

MAINE STATE LEGISLATURE

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



Reproduced from electronic and/or scanned originals

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

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

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

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

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

16 J. For gross weight from 26,001 to 28,000 pounds, the fee
18 is \$262.

20 K. For gross weight from 28,001 to 32,000 pounds, the fee
 is \$303.

22 L. For gross weight from 32,001 to 34,000 pounds, the fee
24 is \$337.

26 M. For gross weight from 34,001 to 38,000 pounds, the fee
 is \$374.

28 N. For gross weight from 38,001 to 40,000 pounds, the fee
30 is \$398.

32 O. For gross weight from 40,001 to 42,000 pounds, the fee
 is \$421.

34 P. For gross weight from 42,001 to 45,000 pounds, the fee
36 is \$445.

38 Q. For gross weight from 45,001 to 48,000 pounds, the fee
 is \$492.

40 R. For gross weight from 48,001 to 51,000 pounds, the fee
42 is \$528.

44 S. For gross weight from 51,001 to 54,000 pounds, the fee
 is \$563.

46 T. For gross weight from 54,001 to 55,000 pounds, the fee
48 is \$575.

50 U. For gross weight from 55,001 to 60,000 pounds, the fee
 is \$635.

2 V. For gross weight from 60,001 to 65,000 pounds, the fee
3 is \$694.
4
5 W. For gross weight from 65,001 to 69,000 pounds, the fee
6 is \$757.
7
8 X. For gross weight from 69,001 to 72,000 pounds, the fee
9 is \$792.
10
11 Y. For gross weight from 72,001 to 75,000 pounds, the fee
12 is \$816.
13
14 Z. For gross weight from 75,001 to 78,000 pounds, the fee
15 is \$852.
16
17 AA. For gross weight from 78,001 to 80,000 pounds, the fee
18 is \$872.
19
20 BB. For gross weight from 80,001 to 90,000 pounds, the fee
21 is \$977.
22 [*246;1]

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

30
31 3. On ways adjoining premises. A registration or license
32 is not required for the use of a truck, trailer or tractor on
33 that part of a way adjoining the premises of the vehicle's owner.

34
35 4. Federal heavy vehicle use tax; proof of payment
36 required. Except as provided by 26 Code of Federal Regulations,
37 Section 41.6001-2(b)(3), a registration certificate may not be
38 issued for a motor vehicle subject to the use tax imposed by the
39 United States Internal Revenue Code of 1954, Section 4481, until
40 the applicant has presented proof of payment as prescribed by the
41 Secretary of the United States Treasury.

42
43 The Secretary of State shall keep records and may issue evidence
44 to comply with 26 Code of Federal Regulations, Part 41, revised
45 as of May 23, 1985, and the United States Internal Revenue Code
46 of 1954, Sections 4481, 4482 and 4483.

47
48 Pursuant to rule, the Secretary of State may certify that a
49 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 semi-trailer. 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 \$141.

2 K. For gross weight from 29,001 to 32,000 pounds, the fee
3 is \$161.

4 L. For gross weight from 32,001 to 35,000 pounds, the fee
5 is \$237.

6 M. For gross weight from 35,001 to 38,000 pounds, the fee
7 is \$260.

8 N. For gross weight from 38,001 to 42,000 pounds, the fee
9 is \$283.

10 O. For gross weight from 42,001 to 46,000 pounds, the fee
11 is \$306.

12 P. For gross weight from 46,001 to 50,000 pounds, the fee
13 is \$329.

14 Q. For gross weight from 50,001 to 54,000 pounds, the fee
15 is \$352.

16 [*246;2]

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

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

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

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

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

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

12 **§506. Registration fee for motor homes**

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

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

20 **§507. Temporary registered gross weight increase**

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

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

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

41

42 <u>1 month</u>	<u>20%</u>
43 <u>2 months</u>	<u>30%</u>
44 <u>3 months</u>	<u>40%</u>
45 <u>4 months</u>	<u>50%</u>
46 <u>5 months</u>	<u>60%</u>
47 <u>6 months</u>	<u>70%</u>
48 <u>7 months</u>	<u>75%</u>
49 <u>8 months</u>	<u>80%</u>

50

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

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

24 **§508. Truck campers**

26 Upon receiving an application and the payment of a fee of
28 \$10, the Secretary of State may issue an annual registration
30 permit for truck campers.

32 Any resident person, firm or corporation, or owner as
34 defined in section 101, subsection 48, who fails to register a
36 truck camper is guilty of an infraction with a minimum fine of
38 \$100. Any person stopped for a violation of this section during
40 the initial 12 months after this section takes effect must be
42 issued a warning that a violation of this section has occurred.
44 Failure to register the truck camper within 5 work days following
46 the warning constitutes a violation of this section.

48 **§509. Tractors**

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

56 Tractors equipped with:

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

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

66 C. Iron, steel or other hard tires, 25¢ per horsepower and
68 80¢ per 100 pounds of weight.

70 The minimum fee is \$2.

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

5 3. Caterpillar. The fee for a caterpillar tractor is \$15,
6 except that the fee for a caterpillar tractor constructed to
7 carry a load is the same as for a truck.

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

15 §510. Exemption from registration

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

19 A. The premises where kept;

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

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

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

25 A. The premises where kept and a wood lot, or between wood
26 lots used for logging purposes by the owner of the log
27 skidder or the owner's employee; or

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

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

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

34 A. The premises where the tractor is kept;

35 B. A wood lot and between wood lots used for logging
36 purposes by the owner; or

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

4 §511. Trailers and semitrailers

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

8 A. The fee is \$8.50 for a:

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

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

14 (3) Mobile home; or

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

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

20 (b) Of no more than 4 tons; and

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

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

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

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

30 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.

32 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.

34 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.

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

2 consider the financial effect of the registration fee on the
4 registrants, the benefit or burden of installment payment on
state revenues and the difficulty of administering this
subsection.

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

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

14 (1) Record the registration of the semitrailer or
16 trailer described in the application and assign a
distinguishing number or other mark;

18 (2) Issue a certificate of registration that contains
20 the name and address of the owner or lessee or the
address of its designated agent; and

22 (3) Furnish one semipermanent registration plate for
24 each trailer or semitrailer.

26 F. Semipermanent registration plates expire at the end of
28 the semipermanent plate program or, in the case of a new
30 semitrailer or new trailer, at the end of the 12th
32 registration year following the year of issuance. The
34 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.

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

42 A. The fee for each registration is \$10 per year or portion
44 of a year. The Secretary of State shall establish a
46 procedure to bill each registrant using semipermanent
48 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
nonrefundable. A fee for a registration of less than 20
50 years must be prorated accordingly. If any registrant fails

2 to remit the payment in a timely manner, the Secretary of
3 State shall suspend all registrations issued to that
4 registrant pursuant to this subsection.

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

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

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

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

25 **§513. Special mobile equipment**

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

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

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

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

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

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

2 (2) For gross weight from 54,001 to 60,000 pounds, the
3 fee is \$382.

4 (3) For gross weight from 60,001 to 65,000 pounds, the
5 fee is \$412.

6 (4) For gross weight from 65,001 to 70,000 pounds, the
7 fee is \$442.

8 (5) For gross weight from 70,001 to 75,000 pounds, the
9 fee is \$472.

10 (6) For gross weight from 75,001 to 80,000 pounds, the
11 fee is \$502.

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

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

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

20 **§514. Evasion of registration fees and excise taxes**

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

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

29 **§515. Motorcycles and parking control vehicles**

30 The annual fee for registering:

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

33 2. Moped. A moped is \$6.

34 **§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.

2 4. Unmarked law enforcement vehicles. An unmarked motor
4 vehicle used primarily for law enforcement purposes, when
6 authorized by the Secretary of State and upon approval from the
8 appropriate requesting authority, is exempt from displaying a
10 special registration plate. Records for all unmarked vehicle
12 registrations are confidential.

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

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

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

44 **§518. Authorized emergency vehicles**

46 Emergency vehicles registered in another jurisdiction and
48 operating in this State as a result of a declared emergency are
50 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.

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

6 **§520. Special equipment**

8 1. Registration fee. The annual registration fee for
9 special equipment, based on gross weight, is \$7 for equipment
10 weighing one to 2,000 pounds; \$12 for 2,001 to 5,000 pounds; and
11 \$17 for over 5,000 pounds.

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

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

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

22 (1) The premises where the equipment is kept;

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

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

28 **§521. Registration; handicapped people**

30 1. Definition. "Handicapped person" means a person who is
31 permanently confined to a wheelchair or otherwise handicapped so
32 that mobility is seriously restricted, necessitating the
33 permanent use of crutches or braces.

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

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

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

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

8 C. The Secretary of State may issue a placard to a
10 handicapped person who does not have a duly registered motor
12 vehicle. That placard may be displayed on a motor vehicle
14 properly registered in this State only when the handicapped
16 person is a passenger or when the driver of the vehicle is
18 waiting for a service to be rendered to the handicapped
20 person.

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

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

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

44 A. An application for a temporary placard must be
46 accompanied by the certificate of a physician attesting to
48 that person's physical disability. The certificate must
50 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.

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

8 **§522. Hearing-impaired people**

10 1. Issuance of placard. The Secretary of State may issue a
placard for hearing-impaired people to a person who is hearing
12 impaired on receipt of a form from the Division of Deafness,
Bureau of Rehabilitation, certified by a physician or an
14 audiologist stating that the applicant is hearing impaired and
can not hear or understand normal speech.

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

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

22 **§523. Certain veterans**

24 1. Amputee or blind veterans. On application to the
26 Secretary of State for registration of any motor vehicle of any
amputee or blind veteran who has received an automobile from the
28 United States Government under authority of P.L. 663, 79th
Congress, as amended, or P.L. 187, 82nd Congress, as amended, or
30 any amputee or blind veteran receiving compensation from the
Veterans Administration or any branch of the United States Armed
32 Forces for service-connected disability who has a specially
designed motor vehicle, that veteran is entitled to have that
34 automobile duly registered and a registration certificate
delivered to the veteran without the requirement of the payment
36 of any fee.

38 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
40 as provided in this section upon certification by the Veterans
Administration or appropriate branch of the United States Armed
42 Forces must be issued special designating plates. Those
designating plates must be issued by the Secretary of State and
44 must bear the words "Disabled Veteran."

46 2. Disabled veterans; special free license plates. The
Secretary of State on application and upon evidence of payment of
48 the excise tax required by Title 36, section 1482, shall issue a
registration certificate and set of special designating plates to
50 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.

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 surviving 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.

§524-A. United States flag plates

The Secretary of State is authorized to design and issue a special plate depicting the United States flag. A person may display the United States flag plate on a vehicle registered up to 9,000 pounds or on a motor home by covering, but not removing, the normal front registration plate. The Secretary of State shall charge a fee of \$5 for each United States flag plate

issued. Municipal agents appointed pursuant to section 201 may charge \$1 in addition to the fee required by this section for each United States flag plate issued, the service charge to be retained by the municipality. The authorization to display the United States flag plate on a registered vehicle expires March 30, 1993.

A person who displays the United States flag plate in place of the normal registration plate after March 30, 1992 violates section 2104.

§525. Fuel tax licensing

1. Vehicles required to be licensed. A person operating a vehicle using fuel other than gasoline must obtain a license 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 a license 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 required 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 license.

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 license 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 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.

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

6 10. Suspension. On certification by the State Tax Assessor
7 to the Secretary of State that a person is in violation of Title
8 36, chapter 457, 459 or 463-A, the Secretary of State shall
9 suspend all fuel use identification decals issued to that
10 person. The Secretary of State shall promptly notify the
11 Department of Public Safety of a suspension, revocation or
12 reinstatement.

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

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

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

31 SUBCHAPTER II

33 MAINE HIGHWAY TRANSPORTATION REFORM ACT

35 §551. Short title

37 This subchapter may be known and cited as the "Maine Highway
38 Transportation Reform Act."

40 §552. Operating authority license required

42 1. License required. A person transporting freight,
43 merchandise, household goods or passengers by motor vehicle for
44 hire on public ways between points within this State, or points
45 within and without the State, must obtain an operating authority
46 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.

2 **§554. Lapse of license**

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

10 **§555. Bureau of State Police; enforcement**

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

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

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

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

36 **C. For every rule adopted under this subsection:**

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

40 **(a) A certified copy of the rule;**

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

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

2 (2) The bureau shall supply, without cost or at actual
4 cost, copies of each rule to a person who has filed
6 within the past year a written request to be supplied
8 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.

10 D. The Secretary of State shall publish, pursuant to Title
12 5, section 8053, subsection 5, a notice containing the
 following information:

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

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

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

24 E. The Secretary of State shall maintain and make available
26 at the Secretary of State's office for inspection at no
28 charge, and for copying or purchase at actual cost, current
30 copies of these rules and include them within the
32 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

34 F. A rule adopted under this section may not take effect
36 until at least 5 days after filing with the Secretary of
38 State, except that, if the bureau finds that immediate
40 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..

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

48 3. Precedence of rules. For vehicles to which this chapter
 applies, if a conflict exists between these safety rules adopted

2 pursuant to this section and other laws requiring safety
3 equipment, rules adopted pursuant to this section control.

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

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

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

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

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

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

25 **§556. Exemptions**

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

28 1. Exclusive use. A vehicle engaged exclusively in:

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

31 B. The transportation of the United States mail;

32 C. The transportation during the harvesting season, within
33 100 highway miles, of fresh fruits and fresh vegetables or
34 products of vining and cutting plants from farms to
35 processing plants or freezing plants, places of storage or
36 places of shipment;

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

2 E. The hauling of sawlogs and pulpwood harvested on lands
4 owned by the State beyond the 100-mile limitation if, for
6 lands administered by the Department of Conservation, the
8 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;

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

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

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

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

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

28 K. The transportation of refuse, garbage and trash;

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

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

38 N. The transportation of newspapers and newspaper inserts;

40 2. Single municipality. A vehicle used within 15 highway
42 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.

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

50 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.

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

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

15 **§557. Municipal authority**

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

22 **§558. Violation of provisions of this subchapter**

23 1. Violation. A person commits a Class E crime if that
24 person violates or knowingly permits a violation of this
25 subchapter.

26 2. Failure to appear. If a person, after being ordered to
27 appear to answer a violation, fails to appear, the court shall
28 suspend that person's license and registration. The suspension
29 must continue in effect until that person appears in court as
30 ordered.

31 3. Failure to comply. If a carrier holding a license fails
32 to comply with an order of a court issued pursuant to this
33 subchapter, the court shall suspend the license held by the
34 carrier until the carrier complies with the order.

35 **§559. Agents for service of process**

36 1. Appointment of agent. A holder of a license issued
37 under this subchapter shall file with the Secretary of State, in
38 writing, an appointment of a resident of this State to be its
39 representative on whom all lawful processes may be served, and
40 who may be required to appear in court on behalf of the carrier
41 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 \$2,400,000 in fiscal year 1991-92 and \$2,400,000 in fiscal year 1992-93 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 \$650,000 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;

- 2 H. Front fork or crankcase of a motorcycle; or
- 4 I. Cargo bed, transfer case or sleeper of a truck.
- 6 3. Dealer. "Dealer" means a person engaged in the business
of buying, selling, exchanging or offering to negotiate,
8 negotiating or advertising the sale of, a vehicle and who has:
- 10 A. An established place of business for those purposes in
this State; and
- 12 B. A current dealer license issued by the Secretary of
14 State.
- 16 4. Dismantled vehicle. "Dismantled vehicle" means a vehicle
with a component part removed.
- 18 5. Identification number. "Identification number" means the
20 vehicle identification number and any other identifying numbers
or letters on a vehicle designated by a manufacturer, the
22 Secretary of State or equivalent authority in another state.
- 24 6. Insurance salvage pool. "Insurance salvage pool" means
a person engaged in the business of storing salvage vehicles on
26 behalf of an insurer and disposing of the salvage vehicles
through a system of bidding or sales, regardless of whether the
28 insurer or the insurance salvage pool is considered the seller.
- 30 7. Lienholder. "Lienholder" means a person holding a
security interest in a vehicle.
- 32 8. Owner. "Owner" means a person, other than a lienholder,
34 that has control or title to a vehicle. "Owner" includes, but is
not limited to, a person entitled to use and possess a vehicle
36 subject to a security interest in another person, but excludes a
lessee under a lease not intended as security.
- 38 9. Perfected security interest. "Perfected security
40 interest" means security interest that is valid against 3rd
parties generally, subject only to specific statutory exceptions.
- 42 10. Rebuild. "Rebuild" means to replace any component part
44 of a vehicle.
- 46 11. Recycler. "Recycler" means a person engaged in the
business of purchasing or acquiring salvage vehicles for the
48 purpose of:
- 50 A. Reselling the vehicle or its component parts;

2 B. Rebuilding or repairing the vehicle for the purpose of
3 resale;

4 C. Selling the vehicle's basic materials;

6 D. Permitting the display or storage of the vehicle or its
8 parts; or

10 E. Acting as a scrap processor.

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

14 13. Salvage vehicle. "Salvage vehicle" means a vehicle
16 that, by reason of its condition or circumstance, is declared a
17 total loss by an insurer or owner, or a vehicle for which a
18 certificate of salvage has been issued.

20 14. Scrap. "Scrap," the verb, means to compress, shred or
21 destroy.

22 15. Scrap processor. "Scrap processor" means a person that
24 is engaged in the business of scrapping salvage vehicles for the
25 basic material in them but that is not engaged in the business of
26 selling parts or rebuilding or repairing salvage vehicles.

28 16. Security agreement. "Security agreement" means a
29 written agreement that reserves or creates a security interest.

30 17. Security interest. "Security interest" means an
32 interest in a vehicle reserved or created by agreement and that
33 secures payment or performance of an obligation, including, but
34 not limited to, the interest of a lessor under a lease intended
35 as security.

36 18. State. "State" means a state, territory or possession
38 of the United States, the District of Columbia, the Commonwealth
39 of Puerto Rico or a province of the Dominion of Canada.

40 19. Total loss. "Total loss" means a vehicle that is
42 transferred to an insurer due to damage, destruction or theft, or
43 a vehicle determined by an owner to have no marketable value
44 other than the value of the basic material and parts used in the
45 construction of the vehicle.

46 20. Vehicle. "Vehicle" means a vehicle, as defined in
48 section 101, or the body or chassis of any vehicle that is to be
49 dismantled, scrapped or rebuilt.

50

2 **§603. Fees**

4 **1. Fee of \$10.** A fee of \$10 must be paid to the Secretary
of State for the following:

6 **A. A report of a search of the records of the Bureau of**
Motor Vehicles for each name or identification number;

8 **B. Filing an application for a first certificate of title,**
including security interest;

10 **C. Filing notice of a security interest after the first**
certificate of title has been issued;

12 **D. A certificate of title after a transfer;**

14 **E. A certificate of salvage;**

16 **F. A corrected certificate of title or salvage;**

18 **G. A duplicate certificate; or**

20 **H. Assignment of a new vehicle identification number.**

22 **2. Fee of \$2.50.** A fee of \$2.50 must be paid to the
24 Secretary of State for the following:

26 **A. A second or subsequent security interest noted on an**
application for certificate of title;

28 **B. Filing an assignment of a security interest; or**

30 **C. An ordinary certificate of title issued on surrender of**
32 a distinctive certificate.

34 **3. Dealer charges.** A vehicle dealer may not charge fees
36 for titling purposes in excess of those in this section.

38 Other fees charged for document processing must be disclosed to a
40 purchaser prior to final sale and be clearly posted on a vehicle
42 to which the charge applies.

44 Violation of this subsection is a Class E crime.

46 **4. Penalty.** If an application, certificate of title or
other document required to be delivered to the Secretary of State
48 is not delivered to the Secretary of State within 20 days, the
Secretary of State shall collect, as a penalty, an amount equal
50 to the fee required for the transaction.

2 5. Exemption from title fees. Owners exempt from
3 registration fees are also exempt from title fees.

4 SUBCHAPTER II

6 CERTIFICATE OF TITLE AND
7 CERTIFICATE OF SALVAGE

8
9 §651. Certificate of title required

10 1. Application of subchapter. Except as provided in
11 section 652, this subchapter applies to a vehicle at first
12 registration or when a change of registration is required by
13 reason of a sale for consideration.

14
15 2. Renewal. The Secretary of State may not require an
16 application for a certificate of title upon renewal of
17 registration.

18
19 3. Warranty title; antique auto; horseless carriage;
20 classic vehicle. The Secretary of State may, on documented and
21 notarized evidence of ownership and payment of a \$40 fee, issue a
22 warranty title to a Maine resident owner of an antique auto,
23 horseless carriage or classic vehicle. A warranty title denotes
24 that there are no known liens or encumbrances against the vehicle.

25
26 4. Certificate of salvage. The Secretary of State may
27 issue a certificate of salvage upon surrender of a certificate of
28 title and evidence that a vehicle was declared a total loss by an
29 owner or an insurance company.

30
31 5. Certificate of lien. The Secretary of State shall issue
32 a certificate of lien to the first named lienholder, when a
33 certificate of title or a certificate of salvage names a
34 lienholder.

