

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 4. Tread depth. A tire is not in safe operating condition
4 if it is worn to the point where less than 2/32 inch of tread
6 design remains at all points at which gauge readings are
8 required. Tread depth must be measured as follows.

10 A. Tire tread depth must be measured by a tread depth gauge
12 that is calibrated in 1/32 inch.

14 B. Readings must be taken in 2 adjacent major tread grooves
16 at 2 points in each of the grooves not closer than 15 inches.

18 C. Readings for a tire that has the tread design running
20 across the tire or for a siped tire must be taken at or near
22 the center of the tire at 2 points of the circumference not
24 closer than 15 inches.

26 5. Exemptions. A farm vehicle used exclusively for
28 agricultural purposes, including, but not limited to, a
30 self-propelled combine, self-propelled corn and hay harvesting
32 machine or tractor used exclusively for agricultural purposes, is
34 exempt from this section.

36 §1918. Regrooved tires

38 A person commits a Class E crime if that person distributes,
40 has for sale, offers for sale, sells or uses on a motor vehicle a
42 pneumatic tire that has been regrooved below the original tread
44 depth, unless that tire was originally manufactured with extra
46 undertread material.

48 §1919. Studded tires

50 From the first day of May to the first day of October, a
52 person may not operate a vehicle with tires having metal studs,
54 wires, spikes or other metal protruding from the tire tread.

56 The Commissioner of Transportation may extend the use period or,
58 in a special case, grant a permit covering stated periods of time
60 for the use of studded tires for other periods. The fee for such
62 permits may not be less than \$3 nor more than \$15, as determined
64 by the commissioner. The permit must be carried in some easily
66 accessible place in or about the vehicle.

68 This subsection does not apply to fire department vehicles or
70 school buses during the months school is in regular session.

72 §1920. Vehicle frame height

1. Minimum and maximum frame end heights. A motor vehicle may not be operated on a public way or receive a certificate of inspection with a frame end height of less than 10 inches or a maximum frame end height based on the manufacturer's gross vehicle weight rating that is greater than:

A. For an automobile, 22 inches in the front and rear;

B. For a vehicle of 4,500 pounds and less, 24 inches in the front and 26 inches in the rear;

C. For a vehicle of 4,501 pounds to 7,500 pounds, 27 inches in the front and 29 inches in the rear; and

D. For a vehicle of 7,501 pounds to 10,000 pounds, 28 inches in the front and 30 inches in the rear.

[*2504;2]

Measurements must be taken from a level surface to the lowest point on the frame.

2. Modifications. A vehicle may not be modified to cause, under normal operation, the vehicle body or chassis to come into contact with the ground, expose the fuel tank to damage from collision or cause the wheels to come in contact with the body.

3. Suspension. An original suspension system may not be disconnected. This section does not prohibit the installation of heavy duty equipment, including shock absorbers and overload springs, or prohibit a person from operating on a public way a motor vehicle with normal wear of the suspension system if normal wear does not affect control of the vehicle.

§1921. Television prohibited from vehicles

A person may not operate a motor vehicle equipped with a television viewer, screen or other means of visually receiving a television broadcast that is visible to the operator.

§1922. Advertisements on motor vehicles

1. Prohibition. Except as provided in this section, an owner or operator may not operate on a public way a motor vehicle to which is affixed an illuminated advertisement.

2. Display rules. For purposes of vehicle identification, in addition to the provisions of section 1951, a motor truck, truck tractor or semitrailer may display an illuminated sign in accordance with rules adopted by the Commissioner of Public Safety according to the Maine Administrative Procedure Act.

2 3. Standards. Among other standards determined by the
Commissioner of Public Safety to be necessary to protect the
4 welfare and safety of the general public, an illuminated sign:

6 A. Must bear the name of the owner of the vehicle, the
lessee of the vehicle or the person for which the operator
8 is transporting property or goods; and

10 B. May identify the cargo in transit.

12 4. Location of sign. An illuminated sign may only be
displayed as follows:

14 A. On truck tractors, on the wind deflector on the roof of
the truck tractor;

16 B. On a semitrailer, on the front portion of the
semitrailer; and

18 C. On a truck, on the front portion of the storage
20 compartment above and behind the cab.

22 5. Lights prohibited. An illuminated sign may not be
24 lighted by a flashing, blinking or neon light.

26 6. Form, size and light of sign. An illuminated sign must
28 be in a form, size and light so as not to distract or impair the
vision of the operator of another motor vehicle.

30 7. Exception. This section does not apply to the
32 illuminated name and telephone number identification affixed to
vehicles for the conveyance of passengers.

34 SUBCHAPTER II

36 TRUCKS

38 §1951. Name of owner or lessee displayed

40 A truck tractor owner or operator shall display on both
42 sides of the truck tractor the name of the owner or lessee in
letters not less than 2 1/2 inches in height.

44 §1952. Flares; emergency signals

46 1. Carry flares. A truck or truck tractor with a
48 registration for operation with gross vehicle weight in excess of
15,000 pounds must be equipped with 2 red flags, 3 flares and 3

2 red lanterns or red emergency reflectors. A vehicle transporting
3 inflammable liquids or gas in bulk may not carry flares.

4 2. Disabled vehicle. When a motor truck or truck tractor
5 with a registration for operation with gross vehicle weight in
6 excess of 15,000 pounds is disabled on a public way, the operator
7 shall, during the time that lights are required to be
8 illuminated, place emergency signals as follows:

10 A. One flare or lantern or red emergency reflector in the
11 center of the lane of traffic occupied by the disabled motor
12 vehicle not less than 100 feet from the vehicle in the
13 direction of traffic approaching in that lane;

14 B. One flare or lantern or red emergency reflector not less
15 than 100 feet from the vehicle in the center of the same
16 lane in the opposite direction; and

17 C. One flare or lantern or red emergency reflector at the
18 traffic side of the vehicle not closer than 10 feet from the
19 front or rear.

20 When lights are not required to be illuminated, red flags must be
21 used, except that no flag is required to be placed at the side of
22 the vehicle.

23 **§1953. Splash guards**

24 1. Required. A truck, truck tractor, trailer and
25 semitrailer must be equipped with suitable guards that will
26 effectively reduce the spray or splash of mud, water or slush
27 caused by the rear wheels.

28 2. Exception. Splash guards are not required for:

29 A. A truck with a gross vehicle weight of 6,000 pounds or
30 less;

31 B. A dump truck:

32 (1) While being operated on construction or
33 reconstruction projects in a construction area
34 established by the Department of Transportation; and

35 (2) On a public way between the project and a pit or
36 quarry where materials are being obtained when the pit
37 or quarry is within 7 miles of the construction area;

38 C. A truck tractor when not hauling a trailer or
39 semitrailer;

2 D. A fire department vehicle;

4 E. A motor vehicle equipped with fenders; or

6 F. A truck with a stake body that extends not less than 6
8 feet beyond the rear axle and that is registered under
section 505.

10 CHAPTER 19

12 OPERATION

14 SUBCHAPTER I

16 RULES OF THE ROAD

18 §2051. Traffic lanes

20 When a public way has been divided into 2 or more clearly
22 marked lanes for traffic, the following provisions apply.

24 1. Single lane. A vehicle must be operated as nearly as
26 practical entirely within a single lane. A vehicle may not be
28 moved from a lane until the operator has first ascertained that
the movement can be made with safety.

30 2. Center lane. On a public way that is divided into 3
32 lanes and provides for 2-way movement of traffic, a vehicle may
not be operated in the center lane except:

34 A. When overtaking and passing another vehicle when the way
36 is clearly visible and the center lane is clear of traffic
for a safe distance;

38 B. In preparation for a left turn; or

40 C. Where the center lane is at the time allocated
42 exclusively to traffic moving in the direction the vehicle
is proceeding and is posted to give notice of that
allocation.

44 3. Signs. An operator shall obey an official sign or
46 traffic control device:

48 A. Directing slowly moving traffic to use a designated lane;

2 B. Designating a lane to be used by traffic moving in a
particular direction regardless of the center of the
4 roadway; or

6 C. Prohibiting the changing of lanes on sections of public
way.

8 **§2052. Divided highways**

10 1. Divider defined. For purposes of this section, a
"divider" means an intervening space, a physical barrier or a
12 clearly indicated dividing space dividing 2 ways and constructed
to impede vehicular traffic over it.

14 2. Drive on right-hand way. When a public way has a
divider, a vehicle may be driven only on the right-hand way.

16 3. Crossing. An operator may not drive a vehicle over,
across or within a divider, or an opening or crossover of a
18 divider. An operator may not disobey the restrictions on
20 official signs at an opening or crossover of a divider.

22 4. Limited access. An operator may not drive a vehicle
onto or from a limited-access way except at established entrances
24 and exits.

26 5. Limiting use. The Department of Transportation or a
municipality, with respect to a way under that authority's
28 jurisdiction, may prohibit the use of a way by pedestrians,
30 bicycles or other nonmotorized traffic, motorized bicycles or
tricycles, or motor-driven cycles.

32 On limiting the use, the authority shall erect and maintain
official signs stating the prohibition. A person may not disobey
34 the restrictions stated on those signs.

36 6. Ways with speed limit of 65 miles per hour. An operator
driving on a limited-access way with a speed limit of 65 miles
38 per hour is restricted in ordinary operation to the right-hand
lane and may use adjacent lanes for overtaking and passing
40 another vehicle, but must return to the right-hand lane at the
earliest opportunity. This requirement does not apply to an
42 authorized emergency vehicle, or to a vehicle otherwise directed
by posted signs, a law enforcement officer or a highway
44 maintenance crew.

46 **§2053. Right-of-way**

48 1. Keeping right. When operators of vehicles approach each
other from opposite directions, each must travel to the right of
50

2 the center of the travel portion of the public way to allow the
3 other to pass without interference. When it is unsafe or
4 difficult to pass without interference, an operator must stop at
5 a reasonable time and convenient place, to allow the other to
6 pass.

7 2. Slow-moving vehicles. An operator of a vehicle moving
8 slowly shall keep the vehicle as close as practicable to the
9 right-hand boundary of the way, and allow faster moving vehicles
10 reasonably free passage to the left.

11 3. Public intersections. The operator of a vehicle at
12 intersecting public ways has the right-of-way over a vehicle on
13 the operator's left, and must yield right-of-way to one on its
14 right, except:

15 A. At a traffic circle or rotary; or

16 B. When otherwise directed by a law enforcement officer.

17 4. Private to public intersection. An operator of a
18 vehicle entering a public way from a private way must yield the
19 right-of-way to a vehicle on the public way or to a pedestrian.
20 After yielding, the operator of the vehicle must proceed
21 cautiously.

22 For the purposes of this subsection, "private way" means any way
23 or road access onto a public way, including an alley, driveway or
24 entrance.

25 5. Vehicle turning left. An operator of a vehicle who
26 intends to turn left must yield the right-of-way to a vehicle
27 approaching from the opposite direction when the approaching
28 vehicle is within the intersection or so close as to constitute
29 an immediate hazard.

30 6. Traffic circles or rotary intersections. An operator of
31 a vehicle approaching a traffic circle or rotary intersection,
32 must yield the right-of-way to a vehicle already within the
33 traffic circle or rotary intersection, unless otherwise regulated
34 by a law enforcement officer or by traffic control devices.

35 7. Traffic islands. An operator of a vehicle passing
36 around a rotary traffic island must drive only to the right of
37 the island.

38 8. Highway construction and maintenance areas. An operator
39 of a vehicle must yield the right-of-way to an authorized vehicle
40 or person actually engaged in work on a public way:

2 A. Within a construction or maintenance area indicated by
3 official traffic control devices; or

4 B. When the vehicle displays flashing lights meeting the
5 requirements of section 2054.

6
7 9. Obstructing ways. A person may not leave stationary on
8 a way a vehicle that obstructs free passage of other vehicles.

10 §2054. Emergency and auxiliary lights; sirens; privileges

11 1. Definitions. As used in this section, unless the
12 context otherwise indicates, the following terms have the
13 following meanings.

14
15 A. "Ambulance" means any vehicle designed, constructed and
16 regularly used or intended to be used for the transportation
17 of ill or injured persons and licensed by Maine Emergency
18 Medical Services pursuant to Title 32, chapter 2-B.

19
20 B. "Authorized emergency vehicle" means any one of the
21 following vehicles:

22
23 (1) An ambulance;

24
25 (2) A Baxter State Park Authority vehicle operated by
26 a Baxter State Park ranger;

27
28 (3) A Bureau of Marine Patrol vehicle operated by a
29 coastal warden;

30
31 (4) A Department of Conservation vehicle operated by a
32 forest ranger;

33
34 (5) A Department of Conservation vehicle used for
35 forest fire control;

36
37 (6) A Department of Corrections vehicle used for
38 responding to the escape of or performing the
39 high-security transfer of a prisoner, juvenile client
40 or juvenile detainee;

41
42 (7) A Department of Inland Fisheries and Wildlife
43 vehicle operated by a warden;

44
45 (8) A Department of Public Safety vehicle operated by
46 a liquor enforcement officer for the purpose of
47 enforcing section 2411 or Title 28-A, a state fire
48 inspector or a Maine Drug Enforcement Agency officer;
49

2 (9) An emergency medical service vehicle;

4 (10) A fire department vehicle;

6 (11) A hazardous material response vehicle;

8 (12) A railroad police vehicle;

10 (13) A sheriff's department vehicle;

12 (14) A State Police or municipal police department
vehicle;

14 (15) A vehicle operated by a chief of police, a
sheriff or a deputy sheriff when authorized by the
sheriff;

18 (16) A vehicle operated by a municipal fire inspector,
a municipal fire chief, an assistant or deputy chief or
a town forest fire warden;

22 (17) A vehicle operated by a qualified deputy sheriff
or other qualified individual to perform court
security-related functions and services as authorized
by the State Court Administrator pursuant to Title 4,
section 17, subsection 15; or

28 (18) A Federal Government vehicle operated by a
federal law enforcement officer.

30
32 C. "Auxiliary light" means a light, other than standard
equipment lighting such as headlights, taillights,
directional signals, brake lights, clearance lights, parking
lights and license plate lights, that is displayed on a
vehicle and used to increase the operator's visibility of
the road or the visibility of the vehicle to other operators
and pedestrians.

38
40 D. "Emergency light" means an auxiliary light displayed and
used on an authorized emergency vehicle to distinguish it
and make it recognizable as an authorized emergency vehicle.

42
44 E. "Emergency medical service vehicle" means a vehicle
equipped and used to transport emergency medical personnel
or equipment to ill or injured persons and authorized by
Maine Emergency Medical Services.

48 F. "Fire vehicle" means any vehicle listed under paragraph
B, subparagraph (5) or (16).

2 G. "Hazardous material response vehicle" means a vehicle
4 equipped for and used in response to reports of emergencies
6 resulting from actual or potential releases, spills or leaks
8 of, or other exposure to, hazardous substances that is
 authorized by a mutual aid agreement pursuant to Title 37-B,
 section 795, subsection 3 and approved by the local
 emergency planning committee or committees whose
 jurisdiction includes the area in which the vehicle operates.

10 H. "Highway maintenance vehicle" means a vehicle used to
12 maintain the highways, including, but not limited to, a
 plow, grader, sand truck, sweeper and tar truck.

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

18 2. Authorized lights. Authorized lights are governed as
20 follows.

22 A. Only an ambulance; an emergency medical service vehicle;
24 a fire department vehicle; a police vehicle; a Department of
26 Conservation vehicle used for forest fire control; a
28 Department of Corrections vehicle as described in subsection
 1, paragraph B, subparagraph (6); and a highway maintenance
 vehicle may be equipped with a device that provides for
 alternate flashing of the vehicle's headlights.

30 B. Only a police vehicle may be equipped with a device that
32 provides for alternate flashing of the vehicle's brake or
 rear directional lights and back-up lights.

34 C. The use of amber lights on vehicles is governed by the
 following.

36 (1) A vehicle engaged in highway maintenance or in
38 emergency rescue operations by civil defense and public
40 safety agencies and a public utility emergency service
 vehicle may be equipped with auxiliary lights that emit
 an amber light.

42 (2) A wrecker must be equipped with a flashing light
44 mounted on top of the vehicle in such a manner as to
46 emit an amber light over a 360° angle. The light must
48 be in use on a public way or a place where public
 traffic may reasonably be anticipated when servicing,
 freeing, loading, unloading or towing a vehicle.

50 (3) A vehicle engaged in snow removal or sanding
 operations on a public way must be equipped with and

2 display at least 2 auxiliary lights mounted on the
3 highest practical point on the vehicle and provide
4 visible light coverage over a 360° range. The lights
5 must emit an amber beam of light, be at least 6 inches
6 in diameter and be equipped with blinking attachments.
7 In lieu of the lights specified, a vehicle may be
8 equipped with at least one auxiliary rotating flashing
9 light having 4-inch sealed beams and showing amber
10 beams of light over a 360° range or an amber strobe, or
11 combination of strobes, that emits at a minimum a beam
12 of 1,000,000 candlepower and provides visible light
13 coverage over a 360° range. When the left wing of a
14 plow is in operation and extends over the center of the
15 road, an auxiliary light must show the extreme end of
16 the left wing. That light may be attached to the
17 vehicle so that the beam of light points at the left
18 wing. The light illuminating the left wing may be
19 controlled by a separate switch or by the regular
20 lighting system and must be in operation at all times
21 when the vehicle is used for plowing snow on public
22 ways.

23 (4) A vehicle equipped and used for plowing snow on
24 other than public ways may be equipped with an
25 auxiliary rotary flashing light that must be mounted on
26 top of the vehicle in such a manner as to emit an amber
27 beam of light over a 360° angle, or an amber strobe, or
28 combination of strobes, that emits at a minimum a beam
29 of 1,000,000 candlepower and provides visible light
30 coverage over a 360° range. The light may be in use on
31 a public way only when the vehicle is entering the
32 public way in the course of plowing private driveways
33 and other off-highway locations.

34 (5) A rural mail vehicle may be equipped with
35 auxiliary lights.

36 (a) The lights used to the front must be white or
37 amber, or any shade between white and amber.

38 (b) The lights used to the rear must be amber or
39 red, or any shade between amber and red.

40 (c) The lights, whether used to the front or
41 rear, must be mounted at the same level and as
42 widely spaced laterally as possible.

43 (d) The lights, whether used to the front or
44 rear, must flash simultaneously.

2 (e) The lights must be visible from a distance of
3 at least 500 feet under normal atmospheric
4 conditions at night.

5 D. Emergency lights used on a police vehicle; a Department
6 of Corrections vehicle as described in subsection 1,
7 paragraph B, subparagraph (6); a vehicle operated by a chief
8 of police, a sheriff or a deputy sheriff; and a vehicle
9 operated by a qualified deputy sheriff or other qualified
10 individual performing court security-related functions and
11 services must emit a blue light or a combination of blue and
12 white light. No other vehicle may be equipped with or
13 display a blue light.

14 E. Two fog or auxiliary lights, which must emit amber or
15 white light, may be mounted on a motor vehicle. The rays
16 from the lights may not shine more than 2 feet above the
17 road at a distance of 30 feet. A fog or auxiliary light
18 mounted higher than the center of the main headlights may
19 not be illuminated while a motor vehicle is being operated
20 on any public way.

21 F. Only vehicles listed in this paragraph, rural mail
22 vehicles as provided in paragraph C, subparagraph (5) and
23 school buses may be equipped with, display or use a red
24 auxiliary or emergency light.

25 (1) Emergency lights used on an ambulance, an
26 emergency medical service vehicle, a fire department
27 vehicle, a fire vehicle or a hazardous material
28 response vehicle must emit a red light or a combination
29 of red and white light.

30 (2) The municipal officers, when approved by the fire
31 chief, may authorize an active member of a municipal or
32 volunteer fire department to use a flashing red signal
33 light not more than 5 inches in diameter on a vehicle.
34 The light may be displayed but may be used only while
35 the member is en route to or at the scene of a fire or
36 other emergency. The light must be mounted as near as
37 practicable above the registration plate on the front
38 of the vehicle or on the dashboard. A light mounted on
39 the dashboard must be shielded so that the emitted
40 light does not interfere with the operator's vision.

41 (3) Members of an emergency medical service licensed
42 by Maine Emergency Medical Services may display and use
43 on a vehicle a flashing red signal light of the same
44 proportion, in the same location and under the same
45 conditions as those permitted municipal and volunteer

2 firefighters, when authorized by the chief official of
3 the emergency medical service.

4 G. A vehicle may be equipped with a spotlight. Only
5 spotlights on authorized emergency vehicles, highway
6 maintenance vehicles and public utility vehicles may be used
7 on a public way, except any vehicle may use a spotlight in
8 cases of necessity when other lights required by law fail to
9 operate.

10 3. Sirens. A bell or siren may not be installed or used on
11 any vehicle, except an authorized emergency vehicle.

12 4. Right-of-way. An authorized emergency vehicle operated
13 in response to, but not returning from, a call or fire alarm or
14 operated in pursuit of an actual or suspected violator of the law
15 has the right-of-way when emitting a visual signal using an
16 emergency light and an audible signal using a bell or siren. On
17 the approach of any such vehicle, the operator of every other
18 vehicle shall immediately draw that vehicle as near as
19 practicable to the right-hand curb, parallel to the curb and
20 clear of any intersection and bring it to a standstill until the
21 authorized emergency vehicle has passed.

22 5. Exercise of privileges. The operator of an authorized
23 emergency vehicle when responding to, but not upon returning
24 from, an emergency call or fire alarm or when in pursuit of an
25 actual or suspected violator of the law may exercise the
26 privileges set forth in this subsection. The operator of an
27 authorized emergency vehicle may:

28 A. Park or stand, notwithstanding the provisions of this
29 chapter;

30 B. Proceed past a red signal, stop signal or stop sign, but
31 only after slowing down as necessary for safe operation;

32 C. Exceed the maximum speed limits as long as life or
33 property is not endangered, except that employees of the
34 Department of Corrections may not exercise this privilege;

35 D. Disregard regulations governing direction of movement or
36 turning in specified directions; and

37 E. Proceed with caution past a stopped school bus that has
38 red lights flashing only:

39 (1) After coming to a complete stop; and

2 (2) When signaled by the school bus operator to
3 proceed.

4 6. Emergency lights and audible signals. The operator of
5 an authorized emergency vehicle who is exercising the privileges
6 granted under subsection 5 shall use an emergency light
7 authorized by subsection 2. The operator of an authorized
8 emergency vehicle who is exercising the privileges granted under
9 subsection 5, paragraphs B, C, D and E shall sound a bell or
10 siren when reasonably necessary to warn pedestrians and other
11 operators of the emergency vehicle's approach.

12 7. Duty to drive with due regard for safety. Subsections
13 4, 5 and 6 do not relieve the operator of an authorized emergency
14 vehicle from the duty to drive with due regard for the safety of
15 all persons, nor do those subsections protect the operator from
16 the consequences of the operator's reckless disregard for the
17 safety of others.

18
19
20 **§2055. Animals on a public way**

21 1. Riding animals or driving animal-drawn vehicles. A
22 person riding an animal or driving an animal-drawn vehicle on a
23 public way has the rights and is subject to the duties of a
24 vehicle operator, except those provisions that by their nature
25 have no application.

26
27 2. Unattended animal-drawn vehicle. A person may not allow
28 an animal-drawn vehicle to be on a public way unattended unless
29 the vehicle is reasonably fastened.

30
31 3. Frightened animals. When a person riding, driving or
32 leading an animal that appears to be frightened signals by
33 putting up a hand or by other visible sign, an operator
34 approaching from the opposite direction must stop as soon as
35 possible and remain stationary as long as necessary and
36 reasonable to allow the animal to pass. When traveling in the
37 same direction, the operator must use reasonable caution in
38 passing an animal.

39 4. Annoyance. An operator may not knowingly operate a
40 motor vehicle in a manner to annoy, startle, harass or frighten
41 an animal being ridden or driven on or near a public way.

42 5. Throwing object. An operator or person in a motor
43 vehicle may not throw an object or substance from the vehicle
44 toward an animal being ridden or driven on or near a public way.

45
46
47 **§2056. Pedestrians**
48
49
50

1. Pedestrian traffic. When use of a sidewalk next to a public way is practicable, a pedestrian may not walk on that public way.

2. Pedestrian on way. Where sidewalks are not provided, a pedestrian shall walk facing approaching traffic on the left side of the public way or the way's shoulder when practicable.

3. Pedestrians on sidewalks. An operator shall yield the right-of-way to a pedestrian on a sidewalk.

4. Pedestrians in crosswalks. When traffic-control devices are not operating, an operator must yield the right-of-way to a pedestrian crossing within a crosswalk when the pedestrian is on the same half of the way or approaching so closely as to be in danger.

5. Pedestrian crossing. A pedestrian must yield the right-of-way to a vehicle when crossing a way:

A. Other than within a marked crosswalk; or

B. With an available pedestrian tunnel or overhead pedestrian crossing.

6. Pedestrian prohibitions. A pedestrian may not:

A. Cross between adjacent intersections at which traffic-control devices operate, except in a marked crosswalk;

B. Cross an intersection diagonally, unless authorized by official traffic-control devices; or

C. Suddenly leave a curb or other place of safety and walk or run into the path of a vehicle that is so close that it is impossible for the operator to yield.

7. When vehicle stopped. When a vehicle is stopped at an intersection or a marked crosswalk to permit a pedestrian to cross, the operator of another vehicle approaching from the rear may not overtake and pass the stopped vehicle.

8. Due care. Notwithstanding other provisions of this chapter or of a local ordinance, an operator of a vehicle shall:

A. Exercise due care to avoid colliding with a pedestrian;

B. Give warning by sounding the horn when necessary; and

2 C. Exercise proper caution on observing a child or any
 obviously confused, incapacitated or intoxicated person.

4 §2057. Traffic-control devices

6 An operator shall obey a traffic-control device, unless
 otherwise directed by a law enforcement officer.

8 1. Lighted devices. A traffic-control device may emit only
10 the colors green, red and yellow, except for a pedestrian signal
12 carrying a legend. The lights have the following meanings.

14 A. A green light:

16 (1) If circular, means the operator may proceed
 straight through or turn right or left, unless a sign
18 prohibits either turn; or

20 (2) If an arrow, alone or in combination with another
 indication, means the operator may cautiously enter the
22 intersection only to make the movement indicated by the
24 arrow or other movement as is permitted by other
 indications shown at the same time.

26 Notwithstanding the light, the operator must yield the
 right-of-way to a vehicle or pedestrian lawfully within the
28 intersection or crosswalk.

30 B. A yellow light:

32 (1) If steady and circular or an arrow, means the
 operator must take warning that a green light is being
34 terminated or a red light will be exhibited
 immediately; or

36 (2) If showing rapid intermittent flashes, means the
38 operator may proceed only with caution.

40 C. A red light:

42 (1) If steady and circular, means the operator must
 stop and remain standing until an indication to proceed
44 is shown.

46 An operator may cautiously enter the intersection to
 make a right turn after stopping, unless prohibited by
48 an appropriate sign such as "NO RIGHT TURN ON RED."

2 An operator executing a turn shall yield the
4 right-of-way to pedestrians on a crosswalk and to a
6 vehicle having a green signal at the intersection.

8 (2) If a steady arrow, means the operator may not
10 enter the intersection to make the movement indicated
12 by that arrow.

14 (3) If showing rapid intermittent flashes, means the
16 operator must stop and then proceed as if at a stop
18 sign.

20 D. Red and yellow illuminated together, means the operator
22 may not enter the intersection, as the intersection is
24 reserved for the exclusive use of pedestrians.

26 2. Basis for prohibiting turn. A municipality or the
28 Department of Transportation, in determining whether to prohibit
30 a right turn on a red light, must consider at least the following
32 factors:

34 A. The proximity to that light of schools, fire stations,
36 residences or institutions for the blind;

38 B. The number of pedestrians using the intersection; and

40 C. The complexity of the intersection.

42 3. Lane direction control devices. When lane direction
44 control devices are placed over the individual lanes, an operator
46 may travel in a lane over which a green signal is shown, but may
48 not enter or travel in a lane over which a red signal is shown.

