D. The period of suspension is a minimum and the Secretary of State may suspend the license for an additional period under section 2451, subsection 3.

7. Restoration of license. The Secretary of State may issue a license or permit as follows.

A. Restoration of any license or permit to operate, right to operate a motor vehicle and right to apply for or obtain a license suspended under this section must be in accordance with sections 2502 to 2506.

8. Hearing. The scope of the hearing must include whether:

A. The person operated a motor vehicle with an excessive blood-alcohol level; and

B. There was probable cause to believe that the person was operating a motor vehicle with an excessive blood-alcohol level.

§2454. Homicide; revocation of license

The license, permit or right to operate of any person, who, as a result of the person's operation of a motor vehicle in such a manner as to cause the death of any person, is convicted of a criminal homicide, or attempt thereof, or is adjudicated to have committed a juvenile offense of criminal homicide, or attempt thereof, must be revoked immediately by the Secretary of State upon receipt of an attested copy of the court records, without further hearing. In case of an appeal, the license, permit or right to operate must be revoked during the course of the appeal unless the trial court otherwise orders. No person whose license, permit or right to operate a motor vehicle has been so revoked may be licensed again or permitted to operate a motor vehicle for a period of 5 years from the time the license, permit or right to operate is revoked. For the purposes of this section and section 2411, a person is deemed to have been convicted if the person pleads guilty or nolo contendere or is otherwise adjudged or found guilty by a court of competent jurisdiction or in the case of a juvenile offender, a juvenile is deemed to have been adjudicated if the juvenile admits or was otherwise adjudged or found to have committed the juvenile offense by a court of competent jurisdiction.

§2455. Provisions regarding revocation when homicide is alcohol or drug related

1. Report by district attorney. The district attorney shall forward a report to the Secretary of State when any person is convicted of a criminal homicide or adjudicated to have committed a juvenile offense of criminal homicide as the result of that person's operation of a motor vehicle when:

A. The person was operating under the influence of intoxicating liquor or drugs, or with a blood-alcohol of 0.08% or greater;

B. The person had not attained the legal drinking age and was operating a motor vehicle while having .02% or more by weight of alcohol in that person's blood;

C. There was probable cause to believe that the person was operating under the influence of intoxicating liquor or drugs and failed to comply with that person's duty to submit to and complete required chemical testing; or

D. There was probable cause to believe that the person had not attained the legal drinking age

and was operating a motor vehicle while having .02% or more by weight of alcohol in that person's blood and failed to comply with the duty to submit to and complete a test to determine blood-alcohol level.

2. Content of report. The report required in subsection 1 must contain all relevant facts that formed the basis for the conviction or adjudication, including chemical test results if available.

3. Alcohol or drug programs. Upon receipt of the report required in subsection 1, the Secretary of State shall require that the following conditions be met before that person may be licensed or permitted to operate a motor vehicle:

A. Satisfactory completion of the Driver Education and Evaluation Programs of the Office of Substance Abuse;

B. When required, satisfactory completion of a substance abuse treatment program or rehabilitation program approved or licensed by the Office of Substance Abuse; and

C. When required, attendance for 2 years at an after-care program approved by the Office of Substance Abuse.

4. Alcohol or drug programs following incarceration. Any of the alcohol or drug programs required in subsection 3 may begin only upon release from a county jail or from a facility operated by the Department of Corrections.

§2456. Negligently causing death; administrative suspension

1. Suspension. The Secretary of State shall immediately suspend the license of a person who negligently operates a motor vehicle in a manner as to cause the death of a person:

A. While under the influence of intoxicants;

B. While having a blood-alcohol level of 0.08% or more; or

C. Who subsequently fails to submit to a test subject to penalty under section 2521.

2. Period of suspension. The period of suspension is 3 years, consecutive to any suspension imposed by the Secretary of State for failure to take a test. If a suspended license is subsequently revoked under section 2454 on charges arising out of the same occurrence, the length of suspension actually served under this section is deducted from the period of revocation imposed pursuant to that section.

3. Hearing issues. A person whose license has been suspended under this section may request a hearing pursuant to section 2483. The scope of the hearing must include whether:

- A. The person operated a motor vehicle;
- B. The person, at that time, had an excessive blood-alcohol level, or was under the influence of intoxicants or may be penalized for failure to submit to required chemical testing; and
- C. The person's negligent operation caused the death of another person.

4. Civil proceeding. On receipt of a certified copy of the civil tort judgment that the person did not negligently cause the death of the other person, the Secretary of State shall terminate the suspension.

§2457. Conditional license holder; OUI

1. Suspension. The Secretary of State shall suspend for a minimum period of one year, without preliminary hearing, the conditional license issued pursuant to section 2506 of a person who while holding a conditional license:

- A. Receives an OUI conviction; or
- B. The Secretary of State determines has operated a motor vehicle while having a blood-alcohol level of 0.05% or more.

2. Duty to submit to test. A person who operates a motor vehicle with a conditional license shall submit to a test if there is probable cause to believe that person holds a conditional license and operated a motor vehicle while having a blood-alcohol level of 0.05% or more. The other provisions of subchapter IV apply, except the suspension must be for a period of not less than 2 years.

3. Period of suspension. The following provisions apply to suspensions of conditional licenses.

- A. When a license is also suspended for an OUI conviction arising out of the same occurrence, the duration of the suspension under this section prior to the conviction is deducted from the period of a court-imposed suspension unless suspension was for failure to submit to a test.
- B. If the suspension is for failure to submit to a test, the period of suspension for an OUI conviction must be consecutive to the period of suspension imposed for refusal.
- C. If a person is determined to have operated a motor vehicle with a blood-alcohol level of 0.08% or more and both this section and section

2453 apply, the longer period of suspension applies.

4. Hearing; stay; issues. If a hearing is requested in accordance with section 2483, the suspension under subsection 1, paragraph B is stayed pending the outcome of the hearing. The scope of the hearing must include whether:

- A. The person operated a motor vehicle while having 0.05% or more by weight of alcohol in the blood;
- B. There was probable cause to believe that the person was operating while having 0.05% or more by weight of alcohol in the blood; and
- C. The person held a conditional license.

5. Restoration of license. Following the expiration of the aggregate periods of suspension imposed pursuant to this section otherwise imposed by the Secretary of State and ordered by any court, the Secretary of State may issue a conditional license to the person, subject to the conditions, restrictions or terms the Secretary of State deems advisable, if the Secretary of State has received written notice that the person has satisfactorily completed the alcohol educational program of the Department of Human Services and, when required, has satisfactorily completed an alcohol treatment or rehabilitation program approved or licensed by the Department of Human Services.

§2458. Suspension or revocation of license, title, registration or fuel use decal

1. Suspension or revocation after hearing. The Secretary of State, after hearing, may suspend or revoke a certificate of title, certificate of registration, license, fuel use decal or operating authority license for any cause considered by the Secretary of State to be sufficient.

2. Suspension or revocation without hearing. The Secretary of State, without preliminary hearing, may suspend or revoke a certificate of title, certificate of registration, license, fuel use decal or operating authority license of a person on showing by the Secretary of State's records or other sufficient evidence that the person:

- A. Has committed an offense for which mandatory suspension or revocation of license or registration is required;
- B. Has been convicted or adjudicated for offenses against traffic regulations governing the movement of vehicles with such frequency as to indicate a disrespect for traffic laws and disre-

gard for the safety of other persons on public ways;

C. Is a reckless or negligent driver of a motor vehicle, as established by the demerit point system authorized by subsection 3, a record of accidents or other evidence;

D. Is incompetent to drive a motor vehicle;

E. Has permitted an unlawful or fraudulent use of a license;

F. Has committed an offense in another state or province that, if committed in this State, would be grounds for suspension or revocation;

G. Has been convicted of failing to stop for a police officer;

H. Has been convicted of reckless driving or driving to endanger under section 2413;

I. Has failed to appear in court on the day specified, either in person or by counsel, after being ordered to do so to answer any violation of chapter 5, subchapter II;

J. Has failed to provide sufficient proof of ownership or other documentation in support of the person's title claim;

K. Is subject to action of the Secretary of State pursuant to section 154 or section 668;

L. Has failed to provide proof of payment of the use tax imposed by the United States Internal Revenue Code of 1954, Section 4481, within time periods established by federal statute and regulations;

M. Has violated a provision of the Commercial Motor Vehicle Safety Act of 1986, Public Law 99-570, Title XII, or rules and regulations promulgated and adopted under that Act; or

N. Has failed to surrender a commercial driver's license that has been suspended or revoked.

The Secretary of State is also authorized to suspend any certificate of registration, certificate of title or any license issued to any person without preliminary hearing upon showing by the Secretary of State's records or other sufficient evidence that the owner of a vehicle or holder of a title certificate has failed to deliver or assign the certificate of title upon the request of the Secretary of State.

The Secretary of State may suspend all the certificates of registration and all the fuel use identification decals issued by the State to any motor carrier without preliminary hearing upon showing by records or other

sufficient evidence that the person responsible for complying with the payment of reporting provisions of Title 36, chapter 457, 459 or 463-A has failed to comply with the provisions in these chapters.

3. Demerit point system. For the purpose of identifying reckless or negligent operators and habitual or frequent violators of traffic regulations, the Secretary of State shall adopt rules establishing a uniform system of assigning demerit points for convictions or adjudications of violations of statutes or rules governing the operation of motor vehicles, including violations of Title 17-A, section 360, subsection 1, paragraphs A and B.

The rules must include a designated level of point accumulation that identifies those drivers.

The Secretary of State may assess points for convictions or adjudications in other states or provinces of offenses that, if committed in this State, would be grounds for assessment.

Notice of assessment of points must be given when the point accumulation reaches 50% of the number at which suspension is authorized.

Points may not be assessed for violating a provision of this Title or a municipal ordinance regulating standing, parking, equipment, size or weight.

4. Notice of hearing. Upon suspending or revoking a certificate of title, certificate of registration, license or fuel use decal pursuant to subsection 2, the Secretary of State shall notify that person of opportunity for hearing as provided in section 2483, except where the suspension or revocation rests solely upon a conviction in court of an offense that by statute is expressly made grounds for that suspension or revocation.