35
36 §652. Exempted vehicles

37 A certificate of title or a certificate of salvage is not
38 required for:

39 1. United States' vehicle. A vehicle owned by the Federal
40 Government, unless it is registered in this State;

41
42 2. Manufacturer's or dealer's vehicle. A vehicle owned by
43 a manufacturer or dealer and held for sale, even though
44 incidentally moved on the highway or used for purposes of testing
45 or demonstration, or a vehicle used by a manufacturer solely for
46 testing;

2 3. Nonresident's vehicle. A vehicle owned by a nonresident
and not required to be registered in this State, unless it is
4 registered in this State;

6 4. Vehicles used in interstate or intrastate
transportation. A vehicle regularly engaged in interstate or
8 intrastate transportation of persons or property, for which a
current certificate of title has been issued in another state;

10 5. Self-propelled wheelchair. A self-propelled wheelchair;

12 6. Trailers under 3,000 pounds. A trailer with an unladen
weight of 3,000 pounds or less;

14 7. Motorcycle of less than 300 cubic centimeters. A
16 motorcycle, motor-driven cycle or a moped with an engine
displacement of less than 300 cubic centimeters;

18 8. Resident's vehicle registered in another state. A
20 vehicle owned by a resident but registered in another state;

22 9. Mobile home. A mobile home;

24 10. Certain driver's education vehicles. A vehicle loaned
by a dealer to a municipality or a private secondary school for
26 use in driver education in a secondary school;

28 11. Special mobile equipment. Special mobile equipment;

30 12. Special equipment. Special equipment;

32 13. Automobiles and commercial vehicles. Automobiles or
commercial vehicles more than 10 years old;

34 14. Salvage vehicle. A salvage vehicle with a certificate
36 of salvage or other comparable document from another state; and

38 15. Other vehicles. A vehicle required to be registered
under section 108, subsection 3 for which a current certificate
40 of title has been issued in another state.

42 §653. Certificate of origin

44 1. Execution upon delivery. When a new vehicle is
delivered by a manufacturer or importer to an agent or a
46 franchised dealer, the manufacturer or the importer shall execute
and deliver a certificate of origin.
48

2 2. Certificate of origin required. A person may not bring
3 into this State a new vehicle, unless that person possesses the
4 certificate of origin.

5 3. Information contained in certificate. The certificate
6 of origin must contain:

7 A. The manufacturer's vehicle identification number;

9 B. The name of the manufacturer;

11 C. The number of cylinders;

13 D. A general description of the body;

15 E. The model year designation; and

17 F. The type of model.

19 4. Sale. When a new vehicle is sold, the seller shall
20 execute and deliver to the purchaser an assignment of the
21 certificate of origin with the names and the business or
22 residence addresses of both. The seller shall certify that the
23 assignment was executed with full knowledge of the contents by
24 and with the consent of both purchaser and seller.

26 5. Penalty. Violation of this section is a Class E crime.

28 §654. Application for certificate of title and certificate
29 of salvage

31 1. Contents. An application to the Secretary of State for
32 a certificate of title or a certificate of salvage must be made
33 on a form prescribed by the Secretary of State, be signed by the
34 owner of the vehicle and contain the following information:

35 A. The name, residence and mailing address of the owner;

37 B. A description of the vehicle, including, as far as data
38 exists, its make, model, model year, vehicle identification
39 number, type of body, number of cylinders, current mileage
40 and whether new or used;

41 C. The date of purchase by the applicant, the name and
42 address of the person from whom the vehicle was acquired;

43 D. If for a certificate of title, the names and addresses
44 of lienholders in the order of their priority and the dates
45 of their liens;

2 E. If for a new vehicle, a certificate of origin;

4 F. If for a used vehicle, a previous certificate of title;

6 G. Any further information that the Secretary of State
8 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

10 H. The required fee.

12 2. Purchased from the dealer. If the application is for a
14 vehicle purchased from a dealer, in addition to the requirement
 set forth in subsection 1, the application must be signed by the
16 dealer and must contain the name and the address of any
 lienholder or assignee holding an interest created or reserved at
18 the time of sale and the date of the lien. The dealer shall,
 within 20 days after the sale, deliver the application to the
20 Secretary of State. The dealer must deliver a copy of the
 application to the lienholder.

22 3. Registered in another state. If the application is for a
24 vehicle last registered in another jurisdiction, in addition to
 the requirements set forth in subsection 1, the application must
 include:

26 A. A certificate of title or a certificate of salvage
28 issued by that jurisdiction; and

30 B. The certificate of a person authorized by the Secretary
32 of State that the identification number of the vehicle has
 been inspected and found to conform to the description given
34 in the application, or other proof of the identity of the
 vehicle required by the Secretary of State.

36 4. Vehicle declared total loss. If a vehicle is declared a
38 total loss by an owner or insurer, the owner or insurer shall
 file an application for a certificate of salvage pursuant to
40 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:

42 A. A certificate of title or a certificate of origin; and

44 B. Any other information or documents the Secretary of
46 State requires to administer the provisions of this section.

2 The Secretary of State shall act on an application for a
3 certificate of salvage within 20 days of receipt of the
4 application.

6 **§655. Missing ownership documents or assignments**

8 1. Application for certificate. The owner of a vehicle who
9 is unable to obtain a certificate of origin, certificate of
10 title, certificate of salvage or an assignment of these documents
11 showing sale to the owner may file with the Secretary of State an
12 application for a certificate in the owner's name. The
13 application must be accompanied by the required fee.

14 2. Evidence. The owner shall provide evidence that:

16 A. The applicant is the true owner of the vehicle;

18 B. There are no prior outstanding liens against the
19 vehicle; and

20 C. The applicant has been unsuccessful in an attempt to
21 have the certificate or other documents transferred or
22 assigned because the prior owner can not be located, has
23 ignored the request or refuses to transfer or assign the
24 documents to the applicant.

26 3. Review of application and evidence. The Secretary of
27 State shall review the application, examine the evidence and
28 investigate the ownership of the vehicle. As part of that
29 investigation, the Secretary of State shall:

32 A. Request the prior owner or holder of the certificate or
33 other document to remit the document to the Secretary of
34 State or make the necessary assignments; or

36 B. Notify the prior owner, at the prior owner's last known
37 address, of the Secretary of State's intent to issue a
38 certificate of title or a certificate of salvage to the new
39 owner.

40 4. Issuance of certificate of title or certificate of
41 salvage to new owner. The Secretary of State shall issue a
42 certificate of title or certificate of salvage to the new owner:

44 A. If the prior owner or holder of the document remits the
45 document and properly assigns it to the new owner; or

48 B. When the prior owner or holder fails to provide the
49 document or make the necessary assignment, if:

2 (1) The prior owner or holder does not contest, within
4 15 days of receiving notice, the intent to issue a
6 certificate to the new owner;

8 (2) There is satisfactory proof of ownership; and

10 (3) The certificate includes the statement: "This
12 certificate may be subject to the rights of a prior
14 owner."

16 5. Delivery. The certificate of title or certificate of
18 salvage must be sent to the owner named on the certificate. If a
20 lienholder is named on the certificate, the Secretary of State
22 shall send a certificate of lien to the first named lienholder.

24 6. Ordinary certificate. If the Secretary of State does
26 not receive a notice of interest of a prior owner within 6 months
28 from the issuance of the certificate, the holder may be issued a
30 certificate in ordinary form to replace the one issued as
32 described in subsection 4, paragraph B, subparagraph (3).

34 §656. Secretary of State to check identification number

36 Upon receiving an application for a certificate of title or
38 certificate of salvage, the Secretary of State shall check the
40 identification number in the application against the records of
42 certificates issued and of stolen or converted vehicles.

44 §657. Issuance of certificate

46 The Secretary of State shall issue a certificate of title or
48 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.

2 3. New certificate. The Secretary of State may issue a new
3 certificate of title or certificate of salvage as provided in
4 section 655.

5 4. Involuntary transfer. The Secretary of State, upon
6 receipt of an application for a new certificate of title by a
7 transferee other than by voluntary transfer, with proof of the
8 transfer, the required fee and any other documents required by
9 law, shall issue a new certificate of title in the name of the
10 transferee as owner. If the outstanding certificate of title is
11 not delivered to the Secretary of State, the Secretary of State
12 shall demand the outstanding certificate of title from the holder.

13 5. Records. The Secretary of State shall maintain a record
14 of issued certificates of title and salvage, which must be
15 recorded:

16 A. Under a distinctive title number assigned to the vehicle;

17 B. Under the identification number of the vehicle;

18 C. Alphabetically, under the name of the owner; and

19 D. By any other method.

20 6. Inspection. Before a certificate of title or a
21 certificate of salvage is issued, the Secretary of State may
22 require that a vehicle be inspected for conformity to the
23 description given in the application.

24 7. Mailing of certificate. The Secretary of State shall
25 mail a certificate of title or certificate of salvage to the
26 owner named on the certificate. The Secretary of State shall
27 also mail a certificate of lien to the first lienholder named on
28 the certificate. The certificate of lien must contain the same
29 information required to be on the certificate of title by section
30 658, subsection 1, and a place for the release of each lien.

31 §658. Information contained on certificates

32 1. Contents. A certificate of title or salvage must
33 contain the following information:

34 A. The date issued;

35 B. The name and address of the owner;

36 C. The names and addresses of lienholders, in the order of
37 priority as shown on the application or prior certificate;

2 D. The title number assigned to the vehicle;

4 E. A description of the vehicle, including its make, model,
6 model year designation, identification number, type of body,
8 number of cylinders, whether new or used, current mileage
10 and, if a new vehicle, the date of the first sale of the
12 vehicle for use; or

14 F. Any other data the Secretary of State prescribes to
16 administer this section.

18 2. Distinctive certificate of title. Unless a bond is
20 filed as provided in section 659, a distinctive certificate of
22 title must be issued for a vehicle that was last registered in
24 another jurisdiction that does not require that lienholders be
26 named on a certificate of title.

28 The certificate of title must contain the statement: "This
30 vehicle may be subject to an undisclosed lien."

32 If no notice of a security interest in the vehicle is received
34 within 4 months from the issuance of the distinctive certificate
36 of title, the Secretary of State shall, on application and
38 surrender of the distinctive certificate of title, issue a
40 certificate of title in ordinary form.

42 3. Forms. The certificate of title or certificate of
44 salvage must contain forms for assignment and warranty of title
46 by the owner or a dealer and may contain forms for an application
48 for a certificate of title by a transferee, the naming of a
50 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

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:

1. Withholding. Withhold a certificate of title or
 certificate of salvage until the applicant presents documents to

2 satisfy the Secretary of State as to ownership and the absence of
3 undisclosed security interests; or

4 2. Bond. Require the applicant to file a bond executed by
5 the applicant that is:

6 A. Either accompanied by a deposit of cash or executed by a
7 person authorized to conduct a surety business in this State;

8 B. In an amount equal to 1 1/2 times the value of the
9 vehicle as determined by the Secretary of State; and

10 C. Conditioned to indemnify a prior or subsequent owner or
11 lienholder against any expense, loss or damage, including
12 reasonable attorney's fees, by reason of the issuance of the
13 certificate or on account of any defect in or undisclosed
14 security interest in the interest of the applicant to the
15 vehicle.

16 3. Recovery of bond for breach. An interested person may
17 recover on a bond required under this section for a breach of its
18 conditions, but the aggregate liability of the surety to all
19 persons may not exceed the amount of the bond.

20 4. Return of bond or deposit. Unless the Secretary of
21 State has been notified of the pendency of an action to recover
22 against the bond, a bond or deposit required under this section
23 must be returned at the end of 3 years or earlier, if the vehicle
24 is no longer registered in this State and the current certificate
25 of title or salvage is surrendered to the Secretary of State.

26 **§660. Refusal of certificate of title or salvage**

27 The Secretary of State shall refuse to issue a certificate
28 of title or salvage if the required fee is not paid or if the
29 Secretary of State has reason to believe that:

30 1. Applicant not owner. The applicant is not the owner of
31 the vehicle;

32 2. False statement. The application contains a false or
33 fraudulent statement; or

34 3. Insufficient information. The application fails to
35 furnish required information or documents or additional
36 information the Secretary of State reasonably requires.

37 **§661. Duplicate certificate of title, certificate of salvage**
38 **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, at the time of delivery of the vehicle, the owner shall execute 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 2107.

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.

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 2107.

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.

§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.

2 5. Exemption. A vehicle exempt under section 652 or a
4 vehicle coming from a jurisdiction that does not issue
6 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.

8 6. Penalty. Violation of this section is a Class E crime.

10 §665. Involuntary transfers of interest in motor vehicle

12 1. Other than voluntary transfer. If the interest of an
14 owner in a vehicle passes to another, other than by voluntary
16 transfer, the owner shall immediately surrender the certificate
18 of title or certificate of salvage to the transferee or the
20 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.

22 2. Interest terminated by lienholder. If the interest of
24 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.

26 A. If the owner has the certificate of title or certificate
28 of salvage, the owner shall immediately surrender the
 certificate to the lienholder or the Secretary of State.

30 B. The transferee shall promptly deliver to the Secretary
32 of State the last certificate of title or certificate of
34 salvage, an application for a new certificate and an
36 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.

38 C. If the last certificate of title or certificate of
40 salvage is not available, the lienholder may execute an
 assignment in the space provided on the certificate of lien.

42 D. The lienholder may apply for a certificate of title or
44 certificate of salvage in the lienholder's name and execute
46 an assignment in the space provided on the certificate of
 title or certificate of salvage.

48 E. If the lienholder holds the vehicle for resale, the
50 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

2 State the certificate showing the lien to be released and
3 the affidavit and other documents required to be sent to the
4 Secretary of State by the transferee.

5 3. Interest transferred. A person who holds a certificate
6 of title or certificate of salvage and whose interest has been
7 extinguished or transferred other than by voluntary transfer
8 shall deliver the certificate to the Secretary of State on
9 request.

10 The delivery of the certificate does not affect the rights of a
11 person surrendering it.

12 The issuance of a new certificate is not conclusive of the rights
13 of an owner or lienholder named in the old certificate.

14 4. Forfeiture of interest. If the interest of an owner is
15 forfeited to the State under Title 15, chapter 517, the following
16 provisions apply.

17 A. The owner shall promptly deliver to the Secretary of
18 State the certificate of title.

19 B. If the owner is unknown, the State may proceed to
20 perfect title.

21 C. If the forfeited vehicle is resold, the Secretary of
22 State shall issue a new certificate of title to the
23 purchaser.

24 D. If the forfeiting owner fails to comply with this
25 subsection, the Secretary of State shall revoke the owner's
26 certificate of title and issue a new certificate of title to
27 the purchaser.

28 5. Divorce. When a divorce decree awards a vehicle to an
29 individual, the following provisions apply.

30 A. Ownership of the vehicle passes to that individual and
31 the ownership of the vehicle by any other person named on a
32 certificate of title, certificate of salvage, certificate of
33 lien or certificate of registration for the vehicle is
34 extinguished.

35 B. The person whose ownership is extinguished shall
36 surrender the certificate of title or salvage to the
37 individual awarded the vehicle by the divorce decree.

38 C. If there is a lien on the vehicle, the lienholder shall
39 surrender a certificate of title or salvage or certificate
40 of title or salvage or certificate of title or salvage or certificate

2 of lien for the vehicle to the Secretary of State. The
4 delivery of the certificate to the Secretary of State does
6 not affect the rights of the lienholder.

8 D. The individual awarded the vehicle shall apply for a
10 certificate of title or certificate of salvage and, if there
12 was an unsatisfied lien at the time of the divorce decree,
14 shall state the lien on the application. Upon receipt of
16 the application, the required fee, the certificate of title
18 or salvage and proof of the award of the vehicle in a
20 divorce, the Secretary of State shall issue a title in the
22 name of the individual awarded the vehicle and, if there is
24 a lien on the vehicle, shall issue a certificate of lien to
26 the lienholder.

28 **§666. Records of surrendered certificates of title**

30 The Secretary of State shall maintain a file for 5 years of
32 every surrendered certificate for tracing title of vehicles.

34 **§667. Salvage**

36 1. Certificate of salvage. When, by reason of its
38 condition or circumstance, a vehicle for which a certificate of
40 title has been issued by this State is declared a salvage vehicle:

42 A. By an insurer, the insurer or its designee shall
44 surrender the certificate of title to the Secretary of State
46 and apply for a certificate of salvage, in accordance with
48 section 654, within 20 days of the settlement of the
50 insurance claim; or

52 B. By the owner of the vehicle, the owner shall surrender
54 the certificate of title to the Secretary of State and apply
56 for a certificate of salvage in accordance with section 654
58 prior to the transfer of the vehicle, unless the owner
60 transfers the vehicle to a recycler licensed under this
62 chapter.

64 2. Assignment of ownership. At the time the salvage
66 vehicle is transferred, the insurer, the insurer's designee or
68 the owner shall endorse the assignment of ownership on the
70 certificate of salvage and surrender it to the transferee of the
72 salvage vehicle. If a vehicle owner retains a salvage vehicle as
74 part of a settlement with an insurer, the insurer shall comply
76 with this section and endorse the assignment of ownership on the
78 certificate of salvage and surrender it to the vehicle owner.

2 3. Surrender and cancellation of certificate. Surrender and
3 cancellation of a certificate of title or certificate of salvage
4 must be as follows.

5 A. An owner who scraps or dismantles a vehicle shall
6 immediately surrender the certificate of title or
7 certificate of salvage to the Secretary of State for
8 cancellation.

9 B. A person who acquires a vehicle to be scrapped or
10 dismantled shall immediately surrender the certificate to
11 the Secretary of State. If an owner transfers a vehicle for
12 which a certificate of salvage has not been issued to a
13 salvage dealer or recycler licensed under this chapter, the
14 vehicle is deemed declared by the owner to be a salvage
15 vehicle, and the salvage dealer or recycler shall
16 immediately apply for a certificate of salvage for the
17 vehicle in accordance with section 654, unless the vehicle's
18 certificate of title is surrendered in compliance with this
19 subsection.

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

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

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

28 4. Repaired or rebuilt vehicle. If a salvage vehicle is
29 repaired or rebuilt for operation on a public way, the vehicle
30 may only be titled or registered for operation or offered for
31 sale in this State if:

32 A. The identification number of the vehicle and its
33 component parts are inspected and verified;

34 B. The vehicle passes a motor vehicle inspection under
35 section 1751; and

36 C. If necessary, a new vehicle identification number is
37 assigned.

38 Upon demand of the Secretary of State or a transferee, a repairer
39 or rebuilder shall produce receipts of purchase of the vehicle or
40 for component parts used in the repairing or rebuilding process,
41 or both. If new parts are not used to rebuild a salvage vehicle,

2 the rebuilder shall produce the vehicle identification number of
4 the vehicles from which the parts were taken and the certificates
6 of title or the certificates of salvage for the vehicles if not
8 already surrendered. The repairer or rebuilder shall disclose,
10 in writing, to the transferee of a repaired or rebuilt salvage
12 vehicle the fact that the vehicle was a salvage vehicle and shall
14 disclose what repairs were made to the vehicle.

16 5. Distinctive. The following legends apply to
18 certificates of title issued subsequent to issuance of
20 certificates of salvage for vehicles.

22 A. The legend "salvage" must appear on a certificate of
24 title if:

26 (1) A vehicle has no marketable value other than the
28 value of the basic materials or parts used in the
30 construction of the vehicle;

32 (2) A vehicle is sold with a stipulation that it is
34 only to be used for the benefit of its parts; or

36 (3) A certificate of title previously issued by the
38 Secretary of State or by any other jurisdiction bearing
40 the legend "salvage" accompanies an application to the
42 State for a subsequent certificate of title.

44 B. The legend "rebuilt salvage" must appear on a
46 certificate of title for a rebuilt salvage vehicle if:

48 (1) Two or more vehicles with different frames are
50 joined;

52 (2) A salvage vehicle has 5 or more component parts
54 replaced; or

56 (3) A certificate of title with the legend "rebuilt
58 salvage" issued by the Secretary of State or by any
60 other jurisdiction accompanies an application to the
62 State for a subsequent certificate of title.

64 C. The legend "rebuilt" must appear on a certificate of
66 title for a rebuilt salvage vehicle if:

68 (1) A salvage vehicle has at least one, but less than
70 5, component parts replaced; or

72 (2) A certificate of title with the legend "rebuilt"
74 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.

2 4. Seizure. The Secretary of State may seize the
3 certificate, registration document or registration plate that has
4 been suspended or revoked.

6 SUBCHAPTER III

8 SECURITY INTEREST

10 §701. Creation of security interests

12 1. Application. If an owner creates a security interest in
13 a vehicle, the owner shall:

14 A. Complete an application that provides the name and
15 address of the lienholder and the date of the lien; and

16 B. Immediately deliver the certificate of title,
17 application and fee to the lienholder.

18 2. Delivery by lienholder. The lienholder shall
19 immediately deliver the certificate, application and fee to the
20 Secretary of State.

21 3. Additional. Upon request of the owner or subordinate
22 lienholder, a lienholder in possession of the certificate of
23 title shall deliver the certificate to the subordinate lienholder
24 for delivery to the Secretary of State. Upon receipt from the
25 subordinate lienholder of an owner's application and fee, the
26 lienholder shall deliver them to the Secretary of State with the
27 certificate. The delivery of the certificate does not affect the
28 rights of the first lienholder under that lienholder's security
29 agreement.