4. Located other than at an intersection. If a traffic
 control device is located at a place other than an intersection,
 this section is applicable except as to those provisions that by
 their nature can have no application.

5. Pedestrians. Unless otherwise directed by a pedestrian
 control signal, a pedestrian facing:

A. A green signal, except when the sole green signal is a
 turn arrow, may proceed across the way within a marked or
 unmarked crosswalk;

B. A steady circular yellow or yellow arrow signal, may not
 start to cross the way, as there is insufficient time to
 cross before a red indication is shown; or

2 C. A steady circular red signal or a steady red arrow, may
3 not enter the way.

4 6. Pedestrian control devices. When a pedestrian control
5 device exhibiting the words "walk" and "don't walk" is used, it
6 indicates as follows.

8 A. A pedestrian facing a "walk" signal may proceed across
9 the way in the direction of the signal and must be given the
10 right-of-way.

12 B. A pedestrian may not start to cross a way in the
13 direction of a "don't walk" signal, but a pedestrian who has
14 partially completed crossing may proceed to a sidewalk or
15 safety island.

16 7. Stop signs. Unless directed to proceed by a law
17 enforcement officer or traffic control device, an operator of a
18 vehicle approaching a stop sign shall stop and:

20 A. Yield the right-of-way to a vehicle that has entered the
21 intersection or that is approaching so closely as to
22 constitute an immediate hazard; and

24 B. Having yielded, an operator may proceed. All other
25 operators approaching the intersection shall yield the
26 right-of-way to the vehicle so proceeding.

28 8. Place of stop. A stop must be made before entering the
29 intersecting way as follows:

32 A. Where the intersection is regulated by a traffic control
33 device, at a sign or marking on the pavement indicating
34 where the stop is to be made or, in the absence of a sign or
35 marking, at the device; or

36 B. Where the intersection is regulated by a stop sign,
37 before entering the crosswalk or, in the absence of a cross
38 walk, at a marked stop line; but if there is no stop line,
39 at a point nearest the intersecting way where the operator
40 has a view of approaching traffic.

42 9. Evidence. The placing of a traffic control device in a
43 position approximately conforming to this chapter is prima facie
44 evidence that the device has been placed by the official act or
45 direction of lawful authority.

48 10. Failure to yield. A person commits a Class E crime if
49 that person operates a vehicle past a yield sign and collides
50 with a vehicle or pedestrian proceeding on the intersecting way.

2 A traffic-control device conforming to the requirements for
4 these devices is presumed to comply with this chapter.

6 **§2058. Through ways**

8 1. Designation. The Department of Transportation may
10 designate a state or state aid highway as a "through way." The
12 Department of Transportation, after notice, may revoke any such
14 designation. Municipal officers may designate a way under their
16 jurisdiction as a "through way."

18 2. Signs. A through way designation is not effective until
20 suitable warning signs or signals are erected.

22 3. Intersection. For the purpose of this section, a way
24 joining a through way at an angle, whether or not crossing, is
26 deemed to intersect the through way.

28 4. Other stop signs. The Department of Transportation or
30 municipal officers may designate an intersection as a stop
32 intersection and erect stop signs at one or more entrances.

34 5. Yield. The Department of Transportation or municipal
36 officers may erect standard signs requiring operators to yield
38 the right-of-way at certain intersections.

40 Yield signs may be designated where it is expedient to allow
42 traffic to move through or into the intersection at a reasonable
44 speed for existing conditions of traffic and visibility, yielding
46 the right-of-way to vehicles or pedestrians approaching from
48 either direction on the intersecting street.

50 A vehicle approaching on a through way so as to arrive at an
 intersection at approximately the same instant as a vehicle
 approaching on another way has the right-of-way.

6. Procedure. A through way designation pursuant to this
 section is exempt from the Maine Administrative Procedure Act.

7. Removing or destroying signs. A person who removes,
 destroys, damages or defaces any sign, signal or device erected
 by or under the direction of the Department of Transportation
 pursuant to this section commits a Class E crime.

§2059. One-way road

On a public way posted for one-way traffic, a vehicle may be
 driven only in the direction designated.

2 **§2060. Turning at intersections**

4 An operator intending to turn at an intersection may do so
as follows.

6 1. Right turns. The operator shall make both the approach
and a right turn as close as practicable to the right-hand curb
8 or edge of the way.

10 2. Left turns on 2-way roadways. At an intersection where
traffic is permitted to move in both directions on each way
12 entering the intersection, an approach for a left turn must be
made in that portion of the right half of the way nearest the
14 center line and by passing to the right of the center line where
it enters the intersection. After entering the intersection, an
16 operator must make the left turn so as to leave the intersection
to the right of the center line of the roadway being entered.

18 When practicable, the left turn must be made in that portion of
20 the intersection to the left of the center of the intersection.

22 An operator intending to turn to the left must yield the
right-of-way to a vehicle approaching from the opposite direction
24 that is so close as to constitute an immediate hazard.

26 3. Left turns on other than two-way roadways. At an
intersection where traffic is restricted to one direction on a
28 way, an operator intending to turn left shall approach the
intersection in the extreme left-hand lane lawfully available to
30 traffic moving in the direction of travel of that vehicle. After
entering the intersection, the left turn must be made so as to
32 leave the intersection, as nearly as practicable, in the
left-hand lane lawfully available to traffic moving in that
34 direction on the way being entered.

36 A municipality may cause markers, buttons or signs to be
placed within or adjacent to an intersection requiring a
38 different course to be traveled by a vehicle turning at an
intersection. When markers, buttons or signs are so placed, an
40 operator shall obey them.

42 **§2061. Riding in trailers**

44 1. Prohibition. A person commits a traffic infraction if
that person occupies a camp trailer, mobile home, semitrailer or
46 trailer while it is being moved on a public way.

48 2. Exceptions. This section does not apply to:

2 A. An employee in the necessary discharge of duties to an
3 employer; or

4 B. A trailer being utilized for farming or agricultural
5 purposes.

6 **§2062. Motorcycles**

7 1. Seating. Seating on a motorcycle is as follows.

9 A. A person operating a motorcycle may ride only on the
10 permanent and regular seat attached.

11 B. More than 2 persons may not ride on a motorcycle.

12 C. The number of passengers in a sidecar attached to a
13 motorcycle may not exceed the number of permanent seats for
14 which the sidecar has been designed, to a maximum of 2
15 persons.

16 D. A passenger may only ride on permanent seating with no
17 more than one passenger occupying each seat.

18 2. Headlight. When the motorcycle is on a public way, the
19 motorcycle's headlight must be on.

20 3. Handlebars. A person may not operate on a public way a
21 motorcycle equipped with handlebars whose handgrips are higher
22 than the shoulder level of the operator.

23 4. Lane use. An operator of a motorcycle other than a
24 moped may fully use a lane.

25 More than 2 motorcycles may not be operated abreast within the
26 same lane.

27 A moped may only be operated in single file and as far as
28 practicable to the right side of the way at all times, except
29 when making a left turn.

30 A motor vehicle may not be driven in such a manner as to deprive
31 a motorcycle of the full use of a lane.

32 5. Passing. A motorcycle operator may not overtake or pass
33 in the lane occupied by the vehicle being overtaken, except for
34 passing a bicycle.

35 6. Between lines. A person may not operate a motorcycle
36 between lanes of traffic or between adjacent lines or rows of
37 vehicles.

2 7. Raising wheel. A person may not intentionally or
4 knowingly raise the front wheel of a motorcycle off the surface
6 when operating it on a public way or any place where public
8 traffic may reasonably be anticipated.

10 For the purpose of this section, "motorcycle" includes
12 "motor-driven cycle."

14 §2063. Bicycles and other toy vehicles

16 1. Definitions. For the purpose of this section, "bicycle"
18 includes a motorized bicycle or tricycle, and "toy vehicle"
20 includes, but is not limited to, skateboards, rollerskates,
22 wagons, sleds and coasters.

24 2. Riding to the right. A person operating a bicycle shall
26 ride it as far as practicable to the right side of the way,
28 except when making a left turn. This subsection does not apply
30 in a municipality that, by ordinance and with the approval of the
32 Department of Public Safety and the Department of Transportation,
34 makes other provisions for the location of bicycle traffic.

36 3. Seating. A person operating a bicycle may not ride
38 other than astride a regular and permanently attached seat. A
40 bicycle may not be used to carry more persons than the number for
42 which it is designed and equipped.

44 4. Hitching rides. A person riding on a bicycle or toy
46 vehicle may not attach it to a moving vehicle on a way.

48 5. Rights and duties. A person riding a bicycle on a way
50 has the rights and is subject to the duties applicable to the
operator of a vehicle, except as to:

A. Special regulations; and

B. Provisions in this Title that by their nature can have
no application.

6. Speed. A motorized bicycle may not be operated in
excess of 20 miles per hour.

7. Penalties. A person 17 years of age or over who
violates this section commits a traffic infraction with a maximum
fine of \$10.

8. Impoundment. The chief of police of a municipality, or
if there is no chief of police, the chair of the local
legislative body, when satisfied that a juvenile under the age of

17 years has ridden a bicycle in violation of this section, may
impound the bicycle for a period not to exceed 5 days for the
first offense, 10 days for a 2nd offense and 30 days for a
subsequent offense.

§2064. No coasting on grade in neutral

An operator, when traveling on a downgrade, may not coast
with the gears of the vehicle in neutral.

§2065. Driving over fire hose

An operator of a motor vehicle may not drive over an
unprotected hose of a fire department laid down on a way for a
fire or alarm without the consent of the police or fire
department official in command.

§2066. Following too closely

1. Prohibition. An operator of a vehicle may not follow
another vehicle more closely than is reasonable and prudent,
having due regard for the speed of the vehicles, the traffic and
the condition of the way.

2. Vehicles towing other vehicles. An operator of a
vehicle towing another vehicle, when traveling outside of a
business or residential district and following another vehicle
and when conditions permit, shall leave sufficient space so that
an overtaking vehicle may enter the space between the two
vehicles without danger. This subsection does not prohibit a
motor vehicle towing another vehicle from overtaking and passing
another vehicle.

3. Motorcades. Motor vehicles being driven outside of a
business or residential district in a caravan or motorcade must
be operated as to allow sufficient space between vehicles so that
an overtaking vehicle may enter the space between vehicles
without danger. This subsection does not apply to funeral
processions.

4. Trucks. A truck operator, when traveling outside of a
business or residential district, may not follow within 150 feet
of another truck. This subsection does not prohibit one truck
overtaking or passing another.

5. Following fire apparatus. An operator may not follow
within 500 feet of fire apparatus traveling in response to a fire
alarm.

§2067. Lights

2 1. Display of lights A vehicle located on a way must be
equipped with lights as described in section 1904. The lights
4 must be illuminated during the period 1/2 hour after sunset to
1/2 hour before sunrise and at any time when, due to insufficient
6 light or unfavorable atmospheric conditions, including, but not
limited to, rain, freezing rain, fog or snow, persons or vehicles
8 on the way are not discernible for a distance of 1,000 feet
ahead. This section does not apply to a vehicle that is parked
10 or standing off the main traveled portion of the way.

12 2. Dimming. When a vehicle equipped with multiple-beam
road lights approaches an oncoming vehicle within 500 feet or
14 follows a vehicle within 100 feet, the operator shall dim the
headlights or switch to a low beam and shall turn off a fog or
16 auxiliary light that exceeds 20,000 candlepower.

18 3. Parking. Unless a municipal ordinance specifically
provides otherwise, a vehicle may not be parked on or beside the
20 left-hand side of a way during the times when lighted lamps are
required in a manner that its lights project in the direction of
22 oncoming traffic.

24 **§2068. Parking**

26 1. On ways. The following provisions apply to parking on
ways.

28 A. A person may not park a vehicle, whether attended or
30 unattended, on the traveled portion of a public way outside
of a business or residence district when it is practicable
32 to park off of the way.

34 B. A person may not park a vehicle on a way unless:

36 (1) A clear and unobstructed width of at least 10 feet
is left for free passage of other vehicles on the way;
38 and

40 (2) An approaching vehicle has a clear view of the way
for 300 feet beyond the parked vehicle, before
42 approaching within 200 feet of it.

44 C. The Department of Transportation may place signs
prohibiting or restricting the stopping, standing or parking
46 of vehicles on a public way or within 10 feet of the
traveled portion of a way or on property under its
48 jurisdiction, where stopping, standing or parking is
dangerous to those using the way or would unduly interfere
50 with the free movement of traffic.

2 An operator may not stop, stand or park a vehicle in
3 violation of the restriction on that sign.

4 A law enforcement officer or the Department of
5 Transportation may cause the removal of a vehicle or require
6 the operator to move the vehicle from a location in
7 violation of this subsection to a location where parking is
8 permitted.

9 D. A law enforcement officer may cause the removal of a
10 vehicle to a suitable parking place, at the expense of the
11 registered owner, a vehicle interfering with snow removal or
12 the normal movement of traffic or parked within the limits
13 of a right-of-way.

14 A law enforcement officer may cause the removal to a
15 suitable parking place of a vehicle connected with the
16 arrest of the operator or owner of a vehicle used in
17 connection with the commission of a crime.

18 The Department of Transportation may take the same action
19 for a vehicle standing on property under its jurisdiction.

20 The State, a political subdivision of the State or a law
21 enforcement officer is not liable for damage that may be
22 caused by removal of a vehicle or any towing or storage
23 charges.

24 Within 7 business days of removal, the owner or holder of a
25 security interest, if reasonably ascertainable, must be
26 notified by registered mail of the vehicle's location, the
27 daily storage fee and the requirements for securing release.

28 If the owner and holder of a security interest is unknown,
29 section 1854 applies.

30 A person, including the owner of the vehicle, commits a
31 Class E crime if that person, without the express written
32 permission of the storage facility, removes the vehicle or a
33 part or accessory while the vehicle is in the possession or
34 on the premises of the storage facility.

35 If the vehicle remains unclaimed for 90 days, section 1854
36 applies. This paragraph applies to a vehicle towed to or
37 left at a garage, service station or parking lot, on orders
38 given by a law enforcement officer or the Department of
39 Transportation.

40 E. This subsection does not apply to a vehicle that is:

2 (1) Disabled to the extent that it is impossible to
4 avoid stopping and temporarily leaving the vehicle; or

6 (2) Employed in construction, maintenance or repair of
8 pipes and wires of a public utility in, on, along,
 over, across and under a public way.

10 2. Brakes set. An operator may not allow a motor vehicle
12 to stand on a way and remain unattended without effectively
 setting its brakes.

14 3. Moving parked vehicle. A person may not move a vehicle
16 that is stopped, standing or parked on a public way until
 movement can be made with reasonable safety.

18 4. Opening and closing doors. A person may not open the
20 door of a motor vehicle on the side of moving traffic unless
 opening the door is reasonably safe to do and can be done without
 interfering with the movement of traffic.

22 5. Open doors. A person may not leave a door of a vehicle
24 open on the side of moving traffic for a period of time longer
 than necessary to load or unload passengers.

26 **§2069. Passing another vehicle**

28 1. Passing on left. An operator of a vehicle passing
30 another vehicle proceeding in the same direction must pass to the
32 left at a safe distance and may not return to the right until
 safely clear of the passed vehicle.

34 2. Giving way. Except when passing on the right is
 permitted, the operator of passed vehicle:

36 A. Shall give way to the right in favor of the passing
38 vehicle upon audible signal; and

40 B. May not increase speed until completely overtaken by the
 passing vehicle.

42 3. Visibility. A passing vehicle may be operated to the
44 left of the way's center only when the left side is clearly
46 visible and free of oncoming traffic for a sufficient distance
 ahead to permit overtaking to be completed without interfering
 with the safe operation of an approaching or passed vehicle.

48 4. Returning to the right. The passing vehicle must return
50 to the right before coming within 100 feet of an approaching
 vehicle.

2 5. Limitation. Except on a one-way road, an operator may
3 not drive to the left side of the way under the following
4 conditions:

6 A. When approaching the crest of a grade or on a curve
7 where the operator's view is obstructed for a distance as to
8 create a hazard if another vehicle approached from the
9 opposite direction;

10 B. When approaching within 100 feet of or traversing an
11 intersection or railroad grade crossing, except when turning
12 to the left to enter an intersecting way;

13 C. When the view is obstructed within 100 feet of a bridge,
14 viaduct or tunnel.

15 6. Passing on the right. An operator may pass a vehicle on
16 the right only under the following conditions:

17 A. When the vehicle to be passed is making or about to make
18 a left turn;

19 B. On a way with unobstructed pavement not occupied by
20 parked vehicles and of sufficient width for 2 or more lines
21 of traffic in each direction; or

22 C. On a way on which traffic is restricted to one
23 direction, when the roadway is free from obstructions and of
24 sufficient width for 2 or more lines of traffic.

25 An operator may pass on the right only under conditions
26 permitting that movement in safety. An operator may not overtake
27 by driving off the pavement or main traveled portion of the way.

28 §2070. Turning and signals

29 1. Prohibition. An operator may not turn a vehicle or move
30 right or left on a public way unless the movement can be made
31 with reasonable safety.

32 2. Turn signal. An operator may not turn a vehicle without
33 giving an appropriate signal if other traffic may be affected by
34 that movement.

35 A turn signal must be given continuously during at least the last
36 100 feet traveled before turning.

2 3. Stop signal. An operator may not stop or suddenly
decrease a vehicle's speed without first giving an appropriate
signal to the operator of a vehicle immediately to the rear.

4
6 4. Types of signals. A stop or turn signal must be given
either by the hand and arm, a signal light or mechanical signal
device.

8
10 When a vehicle is constructed or loaded so that a hand and arm
signal is not visible to the front and rear, then signals must be
given by a light or device.

12
14 A light signal must emit a white or amber light to the front and
a red or amber light to the rear for turn signals and red to the
rear for stop signals.

16
18 5. Hand signals. Signals by hand and arm must be given by
the left arm from the left side of a vehicle in the following
manner:

20
22 A. To indicate a left turn, the hand and arm must be
extended horizontally;

24 B. To indicate a right turn, the hand and arm must be
extended upward; and

26
28 C. To indicate a stop or a decrease in speed, the hand and
arm must be extended downward.

30 6. Fire departments exempted. This section does not apply
to vehicles operated by organized fire departments.

32
34 §2071. U-turns

36 An operator may not turn a vehicle to proceed in the
opposite direction on a curve or on the approach to or near the
crest of a grade, where the vehicle can not be seen by the
operator of another vehicle approaching in either direction
within 500 feet.

40
42 §2072. Authority to regulate speeds

44 1. Authority to regulate. Except as provided in section
2074, subsection 2 and notwithstanding section 2073, subsection
1, the Commissioner of Transportation, with the approval of the
Chief of the State Police, may:

46
48 A. Restrict the maximum rate of speed on a public way where
a speed limit will minimize the danger of accident, promote

2 the free flow of traffic, conserve motor fuel or respond to
3 changes in federal laws;

4 B. Increase the maximum rate of speed on a public way where
5 higher speeds are warranted to promote the normal and
6 reasonable movement of traffic; or

8 C. Make an adjustment of maximum rates of speed. An
9 adjustment under this paragraph is exempt from the
10 provisions of the Maine Administrative Procedure Act.

12 The commissioner may not set maximums that exceed 60 miles
13 per hour or, on the interstate system or other divided
14 controlled-access highways, 65 miles per hour.

16 The commissioner may not set maximums for the Maine Turnpike.

18 2. Municipal request. If a municipal request to the
19 Department of Transportation to change a speed limit is denied,
20 the municipality may request the department to hold a public
21 hearing within the municipality to provide the department with
22 the views of the public on the requested speed limit change. The
23 department shall:

24 A. Hold the hearing within 30 days of the request; and

26 B. Inform the municipality of a final decision on the
27 requested speed limit change within 30 days after the
28 hearing.

30 3. Prohibition. A person may not operate a vehicle in
31 excess of maximum speeds fixed pursuant to this section, as long
32 as notice of changes in speed limits has been given by signs
33 erected by the Department of Transportation.

36 4. Other ways. The Department of Transportation is not
37 required to erect speed signs on a town way, unimproved state aid
38 highway or on a way constructed to interstate standards.

40 Notwithstanding the provisions of Private and Special Law
41 1865, chapter 532, section 8-A, speed limits within the limits of
42 the property owned by or under the control of the University of
43 Maine System must be established by the Department of
44 Transportation and the Maine State Police as provided in this
45 section. The speed limits must be posted by the University of
46 Maine System in accordance with written directions or policies of
47 the Department of Transportation.

48 §2073. Rates of speed
49

2 An operator shall operate a vehicle at a careful and prudent
4 speed not greater than is reasonable and proper having due regard
 to the traffic, surface and width of the way and of other
 conditions then existing.

6 1. Rates of speed. Except when conditions or other
8 regulations require a lower speed, the following are maximum
 rates of speed:

10 A. Fifteen miles per hour when passing a school during
12 recess or while children are going to or leaving school
 during opening or closing hours;

14 B. Fifteen miles per hour when approaching within 50 feet
16 and in traversing an intersection when the operator's view
18 is obstructed except when preference is given to through
20 movement of traffic in one direction by "stop" signs or
22 other traffic control devices or by direction of a law
24 enforcement officer. An operator's view is considered
 obstructed when at any time during the last 50 feet of an
 approach to an intersection there is not a clear and
 uninterrupted view of the intersection and of the traffic on
 all ways entering the intersection for a distance of 200
 feet from it;

26 C. Twenty-five miles per hour in a business or residential
28 district or built-up portion unless otherwise posted;

30 D. Forty-five miles per hour on all other public ways
 unless otherwise posted;

32 E. On ways with a higher maximum speed limit, 45 miles per
34 hour for a school bus transporting pupils to and from
 school. At all other times, a school bus may not exceed 55
 miles per hour; and

36 F. On ways with a higher maximum speed limit, 35 miles per
38 hour for a motor-driven cycle, unless it is equipped with a
40 headlight adequate to reveal a person 300 feet ahead of it.

42 3. Compact areas. The compact or built-up portion of a
44 municipality is the territory contiguous to a way that is built
46 up with structures situated less than 150 feet apart for a
 distance of at least 1/4 of a mile. Municipal officers may
 designate a compact or built-up portion by appropriate signs.

48 4. Criminal offense. A person commits a Class E crime if
50 that person operates a motor vehicle at a speed that exceeds the
 maximum rate of speed by 30 miles per hour or more.

2 The complaint for a violation of a speed limit must specify the
3 speed at which the defendant is alleged to have operated a motor
4 vehicle.

5 A person who operates a motor vehicle on the Maine Turnpike or
6 the Interstate Highway System at a speed that exceeds the posted
7 speed of 65 miles per hour commits a traffic infraction
8 punishable by a fine of not less than \$50.

10 §2074. Other speed regulations

12 1. Minimum speed limit. A person may not operate a motor
13 vehicle at such a slow speed as to impede the normal and
14 reasonable movement of traffic, except when reduced speed is
15 necessary for safe operation of the motor vehicle or in
16 compliance with law.

18 When the Department of Transportation determines, on the basis of
19 an engineering and traffic investigation, that slow speeds on a
20 public way consistently impede the normal and reasonable movement
21 of traffic, the Commissioner of Transportation, with the approval
22 of the Chief of the Maine State Police, may establish a minimum
23 speed limit.

24 A person may not operate a vehicle below a posted minimum speed
25 limit, except when necessary for safe operation.

28 2. Public ways under construction. The Commissioner of
29 Transportation may restrict the speed limit on a public way under
30 construction when a lower rate of speed would minimize the danger
31 of accident. A person may not operate a motor vehicle in excess
32 of these speeds, as long as notice of the maximum speed has been
33 given by signs on the way. This subsection does not apply to the
34 Maine Turnpike.

36 3. Municipal authority. A municipality may not alter a
37 speed limit or enact or enforce a regulation contrary to this
38 Title. A municipality may:

40 A. Regulate traffic by means of signal devices or other
41 appropriate methods on a way on which traffic is heavy or
42 continuous;

44 B. Limit traffic to one-way traffic on a way, subject to
45 Title 23, section 1351;

46 C. Regulate speed of vehicles in public parks by erecting
47 at all entrances to the park adequate signs giving notice of
48 the special speed regulations; and
49

2 D. With the approval of the Department of Transportation
4 and the Chief of the Maine State Police, increase the speed
6 limit on through ways by erecting adequate signs giving
8 notice of the speed limit.

10 4. Radar. The results of a measurement of the following
12 instruments must be accepted as prima facie evidence of the speed
14 of a motor vehicle in a criminal or traffic infraction proceeding:

16 A. Radar;

18 B. An electronic device that measures speed by
20 radiomicrowaves or otherwise; or

22 C. A device that measures, in any sequence, a selected
24 distance traversed by a motor vehicle operated by the law
26 enforcement officer and the time required by another motor
28 vehicle to traverse that same distance, and computes
30 therefrom the average speed of the other vehicle.

32 5. Signs. The presence of signs is prima facie evidence
34 that those signs were erected, that they provide the notice
36 required and that the speeds indicated were fixed in accordance
38 with this chapter.

40 §2075. Railroad or grade crossings

42 1. Reduction of speed at crossing. An operator of a motor
44 vehicle passing a sign provided for in Title 23, sections 1251
46 and 1252 shall, at a distance of 100 feet from the nearest rail
48 of the crossing reduce the vehicle speed to a reasonable and
50 proper rate, observe in each direction and proceed cautiously
52 over the crossing.

54 2. Warning devices. When a crossing is protected by gates
56 that are lowered or being lowered, or a flagger or automatic
58 signal is indicating that a train is approaching, an operator
60 shall bring a vehicle to a full stop at a distance of not less
62 than 10 feet from the nearest rail of the crossing.

64 A vehicle may proceed across the track when the gates have been
66 raised, the flagger indicates that no train is approaching, or if
68 there is an automatic signal, the operator has ascertained that
70 no train is approaching. An operator proceeding by an automatic
72 signal shall use extra caution.

74 3. Required stops. The operator of the following vehicles
76 may not cross a railroad track at a grade crossing unless the
78 vehicle stops between 50 feet and 15 feet from the nearest rail,

listens, looks in each direction along the tracks for an approaching train and ascertains that no train is approaching:

A. A bus transporting passengers;

B. A motor vehicle transporting any quantity of chlorine;

C. A motor vehicle that, in accordance with 49 Code of Federal Regulations, Part 172, Subpart F, is required to be marked or placarded with one of the following markings:

(1) Explosives A;

(2) Explosives B;

(3) Poison gas;

(4) Flammable solid W;

(5) Radioactive;

(6) Flammable;

(7) Blasting agent;

(8) Nonflammable gas;

(9) Chlorine;

(10) Poison;

(11) Oxygen;

(12) Flammable gas;

(13) Combustible;

(14) Flammable solid;

(15) Oxydizer;

(16) Organic peroxide;

(17) Corrosive; or

(18) Dangerous;

D. A cargo tank vehicle, whether loaded or empty, used to transport:

2 (1) A hazardous material as defined in 49 Code of
4 Federal Regulations, Parts 170 to 189; or

6 (2) A commodity under special permit in accordance
8 with the provisions of the Code of Federal Regulations;
 or

10 E. A cargo tank vehicle transporting a commodity that at
12 the time of loading has a temperature above its flash point
 as determined by 49 Code of Federal Regulations, Part
 173.115.

14 4. Exceptions. An operator is not required to stop under
16 this section:

18 A. At a streetcar crossing or railroad tracks used
20 exclusively for industrial switching purposes, within a
 business district;

22 B. When a law enforcement officer or crossing flagger
 directs traffic to proceed;

24 C. At an abandoned crossing that is marked with a sign
26 indicating that the rail line is abandoned; or

28 D. At an industrial or spur line railroad grade crossing
30 marked with a sign reading "exempt." An "exempt" sign must
 be erected by or with the consent of the Department of
 Transportation.

32 5. Penalty. An operator failing to comply with the
34 requirements of this section commits a Class E crime. An
36 operator commits a Class D crime if that operator is required to
 stop under subsection 3 and fails to stop for or yield the
 right-of-way to a train, engine or conveyance on the track.