5. Penalty. A person commits a Class E crime if that person, after notice of suspension or revocation, fails to obey an order of the Secretary of State under this section or fails to surrender to the Secretary of State on demand a license, certificate of title, certificate of registration or fuel use decal that has been suspended or revoked by proper authority.

§2459. Suspension for failure to meet family financial responsibility

1. Compliance with support orders. In addition to other qualifications and conditions established by this Title, the right of an individual to hold a motor vehicle operator's license or permit issued by the State is subject to the requirements of Title 19, section 306.

2. Certification of noncompliance. Upon receipt of a written certification from the Commis-

tioner of Human Services, as provided for in Title 19, section 306, subsection 7, that a support obligor who owns or operates a motor vehicle is not in compliance with a court order of support, the Secretary of State shall suspend the license and right to operate and obtain the license of the individual so certified. The Secretary of State may not reinstate an operator's license suspended for noncompliance with a court order of support until the Commissioner of Human Services issues a release that states the obligor is in compliance with a court order of support or the court orders reinstatement.

3. Notice of suspension. Upon suspending an individual's license, permit or privilege to operate under subsection 2, the Secretary of State shall notify the individual of the suspension. A notice of suspension must specify the reason and statutory grounds for the suspension and the effective date of the suspension and may include any other notices prescribed by the Secretary of State. The notice must inform the individual that in order to apply for reinstatement, the individual must obtain a release from the Department of Human Services. The notice must inform the individual that the individual may file a petition for judicial review of the notice of suspension in Superior Court within 30 days of receipt of the notice. Notwithstanding any other provision of law, Title 5, section 9052, subsection 1 does not apply to a notice of suspension issued under this section.

4. Temporary license. Upon being presented with a conditional release issued by the Commissioner of Human Services and at the request of an individual whose operator's license, permit or privilege to operate has been suspended under this section, the Secretary of State may issue the individual a temporary license valid for a period not to exceed 120 days.

5. Rules. The Secretary of State shall adopt rules to implement and enforce the requirements of this section.

6. Costs. The Department of Human Services shall indemnify the Secretary of State for legal expenses incurred in defending the Secretary of State's actions to comply with the requirements of this section.

7. Agreement. The Secretary of State and the Department of Human Services may enter into an agreement to carry out the requirements of this section.

§2460. Reciprocity

1. Resident driver's license. The Secretary of State may suspend a resident driver's license or certificate of registration and plates if the resident has failed to:

A. Respond to a traffic citation issued by another state or province;

B. Appear in court in another state or province at the time specified by the court; or

C. Comply with a court order issued by another state or province.

2. Suspension by another jurisdiction. If the Secretary of State is notified by another jurisdiction that a resident has had a license or registration suspended, revoked or annulled, the Secretary of State may suspend license or registration granted to that person in this State.

3. Nonresident violator compacts. The Secretary of State may enter into and carry out the provisions of a nonresident violator compact with another state or province.

§2461. Suspension for nonresident owner or operator

1. Suspension by Secretary of State. The Secretary of State may suspend the right of a nonresident owner or operator to operate a vehicle in this State for the same cause and under the same condition and in the same manner as that action could be taken against a resident owner or operator of a vehicle registered in this State.

2. Effect of suspension. Upon suspension, the right of the nonresident owner or operator to operate a vehicle in this State terminates. The nonresident is subject to the same penalties as a resident who operates without a license or registration.

3. Notice of suspension. Notice of the suspension of a nonresident's right to operate must be sent to the motor vehicle department of the jurisdiction that issued the license or registration.

§2462. Administrative extension of suspension

The Secretary of State may impose an additional period of suspension under section 2451, subsection 3, or may extend a period of suspension until satisfaction of any conditions imposed pursuant to article 4.

Article 2

Provisional license

§2471. Adult provisional license

1. Adult provisional license. An original license issued to a new applicant 21 years of age or older is a provisional license for a period of one year following the date of issue. That license remains in

force as a nonprovisional license to the next normal expiration date.

2. Suspension terms. If a person is convicted or adjudicated of a moving motor vehicle violation that occurred during the period of the provisional license, the Secretary of State shall suspend the license:

- A. For 30 days on the 1st offense;
- B. For 60 days on the 2nd offense; and
- C. To the 2nd birthday following the date of issue or for 90 days, whichever is longer, on the 3rd offense.

A person whose provisional license is suspended may request a hearing pursuant to section 2483.

§2472. Juvenile provisional license

1. Licensee not yet 21 years of age. A license issued to a person who has not yet attained the age of 21 years is a provisional license for a period of one year following the date of issue or until the holder attains 21 years of age, whichever occurs last. That license remains in force as a nonprovisional license to the next normal expiration date. A license issued by another jurisdiction to a person who has not yet attained the age of 21 years is a provisional license for the purpose of operating a motor vehicle within this State.

2. Suspension terms for moving violations. If a person who has not yet attained the age of 21 years is convicted or adjudicated of a moving motor vehicle violation that occurred within the first year from the date of issue of the juvenile provisional license, the Secretary of State shall suspend the license:

- A. For 30 days on the 1st offense;
- B. For 60 days on the 2nd offense; and
- C. To the 2nd birthday following the date of issue or for 90 days, whichever is longer, on the 3rd offense.

A person whose juvenile provisional license is suspended may request a hearing pursuant to section 2483.

3. Suspension for OUI conviction or certain blood-alcohol level. The Secretary of State shall suspend for a period of at least one year, without preliminary hearing, a juvenile provisional license of a person who:

- A. Receives an OUI conviction; or

B. Operates a motor vehicle with a blood-alcohol level of 0.02% or more.

4. Duty to submit to test. A person under 21 years of age who operates a motor vehicle shall submit to a chemical test if there is probable cause to believe that person has operated a motor vehicle with a blood-alcohol level of 0.02% or more. The provisions of subchapter IV apply, except the suspension must be for a period of one year.

5. Hearing; stay; issues. If a hearing is requested in accordance with section 2483, the suspension under subsection 3, paragraph B is stayed pending the outcome of the hearing. The scope of a hearing must include whether:

A. There was probable cause to believe that the person was under 21 years of age and operated a motor vehicle while having 0.02% or more by weight of alcohol in the blood;

B. The person operated a motor vehicle while having 0.02% or more by weight of alcohol in the blood; and

C. The person was under 21 years of age.

6. Restoration of license. If a person's license has been suspended under subsection 3, the Secretary of State may issue a license if:

A. One half of the suspension period has expired; and

B. The Secretary of State has received notice that the person has completed the alcohol and drug program of the Office of Substance Abuse as provided in Title 5, section 20071, subsection 4-B.

Article 3

Administrative Procedures

§2481. Administrative procedures for suspension

1. Report of officer. A law enforcement officer who has probable cause to believe a person has violated the terms of a conditional driver's license, commercial driver's license or provisional license or committed an OUI offense shall send to the Secretary of State a report of all relevant information, including, but not limited to, the following:

A. Information adequately identifying the person charged;

B. The ground that the officer had for probable cause to believe that the person violated the terms of a conditional driver's license, commer-

cial driver's license or provisional license or committed an OUI offense;

C. A certificate of the results of blood-alcohol tests conducted on a self-contained breath-alcohol testing apparatus; and

D. If a person fails to submit to a test, the law enforcement officer's report may be limited to a written statement under oath stating that the officer had probable cause to believe that the person violated the terms of a conditional driver's license, commercial driver's license or provisional license, or committed a OUI offense and failed to submit to a test.

The report must be under oath and on a form approved by the Secretary of State.

If the blood-alcohol test was not analyzed by a law enforcement officer, the person who analyzed the results shall send a copy of that certificate to the Secretary of State.

2. Time. The report must be submitted to the Secretary of State within 72 hours of the offense, excluding Saturdays, Sundays and holidays. If the report is not sent within this time period, the Secretary of State shall impose the suspension, unless the delay has prejudiced the person's ability to prepare or participate in the hearing.

3. Determination. The Secretary of State shall make a determination on the basis of the information required in the report.

This determination is final unless a hearing is requested and held.

If a hearing is held, the Secretary of State shall review the matter and make a final determination on the basis of evidence received at the hearing.

§2482. Notice of suspension or revocation of license

1. Notification by Secretary of State. Upon determining that a person is subject to license suspension or revocation, the Secretary of State shall immediately notify the person, in writing, that the license has been suspended or revoked. The notice:

A. Must be sent to the last name and address provided under section 1407 or, if the person has not applied for a license, on record with the Secretary of State;

B. Must be sent to the address provided in the report of the law enforcement officer if that address differs from the address of record; or

C. May be served in hand.

2. Notice contents. The notice must clearly state:

A. The reason and statutory grounds for the suspension or revocation;

B. The effective date of the suspension or revocation;

C. The right of the person to request a hearing;

D. The procedure for requesting a hearing;

E. The date by which that request for a hearing must be made; and

F. That a copy of the report of the law enforcement officer and any blood-alcohol test certificate will be provided to the person upon request to the Secretary of State.

3. Receipt date. The notice is deemed received 3 days after mailing, unless returned by postal authorities.

4. Effective date. A suspension or revocation is effective on the date specified by the Secretary of State on the notice, which may not be less than 10 days after the mailing of the notification of suspension by the Secretary of State.

§2483. Hearing request

1. Request for hearing. A person may make a written request for a hearing to review the determination of the Secretary of State. The request must be made within 10 days from the effective date of the suspension.

2. Issuance of decision. The Secretary of State shall conduct a hearing and issue a decision within 30 days of receipt of a written request for hearing.

3. Delayed requests. If a request is made after the 10-day period and the Secretary of State finds that the person was unable to make a timely request due to lack of actual notice of the suspension or due to factors of physical incapacity, the Secretary of State shall waive the period of limitation, reopen the matter and grant the hearing request, except a stay may not be granted.

4. Stay. Any stay must continue until a decision is issued. Notwithstanding any other provision to the contrary, a stay does not apply during a delay caused or requested by the petitioner, except that, if the petitioner is unable to attend the hearing due to circumstances beyond the petitioner's control, the Secretary of State may continue, one time only, the stay of suspension. The petitioner must submit to the Secretary of State a written request for delay, or an electronically transmitted facsimile of a written re-

quest for delay, stating the circumstances, at least 24 hours before the scheduled hearing. A request for a hearing does not stay a suspension unless specifically provided for in this chapter.