30 4. New certificate. Upon receipt of the certificate, the
31 application and fee, the Secretary of State shall issue a new
32 certificate containing the name and address of the new
33 lienholders and mail the certificate of title to the owner. The
34 Secretary of State shall also mail a certificate of lien to the
35 first lienholder.

36 §702. Perfecting security interest

37 1. Valid against creditors, transferees and lienholders. A
38 security interest in a vehicle for which a certificate of title
39 is issued is not valid against creditors of the owner or
40 subsequent transferees or lienholders unless perfected as
41 provided in this subchapter.

42 2. Method. A security interest is perfected by the
43 delivery to the Secretary of State of:

2 A. The certificate of origin or existing certificate of
3 title or certificate of salvage;

4 B. An application for a certificate of title containing the
5 name and address of the lienholder and the date of the
6 security agreement; and

7 C. The required fee.

8

9 3. Date. A security interest is perfected as of the date
10 of its creation, if delivery is completed within 20 days after
11 its creation; otherwise, a security interest is perfected as of
12 the time of the delivery.

13

14 4. Vehicle brought into State. If a vehicle is subject to a
15 security interest when brought into this State, the validity of
16 the security interest is determined by the law of the
17 jurisdiction in which the vehicle was located when the security
18 interest attached, subject to the following.

19

20 A. If the parties understood at the time the security
21 interest attached that the vehicle would be kept in this
22 State and the vehicle was brought into this State within 30
23 days thereafter, for purposes other than transportation
24 through this State, the validity of the security interest is
25 determined by the law of this State.

26

27 B. If the security interest was perfected under the law of
28 the jurisdiction in which the vehicle was located when the
29 security interest attached, the following provisions apply.

30

31 (1) If the name of the lienholder is shown on an
32 existing certificate of title issued by that
33 jurisdiction, the security interest continues perfected
34 in this State.

35

36 (2) If the name of the lienholder is not shown on an
37 existing certificate of title issued by that
38 jurisdiction, the security interest continues perfected
39 in this State for 4 months after a first certificate of
40 title is issued in this State, and also thereafter if,
41 within the 4-month period, the security interest is
42 perfected in this State. If the security interest is
43 perfected after the 4-month period, perfection dates
44 from the time of perfection in this State.

45

46 C. If the security interest was not perfected under the law
47 of the jurisdiction in which the vehicle was located when
48 the security interest attached, that interest may be
49

50

2 perfected in this State and perfection dates from the time
3 of perfection in this State.

4 D. A security interest may also be perfected by the
5 lienholder delivering to the Secretary of State a notice of
6 security interest and the required fee.

7 4. Vehicles located outside the State and registered in
8 this State. If a vehicle is located outside this State and is
9 not the subject of a valid certificate of title issued by another
10 jurisdiction, upon registration of the vehicle in this State, the
11 provisions of this chapter on perfection of a security interest
12 apply. Notwithstanding Title 11, Article 9, Part 1, perfection
13 under this subchapter remains valid until:

14 A. The certificate issued by this State is surrendered for
15 retitling in another jurisdiction; or

16 B. Registration plates issued by this State are removed
17 from the vehicle, the registration issued by this State is
18 surrendered and the vehicle is reregistered in another
19 jurisdiction.

20 §703. Exemptions

21 This subchapter does not affect:

22 1. Liens for services or materials. A lien given by
23 statute or rule of law to a supplier of services or materials for
24 the vehicle;

25 2. Government lien. A lien given by statute to the United
26 States, this State or a political subdivision of this State;

27 3. Salvage lien. A lien given for a salvage vehicle,
28 except when the vehicle is repaired or rebuilt for operation on a
29 public way; or

30 4. Manufacturer's lien. A security interest created by a
31 manufacturer or dealer who holds the vehicle for sale. A buyer
32 in the ordinary course of trade from the manufacturer or dealer
33 takes free of this security interest.

34 §704. Assignment of security interest

35 1. Assignment. A lienholder may assign a security interest
36 to a person other than the owner without affecting the interest
37 of the owner or the validity of the security interest.

2 2. Obligations continue. A person without notice of an
3 assignment is protected in dealing with the lienholder as the
4 holder of the security interest.

5 3. Liability. The lienholder remains liable for an
6 obligation as lienholder until the assignee is named as
7 lienholder on the certificate of title or certificate of salvage.

8 4. Endorsement. The assignee may, but need not to perfect
9 the assignment, have a certificate of title or certificate of
10 salvage issued with the assignee named as lienholder, upon
11 delivering to the Secretary of State the certificate and an
12 assignment by the lienholder named in the certificate in the form
13 the Secretary of State prescribes, together with an application
14 and the required fee.

15 §705. Release of security interest

16 1. Release on satisfaction. Upon satisfaction of the
17 security interest of the lienholder, the lienholder shall, within
18 10 days after demand or, in any event, within 20 days, execute a
19 release of the security interest in the space provided on the
20 certificate. The lienholder shall:

21 A. Release the certificate of title, certificate of salvage
22 or certificate of lien to the subordinate lienholder if one
23 is named;

24 B. If the lien was satisfied in conjunction with the sale
25 of the vehicle and there is no subordinate lienholder,
26 release the certificate of title, certificate of salvage or
27 certificate of lien to the owner or to a person who delivers
28 to the lienholder an authorization from the owner to receive
29 the certificate; or

30 C. Deliver the certificate to the owner and notify the
31 Secretary of State that the lien has been satisfied.

32 2. Prior lienholder. If the certificate of title,
33 certificate of salvage or certificate of lien is in the
34 possession of a prior lienholder, the satisfied lienholder shall
35 execute a release and deliver it to the owner or to a person who
36 delivers to the lienholder an authorization from the owner to
37 receive the release.

38 Upon the satisfaction of a subordinate security interest in a
39 vehicle for which the certificate of title, certificate of
40 salvage or certificate of lien is in the possession of a prior
41 lienholder, the lienholder whose security interest is satisfied
42 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;

2 4. False statement. Uses a false or fictitious name or
4 address, makes a material false statement, fails to disclose a
6 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

8 5. Sale. Sells or exchanges, offers to sell or exchange or
10 gives away a certificate of title, certificate of salvage,
 certificate of lien or vehicle identification number plate.

12 **§752. Other offenses**

14 A person commits a Class E crime if that person:

16 1. Use. Permits another person, without authority, to use
18 or possess a certificate of title or certificate of salvage;

20 2. Delivery to Secretary of State. Fails to deliver a
22 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;

24 3. Delivery to transferee. Fails to deliver to a
26 transferee a certificate of title or certificate of salvage
 within 10 days after the time required;

28 4. Assigned. Fails to have a correctly assigned clear
30 title to a vehicle as required by section 664;

32 5. False report. Knowingly makes a false report of the
34 theft or conversion of a vehicle to a law enforcement officer or
 to the Secretary of State; or

36 6. Other. Violates a provision of this chapter that,
38 notwithstanding section 104, is not expressly declared a civil
 violation or another class of crime.

40 **§753. Examination and impoundment of vehicle**

42 1. Examination of identification numbers. A State Police
44 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.

46 2. Impoundment. When a State Police officer or an
48 investigator has reasonable grounds to believe that a vehicle
50 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.

§754. 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.

2 The Secretary of State may disregard the report of a conversion
3 unless a warrant has been issued for the arrest of a person
4 charged with the conversion.

5 A person who has reported the theft or conversion, after learning
6 of the vehicle's recovery, shall report the recovery to the
7 Secretary of State.

8 3. Suspension. The Secretary of State may suspend the
9 certificate of registration of a vehicle reported stolen or
10 converted. Until the Secretary of State learns of that vehicle's
11 recovery or that the report of theft or conversion was erroneous,
12 the Secretary of State may not issue a certificate of title or
13 certificate of salvage for the vehicle.

14 **§755. Impeachment of defendant**

15 In a prosecution for a crime under this subchapter, a
16 certified copy of a conviction under section 751 is admissible to
17 impeach the credibility of the defendant.

18 **CHAPTER 9**

19 **DEALERS**

20 **SUBCHAPTER I**

21 **GENERAL PROVISIONS**

22 **§851. Definitions**

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

25 1. Business location. "Business location" means a permanent
26 enclosed building in which the business involving transporter or
27 loaner licenses may be lawfully carried on in accordance with the
28 terms of all applicable building codes and zoning and other land
29 use regulatory ordinances. This location must be located within
30 the State of Maine, be easily accessible and open to the public
31 at all reasonable times, have an office with suitable equipment
32 for the business conducted and have an exterior sign indicating
33 the business name.

34 2. Dealer. "Dealer" means a person engaged in the business
35 of buying, selling, exchanging or offering to negotiate,
36 negotiating or advertising the sale of a vehicle or industrial
37 equipment and who has:

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

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

6 "Dealer" does not include the State when selling state-owned
7 vehicles.

10 3. Equipment dealer. "Equipment dealer" means a dealer
11 whose primary business is the buying or selling of new or used
12 industrial equipment or both, or farm equipment, or both.

14 4. Established place of business. "Established place of
15 business" means a permanent, enclosed building:

16 A. Located within the State;

18 B. Easily accessible and open to the public at all
19 reasonable times;

22 C. With an improved display area of not less than 5,000
23 square feet in or immediately adjoining it;

24 D. In which the business of a dealer, including the display
25 and repair of motor vehicles, may be lawfully carried on in
26 accordance with building codes and zoning or land-use
27 ordinances;

30 E. In which the public may contact the dealer at all
31 reasonable times;

32 F. In which is kept and maintained the equipment, books,
33 records and files necessary to conduct the business; and

36 G. Displaying an exterior sign, permanently affixed to the
37 land or building, that indicates the business name.

38 4-A. Full-time employee. "Full-time employee" means any
39 person who is employed and works at least 30 hours per week.

42 5. Full-time sales representative. "Full-time sales
43 representative" means an employee who is employed by a dealer
44 who, under any form of contract, sells, offers for sale or
45 attempts to negotiate a sale or exchange of an interest in a
46 vehicle.

48 6. Immediate family. "Immediate family" means a spouse or
49 child residing in the same household as the dealer.

2 7. Motorcycle dealer. "Motorcycle dealer" means a dealer
3 whose primary business is the buying or selling of new or used
4 motorcycles, or both or motor-driven cycles, or both.

6 8. New vehicle dealer. "New vehicle dealer" means a dealer
7 whose primary business is the buying and selling of new motor
8 vehicles and who has a franchise from a distributor or
9 manufacturer.

10 9. Trailer dealer. "Trailer dealer" means a dealer whose
11 primary business is the buying and selling of new or used
12 trailers or semitrailers, or both.

14 10. Used car dealer. "Used car dealer" means a dealer
15 whose primary business is the buying and selling of used motor
16 vehicles.

18 11. Used motor vehicle. "Used motor vehicle" means a motor
19 vehicle that has been registered at least once or is not covered
20 by a manufacturer's new car warranty.

22 12. Vehicle auction. "Vehicle auction" means selling a
23 vehicle by bidding at a public or private sale.

26 13. Vehicle auction business. "Vehicle auction business"
27 means a business that operates a vehicle auction for gain or
28 compensation.

30 **\$852. Fees**

32 1. Initial application fee. The fee for an initial
33 application for a license under this subchapter is \$150. The fee
34 is not refundable.

36 2. Dealer licenses. The annual fee for a dealer license or
37 renewal is:

38 A. For a motorcycle dealer, \$50;

40 B. For a light trailer dealer, \$50; and

42 C. For any other vehicle dealer, \$150.

44 A licensed recycler is exempt from an additional license fee if
45 already licensed as a used vehicle dealer.

48 3. Dealer plates. The annual fee for each dealer plate is:

2 A. For a motorcycle dealer, \$5;

4 B. For a light trailer dealer, \$5; and

6 C. For any other vehicle dealer, \$20.

8 The fee for an additional plate issued to a dealer other than a
10 motorcycle dealer or a light trailer dealer after September 1st
12 is a 1/2 of the annual plate fee.

14 For a fee of \$5 per plate, the Secretary of State shall furnish
16 dealer plates to motorcycle dealer and light trailer dealer to
18 replace lost or mutilated dealer plates.

20 4. Branch or annex location. The annual license fee for
22 each branch or annex location is \$75.

24 5. Vehicle auction business license. The annual fee for a
26 vehicle auction business license is \$150.

28 §853. Suspension and revocation

30 Notwithstanding Title 4, section 1151, subsection 2 and
32 Title 5, sections 10003 and 10051, the Secretary of State may
34 suspend, revoke or deny any license, registration or renewal
36 issued pursuant to this chapter.

38 SUBCHAPTER II

40 APPLICATION FOR DEALER LICENSE

42 §901. Application

44 1. Application. A dealer shall apply for a license by
46 filing with the Secretary of State an application in the form
48 prescribed by the Secretary of State and by paying the necessary
50 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

2 involving fraud, misrepresentation or conversion. For a
4 corporation or partnership, the same information must be
6 provided for each director, officer or partner; and

8 D. Any other information required by the Secretary of State.

10 3. New or used vehicle dealer. If the applicant is a new or
12 used vehicle dealer, information on the type of business also
14 must be provided, including:

16 A. Whether the applicant intends to sell used motor
18 vehicles and, if so, whether there is space for servicing
20 and repairs;

22 B. A certificate by a state police officer or a
24 representative of the Secretary of State that the applicant
26 has an established place of business at each business
28 location in the State;

30 C. For a new vehicle dealer, a copy of a current service
32 agreement with a manufacturer or distributor requiring the
34 applicant, on demand of a customer receiving a new vehicle
36 warranty, to perform or arrange for, within a reasonable
38 distance of the established place of business, the service,
40 repair and replacement work required by warranty; and

42 D. Any other information the Secretary of State requires.

44 4. Surety bonds. A dealer other than an equipment and
46 light trailer dealer shall file with the Secretary of State and
48 maintain a surety bond in the following amount, based on the
50 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 a licensed vehicle dealer
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.

2 Failure to maintain such a bond is grounds for immediate
4 suspension of the dealer license.

6 Any persons with a claim against the bond required by this
8 subsection must file the claim within 3 years from the date of
10 sale.

12 **§902. Action on application for dealer license**

14 The Secretary of State shall act on an application for an
16 initial dealer license or a renewal of such a license within 90
18 days of receipt of the application.

20 If the Secretary of State refuses to grant or renew a
22 license, notice must be given to the applicant that an
24 opportunity for hearing before the Secretary of State will be
26 provided on request to show cause why that license should be
28 granted or renewed.

30 **§903. Grounds for denying, suspending, revoking or modifying**
32 **dealer license**

34 1. Grounds. The Secretary of State may deny, suspend,
36 revoke or modify a dealer license for any of the following
38 reasons:

40 A. A material misstatement in the application for a license;

42 B. Failure to comply with this subchapter, a rule of the
44 Secretary of State, a provision of this Title related to
46 sales or service of a motor vehicle, or a violation of Title
48 17-A or this Title;

50 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 location of established place
of business;

E. Failure to maintain a surety bond;

F. Defraud 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;

2 H. Violation of the Maine Unfair Trade Practices Act, or
3 Title 17, section 3203;

4
5 I. Submission of a check, draft or money order to the
6 Secretary of State that is dishonored or refused upon
7 presentation;

8
9 J. Certification by the State Tax Assessor that a tax,
10 other than property tax, deemed final under Title 36 remains
11 unpaid in an amount exceeding \$1,000 for a period greater
12 than 60 days after notice of the finality of the tax and
13 that the person has refused to cooperate with the Bureau of
14 Taxation in complying with a reasonable plan for meeting
15 that liability;

16
17 K. Failure to appear at a hearing required by the Secretary
18 of State or failure to appear in court to answer a summons;
19 or

20
21 L. Failure to comply or to maintain compliance with section
22 1612.

23
24 2. Procedures. The procedures of chapter 23, subchapter
25 III apply to a suspension.

26
27 3. Plate reduction. The number of plates allowed a motor
28 vehicle dealer who fails to sell a minimum of one vehicle per
29 month or 12 vehicles within a 12-month period must be reduced to
30 one dealer plate unless the Secretary of State determines that
31 the reduction is not warranted.

32
33 4. Continuing business. A person may not continue to
34 engage in the business of buying or selling of vehicles after
35 suspension or revocation of the dealer license. A person is
36 guilty of a Class E crime if that person continues in business
37 after suspension or revocation. That crime is punishable by a
38 fine of not less than \$200, which may not be suspended.

39
40 5. Refusal to surrender. A dealer who fails or refuses to
41 surrender a license, plates, registration certificates or
42 temporary plates on demand of the Secretary of State following
43 the suspension, revocation or nonrenewal of a dealer license
44 commits a Class E crime.

45 **§904. Vicarious liability**

46
47 1. Acts of officers, directors, trustees or partners.
48 There is sufficient cause for the denial, suspension or
49 revocation of the license of a partnership or corporation if an
50

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. Exemption. 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.

3. Penalty. A person who fails to comply with this section 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;

2 B. A distributor of new vehicles who holds an unexpired
4 appointment in writing from the manufacturer of such
6 vehicles; or

8 C. A dealer in new vehicles who holds an unexpired
10 appointment in writing from the manufacturer of such
12 vehicles or from an authorized distributor of such vehicles.

14 3. Copy of appointment. An applicant for a license to deal
16 in new vehicles shall submit with the application a certification
18 of franchise from the manufacturer of the new vehicles to be sold.

20 4. License. The make of the new vehicle in which the
22 licensee is authorized to deal must be stated on the license.

24 5. Additional charges. A new vehicle dealer may not charge
26 an extra charge for preparation service or optional equipment
28 unless that charge is described and clearly posted on the motor
30 vehicle to which it applies. For purposes of this subsection,
32 the following terms have the following meanings.

34 A. "Extra charge" means a consumer charge that is not
36 included in the manufacturer's suggested retail price.

38 B. "Preparation service" means an adjustment, inspection,
40 test, repair, replacement of parts, cleaning, polishing or
42 other labor performed by the dealer without prior written
44 authorization of the purchaser.

46 C. "Optional equipment" means equipment, protective
48 coating, special feature, appliance, part or accessory added
50 to a vehicle and not included in the manufacturer's
52 suggested retail price.

54 §954. Special dealer licenses and plates

56 1. Equipment. Equipment dealer plates and a license may be
58 issued to a person engaged in the manufacturing or buying and
60 selling of:

62 A. Farm tractors with engines in excess of 40 horsepower;

64 B. Farm equipment;

66 C. Construction vehicles or equipment; or

68 D. Industrial vehicles or equipment.

2 2. Motorcycle. Motorcycle dealer plates and a license may
3 be issued to a person engaged in the manufacturing or buying and
4 selling of new or used motorcycles or motor-driven cycles.

6 3. Light trailer. Light trailer dealer plates and a
7 license may be issued to a person engaged in the manufacturing or
8 buying and selling of trailers or semitrailers with an unladen
9 gross weight of 3,000 pounds or less.

11 4. Trailer. Heavy trailer dealer plates and a license may
12 be issued to a person engaged in the manufacturing or buying and
13 selling of mobile homes or of trailers or semitrailers with an
14 unladen weight of more than 3,000 pounds.

16 5. Transporter. A garage owner, body shop, finance
17 company, bank, recycler or repossession company licensed by the
18 Bureau of Consumer Credit Protection may be issued transporter
19 plates and a license to transport a vehicle owned by or in the
20 custody of that owner or business.

22 A. The holder may use this plate only if the vehicle is
23 accompanied by the owner or the owner's employee.

25 B. A transporter plate may not be:

27 (1) Used in lieu of registration plates;

29 (2) Loaned to another;

31 (3) Used for personal reasons; or

33 (4) Used on a towing vehicle.

35 **§955. Change in status of dealership**

37 1. Termination of new vehicle dealership. A new vehicle
38 dealer whose franchise is terminated or changed immediately shall
39 surrender the dealer plates and license to the Secretary of
40 State. If business is to be continued, the Secretary of State
41 shall issue the appropriate class of plates.

43 2. Used vehicle dealer obtaining a new vehicle franchise. A
44 used vehicle dealer who obtains a new vehicle franchise from a
45 manufacturer or distributor shall immediately surrender the used
46 vehicle plates and certificates and the Secretary of State shall
47 issue the appropriate class of plates.

49 **§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. Those records must be available for inspection by

2 the Secretary of State, the Attorney General and by law
3 enforcement officers.

4 6. Penalty. Violation of this section is a Class E crime.

6 SUBCHAPTER IV

8 DISPLAY

10 §1001. Display and content of license

12 1. Specify place of business. A dealer license must
13 specify the location of each place of business occupied by the
14 licensee in conducting business.

16 2. Specify vehicle types. A dealer license must state the
17 types of vehicle that the licensee may deal and the location in
18 which each particular type of vehicle is dealt.

20 3. Display. A license must be conspicuously displayed at
21 each location.