38 6. Abandoned or exempt crossings. The department may
40 exempt a crossing after providing written notice within 30 days
42 to the railroad and municipality in which the crossing is located
44 or, after hearing, if requested within 30 days either by the
46 railroad, municipality or 10 or more residents of the State. For
48 each exempt crossing, the department may order and impose safety
50 provisions as it determines expedient or necessary. For any
 exempt crossing that does not have automatic warning devices, the
 engineer shall stop the train prior to entering the crossing, and
 a member of the train crew shall stop all motor vehicle traffic
 prior to flagging the train through the crossing. For an exempt
 crossing with automatic warning devices, the engineer shall stop
 the train prior to entering the crossing and determine that all

motor vehicle traffic has come to a stop prior to proceeding.
Any exempt crossing must be posted with appropriate signs, which
must be erected and maintained by the department.

§2076. Working on ways

Sections 2051, 2053, 2055, 2056, 2066, 2068 and 2074 do not
apply to a person, team, motor vehicle and other equipment
actually engaged in work on the surface of a public way, but does
apply to such a person and vehicle when traveling to or from such
work.

§2077. Emergency rule

For public safety or convenience, during a fire, accident,
emergency or special event, a law enforcement officer may
temporarily close a way to vehicular traffic or to vehicles of a
certain description, or divert pedestrian or vehicular traffic.

An operator commits a Class E crime if that operator refuses
to follow the directions for the movement of vehicles on request
or signal of a law enforcement officer.

§2078. Unnecessary noise

Braking or acceleration may not be unnecessarily made so as
to cause a harsh and objectional noise.

§2079. Bells or sirens

1. Bells or sirens. A bell or siren may not be installed
or used on a motor vehicle, except on the following:

A. Fire and police department vehicles;

B. Ambulances;

**C. Vehicles, only when responding to emergency calls by
state or municipal fire inspectors, municipal fire chiefs,
assistant fire chiefs, police chiefs and assistant police
chiefs;**

**D. Vehicles used by forest rangers or personnel engaged in
forest fire control as designated by the Department of
Conservation;**

E. Vehicles used by sheriffs or deputy sheriffs;

2 F. Vehicles used by wardens as designated by the Department
4 of Inland Fisheries and Wildlife or by the Department of
6 Marine Resources;

8 G. Vehicles used by United States Government law
10 enforcement officials;

12 H. Vehicles used by a state or municipal department that
14 controls or supervises electrical alarm and communication
16 systems; and

18 I. Vehicles used by corrections personnel as designated by
20 the Department of Corrections for use only when responding
22 to prison escapes or performing high-security transfers of
24 committed offenders.

26 **§2080. Operation of all-terrain vehicles**

28 Notwithstanding any other provision of law, whenever an
30 all-terrain vehicle is operated on a way, it is subject to all
32 provisions of this Title, except chapters 5, 7, 13 and 15.

34 **§2081. Use of safety seat belts**

36 1. Definition. "Child safety seat" means a child safety
38 seat that meets the standards described in Federal Motor Vehicle
40 Safety Standards, 49 Code of Federal Regulations, Part 571, in
42 effect on January 1, 1981, as subsequently amended.

44 2. Children under 4. When a child who is less than 4 years
46 of age is being transported in a motor vehicle that is required
48 by the United States Department of Transportation to be equipped
50 with safety seat belts, the following provisions apply.

A. The operator must have the child properly secured in
accordance with the manufacturer's instructions in a child
safety seat.

B. The parent is responsible for providing and installing
the child safety seat.

C. If the motor vehicle is not owned or operated by the
child's parent and a child safety seat is not available, the
operator must have the child properly secured in a seat
belt. This exception does not apply if the child is less
than one year of age.

3. Person between 4 and 19. When a person 4 years of age
or older, but less than 19 years of age, is a passenger in a
vehicle that is required by the United States Department of

2 Transportation to be equipped with seat belts, the operator must
3 have the person properly secured in a seat belt or in a child
4 safety seat.

6 4. Enforcement. The following provisions apply to
7 subsections 2 and 3.

8 A. The requirements do not apply to a person over one year
9 of age when the number of passengers exceeds the vehicle
10 seating capacity.

12 B. A person against whom enforcement action has been taken
13 is not guilty of a subsequent violation of subsection 3
14 until 24 hours have elapsed from the date and time of the
15 first violation indicated on the traffic ticket.

16 C. A violation is a civil violation for which a forfeiture
17 of \$25 for the first violation and \$50 for each subsequent
18 violation may be adjudged. The court shall waive the fine
19 for a first violation if the parent provides the court with
20 satisfactory evidence that the parent has acquired a child
21 safety seat for continuous use by the child within 30 days
22 of the violation.

24 5. Evidence. In an accident involving a motor vehicle, the
25 nonuse of seat belts by the operator or passengers or the failure
26 to secure a child is not admissible in evidence in a civil or
27 criminal trial, except in a trial for violation of this section.

30 **§2082. Windows**

32 1. Obstructions. A person may not operate a vehicle with a
33 sign, poster, opaque or semitransparent material or substance on
34 the front windshield, side wing or side or rear window that
35 obstructs the operator's clear view of the way or an intersecting
36 way.

38 2. Objects. A person may not operate a motor vehicle with
39 an object placed or hung in or on the vehicle, other than the
40 required or provided equipment of the vehicle, in a manner that
41 obstructs or interferes with the view of the operator through the
42 windshield or prevents the operator from having a clear and full
43 view of the road and conditions of traffic.

44 3. Parking or identification stickers. A motor vehicle may
45 display no more than one sticker on its windshield for parking or
46 entry identification.

48 4. Location of inspection stickers. No portion of a
49 sticker other than an inspection sticker may be more than 4
50 inches from the top of the windshield.

inches from the bottom edge of the windshield. If the inspection sticker is located in the lower left hand corner of the windshield, the other sticker must be located to the right of it.

5. Exception. A motor vehicle of the Maine Emergency Management Agency or used to perform public services of an emergency nature may be identified by a windshield sticker bearing the name or service emblem of the agency authorized to act.

6. Interference with operation. A person may not operate a vehicle when the vehicle is loaded, or there are more than 3 persons in the front seat and the load or persons obstruct the view of the operator to the front or sides or interfere with the operator's control over the driving mechanism of the vehicle.

7. Placement of stickers on illegally parked vehicles. A person may not place a sticker or other device on the windshield of a motor vehicle parked in a manner that allegedly constitutes trespass by motor vehicle, as defined in Title 17-A, section 404, if the sticker or other device would obstruct the driver's forward view. A person who places a sticker in violation of this paragraph commits a civil violation for which a forfeiture not to exceed \$50 may be adjudged. This paragraph does not apply to law enforcement officers engaged in the performance of official duties.

§2083. Protective headgear

1. Requirement. The following persons must wear protective headgear:

A. If under 15 years of age, a passenger on a motorcycle, motor-driven cycle or an attached side car;

B. If under 15 years of age, an operator of an off-road motorcycle or motor-driven cycle;

C. An operator of a motorcycle or motor-driven cycle, operating under a learner's permit or within one year of completing a driving test; and

D. A passenger of an operator required to wear headgear.

2. Compliance. An operator of a motorcycle or motor-driven cycle, parent or guardian may not allow a passenger under the age of 15 years to ride in violation of this section.

3. Standard. Protective headgear must conform with minimum standards of construction and performance as prescribed by the

American National Standards Institute specifications Z 90.1 or by the Federal Motor Vehicle Safety Standard No. 218.

4. Public program. In furtherance of reasonable protective public policy, the Department of Public Safety, Bureau of Safety must develop and implement a public information and education program designed to encourage helmet utilization by all motorcycle, motor-driven cycle and moped riders.

5. Violation. Violation of this section is a civil violation for which a forfeiture of \$25 for the first violation and \$50 for each subsequent violation must be adjudged.

§2084. Bicycles

1. Night equipment. A bicycle, motorized bicycle or tricycle, when in use in the nighttime or at other times when motor vehicles are required to display headlights, must have:

A. Lighted a front light that emits a white light visible from a distance of at least 200 feet to the front;

B. A red reflector to the rear that is visible at least 200 feet to the rear; and

C. Reflector strips on the pedals and handlebars.

2. Brakes. A bicycle, motorized bicycle or tricycle must be equipped with a brake sufficient to enable the operator to stop the vehicle within a reasonable distance.

SUBCHAPTER II

VIOLATIONS

§2101. Permitting unlawful use

A person commits a Class E crime if that person knowingly authorizes or permits a vehicle owned by or under control of that person to be driven on a public way by any person not authorized under this Title or in violation of a provision of this Title.

§2102. Unlawful use of license, instruction permit or identification card

A person commits a Class E crime if that person:

1. Display. Displays or possesses a revoked, suspended, mutilated, fictitious or fraudulently altered driver's license or

identification card issued or represented to be issued by this State or any other state or province;

2. **Loan.** Knowingly permits another person to use that person's driver's license or identification card issued or represented to be issued by this State or any other state or province;

3. **Representation.** Displays or represents as one's own a driver's license or identification card issued to another by this State or any other state or province; or

4. **Use.** Knowingly permits an unlawful use of a driver's license or identification card issued or represented to be issued by this State or any other state or province.

§2103. Fraud or falsity on documents

1. **Material misstatement of fact.** A person commits a Class E crime if that person knowingly makes a material misstatement of fact on an application or document submitted in support of an application for a license, certificate, permit, examination, identification card, use decal, placard or any other document requesting action from the Secretary of State.

2. **Deception.** A person commits a Class E crime if that person knowingly substitutes, or knowingly causes another to substitute, as that person's, another's registration certificate, number plate, driver's license or permit, identification card, fuel use or highway use permit or decal or a placard for an examination or application.

3. **Suspension.** On receipt of an attested copy of a court record of conviction or other sufficient evidence of a violation of subsection 1 or 2, the Secretary of State shall immediately revoke every license, certificate, permit or decal issued to that person.

These documents must be surrendered to the Secretary of State on demand.

Fees paid for these documents may not be refunded.

4. **Printing or reproduction of motor vehicle document.** A person commits a Class D crime if that person prints, prepares, reproduces, sells or transfers without the written consent of the Secretary of State a paper or document in the form of a certificate of registration, driver's license or any other certificate, permit, license or form used by the Secretary of State in administering this Title.

2 5. Aggravated misstatement of fact. A person commits
3 aggravated misstatement of fact if that person:

4
5 A. Uses documents of another person without the other
6 person's consent in committing a violation of subsection 1
7 or 2;

8
9 B. Obtains a document, decal or placard in a fictitious
10 name;

11 C. Obtains a document, decal or placard in another person's
12 name and, as a result of use of the material, the other
13 person receives one or more summonses or is arrested,
14 indicted or convicted of an offense not committed by the
15 other person;

16
17 D. Obtains a driver's license through violation of
18 subsection 1 or 2 when the person's operating privileges
19 have been revoked pursuant to chapter 18-A or have been
20 suspended pursuant to this Title or an order of a court; or

21 E. Uses material obtained through violation of subsection 1
22 or 2 in the commission of a crime or a civil violation.

23
24 Aggravated misstatement of fact is a Class D crime.

25
26 **§2104. Improper plates**

27
28 1. False plates. A person commits a Class E crime if that
29 person attaches or permits to be attached to a vehicle a
30 registration plate assigned to another vehicle or not currently
31 assigned to that vehicle.

32
33 2. False identification. A person commits a Class E crime
34 if that person obscures identification numbers, identification
35 letters, the state name, validation sticker or mark
36 distinguishing the type of plate attached to a vehicle.

37
38 3. Proper display. Vehicle registration plates must always
39 be properly displayed.

40
41 **§2105. Vehicle with no identification marks**

42
43 A person commits a Class D crime if that person knowingly
44 buys, sells, receives, disposes of, conceals or possesses a motor
45 vehicle or trailer from which the manufacturer's serial number or
46 other distinguishing number or mark has been removed or altered
47 to conceal or misrepresent the identity of the vehicle.

2 §2106. Tampering with odometer

4 1. Odometer. A person is guilty of a Class D offense if
that person:

6 A. Disconnects, changes or tampers with the odometer of a
8 motor vehicle with the intent to misrepresent or change the
number of miles indicated on the odometer; or

10 B. When the odometer reading differs from the number of
12 miles a vehicle has been driven, knowingly offers for sale
14 that motor vehicle without disclosing that the actual
mileage is unknown or is known to be different than the
odometer reading.

16 2. Service and repair. Nothing in this section prevents
18 the repair or replacement of an odometer, as long as the odometer
20 mileage remains the same after the service, repair or
22 replacement. If the odometer is incapable of registering the
24 same mileage after the repair or replacement, the odometer must
26 be adjusted to read zero and a notice provided by the Secretary
of State must be attached to the left doorframe of the vehicle by
the owner or the owner's agent or by an authorized agent of the
Secretary of State. The notice must specify the mileage prior to
repair or replacement of the odometer and the date of repair or
replacement.

28 3. Violation. A person commits a Class D crime if that
30 person fails to attach a notice as required under subsection 2 or
removes or alters a notice.

32 4. Unfair trade practice. A violation of this section
34 constitutes an unfair trade practice under Title 5, chapter 10.

36 §2107. Odometers; transfers

38 1. Information on transfer. At the time of transfer of a
40 motor vehicle, each transferor shall furnish to the transferee
42 the information required by this subsection in accordance with
44 the federal Truth in Mileage Act of 1986, Public Law 99-579, and
46 the rules promulgated under 49 Code of Federal Regulations, Part
48 580. The information must be on the reverse of any title or
50 manufacturer's certificate of origin that complies with the
federal Truth in Mileage Act of 1986 and rules. If the reverse
of the title or manufacturer's certificate of origin is filled or
is not in compliance, the disclosure must be on a transfer form
prescribed by the Secretary of State. The information required
by this subsection must also be provided on any other forms
prescribed by the Secretary of State that require odometer
information. The required information is as follows:

- 2 A. The date of the transfer;
- 4 B. The odometer reading at the time of transfer, not to
6 include 1/10th of miles;
- 8 C. The transferor's printed name and current address;
- 10 D. The transferee's printed name and current address;
- 12 E. The identity of the vehicle being transferred, including
14 its make, model, year and body type and its vehicle
16 identification number if on a form other than a title; and
- 18 F. The transferor's certification that:
- 20 (1) To the best of the transferor's knowledge, the
22 odometer reading reflects the actual mileage;
- 24 (2) The odometer reading reflects the amount of
26 mileage in excess of its mechanical limit; or
- 28 (3) The odometer reading is not the actual mileage.
30 If the odometer reading is not the actual mileage, the
32 transferor shall give reasons for the discrepancy on a
34 form prescribed by the Secretary of State.

28 2. Signatures. The transferor shall sign the title or
30 transfer document to certify the odometer information required by
32 subsection 1. The transferee shall sign the title or transfer
34 document to acknowledge the transferor's odometer disclosure only
 after the required information is completed and the transferor
 has signed. A person may not sign as both transferor and
 transferee in the same transaction.

36 3. Violation. Any person, corporation, organization or
38 other legal entity that knowingly violates this section commits a
40 Class D crime. A violation of this section is a violation of
42 Title 5, chapter 10.

44 **§2108. Tampering with signs**

46 A person commits a Class E crime if that person removes or
48 tampers with a sign, light, flare, reflector or other signalling
50 or safety device placed by the Department of Transportation, a
 county or municipal official or a contractor performing repairs
 or maintenance work on or adjoining a public way.

§2109. Use of closed way

2 A person commits a Class E crime if that person operates a
4 vehicle over a public way that is lawfully closed by posted
6 notice for construction or repairs unless permission to pass is
8 expressly granted by a person in charge of the work.

6 **§2110. Stopping of traffic by hawkers and vendors**

8 A person commits a traffic infraction if that person signals
10 a moving vehicle, stops a vehicle or accosts an occupant of a
12 vehicle stopped on a public way to solicit a contribution or
14 subscription, or sell merchandise or a ticket of admission to an
16 entertainment or public gathering.

14 **§2111. Hitchhiking forbidden**

16 1. Definition. As used in this section, "hitchhike" means
18 to endeavor by words, gestures or otherwise to beg, invite or
20 secure transportation in a motor vehicle not engaged in carrying
22 passengers for hire, unless the hitchhiker is known to the driver
24 or a passenger.

22 2. Violation. A person commits a traffic infraction if
24 that person hitchhikes on:

26 A. The traveled portion of a public way;

28 B. A limited access highway, including but not limited to
30 the Maine Turnpike; or

32 C. Any portion of a public way during the nighttime.

34 3. Exception. This section does not prohibit solicitation
36 of aid in the event of an accident or by persons who are sick or
38 seeking assistance for the sick, if the sickness is bona fide and
40 an emergency exists.

42 4. Regulation. A municipality may regulate or prohibit
44 hitchhiking on a public way by ordinance. The Department of
46 Transportation may regulate or prohibit hitchhiking on a state or
48 state aid highway in the interest of safety at those locations
50 where accidents may be a problem, limited visibility exists or
 severe traffic conflicts or other safety factors may occur.

5. Posting. An area in which hitchhiking has been
 regulated or prohibited must be clearly identified by posted
 signs.

6. Forfeitures. For a violation of subsection 2, a
 forfeiture not to exceed \$50 may be adjudged.

2 **§2112. Air pollution control systems**

4 **1. Definition.** For the purpose of this section, "air
6 pollution control system" means a device or element of design
 installed on or in a motor vehicle or engine to comply with
 pollutant emission restrictions established by federal law.

8 **2. Prohibition.** A person commits a Class E crime if that
10 person operates a motor vehicle, except for an antique auto, a
12 motor vehicle using liquefied petroleum gas as engine fuel or a
 farm tractor on a public way if any operational element of the
 air pollution control system of that vehicle has been removed,
 dismantled or otherwise rendered inoperative.

14 **3. Suspension.** If a person is convicted of violating this
16 section, the clerk of the court shall furnish to the Secretary of
18 State an attested copy of the judgment of conviction. On receipt
 of that copy, the Secretary of State shall suspend the
 registration of the vehicle in violation.

20 The suspension may be appealed as provided in section 2485.

22 Unless otherwise ordered by the Superior Court on appeal, the
24 suspension remains in effect until the Secretary of State has
26 received notice from an official inspection station that the air
 pollution control system of that vehicle is in good working order.

28 **§2113. Uninspected or defective vehicle; failure to display**
30 **an inspection certificate**

32 **1. Defective vehicle.** A person commits a Class E crime if
 that person operates on a public way a vehicle with equipment not
 conforming to the standards of chapter 15.

34 **2. Altered after inspection.** A person commits a Class E
36 crime if that person alters a vehicle to make it not conform to
 the standards of chapter 15 after the vehicle has passed
38 inspection.

40 **3. Failure to display inspection sticker.** A person commits
42 a traffic infraction if that person operates or permits operation
44 of a vehicle required to be inspected under section 1751 without
 displaying a current certificate of inspection or fails to
 produce an inspection sticker on demand of a law enforcement
 officer.

46 **§2114. Refusing to stop for a law enforcement officer**

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

5 A. "Roadblock" means a vehicle, a physical barrier or other
6 obstruction placed on a way at the direction of a law
7 enforcement officer.

8 B. "Signal" includes, but is not limited to, the use of a
9 hand signal, siren or flashing emergency lights; and

10 2. Failure to stop. A person commits a Class E crime if
11 that person fails or refuses to stop a vehicle on request or
12 signal of a uniformed law enforcement officer.

13 3. Eluding an officer. A person commits a Class C crime if
14 that person, after being requested or signaled to stop, attempts
15 to elude a law enforcement officer by operating a vehicle at a
16 reckless rate of speed that results in a high-speed chase between
17 the operator's vehicle and a law enforcement vehicle using a blue
18 light and siren.

19 4. Passing a roadblock. A person commits a Class C crime
20 if the person, without authorization, operates or attempts to
21 operate a motor vehicle past a clearly identifiable police
22 roadblock.

23 5. High-speed chase policies. All state, county and
24 municipal law enforcement agencies must adopt written policies on
25 high-speed chases.

26 6. Aggravating factor. A person commits a Class B crime if
27 that person attempts to elude a law enforcement officer or passes
28 or attempts to pass a roadblock and another person suffers
29 serious bodily injury, as defined in Title 17-A, section 2,
30 subsection 23, as a result.

38 SUBCHAPTER III

40 ACCIDENT AND THEFT REPORTS

42 §2251. Accident reports

43 1. Definition. As used in this section, "reportable
44 accident" means an accident on a public way or a place where
45 public traffic may reasonably be anticipated, resulting in bodily
46 injury or death to a person or apparent property damage of \$500
47 or more.

2 2. Report required. A reportable accident must be reported
4 immediately by the quickest means of communication to a law
6 enforcement officer or agency by:

8 A. The operator of an involved vehicle;

10 B. A person acting for the operator; or

12 C. If the operator is unknown, the owner of an involved
14 vehicle having knowledge of the accident.

16 3. Form. The Chief of the State Police:

18 A. Shall prepare and supply forms for reports that require
20 sufficiently detailed information to disclose the cause,
22 conditions, persons and vehicles involved;

24 B. Shall receive, tabulate and analyze accident reports; and

26 C. May publish statistical information on the number, cause
28 and location of accidents.

30 4. Investigation. A law enforcement officer who
32 investigates a reportable accident shall:

34 A. Interview participants and witnesses; and

36 B. Within 5 days from the time of notification of the
38 accident, transmit a written report containing all available
40 information to the Chief of the State Police.

42 Every reported accident must be promptly investigated.

44 If the accident results in serious bodily injury or death of any
46 person, the investigation must be conducted by an officer who has
48 met the training standards of a full-time law enforcement officer.

50 5. Forty-eight-hour report. An operator of a vehicle
52 involved in a reportable accident shall, within 48 hours after
54 the accident, make a written report of the accident to the
56 Secretary of State on forms provided by the Secretary of State.
58 The Secretary of State may require supplemental reports when the
60 original report is insufficient.

62 6. Financial responsibility information. The 48-hour
64 accident report form must also contain, as prescribed by the
66 Secretary of State, information to determine whether the
68 requirement for proof of financial responsibility is inapplicable.

2 The person reporting shall furnish additional relevant
3 information as the Secretary of State requires.

4 The Secretary of State may rely on the accuracy of the
5 information until there is reason to believe that the information
6 is erroneous.

8 7. Report information. An accident report made by an
9 investigating officer or a 48-hour report made by an operator is
10 for the purposes of statistical analysis and accident prevention.

12 A report or statement contained in the accident report, a
13 statement made or testimony taken at a hearing before the
14 Secretary of State held under section 2483, or a decision made as
15 a result of that report, statement or testimony may not be
16 admitted in evidence in any trial, civil or criminal, arising out
17 of the accident.

18 A report may be admissible in evidence solely to prove compliance
19 with this section.

22 The Chief of the State Police may disclose the date, time and
23 location of the accident and the names and addresses of
24 operators, owners, injured persons, witnesses and the
25 investigating officer. On written request, the chief may furnish
26 a photocopy of a report at the expense of the person making the
27 request.

28 8. Violation. A person commits a Class E crime if that
29 person:

32 A. Is required to make an oral or written report and
33 knowingly fails to do so within the time required; or

34 B. Is an operator involved in a reportable accident and
35 knowingly fails to give a correct name and address when
36 requested by an officer at the scene.

38 9. Prima facie evidence. The absence of notice to a law
39 enforcement agency with jurisdiction where the accident occurred
40 is prima facie evidence of failure to report an accident.

42 10. Suspension. Pursuant to chapter 23, the Secretary of
43 State may suspend or revoke the motor vehicle driver's license
44 and certificate of registration of a person who is required to
45 make a report and fails to do so or who knowingly fails to give
46 correct information required on a report.

48 §2252. Accidents involving death or personal injury
49
50

1. Operator required to stop. The operator of a vehicle involved in an accident anywhere that results in personal injury or death to a person shall immediately stop the vehicle at the scene of the accident or stop as close as possible and immediately return to the scene.

2. Provide information. The operator shall remain at the scene and provide to the injured person or the operator or an occupant of the other vehicle:

A. The operator's name and address;

B. The registration number of the operator's vehicle; and

C. An opportunity to examine the driver's license if the other operator or occupant so requests and the license is available.

3. Render assistance. The operator shall render reasonable assistance to an injured person.

4. Violation. A person commits a Class D crime if that person fails to comply with this section.

§2253. Accidents involving vehicle damage

1. Operator required to stop. The operator of a vehicle involved in an accident that results in damage to an attended vehicle shall immediately stop the vehicle at the scene of the accident or stop as close as possible and immediately return to the scene.

2. Provide information. The operator shall remain at the scene and provide to the operator or an occupant of the other vehicle:

A. The operator's name and address;

B. The registration number of the operator's vehicle; and

C. An opportunity to examine the driver's license if the other operator or occupant so requests and the license is available.

3. Violation. A person commits a Class E crime if that person fails to comply with this section.

§2254. Accidents involving unattended vehicle

2 1. Operator required to stop. The operator of a vehicle
involved in an accident that results in damage to an unattended
4 vehicle shall immediately stop the vehicle at the scene of the
accident or stop as close as possible and immediately return to
the scene.

6
8 2. Provide information. The operator shall notify the
owner or operator of the unattended vehicle or shall leave on
that vehicle in a conspicuous place a statement containing:

10 A. The operator's name and address;

12 B. The registration number of the operator's vehicle; and

14 C. A statement of the circumstances of the accident.

16
18 3. Violation. A person commits a Class E crime if that
person fails to comply with this section.

20 **§2255. Accidents involving property damage**

22 1. Notification. The operator of a vehicle involved in an
accident anywhere that results in property damage shall take
24 reasonable steps to notify the owner of that property of the
accident.

26
28 2. Provide information. The operator shall provide to the
property owner:

30 A. The operator's name and address;

32 B. The registration number of the operator's vehicle; and

34 C. An opportunity to examine the driver's license if the
operator or owner so requests and the license is available.

36
38 3. Violation. A person commits a Class E crime if that
person fails to comply with this section.

40 **§2256. Garage proprietor to report serious accident**

42 1. Report required. If a person in charge of a garage or
repair shop receives a motor vehicle that shows evidence of a
44 serious accident or bullet damage, that person shall immediately
report that vehicle to the nearest law enforcement agency, giving
46 the serial and engine number or identification number,
registration number and the name and address of the owner or
48 operator of the vehicle.

2. Violation. A person commits Class E crime if that person fails to report a vehicle as required by this section.

\$2257. Thefts

1. Record of thefts. The Chief of the State Police shall:

A. Maintain a record of stolen motor vehicles; and

B. Promptly report the theft of a vehicle to the Secretary of State, giving a complete description of the vehicle, including the name and address of the person reporting the theft.

2. Recovery. When a stolen vehicle is recovered, the owner shall notify the Chief of the State Police of the recovery. The Chief of the State Police shall remove the record of that theft and notify the Secretary of State.

3. Violation. An owner of a vehicle reported as stolen commits a Class E crime if that person fails to give notice of the vehicle's recovery.

SUBCHAPTER IV

SCHOOL BUSES

§2301. Definitions

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

1. Private school. "Private school" has the same meaning as in Title 20-A, section 1, subsection 22.

2. School. "School," as used in this subchapter, means an institution or facility for the teaching of children or for the custodial care of children, whether public or private, which is regularly attended by such children.

3. School-age persons. "School-age persons" means all children up to the age of 18 years, persons 18 years and older who are enrolled in a state-approved program of primary or secondary education, as defined in Title 20-A, and persons as described in Title 34-B, section 5402, subsection 1 living at Pineland Center or in any of its residential facilities who are bused to and from sites off the center grounds as part of their treatment.

2 4. School bus. "School bus" means a motor vehicle with a
3 carrying capacity of 10 or more passengers used to transport
4 children as approved by school authorities to and from school,
5 school activities, municipally operated activities or activities
6 of a nonprofit corporation or association. It does not include a
7 private motor vehicle used to transport members of the owner's
8 household, or a private school activity bus.

9 5. Private school activity bus. "Private school activity
10 bus" means a privately owned motor vehicle with a carrying
11 capacity of 10 to 15 passengers that is not operated with public
12 funds and that is used by a private school to transport students
13 other than to and from home and school.