5. Suspensions during appeal. If a person appeals an OUI conviction or administrative determination, the suspension remains in effect during the appeal, unless the court orders otherwise or the Secretary of State restores the license.

§2484. Hearing procedures

In addition to the general hearing procedures set forth in chapter 1, hearings held under this chapter are governed by the following provisions.

1. Evidence. Evidence admissible in a court under section 2431 is admissible in a hearing.

2. Official notice. The Secretary of State may take official notice of the transcript or abstract of the records maintained by the Secretary of State's office or of any court.

If the name and date of birth of the person requesting the hearing is the same as the name and date of birth of the person named in the transcript or abstracts, then the abstracts are presumed to be those of that person.

A transcript or abstract is prima facie evidence that the person named was convicted or adjudicated of each offense shown by the transcript or abstract.

A person denying a fact appearing on a transcript or abstract, or the identification has the burden of proving that the fact is untrue.

3. Evidentiary standard. Unless otherwise provided, the Secretary of State shall make a determination by a preponderance of the evidence.

§2485. Decision

1. Decision. After hearing, the Secretary of State may rescind, continue, modify or extend the suspension of a driver's license.

2. Surrender and return of license. When a suspension is effective, the Secretary of State shall require that the license be surrendered.

3. Removal of suspension. If it is determined after hearing that there was not the requisite probable cause for the required elements of the offense, the Secretary of State shall immediately remove the suspension and delete any record of the suspension and the offense from the record.

4. Collateral effect. The determination of facts by the Secretary of State is independent of the deter-

mination of the same or similar facts in an adjudication of civil or criminal charges arising out of the same occurrence. The disposition of those charges may not affect a suspension ordered by the Secretary of State.

5. Judicial review. The person whose license is suspended or other party may, within 30 days after receipt of the decision, appeal to the Superior Court as provided in Title 5, sections 11001 to 11008. If the court rescinds the suspension, it shall also order the Secretary of State to delete any record of the suspension.

§2486. Reinstatement fee

1. Reinstatement fee. Before a suspension is terminated and a license or certificate reinstated, a fee of \$25, in addition to the regular license fee, must be paid to the Secretary of State.

2. Allocation of fee. A reinstatement fee paid for a court-ordered suspension under section 2605 must be deposited equally between the Highway Fund and the General Fund.

3. Application. This section does not apply to a suspension set aside by the Secretary of State or a court.

§2487. Proof of financial responsibility

A person with an OUI conviction within the 6-year period as defined by section 2402, may not have a license reinstated until that person has complied with the financial responsibility provisions of section 1605.

Article 4

Special Licenses

§2501. Restricted license

1. Eligibility. Unless otherwise provided, the Secretary of State may issue a restricted license to a first-time OUI offender if:

A. Two thirds of the suspension period has expired; and

B. The Secretary of State has received notice that that person has completed the alcohol and drug program.

2. Restrictions. A restricted license issued pursuant to subsection 1 is subject to the following conditions and restrictions:

A. Use is limited to travelling to a treatment program or to employment for a minimum of 90 days after the original suspension date; and

B. Any other conditions or restrictions the Secretary of State considers advisable for the safety of the public and the welfare of the operator.

3. Failure to submit to test. The Secretary of State may issue a restricted license to a person whose license was suspended for a first failure to submit to a test, if the condition of subsection 1, paragraph B is met and at least 90 days have elapsed since the date of suspension. This subsection does not apply to a commercial driver's license, provisional license or conditional license.

§2502. Special licenses for driver education evaluation program; suspension

1. Issuance of special license. Following the expiration of the total period of suspension imposed on a first-time offender pursuant to Title 15, section 3314 or sections 2411, 2453, 2472 and 2521, the Secretary of State shall issue a special license or permit to the person if the Secretary of State receives written notice that the person has completed the assessment components of the alcohol and other drug program as set out in Title 5, section 20073-A. First offenders with an aggravated offense as defined in Title 5, section 20071, subsection 4-B are entitled to received a special license after completion of the evaluation provided by the Office of Substance Abuse. A special license or permit may not be issued under this section to 2nd and subsequent offenders.

2. Suspension of special license. If the person refuses or fails to complete the alcohol and other drug program set out in Title 5, section 20073-A, within 6 months after receiving a special license, the Secretary of State, following notice of that refusal or failure shall suspend the special license until the person completes the program. The suspension must continue until the Secretary of State receives written notification from the Office of Substance Abuse that the person has satisfactorily completed all required components of that program. The Secretary of State shall provide notice of suspension and opportunity for hearing pursuant to Title 5, chapter 375, subchapter IV. The sole issue at the hearing is whether the person has written notification from the Office of Substance Abuse establishing that the person has satisfactorily completed all components of that program as set out in Title 5, section 20073-A.

§2503. Work-restricted license

1. Administrative suspension; work-restricted license. On receipt of a petition for a work-restricted license from a person under suspension pursuant to section 2453, 2457, subsection 1, paragraph B, or section 2472, subsection 3, paragraph B, the Secretary of State may stay a suspension during the statutory suspension period and issue a work-restricted license,

if the petitioner shows by clear and convincing evidence that:

A. As determined by the Secretary of State, a license is necessary to operate a motor vehicle:

(1) Between the residence and a place of employment or in the scope of employment, or both; or

(2) Between the residence and an educational facility attended by the petitioner if the suspension is under section 2472, subsection 3, paragraph B;

B. No alternative means of transportation is available; and

C. The petitioner has not, within 6 years, been under suspension for an OUI offense or pursuant to section 2453.

2. Suspension. The Secretary of State shall suspend, without preliminary hearing, the work-restricted license of a person who:

A. Is adjudicated or convicted of any violation of the provisions of this Title committed during the period when a work-restricted license has been issued;

B. Violates any restriction or condition of the license; or

C. Has not completed the alcohol and drug program by the end of the statutory suspension period.

§2504. Conditional or restricted license upon completion of alcohol and drug program

Following the expiration of the total period of suspension and on receipt of written notice that the person has satisfactorily completed the alcohol and drug program required by Title 5, section 20073-A, the Secretary of State may issue a license subject to the conditions, restrictions or terms that the Secretary of State considers advisable for the safety of the public and the welfare of the operator.

§2505. Special restricted license for participation in education and treatment programs

Notwithstanding other limitations, the Secretary of State may issue a restricted license to a person for the purpose of allowing that person to participate in an alcohol and drug program or other treatment program determined appropriate by the Office of Substance Abuse.

§2506. Conditional license

A license issued by the Secretary of State to a person with an OUI conviction must be issued on the condition that the person not operate a motor vehicle after having consumed intoxicating liquor for the following periods from license reinstatement date: on first conviction, one year; and on a 2nd or subsequent conviction, 6 years. The provisions of section 2457 apply.

SUBCHAPTER IV**IMPLIED CONSENT****§2521. Implied consent to chemical tests**

1. Mandatory submission to test. If there is probable cause to believe a person has operated a motor vehicle while under the influence of intoxicants, that person shall submit to and complete a test to determine blood-alcohol level and drug concentration by analysis of blood, breath or urine.

2. Type of test. A law enforcement officer shall administer a breath test unless, in that officer's determination, a breath test is unreasonable.

The law enforcement officer may determine which type of breath test is to be administered.

Another chemical test must be administered in place of a breath test.

For a blood test the operator may choose a physician, if reasonably available.

3. Prerequisites to tests. Before a test is given, the law enforcement officer shall inform the person that failure to submit to and complete a test will:

A. Result in suspension of that person's driver's license for a period up to 3 years; and

B. Be admissible in evidence at a trial for operating under the influence of intoxicants.

4. Exclusion as evidence. A test result may not be excluded as evidence in a proceeding before an administrative officer or court solely as a result of the failure of the law enforcement officer to comply with the notice of subsection 3.

5. Suspension for refusal. The Secretary of State shall immediately suspend the license of a person who fails to submit to and complete a test.

6. Period of suspension. Except where a longer period of suspension is otherwise provided by law, the suspension is for a period of 180 days for the first refusal and one year for each subsequent refusal.

7. Decision. A suspension must be removed if, after hearing pursuant to section 2483, it is determined that the person would not have failed to submit but for the failure of the law enforcement officer to give either of the warnings required by subsection 3.

8. Issues. If a hearing is requested in accordance with section 2483, in addition to specific issues required by a specific offense, the scope of the hearing must include whether:

A. There was probable cause to believe the person operated a motor vehicle while under the influence of intoxicants;

B. The person was informed of the consequences of failing to submit to a test; and

C. The person failed to submit to a test.

9. Results of test. On request, full information concerning a test must be made available to the person tested or that person's attorney by the law enforcement officer.

§2522. Accidents

1. Mandatory submission to test. If there is probable cause to believe that death has occurred or will occur as a result of an accident, an operator of a motor vehicle involved in the motor vehicle accident shall submit to a test to determine blood-alcohol level or drug concentration in the same manner as for OUI.

2. Administration of test. The investigating law enforcement officer shall cause a test to be administered as soon as practicable following the accident as provided in section 2521.

3. Admissibility of test results. The result of a test is admissible at trial if the court, after reviewing all the evidence, whether gathered prior to, during or after the test, is satisfied that probable cause exists, independent of the test result, to believe that the operator was under the influence of intoxicants at the time of the accident.

4. Suspension. The Secretary of State shall suspend for a period of one year the license of a person who fails to submit to a test under this section.

5. Scope of hearing. The scope of any hearing the Secretary of State holds pursuant to section 2483 must include whether there was probable cause to believe that the person was the operator of a motor vehicle involved in a motor vehicle accident in which a death occurred or will occur and whether the person failed to submit to and complete the test. If a person shows, after hearing, that the person was not under the influence of intoxicants or that the person did not

negligently cause the accident, then the suspension must be immediately removed.

§2523. Implied consent; commercial operators

1. Mandatory submission to test. A person who operates a commercial motor vehicle shall submit to a test to determine the blood-alcohol level or drug concentration if there is probable cause to believe that the person has operated a commercial motor vehicle while having a blood-alcohol level of 0.04% or more or while under the influence of drugs.

2. Period of suspension. The suspension for failure to submit to a test under subsection 1 is for one year.

A. If the person was operating a commercial motor vehicle containing hazardous materials, then the suspension is for a period of 3 years.