22 §1002. Vehicle and equipment dealer plates

24 1. Limitations on use. A person using a dealer plate may
25 not operate or permit to be operated a vehicle owned or
26 controlled by a manufacturer or dealer except for:

28 A. Purposes directly connected with the business of buying,
29 selling, testing, adjusting, servicing, demonstrating or
30 exchanging the vehicle, including use of that vehicle by a
31 full-time employee to attend schools and seminars designed
32 to assist the employee in the testing, adjusting or
33 servicing of vehicles;

36 B. Personal use by a manufacturer or dealer. There may be
37 no more than one dealer plate for the personal use of the
38 manufacturer or dealer and one dealer plate for the personal
39 use of the immediate family of the dealer;

40 C. Use of the vehicle in a funeral or public parade when no
41 charge is made for that use;

44 D. Use by a full-time sales representative, general
45 manager, sales manager or service manager who is on the
46 dealer's payroll but not in the dealer's immediate family or
47 members of that person's household;

48 E. Use by customers for not more than 7 days to demonstrate
49 the vehicle; or

2 F. Use by the manufacturer or dealer when the combined
4 weight of the vehicle and the load does not exceed 10,000
6 pounds unless the vehicle, by design, exceeds 10,000 pounds
 without a load.

8 2. Term. Dealer plates are valid for the calendar year.
10 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.

12 3. Penalty. A violation of subsection 1 is a civil
14 infraction for which a minimum penalty of \$200 must be adjudged
 for each infraction. That penalty may not be suspended.

16 4. Service vehicle. A dealer may attach to that dealer's
18 service vehicle specially designed service vehicle plate. That
20 plate may be used only in direct connection with the licensee's
 business.

22 A. A dealer is not entitled to more than 3 service vehicle
 plates.

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

28 C. The fee for a service vehicle plate is \$50 annually per
30 plate, except that on application for additional plates
32 between September 1st and December 31st in any year, the fee
 is \$25 per plate.

34 5. Equipment dealers. Unless otherwise prohibited,
36 equipment dealer plates may be attached only for demonstration,
 emergency and service purposes to the following:

38 A. Motorized graders;

40 B. Power shovels;

42 C. Front-end loaders;

44 D. Backhoes;

46 E. Rubber-tired bulldozers;

48 F. Large 4-wheel drive trucks and snowplows;

50 G. Motor cranes;

- 2 H. Road sweepers;
- 4 I. Sidewalk cleaners;
- 6 J. Log skidders;
- 8 K. Other related heavy equipment;
- 10 L. Farm tractors;
- 12 M. Self-propelled combines;
- 14 N. Harvesters;
- 16 O. Other related farm machinery; or
- 18 P. Equipment or a motor vehicle taken in trade.

20 A specially designed equipment dealer plate may be attached to a
22 motor truck used for service in direct connection with the
24 equipment dealer business. Any motor truck to which a specially
26 designed equipment dealer plate has been attached may not be used
28 for any purpose except in the service of equipment directly
30 connected with the business of the equipment dealer. An
32 equipment dealer business may not be provided with more than 3
34 specially designed equipment dealer plates.

36 6. Wreckers. The following provisions apply to the
38 operation of wreckers and to dealer wrecker plates.

40 A. A vehicle dealer or equipment dealer may operate a
42 wrecker with a dealer wrecker plate if the wrecker is used
44 only in direct connection with the service or repair
46 business of the dealer.

48 B. A wrecker on which a dealer wrecker plate is attached
50 may not be used in commercial towing.

52 C. The annual fee for a dealer wrecker plate is \$50 per
54 plate for attachment to a wrecker that does not exceed
56 24,000 pounds gross vehicle weight and \$200 for attachment
58 to a wrecker that does not exceed 80,000 pounds gross
60 vehicle weight. For additional plates applied for after
62 September 1st and before December 31st, the fee is 1/2 the
64 plate fee.

66 D. The dealer wrecker plate is valid from the date of issue
68 to December 31st. On and after December 25th, a person may
70 display the plates issued for the next year.

2 E. The certificate of registration for the dealer wrecker
4 plate must be displayed at the dealer's established place of
 business.

6 F. The Secretary of State shall determine the number of
 dealer wrecker plates that may be issued to a dealer.

8 7. Demonstrating a loaded truck. A dealer must obtain a
10 written permit from the Secretary of State to demonstrate a
12 loaded truck, truck tractor, trailer, semitrailer or combination
 of vehicles bearing dealer plates.

14 A permit is not required to demonstrate a vehicle or combination
 of vehicles without a load.

16 A permit may be issued to a nonresident dealer when reciprocity
18 has been established.

20 A permit may not be issued to allow demonstration for a period
 longer than 7 days.

22 8. Vehicle weighing more than 10,000 pounds. A dealer must
24 obtain written permit from the Secretary of State for any vehicle
 weighing more than 10,000 pounds unladen to carry a load.

26 9. Mobile homes. A mobile home may not be moved over a
28 public way unless the operator of the vehicle hauling it has in
30 possession a written certificate from the tax collector of the
32 municipality in which the mobile home is situated on the day of
 the move, identifying the mobile home and stating that all
34 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.

36 10. Loss of dealer plate. Upon the loss of a dealer plate,
38 the dealer immediately shall notify the Secretary of State. If a
 dealer has written authorization from the Secretary of State, a
40 dealer may use a temporary number plate bearing the registration
 number issued to that dealer.

42 **§1003. Loaner registration certificate and plates**

44 1. Application for certificate and plates. A dealer or an
 owner of a body shop, transmission shop or garage may apply for a
46 loaner license and plates.

48 2. Permissible use. A loaner plate may be used on a
 vehicle owned by the licensee for the sole purpose of loaning the
50 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.

2 The fee for a transit license is \$100 annually and the fee
4 for each placard is \$10. Government and quasi-government
 agencies may not be assessed a fee.

6 **SUBCHAPTER V**

8 **VEHICLE AUCTION BUSINESS**

10 **§1051. Vehicle auction business license**

12 1. License. A person may not engage in the business of
14 auctioning vehicles without first being issued a vehicle auction
 business license.

16 2. Conditions for license. A vehicle auction business
18 license may be issued only after the Secretary of State has made
20 a thorough inspection of the premises on which the business is to
22 be conducted and is satisfied that the proposed business meets
 all requirements and that the proposed methods of operation are
 suitable for the business.

24 3. Facilities. A vehicle auction business must maintain
26 proper facilities for display of vehicles being auctioned. The
28 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.

30 4. Records. A vehicle auction business must maintain an
32 office in which books, records and files related to the business
 are kept.

34 5. Authority of the Secretary of State. The Secretary of
36 State may:

38 A. Attend all motor vehicle auctions;

40 B. Inspect all books, records and files related to a
 vehicle auction business; or

42 C. Inspect all vehicles to be auctioned.

44 6. Location. Except as provided in subsection 3, a vehicle
46 auction business license authorizes business at the licensed
48 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.

2 7. Nontransferability. A vehicle auction business license
3 is not be transferable.

4 8. Application. The section does not apply to vehicle
5 auctioneers who are licensed and bonded pursuant to Title 32,
6 chapter 5-A and who are conducting a vehicle auction incidental
7 to the liquidation of a business or an estate.

8 **§1052. Record of transactions by vehicle auction business**

10 1. Record of sale. A vehicle auction business must
11 complete a record for each sale of a vehicle.

12 2. Contents of record. The record of sale must include the
13 following:

14 A. A description of the vehicle;

15 B. The name of the transferor and transferee;

16 C. The date of the transaction;

17 D. The odometer reading at the time of sale;

18 E. A statement that a completed disclosure, as required by
19 Title 10, section 1475, subsection 1, was affixed to the
20 vehicle before sale; and

21 F. Any additional information that may be required by the
22 official form provided by the Secretary of State.

23 3. Filing. A copy of the record of sale must be filed with
24 the Secretary of State immediately following the sale.

25 4. Maintaining record. The licensee shall maintain a copy
26 of the record of sale for at least 3 years after the date of sale.

27 5. Availability of records for inspection. All books,
28 records and files related to the sale of vehicles or vehicle
29 parts must be available during normal business hours for
30 inspection by the Secretary of State, law enforcement officers or
31 representatives of the office of the Attorney General. The
32 records must be kept in compliance with the federal Truth in
33 Mileage Act of 1986, Public Law 99-579 and regulations
34 promulgated under 49 Code of Federal Regulations, Part 580.

35 6. Penalty. Violation of this section is a Class E crime.

36 **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

2 5. Additional information. Any other information that the
3 Secretary of State requires to implement this section.

4 **§1105. License fees**

6 1. Application fee. The fee for an initial application for
7 a license under this subchapter is \$150 and is nonrefundable.

10 2. License fee. The fee for the issuance or renewal of a
11 license is \$150. A business licensed under chapter 9, subchapter
12 III is exempt from this fee.

14 3. Branches. Each branch or annex location of a recycler
15 must be approved and licensed by the Secretary of State. The
16 annual fee for each branch or annex is \$75.

18 **§1106. Action on application for license or renewal**

20 The Secretary of State shall act on an application for a
21 recycler license or its renewal within 90 days of receipt.

22 If the Secretary of State refuses to grant or to renew a
23 license, notice must be given to the applicant that an
24 opportunity for hearing before the Secretary of State will be
25 provided on request to show cause why that license should be
26 granted or renewed.

28 **§1107. Display and content of license**

30 1. Content. A recycler license must specify:

32 A. The location of each established place of business and
33 other locations occupied in conducting business;

34 B. The effective and expiration dates of the license; and

36 C. Any other information the Secretary of State considers
37 necessary to implement this section.

40 2. Display. The license must be conspicuously displayed at
41 each established place of business or other location occupied in
42 conducting business.

44 **§1108. Denial, suspension or revocation of a recycler license**

46 1. Grounds. The Secretary of State may deny, suspend or
47 revoke a recycler license on the following grounds:

48 A. A material misstatement in an application for a license;
49

- 2 B. Failure to comply with a provision of this subchapter,
4 any lawful rule adopted by the Secretary of State or any
6 provision of Title 17-A or this Title as they relate to the
 sales of vehicles or parts;
- 8 C. Failure to maintain an established place of business;
- 10 D. Failure to notify the Secretary of State in writing 30
 days prior to moving or ceasing operation;
- 12 E. The defrauding of a buyer, to the buyer's or another's
14 damage, in the conduct of the licensee's business;
- 16 F. Conviction of a fraudulent act in connection with the
 business of selling motor vehicles or parts or being held
18 liable by a civil judgment involving fraud,
 misrepresentation or conversion;
- 20 G. Violation of Title 5, sections 206 to 212; Title 17,
22 section 3203; or Title 30-A, sections 3751 to 3760;
- 24 H. Submission of a check, draft or money order to the
 Secretary of State that is dishonored or refused upon
26 presentation;
- 28 I. Certification by the State Tax Assessor that a tax,
 other than property tax, considered final under Title 36,
30 remained unpaid in an amount exceeding \$1,000 for a period
 greater than 60 days after notice of finality and that the
32 licensee or applicant refused to cooperate with the Bureau
 of Taxation in establishing and remaining in compliance with
34 a reasonable plan for meeting that liability; or
- 36 J. Failure to appear at a hearing required by the Secretary
 of State or failure to appear in court pursuant to a lawful
38 summons.
- 40 2. Proximity to veterans' cemetery. A license may be
 denied if a place of business is within one mile of a federally
42 owned or state veterans' cemetery, unless the Secretary of State
 finds that:
- 44 A. The conduct of the business will not unduly interfere or
 degrade the purposes of the cemetery;
- 46 B. The business and location will be adequately screened
48 for sight and noise; and

2 C. There is adequate distance, not less than 1,500 feet,
3 between the cemetery and place of business.

4 3. Refusal to surrender license. Any recycler who fails or
5 refuses to surrender the license upon demand of the Secretary of
6 State following the suspension or revocation of that license,
7 commits a Class E crime.

8 4. Penalties. Any person who continues to engage in
9 business as a salvage vehicle dealer, recycler or as a scrap
10 processor, after suspension or revocation of the license issued
11 by the Secretary of State, is guilty of a Class E crime,
12 punishable by a fine of not less than \$200 and that fine may not
13 be suspended.

14 **§1109. Vicarious liability**

15 1. Corporators or partners. If a licensee is a partnership
16 or corporation, it is sufficient cause for denial, suspension or
17 revocation of a license if an officer, director, trustee or
18 partner of the partnership or corporation has committed an act or
19 omitted a duty that would be cause for denying, suspending or
20 revoking a license.

21 2. Employees. A licensee is responsible for the acts of
22 employees if that licensee approved of or had knowledge of the
23 acts or other similar acts and after that approval or knowledge
24 retained the benefit, proceeds, profits or advantages accruing
25 from the acts or otherwise ratified the acts.

26 **§1110. Records of transactions**

27 1. Record keeping. A licensee shall maintain business
28 records for 5 years, including a record of:

29 A. Every vehicle or component part received or disposed of;
30 its make, model, model year, vehicle identification number
31 and any other part identifying number; the date of its
32 receipt or disposition; and the name and address of the
33 person from whom received or to whom given; and

34 B. Every vehicle scrapped or dismantled by the licensee,
35 the date of that action and the vehicle's make, model, model
36 year and vehicle identification number.

37 A scrap processor is exempt from the requirements set forth in
38 paragraph A for vehicles received that are already dismantled.

39 2. Availability. The records, the place of business and
40 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 identification 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 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.

2 3. Issue restrictions. A person may not receive a license
3 unless:

4 A. That person surrenders all valid licenses in that
5 person's possession issued by any jurisdiction; and

6 B. The Secretary of State is satisfied that the applicant
7 is a proper person to receive a license.

10 4. Number limited. A person may not have more than one
11 valid license, unless authorized by the Secretary of State. A
12 person may not have more than one commercial license. *[530]

14 5. Age limit. A license, except a special restricted
15 license under section 1256, may not be issued to a person who has
16 not attained 16 years of age.

18 6. Exemptions. The following people are exempt from the
19 license requirements of this chapter:

20 A. A nonresident who is 16 years of age or older and who
21 has in that person's possession a valid license issued by
22 that person's state or country of domicile. A nonresident
23 who is not yet 16 years of age may not operate a motor
24 vehicle;

26 B. A person on active duty in the United States Armed
27 Forces, if that person possesses:

30 (1) A valid license issued by that person's state of
31 domicile; or

32 (2) For a period of 45 days after return from duty
33 outside the United States, a valid license issued by
34 the United States Armed Forces in foreign countries; and

36 C. A spouse of a member of the United States Armed Forces
37 while accompanying that member on active duty assignment to
38 this State, and who is not a resident of this State and who
39 has a valid license issued by another jurisdiction.

42 **\$1252. Classes**

44 A license is not valid for the operation of a vehicle unless
45 a class or restriction is indicated on the license.

46 1. Classes. There are 3 classes of licenses as follows:

48 A. A Class A license may be issued for the operation of a
49 combination of vehicles with a gross vehicle weight rating
50 of 10,000 pounds or less.

2 or registered weight of 26,001 or more pounds, if the gross
3 vehicle weight rating of the vehicles being towed is in
4 excess of 10,000 pounds.

5 A holder of a Class A license may, with an appropriate
6 endorsement, operate a vehicle in Class B or C;

7 B. A Class B license may be issued for the operation of a
8 single motor vehicle with a gross vehicle weight rating or
9 registered weight of 26,001 or more pounds or such a vehicle
10 towing a vehicle with a gross vehicle weight rating not in
11 excess of 10,000 pounds.

12 A holder of a Class B license may, with an appropriate
13 endorsement, operate a vehicle in Class C; and

14 C. A Class C license may be issued for the operation of a
15 single vehicle with a gross vehicle weight rating or
16 registered weight of less than 26,001 pounds or such a
17 vehicle towing a vehicle with a gross vehicle weight rating
18 not in excess of 10,000 pounds.

19 A holder of a Class C license may, with an appropriate
20 endorsement, operate all vehicles in that class.

21 A Class C license authorizes:

22 (1) A full-time or volunteer member of an organized
23 municipal, state or federal fire department to operate
24 fire apparatus;

25 (2) A person to operate recreational vehicles for
26 personal use;

27 (3) A person to operate military vehicles including
28 National Guard vehicles; or

29 (4) A person to operate registered farm motor trucks
30 bearing the letter "F," on the registration plate
31 within 150 miles of the registered owner's farm.

32 2. School bus, motorcycle or motor-driven cycle. Operation
33 of a school bus, motorcycle or motor-driven cycle requires a
34 special endorsement on a license.

35 A nonresident school bus driver picking up and discharging school
36 children or driving in conjunction with school-related activities
37 may operate a vehicle with a certificate issued by the Secretary
38 of State.

39

2 A school bus certificate may be issued only after the applicant
3 has successfully passed the required examination.

4 3. Mopeds. A moped may not be operated:

6 A. By a person who does not possess a valid license of any
7 class or a license specially endorsed to operate a
8 motorcycle, a motor-driven cycle or a moped; or

10 B. On an interstate highway or on a way on which a bicycle
11 is prohibited.

12 4. Examination. The Secretary of State shall examine an
13 applicant for the class for which the applicant applies.

14 5. Immediate examination. An applicant for a Class A or
15 Class B license who provides satisfactory evidence that an
16 immediate examination is needed for employment purposes must be
17 examined within 10 days of notification.

18 6. Endorsement. The Secretary of State shall endorse each
19 license with its class and a special endorsement for specific
20 types of vehicles.

21 7. Violation. A person commits a Class E crime if that
22 person operates a vehicle not included within the class of
23 license issued to that person.

24 8. Employer's requirements. An employer may impose more
25 stringent or additional qualifications, requirements or
26 examinations than are imposed in this section or may require
27 additional certificates.

28 §1253. Commercial licenses

29 1. Classifications. A Class A or Class B license, or a
30 Class C license carrying an endorsement under subsection 3, is a
31 commercial license.

32 2. Compliance with federal law. The State must comply with
33 the Commercial Motor Vehicle Safety Act of 1986, Public Law
34 99-570, Title XII, and regulations adopted under that Act in
35 issuing or suspending a commercial license. To ensure
36 compliance, the Secretary of State shall adopt rules.

37 These rules must include, but are not limited to, provisions that:

38 A. Provide for full state participation in the national
39 commercial driver's license clearinghouse;

2 B. Require commercial drivers to have a single license;

4 C. Reduce and prevent commercial motor vehicle accidents,
6 fatalities and injuries by disqualifying commercial drivers
 who have committed serious traffic or other designated
 offenses from operating commercial motor vehicles;

8 D. Protect public safety by removing from public ways a
10 commercial driver who has:

12 (1) Operated or attempted to operate a commercial
 vehicle while having 0.04% or more by weight of alcohol
 in that driver's blood;

14 (2) Refused to submit to or complete a lawfully
16 requested test to determine blood-alcohol level; or

18 (3) Operated or attempted to operate a motor vehicle
20 while under the influence of intoxicating liquor or
 drugs; and

22 E. Provide maximum safety on public ways.

24 3. Endorsements for double or triple trailers, buses, tank
26 trucks or hazardous materials. Operation of a double or triple
 trailer, bus or tank truck requiring a commercial driver's
28 license or a vehicle carrying hazardous materials requiring a
 license requires a special endorsement on a commercial license.

30 An endorsement may be made under this subsection only after the
32 applicant has successfully passed the examination for the
 specific vehicle.

34 To retain a hazardous material endorsement on renewal of a
36 commercial license, a reexamination of the hazardous material
 written test is required.

38 4. Air brakes. If an applicant either fails the air brake
40 component of the examination under subsection 3 or performs the
 examination in a vehicle not equipped with air brakes, that
42 person is prohibited from operating a commercial motor vehicle
 equipped with air brakes. The license must be so restricted.

44 5. Operation with a blood-alcohol level of 0.04% or more or
46 under the influence of intoxicating liquor or drugs. The
 Secretary of State shall suspend, without preliminary hearing,
48 the commercial license of a person who has operated or attempted
 to operate a commercial motor vehicle while having 0.04% or more
50 by weight of alcohol in the blood or while under the influence of
 intoxicating liquor or drugs.

2 The period of suspension must satisfy the regulations adopted by
4 the United States Secretary of Transportation under the
6 Commercial Motor Vehicle Safety Act of 1986, Public Law 99-570,
8 Title XII.

10 **§1254. Special licenses**

12 1. Motorcycles and motor-driven cycles. The Secretary of
14 State may issue a license specifically endorsed for the operation
16 of a motorcycle or motor-driven cycle with the same requirements
18 as a motor vehicle license. A motor vehicle license does not
20 authorize operation of a motorcycle or motor-driven cycle unless
22 the license is endorsed for those vehicles.

24 2. Moped license. The Secretary of State may issue a
26 license to operate a moped. An applicant must have attained 16
28 years of age and must pass an examination on qualifications to
30 operate a moped. The examination fee and license fee for a moped
32 license is the same as for a Class C license.

34 3. Motorized bicycle or tricycle operator. A motorized
36 bicycle or tricycle may only be operated by a person who
38 possesses a valid license of any class, an instruction permit or
40 a license endorsed for a motorcycle, motor-driven cycle or moped.

42 4. Forms. The Secretary of State shall prepare forms for
44 applications under this section.

46 **§1255. Members of the Armed Forces**

48 1. Privileges. A resident who is serving on active duty in
50 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.

2 3. Revocation or suspension. This section does not permit
3 a person whose license or right to operate is revoked or
4 suspended or who has been refused a license to operate a motor
5 vehicle.

6 **§1256. Special restricted license**

7 A person who has reached 15 years of age and who has
8 successfully completed a driver education course may be issued a
9 special restricted license based on educational or employment
10 need as follows.