14 **§2302. School bus markings; lights; mirrors**

15 **1. Identifications. Each school bus:**

16 **A. Must be identified with the words, "school bus":**

17 (1) Printed in letters not less than 8 inches high; and

18 (2) Located between the warning signal lamps as high
19 as possible without impairing front and rear visibility
20 of the lettering;

21 **B. Must have no other lettering on the front or rear,**
22 **except lettering not more than 4 inches high indicating an**
23 **emergency exit and a bus number;**

24 **C. Must be painted national school bus glossy yellow,**
25 **except that the hood may be lusterless black;**

26 **D. Must have bumpers of glossy black unless painting is**
27 **impracticable through use of rubber, reflective material or**
28 **other devices;**

29 **E. Must be equipped with a system of signal lights that**
30 **conform to school bus requirements approved by the**
31 **Commissioner of Education;**

32 **F. Must be equipped with a system of mirrors that give the**
33 **seated operator a view of the way to each side of the bus,**
34 **and of the area immediately in front of the front bumper; and**

35 **G. May be equipped with a system of stop arms to be**
36 **operated only with the red signal lights.**

2 2. Smaller buses. A school bus with a carrying capacity of
4 20 or fewer passengers is required to comply only with the
6 requirements of subsection 1, paragraphs C, D and F.

8 3. Other purposes. A school bus permanently converted
10 wholly to other purposes must be painted a color other than
12 national school bus glossy yellow and have the words "school
14 bus," school bus signal lights and stop arms removed.

16 4. Other passengers. A school bus operated on a public way
18 and transporting passengers who do not include school-age persons
20 must have the words "school bus" removed or concealed and the
22 school bus signal lamps may not be operable.

24 5. Application. A vehicle operated on a public way
26 displaying the words "school bus" or with the equipment required
28 by this section may only be used to transport school-age persons,
30 as defined in section 2301.

32 **§2303. School bus operator requirements**

34 1. Requirements. The Secretary of State may not issue a
36 school bus operator endorsement unless the applicant:

38 A. Holds a valid driver's license for operation of the
40 class vehicle and has at least one year's experience as a
42 licensed school bus operator;

44 B. Is at least 21 years of age and has held a driver's
46 license for at least one year;

48 C. Meets all training, physical, mental and moral
50 requirements of the Commissioner of Education, as certified
52 to the Secretary of State in writing;

54 D. Is qualified as a driver under the motor carrier safety
56 regulations of the Federal Highway Administration, if that
58 person or that person's employer is subject to those
60 regulations;

62 E. Passes an examination of the person's ability to operate
64 the specific vehicle that will be driven as a school bus or
66 a vehicle of comparable type;

68 F. Has not had a license revoked pursuant to chapter 23,
70 subchapter V, within the preceding 6-year period; and

72 G. Has not received an OUI conviction, as defined in
74 section 2401, subsection 9, within the preceding 6-year
76 period.

2 2. Current endorsement holders. The Secretary of State
4 shall suspend or revoke a school operator's endorsement as
 provided in section 2452.

6 3. Annual physical. The applicant must pass an annual
8 physical examination at the cost of the employer.

10 4. Safety and driver training. The Department of Education
12 shall, within available resources, develop, certify and
14 administer regional school bus driver training programs and
 assist school administrative units in school bus safety and
 driver training.

16 5. Fee. A fee of \$10 must accompany the initial
 application. The fee for a subsequent examination is \$5.

18 §2304. School bus seating; doors; standing prohibited

20 1. Seating. A school bus must meet the following seating
22 requirements.

24 A. The manufacturer's specified seating capacity is
26 determined by dividing the linear width of each seat by 13
 and then rounding the quotient down to the nearest whole
 number.

28 B. The maximum seating capacity must be the following
30 percentages of the manufacturer's specified seating capacity:

32 (1) Grades 9 to 12, 85%;

34 (2) Grades kindergarten to 12, 95%;

36 (3) Grades kindergarten to 8, 100%; or

38 (4) If at least 15 inches of seat width per student,
 100%.

40 C. There may not be auxiliary seating accommodations such
42 as temporary or jump seats.

44 D. Seats must face the front of the bus and be divided by a
 center aisle at least 12 inches wide.

46 E. Seating capacity must be displayed in a manner
48 prescribed by the Commissioner of Education.

50 2. Doors. A school bus must be equipped with at least 2
 doors as follows:

2 A. One door on the right side near the front for ordinary
3 exits and entrances; and

4
5 B. A 2nd door located in the center of the rear or if the
6 engine makes that impossible, on the left side in the center
7 or to the rear of center. The 2nd door must be free of
8 obstruction, clearly marked as an emergency exit, and
9 constructed to open from inside and outside.

10
11 3. Standing passengers. The operator of a school bus may
12 not permit any passengers to stand when the bus is in motion on a
13 public way.

14
15 4. Safety seat belts. The operator and passengers in
16 school buses equipped with safety seat belts shall wear those
17 belts when the vehicle is in motion.

18 **§2305. School bus construction; fire extinguisher**

19
20 1. Access. A school bus must be constructed to permit the
21 operator access to the passenger compartment without leaving the
22 vehicle.

23
24 2. Exhaust pipe. The exhaust pipe must be entirely outside
25 the passenger compartment of a school bus.

26
27 3. Fuel tank filler, vent, drain openings. The fuel tank
28 filler, vent and drain openings must be outside the school bus
29 body.

30
31 4. Fire extinguisher. A school bus must have at least one
32 dry chemical fire extinguisher:

33 A. Of at least 2 1/2 pound capacity;

34
35 B. Mounted in automotive type manufacturer's extinguisher
36 bracket;

37 C. Located in the operator's compartment in full view of
38 and readily accessible to the operator; and

39 D. Having an Underwriters' Laboratories rating of not less
40 than 10-B; C.

41 **§2306. School buses to stop at railroad track crossings**

42 1. Full stop. The operator of a school bus shall come to a
43 full stop before crossing a railroad track at a point not more
44 than 50 feet nor less than 15 feet from the nearest rail.

2 2. Ensure no train. The operator shall ascertain beyond a
4 reasonable doubt that no train, engine or conveyance is
 approaching on the track before proceeding to cross.

6 3. Violation. A person commits a Class E crime if that
8 person, while operating a school bus, fails to stop or yield the
 right-of-way as required by this section.

10 4. Suspension. On conviction of failure to stop or yield
12 to a train, an operator's permit to operate a school bus must be
 revoked by the Secretary of State for a period of not less than 2
14 years.

16 **§2307. School bus inspection**

18 1. Biennial inspection. Notwithstanding chapter 15, a
20 school bus must be inspected by an official inspection station
 designated by the Chief of the State Police as a school bus
 inspection station, during each August and February.

22 2. Additional inspection. In addition to inspection under
24 subsection 1, between September 1st and November 30th and between
 March 1st and May 31st a school bus inspection must be conducted
26 by the State Police.

28 3. Other dates. A school bus requiring inspection during a
30 month other than August and February that satisfies the
 inspection requirements must be issued the school bus inspection
 sticker that expires the next August or February, whichever is
32 earlier.

34 4. Fee. The operator of an official school bus inspection
36 station is entitled to a fee of \$8 for each school bus
 inspected. The fee does not include labor or material used in
 correction of faults.

38 **§2308. Overtaking and passing school buses**

40 1. Receiving or discharging passengers. A school bus
42 operator shall activate flashing lights at least 100 feet before
 a stop is made to receive or discharge passengers. These lights
44 must be continually displayed until after the bus has received or
 discharged passengers.

46 2. Stopping. The operator of a vehicle on a way or on
48 school property, on meeting or overtaking a school bus from
 either direction when the bus has stopped with its red lights
50 flashing to receive or discharge passengers, shall stop the
 vehicle before reaching the school bus. The operator may not

2 proceed until the school bus resumes motion or until signaled by
3 the school bus operator to proceed.

4 3. Separated roadways. The operator of a vehicle on a way
5 separated by curbing or other physical barrier need not stop on
6 meeting or passing a school bus:

8 A. Traveling in a lane separated by the barrier from the
9 lane in which that operator is traveling; or

10 B. On a limited access highway where pedestrians are not
11 permitted to cross the roadway with the school bus stopped
12 in a loading zone.

13 4. Use of flashing red lights restricted. A school bus
14 operator may not use the system of flashing lights on a school
15 bus for a purpose other than controlling traffic while stopping
16 to receive or discharge school children.

17 5. Registered owner's liability for vehicle illegally
18 passing a school bus. A person who is a registered owner of a
19 vehicle at the time that vehicle is involved in a violation of
20 subsection 2 commits a civil violation. For purposes of this
21 subsection, "registered owner" includes a person issued a dealer
22 or transporter registration plate.

23 A. The operator of a school bus who observes a violation of
24 subsection 2 may report the violation to a law enforcement
25 officer. If a report is made, the operator shall report the
26 time and the location of the violation and the registration
27 plate number and a description of the vehicle involved. The
28 officer shall initiate an investigation of the reported
29 violation and, if possible, contact the registered owner of
30 the motor vehicle involved and request that the registered
31 owner supply information identifying the operator.

32 B. The investigating officer may cause the registered owner
33 of the vehicle to be served with a summons for a violation
34 of this subsection.

35 C. Except as provided in paragraph D, it is not a defense
36 to a violation of this subsection that a registered owner
37 was not operating the vehicle at the time of the violation.

38 D. The following are defenses to a violation of this
39 subsection.

40 (1) If a person other than the owner is convicted of
41 operating the vehicle at the time of the violation in

2 violation of subsection 2, then the registered owner
3 may not be found in violation of this subsection.

4 (2) If the registered owner is a lessor of vehicles
5 and at the time of the violation the vehicle was in the
6 possession of a lessee, and the lessor provides the
7 investigating officer with a copy of the lease
8 agreement containing the information required by
9 section 2308, subsection 5, then the lessee and not the
10 lessor may be charged under this subsection.

11 (3) If the vehicle is operated using a dealer or
12 transporter registration plate and at the time of the
13 violation the vehicle was operated by any person other
14 than the dealer or transporter, and if the dealer or
15 transporter provides the investigating officer with the
16 name and address of the person who had control over the
17 vehicle at the time of the violation, then that person
18 and not the dealer or transporter may be charged under
19 this subsection.

20 (4) If a report that the vehicle was stolen is given
21 to a law enforcement officer or agency before the
22 violation occurs or within a reasonable time after the
23 violation occurs, then the registered owner may not be
24 charged under this subsection.

25 E. Notwithstanding subsection 6, a person who violates this
26 subsection commits a civil violation for which a forfeiture
27 of not less than \$50 or more than \$250 may be adjudged.

28 6. Penalty. A violation of this section is a Class E crime
29 which, notwithstanding Title 17-A, section 1301, is punishable by
30 a \$250 minimum fine for the first offense and a mandatory 30-day
31 suspension of a driver's license for a 2nd offense occurring
32 within 3 years of the first offense.

33 **§2309. Exemptions from subchapter**

34 A vehicle with a carrying capacity of 20 or fewer passengers
35 used to transport children to day care or head start facilities
36 is exempt from this subchapter.

37 **§2310. Other permitted uses for buses**

38 A bus, integrally constructed, with a carrying capacity of
39 40 or more passengers, operated by a motor carrier holding an
40 operator's permit issued by the Bureau of State Police may be
41 used for school activities other than conveying children to and
42 from home and school.

2 **§2311. Rules**

4 The Commissioner of Education may adopt or amend rules
6 consistent with this Title and in accordance with the Maine
 Administrative Procedure Act, concerning school bus construction,
8 equipment and operation.

10 **CHAPTER 21**

12 **WEIGHT AND DIMENSION**

14 **SUBCHAPTER I**

16 **WEIGHT**

18 **§2351. Definitions**

20 As used in this subchapter, unless the context otherwise
22 indicates, the following terms have the following meanings.

24 1. Gross vehicle weight. "Gross vehicle weight" or "GVW"
 means the actual total weight of the vehicle and load.

26 2. Gross vehicle weight rating. "Gross vehicle weight
28 rating" or "GVWR" means the weight of the vehicle and load as
 determined by the final stage manufacturer, as it appears on the
30 vehicle.

32 3. Registered weight. "Registered weight" means the gross
 vehicle weight specified on the vehicle's registration
34 certificate.

36 4. Interstate Highway System. "The Interstate Highway
 System" has the same definition as in the United States Highway
38 Act of 1956.

40 **§2352. Maximum operational weight**

42 Except as allowed by specific exception in section 2382, a
 vehicle may not be operated on a public way if the weight exceeds:

44 1. Maximum. A gross vehicle weight of 90,000 pounds,
46 except as provided in section 2354, subsection 2;

48 2. Registered weight. Registered weight with a tolerance
 of 500 pounds or 2 1/2% over the registered weight;

2 3. Configuration weight. The weight limits on axle
3 configurations; or

4 4. Axle. The axle weight limit as provided in this
5 subchapter.

6 §2353. Weight limits

7 1. Weight limits. The following gross vehicle weight
8 limits apply to vehicles operating on a public way:

9 A. For a 2-axle vehicle, 34,000 pounds;

10 B. For a 3-axle vehicle or combination of vehicles, 54,000
11 pounds;

12 C. For a 4-axle vehicle or combination of vehicles, 69,000
13 pounds; and

14 D. Except as provided in section 2354, subsections 1 and 2,
15 for 5 or more axles, 80,000 pounds.

16 2. Weight reductions. The maximum gross vehicle weight
17 permitted for combination vehicles having:

18 A. Four axles is reduced by 1,000 pounds for each foot the
19 distance is less than 18 feet between the centers of the
20 extreme axles, excluding the steering axle, measured to the
21 nearest foot; or

22 B. Five or more axles is reduced by 2,000 pounds for each
23 foot the distance is less than 24 feet between the centers
24 of the extreme axles, excluding the steering axle, measured
25 to the nearest foot.

26 3. Exception. Subsection 2 does not apply to vehicles
27 operated on the Interstate Highway System.

28 4. Axle weight limits. The following axle weight limits
29 apply.

30 A. A vehicle may not be operated with a gross weight
31 exceeding:

32 (1) On a single-axle unit, 22,400 pounds;

33 (2) On a tandem-axle unit, 38,000 pounds; or

34 (3) On a tri-axle unit, 48,000 pounds.

2 A single axle of a tandem-axle unit may not support more than 60%
4 of the total weight supported by that tandem-axle unit, unless
6 neither axle exceeds the weight legally allowed on a single-axle
8 unit of that vehicle.

10 A single axle of a tri-axle unit may not support more than 40% of
12 the total weight supported by that tri-axle unit.

14 The maximum gross weight of a vehicle or axle may not be
16 increased by the addition of an axle unless it supports at least
18 50% of the added weight permitted by its addition.

20 A single-axle unit is one axle or 2 axles less than 4 feet
22 apart. Two or more axles at least 4 feet and not more than 8
24 feet apart are a tandem-axle unit. Three axles measuring more
26 than 8 feet and less than 12 feet between the first and 3rd axles
28 are a tri-axle unit. If a single-axle unit is closer than 10
30 feet, or 9 feet in the case of a steering axle, to the nearest
32 axle of a tri-axle unit, the 4 axles are a tri-axle unit.

34 5. Maximum tire weight. A vehicle may not be operated when
36 the load on the road surface is greater than 600 pounds per inch
38 of tire width, manufacturer's rating, except farm trucks
40 transporting potatoes directly from the fields to the place of
42 storage or to a processing facility during the potato harvesting
44 season.

46 A tractor, the propulsive power of which is exerted not through
48 wheels resting on the ground but by means of a flexible band or
50 chain known as a movable track, is not subject to this subsection
52 if the portions of track in contact with the surface of the way
54 present plane surfaces.

56 6. Exemption. A vehicle modified for the purpose of
58 plowing snow is exempt from the weight limits imposed by this
60 chapter when engaged in plowing snow or in ice control. Any
62 fire-fighting vehicle with its proper equipment that meets the
64 National Fire Protection Association standards is exempt from the
66 gross and axle weight limits imposed by this chapter.

68 §2354. Six-axle limits

70 Notwithstanding this subchapter, a combination vehicle
72 consisting of a 3-axle truck tractor with a tri-axle semitrailer
74 may be operated with a maximum gross vehicle weight of:

- 76 1. 90,000 pounds. Ninety thousand pounds, as long as:
78

2 A. The vehicle is registered for at least 90,000 pounds or
4 the maximum allowable registered weight in its home
 jurisdiction; and

6 B. If the maximum allowable registered weight in the home
8 jurisdiction is less than 90,000 pounds, the vehicle has a
10 permit authorizing that operation in this State. The annual
12 fee for the permit is \$105. The permit may be issued for a
 period of 3 months or more on a monthly prorated basis, but
 may not exceed the expiration date of the annual
 registration.

14 The maximum gross vehicle weight permitted is reduced by 2,000
16 pounds for each foot the distance is less than 32 feet between
 the extreme axles, excluding the steering axle, measured to the
 nearest foot; or

18 2. 100,000 pounds. One hundred thousand pounds, as long as
20 the vehicle meets these additional requirements:

22 A. The distance between the extreme axles, excluding the
24 steering axle, is not less than 36 feet as measured to the
 nearest foot;

26 B. The minimum distance between the steering axle and the
28 first axle of the tandem-axle group is at least 10 feet as
 measured to the nearest foot;

30 C. The maximum weight on the:

32 (1) Tandem axle does not exceed 41,000 pounds; and

34 (2) Tri-axle does not exceed 50,000 pounds;

36 D. All brakes, axles and suspensions are certified for
38 weight capacity by a final stage manufacturer. The
40 certification must be presented before the permit is
 issued. The certification must be affixed to or carried in
 the vehicle and presented on request to a law enforcement
 officer;

42 E. A general commodity permit is obtained. The permit must
44 be carried in the vehicle at all times. The fee for an
46 annual permit is \$252; a 3-month permit is \$75; and a permit
48 for a period of 4 months or more is \$21 per month. A permit
 may be transferred to another vehicle for an additional fee
 of \$2.

50 The permit may be obtained from a branch office of the
 Secretary of State, Bureau of Motor Vehicles, or from an

agent appointed by the Secretary of State. A municipal agent may charge an additional \$1 and may retain that sum as compensation.

Revenue from the permit fee must be expended for the enforcement of truck weight regulations.

A vehicle with a general commodity permit may carry special commodities specified in section 2357 without an additional permit; and

F. Nothing contained in this subsection applies to vehicles using the Interstate Highway System as defined in the Federal Aid Highway Act of 1956.

For vehicles operating under this subsection gross vehicle weight violations are determined on the basis of 90,000 pounds.

For all vehicles manufactured, modified or retrofitted with liftable or variable load suspension axles after October 30, 1991, liftable or variable load suspension axles are permitted only under the following conditions: only one liftable or variable load axle may be present on the truck tractor and only one liftable or variable load axle may be present on the semitrailer; liftable or variable load axles must be located on the vehicle so that they are legally part of the tandem axle group or tri-axle group as appropriate; and the axle weight rating of liftable or variable load axles must conform to the expected loading of the suspension and must be 20,000 pounds or more.

§2355. Interstate Highway System weight limits

1. **Maximum weight.** Notwithstanding section 2353, subsections 1 and 2, a vehicle may be operated on the Interstate Highway System with maximum weights permitted by this subsection if the weight does not exceed 80,000 pounds or the following formula, whichever is less.

$$W = 500 \left(\frac{LN}{N - 1} + 12N + 36 \right)$$

W = overall gross weight on any group of 2 or more consecutive axles to the nearest 500 pounds

L = overall distance in feet between the extreme of any group of 2 or more consecutive axles

N = number of axles in group under consideration.

2 2. Axle limits. Notwithstanding section 2357, on the
4 Interstate Highway System, the weight may not exceed:

6 A. On a single-axle unit:

8 (1) When the GVW is 73,280 pounds or less, 22,000
 pounds; or

10 (2) When the GVW exceeds 73,280 pounds, 20,000 pounds;

12 B. On a tandem-axle unit, 34,000 pounds; and

14 C. On axles groups containing 2 or more axles, the maximum
16 determined by the formula in subsection 1.

18 3. Three-axle truck. A 3-axle truck with brakes on all
 wheels, with a GVW of 48,000 pounds or less, may be operated on
20 the Interstate Highway System when hauling:

22 A. Forest products or raw ore from the mine or quarry to a
 place of processing, with a distance between extreme axles
24 of not less than 18 feet; or

26 B. Construction materials, with a distance between extreme
 axles of not less than 16 feet.

28 \$2356. Operation of commercial vehicle exceeding registered
30 weight

32 1. Operation prohibited. A person commits a Class E crime
 if that person operates a commercial vehicle in excess of its
34 registered weight on a public way.

36 2. Prima facie evidence. Operation of a vehicle is prima
 facie evidence that the operation was caused by the person
38 holding the permit or certificate for that vehicle from the
 Secretary of State.

40 3. Exception. An operator who is employed by a carrier
 holding a permit or certificate and who has not participated in
42 loading the vehicle is not subject to a penalty.

44 4. Penalty. Notwithstanding Title 17-A, section 4-B, the
 fine for a violation of subsection 1 must be 1/2 of the
46 difference in the registration fees for the actual weight and the
 registered weight of the vehicle. The minimum fine for a
48 violation of this section is \$25.

2 5. Private ways exempted. This section does not apply to
operating on private ways.

4 §2357. Weight tolerance for certain vehicles

6 1. Vehicles included. The following vehicles qualify for
the weight tolerances of this section:

8 A. A vehicle loaded entirely with building materials that
10 absorb moisture, bark, sawdust, firewood, sawed lumber,
12 dimension lumber, pulpwood, wood chips, logs, soil,
14 unconsolidated rock material including limestone, bolts,
farm produce, road salt, manufacturer's concrete products,
solid waste, building materials or incinerator ash;

16 B. Trucks carrying highway construction materials;

18 C. A vehicle loaded with a majority of products requiring
20 refrigeration, whether by ice or mechanical equipment; or

22 D. A vehicle loaded with raw ore from the mine or quarry to
a place of processing.

24 2. Tolerance. A vehicle is not in violation if its gross
26 vehicle weight does not exceed 110% of the maximum gross vehicle
weight and the maximum axle loads do not exceed:

28 A. For a single-axle unit, 24,200 pounds;

30 B. For a tandem-axle unit, 46,000 pounds;

32 C. For a tri-axle unit, 54,000 pounds; and

34 D. On the tri-axle unit of a 4-axle single-unit vehicle
36 hauling forest products, 64,000 pounds.

38 3. Axle limits. Notwithstanding subsection 2, the
tandem-axle unit limit for a vehicle with a combination of 5 or
40 more axles may not exceed 44,000 pounds.

42 4. Six-axle combination. Notwithstanding subsection 2, a
6-axle combination vehicle, consisting of a 3-axle tractor
44 operating in combination with a tri-axle semitrailer may not
exceed 100,000 pounds. The distance between the extreme axles of
46 a vehicle under this subsection, excluding the steering axle,
must be at least 32 feet.

48 If a truck tractor is registered in a jurisdiction where the
50 maximum allowable registered weight is less than 90,000 pounds,
the vehicle must have a permit authorizing operation in this

2 State. The annual fee for the permit is \$105. The permit may be
4 issued for a period of 3 months or more on a monthly prorated
6 basis, but may not exceed the expiration date of the annual
8 registration.

10 5. Application. The tolerances provided under this section
12 only apply when a vehicle:

14 A. Is actually transporting the listed commodities;

16 B. Is registered for at least the maximum legal weight for
18 its configuration allowed under section 2352; and

20 C. Has a special commodity permit.

22 6. Seals. If a seal is required on a vehicle, the State
24 Police shall record the numbers of the old seal and the new seal.

26 7. Penalty calculation. When a tolerance is exceeded, the
28 difference between the actual weight and the limit established in
30 section 2352 must be used as the basis for determining the
32 percentage of overload in section 2361 and the tolerance must be
34 disregarded.

36 8. Interstate Highway System. This section does not apply
38 to a vehicle operated on the Interstate Highway System.

40 **§2358. Special commodity permits**

42 A special commodity permit allows the application of the
44 tolerances provided in section 2357 to the permitted vehicle.
46 The following provisions apply to special commodity permits.

48 1. Registration weight. A permit is valid only when issued
50 to a vehicle registered for the maximum gross weight for its
configuration allowed in the home jurisdiction.

2. Posted weight limits. A permit holder shall observe
posted weight limits on bridges and public ways.

3. Issuing a permit. A permit may be obtained from a
branch office of the Bureau of Motor Vehicles or from an agent of
the Secretary of State appointed for that specific purpose. An
agent must be a municipal tax collector or town or city manager.

4. Fee. The following fees apply:

A. For issuing the permit, \$2;

B. For transferring the permit to another vehicle, \$2; and

2 C. For the service of an agent, an additional \$1, which is
3 retained by the agent as compensation.

4 5. Term. A permit expires with the annual registration of
5 the vehicle.

6 6. Display. A permit must be carried in or on the vehicle
7 and produced upon demand of a law enforcement officer.

8 7. Issuing on violation. When a vehicle exceeds a maximum
9 weight limit and is required to but does not have a special
10 commodity permit, the operator of the vehicle must obtain a
11 permit before proceeding. This requirement does not replace
12 penalties, fines or other fees that may be due.

13 8. Exemption. A vehicle owned and operated by a government
14 agency is exempt from the requirement for a special commodity
15 permit.

16 **§2359. Weighing of vehicles**

17 A law enforcement officer may require a motor vehicle or
18 combination of vehicles described in this chapter to stop and
19 submit to weighing. The following provisions apply to the
20 weighing of vehicles.

21 1. Travel to public scales. If scales are not available,
22 the officer may require that an operator of a vehicle go to the
23 nearest public scales capable of weighing the vehicle, if the
24 travel does not increase by more than 5 miles the distance that
25 the operator may reasonably travel to reach its destination.

26 2. Weighing points. The Chief of the State Police may
27 designate weighing points where public stationary scales are
28 located.

29 A weighing point must have signs:

30 A. Not less than 500 feet from approaching traffic;

31 B. Bearing the words "State Police Truck Check - All Trucks
32 Stop"; and

33 C. Displaying flashing yellow lights, which must operate
34 when the weighing station is open.

35 The placement of signs is prima facie evidence that these signs
36 were displayed in accordance with this section.

2 An operator of a vehicle subject to GVW restrictions who fails to
3 stop at the weighing point when the signs are operating, unless
4 otherwise directed by a law enforcement officer, commits a civil
5 violation for which a forfeiture not to exceed \$500 may be
6 adjudged.

7 3. Designating officers. The Chief of the State Police may
8 designate certain state law enforcement officers to examine loads
9 and replace seals as provided by this section.

10 4. Required stops. On direction of an law enforcement
11 officer, an operator must drive the vehicle onto the scales for
12 weighing and permit examination of the registration certificate
13 and the load.

14 5. Seals. When examination requires the breaking of a seal
15 previously placed on a vehicle, a new seal must be placed on it.

16 The officer shall make a complete record and forward it to the
17 Chief of the State Police.

18 A seal on a truck having an exposed refrigeration unit may not be
19 broken.

20 6. Unloading excess. When an officer determines that a
21 vehicle exceeds the permitted weight, the officer must require
22 the operator to stop the vehicle in a designated place.

23 The vehicle may not proceed until the operator has reduced the
24 weight to permitted limits; except that if the excess weight does
25 not exceed 2,000 pounds, an officer may permit the vehicle to
26 proceed without unloading. The officer may summons the owner or
27 driver of that vehicle.

28 An officer, the State or a political subdivision is not
29 responsible for loss or damage to a vehicle or its contents as a
30 result of unloading.

31 7. Out-of-service sticker. If the weight exceeds the
32 maximum allowable gross vehicle weight by 20% or more, the
33 officer shall affix an out-of-service sticker to the windshield
34 until the vehicle is brought into compliance.

35 The vehicle may not be moved until it is brought into compliance.

36 When a vehicle is brought into compliance, an officer may attest
37 to compliance by signing the out-of-service sticker.

2 A person commits a Class E crime if that person moves a vehicle
3 with an out-of-service sticker that has not been signed by an
4 officer attesting to compliance.

5 An owner or operator who fails to have the out-of-service sticker
6 attested or who fails to return the attested sticker or portion
7 to the Bureau of State Police within 15 days of issuance commits
8 a traffic infraction.