B. For 2nd or subsequent failure to submit to a test, the suspension is permanent.

3. Hearing; issues. If a hearing is requested pursuant to section 2483, the scope of the hearing must include whether:

A. There is probable cause to believe the person operated a commercial motor vehicle while under the influence of drugs or with a blood-alcohol level of .04% or more by weight of alcohol;

B. The person was informed of the consequences of failing to submit to a test; and

C. The person failed to submit to a test.

4. Concurrent suspensions. If a person's commercial driver's license is suspended under this section and is also suspended for an OUI conviction arising out of the same occurrence, the period of suspension under this section prior to the conviction must be deducted from the period of suspension of the commercial driver's license for the OUI conviction.

§2524. Administration of tests

1. Persons qualified to draw blood for blood tests. Only a physician, registered physician's assistant, registered nurse or a person certified by the Department of Human Services may draw a specimen of blood for the purpose of determining the blood-alcohol level or drug concentration.

2. Persons qualified to analyze blood for blood tests. A person conducting an analysis of blood-alcohol level or drug concentration must be certified by the Department of Human Services.

3. Persons qualified to operate and analyze breath tests. A person certified by the Maine Criminal Justice Academy as qualified to operate an approved self-contained, breath-alcohol testing apparatus may operate an apparatus to collect and analyze a sample specimen of breath.

4. Chemical tests on breath and urine specimens. A sample specimen of breath or urine may be submitted to the Department of Human Services or a person certified by the Department of Human Services for the purpose of conducting chemical tests to determine blood-alcohol level or drug concentration.

5. Equipment for taking specimens. Only equipment having a stamp of approval affixed by the Department of Human Services may be used to take a sample specimen of breath or urine, except that a self-contained, breath-alcohol testing apparatus if reasonably available may be used to determine the blood-alcohol level.

Approved testing apparatus must have a stamp of approval affixed by the Department of Human Services after periodic testing. That stamp is valid for no more than one year.

6. Procedures for operation and testing of testing apparatus. The Department of Human Services shall establish, by rule, the procedures for the operation and testing of testing apparatus.

§2525. Drug impairment assessment

1. Submission to test required. If a drug recognition technician has probable cause to believe that a person is under the influence of a specific category of drug, a combination of specific categories of drugs or a combination of alcohol and one or more specific categories of drugs, that person must submit to a blood or urine test selected by the drug recognition technician to confirm that person's category of drug use and determine drug concentration.

2. Admissibility of evidence. If a law enforcement officer certified as a drug recognition technician by the Maine Criminal Justice Academy conducts a drug impairment assessment, the officer's testimony about that assessment is admissible in court as evidence of operating under the influence of intoxicants. Failure to comply with any provision of this section does not, by itself, result in the exclusion of evidence of test results, unless the evidence is determined to be not sufficiently reliable.

3. Payment for tests. A person authorized to take specimens of blood at the direction of a law enforcement officer or to perform tests on specimens of blood or breath must be paid from the Highway Fund.

4. Repeal. This section is repealed June 1, 1995.

§2526. Drug recognition technicians

1. Training program. The board of trustees of the Maine Criminal Justice Academy shall establish:

A. A program that meets the National Highway Traffic Safety Administration guidelines for training and certification of drug recognition technicians; and

B. Eligibility standards for admission of law enforcement officers to the program that are consistent with National Highway Traffic Safety Administration guidelines and that ensure that trainees are:

(1) Law enforcement officers who have demonstrated proficiency and experience in standardized field sobriety testing and the ability to complete the training and function as drug recognition technicians; and

(2) Employed by law enforcement agencies that have the facilities, equipment and other resources necessary for the effective functioning of drug recognition technicians.

2. Selection of trainees. The Commissioner of Public Safety shall select for training as drug recognition technicians members of the State Police and other law enforcement officers who meet the eligibility requirements.

3. Qualifications. Only those law enforcement officers who successfully complete the training and certification program established under this section may conduct drug impairment assessments and offer testimony as drug recognition technicians under section 2525.

§2527. Rules regulating sample collection and testing procedures

The Department of Human Services shall adopt rules regulating sample collection and testing procedures to ensure accurate and reliable testing and to protect the privacy of the person providing the sample. The rules may include, but are not limited to:

1. Standards. Standards for determining when a sample is to be reported as negative, based upon standards specific to the type and sensitivity of the test and the drug or category of drug screened;

2. Urine samples. A requirement that only a law enforcement officer or law enforcement agency employee of the same sex as the person providing the

sample, or a health care practitioner, may observe the giving of a urine sample, and that it may be collected only within a law enforcement or health care facility; and

3. Sample for defendant. A requirement that, at the request and expense of the person charged, the department shall segregate a portion of the sample collected for that person's own testing.

The department may establish rules governing the format in which the test results are reported. At the time of adoption, the department shall furnish a copy of these rules to the joint standing committee of the Legislature having jurisdiction over legal affairs for review.

§2528. Liability

A physician, physician's assistant, registered nurse, person certified by the Department of Human Services, hospital or other health care provider in the exercise of due care is not liable for an act done or omitted in collecting or withdrawing specimens of blood at the request of a law enforcement officer pursuant to this chapter.

SUBCHAPTER V

HABITUAL OFFENDER

§2551. Habitual offender

1. Habitual offender defined. An habitual offender is a person whose record, as maintained by the Secretary of State, shows that the person has accumulated 3 or more convictions or adjudications for distinct offenses described below, arising out of separate acts committed within a 5-year period:

A. Homicide resulting from the operation of a motor vehicle;

B. OUI conviction;

C. Driving to endanger, in violation of section 2413;

D. Operating after suspension, in violation of section 2412;

E. Operating without a license;

F. Operating after revocation, in violation of section 2557;

G. Knowingly making a false affidavit or swearing or affirming falsely in a statement required by this Title or as to information required in the administration of this Title;

H. A Class A, B, C or D offense in which a motor vehicle is used;

I. Failing to report an accident involving injury or death, in violation of section 2252;

J. Failure to report an accident involving property damage, in violation of section 2254 or 2255;

K. Eluding an officer, in violation of section 2414; or

L. Passing a roadblock, in violation of section 2414, subsection 4.

2. Inclusions. The offenses included in subsection I include offenses under former Title 29, a federal law, law of another state or a municipal ordinance substantially conforming to the statutory violations.

3. Exceptions. A person is not an habitual offender when all convictions or adjudications are based on the offense of operating a motor vehicle after suspension when the license had been originally suspended for a failure to give or maintain proof of financial responsibility.

4. Offenses not included. The following convictions may not be included under subsection I:

A. A conviction of operating a motor vehicle without a license if the license had expired, and was not suspended or revoked; or

B. A conviction of operating after suspension when the suspension is based upon a failure to appear in court or failure to pay a fine.

5. Multiple offenses on same date. When more than one included offense is committed on the same date, these offenses are treated as one offense.

§2552. Immediate revocation; duration of revocation

Notwithstanding Title 4, section 1157, and Title 5, sections 10003 and 10051, the Secretary of State shall immediately revoke, without preliminary hearing, the license to operate a motor vehicle of an habitual offender.

The revocation under this section is indefinite. A license may not be issued to an habitual offender until after the minimum periods specified in section 2554.

§2553. Hearing procedure

1. Hearing on request. Any person whose license, permit or privilege to operate has been re-

voked pursuant to section 2552 may, within 30 days of notice of revocation, request a hearing to show cause why the license should not be revoked.

2. Issues. The only issues that are properly raised at a hearing are:

A. Whether the person whose license has been revoked is the same person named in the transcript or abstract; and

B. Whether the person's record brings that person within the definition of an habitual offender.

3. Other procedures. Except as specifically provided in this section, the hearing procedures set forth in article 3 apply to hearings under this section.

§2554. Relief from habitual offender status

1. Petition for relief. After one year from the date of revocation, a person may petition for relief from habitual offender status. The petition must be presented to the Secretary of State.

2. Grant of relief by Secretary of State. If public safety will not be endangered and the person has complied with the financial responsibility requirements chapter 13, subchapter II, the Secretary of State may relieve the person from status as an habitual offender and restore the person's license on appropriate terms and conditions.

3. Operating after habitual offender revocation. The Secretary of State may not restore a license if a charge under section 2557 is pending. If the Secretary of State subsequently determines that a license has been restored when a charge under section 2557 was pending, the Secretary of State shall, without hearing, immediately reinstate the revocation and provide notice of the reinstatement. A license may not be issued to a person who has been convicted of a violation of section 2557 for a period of at least one year following the conviction or longer as provided under section 2557.

§2555. Revocation following restoration

The Secretary of State shall revoke the license of a person whose license has been restored pursuant to section 2554 when:

1. New convictions. Within a 5-year period of the restoration, the person commits a new offense under section 2551.

2. Continued liability. The person commits a new offense under section 2551 and, within 5 years preceding the date of that new offense, the person's record shows accumulated convictions or adjudications, including the new offense which results in that

person being defined as an habitual offender under section 2551.

§2556. Work-restricted license for habitual offender

1. Definition. For purposes of this section, a "work-restricted license" is a license to operate a motor vehicle between a residence and a place of employment, in the scope of employment, or both, as determined by the Secretary of State.

2. Petition. An habitual offender whose license has been revoked pursuant to section 2552 may petition the Secretary of State for a work-restricted license.

3. Stay. On receipt of the petition, the Secretary of State may stay the revocation and issue a work-restricted license. In deciding whether to issue a work-restricted license, the Secretary of State may consider the petitioner's need.

4. Ineligibility. A person is not eligible for a work-restricted license if habitual offender status is based on a conviction or adjudication under section 2551, subsection 1, paragraph A or section 2557 or the revocation is issued pursuant to section 2555.

5. Eligibility. If a conviction is based on section 2551, subsection 1, paragraph B, the person must have completed the period of suspension required for the OUI conviction and the Secretary of State must have received written notice that the person has satisfactorily completed the alcohol and drug program.

6. Revocation of work-restricted license. The Secretary of State shall revoke, without preliminary hearing, the license of a person who is adjudicated or convicted of a violation of the provisions of this Title committed during the period of a work-restricted license or who violates a restriction or condition of the license.