11 1. Educational need. A person seeking to qualify for a
12 special restricted license based on educational need must file an
13 application. If the applicant qualifies under paragraph A, after
14 passing an examination for operation of a motor vehicle as
15 provided in section 1301 a special restricted license must be
16 issued to the applicant. A person who is between the ages of 16
17 and 17 is not required to complete a driver education course to
18 qualify for a restricted license based on educational need.

19 A. An application must include:

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

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

24 (b) Use of a motor vehicle is necessary for
25 transportation to and from a public secondary
26 school, a private secondary school approved for
27 attendance purposes by the Commissioner of
28 Education or an applied technology center or
29 region that the applicant is attending;

30 (2) A verification of school attendance; and

31 (3) A statement by the principal of the school of the
32 lack of a readily available alternative means of
33 transportation.

34 B. This license only authorizes the holder to operate a
35 motor vehicle between the holder's residence and school.

36 2. Employment need. A person seeking to qualify for a
37 special restricted license based on employment need must file an
38 application. If the applicant qualifies under paragraph A, after
39 passing an examination for operation of a motor vehicle as
40 provided in section 1301 a special restricted license must be
41 issued to the applicant. A person who is between the ages of 16
42 and 17 is not required to complete a driver education course to
43 qualify for a restricted license based on employment need.

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 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.

2 §1257. Restricted licenses

4 The Secretary of State may restrict a license to operation:

6 1. Specific vehicle. Of a specified vehicle;

8 2. Daylight. During daylight hours;

10 3. Area operation. Within a designated area; or

12 4. Other. Under any other restriction or condition that
14 the Secretary of State determines is in the interest of highway
14 safety.

16 §1258. Medical Advisory Board

18 1. Board. The Medical Advisory Board, as established by
20 Title 5, section 12004-I, subsection 84, consists of members
20 appointed by the Secretary of State. Membership of the board is
22 as follows.

24 A. The board must include licensed physicians representing
24 the specialties of cardiology, internal medicine, neurology
26 or neurological surgery, ophthalmology, psychiatry, family
26 practice and rehabilitative medicine.

28 B. The Secretary of State shall designate the chair of the
30 board.

32 C. Members of the board are entitled to compensation in
32 accordance with Title 5, chapter 379.

34 2. Duties. The duties of the board are as follows.

36 A. The board shall meet at least annually and may hold as
38 many meetings as necessary.

40 B. The board shall advise the Secretary of State on written
42 medical and vision standards related to operator's
42 licensing. Standards may only be adopted as rules.

44 C. The board shall coordinate efforts to educate health
44 care providers and the public in the medical aspects of
46 motor vehicle operator licensing.

48 3. Determination of competency. The Secretary of State may
48 request written medical reports to determine who receives
50 records, testimony, recommendations and reports of the board and
50 determine the competency of a person to operate a motor vehicle.

2 4. Board review. The Secretary of State, having cause to
4 believe that a licensed driver or applicant may not be physically
6 or mentally qualified to be licensed, may obtain the advice of
8 the board, a member of the board or another medical or
10 paramedical professional licensed or certified in a medical
12 specialty as follows.

14 A. The board may formulate advice from records and reports
16 or may cause an examination and report to be made by a
18 member or another qualified person.

20 B. The person under review may deliver a written report to
22 the board and the board must give due consideration to the
24 report.

26 C. The Secretary of State may request that the board
28 interview in person someone whose ability to operate a motor
30 vehicle safely is unascertainable through written reports or
32 records.

34 5. Suspension pending compliance. The license of a person
36 under review who refuses to submit to an examination or to
38 provide information as requested by the Secretary of State
40 pursuant to this subchapter may be suspended until the individual
42 complies with the request.

44 6. Immunity. A member of the board or other person making
46 an examination and report of opinion, recommendation or advice to
48 the Secretary of State in good faith is immune from criminal or
50 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
 extend 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.

§1259. Motorized chairs for invalids

2 The Secretary of State may issue, without fee, a special
4 permit for the operation of a motorized chair by an invalid
 person on certification by a physician as to the applicant's
 incapacity.

6 The Secretary of State may restrict the operation of
8 motorized chairs for invalids to certain ways and hours of the
 day to minimize the danger of injury to the operator and other
10 users of the highway consistent with public safety following an
 evaluation of the operator.

12 Section 1751 does not apply to motorized chairs for
14 invalids. A motorized chair for invalids must be equipped with
 an adequate stopping and holding device and means of giving an
 audible signal.

16 SUBCHAPTER II

18 ISSUING LICENSES

20 §1301. Application

22 1. Application required. An applicant must present to the
24 Secretary of State an application for license on a form prepared
 by the Secretary of State.

26 2. Contents. The applicant must provide specific answers
28 that demonstrate the experience and competence of the applicant
 to operate a motor vehicle.

30 3. Proof of age. An applicant who has not attained the age
32 of 23 years must provide satisfactory proof of the applicant's
 date of birth prior to receiving a permit or original license.

34 4. Examination. An applicant must pass a physical
36 examination by actual demonstration of ability to operate a motor
 vehicle and a written examination. Failure to complete the
38 driving test within 18 months of receiving an instruction permit
 requires reexamination for the permit.

40 5. Permanent license number. The Secretary of State may
42 require an applicant to submit that person's social security
 number upon application for a license to establish a permanent
44 license number.

46 §1302. Minors

48 1. Authorization. The Secretary of State may not accept
50 the application for a license of a minor unless the application
 is:

- 2 A. Signed by a parent or guardian;
- 4 B. Signed by the spouse of the minor, provided the spouse
6 is 18 years of age or older;
- 8 C. When the minor has no parent, guardian or spouse who has
10 attained the age of 18 years of age, signed by the employer
12 of the minor if that employer is 18 years of age or older; or
- 14 D. Accompanied by an attested copy of a court order of
16 emancipation under Title 15, section 3506-A.

18 2. Suspension. If a person who has signed the application
20 files with the Secretary of State a notarized written request
22 that the license be suspended, the Secretary of State shall,
24 pursuant to chapter 23, suspend the license without hearing. A
26 suspension under this section may not be construed against the
28 minor in any manner.

30 **§1303. Vision test requirements**

32 1. Test requirement. A person must pass the vision portion
34 of a license examination;

36 A. At the time of the first license renewal after attaining
38 40 years of age;

40 B. At every 3rd license renewal after the renewal in
42 paragraph A until attaining 65 years of age; and

44 C. At every license renewal after attaining 65 years of age.

46 2. Exceptions. In lieu of a test, a person may submit:

48 A. An acceptable certificate signed by a doctor,
50 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.

2 A. A person who is 15 years of age or older and has
4 completed a course in driver education may apply for an
 instruction permit.

6 B. After an applicant has successfully passed all parts of
8 an examination other than the driving test, the Secretary of
 State may issue an instruction permit.

10 C. The permit entitles the permittee to drive a motor
12 vehicle on the public ways. The permittee must have the
 permit in immediate possession while driving on the public
14 ways.

16 D. The permit is valid for a period of 18 months.

18 E. Unless the permittee is operating a motorcycle or
20 motor-driven cycle, the permit requires the permittee to be
 accompanied by a licensed operator who:

22 (1) Has at least one year of driving experience;

24 (2) Is at least 18 years of age; and

26 (3) Is occupying a seat beside the driver.

28 F. The Secretary of State may issue a restricted
30 instruction permit to an applicant who is enrolled in a
 driver education program that includes practice driving.
 That permit is valid:

32 (1) For a school year or other specified period; and

34 (2) Only when the permittee is accompanied by an
36 instructor approved by the Commissioner of Education or
 a commercial driver education instructor licensed by
38 the Board of Commercial Driver Education.

40 G. A person who has not yet attained the age of 17 years
42 may not apply for a license until 3 months after the date of
 issue of an instruction permit.

44 2. Motorcycle, motor-driven cycle and moped. The following
 provisions apply to instruction permits for the operation of
46 motorcycles, motor-driven cycles or mopeds.

48 A. A person must be at least 16 years of age to apply for a
 motorcycle, motor-driven cycle or moped instruction permit.

2 B. An applicant must pass a vision test and a knowledge
4 test related specifically to the safe operation of a
6 motorcycle, motor-driven cycle or moped.

8 C. An applicant must complete a motorcycle driver education
10 program as required by section 1352.

12 D. An instruction permit is valid for one year.

14 E. Failure to complete the driving test within one year
16 from issue date requires reexamination for the instruction
18 permit. In the case of a motorcycle or motor-driven cycle
20 learner's permit, failure to complete the driving test
22 within one year from issue date of the permit requires
24 another completion of the motorcycle driver education course
26 required by section 1352 before a subsequent permit is
28 issued.

30 F. An application for reexamination may not be accepted
32 until 60 days after expiration of the permit.

34 G. An instruction permit allows the holder to operate a
36 motorcycle, motor-driven cycle or moped only during daylight
38 hours. That permit does not allow the holder to carry a
40 passenger unless the passenger holds a valid motorcycle
42 license.

44 H. The fee for a motorcycle, motor-driven cycle or moped
46 instruction permit and the first road test is \$10. The fee
48 for a subsequent examination is \$5.

3 3. Bus. The following provisions apply to instruction
5 permits for the operation of a bus.

7 A. A person must be at least 21 years of age to apply for a
9 bus instruction permit.

11 B. An applicant must pass a vision test and a knowledge
13 test on the safe operation of a bus.

15 C. The instruction permit entitles the permittee, as long
17 as the permit is in the permittee's immediate possession, to
19 drive a bus on a public way. The permit expires one year
21 after the date of issuance.

23 The permittee must be accompanied by a licensed bus operator
25 who has at least one year of bus driving experience and is
27 at least 22 years of age.

2 The accompanying operator must occupy a seat in the
3 immediate vicinity of the driver and no other passengers may
4 be allowed on the bus.

5 4. School bus. The following provisions apply to
6 instruction permits for the operation of school buses.

7 A. A person must be at least 21 years of age to apply for a
8 school bus instruction permit to operate a school bus.

9 B. An applicant must meet the school bus operator
10 requirements of this Title and must pass a vision test and a
11 knowledge test on the safe operation of a school bus.

12 C. The instruction permit entitles the permittee, as long
13 as the permit is in the permittee's immediate possession, to
14 drive a school bus on a public way. The permit is valid for
15 one year.

16 (1) The permittee must be accompanied by a licensed
17 school bus operator who has at least one year of school
18 bus driving experience and is at least 22 years of age.

19 (2) The accompanying operator must occupy a seat in
20 the immediate vicinity of the permittee and no other
21 passengers may be allowed on the bus.

22 5. Expiration. An instruction permit expires when the
23 holder successfully passes a complete examination. The permit
24 must be surrendered to the Secretary of State.

25 6. Criminal offense. A person commits a Class E crime if
26 that person accompanies a permittee who is operating a vehicle on
27 a public way and that accompanying person has impaired mental or
28 physical functioning as a result of the use of intoxicating
29 liquor or drugs.

30 §1305. Temporary licenses

31 1. Issuance of temporary licenses. The Secretary of State
32 may issue a temporary license to an applicant.

33 2. Requirements. The Secretary of State may require the
34 applicant to:

35 A. Successfully pass a complete examination; or

36 B. Hold a valid or recently expired driver's license from
37 another state or country.

2 3. Duration. A temporary license permits the applicant to
operate a motor vehicle on a public way for not more than 60 days.

4 **§1306. Waiver**

6 The Secretary of State may waive examination for an
applicant who has been licensed by this State to operate a motor
8 vehicle during one of the 5 preceding calendar years without a
lapse of 5 years since date of expiration of the last 4-year
10 license.

12 **§1307. Examination fees**

14 An applicant required to take an examination shall pay an
examination fee to the Secretary of State prior to administration
16 of the examination as follows.

18 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
20 test. A reexamination is \$15.

22 2. Class C license. The examination fee for a Class C
license is \$10, which includes the first road test. A
24 reexamination is \$5.

26 3. Examination fee for endorsements. The examination fee
for a double or triple trailer, bus, tank truck or hazardous
28 materials endorsement is \$10. A reexamination is \$5.

30 4. Cancellation of examination appointment. If an
examination requires an appointment and the examinee does not
32 keep that appointment, the Secretary of State shall assess an
additional \$20 fee for a Class A or Class B examination and \$5
34 for a bus, school bus or Class C examination at the time of
reappointment for examination. If the examinee notifies the
36 Department of the Secretary of State, Bureau of Motor Vehicles,
Driver Examination Section of cancellation at least 48 hours
38 prior to the examination, the Secretary of State shall waive the
additional fee.

40 5. Exception. A person required to take an examination
because of advanced age or physical disability is not required to
42 pay an examination or cancellation fee.

44 **§1308. Reexamination of accident-prone driver**

46 1. Definition. For purposes of this section, an
"accident-prone driver" means an operator of a motor vehicle who
48 has contributed to the cause of 3 or more accidents within a
period of 3 consecutive years.
50

2 2. Examination. An accident-prone driver, after notice and
4 hearing, may be required to pass an operator's examination to
 retain a license.

6 3. Evidence. A determination that an individual is
8 accident-prone is not admissible in evidence in a civil action
 arising out of an accident.

10 4. Suspension. This section does not limit the authority
12 of the Secretary of State to suspend a license.

14 **§1309. Reexamination of incompetent or unqualified operators**

16 1. Reexamination may be required. The Secretary of State,
18 having good cause to believe that a licensed operator is
20 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.

22 2. Suspension of license. On conclusion of an examination,
24 the Secretary of State may suspend the license of that person or
 issue a restricted license.

26 3. Refusal to submit to examination. Refusal or neglect of
28 the licensee to submit to an examination is sufficient ground for
 suspension.

30 **SUBCHAPTER III**

32 **DRIVER EDUCATION**

34 **§1351. Driver education**

36 1. Driver education required for certain minors. Except to
38 operate a moped only, a license may not be issued to a person
40 under 17 years of age unless that person presents a certificate
 of successful completion of an approved driver education course
 and examination.

42 2. Approved course. An approved driver education course is
44 a course given by a:

46 A. Public secondary school;

48 B. Private secondary school approved for attendance
 purposes by the Commissioner of Education;

2 C. Applied technology center or an applied technology
3 region; or

4 D. Person licensed by the Board of Commercial Driver
5 Education.

6 3. Certificate. A successful course completion certificate
7 may be issued if the course meets the standards adopted by the
8 Commissioner of Education or the commercial driver education
9 school licensing requirements under Title 32, chapter 95. A
10 certificate may not be issued to a person who was not at least 15
11 years of age when beginning the course.

12 **§1352. Motorcycle driver education**

13 1. Motorcycle driver education required. Notwithstanding
14 any other provision of law, a motorcycle or motor-driven cycle
15 instruction permit, license or endorsement may not be issued to a
16 person, unless that person presents a certificate of successful
17 completion of a motorcycle driver education program and
18 examination approved by the Secretary of State.

19 2. Education program. The following provisions apply to
20 motorcycle driver education programs.

21 A. A motorcycle driver education program must consist of an
22 8-hour block of instruction directly related to the actual
23 operation of motorcycles and motor-driven cycles,
24 emphasizing safety measures designed to ensure greater
25 awareness of careful and skillful operation of motorcycles
26 and motor-driven cycles.

27 B. The program may be offered by a public secondary school,
28 a private secondary school approved for attendance purposes
29 by the Commissioner of Education, an applied technology
30 center or applied technology region or adult education
31 program conducted under Title 20-A, chapter 316.

32 C. A motorcycle program offered independently of an
33 approved driver education course may not be offered for
34 credit toward a high school diploma.

35 D. A program may include instruction and riding experience
36 on a motorcycle driving range.

37 E. The Secretary of State must approve a motorcycle driver
38 education program.

39 3. Instructors. The following provisions apply to the
40 certification of instructors.

2 A. A person may not conduct a motorcycle driver education
4 program unless certified by the Secretary of State as a
6 qualified instructor.

8 B. The Secretary of State shall:

10 (1) Conduct certification courses; and

12 (2) Establish reasonable qualification standards and
14 requirements for certification. The requirements must
16 include a provision to demonstrate proficiency in
18 operating a motorcycle.

20 C. A person may conduct or sponsor a motorcycle driver
22 education program for remuneration without the commercial
24 driver education school or instructor license required by
26 Title 32, chapter 95, as long as the program and the
28 instructors are certified by the Secretary of State.

30 4. Instructor availability. When a certified instructor is
32 not available in a geographic area, the Secretary of State may
34 assign a qualified instructor for the program subject to the
36 following provisions.

38 A. The requesting authority must ensure a minimum class
40 size of 6 students.

42 B. The Secretary of State shall charge a program fee
44 comparable to other motorcycle driver education programs.

46 C. An instructor is not a "teacher" within the meaning of
48 Title 5, section 17001, subsection 42 or Title 20-A.

50 5. Completion certificates. An instructor shall issue a
52 completion certificate to a student who has successfully
54 completed the course.

56 6. Waiver of written examination requirement. The
58 Secretary of State may waive the required written examination on
60 receipt of a completion certificate.

62 7. Suspension and revocation. The Secretary of State may
64 suspend, revoke or deny a certificate of completion or an
66 instructor's certificate for just cause in accordance with the
68 Maine Administrative Procedure Act.

70 §1353. Fees

2 The annual fee for instructor certification is \$100. The
3 annual fee for inspection of a motorcycle education classroom is
4 \$50. The fee for inspection of a motorcycle driving range is \$50.

6 SUBCHAPTER IV

8 LICENSE

10 §1401. Contents of license

12 1. Required information. A license must state, at a
13 minimum, the name, date of birth, place of residence or mailing
14 address if different from the residence, of the licensee and the
15 permanent number assigned to that licensee.

16 2. Photograph. A license, except for a temporary license,
17 must bear a full-face color photograph of the licensee. The
18 following are exempt from the photographic requirement:

20 A. A person who renews a license on or after that person's
21 65th birthday;

22 B. A person in active military service stationed outside
23 the State; and

24 C. Another person approved by the Secretary of State.

26 3. Signature. A licensee's usual signature must appear in
27 the place designated. A license is not valid until endorsed.

28 4. Fee. In addition to the license fee, the photograph fee
29 is \$2.

30 §1402. Anatomical gifts

32 1. Declaration of anatomical gift. If a licensee makes a
33 declaration on an organ donor card as provided in subsection 3
34 and submits the completed card to the Secretary of State, the
35 Secretary of State shall issue a license to operate motor
36 vehicles or motorcycles to the licensee that includes a pouch
37 containing the organ donor card declaring that the licensee has
38 made an anatomical gift under the Uniform Anatomical Gift Act.
39 There is an additional \$1 fee for issuance of the anatomical gift
40 pouch and organ donor card.

41 2. Willingness to make anatomical gift. The Secretary of
42 State shall make available without additional fee an organ donor
43 decal that expresses the licensee's willingness to make an
44 anatomical gift. The decal must state: The decal affixed hereto

2 indicates a willingness on the part of the licensee to make an
3 anatomical gift upon his/her death.

4 3. Organ donor card. The Secretary of State shall make
5 available to each applicant for a license or renewal license to
6 operate motor vehicles or motorcycles an organ donor card by
7 which the licensee may make a declaration of an anatomical gift
8 under the Uniform Anatomical Gift Act. The completed organ donor
9 card must accompany the license issued in a pouch provided by the
10 Secretary of State. The organ donor card must be in
11 substantially the following form:

12 DECLARATION OF
13 ANATOMICAL GIFT

14 I am of sound mind and at least 16 years of age. I hereby
15 make a gift to take effect upon my death of: (CHECK ONE)

16 () My entire body or any parts of my body.

17 () Only the following specific part or parts of my body:

18

19

20

21

22

23 I authorize any person or institution authorized as a donee
24 under Maine law, by the Uniform Anatomical Gift Act, to be the
25 recipient of this gift.

26 I understand that if I make this gift and receive a motor
27 vehicle or motorcycle driver's license indicating this gift, I
28 must destroy, cancel or mutilate the organ donor card and pouch
29 to revoke the gift.

30 Signed by the donor and the following 2 witnesses in the
31 presence of each other.

32 Signature.....

33 Address.....

34

35 Witness.....

36 Address.....

37

38 Witness.....

39 Address.....

.....

2

4 COMPLETION OF THIS

6 CARD IS OPTIONAL

8 **§1403. Living wills**

10 Subject to available funding, the Secretary of State shall

12 make living will forms available in offices of the Bureau of

14 Motor Vehicles. The form must be in substantially the form

16 provided in Title 18-A, section 5-702 and with the addition of a

18 title at the top of the form to read "LIVING WILL" and the

20 following information at the end: "Completion of this form is

22 optional."

24 **§1404. Coded licenses**

26 The Secretary of State shall provide that a license issued

28 to:

30 1. Under 21. A person less than 21 years of age bears a

32 distinctive color code; and

34 2. Prior convictions. A person convicted of operating

36 under the influence of intoxicating liquor or drugs or with an

38 excessive blood-alcohol level, as defined in section 2453,

40 subsection 2, within 6 years of the date the license is issued,

42 reissued or returned after a period of suspension bears a coded

44 notation of that fact.

46 **§1405. Duplicate documents**

48 1. Lost or destroyed licenses, registration certificates

50 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.