9 8. Allowable movement. Notwithstanding this section, a law
10 enforcement officer may allow a vehicle to be operated a
11 reasonable distance to a more appropriate location for unloading
12 or parking.

13 9. Fees. Subject to the provisions of Title 5, chapter
14 375, subchapter IV, the operator of a vehicle registered in this
15 State found to violate section 2352 shall pay to the officer
16 weighing the vehicle the difference between the annual
17 registration fee for the actual weight of the vehicle and the
18 annual registration fee previously paid prior to proceeding.

19 The operator of a foreign-registered vehicle found to be in
20 violation of section 2352 must obtain a trip permit for a fee of
21 \$25 before the vehicle may proceed. The trip permit is valid for
22 72 hours. The Secretary of State shall notify the violator's
23 home jurisdiction of the violation of section 2352.

24 The payment of a fee under this section does not preclude the
25 imposition of fines or penalties. Upon payment of the fee, the
26 officer shall give the operator a temporary registration
27 certificate. Fees collected must be returned to the Secretary of
28 State at least biweekly. These fees accrue to the Highway Fund.

29 10. Records. A state law enforcement officer shall keep a
30 complete record of each vehicle weighed.

31 The records must include information as to the general type of
32 load carried.

33 The officer shall send a copy of each record, prior to the close
34 of the month following the weighing, to the Chief of the State
35 Police.

36 The Chief of the State Police shall prepare and furnish the forms
37 for these records.

38 **§2360. Prima facie evidence**

39 For the purposes of this Title, weights as indicated by a
40 stationary or portable scale approved by the Department of
41

2 Transportation and tested within 12 calender months prior to the
4 time of use by a person and method approved by the Department of
6 Transportation are considered accurate.

8 §2361. Excess vehicle weight

10 1. Violation of weight provision. A person who operates or
12 causes operation of a motor vehicle in violation of a weight
14 provision for any axle or group of axles or gross vehicle weight
16 commits a traffic infraction.

18 2. Penalty. Notwithstanding section 101, subsection 84, a
20 person who is guilty of excessive vehicle weight must be punished
22 by a fine in accordance with this section. When both gross and
24 axle weight limits are exceeded, the penalty imposed must be for
26 the violation that results in the higher fine.

28 3. Schedule of fines. The fine must be based on the
30 amount of gross vehicle weight or axle weight in excess of the
32 limits prescribed in sections 2352 to 2355.

34 This schedule is cumulative:

<u>Percent over allowed basic</u> <u>weight</u>	<u>Fine for</u> <u>each percent</u>
<u>1-10%</u>	<u>\$10 for each percent</u>
<u>11-20%</u>	<u>\$100 + \$15 for each percent</u> <u>over 10%</u>
<u>21-30%</u>	<u>\$250 + \$20 for each percent</u> <u>over 20%</u>
<u>31-40%</u>	<u>\$450 + \$25 for each percent</u> <u>over 30%</u>
<u>41-50%</u>	<u>\$700 + \$30 for each percent</u> <u>over 40%</u>
<u>more than 50%</u>	<u>\$1,000 + \$10 for each</u> <u>percent over 50%</u>

44 4. Minor gross weight violations. It is not a violation if
46 the allowable gross vehicle weight is exceeded by less than 500
48 pounds multiplied by the number of axles less one. If the
50 allowable gross weight is exceeded by more than 500 but less than
1,000 pounds multiplied by the number of axles less one, the fine
is reduced by 50%.

2 5. Minor axle weight violations. It is not a violation if
4 the allowable weight on an axle or group of axles is exceeded by
6 less than 1,000 pounds. If the excess is less than 1,000 pounds
8 plus 500 pounds multiplied by the number of axles in the axle
10 group, the fine is reduced by 66%. If the excess is less than
12 1,000 pounds plus 1,000 pounds multiplied by the number of axles
14 in the axle group, the fine is reduced by 50%.

16 6. Axle overweight not exceeding 5%. It is not a violation
18 if, before any redistribution of load under subsection 7, the
20 weight of a single-axle unit, tandem-axle unit or tri-axle unit
22 is not more than 105% of the allowable weight for that axle unit.

24 7. Redistribution of load. Notwithstanding any other
26 provisions of this section, when an officer determines that a
28 vehicle that is within the gross vehicle weight limit is in
30 violation of an axle weight limit, the officer shall permit the
32 operator to redistribute the load once before proceeding. If
34 redistribution brings the vehicle into compliance with axle
36 limits, then the fine is reduced as follows:

38 A. If the violation is less than 2,000 pounds, no penalty;

40 B. If the violation is less than 3,000 pounds, by 66%; and

42 C. If the violation is less than 4,000 pounds, by 50%.

44 8. Multiple reductions. If multiple waivers or reductions
46 of fines may apply, the subsection that gives the smallest fine
48 applies. Reductions may not be combined.

50 9. Minimum fine. The minimum fine is \$10 or, for a vehicle
using the Interstate Highway System, \$20 and cost of court.

10. Application. Subsections 4 to 7 do not apply to travel
on the Interstate Highway System.

§2362. Aggravated excessive vehicle weight violations

1 1. Traffic infraction. A person who operates or causes
2 operation of a motor vehicle exceeding the maximum allowable
3 gross vehicle weight limit by 20% or more commits a traffic
4 infraction except as provided in section 2363.

5 2. Penalty. Notwithstanding section 101, subsection 84, a
6 fine equal to the applicable gross weight fine, increased by 50%
7 for the first offense, and by 100% for the 2nd or subsequent
8 offense during a 12-month period, is imposed. In the event that
9 a larger fine would be due for an axle violation under section
10 2361, that larger fine must be imposed.

2 3. Prior offenses. A law enforcement officer shall
4 investigate to determine whether the charged person has been
6 adjudicated under provisions of this section, including an
 inquiry of the Secretary of State.

8 An offense that occurs with the same vehicle within a
10 12-month period following a previous adjudication for a violation
 is a 2nd or subsequent offense.

12 A previous adjudication has occurred within the 12-month
14 period if the date of docket entry of the adjudication is 12
 months or less from the date of the new conduct that is a
 violation.

16 If the person being prosecuted has the same name and date of
18 birth as a person who has a previous adjudication, then there is
 a presumption that they are the same person.

20 **§2363. Repeat offender**

22 1. Record keeping. The Secretary of State must maintain a
24 record of aggravated excessive vehicle weight violations.

26 2. Suspension for repeat offenders. If the record
28 maintained by the Secretary of State shows that a vehicle has
30 been operated in violation of section 2362 3 or more times during
 a 12-month period, then the Secretary of State shall suspend the
 registration plates and certificate of that vehicle, or, for a
 foreign-registered vehicle, the right to operate in this State.

32 3. Length of suspension. The term of suspension for the
34 3rd offense is 30 days and, for the 4th and subsequent offenses,
 60 days.

36 4. Criminal penalty. Notwithstanding section 2362, a 3rd
38 or subsequent violation of section 2362 within a 12-month period
40 is a Class E crime, but the fine specified in section 2362 and
 the suspension specified in this section apply.

42 **§2364. Refusal to permit weighing**

44 1. Violation. An operator or owner commits a Class E crime
46 if that person refuses to permit the weighing of a vehicle as
 provided in this subchapter.

48 2. Fine. Notwithstanding Title 17-A, a fine of not more
50 than \$1,500 may be imposed. The fine accrues to the Highway
 Fund.

§2365. Six-axle single unit truck

A 6-axle single unit truck may be operated, or caused to be operated, if:

1. General road limit. The general road limit for this vehicle is 54,000 pounds gross vehicle weight when the vehicle operates as a 3-axle single unit vehicle; 69,000 pounds when the vehicle operates as a 4-axle or 5-axle single unit vehicle; and 77,200 pounds gross vehicle weight when the vehicle operates as a 6-axle single unit vehicle;

2. Axle distance. Axle distances as measured from axle center to axle center, numbering the axles beginning with the steering axle and moving rearward on the vehicle, are as follows:

<u>Axle to axle</u>	<u>At least</u>	<u>But not more than</u>
<u>Steering to axle 2</u>	<u>13 ft. 7 in.</u>	<u>14 ft. 1 in.</u>
<u>Axle 2 to axle 3</u>	<u>4 ft. 3 in.</u>	<u>4 ft. 9 in.</u>
<u>Axle 3 to axle 4</u>	<u>4 ft.</u>	<u>5 ft. 3 in.</u>
<u>Axle 4 to axle 5</u>	<u>4 ft. 3 in.</u>	<u>4 ft. 9 in.</u>
<u>Axle 5 to axle 6</u>	<u>5 ft.</u>	<u>5 ft. 6 in.</u>
<u>Steering to axle 6</u>	<u>Not applicable</u>	<u>32 ft. 10 in.</u>

The distance between the front bumper and the rear bumper of the vehicle may not exceed 41 feet;

3. Lifiable axles. Axles 2, 5 and 6 of the vehicle may be liftable axles. Axles 2 and 6 must be self-steering axles of a type that has been approved by the Department of Transportation;

4. Four-tiered axles. All axles must be 4-tired axles except the steering axle and axle 2;

5. Certified weight capacity. All brakes, axles and suspensions must be certified with respect to weight capacity by a final stage manufacturer. The final stage manufacturer must also certify that the vehicle's axle spacings and interlock

2 devices met the requirements of this paragraph at the time of
3 manufacture. The certification must be filed with the Secretary
4 of State on forms prescribed by the Secretary of State. A copy
5 of the certification must be carried in the vehicle at all times;

6 6. Operation as a 3-axle single unit vehicle. When
7 operating as a 3-axle single unit vehicle:

8
9 A. All provisions of this Title appropriate for a 3-axle
10 single unit truck with rear tandem axle apply;

11 B. Commodities permitted by section 2357 may be carried if
12 a permit is obtained in accordance with that section. Gross
13 weight and axle weights must be those specified for 3-axle
14 vehicles for the specific commodities carried; and

15 C. The basic weight used to calculate fines is a gross
16 vehicle weight road limit of 54,000 pounds or the axle
17 weight limits provided by this section, as appropriate. If
18 there are 2 or more weight violations, only the largest fine
19 applies;

20
21 7. Operation as a 4-axle or 5-axle single unit vehicle.
22 When operating as a 4-axle or 5-axle single unit vehicle:

23 A. Axle 5 must be fully lowered and in contact with the
24 ground at all times;

25 B. All provisions of this Title appropriate for a 4-axle
26 single unit truck with rear tri-axle apply, using the
27 tri-axle group limits for axles 2 to 5;

28 C. Commodities permitted by section 2357 may be carried
29 provided that a permit is obtained in accordance with that
30 section. Gross weight and axle weights are those specified
31 for 4-axle or 5-axle vehicles for the specific commodities
32 carried, as appropriate; and

33 D. The basic weight used to calculate fines is a gross
34 vehicle weight road limit of 69,000 pounds or the axle
35 weight limits provided by this section, as appropriate. If
36 there are 2 or more weight violations, only the largest fine
37 applies;

38
39 8. Operation as a 6-axle single unit vehicle. When
40 operating a 6-axle single unit vehicle:

41 A. The vehicle must be registered for at least 77,200
42 pounds;

B. Only forest products may be carried;

C. A special commodity permit in accordance with section 2357 must be obtained;

D. All liftable axles must be in contact with the ground except that axles 2 and 6 may be temporarily lifted when necessary during cornering operations. Immediately following this cornering operation, the axles must be lowered to full contact with the ground. Axles 2 and 6, if liftable, must be fitted with interlock devices that prevent the operator from lifting the axle or axles when the vehicle speed exceeds 15 miles per hour. The devices must be designed to permit the axle-lifting operation only in the low range in a 2-range transmission or in either the low or medium range in a 3-range transmission. The devices must also be designed to automatically lower axles 2 and 6 to normal contact with the ground when the transmission is shifted from the applicable ranges under this division;

E. The maximum permitted gross vehicle weight is 85,000 pounds;

F. The maximum weight of the steering axle may not exceed 15,600 pounds and the maximum weight of each of the other axles of the vehicle may not exceed 15,000 pounds;

G. The following forgiveness provisions are granted on the gross vehicle weight and axle weight limits:

Gross vehicle weight

<u>85,001 lbs. to 87,499 lbs.</u>	<u>Fine waived</u>
<u>87,500 lbs. to 89,999 lbs.</u>	<u>Fine reduced</u>
	<u>50%</u>
<u>90,000 lbs. or more</u>	<u>Full fine</u>

Axle weight

<u>Steering axle</u>	<u>No forgiveness granted</u>
----------------------	-------------------------------

Axles 2 to 6:

<u>15,001 lbs. to 15,999 lbs.</u>	<u>Fine waived</u>
<u>16,000 lbs. to 16,499 lbs.</u>	<u>Fine reduced</u>
	<u>2/3</u>
<u>16,500 lbs. to 16,999 lbs.</u>	<u>Fine reduced</u>
	<u>50%</u>
<u>17,000 lbs. or more</u>	<u>Full fine</u>

2 No other tolerances or forgivenesses apply; and

4 H. The basic weight used to calculate fines is a gross
6 vehicle weight road limit of 77,200 pounds or the axle
8 weight limits enumerated in paragraph F, as appropriate. If
 there are 2 or more weight violations, the largest fine only
 applies; and

10 9. Application. Nothing contained in this section is
12 applicable to vehicles operating on the Interstate Highway
 System, as defined in the Federal Aid Highway Act of 1956.

14 **§2366. Four-axle single unit truck in combination with 2-axle**
 trailer

16 A combination vehicle consisting of a 4-axle single unit
18 truck operating in combination with a 2-axle trailer may be
20 operated, or caused to be operated, with a maximum gross weight
 of 94,000 pounds if:

22 1. Registration. The trailer unit is registered for a
24 minimum of 28,000 pounds gross weight and the combined registered
 weight of the truck and trailer unit is at least 85,000 pounds
 gross weight;

26 2. Special commodity permit. A special commodity permit is
28 obtained in accordance with section 2358 and carried in the
30 vehicle at all times. Only those commodities permitted under
 section 2358 may be carried when a vehicle is being operated at a
 gross vehicle weight exceeding 80,000 pounds;

32 3. Single axle weights. The following single axle weights
34 are not exceeded:

36 A. For a steering axle, the limit is the lesser of 14,000
 pounds or the weight limit provided by this chapter;

38 B. For 2 to 4 truck axles, the limit is 20,000 pounds for
40 each axle; or

42 C. For trailer axles, the limit is 18,000 pounds for each
 axle;

44 4. Triaxle gross weight. The gross weight of the triaxle,
46 which is the sum of the weight of the 2nd, 3rd and 4th axles of
 the truck, does not exceed 50,000 pounds;

2 5. Lifiable axles. When operating at a gross vehicle
3 weight exceeding 88,000 pounds, all liftable axles of the vehicle
4 are in full contact with the ground at all times;

6 6. Percent over basic weight. The "percent over basic
7 weight" used to calculate fines for weight violations by the
8 vehicle are based upon a gross vehicle weight limit of 85,000
9 pounds or upon the axle weight limits enumerated in subsections 3
10 and 4, as appropriate;

12 7. Vehicle dimensions. The following vehicle dimensions
13 are met:

	<u>At Least</u>	<u>Not to Exceed</u>
16 Overall Vehicle		
17 Length --	65 ft. 0 in.	
18 Axle 1 to Axle 6	56 ft. 10 in.	58 ft. 10 in.
19 Axle 1 to Axle 2	13 ft. 6 in.	18 ft. 4 in.
20 Axle 2 to Axle 3	3 ft. 8 in.	5 ft. 0 in.
21 Axle 3 to Axle 4	3 ft. 8 in.	5 ft. 0 in.
22 Axle 4 to Axle 5	12 ft. 11 in.	17 ft. 6 in.
23 Axle 5 to Axle 6	15 ft. 2 in.	20 ft. 7 in.

25 Axle distances are measured from axle center to axle center; and

27 8. Certification of brakes, axles and suspensions. All
28 brakes, axles and suspensions of both the truck and trailer units
29 are certified with respect to weight capacity by a final stage
30 manufacturer. Separate certifications for the truck and trailer
31 units must be filed with the Secretary of State on forms
32 prescribed by the Secretary of State. A copy of the
33 certification for each unit must be carried in the vehicle at all
34 times.

36 Nothing contained in this subsection is applicable to vehicles
37 operating on the Interstate Highway System, as defined in the
38 Federal Aid Highway Act of 1956.

40 SUBCHAPTER II

42 HEIGHT AND WIDTH

44 §2380. Height and width restrictions

46 1. Maximum width. A vehicle that is wider than 102 inches
47 over all may not be operated on a public way or bridge.

48 2. Maximum height. A vehicle with a permanent or temporary
49 structural part more than 13 feet, 6 inches in height measured
50

2 vertically from a level ground surface may not be operated on a
3 public way or bridge.

4 A load may extend 6 inches above the maximum permissible
5 structural height of a vehicle.

6 A vehicle may not be operated over a section of a way or bridge
7 that does not provide adequate overhead clearance.

10 3. Reflecting mirrors. A portion of a vehicle or load,
11 except a reflecting mirror, may not project beyond the side of
12 that vehicle to make a total width greater than specified in this
13 section.

14 4. Hay. Notwithstanding subsection 1, rolled baled hay may
15 be loaded on a vehicle not to exceed 11 feet in width when
16 transported within a 20-mile radius of the farm on which the hay
17 is harvested or stored. A vehicle used for the transportation of
18 rolled baled hay may not be operated on a public way during
19 nighttime.

22 5. Wood piled in tiers. If firewood, pulpwood or bolts are
23 piled in tiers from the front to rear of the vehicle:

24 A. When the load will pitch to the center of the vehicle, a
25 strip of wood or metal 3 inches thick must extend along the
26 sides of the platform, from front to rear, securely fastened
27 to the platform; or

30 B. The load must be bound from front to rear with 2 chains,
31 wire ropes, steel cable binders or web straps or a
32 combination:

34 (1) Meeting the specifications of section 2386; and

36 (2) Held firmly in place and properly spaced to secure
37 the load.

38 The vehicle so loaded must carry a solid-boarded tailboard or 5
39 stakes of sufficient strength evenly spaced to maintain the
40 weight of the load. The load may not at any place be higher than
41 the tailboard or stakes.

44 6. Liability. A person damaging a bridge or overpass with
45 a vehicle or load in excess of the legal height or width limits
46 established in this chapter or a posted limit is deemed the
47 proximate cause of all damage and is liable for the costs of all
48 repairs necessary to restore the structure to its condition prior
to the accident. Officials in charge of the maintenance of a

bridge or overpass may bring a civil action to recover the costs of repairs.

7. Penalty. The penalty for the violation of this section is a fine of not less than \$100 nor more than \$1,000, except that the minimum fine for a violation of a posted bridge height is \$250.

8. Exceptions. This section does not apply to:

A. Snow plows and equipment used exclusively for the removal of snow from public ways;

B. Construction equipment used on way and bridge construction projects; and

C. A load of loose hay, pea vines, cornstalks or other loosely mounded loads that can not damage structures or threaten public safety.

§2381. Moving heavy objects and objects that exceed dimensional limits

1. Prohibition. A person may not move a vehicle or other object over a public way or bridge without obtaining a permit under this section if that vehicle or object exceeds the length, width, height or weight prescribed in this Title or if it has attached to its wheels a flange, rib, clamp or other object likely to injure the surface of the public way or bridge.

2. Exception. This section does not prohibit:

A. The transportation of poles by a tractor and semitrailer without regard to overall length;

B. Overwidth mowing machines, light farm tractors or other lightweight farming vehicles and equipment not customarily operated over public ways, if equipped with lights or reflectors to the front and rear adequately warning, during nighttime, other highway users of the extreme width; or

C. The use of tire chains of reasonable proportions when required for safety because of snow, ice or other slippery conditions.

3. Transporter certificates. This section applies but is not limited to holders of transporter registration certificates.

§2382. Overlimit movement permits

1. Overlimit movement permits issued by State. The Secretary of State, acting under guidelines and advice of the Commissioner of Transportation, may grant permits to move nondivisible objects having a length, width, height or weight greater than specified in this Title over a way or bridge maintained by the Department of Transportation.

2. Permit fee. The Secretary of State, with the advice of the Commissioner of Transportation, may set the fee for these permits, at not less than \$3, nor more than \$15, based on weight, height, length and width.

3. County and municipal permits. A permit may be granted, for a reasonable fee, by county commissioners or municipal officers for travel over a way or bridge maintained by that county or municipality.

4. Permits for weight. A vehicle granted a permit for excess weight must first be registered for the maximum gross vehicle weight allowed for that vehicle.

5. Special mobile equipment. The Secretary of State may grant a permit, for no more than one year, to move pneumatic-tire equipment under its own power, including Class A and Class B special mobile equipment, over ways and bridges maintained by the Department of Transportation. The fee for that permit is \$15 for each 30-day period.

6. Scope of permit. A permit is limited to the particular vehicle or object to be moved and particular ways and bridges.

7. Construction permits. A permit for a stated period of time may be issued for loads and equipment employed on public way construction projects, United States Government projects or construction of private ways, when within construction areas established by the Department of Transportation. The permit:

A. Must be procured from the municipal officers for a construction area within that municipality;

B. May require the contractor to be responsible for damage to ways used in the construction areas and may provide for:

(1) Withholding by the agency contracting the work of final payment under contract; or

(2) The furnishing of a bond by the contractor to guarantee suitable repair or payment of damages.

2 The suitability of repairs or the amount of damage is to be
3 determined by the Department of Transportation on
4 state-maintained ways and bridges, otherwise by the
5 municipal officers;

6 C. May be granted by the Department of Transportation or by
7 the state engineer in charge of the construction contract;
8 and

10 D. For construction areas, carries no fee and does not come
11 within the scope of this section.

12 **8. Gross vehicle weight permits.** The following may grant
13 permits to operate a vehicle having a gross vehicle weight
14 exceeding the prescribed limit:

15 A. The Secretary of State, with the consent of the
16 Department of Transportation, for state and state aid
17 highways and bridges within city or compact village limits;

18 B. Municipal officers, for all other ways and bridges
19 within that city and compact village limits; and

20 C. The county commissioners, for county roads and bridges
21 located in unorganized territory.

22 **9. Pilot vehicles and state police escorts.** Pilot vehicles
23 required by a permit must be equipped with warning lights and
24 signs as required by the Secretary of State with the advice of
25 the Department of Transportation.

26 Warning lights may only be operated and lettering on the signs
27 may only be visible on a pilot vehicle while it is escorting on a
28 public way a vehicle with a permit.

29 The Secretary of State shall require a State Police escort for a
30 single vehicle or a combination of vehicles of 125 feet or more
31 in length or 16 feet or more in width. The Secretary of State,
32 with the advice of the Commissioner of Transportation, may
33 require vehicles of lesser dimensions to be escorted by the State
34 Police.

35 The Bureau of State Police shall establish a fee for State Police
36 escorts.

37 All fees collected must be used to defray the cost of services
38 provided.

2 With the advice of the Commissioner of Transportation and the
4 Chief of the State Police, the Secretary of State shall establish
6 rules for the operation of pilot vehicles.

8 10. Taxes paid. A permit for a mobile home may not be
10 granted unless the applicant provides reasonable assurance that
12 all property taxes, sewage disposal charges and drain and sewer
14 assessments applicable to the mobile home, including those for
16 the current tax year, have been paid or that the mobile home is
18 exempt from those taxes.

20 **§2383. Crossing of public way**

22 1. Authorization. The following, by a contract with the
24 abutting landowners at the designated crossing, may authorize the
26 crossing of ways by vehicles or objects having an excessive
28 length, width, height or weight:

30 A. The Department of Transportation for state aid highways
32 and other ways maintained by the department;

34 B. Municipal officers for ways within the municipality; and

36 C. The county commissioners for county roads in the
38 unorganized territory.

40 2. Contract. A contract must contain at least the
42 following:

44 A. The term, including a term of years, for which the
46 authorization remains valid;

48 B. Provisions for reimbursement to the authorizing agency
50 for costs of repair or maintenance of the way arising out of
the use of the crossing; and

C. Other terms and conditions for safety, grading and
maintenance.

3. Scope. A contract grants authority to use the crossing
to the abutting landowners at the point of crossing and to those
using the crossing with the landowner's permission.

§2384. Regional overdimensional truck permits

1. Authorization. The Commissioner of Transportation may
enter into a regional overdimensional truck permit agreement.

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

2 A. Promote and encourage the fullest and most efficient use
4 of the highway system by making uniform, among member
6 jurisdictions, the administration of overdimensional and
8 overweight permits for nondivisible loads on vehicles in
10 interstate operation;

12 B. Enable participating jurisdictions to act cooperatively
14 in the issuance of overdimensional and overweight permits
16 and in the collection of appropriate fees; and

18 C. Establish and maintain the concept of one administering
20 jurisdiction for each permittee based on the rules
22 established under the agreement.

24 3. Principles. The State recognizes that the regional
26 administration of overdimensional and overweight permits for
28 nondivisible loads will promote the more efficient use of the
30 highway system while protecting that system from abuse. The
32 State further recognizes that this agreement will reduce the
34 administrative burdens for both the participating jurisdictions
36 and the permittees by limiting the number of contacts necessary
38 when a motor carrier moves an overdimensional or overweight load
40 interstate.

42 4. Authorization. The Commissioner of Transportation may
44 enter into an agreement, not in conflict with any other sections
46 of this Title or of Title 23, that furthers the intent of this
48 section.

50 5. Fees. The commissioner may collect and distribute fees
52 for other participating jurisdictions and receive fees from those
54 jurisdictions collected on behalf of this State.

56 6. Report. The commissioner shall submit a biennial report
58 to the joint standing committee of the Legislature having
60 jurisdiction over transportation matters in January of
62 even-numbered years. The report must outline progress in the
64 expansion and the operation of the agreement.

66 **§2385. Protruding objects and trailers**

68 1. Warning device. A vehicle carrying an object that
70 projects more than 5 feet from the rear must carry, at or near
72 the rear of the object:

74 A. During nighttime, a red light; and

76 B. At all other times, a clean fluorescent cloth at least
78 18 by 18 inches.

2 2. Logs. During the hours when lights are required, a
4 vehicle carrying logs that project more than 4 feet from the rear
6 of the vehicle must display a red reflector or reflectorized
8 paint on the end of the log projecting furthest to the rear. The
 reflector or reflectorized paint must be of sufficient size and
 properly located and maintained so as to reflect, at night on an
 unlighted highway, the undimmed headlights of a vehicle
 approaching from the rear for at least 200 feet.

10 3. Safety chains. A trailer, semitrailer or vehicle being
12 towed must, in addition to the tow bar or coupling device, have a
14 safety chain or steel cable so attached as to prevent breakaway
 from the towing vehicle.

16 The chain or steel cable must be made of not less than 1/4-inch
 wire.

18 This subsection does not apply to truck tractor and semitrailer
20 units equipped with 5th wheel mechanism.

22 §2386. Binding of loads

24 1. Load in excess of 8 feet. A vehicle used to transport a
26 load of long logs, junk or unserviceable motor vehicles, greater
 than 8 feet in height, must have the load bound by at least 3
 securing lines, which may be chains and binders, wire ropes,
 steel cables, polyester or nylon web straps or any combination.

30 2. Lower load. If the height of the load is less than 8
 feet and more than 30 inches, the load must be bound by at least
 2 securing lines.

34 3. Quality. Chains, ropes or cables may not be less than
 3/8 inch in diameter.

38 4. Webbing. Web straps must have a working strength of not
 less than 12,000 pounds each. A loss of 25% or more of the width
 or 25% of the thickness across 1/2 the width at any point makes
 the straps insufficient.

42 5. Location. These securing lines must be held firmly in
 place and properly spaced to secure the load.

44 §2387. Certain substances on public ways

48 1. Injurious substances. A person may not place on a way a
50 tack, nail, wire, scrap metal, glass, crockery or other substance
 that may injure feet, tires or wheels. If a person accidentally
 places such substance on a way, that person shall immediately
 make all reasonable efforts to clear the way of that substance.

2 2. Unsecured load. A person may not operate on a public
3 way a vehicle with a load that is not fastened, secured, confined
4 or loaded to reasonably prevent a portion from falling off.