7. Stay vacated. On revocation of the work-restricted license, the stay of revocation issued pursuant to this section is immediately vacated.

8. Hearing. An habitual offender whose work-restricted license has been revoked may request a hearing within 30 days of the revocation.

A stay of revocation may not be issued pending a hearing.

If, after the hearing, the Secretary of State finds that the person is not the same person named in the transcript or abstract, the revocation must be stayed and a work-restricted license must be reissued.

If the Secretary of State finds that the person is the same person named in the transcript or abstract, the revocation must be invoked.

9. New offense. An habitual offender who is adjudicated or convicted of a violation of the provisions of this Title while operating under a work-restricted license is not entitled to any further relief during the remaining term of the revocation.

§2557. Operating after habitual offender revocation

1. Crime. A person commits a crime as defined in subsection 2 if that person operates a motor vehicle on a public way, as defined in Title 17-A, section 505, subsection 2, when that person's license to operate a motor vehicle has been revoked under this subchapter and that person:

A. Has received written notice of the revocation from the Secretary of State;

B. Has been orally informed of the revocation by a law enforcement officer;

C. Has actual knowledge of the revocation; or

D. Is a person to whom written notice was sent in accordance with section 2458, subsection 4.

2. Offense; penalty. Violation of this section is:

A. A Class D crime if:

(1) The person has no conviction for operating after revocation within the previous 5 years; and

(2) The person has no conviction for violating section 2411 within the previous 5 years; and

B. A Class C crime if:

(1) The person has one or more convictions for operating after revocation within the previous 5 years; or

(2) The person has one or more convictions for violating section 2411 within the previous 5 years.

The Secretary of State may not grant relief from habitual offender status under section 2554 until at least 3 years after the original date scheduled for eligibility to apply for relief of that status.

3. Presumption of identity. If the name and date of birth of the person being prosecuted are the same as those of the habitual offender whose privilege

to operate has been suspended, it is prima facie evidence that it is the same person.

4. Notice to Secretary of State. A law enforcement officer who has arrested or charged a person with violating this section shall notify the Secretary of State of that action.

SUBCHAPTER VI

GENERAL ENFORCEMENT PROVISIONS

§2601. Summons and Complaint

1. Form of Uniform Summons and Complaint. Every law enforcement agency in this State shall use traffic summonses for criminal traffic offenses defined in Title 23, section 1980 or this Title in the form known as the Uniform Summons and Complaint, which must be uniform throughout the State and must be issued in books with summonses in no less than quadruplicate and meeting the requirements of this chapter. The Uniform Summons and Complaint must include, at a minimum, the signature of the officer, a brief description of the alleged offense, the time and place of the alleged offense and the time, place and date the person is to appear in court. The Uniform Summons and Complaint must also include a statement that signing the summons does not constitute an admission or plea of guilty and that refusal to sign after having been ordered to do so by a law enforcement officer is a separate Class E crime. A person to whom a Uniform Summons and Complaint is issued or delivered must give a written promise to appear. The form of the Uniform Summons and Complaint must be approved by the Chief Judge of the District Court prior to its use.

2. Creation of forms. The Commissioner of Public Safety is responsible for creating the forms of Uniform Summons and Complaint, subject to the approval of the forms by the Chief Judge of the District Court.

3. Form of Violation Summons and Complaint. Every law enforcement agency in this State shall use traffic summonses for traffic infractions in the form known as the Violation Summons and Complaint, which must be uniform throughout the State and must be issued in books with summonses in no less than quadruplicate and meeting the requirements of this chapter. The form must include, at a minimum, the signature of the officer, a brief description of the alleged offense, the time and place of the alleged offense and the date on or before which the person is to file a written answer with the violations bureau. The Violation Summons and Complaint must also include a statement that signing the summons does not constitute an admission or plea of guilty and that refusal to sign after having been or-

dered to do so by a law enforcement officer is a separate Class E crime. The form of the Violation Summons and Complaint must be approved by the Chief Judge of the District Court prior to its use.

4. Responsibility for issuance and disposition. The summons and complaint forms must be printed and distributed as follows.

A. The District Court is responsible for printing all copies of the Violation Summons and Complaint forms. The Department of Public Safety is responsible for printing all copies of the Uniform Summons and Complaint forms and issuing both types to law enforcement agencies or others.

B. The chief executive officer of every law enforcement agency or that chief executive officer's designee is responsible for the further issuance of summons and complaint forms to individual law enforcement officers and for the proper disposition of those forms.

5. Illegal disposition. It is unlawful and official misconduct for any law enforcement officer or other officer or public employee to dispose of a Violation Summons and Complaint or a Uniform Summons and Complaint or any portion of either or of the record of the issuance of a Violation Summons and Complaint or a Uniform Summons and Complaint in a manner other than as required under rules adopted pursuant to this section. Any person who solicits or aids in the disposition or attempted disposition of a Violation Summons and Complaint or a Uniform Summons and Complaint or any portion of either in any unauthorized manner commits a Class E crime.

6. Uniform Summons and Complaint as summons. A Uniform Summons and Complaint, when issued or delivered to a person by a law enforcement officer or served on the person in the manner prescribed by rule of the Supreme Judicial Court, acts as a summons to appear in court on the date and time specified in the summons or to otherwise respond in accordance with law on or before the date and time specified in the summons. Any person who fails to appear in court as directed by the summons or to otherwise respond in accordance with law on or before the date and time specified in the summons commits a Class E crime. Upon the person's failure to appear or respond, the court may issue a warrant of arrest. It is an affirmative defense to prosecution under this subsection that the failure to appear or respond resulted from just cause.

7. Violation Summons and Complaint as summons. The Violation Summons and Complaint, when issued or delivered to a person by a law enforcement officer or served on the person in the man-

ner prescribed by rule of the Supreme Judicial Court, acts as an order to file written answer to the complaint on or before the date specified in the summons.

8. When a lawful complaint. If the Uniform Summons and Complaint is duly sworn to as required by law and otherwise legally sufficient in respect to the form of a complaint and to charging commission of the offense alleged in the summons to have been committed, then the summons when filed with a court having jurisdiction constitutes a lawful complaint for the purpose of the commencement of any prosecution of a misdemeanor or Class D or Class E crime under Title 23, section 1980 or this Title. When filed with the violations bureau, the Violation Summons and Complaint is considered a lawful complaint for the purpose of the commencement of a traffic infraction proceeding.

9. Responsibility of law enforcement officer to file summonses and complaints with District Court. A law enforcement officer issuing a Violation Summons and Complaint charging the commission of a traffic infraction shall file the original of the Violation Summons and Complaint with the violations bureau within 5 days of the issuance of the Violation Summons and Complaint. A law enforcement officer issuing a Uniform Summons and Complaint that charges the commission of an offense shall file the original of the Uniform Summons and Complaint with the District Court having jurisdiction over the offense or in such other location as instructed by the Chief Judge of the District Court without undue delay and, in any event, within 5 days after the issuance of the Uniform Summons and Complaint.

10. Refusal to sign. A person who refuses to sign a Uniform Summons and Complaint or a Violation Summons and Complaint after having been ordered to do so by a law enforcement officer commits a Class E crime. A law enforcement officer may not order a person to sign the Uniform Summons and Complaint for a civil violation unless the civil violation is an offense defined in Title 12; Title 28-A, section 2052; or this Title.

§2602. Jurisdiction

1. Traffic infractions. The District Court has original and exclusive jurisdiction over prosecutions for traffic infractions.

2. Other violations. The District Court has original and concurrent jurisdiction with the Superior Court over prosecutions for other violations of this Title.

3. Class C or greater. For Class C or greater crimes, the District Court jurisdiction is subject to Title 4, section 152.

4. Fines. Fines and forfeitures collected under this Title accrue to the General Fund, except that of fines and forfeitures collected under sections 511, 2356, 2360, 2380, 2387 and 2388, only \$5 or 13%, whichever is greater, accrues to the General Fund and the balance accrues to the General Highway Fund.

§2603. Speedy trial

1. Immediate trial. A person arrested for violation of a provision of this Title, except sections 2103, 2105, 2411 and 2521, must be given an immediate trial if so demanded of the officer making the arrest.

2. Bail. If for any reason it is impracticable to give the person arrested an immediate trial, the officer making the arrest may accept the personal recognizance of that person for an appearance in court or may immediately take that person before a bail commissioner.

The bail commissioner, before admitting the person to bail, shall require the person's name, place of residence, the number of the driver's license and the registration number of the motor vehicle operated at the time of arrest.

The bail commissioner shall make a record on the bail bond and may take personal recognizance for an appearance in court on a specified day, not less than 2 days later, if requested.

§2604. Traffic infraction; general penalty

A traffic infraction must be punished by a fine of not less than \$25 nor more than \$250 when no other penalty is specifically provided.

§2605. Suspension on nonappearance or nonpayment of fine

1. Suspension by clerk. If a person fails to appear in court on the date and time specified in response to a Uniform Summons and Complaint, a summons, a condition of bail or order of court for any criminal violation of Title 23, section 1980; a civil violation under Title 28-A, section 2052; or any criminal provision of this Title, or for any further appearance ordered by the court, including one for the payment of a fine, either in person or by counsel, or fails to pay a fine imposed for a criminal traffic offense, the clerk shall suspend the person's license or permit, the right to operate a motor vehicle in this State and the right to apply for or obtain a license or permit.

If a person who is not an individual fails to appear or pay a fine in a criminal traffic offense, the clerk shall suspend the registration of the motor vehicle involved

in the offense or that person's right to operate that vehicle in the State.

2. Notification by Secretary of State. On receipt of a copy of an order of any such suspension in a criminal traffic offense or in a civil violation under Title 28-A, section 2052, the Secretary of State shall immediately notify that person of the suspension by regular mail or personal service.

3. Effect of suspension. A court-ordered suspension has the same force and effect as a suspension by the Secretary of State. The suspension remains in effect until the person appears, either in person or by counsel, or pays the fine.

4. Rescission of suspension. On appearances or payment of the fine, whichever was the basis for the suspension, and on the condition of payment of a \$25 reinstatement fee to the Secretary of State, the clerk of the court in which the suspension was ordered shall rescind the suspension and notify the Secretary of State who, upon receipt of the \$25 reinstatement fee, shall delete any record of the suspension from that person's driving record.