2 **§1406. Expiration**

4 **1. Expiration of license.** A license to operate a motor
vehicle expires at midnight on the license holder's 4th birthday
6 following the date of issuance.

8 **2. Leap year birthday.** A person born on February 29th is
deemed to have been born on March 1st.

10 **3. Renewals.** Prior to expiration of the license, the
12 Secretary of State shall send to the holder a renewal application.

14 **4. Fee.** Except for a commercial driver's license and as
provided in section 1409, the fee for a license is \$18. The fee
16 for a commercial driver's license is \$23.

18 **§1407. Change of location or status**

20 When a person, after applying for or receiving a driver's
22 license or registration, moves from the address named in the
application or on the license or registration issued or changes
24 name, that person shall, within 10 days, notify the Secretary of
State, in writing, of the old and new addresses or former and new
26 names and of the number of the licenses and registrations held.

28 **§1408. License or permit to be carried and exhibited on demand**

30 **1. Immediate possession required.** A licensee, including a
temporary licensee or holder of an instruction permit, must have
32 the license in immediate possession when operating a motor
vehicle.

34 **2. Display.** On demand of a law enforcement officer, the
36 licensee must produce the license for inspection.

38 **3. Defense.** A person may not be adjudicated to have
committed a traffic infraction of failing to produce a license if
40 the licensee produces in court a license valid at the time of the
issuance of the Uniform Summons and Complaint.

42 **4. Avoidance.** If, at least 24 hours before the scheduled
44 court appearance, the person charged with failing to produce a
license exhibits a license valid at the time of the issuance of
46 the Uniform Traffic Ticket and Complaint to a law enforcement
officer designated by the issuing officer, the proceeding must be
48 dismissed.

50 **§1409. Amputee and disabled veteran**

2 A license fee is not required from:

4 1. Federal motor vehicle. An amputee veteran who has
6 received a motor vehicle from the United States Government under
8 authority of P.L. 663, 79th Congress, as amended, or P.L. 187,
 82nd Congress, as amended;

10 2. Service-connected disability. An amputee veteran
12 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

14 3. One hundred percent service-connected disability. A
16 veteran with 100% service-connected disability.

18 SUBCHAPTER V

20 DRIVER LICENSE COMPACT

22 Article 1

24 Compact

26 §1451. Findings and declaration of policy -- Article I

28 1. Findings. The party states find that:

30 A. The safety of their streets and highways is materially
32 affected by the degree of compliance with state and local
 ordinances related to the operation of motor vehicles;

34 B. Violation of such a law or ordinance is evidence that
 the violator engages in conduct that is likely to endanger
36 the safety of persons and property; and

38 C. The continuance in force of a license to drive is
40 predicated upon compliance with laws and ordinances related
 to the operation of motor vehicles, in whichever
 jurisdiction the vehicle is operated.

42 2. Policy. It is the policy of each of the party states to:

44 A. Promote compliance with the laws, ordinances and
46 administrative rules and regulations related to the
 operation of motor vehicles by their operators in each of
48 the jurisdictions where such operators drive motor vehicles;
 and

2 B. Make the reciprocal recognition of licenses to drive and
4 eligibility therefor more just and equitable by considering
6 the overall compliance with motor vehicle laws, ordinances
8 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.

10 **§1452. Definitions -- Article II**

12 As used in this compact:

14 1. Conviction. "Conviction" means a conviction of any
16 offense related to the use or operation of a motor vehicle that
18 is prohibited by state law, municipal ordinance or administrative
20 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.

22 2. Home state. "Home state" means the state that has issued
24 and has the power to suspend or revoke the use of the license or
 permit to operate a motor vehicle.

26 3. State. "State" means a state, territory or possession of
28 the United States, the District of Columbia or the Commonwealth
 of Puerto Rico.

30 **§1453. Reports of conviction -- Article III**

32 The licensing authority of a party state shall report each
34 conviction of a person from another party state occurring within
36 its jurisdiction to the licensing authority of the home state of
38 the licensee. The report must clearly identify the person
40 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.

42 **§1454. Effect of conviction -- Article IV**

44 1. Convictions. The licensing authority in the home state,
46 for the purposes of suspension, revocation or limitation of the
48 license to operate a motor vehicle, shall give the same effect to
50 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:

2 A. Manslaughter or negligent homicide resulting from the
3 operation of a motor vehicle;

4 B. Driving a motor vehicle while under the influence of
5 intoxicating liquor or a narcotic drug, or under the
6 influence of any other drug to a degree that renders the
7 driver incapable of safely driving a motor vehicle;

8 C. Any felony in the commission of which a motor vehicle is
9 used; or

10 D. Failure to stop and render aid in the event of a motor
11 vehicle accident resulting in the death or personal injury
12 of another.

13 2. Other convictions. As to other convictions, reported
14 pursuant to Article III, the licensing authority in the home
15 state shall give such effect to the conduct as is provided by the
16 laws of the home state.

17 3. Similar offenses. If the laws of a party state do not
18 provide for offenses or violations denominated or described in
19 precisely the words employed in subsection 1 of this Article, the
20 party state shall construe the denominations and descriptions
21 appearing in subsection 1 as being applicable to and identifying
22 those offenses or violations of a substantially similar nature
23 and the laws of the party state must contain such provisions as
24 may be necessary to ensure that full force and effect is given to
25 this Article.

26 **§1455. Applications for new licenses -- Article V**

27 Upon application for a license to drive, the licensing
28 authority in a party state shall ascertain whether the applicant
29 has ever held, or is the holder of a license to drive issued by
30 any other party state. The licensing authority in the state where
31 application is made may not issue a license to drive to the
32 applicant if:

33 1. License suspended. The applicant has held such a
34 license, but the same has been suspended by reason, in whole or
35 in part, of a violation and if such suspension period has not
36 terminated;

37 2. License revoked. The applicant has held such a license,
38 but the same has been revoked by reason, in whole or in part, of
39 a violation and if such revocation has not terminated, except
40 that after the expiration of one year from the date the license
41 was revoked, such person may make application for a new license
42 if permitted by law. The licensing authority may refuse to issue

1 a license to any such applicant if, after investigation, the
2 licensing authority determines that it will not be safe to grant
3 to such person the privilege of driving a motor vehicle on the
4 public highways;

6 3. Surrender of license. The applicant is the holder of a
7 license to drive issued by another party state and currently in
8 force unless the applicant surrenders such license.

10 **§1456. Applicability of other laws -- Article VI**

12 Except as expressly required by provisions of this compact,
13 nothing contained herein may be construed to affect the right of
14 any party state to apply any of its other laws related to
15 licenses to drive to any person or circumstance, nor to
16 invalidate or prevent any driver license agreement or other
17 cooperative arrangement between a party state and a nonparty
18 state.

20 **§1457. Compact administrator and interchange of information --**
21 **Article VII**

22 The head of the licensing authority of each party state
23 shall be the administrator of this compact for that state. The
24 administrators, acting jointly, have the power to formulate all
25 necessary and proper procedures for the exchange of information
26 under this compact.

28 The administrator of each party state shall furnish to the
29 administrator of each other party state any information or
30 documents reasonably necessary to facilitate the administration
31 of this compact.

34 **§1458. Entry into force and withdrawal -- Article VIII**

36 This compact must enter into force and become effective as
37 to any state when it has enacted the same into law.

38 Any party state may withdraw from this compact by enacting a
39 statute repealing the same, but no such withdrawal may take
40 effect until 6 months after the executive head of the withdrawing
41 state has given notice of the withdrawal to the executive heads
42 of all other party states. No withdrawal may affect the validity
43 or applicability by the licensing authorities of the states
44 remaining party to the compact of any report of conviction
45 occurring prior to the withdrawal.

48 **§1459. Construction and severability -- Article IX**

2 This compact must be liberally construed so as to effectuate
3 the purposes thereof. The provisions of this compact must be
4 severable and if any phrase, clause, sentence or provision of
5 this compact is declared to be contrary to the constitution of
6 any party state or of the United States of the applicability
7 thereof to any government, agency, person or circumstance is held
8 invalid, the validity of the remainder of this compact and the
9 applicability thereof to any government, agency, person or
10 circumstance may not be affected thereby. If this compact is held
11 contrary to the constitution of any state party thereto, the
12 compact must remain in full force and effect as to the remaining
13 states and in full force and effect as to the state affected as
14 to all severable matters.

15 Article 2

16 Provisions Related to Compact

17 §1471. Ratification

18 The driver license compact is hereby enacted into law and
19 entered into with all other jurisdictions legally joining therein
20 in the form substantially as provided in this subchapter.

21 §1472. Licensing authority

22 As used in the compact, the term "licensing authority" with
23 reference to this State, means the Secretary of State. The
24 Secretary of State shall furnish to the appropriate authorities
25 of any other party state any information or documents reasonably
26 necessary to facilitate the administration of Articles III, IV
27 and V of the compact.

28 §1473. Expenses

29 The compact administrator provided for in Article VII of the
30 compact is not entitled to any additional compensation on account
31 of service as administrator, but is entitled to expenses incurred
32 in connection with duties and responsibilities as administrator,
33 in the same manner as for expenses incurred in connection with
34 any other duties or responsibilities of office or employment.

35 §1474. Executive head, defined

36 As used in the compact, with reference to this State, the
37 term "executive head" means the Governor.

38 §1475. Duty of court to report action on licenses

2 Any court of this State, which has jurisdiction to take any
3 action suspending, revoking or otherwise limiting a license to
4 drive, shall report any such action and the adjudication upon
5 which it is based to the Secretary of State within 5 days on
6 forms furnished by the Secretary of State.

8 CHAPTER 13

10 FINANCIAL RESPONSIBILITY AND INSURANCE

12 SUBCHAPTER I

14 GENERAL PROVISIONS

16 §1551. Definitions

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

20 1. Certificate. "Certificate" means the certificate of an
21 insurance company or a surety company authorized to transact
22 business in this State under Title 24-A that certifies that the
23 company has issued a motor vehicle liability policy covering the
24 vehicle involved in the accident.

25 2. Conviction. "Conviction" means conviction, adjudication
26 or judgment, and includes but is not limited to a forfeiture of
27 bail or collateral deposited to secure a defendant's appearance
28 in court, on a charge of violating a motor vehicle law that has
29 not been vacated.

30 3. Evidence of insurance. "Evidence of insurance" means:

31 A. A motor vehicle insurance identification card; or

32 B. A motor vehicle liability insurance policy or binder
33 issued pending the issuance of the actual policy or
34 insurance identification card.

35 4. Insurance identification card. "Insurance
36 identification card" means a card issued to an insured by an
37 insurer pursuant to Title 24-A, section 2412, subsection 7; or a
38 card issued by the Secretary of State to a person who elects to
39 provide proof of financial responsibility in accordance with
40 section 1605.

41 5. Judgment. "Judgment" means a judgment that has become
42 final without appeal by expiration of the time within which
43 appeal might have been perfected, or by final affirmance on
44 appeal.

2 appeal, rendered by a court of competent jurisdiction of any
3 state or of the United States.

4 6. Motor vehicle liability bond. "Motor vehicle liability
5 bond" means a bond certified as proof of financial responsibility
6 in accordance with section 1605.

8 7. Motor vehicle liability policy. "Motor vehicle liability
9 policy" means a policy of liability insurance certified as proof
10 of financial responsibility in accordance with section 1605, and
11 includes, but is not limited to, a motor vehicle liability bond.

12 8. Owner. "Owner" means a person who holds:

14 A. Legal title to a vehicle;

16 B. A right to possession and a right to purchase a vehicle
17 on performance of conditions stated in a conditional sale or
18 lease agreement; or

20 C. A mortgage on the vehicle, if the mortgagor is entitled
21 to possession.

24 9. OUI. "OUI" means operating under the influence of
25 intoxicants or with an excessive blood-alcohol level.

26 10. Person. "Person" means every person, firm,
27 copartnership, association or corporation, but not the State or
28 any political subdivision of the State.

30 11. Policy. "Policy" means a motor vehicle liability
31 insurance policy or motor vehicle liability bond.

34 12. Secretary of State. "Secretary of State" means the
35 Secretary of State or the Secretary of State's deputy.

36 13. State. "State" means a state of the United States, the
37 District of Columbia or a province of the Dominion of Canada.

40 §1552. Application

42 The provisions of this chapter do not apply to a snowmobile
43 or an ATV, unless the ATV is registered for highway use.

44 §1553. Administration

46 The Secretary of State shall administer and enforce this
47 chapter.

50 SUBCHAPTER II

2 GENERAL FINANCIAL RESPONSIBILITY

4 §1601. Required maintenance of financial responsibility

6 1. Requirement. An operator or owner of a vehicle
8 registered in this State shall maintain the amounts of motor
vehicle financial responsibility specified in section 1605.

10 2. Evidence of insurance or financial responsibility. When
12 a law enforcement officer stops an operator for a moving
14 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.

16 3. Failure to produce evidence of insurance. If a person
18 fails to produce evidence of liability insurance or financial
20 responsibility, this failure is prima facie evidence that the
person is uninsured and in violation of this section.

22 4. Dismissal. If, at least 24 hours before a scheduled
24 court appearance, a person exhibits to a law enforcement officer
26 designated by the issuing officer evidence of liability insurance
or financial responsibility that was in effect at the time of
violation, a proceeding for a violation of this section must be
dismissed.

28 5. Penalty. Violation of this section is a traffic
30 infraction, for which a forfeiture of not more than \$100 may be
32 assessed.

34 6. Suspension. Thirty days after the receipt of an
36 abstract of an adjudication of a violation of this section, the
Secretary of State shall suspend:

38 A. The license of that person;

40 B. The registration of a vehicle owned by that person; or

42 C. The right to apply for a driver's license or vehicle
registration.

44 The suspension continues until that person provides evidence of
46 insurance to the Secretary of State.

48 7. Multiple convictions. A person who is convicted of 2 or
more violations of this section within a 3-year period is subject
50 to the proof of financial responsibility requirements provided in
section 1605.

2 8. Agent immunity from liability. An insurance agent,
3 broker or agency may not be held liable for an inaccurate
4 insurance identification card if the card was issued based on
5 information contained in the records of that person or was issued
6 based on false or misleading statements made by the insured.

8 9. Exemption. The provisions of this section do not apply
9 to:

10 A. A governmental vehicle;

12 B. A vehicle owned or controlled by a dealer as defined by
13 chapter 9, subchapter I; or

14 C. A vehicle registered as a vehicle for hire.

16
17 §1602. Proof demanded

18
19 1. Demand. On receipt of an accident report required under
20 section 2251, the Secretary of State shall demand of the owner or
21 operator proof of financial responsibility under section 1605.

22
23 This subsection does not apply to:

24 A. The owner of a vehicle operated by a person that
25 obtained possession or control without the owner's express
26 or implied consent;

27 B. The owner or operator of a vehicle involved in an
28 accident when the Secretary of State is satisfied that
29 neither the owner nor the operator caused the accident;

30 C. The owner or operator of a vehicle involved in an
31 accident caused by an act of a 3rd party that was a motor
32 vehicle violation of which that 3rd party has been convicted
33 or adjudicated;

34 D. The owner or operator of a vehicle involved in an
35 accident in which damage or injury was caused only to the
36 person or property of the owner or operator, unless at the
37 time of the accident that owner or operator was violating
38 provisions of this Title;

39 E. The operator of a motor vehicle licensed by the Public
40 Utilities Commission;

41 F. An owner or operator of a vehicle covered by a policy,
42 in effect at the time of the accident;

2 G. An operator who is not the owner of a vehicle and who is
4 covered by a policy, in effect at the time of the accident,
6 for the operation of vehicles not owned by the operator;

8 H. The operator or owner of a vehicle if the liability of
10 the operator or owner for damages resulting from the
12 accident is, in the judgment of the Secretary of State,
14 covered by any other form of policy. A policy is effective
16 under this paragraph:

18 (1) If it is issued by an insurer, insurance company
20 or surety company authorized to do business in this
22 State; or

24 (2) If the vehicle is not registered in this State, or
26 was registered outside the State at the effective date
28 of the policy, if the policy meets the amounts of
30 financial responsibility required by section 1605;

32 I. The operator of a vehicle owned by the State or a
34 political subdivision, or by a corporation that has complied
36 with section 1605, subsection 3, paragraph C; or

38 J. The owner of a vehicle operated by another individual 18
40 years of age or older when the owner was not negligent in
42 giving consent to that individual to use the vehicle.

44 2. Suspension. If within 30 days of the date of demand the
46 required proof has not been given, the Secretary of State shall:

48 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.

2 5. Waiver. The Secretary of State may waive the
4 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 6. Insurance report. Within 15 days of receipt of notice
8 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
10 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.

12 7. Erroneous information. If erroneous information of
14 financial responsibility is furnished, the Secretary of State
16 shall take appropriate action after the receipt of correct
 information.

18 §1603. Suspension

20 1. Suspension of license or registration following
22 conviction. On receipt of an abstract of conviction of a person
 for a violation of a motor vehicle law other than OUI, the
24 Secretary of State may suspend the license of that person and the
 registration of a vehicle registered in the name of that person
26 until that person gives proof of financial responsibility under
 section 1605.

28 2. Suspension of license or registration following OUI
30 convictions. On receipt of an attested copy of the court record
 of an OUI conviction when the person has been previously
32 convicted within a 6-year period of OUI, the Secretary of State
 may not reinstate the person's license until the person gives
34 proof of financial responsibility. The period of suspension
 under this subsection may not be less than the original period of
36 suspension imposed for the conviction.

38 3. Minimum. After a conviction of a person for a violation
 of a motor vehicle law and reinstatement of that person's license
40 and registration, the person shall maintain proof of financial
 responsibility for at least 3 years.

42 4. Conviction in another state. The Secretary of State
 shall take action as required in this section upon receiving
44 proper evidence of a conviction in another state.

46 5. Waiver. The Secretary of State may waive the demand for
48 proof of financial responsibility after 3 years from the date of
 demand for proof.

2 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
4 registration until that person gives proof of financial
responsibility for a period as the Secretary of State may require.

6
7. Unsatisfied judgment. Upon receipt of a judgment
8 against the owner or operator of a vehicle involved in an
accident that resulted from a cause of action that arose from
10 that accident, the Secretary of State shall immediately suspend
the license and registration of the judgment debtor.

12
13 A. A suspension remains in effect until the owner or
14 operator has obtained a written release, a discharge in
bankruptcy or a judgment of no liability, has filed an
16 installment payment of judgment agreement pursuant to
section 1604 or has fully satisfied the judgment.

18
19 B. Prior to restoration, the owner or operator must provide
20 proof of financial responsibility.

22 8. Penalty. A person commits a Class E crime if that
person gives information required in a report of traffic accident
24 or otherwise as provided in this section, knowing or having
reason to believe that information is false.

26
27 9. Return license, certificates and plates. A person whose
28 license or registration has been suspended shall immediately
return every license, registration certificate and registration
30 plate issued to that person to the Secretary of State. A person
commits a Class E crime if that person, after notice of
32 suspension, fails or refuses to return every license,
registration certificate and registration plate.

34 §1604. Installment payment of judgment; default

36
37 1. Installment payment agreement. The Secretary of State
38 may restore any license and registration certificates and plates
suspended pursuant to section 1603, subsection 7, paragraph A
40 upon receipt of a court order permitting the judgment debtor to
make installment payments on the judgment if any installment is
42 not in default and the person files and maintains proof of
financial responsibility with the Secretary of State.

44
45 2. Default. Following notice that the judgment debtor has
46 failed to make any installment payment as specified by the order,
the Secretary of State shall suspend the license and registration
48 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;

2 B. By the deposit of money or securities; or

4 C. For a corporation, by satisfying the Secretary of State
6 that the corporation has financial ability to comply with
 the requirements of this subchapter.

8 4. Money or securities deposited as proof. A person may
 give proof of financial responsibility by delivering to the
10 Secretary of State a receipt of the Treasurer of State showing a
 deposit of money or securities approved by the Treasurer of State
12 with a value or amount equal to that required in a policy.

14 Securities must be of a type that may legally be purchased by
 savings banks or for trust funds.

16 Money or securities deposited are subject to execution to satisfy
18 a judgment, but are not otherwise subject to attachment or
 execution.

20 The depositor shall also provide evidence that there are no
22 unsatisfied judgments against the depositor registered in the
 office of the clerk of any Superior Court in this State.

24 5. May substitute other proof. The Secretary of State shall
26 return or cancel proof on acceptance of other adequate proof of
 financial responsibility.

28 6. Operating without giving proof. A person commits a
30 Class E crime if that person is required to maintain proof of
 financial responsibility and, without authorization from the
32 Secretary of State and without that proof, operates a vehicle or
 knowingly permits a vehicle owned by that person to be operated
34 by another on a public way.

36 7. Restricted license. When a person is required to
 maintain proof of financial responsibility, the Secretary of
38 State may issue a restricted license to that person authorizing
 the operation of a vehicle as long as the owner maintains proof
40 of financial responsibility.

42 **§1606. Filing**

44 A policy may not be certified as proof of financial
 responsibility until a copy of the form of the policy has been on
46 file with the Superintendent of Insurance for at least 30 days or
 the Superintendent of Insurance has approved in writing the form
48 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 condition 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

1 court, until expiration of 30 days after the plaintiff gives
2 notice of default to the company that issued the policy.