6 For the purposes of this section, "load" includes, but is not
7 limited to, firewood, pulpwood, logs, bolts or other material,
8 but does not include loose hay, pea vines, straw, grain or
9 cornstalks.

10 When the load consists of sawdust, shavings or wood chips, and a
11 reasonable effort has been made to completely cover the load,
12 minor amounts blown from the vehicle while in transit do not
13 constitute a violation.

16 3. Gravel. A load of gravel, sand, crushed stone, rubbish,
17 wood chips, building debris or trash must be covered or otherwise
18 secured or confined to prevent any portion of the load from
19 falling from or spilling out of the vehicle.

20 4. Snow. A person may not place and allow to remain on a
21 public way snow or slush that has not accumulated there naturally.

24 §2388. Bridge loads

26 1. Local authority to limit weight, number or speed.
27 Officials responsible for the repair and maintenance of a bridge
28 may limit the combined weight of vehicle and load or any axle, or
29 the number or speed of vehicles permitted on a bridge to the
30 limit necessary for the safety of life or property or the
31 maintenance of the bridge.

32 2. Department of Transportation responsibility. If an
33 official fails to set limits, the Department of Transportation
34 may set limits.

36 3. Posting. Regulations are in effect when notice is
37 conspicuously posted at each end of a bridge.

40 4. Advice. Limits must be based on the advice of the
41 Department of Transportation or a registered professional civil
42 engineer retained for the purpose of inspecting and determining
43 the safe capacity of bridges.

44 In an emergency, the officials may set limits as they may
45 determine proper for the structural capacity or the maintenance
46 of the bridge.

48 As soon as is reasonably possible, the officials shall seek the
49 advice of the Department of Transportation.

2 5. Penalty. Violation of a posted bridge weight limit is a
4 traffic violation, for which a forfeiture of \$20 per each full
6 1,000 pounds plus \$30 per each full 10% over the posted limit may
8 be adjudged.

10 It is not a violation if the excess weight is less than 500
12 pounds multiplied by the number of axles less one.

14 If the violation is for excess weight less than 1,000 pounds
16 multiplied by the number of axles less one, the fine is reduced
18 by 50%.

20 **§2389. Violations; bond; appeals**

22 1. Violation. Except as otherwise provided, an operator
24 who violates a provision of this subchapter commits a traffic
26 infraction for which a forfeiture of not less than \$25 nor more
28 than \$1,000 for each offense may be adjudged.

30 2. Bond. In granting a permit under this subchapter, an
32 operator may be required to post a satisfactory bond to reimburse
34 for expenses necessarily incurred in repairing damage caused to
36 the way or bridge by the operator's use.

38 3. Appeals. An appeal in writing may be taken to the
40 Department of Transportation from an order or decision of a
42 municipal official under sections 302, 2380 to 2383 and 2388.

44 The Department of Transportation may hear and decide the matter
46 in a summary manner, modifying, affirming or vacating the action
48 and may issue any order necessary to carry out its decision.

50 An appeal does not suspend the order or decision of the municipal
 official unless ordered by the Department of Transportation.

An appeal may be taken to the Public Utilities Commission from an
 action by a railroad corporation under section 2388 in respect to
 a highway bridge maintained by the corporation. The commission,
 after notice and hearing, may confirm or modify that action.

§2390. Menacing or damaging vehicles

The Secretary of State may revoke or suspend the certificate
 of registration of a vehicle that is:

1. Menace. So constructed that when in operation the
 vehicle is a menace to the safety of its occupants or to the
 public; or

2. Damage. So constructed or operated as to cause unreasonable damage to public ways or bridges.

§2391. Truck, trailer and combinations; limitations

1. Limitation on drawn trailers. Only one trailer or semitrailer may be drawn by a motor vehicle, except that a combination of a truck tractor, semitrailer and full trailer may be operated on the Interstate Highway System and those qualifying federal aid primary system highways designated by the Secretary of the United States Department of Transportation, pursuant to the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, Section 411. Driveaway and "towaway" operations, as defined by the Bureau of Motor Vehicles, may include a combination of saddle mount vehicles not to exceed 3 units in contact with the road.

2. Converted semitrailers. A semitrailer converted to a trailer by use of a converter dolly remains a semitrailer for all other purposes in this Title and is considered one vehicle while connected.

3. Maximum length limits. The following maximum length limits include permanent or temporary structural parts of the vehicle and load, but do not include refrigeration units or other nonload-carrying appurtenances permitted by federal regulation.

A. A vehicle may not exceed 45 feet, except as provided in this section.

B. A combination of truck tractor and full trailer or truck tractor and semitrailer may not exceed 65 feet.

C. A trailer or semitrailer may be greater than 45 feet but not more than 48 feet in length provided that the distance between the center of the rearmost axle of the truck tractor and the rearmost axle of the trailer or semitrailer does not exceed 38 feet.

D. The load on a combination vehicle transporting tree-length logs may extend rearward beyond the body of the vehicle by no more than 8 1/2 feet, as long as no more than 25% of the length of the logs extends beyond the body.

E. A combination of truck tractor and full trailer or semitrailer may be operated on the Interstate Highway System and those qualifying federal aid primary system highways designated by the Secretary of the United States Department of Transportation, pursuant to the United States Surface Transportation Assistance Act of 1982, Public Law 97-424,

2 Section 411, with an overall length in excess of 65 feet, if
3 the trailer or semitrailer length does not exceed 48 feet.

4 F. A combination of truck tractor, semitrailer and full
5 trailer, or a combination of truck tractor and 2
6 semitrailers, may be operated on the Interstate Highway
7 System and those qualifying federal aid primary system
8 highways designated by the Secretary of the United States
9 Department of Transportation, pursuant to the United States
10 Surface Transportation Assistance Act of 1982, Public Law
11 97-424, Section 411, with an overall length in excess of 65
12 feet, if no semitrailer or trailer length exceeds 28.5 feet.

13 G. A stinger-steered autotransporter may be operated on the
14 Interstate Highway System and those qualifying federal aid
15 primary system highways designated by the Secretary of the
16 United States Department of Transportation, pursuant to the
17 United States Surface Transportation Assistance Act of 1982,
18 Public Law 97-424, Section 411, with an overall length not
19 to exceed 75 feet.

20 H. A combination vehicle transporting automobiles may be
21 operated with an additional front overhang of not more than
22 3 feet and rear overhang of not more than 4 feet.

23 I. Saddle mount vehicle transporter combinations with up
24 to 3 saddlemounted vehicles and one fullmount, with an
25 overall length not exceeding 75 feet, may be operated on the
26 Interstate Highway System and those qualifying federal aid
27 primary system highways designated by the Secretary of the
28 United States Department of Transportation, pursuant to the
29 United States Surface Transportation Assistance Act of 1982,
30 Public Law 97-424, Section 411.

31 J. Notwithstanding any other provision of this subsection,
32 a single semitrailer whose total length exceeds 48 feet but
33 does not exceed 53 feet may be operated in combination with
34 a truck tractor on highways designated by the Commissioner
35 of Transportation if the following conditions are met.

36 (1) The wheelbase of the semitrailer, measured as the
37 distance from the kingpin to the center of the rearmost
38 axle of the semitrailer, may not exceed 43 feet.

39 (2) The kingpin setback of the semitrailer, measured
40 as the distance from the kingpin to the front of the
41 semitrailer, may not exceed 3 1/2 feet in length.

42 (3) The rear overhang of the semitrailer, measured as
43 the distance from the center of the rear tandem axles

of the semitrailer to the rear of the semitrailer, may not exceed 35% of the wheelbase of the semitrailer.

(4) The semitrailer must be equipped with a rear underride guard that is of sufficient strength to prevent a motor vehicle from penetrating underneath the semitrailer, extends across the rear of the semitrailer to within an average distance of 4 inches of the lateral extremities of the semitrailer, exclusive of safety bumper appurtenances, and is placed at a height not exceeding 22 inches from the surface of the ground as measured when the semitrailer is empty and is on a level surface.

(5) The semitrailer must be equipped with vehicle lights that comply with or exceed federal standards and reflective material approved by the Commissioner of Transportation that must be located on the semitrailer in a manner prescribed by the commissioner. The semitrailer must display a conspicuous warning on the rear of the semitrailer indicating that the vehicle combination has a wide turning radius.

(6) The semitrailer and the truck tractor used in combination with the semitrailer may not have liftable axles.

(7) The maximum gross weight of the truck tractor and semitrailer combination may not exceed 80,000 pounds or the maximum gross vehicle weight permitted by chapter 21, subchapter I, whichever is less.

(8) The overall length of the truck tractor and semitrailer combination may not exceed 70 feet, including all structural parts of the vehicle, permanent or temporary, and any load carried on or in the vehicle.

(9) Notwithstanding section 2380, the width of the semitrailer must be 102 inches, except that the width of the rear safety bumper and appurtenances to the safety bumper may not exceed 103 inches and except that the width of a flatbed or lowboy semitrailer, measured as the distance between the outer surface edges of the semitrailer's tires, must be at least 96 inches but no more than 102 inches.

(10) For semitrailers being operated off the designated routes, a 53-foot semitrailer access permit must be obtained from the Department of

2 Transportation. The permit must apply to a specific
4 motor carrier, specify routing and any other travel
6 conditions and be carried in the truck tractor. Access
8 to service facilities for the purpose of food, fuel,
 repairs and rest must be permitted only on intersecting
 crossroads within 1/2 mile of the system of federal aid
 primary highways designated by the Commissioner of
 Transportation for 53-foot semitrailer travel.

10 (11) A 53-foot semitrailer permit must be obtained
12 from the Secretary of State. The fee, which is
14 nontransferable and nonrefundable, is \$60 per year for
16 a maximum of 2 years or \$5 per month or portion of a
18 month for a period of from one to 24 months. The
20 Secretary of State shall issue an identification decal
 of such size and design as the Secretary of State
 prescribes that must be permanently affixed to the
 exterior of the semitrailer in a location the Secretary
 of State specifies and the decal must be at all times
 visible and legible.

22 (12) This vehicle combination may not transport cargo
24 that has been prohibited for this vehicle combination
 by the Commissioner of Transportation.

26 The Secretary of State shall adopt rules for the permitting
28 of this vehicle combination.

30 4. Exemption. Fire department vehicles and disabled motor
32 vehicles being towed to a repair facility are exempt from length
 restrictions.

34 5. Rules of access. The Commissioner of Transportation
36 shall adopt rules consistent with the United States Surface
38 Transportation Assistance Act of 1982, Public Law 97-424, to
40 ensure reasonable access between the Interstate Highway System
42 and those qualifying federal aid primary system highways
44 designated by the Secretary of the United States Department of
 Transportation, pursuant to the United States Surface
 Transportation Assistance Act of 1982, Public Law 97-424, Section
 411, and terminals, facilities for food, fuel, repairs and rest
 and points of loading and unloading for household goods
 carriers. The commissioner may issue permits for that travel.

46 **§2392. Log-haulers and traction engines to obtain permits**

48 Log-haulers, traction engines or other motive power to be
50 used in drawing heavily loaded sledges, carts, drays or vans may
 be operated upon ways, provided the owners or operators thereof
 shall apply for and obtain a permit as provided in sections 2381

and 2382, and section 2389, subsection 2 and shall deposit a bond
as provided in those sections.

CHAPTER 23

MAJOR OFFENSES - SUSPENSION AND REVOCATION

SUBCHAPTER I

GENERAL PROVISIONS

§2401. Definitions

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

1. Alcohol and drug program. "Alcohol and drug program" means the alcohol and other drug education, evaluation and treatment program administered by the Office of Substance Abuse under Title 5, chapter 521, subchapter V.

2. Blood-alcohol level. "Blood-alcohol level" means a stated percentage by weight of alcohol in the blood, based on grams of alcohol per 100 milliliters of blood.

3. Chemical test. "Chemical test" means a test used to determine blood-alcohol level or drug concentration by analysis of blood, breath or urine.

4. Drugs. "Drugs" means scheduled drugs as defined under Title 17-A, section 1101.

5. Failure to submit to a test or failed to submit to a test. "Failure to submit to a test" or "failed to submit to a test" means failure to comply with the duty to submit to and complete chemical testing under section 2521.

6. Operating. "Operating," in any form, means operating or attempting to operate a motor vehicle.

7. OAS. "OAS" means to operate after the Secretary of State or a court has suspended the driver's license.

8. OUI. "OUI" means operating under the influence of intoxicants or with an excessive blood-alcohol level under section 2411, 2453, 2454, 2456 or 2472.

9. OUI conviction. "OUI conviction" means a conviction for:

A. A violation of section 2411;

2 B. A violation of Title 15, section 3103, subsection 1,
4 paragraph F;

6 C. Violation of former Title 29, section 1312, subsection
10 10 or section 1312-B;

12 D. In a jurisdiction that is a party to the Driver License
14 Compact established in chapter 11, subchapter V, an offense
16 described in the compact, section 1454, subsection 1,
18 paragraph B, or an offense that is similar as provided by
20 section 1454, subsection 3; or

22 E. In a court of the United States or a court of a state
24 that is not a party to the compact, an offense for which
26 punishment includes the possibility of incarceration,
28 whether or not actually imposed, and the elements of the
30 offense as provided in the law of that jurisdiction include
32 operation of a motor vehicle while intoxicated, impaired or
34 under the influence of alcohol, intoxicating liquor, drugs
36 or with a level of blood-alcohol sufficient for conviction
38 under the laws of that jurisdiction.

40 10. OUI offender. "OUI offender" means a person who
42 receives an OUI conviction.

44 11. OUI offense. "OUI offense" means an OUI conviction or
46 suspension for failure to submit to a test.

48 12. OUI suspension. "OUI suspension" means the suspension
50 of a driver's license for an OUI conviction.

13. Under the influence of intoxicants. "Under the
influence of intoxicants" means being under the influence of
alcohol, a drug other than alcohol, a combination of drugs or a
combination of alcohol and drugs.

§2402. Calculating prior convictions

For purposes of this chapter, a prior conviction or action
has occurred within the 6-year period if the date of the action
or the date of the docket entry of conviction is 6 years or less
from the date of the new conduct.

§2403. Period of administrative suspension deducted from court-imposed suspension

Except for a suspension for failure to submit to a test, the
period of time of an administrative suspension ordered by the
Secretary of State prior to an OUI conviction that arose out of

the same occurrence is deducted from the period of time of any court-imposed suspension. If the suspension is for failure to submit to a test, a period of suspension imposed by the court or by the Secretary of State for an OUI conviction is consecutive to the period of suspension imposed for failure to submit to a test.

§2404. Owner liable for damage by impaired operator

An owner or person having control over a motor vehicle who, having knowledge or reason to know that a person under the influence of intoxicating liquor or drugs or both has a blood-alcohol level of .08% or more by weight of alcohol in the blood, permits that person to operate that motor vehicle is jointly and severally liable with that person for damages caused by the negligence of the person. This section is not in derogation of, does not limit and does not diminish any cause of action or right of recovery that is or may become available under the common law.

§2405. Optional reporting of drivers operating under the influence of intoxicating liquor or drugs

1. **Persons who may report.** If, while acting in a professional capacity, a medical or osteopathic physician, resident, intern, emergency medical services person, medical examiner, physician's assistant, dentist, dental hygienist, dental assistant or registered or licensed practical nurse knows or has reasonable cause to believe that a person has been operating a motor vehicle, snowmobile, all-terrain vehicle or watercraft while under the influence of intoxicants and that motor vehicle, snowmobile, all-terrain vehicle or watercraft has been involved in an accident, that person may report those facts to a law enforcement official.

2. **Immunity from liability.** A person participating in good faith in reporting under this section, or in participating in a related proceeding, is immune from criminal or civil liability for the act of reporting or participating in the proceeding.

Nothing in this section may be construed to bar criminal or civil action regarding perjury.

In a proceeding regarding immunity from liability, there is a rebuttable presumption of good faith.

3. **Privileged or confidential communications.** The physician-patient privileges under the Maine Rules of Evidence and the confidential quality of communication under Title 24-A, section 4224 and Title 32, section 1092-A are abrogated in relation to required reporting or other proceeding.

2 SUBCHAPTER II

4 JUDICIAL ACTIONS

6 Article 1

8 Offenses

10 §2411. Criminal OUI

12 1. Offense. A person commits OUI, which is a Class D
14 crime, if that person operates a motor vehicle:

16 A. While under the influence of intoxicants; or

18 B. While having a blood-alcohol level of 0.08% or more.

20 2. Pleading and proof. The alternatives outlined in
22 subsection 1, paragraphs A and B may be pleaded in the
alternative. The State is not required to elect between the
alternatives prior to submission to the fact finder.

24 3. Investigation. After a person has been charged with
26 OUI, the officer shall investigate whether the charged person has
prior OUI offenses. As part of the investigation, the officer
28 shall make necessary inquiries of the Secretary of State.

30 4. Arrest. A law enforcement officer may arrest, without a
32 warrant, a person the officer has probable cause to believe has
operated a motor vehicle while under the influence of intoxicants
34 if the arrest occurs within a period following the offense
reasonably likely to result in the obtaining of probative
evidence of blood-alcohol level or drug concentration.

36 5. Penalties. The following minimum penalties apply and
38 may not be suspended:

40 A. For a person having no previous OUI offenses within a
6-year period:

42 (1) A fine of not less than \$300;

44 (2) A court-ordered suspension of a driver's license
46 for a period of 90 days; and

48 (3) A period of incarceration of not less than 48
hours, when the defendant:

2 (a) Was tested as having a blood-alcohol level of
3 0.15% or more;

4 (b) Was exceeding the speed limit by 30 miles per
5 hour or more;

6 (c) Eluded or attempted to elude an officer;

7 (d) Failed to submit to a test at the request of
8 a law enforcement officer; or

9 (e) Was operating with a passenger under 16 years
10 of age;

11

12 B. For a person having one previous OUI offense within a
13 6-year period:

14 (1) A fine of not less than \$500;

15 (2) A period of incarceration of not less than 7 days;
16 and

17 (3) A court-ordered suspension of a driver's license
18 for a period of one year;[*1312B;2-C]

19

20 C. For a person having 2 previous OUI convictions within a
21 6-year period:

22 (1) A fine of not less than \$750;

23 (2) A period of incarceration of not less than 30
24 days; and

25 (3) A court-ordered suspension of a driver's license
26 for a period of 2 years;

27

28 D. For a person having 3 or more OUI convictions within a
29 6-year period the offense is a Class C crime. The minimum
30 penalties specified in paragraph C apply, but the minimum
31 fine is \$1,000; and

32

33 E. For a person sentenced under paragraph B, C or D, the
34 court shall order the defendant to participate in the
35 alcohol and drug program for multiple offenders. The court
36 may waive the multiple offender intervention program under
37 Title 5, section 20073, subsections 4 and 5, if the court
38 finds that the defendant has completed a residential alcohol
39 or drug treatment program, or its equivalent, subsequent to
40 the date of the offense.

41

42

43

44

45

46

47

48

49

50

2 In the determination of an appropriate sentence, failure to
3 submit to a test is an aggravating factor.

4 The court shall give notice of the suspension and take physical
5 custody of the driver's license.

6 The Secretary of State may impose an additional period of
7 suspension under section 2451, subsection 3, or may extend a
8 period of suspension until satisfaction of any conditions imposed
9 pursuant to chapter 23, subchapter III, article 4.

10
11
12 6. Aggravated punishment category. If the State pleads and
13 proves that, while operating a motor vehicle in violation of this
14 section, the operator in fact caused serious bodily injury as
15 defined in Title 17-A, section 2, subsection 23 to another person
16 or in fact caused the death of another person, the offense is a
17 Class C crime. The minimum penalties apply, but the minimum
18 period of suspension must be 18 months unless a longer minimum
19 period applies.

20
21 7. Surcharge. A surcharge of \$30 must be charged for a
22 conviction under this section. For the purposes of collection
23 procedures, the surcharge is considered a fine. Notwithstanding
24 section 2602, this surcharge accrues to the Highway Fund for the
25 purpose of covering the costs associated with the administration
26 and analysis of blood-alcohol tests.

27
28 8. Juvenile crime. References in this Title to this
29 section include the juvenile crime in Title 15, section 3103,
30 subsection 1, paragraph F, and the disposition, including a
31 suspension, for that juvenile crime in Title 15, section 3314,
32 subsection 3, except as otherwise provided or except where the
33 context clearly requires otherwise.

34 §2412. Operating while license suspended or revoked

35
36
37 1. Offense; penalty. A person commits a Class E offense if
38 that person operates a motor vehicle on a public way or in a
39 parking area when that person's license or right to apply for or
40 obtain a license or permit has been suspended or revoked, and
41 that person:

42
43 A. Has received written notice of a suspension or
44 revocation from the Secretary of State;

45
46 B. Has been orally informed of the suspension or revocation
47 by a law enforcement officer;

48
49 C. Has actual knowledge of the suspension or revocation;
50

2 D. Has been sent written notice in accordance with section
3 2458, subsection 4; or

4 E. Has failed to appear in court pursuant to a notice or
5 order specified in section 2605.

6
7 2. Exception. This section does not apply to a person
8 whose license to operate or right to apply for or obtain a
9 license or permit has been revoked under the laws in subchapter V
10 governing habitual offenders.

11
12 3. Minimum mandatory sentences. If the suspension was for
13 an OUI offense, the court shall impose a fine of not less than
14 \$350, a period of incarceration of not less than 7 consecutive
15 days, and a mandatory suspension of license of not less than one
16 year nor more than 3 years consecutive to the original
17 suspension. If the court fails to suspend, the Secretary of
18 State shall impose the minimum one-year suspension and may impose
19 up to 3 years of suspension.

20
21 For all other suspensions, if the person has one or more prior
22 convictions for violating this section within a 6-year period,
23 the minimum fine is \$200.

24
25 The minimum mandatory sentence applies only to the original
26 period of suspension or an extension by the Secretary of State.
27 The minimum mandatory sentence does not apply to an extension of
28 the original suspension imposed to compel compliance with
29 conditions for the restoration of a license or for failure to pay
30 a reinstatement fee.

31
32 4. Juvenile procedures. The requirements under Title 15,
33 section 757 of a separate reading of the allegation and a
34 separate trial do not apply to a proceeding under this subsection.

35
36 5. Take custody of license. The court shall give notice of
37 the suspension and shall take physical custody of a driver's
38 license as provided in section 2434.

39 **§2413. Driving to endanger**

40
41 1. Definition. A person commits a Class E crime if, with
42 criminal negligence as defined in Title 17-A, that person drives
43 a motor vehicle in any place in a manner that endangers the
44 property of another or a person, including the operator or
45 passenger in the motor vehicle being driven.

46
47 2. Allegation of facts. In pleading under this section, it
48 is not necessary to allege specifically the facts that constitute
49 criminal negligence.
50

2 3. Penalties. A person who violates this section is
3 subject to a license suspension of not less than 30 days nor more
4 than 180 days, which minimum may not be suspended. If the court
5 fails to suspend the license, the Secretary of State shall impose
6 the minimum period of suspension.

8 4. Exception. This section does not apply to the operation
9 of a vehicle:

10 A. In racing events and exhibitions at which the public
11 does not have access to the operating area; or

12 B. On private land to which the public does not have access
13 when used by or with authorization of the landowner.

14 5. Notice. The court shall give notice of the suspension
15 and take physical custody of a driver's license as provided in
16 section 2434.

17 **§2414. Drinking while operating a motor vehicle**

18 1. Definitions. As used in this section, "alcohol" means an
19 alcoholic, spirituous, vinous, fermented or other alcoholic
20 beverage, or combination of liquors and mixed liquors, intended
21 for human consumption that contains more than 1/2 of 1% of
22 alcohol by volume.

23 2. Violation; penalty. A person who drinks alcohol while
24 operating a motor vehicle on a public way commits a civil
25 violation for which a forfeiture not to exceed \$500 may be
26 adjudged.

27 **§2415. Operating while suspended or revoked under another license**

28 A resident or nonresident whose license has been suspended
29 or revoked commits a Class E crime if that person operates a
30 motor vehicle during that suspension or revocation under a
31 license or permit issued by any other jurisdiction.

32 **§2416. Registration suspension by court**

33 1. Required registration suspension. The court shall
34 suspend the right to register a motor vehicle and all
35 registration certificates and plates issued by the Secretary of
36 State to any person convicted for a violation of section 2411 who
37 has a previous conviction for OUI within the 6-year period
38 defined by section 2402.

2 2. Reissuance of registration. Notwithstanding a court
order suspending a registration, the Secretary of State may
4 restore a registration certificate and plates without fee during
the remaining term of the registration to a spouse or other
6 family member upon receipt of an affidavit authorizing the spouse
or other family member to register the vehicle.

8 **§2417. Suspended registration**

10 A person commits a Class E offense if that person operates
or permits another to operate a vehicle when the registration of
12 that vehicle is suspended or revoked.

14 **§2418. Other court suspension of driver's license**

16 1. Court suspension. In addition to or instead of any
other penalty provided in this Title, the court may suspend a
18 driver's license for a period not exceeding 60 days.

20 2. Judicial recommendations. A judge may make a
recommendation to the Secretary of State on suspension of
22 licenses and certificates of registration as the judge considers
to be in furtherance of justice.

24

26 **Article 2**

28 **Forfeiture**

30 **§2421. Forfeiture of motor vehicles for OUI**

32 1. Forfeiture. After notice and hearing, a motor vehicle
must be forfeited to the State when a defendant is:

34

36 A. The sole owner-operator of that vehicle; and

38 B. Convicted of:

40

42 (1) OUI; and

44

46 (2) A simultaneous offense of operating after
suspension when the underlying suspension was imposed
48 for a prior OUI conviction.

50

The court shall order the forfeiture unless another person
satisfies the court prior to the judgment and by a preponderance
of the evidence that the other person had a right to possess that
48 motor vehicle, to the exclusion of the defendant, at the time of
the offense.

50

2 2. Seizure of vehicle of owner-operator. Any motor vehicle
operated by a sole owner is subject to seizure by any law
enforcement officer authorized to enforce the motor vehicle laws
4 of this State when:

6 A. The owner-operator operates or attempts to operate that
motor vehicle under the influence of intoxicating liquor or
8 drugs or while having 0.08% of alcohol by weight in the
blood; and

10 B. The owner-operator is under suspension or revocation as
12 a result of a previous conviction of operating under
influence of alcohol or drugs or while having 0.08% of
14 alcohol by weight in the blood.

16 3. Lienholders. A forfeiture of a motor vehicle encumbered
by a perfected bona fide security interest is subject to the
18 interest of the secured party if the party did not have knowledge
of the act on which the forfeiture is based.

20 4. Preliminary order. At the request of the State, the
22 court may issue, ex parte, a preliminary order to seize or secure
a motor vehicle subject to forfeiture and to provide for custody.

24 That order may include an order to a financial institution or to
26 any fiduciary or bailee to impound the vehicle in its possession
or control and to release the vehicle only on further order of
28 the court.

30 The court may issue an order only on a showing of probable cause
and after criminal complaints of OUI and OAS have been filed
32 against the owner-operator.

34 The application, issuance, execution and return of an order are
subject to applicable state law.

36 A law enforcement officer authorized to enforce motor vehicle
38 laws may seize a motor vehicle without court order when:

40 A. The seizure is incident to an arrest with probable cause
for an OUI by the sole owner and the officer has probable
42 cause to believe the vehicle is subject to forfeiture; or

44 B. The vehicle has been subject of a prior judgment in
favor of the State in a forfeiture proceeding under this
46 section or any other provision of law.

48 5. Reports. An officer, department or agency seizing a
vehicle shall file a report of seizure with the Attorney General

2 or a district attorney having jurisdiction over the vehicle. The
3 report must be:

4 A. Filed within 21 days of the date of seizure; and

6 B. Labeled "Vehicle Report" and include, without limitation:

8 (1) A description of the vehicle;

10 (2) The place and date of seizure;

12 (3) The name and address of the owner or operator of
14 the vehicle at the time of seizure; and

16 (4) The name and address of any other person who
18 appears to have an ownership interest in the vehicle.