§2606. Enforcement of suspension

1. Confiscation of license, certificate or plates. If a law enforcement officer, in the course of stopping or detaining a motor vehicle, obtains a suspended license or certificate of registration, or a license issued by another state, foreign country or province when that person's license or certificate of registration is under suspension, the officer shall confiscate that license, certificate or plates and transmit the confiscated items together with a report of the circumstances to the Secretary of State.

2. Investigation. On request of the Secretary of State, notification of the suspension must be served, and the certificate, license or plates must be confiscated. If the license, certificate or plates can not be confiscated, an investigation must be undertaken by the sheriff of the county in which that person resides by a state or local law enforcement officer or by an employee of the Secretary of State.

§2607. Conviction record to Secretary of State; public record

1. Transmission of abstract. For every conviction or adjudication of a violation relative to motor vehicles or to the operation of a vehicle, a court shall transmit to the Secretary of State an abstract, duly certified, setting forth the name of the court, the docket number of the case, the names of the parties, the nature of the offense, the date of the offense, the date of hearing, the plea, the judgment and the result.

2. Speeding. In a case involving a violation of sections 2073 to 2075, the abstract must contain the legal speed involved and the speed of which the person was convicted.

3. Public records. Abstracts are open to public inspection during reasonable hours.

4. Electronic reporting. When a court is equipped with a computer terminal or other electronic data processing equipment having the capacity to transmit to and retrieve from the official motor vehicle records of the Secretary of State all information included in the abstract, the court may use the computer terminal or electronic data processing equipment in lieu of a written document.

§2608. Suspension for failure to appear, answer or pay a fine in a traffic infraction offense

If a person fails to answer in any traffic infraction proceeding under Title 23, section 1980 or any traffic infraction provision of this Title by the date specified in the Violation Summons and Complaint, fails to appear for trial or pay a fine assessed in any traffic infraction proceeding, the clerk shall suspend the person's license or permit, right to operate a motor vehicle in this State and the right to apply for or obtain a license or permit.

If a person who is not an individual fails to appear, answer or pay a fine in a traffic infraction proceeding, the clerk shall suspend the registration of the motor vehicle involved in the offense or that person's right to operate that vehicle in the State.

The clerk shall immediately notify that person of the suspension by regular mail or personal service. The suspension has the same force and effect as a suspension by the Secretary of State. The suspension remains in effect until the person answers or appears, either in person or by counsel, or pays the fine. On answer, appearance or payment of the fine, whichever was the basis for the suspension, and on condition of payment of a \$25 reinstatement fee to the Secretary of State, the clerk of the court in which the suspension was ordered shall rescind the suspension and notify the Secretary of State who, upon receipt of the \$25 reinstatement fee, shall delete any record of the suspension from that person's driving record.

Written notice is sufficient if sent by regular mail to the last known name and address provided by the person on the Violation Summons and Complaint, written answer to a Violation Summons and Complaint, a written pleading filed with the violations bureau or, if the person has not so provided an address, to the address shown on the Violation Summons and Complaint, a copy of which has been served on the person. The notice must also state that the

license, permit or right to operate will not be reinstated and the person may not operate a motor vehicle before payment of the reinstatement fee as required under section 2486.

PART B

Sec. B-1. 10 MRSA c. 208-A is enacted to read:

CHAPTER 208-A

FARM MACHINERY DEALERSHIPS

§1271. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Current net price. "Current net price" means the price listed in the supplier's price list or catalog in effect at the time the dealer agreement is terminated, less any applicable discounts allowed.

2. Dealer. "Dealer" means a person, corporation or partnership primarily engaged in the business of retail sales of farm and utility tractors, farm implements, farm machinery, yard and garden equipment, attachments, accessories and repair parts. "Dealer" does not include a person, corporation or partnership primarily engaged in the business of retail sales of heavy construction, industrial and utility equipment, attachments, accessories and repair parts.

3. Dealer agreement. "Dealer agreement" means a written or oral contract or agreement between a dealer and a wholesaler, manufacturer or distributor by which the dealer is granted the right to sell or distribute goods or services or to use a trade name, trademark, service mark, logotype or advertising or other commercial symbol.

4. Inventory. "Inventory" means farm, utility or industrial equipment, implements, machinery, yard and garden equipment, attachments or repair parts. These terms do not include heavy construction equipment.

5. Net cost. "Net cost" means the price the dealer paid the supplier for the inventory, less all applicable discounts allowed, plus the amount the dealer paid for freight costs from the supplier's location to the dealer's location, plus reasonable cost of assembly or disassembly performed by the dealer.

6. Supplier. "Supplier" means a wholesaler, manufacturer or distributor of inventory as defined in this subchapter who enters into a dealer agreement with a dealer.

7. Termination. "Termination" of a dealer agreement means the cancellation, nonrenewal or noncontinuance of the agreement.

§1272. Usage of trade

The terms "utility" and "industrial," when used to refer to equipment, machinery, attachments, yard and garden equipment or repair parts, have the meanings commonly used and understood among dealers and suppliers of farm equipment as usage of trade in accordance with Title 11, section 1-205, subsection 2.

§1273. Notice of termination of dealer agreements

1. Notice of termination. Notwithstanding any agreement to the contrary, prior to the termination of a dealer agreement, a supplier shall notify the dealer of the termination not less than 90 days prior to the effective date of the termination. The supplier may immediately terminate the agreement at any time upon the occurrence of any of the following events:

A. The filing of a petition for bankruptcy or for receivership either by or against the dealer;

B. The making by the dealer of an intentional and material misrepresentation as to the dealer's financial status;

C. Any default by the dealer under a chattel mortgage or other security agreement between the dealer and the supplier;

D. Discontinuance by the dealer of more than 50% of the dealer's business related to the handling of goods provided by the supplier;

E. The commencement of voluntary or involuntary dissolution or liquidation of the dealer if the dealer is a partnership or corporation;

F. A change in location of the dealer's principal place of business as provided in the agreement without the prior written approval of the supplier;

G. Withdrawal of an individual proprietor, partner, major shareholder or the involuntary termination of the manager of the dealership or a substantial reduction in the interest of a partner or major shareholder without the prior written consent of the supplier; or

H. Breach by the dealer of a written obligation contained in the agreement.

2. Time of notice. Unless there is an agreement to the contrary, a dealer who intends to terminate a dealer agreement with a supplier shall notify

the supplier of that intent not less than 90 days prior to the effective date of the termination.

3. Notice in writing. Notification required by this section must be in writing and be made by certified mail or by personal delivery and must contain:

- A. A statement of intention to terminate the dealer agreement;
- B. A statement of the reasons for the termination; and
- C. The date on which the termination is effective.

§1274. Supplier's duty to repurchase

1. Repurchase. Whenever a dealer enters into a dealer agreement under which the dealer agrees to maintain an inventory, and the agreement is terminated by either party as provided in this subchapter, the supplier, upon written request of the dealer filed within 30 days of the effective date of the termination, shall repurchase the dealer's inventory as provided in this subchapter. There is no requirement for the supplier to repurchase inventory pursuant to this section if:

- A. The supplier and dealer have made a written agreement with respect to repurchase;
- B. The dealer has made an intentional and material misrepresentation as to the dealer's financial status;
- C. The dealer has defaulted under a chattel mortgage or other security agreement between the dealer and supplier; or
- D. The dealer has filed a voluntary petition in bankruptcy.

2. Death of dealer. Whenever a dealer enters into a dealer agreement in which the dealer agrees to maintain an inventory and the dealer or the majority stockholder of the dealer, if the dealer is a corporation, dies or becomes incompetent, the supplier shall, at the option of the heir, personal representative, or guardian of the dealer, or the person who succeeds to the stock of the majority stockholder, repurchase the inventory as if the agreement had been terminated. The heir, personal representative, guardian or succeeding stockholder has one year from the date of the death of the dealer or majority stockholder to exercise the option under this chapter.

§1275. Repurchase terms

1. Examination of records. Within 90 days from receipt of the written request of the dealer, a supplier under the duty to repurchase inventory pur-

suant to section 1274 may examine any books or records of the dealer to verify the eligibility of any item for repurchase. Except as otherwise provided in this subchapter, the supplier shall repurchase from the dealer all inventory previously purchased from the supplier in the possession of the dealer on the date of termination of the dealer agreement.

2. Payment terms. The supplier shall pay the dealer:

- A. One hundred percent of the net cost of all new and undamaged and complete farm, utility and industrial equipment, implements, machinery, yard and garden equipment and attachments, less a reasonable allowance for deterioration attributable to weather conditions at the dealer's location;
- B. Ninety percent of the current net prices of all new and undamaged repair parts; and
- C. Eighty-five percent of the current net prices of all new and undamaged superseded repair parts.

3. Return costs. The party that initiates the termination of the dealer agreement shall pay the cost of the return, handling, packing and loading of the inventory.

4. Payment date. Payment to the dealer required under this section must be made by the supplier not later than 60 days after receipt of the inventory by the supplier. The supplier is entitled to apply any payment required under this section to be made to the dealer, as a setoff against any amount owed by the dealer to the supplier.

§1276. Exceptions to repurchase requirement

1. Exceptions. The provisions of this chapter do not require the repurchase from a dealer of:

- A. A repair part with a limited storage life or otherwise subject to physical or structural deterioration including, but not limited to, gaskets or batteries, but excluding industrial "press on" or industrial pneumatic tires;
- B. A single repair part normally priced and sold in a set of 2 or more items;
- C. A repair part that, because of its condition, can not be marketed as a new part without repackaging or reconditioning by the supplier or manufacturer;
- D. An item of inventory for which the dealer does not have title free of all claims, liens and encumbrances other than those of the supplier;

E. Any inventory that the dealer elects to retain;

F. Any inventory ordered by the dealer after receipt of notice of termination of the dealer agreement by either the dealer or supplier;

G. Any inventory that was acquired by the dealer from a source other than the supplier; or

H. Any farm, utility or industrial equipment, implements, machinery, yard and garden equipment or attachments that were purchased by the dealer more than 30 months prior to the termination of the dealer agreement.