4 Notice may be given by mail, postage prepaid, to the company that
5 issued the policy or to its agent.

6 If satisfied that the insured has failed to comply with the terms
7 of the policy by failing to notify the company that issued the
8 policy of an accident, the Secretary of State may revoke the
9 insured's license and registration for an appropriate period.

12 **4. Recovery may not be barred.** A statement of the insured
13 or principal or a violation of the policy may not operate to
14 defeat or avoid the policy so as to bar recovery within the limit
15 provided in the policy.

16 **5. Cancellation of policy.** A policy certified as proof of
17 financial responsibility may not be canceled until at least 10
18 days after notice of cancellation has been filed in the office of
19 the Secretary of State.

22 A policy subsequently certified terminates on the effective date
23 of certification the insurance previously certified with respect
24 to a motor vehicle designated in both certificates.

26 The company may specify on a certificate the expiration date of
27 the policy. When an expiration date is provided, the policy is
28 deemed terminated for purposes of this chapter on and after that
29 date, unless that policy has been previously canceled or
30 superseded.

32 When an expiration date is not specified on the certificate, the
33 policy continues until canceled or superseded in accordance with
34 section 1605, subsection 5.

36 **6. Company doing business in another state.** A policy is
37 not effective unless issued by a company authorized to do
38 business in this State.

40 If a vehicle is not registered in this State on the effective
41 date of the policy, the policy is not effective unless the
42 company, if not authorized to do business in this State, executes
43 a power of attorney authorizing the Secretary of State to accept
44 service of notice or process on its behalf in any action on the
45 policy arising from an accident.

46 **§1607. Satisfied judgments**

48 **1. Satisfaction.** To meet the obligation of financial
50 responsibility only, a judgment is satisfied:

2 A. When \$20,000 has been credited on a judgment for bodily
4 injury to or death of one person as the result of one
 accident rendered in excess of that amount;

6 B. Subject to paragraph A, when \$40,000 has been credited
8 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

10 C. When \$10,000 has been credited on a judgment for injury
12 to or destruction of property of others as a result of one
 accident rendered in excess of that amount.

14 2. Settlement payments. Payments made in settlement of a
16 claim for bodily injury, death or property damage arising from a
18 motor vehicle accident must be credited against the amounts
 provided for in this section.

20 **\$1608. Hearing**

22 1. Request for hearing. A person aggrieved by a decision
24 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.

26 2. Stay of decision. Pending a hearing, the decision may
28 be stayed.

30 3. Determination of issuance. If the Secretary of State
32 holds a hearing to determine whether or not a license or
34 registration should be issued to a person against whom the
36 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.

38 **\$1609. Nonresidents; accidents in other states**

40 1. Nonresidents. The following provisions apply to
42 nonresidents.

44 A. This chapter applies to a person who is not a resident
 of this State.

46 B. If a nonresident has failed to give proof of financial
48 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.

2 C. The Secretary of State may not issue to a nonresident a
4 license or register a vehicle owned by a nonresident in the
 same manner as required with respect to a resident of this
 State.

6 D. The operation by a nonresident, or with a nonresident
8 owner's express or implied consent, of a vehicle on a public
10 way acts as an appointment of the Secretary of State to be
12 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.

14 E. When a nonresident's operating privilege is suspended,
16 the Secretary of State shall transmit a certified copy of
 the record of that action to the appropriate official in the
 nonresident's state.

18 2. Accidents in other states. On receipt of certification
20 that the operating privilege of a resident of this State has been
22 suspended or revoked by another state for failure to provide
24 proof of financial responsibility under circumstances that
26 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.

28 The suspension may continue until the resident furnishes proof of
30 compliance with the law of the other state.

32 **§1610. Savings clause**

34 This chapter does not limit a plaintiff in a civil action
36 from relying on other processes provided by law.

38 **§1611. Insurance, bond or self-insurance required**

40 1. Insurance, bond or self-insurance required. The
42 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 highway 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:

44 A. Presenting a valid and sufficient insurance policy from:

46 (1) An insurance company authorized by the
48 Superintendent of Insurance to transact business in
 this State; or

2 (2) With the approval of the Secretary of State, an
4 insurance company authorized to transact business in
6 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;

8
10 B. Presenting a good and sufficient indemnity bond,
12 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

14
16 C. Presenting a declaratory judgment issued by the
 Interstate Commerce Commission authorizing the owner to
 self-insure.

18
20 2. Minimum insurance requirements. The minimum insurance
 requirements are as follows.

22 A. There is a \$350,000 combined single limit for rental
24 vehicles, emergency vehicles and for-hire transportation
 vehicles for transporting freight or merchandise but not
 passengers.

26
28 B. For vehicles used exclusively to transport passengers
30 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
 4, there is a combined single limit of:

34 (1) For vehicles with 7 or fewer passengers, \$300,000;

36 (2) For vehicles with 8 to 15 passengers, \$750,000;

38 (3) For vehicles with 16 to 30 passengers, \$1,500,000;
40 and

42 (4) For vehicles with 31 or more passengers,
 \$2,000,000.

44 C. For vehicles used to transport passengers for hire
46 between points within the State and points outside the
 State, but not vehicles defined as school buses in section
 2301, subsection 4, or vehicles under contract with the
 State, municipality or school district for the
 transportation of students, there is a combined single limit
 of:

2 (1) For vehicles with 15 or fewer passengers,
3 \$1,500,000; and

4 (2) For vehicles with 16 or more passengers,
5 \$5,000,000.

6
7 The Secretary of State shall mark or stamp for-hire vehicle
8 registrations not in compliance with this paragraph as
9 "intrastate only." Car pools or van pools as defined in
10 section 556, subsection 6 and taxicabs are exempt from the
11 provisions of this paragraph but are subject to the
12 provisions of paragraph B.

13 D. For school buses as defined in section 2301, subsection
14 4 there is a combined single limit of:

15 (1) For school buses with up to 30 passengers,
16 \$500,000; and

17 (2) For school buses with 31 or more passengers,
18 \$1,000,000.

19
20 3. Maintenance of insurance. The owner or owners of any
21 vehicle subject to this section shall maintain at all times the
22 required amount of insurance or bond during the term of the
23 vehicle's registration. For vehicles registered in this State,
24 the Secretary of State shall immediately suspend or revoke,
25 pursuant to chapter 23, the registration certificate and
26 registration plates of any vehicle for which the insurance or
27 bond in the amounts required is not maintained. Any person whose
28 registration certificate, registration plates and operating
29 authority license have been suspended or revoked pursuant to this
30 section shall immediately return the registration certificate,
31 registration plates and the operating authority license to the
32 Secretary of State. For vehicles not required to be registered
33 in this State, the Secretary of State shall suspend the person's
34 operating authority license or right to operate in this State.

35 4. Additional requirements. In addition to this section,
36 those for-hire carriers not exempted under section 556 must
37 comply as required pursuant to sections 552 and 553.

38 5. Coverage of insurance or bond. The required insurance
39 policy or bond must adequately provide liability insurance for
40 the collection of damages for which the holder of a permit or the
41 owner of a motor vehicle or vehicles may be liable by reason of
42 the operation of a motor vehicle or vehicles subject to this
43 chapter.

44
45
46
47
48
49
50

2 6. Exemption. All vehicles owned by a municipality or
3 school district are exempt from the insurance requirements
4 established in this section.

6 §1612. Insurance before registration for dealers and transporters

8 The Secretary of State may not issue a dealer, transporter,
9 loaner, motorcycle dealer or trailer dealer license or
10 registration plates under chapter 9, subchapter I, except to any
11 equipment dealers or dealers who are only licensed to sell
12 trailers with a gross vehicle weight rating of 3,000 pounds or
13 less, and which do not request dealer registration plates in
14 conjunction with the license, until the applicant has procured
15 and filed with the Secretary of State a certificate showing that
16 the applicant is covered by an automobile bodily injury and
17 property damage liability insurance policy providing coverage as
18 set forth in this Title with respect to the plates issued,
19 approved by the Superintendent of Insurance, insuring against any
20 legal liability in accordance with the terms of that policy for
21 personal injury or death of any one person in the sum of \$20,000
22 and for any number of persons in the sum of \$40,000 and against
23 property damage in the sum of \$10,000 which injury, death or
24 damage may result from or have been caused by the operation of
25 any vehicle bearing such registration plates. In lieu of such
26 insurance, the applicant may file with the Secretary of State a
27 bond or bonds issued by a surety company authorized to do
28 business in the State in the amount of at least \$20,000 on
29 account of injury to or death of any one person and subject to
30 such limits as respects injury to or death of one person; of at
31 least \$40,000 on account of any one accident resulting in injury
32 to or death of more than one person; and of at least \$10,000 for
33 damage to property of others.

34 Notwithstanding Title 4, section 1151, subsection 2 and
35 Title 5, sections 10003 and 10051, the Secretary of State has the
36 authority to suspend a motor vehicle dealer license upon the
37 dealer's failure to maintain insurance as required by this
38 section.

40 The operation, or the release for operation, of any vehicle
41 registered under chapter 9, subchapter I that is not in
42 compliance with this section is a Class E crime.

44 SUBCHAPTER III

46 VICARIOUS LIABILITY

48 §1651. Liability for minor

2 An owner who knowingly permits a minor to operate that
3 owner's vehicle on a public way is jointly and severally liable
4 with that minor for damages caused by the negligence of the minor
5 in operating that vehicle.

6 **§1652. Owner and renter jointly and severally liable**

8 1. Liability. An owner engaged in the business of renting
9 motor vehicles, with or without drivers, who rents a vehicle to
10 another for use on a public way, is jointly and severally liable
11 with the renter for damage caused by the negligence of the renter
12 in operating the vehicle and for any damages caused by the
13 negligence of a person operating the vehicle by or with the
14 permission of the renter.

16 2. Applicability. This section does not apply to a rental
17 as part of a bona fide transaction involving the sale of a motor
18 vehicle.

20 3. Limitation. This section does not give to a passenger
21 in a rented vehicle a right of action against the owner.

22 4. Contributory negligence. This section does not affect
23 contributory negligence as a defense.

26 **§1653. Allowing impaired operator**

28 1. Liability. An owner or person having control of a motor
29 vehicle who, having knowledge or reason to know that a person is
30 under the influence of intoxicating liquor or drugs or has a
31 blood-alcohol level of .08% or more by weight of alcohol in the
32 blood, permits that person to operate that motor vehicle is
33 jointly and severally liable with that person for damages caused
34 by the negligence of the person.

36 2. Not exclusive. This section does not limit and does not
37 diminish any cause of action or right of recovery that is or may
38 become available under the common law.

40 **CHAPTER 15**

42 **INSPECTION AND REPAIR**

44 **SUBCHAPTER I**

46 **INSPECTION**

48 **§1751. Motor vehicle inspection**

2 1. Inspection required. Except as provided in this chapter
or section 2307, subsection 1, a motor vehicle required to be
4 registered in this State must have an annual inspection. A
person may have a motor vehicle inspected more frequently.

6 2. Equipment subject to inspection. The following equipment
is subject to inspection:

8 A. Body components;

10 B. Brakes;

12 C. Exhaust system;

14 D. Glazing;

16 E. Horn;

18 F. Lights and directional signals;

20 G. Rearview mirrors;

22 H. Reflectors;

24 I. Running gear;

26 J. Safety seat belts on 1966 and subsequent models;

28 K. Steering mechanism;

30 L. Tires;

32 M. Windshield wipers;

34 N. Catalytic converter on 1983 and subsequent models; and

36 O. Filler neck restriction on 1983 and subsequent models.

38 3. Inspection fee. The inspection fee is \$6 for each
40 inspection and is payable whether the vehicle passes inspection
or not.

42 4. Emission inspection. After July 1, 1994, a motor
44 vehicle required to be inspected pursuant to Title 38, chapter 28
and rules adopted pursuant to that chapter must have a valid
46 certificate of inspection or waiver before a motor vehicle safety
inspection may be conducted.

48 §1752. Motor vehicles exempt from inspection
50

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 455;

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, lights and equipment 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 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;

2 8. Woods tractor. A converted motor vehicle used as a
woods tractor that:

4 A. Is operated within a 10-mile radius of the farm where
the vehicle is customarily kept or in the immediate vicinity
6 of the work site where wood is being harvested;

8 B. Is operated only in daylight hours; and

10 C. Has a partial annual inspection of running gear,
steering mechanism, brakes, exhaust system and equipment
12 under section 1917, subsection 3; and

14 9. Registered in this State. A motor vehicle registered in
this State displaying a valid certificate of inspection from
16 another state or a federally approved commercial vehicle
inspection program until its normal expiration.

18 §1753. Inspection of commercial vehicles, trailers and
20 semitrailers

22 1. Inspection required. Except as provided in subsection
4, a commercial motor vehicle that is required to be registered
24 in this State, is used in intrastate or interstate commerce and
that has a gross vehicle weight or gross vehicle weight rating
26 greater than 10,000 pounds, including the gross vehicle weight
rating or gross weight of any trailer or semitrailer, must be
28 inspected annually. A trailer or semitrailer used with a
commercial vehicle required to be inspected must also be
30 inspected.

32 2. Scope of inspection. The Chief of the State Police
shall adopt rules for the inspection required by subsection 1
34 that meet the requirements of 49 Code of Federal Regulations,
Section 396.17.

36 3. Fee. The fee for an inspection under this section is
based on the inspector's normal hourly labor charge and is due
38 whether or not the vehicle passes inspection. A licensed
inspection station must post the hourly labor charge in a
40 conspicuous place.

42 4. Vehicles exempt from annual inspection. The following
44 vehicles are exempt from the requirements of this section:

46 A. When used exclusively in intrastate commerce, a trailer
or semitrailer with a gross vehicle weight, including any
48 load, that does not exceed 3,000 pounds;

2 B. When used exclusively in intrastate commerce, a
4 semitrailer designed and used exclusively for dispensing
6 cable from reels attached to the semitrailer, commonly
8 called a reel trailer, and any semitrailer designed and used
10 exclusively to support the ends of poles being transported,
12 commonly called a pole dolly, when the gross weight of the
14 semitrailer and load does not exceed 12,000 pounds;

16 C. Any mobile home or empty storage trailer displaying a
18 trailer transit plate in accordance with section 954,
20 subsections 4 and 5;

22 D. A farm truck or a fish truck exempted under section
24 1752; and

26 E. A trailer or semitrailer displaying a valid certificate
28 of inspection from another state or a federally approved
30 commercial vehicle inspection program until the normal
32 expiration of its certificate of inspection.

34 5. Proof of inspection. Proof of inspection must be shown
36 either by a report that certifies that the inspection satisfies
38 the requirements of this section or by an inspection sticker
40 placed on the vehicle. If proof is shown by a report, the report
42 must be produced on the demand of a law enforcement officer.

44 **§1754. Inspection by dealers and transporters**

46 1. Inspection standards. A holder of a dealer license or a
48 transporter registration certificate may permit a vehicle to be
50 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.

2 This subsection does not allow the operation of an unsafe motor
3 vehicle on a public way.

4
5 2. Remove prior certificate. If the vehicle bears a prior
6 inspection certificate, that certificate must be removed.

7
8 3. Violations. The provisions of this subsection apply to
9 violations of this section:

10
11 A. A violation of this section is a traffic infraction for
12 which a penalty of not more than \$1,000 for each violation
13 may be assessed.

14
15 B. A violation of this section is also a violation of the
16 provisions governing unfair trade practice under Title 5,
17 chapter 10.

18
19 C. It is not a defense to this section that the dealer or
20 holder did not know that the vehicle did not meet inspection
21 standards or required a certificate.

22
23 **§1755. Inspection of fire trucks**

24
25 A fire chief, or a municipal official of a municipality
26 without a fire chief, may contract with a licensed inspection
27 station for a licensed inspection mechanic to perform an
28 inspection at the location where fire trucks are customarily kept.

29
30 **§1756. Inspection standards**

31
32 1. Inspection standards. Equipment subject to inspection
33 must:

34
35 A. Be in good working order;

36
37 B. Be safely attached or secured to the chassis or body of
38 the vehicle;

39
40 C. Be mechanically safe;

41
42 D. Not pose a hazard to the occupant of the vehicle or to
43 the general public; and

44
45 E. Meet the standards set forth in rules adopted by the
46 Chief of the State Police;

47
48 2. Inspection standard for catalytic converter.
49 Notwithstanding the inspection standards of subsection 1, a
50 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 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 2. Reconstructable vehicle. This section does not apply to
3 reconstructable motor vehicles as defined in Title 10, section
4 1471.

5 3. Warning. The owner or operator of a vehicle operated
6 with an expired inspection sticker during the first month
7 immediately after expiration may not be issued a summons to court
8 by may only be issued a warning. This warning must state that
9 the vehicle must be inspected within 2 business days. Failure to
10 comply with a warning is a violation punishable in accordance
11 with section 1768.

12 **§1760. Examination and impoundment of vehicles**

13 1. Examination for compliance. A law enforcement officer
14 in uniform may stop and examine a motor vehicle to determine if
15 the vehicle's equipment complies with the requirements of section
16 1756.

17 2. Scope of inspection. The officer may demand and inspect
18 the driver's license, certificate of registration, permits and
19 the identification numbers of the motor vehicle.

20 3. Violation of law. If an officer has probable cause to
21 believe that a violation of law has taken or is taking place,
22 that officer, if the officer provides some form of identification
23 to the operator, may stop a motor vehicle for the purpose of:

24 A. Arresting the operator for a criminal violation;

25 B. Issuing the appropriate written process for a criminal
26 or civil violation; or

27 C. Questioning the operator or occupants.

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

37 5. Probable cause for inspection. A law enforcement
38 officer may require the operator to proceed to an official
39 inspection station and submit the vehicle to an inspection and
40 tests as may be appropriate, on reasonable grounds to believe
41 that:

2 A. A vehicle is unsafe or not equipped as required by law;
3 or

4 B. The vehicle's equipment does not conform to the
5 inspection standard.

6
7 6. Violation. A person is guilty of a Class E crime if
8 that person, while operating a vehicle in violation of this
9 Title, fails or refuses to give that person's correct name,
10 address and date of birth to a law enforcement officer.

11
12 **§1761. Certified inspection mechanics**

13
14 1. Performance of inspection. No person other than a
15 holder of an inspection mechanic's certificate may perform an
16 inspection, or issue or sign a certificate of inspection.

17
18 2. Requirements for inspection mechanics certification. To
19 receive an inspection mechanic's certificate, an applicant must:

20
21 A. Pass a written or oral examination that is designed to
22 test knowledge of motor vehicle inspection and the method of
23 inspecting and testing motor vehicle equipment; and

24
25 B. Be a person of honesty, integrity and reliability.

26
27 3. Examination fee. Applicants for inspection mechanic's
28 certification must pay to the Chief of the State Police a fee of
29 \$1 for an application for examination or for renewal of a
30 certificate.

31
32 4. Term of certification. An inspection mechanic's
33 certificate is valid for a period of 5 years from the date of
34 issue.

35
36 5. Renewal. An examination is not required if application
37 for a renewal is made within one year of expiration.

38
39 6. Remission of certificate. If the holder of an
40 inspection mechanic's certificate no longer performs inspections,
41 the certificate must be remitted immediately to the Chief of the
42 State Police.

43
44 7. Notification of change in place of employment. Prior to
45 inspecting vehicles for a new employer, the holder of an
46 inspection mechanic's certificate shall notify the Chief of the
47 State Police of a change of place of employment .

48
49 **§1762. Official inspection stations**

2 1. Licensing of official inspection stations. The Chief of
4 the State Police may license garages as official inspection
 stations.

6 2. Requirements. To qualify as an official inspection
8 station, a garage must meet the following requirements and the
 rules adopted by the Chief of the State Police.

10 A. The buildings must be structurally sound with a level
12 floor and sufficient width and length for inspections.

14 B. Doors must be of sufficient size to accommodate the
 class of vehicle indicated in the station license.

16 C. The station must be equipped with a screen or chart and
18 other equipment approved by the Chief of the State Police to
 test lights and other motor vehicle equipment subject to
20 inspection.

22 D. The station must employ a certified inspection mechanic.

24 E. The station must perform vehicle inspections while it is
 open to the general public.

26 3. Examination of premises and operator of garage. Before
28 a license is granted, the premises must be examined and the
 operator of the garage investigated as to reliability and fitness.

30 4. Term of license. The license is valid for 2 years from
32 January 1st of the year of issue.

34 5. Licenses not transferable. A license may not be
 assigned or transferred or used at other than a designated
36 location.

38 6. Posting of license on premises. A license must be
 posted in a conspicuous place at the designated location.

40 §1763. Suspension or revocation of license or inspection
42 mechanic's certificate

44 Notwithstanding Title 5, section 10003, a State Police
46 officer may immediately suspend or revoke the license issued to
 any official inspection station or the inspection mechanic's
 certificate issued to any inspecting mechanic for a violation of
48 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.

§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 motor 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 such material and quality of adhesive as 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.

2 **§1767. Disposition of fees**

4 The revenues generated by this chapter must be credited to
the General Highway Fund.

6 **§1768. Unlawful acts**

8 **1. Display of fictitious certificate.** A person commits a
Class E crime if that person displays or permits to be displayed
10 on a vehicle a certificate of inspection knowing the certificate
to be fictitious or issued to another vehicle or issued without
12 an inspection having been made.