20 6. Storage of seized motor vehicles. A seized motor
22 vehicle must be held in secure storage by the seizing agency or
24 at the direction of the prosecuting official until disposition of
26 the underlying criminal charges. The State shall assume all
28 costs of storage of a vehicle not forfeited.

30 7. Records of seized motor vehicles. An officer,
32 department or agency having custody of a motor vehicle subject to
34 forfeiture or having disposed of the vehicle shall maintain
36 complete records showing:

38 A. From whom the motor vehicle was received;

40 B. Under what authority the motor vehicle was held,
42 received or disposed of;

44 C. To whom the motor vehicle was delivered; and

46 D. The date and manner of destruction or disposition of the
48 motor vehicle.

50 8. Rules. The Attorney General shall adopt rules in
accordance with Title 5, chapter 375, for the disposition to
state, county and municipal agencies of forfeited motor vehicles.

Article 3

Judicial Procedures

§2431. Evidentiary rules

1. Test results. Test results showing drug concentrations
or blood-alcohol level at the time alleged are admissible in

2 evidence. Failure to comply with the provisions of sections 2521
4 and 2523 may not, by itself, result in the exclusion of evidence
6 of blood-alcohol level or drug concentration, unless the evidence
8 is determined to be not sufficiently reliable.

10 2. Analysis of blood, breath and urine. The following
12 provisions apply to the analysis of blood, breath and urine, and
14 the use of that analysis as evidence.

16 A. A person certified in accordance with section 2524
18 conducting a chemical analysis of blood, breath or urine to
20 determine blood-alcohol level or drug concentration may
22 issue a certificate stating the results of the analysis.

24 B. A person qualified to operate a self-contained,
26 breath-alcohol testing apparatus may issue a certificate
28 stating the results of the analysis.

30 C. A certificate issued in accordance with paragraph A or
32 B, when duly signed and sworn, is prima facie evidence that:

34 (1) The person taking the specimen was authorized to
36 do so;

38 (2) Equipment, chemicals and other materials used in
40 the taking of the specimen were of a quality
42 appropriate for the purpose of producing reliable test
44 results;

46 (3) Equipment, chemicals or materials required to be
48 approved by the Department of Human Services were in
50 fact approved;

(4) The sample tested was in fact the same sample
taken from the defendant; and

(5) The blood-alcohol level or drug concentration in
the blood of the defendant at the time the sample was
taken was as stated in the certificate.

D. With 10 days written notice to the prosecution, the
defendant may request that a qualified witness testify to
the matters of which the certificate constitutes prima facie
evidence. The notice must specify those matters concerning
which the defendant requests testimony. The certificate is
not prima facie evidence of those matters.

E. A person drawing a specimen of blood may issue a
certificate that states that the person is in fact duly
licensed or certified and that the proper procedure for

2 drawing a specimen of blood was followed. That certificate,
4 when signed and sworn to by the person, is prima facie
6 evidence of its contents unless, with 10 days' written
8 notice to the prosecution, the defendant requests that the
10 person testify.

12 F. Evidence that the breath or urine sample was in a sealed
14 carton bearing the Department of Human Services' stamp of
16 approval is prima facie evidence that the equipment was
18 approved by the Department of Human Services.

20 G. The results of a self-contained breath-alcohol apparatus
22 test is prima facie evidence of blood-alcohol level.

24 H. Evidence that the self-contained breath-alcohol testing
26 equipment bearing the Department of Human Services' stamp of
28 approval is prima facie evidence that the equipment was
30 approved by the Department of Human Services.

32 I. Evidence that materials used in operating or checking
34 the operation of the self-contained breath-alcohol testing
36 equipment bore a statement of the manufacturer or of the
38 Department of Human Services is prima facie evidence that
40 the materials were of the composition and quality stated.

42 J. Transfer of sample specimens to and from a laboratory
44 for purposes of analysis by certified or registered mail
46 complies with all requirements regarding the continuity of
48 custody of physical evidence.

50 3. Failure as evidence. Failure of a person to submit to a
test is admissible in evidence on the issue of whether that
person was under the influence of intoxicants.

If the law enforcement officer fails to give either of the
required warnings, the failure of the person to submit to a test
is not admissible, except where a test was required under section
2522.

If a failure to submit to a test is not admitted into evidence,
the court may inform the jury that no test result is available.

If a test result is not available for a reason other than failing
to submit to a test, the unavailability and the reason is
admissible in evidence.

4. Statements by accused. A statement by a person as to
name or date of birth, or the name or date of birth contained on
a driver's license surrendered by that person, is admissible in a
proceeding under this section.

2 A statement of the person's name or date of birth constitutes
4 sufficient proof by itself, without further proof of corpus
delicti. (*2184;1-B)

6 A statement by a defendant that the defendant was the operator of
8 a motor vehicle is admissible in a proceeding under section 2411,
10 if it is made voluntarily and is otherwise admissible under the
12 United States Constitution or the Constitution of Maine. The
statement may constitute sufficient proof by itself, without
further proof of corpus delicti, that the motor vehicle was
operated by the defendant.

14 **§2432. Blood-alcohol level; evidentiary weight**

16 1. Level less than 0.05%. If a person has a blood-alcohol
18 level of 0.05% or less, it is prima facie evidence that that
person is not under the influence of intoxicants.

20 2. Level greater than 0.05% and less than 0.08%. If a
22 person has a blood-alcohol level in excess of 0.05%, but less
24 than 0.08%, it is relevant evidence, but not prima facie,
indicating whether or not that person is under the influence of
intoxicants to be considered with other competent evidence.

26 3. Level of 0.08% or greater. In proceedings other than
28 under section 2411, a person is presumed to be under the
influence of intoxicants if that person has a blood-alcohol level
of 0.08% or more.

30 **§2433. Sentencing procedures**

32 1. Permissible considerations. Notwithstanding the
34 provisions of Title 15, section 757, in determining the
36 appropriate sentence, the court shall consider whether the
38 defendant operated with a passenger under 16 years of age, the
record of convictions for criminal traffic offenses,
adjudications of traffic infractions or suspensions of license
for failure to submit to a test.

40 In determining the appropriate sentence, the court may rely on
42 oral representations based on records maintained by the courts,
44 the State Bureau of Identification or the Secretary of State,
including telecommunications of records maintained by the
Secretary of State.

46 If the defendant disputes the accuracy of a representation
48 concerning a conviction or adjudication, the court shall grant a
continuance to determine the accuracy of the record.

2 2. Instructions at time of sentencing. At the time of
3 sentencing, the court shall provide the defendant with written
4 instructions prepared by the Division of Driver Education
5 Evaluation. The instructions must be written in plain and
6 readable language and at a minimum include the following
7 explanations:

8 A. The circumstances under which the Secretary of State may
9 suspend a driver's license;

10 B. The different components of the process to have a
11 driver's license restored, including a description of the
12 components provided by state agencies and those provided by
13 practitioners and counselors not employed by the State;

14 C. The role of the Driver Education Evaluation Program
15 Appeals Board and the circumstances for an appeal to the
16 board;

17 D. The differences between the procedures applicable to
18 first offenders and multiple offenders and adults and those
19 under 21 years of age;

20 E. When the Secretary of State may stay a suspension and
21 grant a work-restricted license or other restricted or
22 provisional license; and

23 F. The conditions of license restoration.

24 **§2434. Notice of suspension by court**

25 The following provisions apply to any conviction for OUI or
26 for any offense for which the suspension of a license is required.

27 1. Notification by court. The court shall inform the
28 defendant of the suspension.

29 2. Acknowledgement of receipt of notice. The defendant
30 shall acknowledge this notice in writing on a form provided by
31 the court.

32 3. Physical custody of license. Unless the defendant
33 appeals and a stay of execution of the suspension is granted, the
34 court shall take physical custody of a license issued by this
35 State or another state, foreign country or province if that
36 person is residing or employed in this State. The court may take
37 a license issued by another state, foreign country or province if
38 the person is not residing or employed in this State.

2 4. Stay of suspension. The court, on reasonable cause
4 shown, may stay a suspension for a period not to exceed 4 hours
 from the time of sentencing and issue evidence of that stay.

6 5. Forward documents to Secretary of State. The court
8 shall forward the license, a copy of the sentence and the
 acknowledgement of notice to the Secretary of State.

10 6. Order return of certificate and plates. The court shall
12 order the return of the suspended registration certificate and
 plates to the Secretary of State.

14 7. Additional time to surrender license. On reasonable
16 cause shown, the court may allow a person who does not possess
 the license at the time of sentencing up to 96 hours to surrender
 that license.

18 8. Commencement of suspension. Notwithstanding section
20 2482, subsection 4, the period of suspension commences
22 immediately on announcement of sentence. Two additional days of
 suspension must be added for each day after the license surrender
 day that a person fails to surrender the license to the court.

24 9. Waiver of reinstatement fee. On motion and for good
26 cause shown, the court ordering a suspension under section 2605
 or 2608 may waive the reinstatement fee.

28 10. Failure to sign acknowledgment of notice or surrender
30 license. A person commits a Class E crime if that person refuses
32 to sign the acknowledgement of notice or, without good cause,
 fails to surrender a license within the period of suspension.

34 **§2435. Administrative extension of suspension**

36 The Secretary of State may impose an additional period of
38 suspension under section 2451, subsection 3, or may extend a
 period of suspension until satisfaction of any conditions imposed
 pursuant to chapter 23, subchapter III, article 4.

40 **§2436. Stay pending appeal**

42 If a person adjudicated to have committed a traffic
44 infraction appeals from the adjudication of the trial court, the
46 execution of a suspension of the person's license must be stayed
48 until disposition on appeal or withdrawal of the appeal, unless
 good cause is shown why the person should not be allowed to
 retain a license or right to operate.

50 **SUBCHAPTER III**

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

ADMINISTRATIVE ACTIONS

Article 1

Suspension and Revocation

§2451. Suspensions for criminal OUI

1. Recording and notice by Secretary of State. On receipt of an attested copy of the court record of a suspension of a license, the Secretary of State shall immediately record the suspension and send written notice of the suspension to the person whose license has been suspended.

2. Court failure to suspend. If the court fails to suspend a license for the period under this chapter, the Secretary of State shall suspend the license for the specified period and send written notice of the suspension to the person whose license has been suspended.

3. Additional suspension. The Secretary of State may suspend a license of a person, including a juvenile, convicted of OUI for an additional period of up to 275 days.

4. Consecutive suspensions. A suspension under this section is consecutive to a suspension for failure to submit to a test required by this chapter.

§2452. Suspension or revocation of school bus operator endorsement

The Secretary of State shall:

1. Permanent revocation. Permanently revoke the school bus operator endorsement of any person convicted of OUI who operated a school or private school activity bus during the commission of the offense;

2. Suspend for at least 3 years. Suspend for a period of at least 3 years the school bus operator endorsement of any person convicted of a first OUI violation. The person whose school bus operator endorsement has been suspended for a first OUI violation may petition the Secretary of State to restore the endorsement after one year of the suspension has been completed. The petition must include a recommendation from the school superintendent that the endorsement be restored. The Secretary of State may grant the petition with any conditions, restrictions or terms determined to be in the interest of highway safety; and

2 3. Suspend for at least 6 years. Suspend for a period of
3 at least 6 years the school bus operator endorsement of any
4 person convicted of a 2nd or subsequent OUI violation within a
5 6-year period as defined by section 2402.

6 This section applies to offenses that occur after the
7 effective date of this section.

8
9 §2453. Suspension on administrative determination; excessive
10 blood-alcohol level

11 1. Purpose. The purpose of this section is:

12 A. To provide maximum safety for all persons who travel on
13 or otherwise use the public ways; and

14 B. To remove quickly from public ways those persons who
15 have shown themselves to be a safety hazard by operating a
16 motor vehicle with an excessive blood-alcohol level.

17 2. Definition. For the purposes of this section,
18 "operating a motor vehicle with an excessive blood-alcohol level"
19 means operating a motor vehicle with a blood-alcohol level of
20 0.08% or more.

21 3. Suspension. The Secretary of State shall immediately
22 suspend a license of a person determined to have operated a motor
23 vehicle with an excessive blood-alcohol level.

24 4. Drug and alcohol program. The Secretary of State may
25 not suspend a license solely because a person has not
26 satisfactorily completed an alcohol and drug program, as defined
27 in subchapter I. This limitation does not affect statutory
28 restoration authority.

29 5. Stay. If, within 10 days from the effective date of the
30 suspension, the Secretary of State receives a request in writing
31 for a hearing in accordance with section 2483, the suspension is
32 stayed until a hearing is held and a decision is issued.

33 6. Period of suspension. The following periods of
34 suspension apply.

35 A. For any OUI offense, the same suspension period applies
36 as if the person were convicted of OUI.

37 B. If the Secretary of State determines that the person
38 operated the motor vehicle at the time of the offense with a
39 passenger under 16 years of age, an additional suspension
40 period of up to 275 days may be imposed.

2 C. If a person's license is also suspended for an OUI
4 conviction arising out of the same occurrence, the period of
6 time the license has been suspended under this section prior
 to the conviction must be deducted from the period of time
 of a court-imposed suspension.

8 D. The period of suspension is a minimum and the Secretary
10 of State may suspend the license for an additional period
 under section 2451, subsection 3.

12 7. Restoration of license. The Secretary of State may
14 issue a license or permit as follows.

16 A. Restoration of any license or permit to operate, right
18 to operate a motor vehicle and right to apply for or obtain
 a license suspended under this section must be in accordance
 with sections 2502 to 2506.

20 8. Hearing. The scope of the hearing must include whether:

22 A. The person operated a motor vehicle with an excessive
24 blood-alcohol level; and

26 B. There was probable cause to believe that the person was
28 operating a motor vehicle with an excessive blood-alcohol
 level.

30 **§2454. Homicide; revocation of license**

32 The license, permit or right to operate of any person, who,
34 as a result of the person's operation of a motor vehicle in such
36 a manner as to cause the death of any person, is convicted of a
38 criminal homicide, or attempt thereof, or is adjudicated to have
40 committed a juvenile offense of criminal homicide, or attempt
42 thereof, must be revoked immediately by the Secretary of State
44 upon receipt of an attested copy of the court records, without
46 further hearing. In case of an appeal, the license, permit or
48 right to operate must be revoked during the course of the appeal
 unless the trial court otherwise orders. No person whose
 license, permit or right to operate a motor vehicle has been so
 revoked may be licensed again or permitted to operate a motor
 vehicle for a period of 5 years from the time the license, permit
 or right to operate is revoked. For the purposes of this section
 and section 2411, a person is deemed to have been convicted if
 the person pleads guilty or nolo contendere or is otherwise
 adjudged or found guilty by a court of competent jurisdiction or
 in the case of a juvenile offender, a juvenile is deemed to have
 been adjudicated if the juvenile admits or was otherwise adjudged

or found to have committed the juvenile offense by a court of competent jurisdiction.

§2455. Provisions regarding revocation when homicide is alcohol or drug related

1. Report by district attorney. The district attorney shall forward a report to the Secretary of State when any person is convicted of a criminal homicide or adjudicated to have committed a juvenile offense of criminal homicide as the result of that person's operation of a motor vehicle when:

A. The person was operating under the influence of intoxicating liquor or drugs, or with a blood-alcohol of 0.08% or greater;

B. The person had not attained the legal drinking age and was operating a motor vehicle while having .02% or more by weight of alcohol in that person's blood;

C. There was probable cause to believe that the person was operating under the influence of intoxicating liquor or drugs and failed to comply with that person's duty to submit to and complete required chemical testing; or

D. There was probable cause to believe that the person had not attained the legal drinking age and was operating a motor vehicle while having .02% or more by weight of alcohol in that person's blood and failed to comply with the duty to submit to and complete a test to determine blood-alcohol level.

2. Content of report. The report required in subsection 1 must contain all relevant facts that formed the basis for the conviction or adjudication, including chemical test results if available.

3. Alcohol or drug programs. Upon receipt of the report required in subsection 1, the Secretary of State shall require that the following conditions be met before that person may be licensed or permitted to operate a motor vehicle:

A. Satisfactory completion of the Driver Education and Evaluation Programs of the Office of Substance Abuse;

B. When required, satisfactory completion of a substance abuse treatment program or rehabilitation program approved or licensed by the Office of Substance Abuse; and

2 C. When required, attendance for 2 years at an after-care
3 program approved by the Office of Substance Abuse.

4 4. Alcohol or drug programs following incarceration. Any
5 of the alcohol or drug programs required in subsection 3 may
6 begin only upon release from a county jail or from a facility
7 operated by the Department of Corrections.

8 **§2456. Negligently causing death; administrative suspension**

10 1. Suspension. The Secretary of State shall immediately
11 suspend the license of a person who negligently operates a motor
12 vehicle in a manner as to cause the death of a person:

14 A. While under the influence of intoxicants;

16 B. While having a blood-alcohol level of 0.08% or more; or

18 C. Who subsequently fails to submit to a test subject to
20 penalty under section 2521.

22 2. Period of suspension. The period of suspension is 3
23 years, consecutive to any suspension imposed by the Secretary of
24 State for failure to take a test. If a suspended license is
25 subsequently revoked under section 2454 on charges arising out of
26 the same occurrence, the length of suspension actually served
27 under this section is deducted from the period of revocation
28 imposed pursuant to that section.

30 3. Hearing issues. A person whose license has been
31 suspended under this section may request a hearing pursuant to
32 section 2483. The scope of the hearing must include whether:

34 A. The person operated a motor vehicle;

36 B. The person, at that time, had an excessive blood-alcohol
37 level, or was under the influence of intoxicants or may be
38 penalized for failure to submit to required chemical
39 testing; and

40 C. The person's negligent operation caused the death of
41 another person.

44 4. Civil proceeding. On receipt of a certified copy of the
45 civil tort judgment that the person did not negligently cause the
46 death of the other person, the Secretary of State shall terminate
47 the suspension.

48 **§2457. Conditional license holder; OUI**

1. Suspension. The Secretary of State shall suspend for a minimum period of one year, without preliminary hearing, the conditional license issued pursuant to section 2506 of a person who while holding a conditional license:

A. Receives an OUI conviction; or

B. The Secretary of State determines has operated a motor vehicle while having a blood-alcohol level of 0.05% or more.

2. Duty to submit to test. A person who operates a motor vehicle with a conditional license shall submit to a test if there is probable cause to believe that person holds a conditional license and operated a motor vehicle while having a blood-alcohol level of 0.05% or more. The other provisions of subchapter IV apply, except the suspension must be for a period of not less than 2 years.

3. Period of suspension. The following provisions apply to suspensions of conditional licenses.

A. When a license is also suspended for an OUI conviction arising out of the same occurrence, the duration of the suspension under this section prior to the conviction is deducted from the period of a court-imposed suspension unless suspension was for failure to submit to a test.

B. If the suspension is for failure to submit to a test, the period of suspension for an OUI conviction must be consecutive to the period of suspension imposed for refusal.

C. If a person is determined to have operated a motor vehicle with a blood-alcohol level of 0.08% or more and both this section and section 2453 apply, the longer period of suspension applies.

4. Hearing; stay; issues. If a hearing is requested in accordance with section 2483, the suspension under subsection 1, paragraph B is stayed pending the outcome of the hearing. The scope of the hearing must include whether:

A. The person operated a motor vehicle while having 0.05% or more by weight of alcohol in the blood;

B. There was probable cause to believe that the person was operating while having 0.05% or more by weight of alcohol in the blood; and

C. The person held a conditional license.

2 5. Restoration of license. Following the expiration of the
3 aggregate periods of suspension imposed pursuant to this section
4 otherwise imposed by the Secretary of State and ordered by any
5 court, the Secretary of State may issue a conditional license to
6 the person, subject to the conditions, restrictions or terms the
7 Secretary of State deems advisable, if the Secretary of State has
8 received written notice that the person has satisfactorily
9 completed the alcohol educational program of the Department of
10 Human Services and, when required, has satisfactorily completed
11 an alcohol treatment or rehabilitation program approved or
12 licensed by the Department of Human Services.

13 §2458. Suspension or revocation of license, title, registration
14 or fuel use decal

15 1. Suspension or revocation after hearing. The Secretary
16 of State, after hearing, may suspend or revoke a certificate of
17 title, certificate of registration, license, fuel use decal or
18 operating authority license for any cause considered by the
19 Secretary of State to be sufficient.

20 2. Suspension or revocation without hearing. The Secretary
21 of State, without preliminary hearing, may suspend or revoke a
22 certificate of title, certificate of registration, license, fuel
23 use decal or operating authority license of a person on showing
24 by the Secretary of State's records or other sufficient evidence
25 that the person:

26 A. Has committed an offense for which mandatory suspension
27 or revocation of license or registration is required;

28 B. Has been convicted or adjudicated for offenses against
29 traffic regulations governing the movement of vehicles with
30 such frequency as to indicate a disrespect for traffic laws
31 and disregard for the safety of other persons on public ways;

32 C. Is a reckless or negligent driver of a motor vehicle, as
33 established by the demerit point system authorized by
34 subsection 3, a record of accidents or other evidence;

35 D. Is incompetent to drive a motor vehicle;

36 E. Has permitted an unlawful or fraudulent use of a license;

37 F. Has committed an offense in another state or province
38 that, if committed in this State, would be grounds for
39 suspension or revocation;

40 G. Has been convicted of failing to stop for a police
41 officer;

2 H. Has been convicted of reckless driving or driving to
4 endanger under section 2413;

6 I. Has failed to appear in court on the day specified,
8 either in person or by counsel, after being ordered to do so
to answer any violation of chapter 5, subchapter II;

10 J. Has failed to provide sufficient proof of ownership or
other documentation in support of the person's title claim;

12 K. Is subject to action of the Secretary of State pursuant
14 to section 154 or section 668;

16 L. Has failed to provide proof of payment of the use tax
imposed by the United States Internal Revenue Code of 1954,
18 Section 4481, within time periods established by federal
statute and regulations;

20 M. Has violated a provision of the Commercial Motor Vehicle
22 Safety Act of 1986, Public Law 99-570, Title XII, or rules
and regulations promulgated and adopted under that Act; or

24 N. Has failed to surrender a commercial driver's license
26 that has been suspended or revoked.

28 The Secretary of State is also authorized to suspend any
30 certificate of registration, certificate of title or any license
issued to any person without preliminary hearing upon showing by
32 the Secretary of State's records or other sufficient evidence
that the owner of a vehicle or holder of a title certificate has
34 failed to deliver or assign the certificate of title upon the
request of the Secretary of State.

36 The Secretary of State may suspend all the certificates of
38 registration and all the fuel use identification decals issued by
the State to any motor carrier without preliminary hearing upon
40 showing by records or other sufficient evidence that the person
responsible for complying with the payment of reporting
42 provisions of Title 36, chapter 457, 459 or 463-A has failed to
comply with the provisions in these chapters.

44 3. Demerit point system. For the purpose of identifying
46 reckless or negligent operators and habitual or frequent
violators of traffic regulations, the Secretary of State shall
48 adopt rules establishing a uniform system of assigning demerit
points for convictions or adjudications of violations of statutes
50 or rules governing the operation of motor vehicles, including
violations of Title 17-A, section 360, subsection 1, paragraphs A
and B.

2 The rules must include a designated level of point accumulation
4 that identifies those drivers.

6 The Secretary of State may assess points for convictions or
8 adjudications in other states or provinces of offenses that, if
10 committed in this State, would be grounds for assessment.

12 Notice of assessment of points must be given when the point
14 accumulation reaches 50% of the number at which suspension is
16 authorized.

18 Points may not be assessed for violating a provision of this
20 Title or a municipal ordinance regulating standing, parking,
22 equipment, size or weight.

24 4. Notice of hearing. Upon suspending or revoking a
26 certificate of title, certificate of registration, license or
28 fuel use decal pursuant to subsection 2, the Secretary of State
30 shall notify that person of opportunity for hearing as provided
32 in section 2483, except where the suspension or revocation rests
34 solely upon a conviction in court of an offense that by statute
36 is expressly made grounds for that suspension or revocation.

38 5. Penalty. A person commits a Class E crime if that
40 person, after notice of suspension or revocation, fails to obey
42 an order of the Secretary of State under this section or fails to
44 surrender to the Secretary of State on demand a license,
46 certificate of title, certificate of registration or fuel use
48 decal that has been suspended or revoked by proper authority.

§2459. Reciprocity

1 1. Resident driver's license. The Secretary of State may
3 suspend a resident driver's license or certificate of
5 registration and plates if the resident has failed to:

7 A. Respond to a traffic citation issued by another state or
9 province;

11 B. Appear in court in another state or province at the time
13 specified by the court; or

15 C. Comply with a court order issued by another state or
17 province.

19 2. Suspension by another jurisdiction. If the Secretary of
21 State is notified by another jurisdiction that a resident has had
23 a license or registration suspended, revoked or annulled, the

2 Secretary of State may suspend license or registration granted to
3 that person in this State.

4 3. Nonresident violator compacts. The Secretary of State
5 may enter into and carry out the provisions of a nonresident
6 violator compact with another state or province.

8 **§2460. Suspension for nonresident owner or operator**

10 1. Suspension by Secretary of State. The Secretary of
11 State may suspend the right of a nonresident owner or operator to
12 operate a vehicle in this State for the same cause and under the
13 same condition and in the same manner as that action could be
14 taken against a resident owner or operator of a vehicle
15 registered in this State.

16 2. Effect of suspension. Upon suspension, the right of the
17 nonresident owner or operator to operate a vehicle in this State
18 terminates. The nonresident is subject to the same penalties as
19 a resident who operates without a license or registration.

22 3. Notice of suspension. Notice of the suspension of a
23 nonresident's right to operate must be sent to the motor vehicle
24 department of the jurisdiction that issued the license or
25 registration.

26 **Article 2**

28 **Provisional license**

30 **§2471. Adult provisional license**

32 1. Adult provisional license. An original license issued
33 to a new applicant 21 years of age or older is a provisional
34 license for a period of one year following the date of issue.
35 That license remains in force as a nonprovisional license to the
36 next normal expiration date.

38 2. Suspension terms. If a person is convicted or
39 adjudicated of a moving motor vehicle violation that occurred
40 during the period of the provisional license, the Secretary of
41 State shall suspend the license:

44 A. For 30 days on the 1st offense;

46 B. For 60 days on the 2nd offense; and

48 C. To the 2nd birthday following the date of issue or for
49 90 days, whichever is longer, on the 3rd offense.

2 A person whose provisional license is suspended may request a
3 hearing pursuant to section 2483.

4 **§2472. Juvenile provisional license**

6 1. Licensee not yet 21 years of age. A license issued to a
7 person who has not yet attained the age of 21 years is a
8 provisional license for a period of one year following the date
9 of issue or until the holder attains 21 years of age, whichever
10 occurs last. That license remains in force as a nonprovisional
11 license to the next normal expiration date. A license issued by
12 another jurisdiction to a person who has not yet attained the age
13 of 21 years is a provisional license for the purpose of operating
14 a motor vehicle within this State.

16 2. Suspension terms for moving violations. If a person who
17 has not yet attained the age of 21 years is convicted or
18 adjudicated of a moving motor vehicle violation that occurred
19 within the first year from the date of issue of the juvenile
20 provisional license, the Secretary of State shall suspend the
21 license:

22 A. For 30 days on the 1st offense;

24 B. For 60 days on the 2nd offense; and

26 C. To the 2nd birthday following the date of issue or for
28 90 days, whichever is longer, on the 3rd offense.

30 A person whose juvenile provisional license is suspended may
31 request a hearing pursuant to section 2483.

32 3. Suspension for OUI conviction or certain blood-alcohol
33 level. The Secretary of State shall suspend for a period of at
34 least one year, without preliminary hearing, a juvenile
35 provisional license of a person who:

36 A. Receives an OUI conviction; or

38 B. Operates a motor vehicle with a blood-alcohol level of
39 0.02% or more.

40 4. Duty to submit to test. A person under 21 years of age
41 who operates a motor vehicle shall submit to a chemical test if
42 there is probable cause to believe that person has operated a
43 motor vehicle with a blood-alcohol level of 0.02% or more. The
44 provisions of subchapter IV apply, except the suspension must be
45 for a period of one year.