§1277. Transfer of business

1. Transfer. A supplier may not unreasonably withhold or delay consent to any transfer of the dealer's business or transfer of the stock or other interest in the dealership, whenever the dealer to be substituted meets the material and reasonable qualifications and standards required of its dealers. If a supplier determines that a proposed transferee does not meet its qualifications and standards, it shall give the dealer written notice thereof, stating the specific reasons for withholding consent. A prospective transferee may not be disqualified from being a dealer because it is a publicly held corporation. A supplier has 45 days to consider a dealer's request to make a transfer under this subsection.

2. Withhold consent. Notwithstanding subsection 1, no supplier may withhold consent to, or in any manner retain a right of prior approval of, the transfer of the dealer's business to a member or members of the family of the dealer or the principal owner of the dealer. As used in this subsection, "family" means and includes the spouse, parent, siblings, children, stepchildren and lineal descendants, including those by adoption of the dealer or principal owner of the dealer.

3. Assume obligations. Whenever a transfer of a dealer's business occurs, the transferee shall assume all the obligations imposed on and succeed to all the rights held by the selling dealer by virtue of any agreement, consistent with this subchapter, entered into prior to the transfer between the selling dealer and one or more suppliers.

4. Burden of proof. In any dispute as to whether a supplier has denied consent in violation of this section, the supplier has the burden of proving a substantial and reasonable justification for the denial of consent.

§1278. Uniform commercial practice

1. Security interest. Nothing contained in this chapter may be construed to release or terminate a

perfected security interest of the supplier in the inventory of the dealer.

2. Repurchase of inventory. A repurchase of inventory under this chapter is not subject to the bulk sales provisions of Title 11, section 6-101, et seq.

§1279. Warranty obligations

1. Payment of warranty claim. Whenever a supplier and a dealer enter into an agreement providing consumer warranties, the supplier shall pay any warranty claim made by the dealer for warranty parts or service within 30 days after its receipt and approval. The supplier shall approve or disapprove a warranty claim within 30 days after its receipt. If a claim is not specifically disapproved in writing within 30 days after its receipt, it is deemed to be approved and payment must be made by the supplier within 30 days.

2. Indemnity. Whenever a supplier and a dealer enter into a dealer agreement, the supplier shall indemnify and hold harmless the dealer against any judgment for damages arising from breach of warranty or rescission of the sale by the supplier.

§1280. Remedies

1. Jurisdiction. Concurrent jurisdiction under this chapter is in the District Court or Superior Court of the city or county where the dealer has its principal place of business. The court may grant equitable relief as is necessary to remedy the effects of conduct that it finds to exist and is prohibited under this chapter, including, but not limited to, declaratory judgment and injunctive relief.

2. Recovery. In addition to any other remedies available at law or in equity, if a supplier has attempted or accomplished an annulment, cancellation or termination, or refused to continue or renew an agreement without good cause or withheld or delayed consent in violation of section 1273 or 1277, then the dealer is entitled to recover losses and damages, together with the cost of the action and reasonable legal fees. These damages include compensation for the value of the agreement and the good will of the dealer's business.

3. Arbitration. Nothing contained in this section may bar the right of an agreement to provide for binding arbitration of disputes. Any arbitration must be consistent with the provisions of this chapter and Title 14, chapter 706, and the place of any arbitration must be in the city or county in which the dealer maintains the dealer's principal place of business in the State.

4. Renewal of agreement. No supplier may cancel, terminate or refuse to continue to renew an

agreement during the 90-day period set forth in section 1273 or during the pendency of litigation or arbitration, except under the conditions set forth in section 1273, subsection 1.

§1281. Management

A supplier may not require or prohibit any change in management or personnel of any dealer unless the current or potential management or personnel fails to meet reasonable qualifications and standards required by the supplier for its dealers.

§1282. Waiver of chapter void

The provisions of this chapter are deemed to be incorporated in every agreement and supersede and control all other provisions of the agreement. A supplier may not require any dealer to waive compliance with any provision of this chapter. Any contract or agreement purporting to do so is void and unenforceable to the extent of the waiver or variance. Nothing in this chapter may be construed to limit or prohibit good faith settlements of disputes voluntarily entered into between the parties.

§1283. Applicability

This subchapter applies to agreements in effect as of October 1, 1989. In addition, the chapter applies to any agreements entered into after October 1, 1989. The provisions of this chapter are also applicable to any renewal or amendment of the agreements.

§1284. Reasonableness and good faith

1. **Good faith.** Every agreement entered into under this chapter imposes on the parties the obligation to act in good faith.

2. **Reasonableness.** This chapter imposes on every term and provision of any agreement a requirement of reasonableness. Every term or provision of any agreement must be interpreted so that the requirements or obligations imposed are reasonable.

Sec. B-2. 12 MRSA §7759, sub-§§2 and 3, as enacted by PL 1993, c. 410, Pt. BBB, §3, are amended to read:

2. Fund sources. The fund receives money deposited by the Treasurer of State pursuant to Title 29 29-A, section 252-J 455 and any other gift, grant or other source of revenue deposited for that use.

3. Distribution from fund. After the Treasurer of State has reimbursed the Secretary of State for costs of producing and issuing environmental registration plates in accordance with Title 29 29-A, section 252-J

455, the Treasurer of State shall annually distribute the balance in the fund as follows:

A. Sixty percent of the balance must be deposited in the Maine State Parks Fund established in section 610; and

B. Forty percent of the balance must be deposited in the Maine Endangered and Nongame Wildlife Fund established in section 7757.

This subsection is repealed March 31, 1996.

Sec. B-3. 36 MRSA c. 111-A is enacted to read:

CHAPTER 111-A

BUS TAXATION PRORATION AGREEMENT

SUBCHAPTER 1

AGREEMENT

§1492. Purposes and principles -- Article I

1. Purposes of agreement. It is the purpose of this agreement to set up a system whereby any contracting state may permit owners of fleets of buses operating in 2 or more states to prorate the registration of the buses in such fleets in each state in which the fleets operate on the basis of the proportion of miles operated within such state to total fleet miles, as defined herein.

2. Principle of proration of registration. It is hereby declared that in making this agreement the contracting states adhere to the principle that each state should have the freedom to develop the kind of highway user tax structure that it determines to be most appropriate to itself, that the method of taxation of interstate buses should not be a determining factor in developing its user tax structure, and that annual taxes or other taxes of the fixed fee type upon buses which are not imposed on a basis that reflects the amount of highway use should be apportioned among the states, within the limits of practicality, on the basis of vehicle miles traveled within each of the states.

§1493. Definitions -- Article II

1. Administrator. "Administrator" means the official or agency of a state administering the fee involved, or, in the case of proration of registration, the official or agency of a state administering the proration of registration in that state.

2. Base state. "Base state" means the state from or in which the bus is most frequently dispatched, garaged, serviced, maintained, operated or

otherwise controlled, or in the case of a fleet bus the state to which it is allocated for registration under statutory requirements. In order that this section may not be used for the purpose of evasion of registration fees, the administrators of the contracting states may make the final decision as to the proper base state, in accordance with section 1494, subsection 8, to prevent or avoid such evasion.

3. Bus. "Bus" means any motor vehicle of a bus type engaged in the interstate transportation of passengers and subject to the jurisdiction of the Interstate Commerce Commission, or any agency successor thereto, or one or more state regulatory agencies concerned with the regulation of passenger transport.

4. Contracting state. "Contracting state" means a state that is a party to this agreement.

5. Fleet. As to each contracting state, "fleet" includes only those buses that actually travel a portion of their total miles in such state. A fleet must include 3 or more buses.

6. Person. "Person" includes any individual, firm, copartnership, joint venture, association, corporation, estate, trust, business trust, receiver, syndicate or any other group or combination acting as a unit.

7. Proration of registration. "Proration of registration" means registration of fleets of buses in accordance with section 1495, Article IV.

8. Reciprocity. "Reciprocity" means that each contracting state, to the extent provided in this agreement, exempts a bus from registration and registration fees.

9. Registration. "Registration" means the registration of a bus and the payment of annual fees and taxes as set forth in or pursuant to the laws of the respective contracting states.

10. State. "State" includes the States of the United States, the District of Columbia, the territories of the United States, the Provinces of Canada, and the States, Territories and Federal District of Mexico.

§1494. General provisions -- Article III

1. Effect on other agreements, arrangements and understandings. On and after its effective date, this agreement supersedes any reciprocal or other agreement, arrangement or understanding between any 2 or more of the contracting states covering, in whole or in part, any of the matters covered by this agreement; but this agreement may not affect any reciprocal or other agreement, arrangement or understanding between a contracting state and a state or states not a party to this agreement.

2. Applicability to exempt vehicles. This agreement does not require registration in a contracting state of any vehicles that are in whole or part exempt from registration under the laws or regulations of such state without respect to this agreement.

3. Inapplicability to caravaned vehicle. The benefits and privileges of this agreement may not be extended to a vehicle operated on its own wheels, or in tow of a motor vehicle, transported for the purpose of selling or offering the same for sale to or by any agent, dealer, purchaser or prospective purchaser.

4. Other fees and taxes. This agreement does not waive any fees or taxes charged or levied by any state in connection with the ownership or operation of vehicles other than registration fees as defined herein. All other fees and taxes must be paid to each state in accordance with the laws thereof.

5. Statutory vehicle regulations. This agreement does not authorize the operation of a vehicle in any contracting state contrary to the laws or regulations thereof, except those pertaining to registration and payment of fees; and with respect to such laws or regulations, only to the extent provided in this agreement.

6. Violations. Each contracting state reserves the right to withdraw, by order of the administrator thereof, all or any part of the benefits or privileges granted pursuant to this agreement from the owner of any vehicle or fleet of vehicles operated in violation of any provision of this agreement. The administrator shall immediately give notice of any such violation and withdrawal of any such benefits or privileges to the administrator of each other contracting state in which vehicles of such owner are operated.

7. Cooperation. The administrator of each of the contracting states shall cooperate with the administrators of the others and each contracting state hereby agrees to furnish such aid and assistance to each other within its statutory authority as will aid in the proper enforcement of this agreement.

8. Interpretation. In any dispute between or among contracting states arising under this agreement, the final decision regarding interpretation of questions at issue relating to this agreement must be reached by joint action of the contracting states, acting through the administrator thereof, and must upon determination be placed in writing.

9. Effect of headings. Article and section heading contained herein may not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any Article or part hereof.