14 **2. Use of counterfeit certificate of inspection.** A person
commits a Class E crime if the person makes, possesses, issues or
16 knowingly uses an imitation or counterfeit of an official
certificate of inspection or a certificate of inspection that was
18 not issued by an official inspection station in accordance with
law.

20 **3. Misrepresentation of vehicle inspection station.** A
22 person commits a Class E crime if that person represents a place
as an official inspection station and the station is not
24 operating under a valid license.

26 **4. Issuance of certificate for substandard vehicle.** A
person commits a Class E crime if that person knowingly causes an
28 official inspection sticker to be attached to a vehicle that does
not conform to the inspection standard.

30 **5. Operation of defective vehicle.** A person commits a
32 Class E crime if that person operates a vehicle on a public way
with equipment on the vehicle that does not conform to the
34 standards of this subchapter.

36 **6. Alteration after inspection.** A person commits a Class E
crime if that person alters equipment after inspection so that
38 the equipment does not conform to the standards of this
subchapter.

40 **7. Operation of vehicle without certificate of inspection.**
42 An owner or operator of a vehicle required to be inspected
commits a traffic infraction if that person operates that vehicle
44 or permits that vehicle to be operated without displaying a
current and valid certificate of inspection or producing the
46 certificate on demand of a police officer.

48 **8. General penalty.** Notwithstanding Title 17-A, and unless
otherwise specified, a violation of this chapter is a Class E

2 crime, punishable by a fine of not less than \$25 nor more than
3 \$500 or by imprisonment for not more than 30 days, or by both.

4 9. Traffic infraction. A violation of the rules adopted by
5 the Chief of the State Police pertaining to this subchapter is a
6 traffic infraction subject to a forfeiture of not less than \$25
7 nor more than \$250.

8 **§1769. Rules**

10 1. Scope. The Chief of the State Police may adopt rules:

12 A. For the administration and enforcement of this chapter;

14 B. To designate periods of time during which owners of
15 vehicles must display or produce a certificate of
16 inspection; and

18 C. Concerning the inspection of registered special mobile
19 equipment not ordinarily operated over the highway.

22 2. Review of rules by Legislature. The joint standing
23 committee of the Legislature having jurisdiction over
24 transportation matters must review the rules prior to adoption.

26 **SUBCHAPTER II**

28 **REPAIR**

30 **§1801. Definitions**

32 As used in this subchapter, unless the context otherwise
33 indicates, the following terms have the following meanings.

34 1. Customer. "Customer" means a person, including, but not
35 limited to, an agent, who contracts with a repair facility for
36 repair of a motor vehicle.

38 2. Flat rate. "Flat rate" means a method of calculating
39 charges for labor that is based on the specific repair done and
40 not on the amount of time actually spent on that repair.

42 3. Repair. "Repair" means the examination, maintenance,
43 servicing, adjustment, improvement, replacement, removal or
44 installation of a part of a motor vehicle, including, but not
45 limited to, body work, painting and incidental services such as
46 storage and towing, and excluding the sale of motor fuel.
47

2 4. Repair facility. "Repair facility" means a motor vehicle
3 repair facility offering services to the general public for
4 compensation.

6 **§1802. Maximum charge for repair**

8 1. Written designation by customer. Before a repair
9 facility begins repairing a customer's motor vehicle, the
10 customer may designate in writing a specific amount of charges
11 for repair in excess of which the customer does not agree to be
12 liable without further specific agreement, either oral or written.

14 2. No liability without agreement. A customer is not
15 liable for a charge in excess of the specific amount designated
16 in accordance with subsection 1 without further specific oral or
17 written agreement.

18 **§1803. Inspection of parts**

20 Before demanding payment of any charge, a repair facility
21 must allow a customer to inspect replaced parts and must return
22 replaced parts to the customer on request unless the facility is
23 required to return the parts to the manufacturer or distributor
24 under a bona fide warranty or exchange arrangement.

26 **§1804. Used parts**

28 Unless the customer specifically agrees before installation
29 of the part, a repair facility may not install a used,
30 reconditioned or rebuilt part.

32 **§1805. Notices**

34 1. Form of notice. A repair facility must post the
35 following notice in a place where it is reasonably likely to be
36 seen by customers. The notice must be completed with information
37 on charges and printed so that it is conspicuous and can be read
38 by the average person.

40 The following form must be used:

42 "NOTICE TO OUR CUSTOMERS

44 REQUIRED UNDER STATE LAW

46 Before we begin making repairs, you have a right to put in
47 writing the total amount you agree to pay for repairs. You will
48 not have to pay anything over that amount unless you agree to it
49 when we contact you later.

2 Before you pay your bill, you have a right to inspect any
3 replaced parts. You have a right to take with you any replaced
4 parts, unless we are required to return the parts to our
5 distributor or manufacturer.

6 We can not install any used or rebuilt parts unless you
7 specifically agree in advance.

8
9 You can not be charged any fee for exercising these rights.
10 WE CHARGE \$ _____ PER HOUR FOR LABOR.
11 (We round off the time to the nearest _____.)"

12
13 2. Flat rate. The notice must also contain the following
14 if it applies:

15 "We also charge a flat rate for some repairs. Our service
16 manager will explain what a flat rate is and show you how much it
17 may cost you."

18
19 3. Availability of guide. The notice must also contain the
20 following:

21
22 "The current edition of the National Automobile Dealer's
23 Association Official Used Car Guide New England Edition is
24 available for your review upon request."

25 **§1806. Fee prohibited**

26
27 A repair facility may not, directly or indirectly, charge a
28 fee for performing an obligation or for exercising a right under
29 this subchapter.

30 **§1807. Unfair trade practice**

31
32 A repair facility's failure to comply with this subchapter
33 constitutes an unfair trade practice under Title 5, chapter 10.

34 **§1808. Waiver prohibited**

35
36 The duties imposed by and rights created under this
37 subchapter may not be waived or otherwise modified. Any waiver
38 or modification is contrary to public policy and is void and
39 unenforceable.

40 **§1809. Savings clause**

41
42 This subchapter is in addition to and does not limit or
43 replace other rights or procedures provided by statute or common
44 law.

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48
50

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;

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; or

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.

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 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.

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

2 1. Evidence of compliance. A person who has complied with
4 section 1854 or 1855 shall present evidence of compliance to the
6 Secretary of State immediately after the 14-day notice period.
8 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.

10 2. Issuance of certificate; letter of ownership. The
12 Secretary of State, upon being satisfied that the person has
14 notified or has attempted to notify all parties with an interest
 to the vehicle, may issue certificates of title or letters of
 ownership as follows.

16 A. For a vehicle not required to be titled, on presentation
18 of sufficient evidence and payment of a \$5 fee, the
20 Secretary of State may issue a letter of ownership to the
 owner of the premises on which the vehicle is located.

22 B. For vehicles subject to chapter 7, on presentation of
24 sufficient evidence and application for certificate of title
26 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.

28 If the owner or lienholder of the vehicle retrieves it and
30 pays the towing, storage and repair charges before the Secretary
32 of State issues a letter of ownership or certificate of title,
34 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.

36 §1857. Limits

38 If the inquiry to the Secretary of State required by section
40 1854 or the notice required by section 1855 is made more than 30
42 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.

44 §1858. Abandonment of vehicle on public way

46 Abandonment of a vehicle on a public way is a civil
48 violation for which a forfeiture not to exceed \$250 may be
50 adjudged. 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.

2 §1859. Removal of vehicle

4 Removal of a vehicle described in section 1851 or of any
6 part or accessory from the vehicle without the written consent of
8 the person in charge or the owner of the premises or property
10 where the vehicle is located is a Class E crime. This subsection
12 applies to all persons, including the owner of the vehicle.

14 CHAPTER 17

16 EQUIPMENT

18 SUBCHAPTER I

20 GENERAL PROVISIONS

22 §1901. General restriction

24 A person may not use, sell or equip a vehicle with a lens,
26 muffler, reflector or lighting device contrary to this Title or
28 contrary to the rules of the Commissioner of Public Safety.

30 §1902. Brakes

32 1. General rule. A motor vehicle must have adequate brakes
34 in good working order that are sufficient to control the vehicle.

36 2. Specific standards. Brakes must be adjusted so as to
38 stop:

40 A. A 2-wheel brake vehicle, within a distance of 45 feet,
42 from a speed of 20 miles per hour;

44 B. A 4-wheel brake vehicle, within 30 feet, from a speed of
46 20 miles per hour; or

48 C. A motorcycle or motor-driven cycle, within 30 feet, from
50 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

2 brake actuation system or other power assisting mechanism
3 does not prevent the parking brakes from being applied;

4 C. Must be designed so that, once applied, they remain
5 applied with the required effectiveness despite leakage or
6 exhaustion of any source of energy;

8 D. May share the same brake drums, brake shoes and lining
9 assemblies, brake shoe anchors and mechanical brake shoe
10 actuation mechanisms associated with the wheel brake
11 assemblies used for service brakes; and

12 E. If the means of applying the parking and service brakes
13 are connected, must be constructed so that failure of one
14 part does not leave the vehicle without operative brakes.

16 4. Trucks; specific requirements. A truck, tractor, truck
17 tractor, trailer or semitrailer must be equipped with adequate
18 brakes acting on all wheels of all axles, except that the
19 following need not meet this requirement:

22 A. A trailer or semitrailer not exceeding a gross weight of
23 3,000 pounds;

24 B. A vehicle towed by use of a wrecker;

26 C. A vehicle meeting braking requirements of the motor
27 carrier safety regulations of the United States Department
28 of Transportation;

30 D. A semitrailer with a gross weight of semitrailer and
31 load not to exceed 12,000 pounds, designed and used
32 exclusively:

34 (1) For the dispensing of cable from attached reels,
35 commonly called reel trailers; or

38 (2) To support the end of poles while being
39 transported, commonly called pole dollies; and

40 F. A dolly axle, so-called, on a farm truck transporting
41 agricultural products and supplies.

44 A dolly axle may not be considered in determining the gross
45 weight or axle limits permitted on the vehicle.

46 A 2-axle or 3-axle farm truck equipped with a dolly axle is
47 considered a 2-axle or 3-axle vehicle.

2 5. Multiple axles. If equipped with 3 or more axles, a
3 truck, tractor or truck tractor manufactured prior to August 1,
4 1980 need not have brakes on the front wheels; if the vehicle is
5 equipped with 2 or more steerable axles, the wheels of one such
6 axle need not have brakes.

7 6. Rules. The Commissioner of Public Safety may adopt
8 rules governing the sufficiency and adjustment of brakes.

10 §1903. Adequate signaling device

12 A motor vehicle must have a suitable and adequate horn or
13 other device for signaling. A signaling device or horn may not
14 be unnecessarily sounded and braking or acceleration may not
15 unnecessarily be made so as to cause a harsh, objectionable or
16 unreasonable noise.

18 §1904. Headlights

20 1. General rule. A motor vehicle must be equipped with
21 headlights of sufficient power and so adjusted and operated as to
22 enable the operator to proceed with safety under all ordinary
23 conditions of highway and weather.

24 2. Location of headlights. On a motor vehicle, a headlight
25 must be located at a height, measured from the center of the
26 headlight, of not more than 54 inches nor less than 22 inches
27 above the level surface on which the vehicle stands. Headlights
28 on snow plows may be at a height greater than 54 inches.

30 3. White light. Headlights must be equipped with lenses or
31 reflectors that emit only white light.

34 4. Number of headlights. A motor vehicle must have mounted
35 on the front at least 2 headlights, one on each side. A
36 motorcycle or motor-driven cycle must have one mounted headlight.

38 5. Requirements. The following requirements apply to a
39 headlight.

40 A. If the vehicle is mechanically constructed so that it is
41 limited to less than 15 miles per hour, it must have
42 headlights capable of furnishing sufficient candlepower to
43 render any substantial object clearly discernible on a level
44 way at least 50 feet directly ahead and at the same time at
45 least 7 feet to the right of the axis of the vehicle for a
46 distance of at least 25 feet.

48 B. If the vehicle is mechanically constructed so that it
49 can exceed 15 miles per hour, it must have headlights
50 capable of furnishing sufficient candlepower to render any
51 substantial object clearly discernible on a level way at least
52 50 feet directly ahead and at the same time at least 7 feet to
53 the right of the axis of the vehicle for a distance of at least
54 25 feet.

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.

2 4. Exception for farm tractors. This section does not
3 apply to unregistered farm tractors.

4 **§1906. Clearance lights**

6 A vehicle 7 feet or more in width must have a green or amber
7 light attached to the extreme left of the front, adjusted to
8 indicate the extreme left lateral extension of the vehicle or
9 load and at least one red light on the extreme left lateral
10 extension of the vehicle or load on the rear.

12 A vehicle with a closed body 8 feet or more in height must
13 display 2 green or amber lights attached to the extreme left of
14 the front of its body, one at the top and the other at the
15 bottom. The vehicle must also display at least one red light on
16 the extreme upper left lateral extension of its body.

18 Body width lights and height lights must be visible not less
19 than 200 feet in the direction towards which the vehicle is
20 proceeding or facing.

22 In place of body width lights and height lights, a vehicle
23 may be equipped with an adequate reflector conforming as to color
24 and location to the requirements for the light.

26 This section does not apply to unregistered farm tractors.

28 **§1907. Rear reflectors**

30 A vehicle must be equipped with at least one adequate
31 reflector securely attached to the rear. The reflector:

32 1. Part of rear light. May be a part of the rear light;

34 2. Color. Must be red; and

36 3. Reflection. Must be designed, located and maintained to
37 reflect at night on an unlighted highway, from at least 200 feet,
38 the lawful undimmed headlights of a vehicle approaching from the
39 rear.

41 4. Exception for unregistered farm tractors. This section
42 does not apply to unregistered farm tractors.

44 **§1908. Location of rear lights, reflectors and signal lamps**

46 On a vehicle 7 feet wide or wider, all rear lights,
47 reflectors and signal lights must be within 12 inches of the
48 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.

§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 Commissioner of Public Safety 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.

2 4. Exhaust system fastened to engine. The entire exhaust
4 system must be complete, without leakage and securely fastened to
 the engine block and frame.

6 5. Racing meets. Notwithstanding subsection 2, an owner or
 operator of a motor vehicle used occasionally in racing meets may
8 obtain a permit from the Secretary of State for installing a
10 cutout, bypass or similar device on the exhaust system of that
 motor vehicle.

12 The cutout, bypass or similar modification must be kept closed
14 and inoperative while the vehicle is on a public way.

16 The permit must be in the vehicle at all times while on a public
 way.

18 The Secretary of State shall determine the eligibility of all
20 applicants for a permit.

22 The permit fee is \$1 for the registration year.

24 **§1913. Mirrors**

26 1. Mirrors required. A person may not operate on a public
28 way a vehicle so constructed, equipped, loaded or used that the
30 operator is prevented from having a constantly free and
32 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.

34 2. Temporary mirrors. When a vehicle is operated without a
36 trailer or semitrailer, temporary outside rearview mirrors must
 be removed or otherwise adjusted so as not to extend beyond the
 width of the automobile.

38 3. Motorcycles. A motorcycle or motor-driven cycle must be
40 equipped with a rear view mirror mounted and adjusted to afford
42 the operator a clear, reflected view of the highway in the rear
 for a distance of at least 200 feet.

44 **§1914. Safety seat belts**

46 1. Safety seat belts required. A person may not buy, sell,
48 lease, trade or transfer from or to a resident at retail a model
50 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.

2 **§1915. Windows**

4 **1. Safety glass.** A motor vehicle must be equipped with
6 safety glass wherever glass is used in partitions, doors, windows
8 or windshields.

10 "Safety glass" means a product composed of glass or of other
12 materials, manufactured, fabricated or treated to prevent
14 shattering and flying of broken glass.

16 The Commissioner of Public Safety may maintain a list of the
18 approved types of glass.

20 Replacements of glass partitions, doors, windows or windshields
22 must be made with safety glass.

24 **2. Window repairs.** When a window, other than the
26 windshield, is broken, the operator may repair the window by
28 temporarily replacing it with an opaque substance until there is
30 a reasonable opportunity for replacement.

32 **§1916. Reflective and tinted glass**

34 **1. Windows to be unobscured.** A person may not operate a
36 motor vehicle and an inspection mechanic may not issue a
38 certificate of inspection for a motor vehicle, if:

40 A. A window is composed of, covered by or treated with any
42 material that is reflective;

44 B. The front windshield is composed of, covered by or
46 treated with a material that reduces the light transmittance
48 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:

2 (1) A certificate or other paper required or allowed
3 by law to be displayed;

4 (2) The label attached to a window showing the price,
5 estimated mileage and other federally mandated
6 information commonly known as the manufacturer's
7 suggested retail price label;

8 (3) Sun-screening or window tinting material along a
9 4-inch strip at the top of the windshield; or

10 (4) Motor vehicles for which the Chief of the State
11 Police has granted an exception because the health of
12 the owner or a person who usually occupies the vehicle
13 is adversely affected by sunlight. The Chief of the
14 State Police may, upon proper application, provide the
15 owner of a motor vehicle with a certificate of
16 exemption that must be displayed upon the request of a
17 law enforcement officer.

18 B. The provisions of subsection 1, paragraphs C and D do
19 not apply to side windows behind the operator's seat or the
20 rear window of the following motor vehicles, provided that
21 the vehicle is equipped with 2 outside rear view mirrors,
22 one on each side, adjusted so that the operator has a clear
23 view of the highway behind the vehicle:

24 (1) A bus that transports passengers for hire;

25 (2) A motor vehicle used to transport human remains by
26 a funeral establishment, as described in Title 32,
27 section 1501, or by a medical examiner, appointed
28 pursuant to Title 22, section 3022 or 3023; or

29 (3) A limousine that regularly transports passengers
30 for hire, has a carrying capacity of more than 6
31 passengers and whose owner is required to obtain an
32 operating permit pursuant to section 552.

33 C. The provisions of subsection 1, paragraphs C and D, do
34 not apply to side windows behind the operator's seat or the
35 rear window of a motor vehicle that is equipped with
36 original installation windows or original replacement
37 windows, originally installed or replaced in conformance
38 with Federal Motor Vehicle Standard 205, except that any
39 such window with a light transmittance of less than 70% may
40 not be covered by or treated with any material that further
41 reduces the light transmittance.

2 3. Light transmittance certificate. The owner or operator
4 of a motor vehicle with tinted windows that are not replaced in
6 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.

8 The certificate must be on a form approved by the Bureau of State
10 Police.

12 A person who, for compensation, installs tinted replacement
14 windows or window tinting materials may issue a certificate for a
16 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.

18 4. Violations. A person may not:

20 A. Install a replacement window in or window tinting
22 material on a motor vehicle that does not meet the standards
 of subsections 1 and 2;

24 B. Fail to issue a certificate as required by subsection 3,
26 after installing for compensation a tinted replacement
 window or window tinting material;

28 C. Alter the window tinting materials after a certificate
30 has been issued pursuant to subsection 3 and then display
32 the certificate as proof that the windows meet the standards
 of subsection 1 or 2;

34 D. Display or permit to be displayed a light transmittance
36 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;

38 E. Knowingly cause a light transmittance certificate to be
40 issued for a motor vehicle that does not meet the standards
 of subsection 1 or 2; or

42 F. Operate or cause the operation of a motor vehicle that
44 does not meet the requirements of this section.

46 5. Presumption. If the operator of a motor vehicle with a
48 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
50 motor vehicle does not meet the requirements of this section.

2 6. Penalty. A person who is adjudicated of a violation of
3 this section commits a traffic infraction that must be punished
4 by a forfeiture of not less than \$100.

5 7. Rules. The Chief of the State Police may adopt rules to
6 implement and administer this section and to collect reasonable
7 fees for that administration.

8 \$1917. Tires

9 1. Definitions. As used in this section, unless the
10 context otherwise indicates, the following terms have the
11 following meanings.

12 A. "Tread depth" means the amount of tread design on the
13 tire. "Tread depth" includes original, retread and recap
14 tread design and, in respect to a special mileage commercial
15 tire, recut, regrooved and siped tread design.

16 B. "Special mileage commercial tire" means a tire
17 manufactured with an extra layer of rubber between the cord
18 body and original tread design, which extra layer is
19 designed for the purpose of recutting or regrooving, and
20 which tire is specifically labelled as a "special mileage
21 commercial tire."

22 2. Safe tires required. A motor vehicle may not be
23 operated on a public way unless it is equipped with tires in safe
24 operating condition. A tire mounted on a motor vehicle is not
25 considered to be in safe operating condition unless it meets the
26 visual and tread depth requirements set forth in subsections 3
27 and 4.

28 3. Visual requirements. A tire is not in safe operating
29 condition if that tire has:

30 A. A fabric break or a cut in excess of one inch in any
31 direction as measured on the outside of the tire and deep
32 enough to reach the body cords;

33 B. A temporary repair by the use of blowout patches or
34 boots;

35 C. A bump, bulge or knot related to separation or partial
36 failure of the tire structure;

37 D. A portion of the ply or cord structure exposed; or

38 E. Sidewalls damaged to the extent that the body cords are
39 damaged.