10. Entry into force. This agreement enters into force and becomes binding between and among the contracting states when enacted or otherwise entered into by any 2 states. Thereafter, it enters into force and becomes binding with respect to any state when enacted into law by such state. If the statutes of any state so authorize or provide, such state may become party to this agreement upon the execution thereof by an executive or administrative official thereof acting on behalf of and for such state.

§1495. Proration of registration -- Article IV

1. Applicability. Any owner of a fleet may register the buses of said fleet in any contracting state by paying to said state total registration fees in an amount equal to that obtained by applying the proportion of in-state fleet miles divided by the total fleet miles, to the total fees which would otherwise be required for regular registration of each and all of such vehicles in such contracting state.

All fleet pro-rata registration fees must be based upon the mileage proportions of the fleet during the period of 12 months ending on August 31st next preceding the commencement of the registration year for which registration is sought. Except, that mileage proportions for a fleet not operated during such period in the state where application for registration is made will be determined by the administrator upon the sworn application of the applicant showing the operations during such period in other states and the estimated operations during the registration year for which registration is sought, in the state in which application is being made; or if no operations were conducted during such period a full statement of the proposed method of operation.

If any buses operate in 2 or more states which permit the proration of registration on the basis of a fleet of buses consisting of a lesser number of vehicles than provided in section 1493, Article II, subsection 5, such fleet may be prorated as to registration in such states, in which event the buses in such fleet may not be required to register in any other contracting states if each such vehicle is registered in some contracting state, except to the extent it is exempt from registration as provided in section 1494, Article III, subsection 2.

If the administrator of any state determines, based on the administrator's method of the operation thereof, that the inclusion of a bus or buses as a part of a fleet would adversely affect the proper fleet fee that should be paid to that administrator's state, having due regard for fairness and equity, the administrator may refuse to permit any or all of such buses to be included in that administrator's state as a part of such fleet.

2. Total fleet miles. Total fleet miles, with respect to each contracting state, means the total miles operated by the fleet in such state, in all other contracting states, in other states having proportional registration provisions, in states with which such contracting state has reciprocity, and in such other states as the administrator determines should be included under the circumstances in order to protect or promote the interest of that administrator's state; except that in states having laws requiring proration on the basis of a different determination of total fleet miles, total fleet miles must be determined on such basis.

3. Leased vehicles. If a bus is operated by a person other than the owner as a part of a fleet that is subject to this Article, then the operator of such fleet must be deemed to be the owner of said bus for the purposes of this Article.

4. Extent of privileges. Upon the registration of a fleet in a contracting state pursuant to this Article, each bus in the fleet may be operated in both interstate and intrastate operations in such state, except as provided in section 1494, Article III, subsection 5.

5. Application for proration. The application for proration of registration must be made in each contracting state upon substantially the application forms and supplements authorized by joint action of the administrators of the contracting states.

6. Issuance of identification. Upon registration of a fleet, the state that is the base state of a particular bus of the fleet shall issue the required license plates and registration card for such bus and each contracting state in which the fleet of which such bus is a part, operates shall issue a special identification identifying such bus as a part of a fleet that has fully complied with the registration requirements of such state. The required license plates, registration cards and identification must be appropriately displayed in the manner required by or pursuant to the laws of each respective state.

7. Additions to fleet. If any bus is added to a prorated fleet after the filing of the original application, the owner shall file a supplemental application. The owner shall register such bus in each contracting state in like manner as provided for buses listed in an original application and the registration fee payable must be determined on the mileage proportion used to determine the registration fees payable for buses registered under the original application.

8. Withdrawals from fleet. If any bus is withdrawn from a prorated fleet during the period for which it is registered or identified, the owner shall notify the administrator of each state in which it is registered or identified of such withdrawal and shall

return the plates, and registration card or identification as may be required by or pursuant to the laws of the respective states.

9. Audits. The administrator of each contracting state shall, within the statutory authority of such administrator, make any information obtained upon an audit of records of any applicant for proration of registration available to the administrators of the other contracting states.

10. Errors in registration. If it is determined by the administrator of a contracting state, as a result of such audits or otherwise, that an improper fee has been paid that administrator's state, or errors in registration found, the administrator may require the fleet owner to make the necessary corrections in the registration of the fleet and payment of fees.

§1496. Reciprocity -- Article V

1. Grant of reciprocity. Each of the contracting states grants reciprocity as provided in this Article.

2. Applicability. The provisions of this agreement with respect to reciprocity applies only to a bus properly registered in the base state of the bus, which state must be a contracting state.

3. Nonapplicability to fleet buses. The reciprocity granted pursuant to this Article does not apply to a bus which is entitled to be registered or identified as part of a prorated fleet.

4. Extent of reciprocity. The reciprocity granted pursuant to this Article permits the interstate operation of a bus and intrastate operation that is incidental to a trip of such bus involving interstate operation.

5. Other agreements. Nothing in this agreement may be construed to prohibit any of the contracting states from entering into separate agreements with each other for the granting of temporary permits for the intrastate operation of vehicles registered in the other state; nor to prevent any of the contracting states from entering into agreements to grant reciprocity for intrastate operation within any zone or zones agreed upon by the states.

§1497. Withdrawal or revocation -- Article VI

Any contracting state may withdraw from this agreement upon 30 days written notice to each other contracting state, which notice may be given only after the repeal of this agreement by the legislature of such state, if adoption was by legislative act, or after renunciation by the appropriate administrative official of such contracting state if the laws thereof empower that official so to renounce.

§1498. Construction and severability -- Article VII

This compact must be liberally construed so as to effectuate the purposes thereof. The provisions of this compact are severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the Constitution of any state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance are not affected thereby. If this compact is held contrary to the constitution of any state participating herein, the compact remains in full force and effect as to the remaining party states and in full force and effect as to the state affected as to all severable matters.

SUBCHAPTER II

PROVISIONS RELATED TO AGREEMENT

§1499. Ratification

The Bus Taxation Proration Agreement is enacted into law and entered into with all jurisdictions legally joining therein in the form substantially as provided in this subchapter.

§1499-A. Administrator, defined

As used in the agreement, with reference to this State, the term "administrator" means Secretary of State.

§1499-B. Exemptions

The Secretary of State has the power to make such exemptions from the coverage of the agreement as may be appropriate and to make such changes in methods for the reporting of any information required to be furnished to this State pursuant to the agreement as, in the Secretary of State's judgment, is suitable, provided that any such exemptions or changes are not contrary to the purposes set forth in section 1492, Article 1, and is made in order to permit the continuance of uniformity of practice among the contracting states with respect to buses. Any such exemption or change must be made by rule or regulation and is not effective unless made by the same procedure required for other rules and regulations of the Secretary of State's department.

§1499-C. Withdrawal from agreement

Unless otherwise provided in any statute withdrawing this State from participation in the agreement, the Governor must be the officer to give notice of withdrawal therefrom.

Sec. B-4. 38 MRSA §2402, sub-§1, as amended by PL 1993, c. 418, §4, is further amended to read:

1. Requirement. After July 1, 1994, each motor vehicle registered in any area designated by the Federal Government under 40 Code of Federal Regulations, Part 81 as nonattainment for ozone and classified as a moderate or more severe nonattainment area must be inspected biennially for air pollution emissions as provided in this chapter and must meet the requirements of Title ~~29~~ 29-A, section ~~2502~~ 1751.

Sec. B-5. Effective date. This Act takes effect on January 1, 1995.

Effective January 1, 1995.

CHAPTER 684

H.P. 682 - L.D. 924

An Act to Amend the School Funding Formula

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

Sec. 1. 5 MRSA §937, sub-§1, as amended by PL 1991, c. 716, §2, is further amended to read:

1. Major policy-influencing positions. The following positions are major policy-influencing positions within the Department of Education. Notwithstanding any other provision of law, these positions and their successor positions ~~shall be~~ are subject to this chapter:

- A. ~~Assistant to the~~ Deputy Commissioner;
- B. Deputy Commissioner;
- ~~C. Associate Commissioner, Bureau of School Management;~~
- ~~D. Associate Commissioner, Bureau of Instruction;~~
- ~~E. Associate Commissioner, Bureau of Applied Technology and Adult Learning;~~
- F. Director, Planning and Management Information;
- G. Federal and State Education Program Coordinator; ~~and~~
- H. Executive Director, Interdepartmental Council, with the approval of the other commissioners of the Interdepartmental Council; and

I. Director, Office of Rehabilitation Services.

Sec. 2. 20-A MRSA §203, sub-§1, as amended by PL 1993, c. 410, Pt. F, §2, is further amended to read:

1. Commissioner's appointments. The following officials ~~must be~~ are appointed by and serve at the pleasure of the commissioner:

- A. ~~Assistant to the~~ Deputy Commissioner;
- B. Deputy Commissioner;
- F. Director, Planning and Management Information;
- G. Federal and State Education Program Coordinator; ~~and~~
- H. Executive Director, Interdepartmental Council, with the approval of the other commissioners of the Interdepartmental Council; and
- I. Director, Office of Rehabilitation Services.

Sec. 3. 20-A MRSA §15602, sub-§9 is enacted to read:

9. Adjustment in fiscal year 1994-95. If in fiscal year 1994-95 the state share of the foundation allocation for a school administrative unit as defined in section 15603, subsection 12 plus the minimum state allocation as described in section 15613, subsection 13 and excluding the state subsidy for bus purchases is more or less than the corresponding amount for fiscal year 1993-94, the following provisions apply.

- A. If the subsidy calculated for a school administrative unit pursuant to this subsection is greater in fiscal year 1994-95 than in fiscal year 1993-94, the gain is limited to 59.4%.
- B. If the subsidy calculated for a school administrative unit pursuant to this subsection is less in fiscal year 1994-95 than in fiscal year 1993-94, the loss is limited to 40.6%.

For the purpose of this subsection, the state share of the unit's foundation allocation must include the adjustments, if any, specified in section 15612, subsections 1, 5, 6, 7, 9 and 10 as well as the adjustment in section 15613, subsection 9.

Sec. 4. Committee to Study Organizational and Tax Issues in Public Schools.

1. Members. The Committee to Study Organizational and Tax Issues in Public Schools, referred to in this section as "the committee," is established and consists of 5 members who must be impartial and