2 5. Hearing; stay; issues. If a hearing is requested in
4 accordance with section 2521, the suspension under subsection 3,
 paragraph B is stayed pending the outcome of the hearing. The
 scope of a hearing must include whether:

6 A. There was probable cause to believe that the person was
8 under 21 years of age and operated a motor vehicle while
 having 0.02% or more by weight of alcohol in the blood;

10 B. The person operated a motor vehicle while having 0.02%
12 or more by weight of alcohol in the blood; and

14 C. The person was under 21 years of age.

16 6. Restoration of license. If a person's license has been
18 suspended under subsection 3, the Secretary of State may issue a
 license if:

20 A. One half of the suspension period has expired; and

22 B. The Secretary of State has received notice that the
24 person has completed the alcohol and drug program of the
 Office of Substance Abuse as provided in Title 5, section
 20071, subsection 4-B.

26 Article 3

28 Administrative Procedures

30 §2481. Administrative procedures for suspension

32 1. Report of officer. A law enforcement officer who has
34 probable cause to believe a person has violated the terms of a
 conditional driver's license, commercial driver's license or
36 provisional license or committed an OUI offense shall send to the
 Secretary of State a report of all relevant information,
38 including, but not limited to, the following:

40 A. Information adequately identifying the person charged;

42 B. The ground that the officer had for probable cause to
44 believe that the person violated the terms of a conditional
 driver's license, commercial driver's license or provisional
 license or committed an OUI offense;

46 C. A certificate of the results of blood-alcohol tests
48 conducted on a self-contained breath-alcohol testing
 apparatus; and

2 D. If a person fails to submit to a test, the law
4 enforcement officer's report may be limited to a written
6 statement under oath stating that the officer had probable
8 cause to believe that the person violated the terms of a
 conditional driver's license, commercial driver's license or
 provisional license, or committed a OUI offense and failed
 to submit to a test.

10 The report must be under oath and on a form approved by the
 Secretary of State.

12 If the blood-alcohol test was not analyzed by a law enforcement
14 officer, the person who analyzed the results shall send a copy of
 that certificate to the Secretary of State.

16 2. Time. The report must be submitted to the Secretary of
18 State within 72 hours of the offense, excluding Saturdays,
20 Sundays and holidays. If the report is not sent within this time
22 period, the Secretary of State shall impose the suspension,
 unless the delay has prejudiced the person's ability to prepare
 or participate in the hearing.

24 3. Determination. The Secretary of State shall make a
 determination on the basis of the information required in the
26 report.

28 This determination is final unless a hearing is requested and
 held.

30 If a hearing is held, the Secretary of State shall review the
32 matter and make a final determination on the basis of evidence
 received at the hearing.

34 **§2482. Notice of suspension or revocation of license**

36 1. Notification by Secretary of State. Upon determining
38 that a person is subject to license suspension or revocation, the
40 Secretary of State shall immediately notify the person, in
 writing, that the license has been suspended or revoked. The
 notice:

42 A. Must be sent to the last name and address provided under
44 section 1407 or, if the person has not applied for a
 license, on record with the Secretary of State;

46 B. Must be sent to the address provided in the report of
48 the law enforcement officer if that address differs from the
 address of record; or

50 C. May be served in hand.

- 2 2. Notice contents. The notice must clearly state:
- 4 A. The reason and statutory grounds for the suspension or
6 revocation;
- 8 B. The effective date of the suspension or revocation;
- 10 C. The right of the person to request a hearing;
- 12 D. The procedure for requesting a hearing;
- 14 E. The date by which that request for a hearing must be
16 made; and
- 18 F. That a copy of the report of the law enforcement officer
18 and any blood-alcohol test certificate will be provided to
18 the person upon request to the Secretary of State.

20 3. Receipt date. The notice is deemed received 3 days
22 after mailing, unless returned by postal authorities.

24 4. Effective date. A suspension or revocation is effective
26 on the date specified by the Secretary of State on the notice,
26 which may not be less than 10 days after the mailing of the
26 notification of suspension by the Secretary of State.

28 §2483. Hearing request

30 1. Request for hearing. A person may make a written
32 request for a hearing to review the determination of the
34 Secretary of State. The request must be made within 10 days from
34 the effective date of the suspension.

36 2. Issuance of decision. The Secretary of State shall
38 conduct a hearing and issue a decision within 30 days of receipt
38 of a written request for hearing.

40 3. Delayed requests. If a request is made after the 10-day
42 period and the Secretary of State finds that the person was
44 unable to make a timely request due to lack of actual notice of
46 the suspension or due to factors of physical incapacity, the
46 Secretary of State shall waive the period of limitation, reopen
48 the matter and grant the hearing request, except a stay may not
50 be granted.

48 4. Stay. Any stay must continue until a decision is
50 issued. Notwithstanding any other provision to the contrary, a
50 stay does not apply during a delay caused or requested by the
50 petitioner, except that, if the petitioner is unable to attend

the hearing due to circumstances beyond the petitioner's control, the Secretary of State may continue, one time only, the stay of suspension. The petitioner must submit to the Secretary of State a written request for delay, or an electronically transmitted facsimile of a written request for delay, stating the circumstances, at least 24 hours before the scheduled hearing. A request for a hearing does not stay a suspension unless specifically provided for in this chapter.

5. Suspensions during appeal. If a person appeals an OUI conviction or administrative determination, the suspension remains in effect during the appeal, unless the court orders otherwise or the Secretary of State restores the license.

§2484. Hearing procedures

In addition to the general hearing procedures set forth in chapter 1, hearings held under this chapter are governed by the following provisions.

1. Evidence. Evidence admissible in a court under section 2431 is admissible in a hearing. (new)

2. Official notice. The Secretary of State may take official notice of the transcript or abstract of the records maintained by the Secretary of State's office or of any court.

If the name and date of birth of the person requesting the hearing is the same as the name and date of birth of the person named in the transcript or abstracts, then the abstracts are presumed to be those of that person.

A transcript or abstract is prima facie evidence that the person named was convicted or adjudicated of each offense shown by the transcript or abstract.

A person denying a fact appearing on a transcript or abstract, or the identification has the burden of proving that the fact is untrue.

3. Evidentiary standard. Unless otherwise provided, the Secretary of State shall make a determination by a preponderance of the evidence.

§2485. Decision

1. Decision. After hearing, the Secretary of State may rescind, continue, modify or extend the suspension of a driver's license.

2 2. Surrender and return of license. When a suspension is
4 effective, the Secretary of State shall require that the license
6 be surrendered.

8 3. Removal of suspension. If it is determined after
10 hearing that there was not the requisite probable cause for the
12 required elements of the offense, the Secretary of State shall
14 immediately remove the suspension and delete any record of the
16 suspension and the offense from the record.

18 4. Collateral effect. The determination of facts by the
20 Secretary of State is independent of the determination of the
22 same or similar facts in an adjudication of civil or criminal
24 charges arising out of the same occurrence. The disposition of
26 those charges may not affect a suspension ordered by the
28 Secretary of State.

30 5. Judicial review. The person whose license is suspended
32 or other party may, within 30 days after receipt of the decision,
34 appeal to the Superior Court as provided in Title 5, sections
36 11001 to 11008. If the court rescinds the suspension, it shall
38 also order the Secretary of State to delete any record of the
40 suspension.

§2486. Reinstatement fee

42 1. Reinstatement fee. Before a suspension is terminated
44 and a license or certificate reinstated, a fee of \$25, in
46 addition to the regular license fee, must be paid to the
48 Secretary of State.

50 2. Allocation of fee. A reinstatement fee paid for a
52 court-ordered suspension under section 2603 or 2605 must be
54 deposited equally between the Highway Fund and the General Fund.

56 3. Application. This section does not apply to a
58 suspension set aside by the Secretary of State or a court.

§2487. Proof of financial responsibility

60 A person with an OUI conviction within the 6-year period as
62 defined by section 2402, may not have a license reinstated until
64 that person has complied with the financial responsibility
66 provisions of section 1605.

Article 4

Special Licenses

§2501. Restricted license

2 1. Eligibility. Unless otherwise provided, the Secretary
3 of State may issue a restricted license to a first-time OUI
4 offender if:

6 A. Two thirds of the suspension period has expired; and

8 B. The Secretary of State has received notice that that
9 person has completed the alcohol and drug program.

10 2. Restrictions. A restricted license issued pursuant to
11 subsection 1 is subject to the following conditions and
12 restrictions:

14 A. Use is limited to travelling to a treatment program or
15 to employment for a minimum of 90 days after the original
16 suspension date; and

18 B. Any other conditions or restrictions the Secretary of
19 State considers advisable for the safety of the public and
20 the welfare of the operator.

22 3. Failure to submit to test. The Secretary of State may
23 issue a restricted license to a person whose license was
24 suspended for a first failure to submit to a test, if the
25 condition of subsection 1, paragraph B is met and at least 90
26 days have elapsed since the date of suspension. This subsection
27 does not apply to a commercial driver's license, provisional
28 license or conditional license.

30 **§2502. Special licenses for driver education evaluation program;**
31 **suspension**

34 1. Issuance of special license. Following the expiration
35 of the total period of suspension imposed on a first-time
36 offender pursuant to Title 15, section 3314 or sections 2411,
37 2453, 2472 and 2521, the Secretary of State shall issue a special
38 license or permit to the person if the Secretary of State
39 receives written notice that the person has completed the
40 assessment components of the alcohol and other drug program as
41 set out in Title 5, section 20073-A. First offenders with an
42 aggravated offense as defined in Title 5, section 20071,
43 subsection 4-B are entitled to received a special license after
44 completion of the evaluation provided by the Office of Substance
45 Abuse. A special license or permit may not be issued under this
46 section to 2nd and subsequent offenders.

48 2. Suspension of special license. If the person refuses or
49 fails to complete the alcohol and other drug program set out in
50 Title 5, section 20073-A, within 6 months after receiving a

2 special license, the Secretary of State, following notice of that
4 refusal or failure shall suspend the special license until the
6 person completes the program. The suspension must continue until
8 the Secretary of State receives written notification from the
10 Office of Substance Abuse that the person has satisfactorily
12 completed all required components of that program. The Secretary
14 of State shall provide notice of suspension and opportunity for
16 hearing pursuant to Title 5, chapter 375, subchapter IV. The
18 sole issue at the hearing is whether the person has written
20 notification from the Office of Substance Abuse establishing that
22 the person has satisfactorily completed all components of that
24 program as set out in Title 5, section 20073-A.

26 **§2503. Work-restricted license**

28 **1. Administrative suspension; work-restricted license.** On
30 receipt of a petition for a work-restricted license from a person
32 under suspension pursuant to section 2453, 2457, subsection 1,
34 paragraph B, or section 2472, subsection 3, paragraph B, the
36 Secretary of State may stay a suspension during the statutory
38 suspension period and issue a work-restricted license, if the
40 petitioner shows by clear and convincing evidence that:

42 **A. As determined by the Secretary of State, a license is**
44 **necessary to operate a motor vehicle:**

46 **(1) Between the residence and a place of employment or**
48 **in the scope of employment, or both; or**

50 **(2) Between the residence and an educational facility**
52 **attended by the petitioner if the suspension is under**
54 **section 2472, subsection 3, paragraph B;**

56 **B. No alternative means of transportation is available; and**

58 **C. The petitioner has not, within 6 years, been under**
60 **suspension for an OUI offense or pursuant to section 2453.**

62 **2. Suspension.** The Secretary of State shall suspend,
64 without preliminary hearing, the work-restricted license of a
66 person who:

68 **A. Is adjudicated or convicted of any violation of the**
70 **provisions of this Title committed during the period when a**
72 **work-restricted license has been issued;**

74 **B. Violates any restriction or condition of the license; or**

76 **C. Has not completed the alcohol and drug program by the**
78 **end of the statutory suspension period.**

2 §2504. Conditional or restricted license upon completion of
4 alcohol and drug program

6 Following the expiration of the total period of suspension
8 and on receipt of written notice that the person has
10 satisfactorily completed the alcohol and drug program required by
12 Title 5, section 20073-A, the Secretary of State may issue a
14 license subject to the conditions, restrictions or terms that the
16 Secretary of State considers advisable for the safety of the
18 public and the welfare of the operator.

20 §2505. Special restricted license for participation in education
22 and treatment programs

24 Notwithstanding other limitations, the Secretary of State
26 may issue a restricted license to a person for the purpose of
28 allowing that person to participate in an alcohol and drug
30 program or other treatment program determined appropriate by the
32 Office of Substance Abuse.

34 §2506. Conditional license

36 A license issued by the Secretary of State to a person with
38 an OUI conviction must be issued on the condition that the person
40 not operate a motor vehicle after having consumed intoxicating
42 liquor for the following periods from license reinstatement date:
44 on first conviction, one year; and on a 2nd or subsequent
46 conviction, 6 years. The provisions of section 2457 apply.

48 SUBCHAPTER IV

IMPLIED CONSENT

§2521. Implied consent to chemical tests

1. Mandatory submission to test. If there is probable
 cause to believe a person has operated a motor vehicle while
 under the influence of intoxicants, that person shall submit to
 and complete a test to determine blood-alcohol level and drug
 concentration by analysis of blood, breath or urine.

2. Type of test. A law enforcement officer shall
 administer a breath test unless, in that officer's determination,
 a breath test is unreasonable.

The law enforcement officer may determine which type of breath
 test is to be administered.

2 Another chemical test must be administered in place of a breath
3 test.

4 For a blood test the operator may choose a physician, if
5 reasonably available.

6
7 3. Prerequisites to tests. Before a test is given, the law
8 enforcement officer shall inform the person that failure to
9 submit to and complete a test will:

10 A. Result in suspension of that person's driver's license
11 for a period up to 3 years; and

12
13 B. Be admissible in evidence at a trial for operating under
14 the influence of intoxicants.

15
16 4. Exclusion as evidence. A test result may not be
17 excluded as evidence in a proceeding before an administrative
18 officer or court solely as a result of the failure of the law
19 enforcement officer to comply with the notice of subsection 3.

20
21 5. Suspension for refusal. The Secretary of State shall
22 immediately suspend the license of a person who fails to submit
23 to and complete a test.

24
25 6. Period of suspension. Except where a longer period of
26 suspension is otherwise provided by law, the suspension is for a
27 period of 180 days for the first refusal and one year for each
28 subsequent refusal.

29
30 7. Decision. A suspension must be removed if, after
31 hearing pursuant to section 2483, it is determined that the
32 person would not have failed to submit but for the failure of the
33 law enforcement officer to give either of the warnings required
34 by subsection 2.

35
36 8. Issues. If a hearing is requested in accordance with
37 section 2483, in addition to specific issues required by a
38 specific offense, the scope of the hearing must include whether:

39 A. There was probable cause to believe the person operated
40 a motor vehicle while under the influence of intoxicants;
41 (1311A:8-B)

42
43 B. The person was informed of the consequences of failing
44 to submit to a test; and

45
46 C. The person failed to submit to a test. (1311A:8-B!3)
47
48

2 9. Results of test. On request, full information
3 concerning a test must be made available to the person tested or
4 that person's attorney by the law enforcement officer.

6 **§2522. Accidents**

8 1. Mandatory submission to test. If there is probable
9 cause to believe that death has occurred or will occur as a
10 result of an accident, an operator of a motor vehicle involved in
11 the motor vehicle accident shall submit to a test to determine
12 blood-alcohol level or drug concentration in the same manner as
13 for OUI.

14 2. Administration of test. The investigating law
15 enforcement officer shall cause a test to be administered as soon
16 as practicable following the accident as provided in section 2521.

18 3. Admissibility of test results. The result of a test is
19 admissible at trial if the court, after reviewing all the
20 evidence, whether gathered prior to, during or after the test, is
21 satisfied that probable cause exists, independent of the test
22 result, to believe that the operator was under the influence of
23 intoxicants at the time of the accident.

24 4. Suspension. The Secretary of State shall suspend for a
25 period of one year the license of a person who fails to submit to
26 a test under this section.

28 5. Scope of hearing. The scope of any hearing the
29 Secretary of State holds pursuant to section 2483 must include
30 whether there was probable cause to believe that the person was
31 the operator of a motor vehicle involved in a motor vehicle
32 accident in which a death occurred or will occur and whether the
33 person failed to submit to and complete the test. If a person
34 shows, after hearing, that the person was not under the influence
35 of intoxicants or that the person did not negligently cause the
36 accident, then the suspension must be immediately removed.

38 **§2523. Implied consent; commercial operators**

40 1. Mandatory submission to test. A person who operates a
41 commercial motor vehicle shall submit to a test to determine the
42 blood-alcohol level or drug concentration if there is probable
43 cause to believe that the person has operated a commercial motor
44 vehicle while having a blood-alcohol level of 0.04% or more or
45 while under the influence of drugs.

48 2. Period of suspension. The suspension for failure to
49 submit to a test under subsection 1 is for one year.

2 A. If the person was operating a commercial motor vehicle
3 containing hazardous materials, then the suspension is for a
4 period of 3 years.

5 B. For 2nd or subsequent failure to submit to a test, the
6 suspension is permanent.

7 3. Hearing; issues. If a hearing is requested pursuant to
8 section 2483, the scope of the hearing must include whether:

9 A. There is probable cause to believe the person operated a
10 commercial motor vehicle while under the influence of drugs
11 or with a blood-alcohol level of .04% or more by weight of
12 alcohol;

13 B. The person was informed of the consequences of failing
14 to submit to a test; and

15 C. The person failed to submit to a test.

16 4. Concurrent suspensions. If a person's commercial
17 driver's license is suspended under this section and is also
18 suspended for an OUI conviction arising out of the same
19 occurrence, the period of suspension under this section prior to
20 the conviction must be deducted from the period of suspension of
21 the commercial driver's license for the OUI conviction.

22 **§2524. Administration of tests**

23 1. Persons qualified to draw blood for blood tests. Only a
24 physician, registered physician's assistant, registered nurse or
25 a person certified by the Department of Human Services may draw a
26 specimen of blood for the purpose of determining the
27 blood-alcohol level or drug concentration.

28 2. Persons qualified to analyze blood for blood tests. A
29 person conducting an analysis of blood-alcohol level or drug
30 concentration must be certified by the Department of Human
31 Services.

32 3. Persons qualified to operate and analyze breath tests.
33 A person certified by the Maine Criminal Justice Academy as
34 qualified to operate an approved self-contained, breath-alcohol
35 testing apparatus may operate an apparatus to collect and analyze
36 a sample specimen of breath.

37 4. Chemical tests on breath and urine specimens. A sample
38 specimen of breath or urine may be submitted to the Department of
39 Human Services or a person certified by the Department of Human

Services for the purpose of conducting chemical tests to determine blood-alcohol level or drug concentration.

5. Equipment for taking specimens. Only equipment having a stamp of approval affixed by the Department of Human Services may be used to take a sample specimen of breath or urine, except that a self-contained, breath-alcohol testing apparatus if reasonably available may be used to determine the blood-alcohol level.

Approved testing apparatus must have a stamp of approval affixed by the Department of Human Services after periodic testing. That stamp is valid for no more than one year.

6. Procedures for operation and testing of testing apparatus. The Department of Human Services shall establish, by rule, the procedures for the operation and testing of testing apparatus.

§2525. Drug impairment assessment

1. Submission to test required. If a drug recognition technician has probable cause to believe that a person is under the influence of a specific category of drug, a combination of specific categories of drugs or a combination of alcohol and one or more specific categories of drugs, that person must submit to a blood or urine test selected by the drug recognition technician to confirm that person's category of drug use and determine drug concentration.

2. Admissibility of evidence. If a law enforcement officer certified as a drug recognition technician by the Maine Criminal Justice Academy conducts a drug impairment assessment, the officer's testimony about that assessment is admissible in court as evidence of operating under the influence of intoxicants. Failure to comply with any provision of this section does not, by itself, result in the exclusion of evidence of test results, unless the evidence is determined to be not sufficiently reliable.

3. Payment for tests. A person authorized to take specimens of blood or to perform tests on specimens of blood or breath must be paid from the Highway Fund.

4. Repeal. This section is repealed June 1, 1995.

§2526. Drug recognition technicians

1. Training program. The board of trustees of the Maine Criminal Justice Academy shall establish:

2 A. A program that meets the National Highway Traffic Safety
4 Administration guidelines for training and certification of
 drug recognition technicians; and

6 B. Eligibility standards for admission of law enforcement
8 officers to the program that are consistent with National
 Highway Traffic Safety Administration guidelines and that
 ensure that trainees are:

10 (1) Law enforcement officers who have demonstrated
12 proficiency and experience in standardized field
14 sobriety testing and the ability to complete the
 training and function as drug recognition technicians;
 and

16 (2) Employed by law enforcement agencies that have the
18 facilities, equipment and other resources necessary for
20 the effective functioning of drug recognition
 technicians.

22 2. Selection of trainees. The Commissioner of Public
24 Safety shall select for training as drug recognition technicians
 members of the State Police and other law enforcement officers
 who meet the eligibility requirements.

26 3. Qualifications. Only those law enforcement officers who
28 successfully complete the training and certification program
30 established under this section may conduct drug impairment
 assessments and offer testimony as drug recognition technicians
 under section 2525.

32 §2527. Rules regulating sample collection and testing procedures

34 The Department of Human Services shall adopt rules
36 regulating sample collection and testing procedures to ensure
38 accurate and reliable testing and to protect the privacy of the
 person providing the sample. The rules may include, but are not
 limited to:

40 1. Standards. Standards for determining when a sample is
42 to be reported as negative, based upon standards specific to the
44 type and sensitivity of the test and the drug or category of drug
 screened;

46 2. Urine samples. A requirement that only a law
48 enforcement officer or law enforcement agency employee of the
50 same sex as the person providing the sample, or a health care
 practitioner, may observe the giving of a urine sample, and that
 it may be collected only within a law enforcement or health care
 facility; and

2 3. Sample for defendant. A requirement that, at the
4 request and expense of the person charged, the department shall
6 segregate a portion of the sample collected for that person's own
 testing.

8 The department may establish rules governing the format in
10 which the test results are reported. At the time of adoption,
12 the department shall furnish a copy of these rules to the joint
 standing committee of the Legislature having jurisdiction over
 legal affairs for review.

14 **§2528. Liability**

16 A physician, physician's assistant, registered nurse, person
18 certified by the Department of Human Services, hospital or other
20 health care provider in the exercise of due care is not liable
 for an act done or omitted in collecting or withdrawing specimens
 of blood at the request of a law enforcement officer pursuant to
 this chapter.

22 **SUBCHAPTER V**

24 **HABITUAL OFFENDER**

26 **§2551. Habitual offender**

28 1. Habitual offender defined. An habitual offender is a
30 person whose record, as maintained by the Secretary of State,
32 shows that the person has accumulated 3 or more convictions or
 adjudications for distinct offenses described below, arising out
 of separate acts committed within a 5-year period:

34 A. Homicide resulting from the operation of a motor vehicle;

36 B. OUI conviction;

38 C. Driving to endanger, in violation of section 2413;

40 D. Operating after suspension, in violation of section 2412;

42 E. Operating without a license;

44 F. Operating after revocation, in violation of section 2557;

46 G. Knowingly making a false affidavit or swearing or
48 affirming falsely in a statement required by this Title or
50 as to information required in the administration of this
 Title;

2 H. A Class A, B, C or D offense in which a motor vehicle is
3 used;

4 I. Failing to report an accident involving injury or death,
5 in violation of section 2252;

6 J. Failure to report an accident involving property damage,
7 in violation of section 2254 or 2255;

10 K. Eluding an officer, in violation of section 2114; or

12 L. Passing a roadblock, in violation of section 2114,
13 subsection 4.

14 2. Inclusions. The offenses included in subsection 1,
15 include offenses under a federal law, law of another state or a
16 municipal ordinance substantially conforming to the statutory
17 violations.

18 3. Exceptions. A person is not an habitual offender when
19 all convictions or adjudications are based on the offense of
20 operating a motor vehicle after suspension when the license had
21 been originally suspended for a failure to give or maintain proof
22 of financial responsibility.

23 4. Offenses not included. The following convictions may
24 not be included under subsection 1:

25 A. A conviction of operating a motor vehicle without a
26 license if the license had expired, and was not suspended or
27 revoked; or

28 B. A conviction of operating after suspension when the
29 suspension is based upon a failure to appear in court or
30 failure to pay a fine.

31 5. Multiple offenses on same date. When more than one
32 included offense is committed on the same date, these offenses
33 are treated as one offense.

34 **§2552. Immediate revocation; duration of revocation**

35 Notwithstanding Title 4, section 1157, and Title 5, sections
36 10003 and 10051, the Secretary of State shall immediately revoke,
37 without preliminary hearing, the license to operate a motor
38 vehicle of an habitual offender.

39 The revocation under this section is indefinite. A license
40 may not be issued to an habitual offender until after the minimum
41 periods specified in section 2554.

2 **§2553. Hearing procedure**

4 1. Hearing on request. Any person whose license, permit or
6 privilege to operate has been revoked pursuant to section 2552
8 may, within 30 days of notice of revocation, request a hearing to
 show cause why the license should not be revoked.

10 2. Issues. The only issues that are properly raised at a
 hearing are:

12 A. Whether the person whose license has been revoked is the
14 same person named in the transcript or abstract; and

16 B. Whether the person's record brings that person within
 the definition of an habitual offender.

18 3. Other procedures. Except as specifically provided in
20 this section, the hearing procedures set forth in article 3 apply
 to hearings under this section.

22 **§2554. Relief from habitual offender status**

24 1. Petition for relief. After one year from the date of
26 revocation, a person may petition for relief from habitual
 offender status. The petition must be presented to the Secretary
28 of State.

30 2. Grant of relief by Secretary of State. If public safety
32 will not be endangered and the person has complied with the
34 financial responsibility requirements chapter 13, subchapter II,
 the Secretary of State may relieve the person from status as an
 habitual offender and restore the person's license on appropriate
 terms and conditions.

36 3. Operating after habitual offender revocation. The
38 Secretary of State may not restore a license if a charge under
40 section 2557 is pending. If the Secretary of State subsequently
42 determines that a license has been restored when a charge under
44 section 2557 was pending, the Secretary of State shall, without
46 hearing, immediately reinstate the revocation and provide notice
 of the reinstatement. A license may not be issued to a person
 who has been convicted of a violation of section 2557 for a
 period of at least one year following the conviction or longer as
 provided under section 2557.

48 **§2555. Revocation following restoration**

50 The Secretary of State shall revoke the license of a person
 whose license has been restored pursuant to section 2554 when:

2 1. New convictions. Within a 5-year period of the
restoration, the person commits a new offense under section 2551.

4 2. Continued liability. The person commits a new offense
6 under section 2551 and, within 5 years preceding the date of that
new offense, the person's record shows accumulated convictions or
8 adjudications, including the new offense which results in that
person being defined as an habitual offender under section 2551.

10 **§2556. Work-restricted license for habitual offender**

12 1. Definition. For purposes of this section, a
14 "work-restricted license" is a license to operate a motor vehicle
between a residence and a place of employment, in the scope of
16 employment, or both, as determined by the Secretary of State.

18 2. Petition. An habitual offender whose license has been
revoked pursuant to section 2552 may petition the Secretary of
20 State for a work-restricted license.

22 3. Stay. On receipt of the petition, the Secretary of
State may stay the revocation and issue a work-restricted
24 license. In deciding whether to issue a work-restricted license,
the Secretary of State may consider the petitioner's need.

26 4. Ineligibility. A person is not eligible for a
28 work-restricted license if habitual offender status is based on a
conviction or adjudication under section 2551, subsection 1,
30 paragraph A or section 2557 or the revocation is issued pursuant
to section 2555.

32 5. Eligibility. If a conviction is based on section 2551,
34 subsection 1, paragraph B, the person must have completed the
period of suspension required for the OUI conviction and the
36 Secretary of State must have received written notice that the
person has satisfactorily completed the alcohol and drug program.

38 6. Revocation of work-restricted license. The Secretary of
40 State shall revoke, without preliminary hearing, the license of a
person who is adjudicated or convicted of a violation of the
42 provisions of this Title committed during the period of a
work-restricted license or who violates a restriction or
44 condition of the license.

46 7. Stay vacated. On revocation of the work-restricted
license, the stay of revocation issued pursuant to this section
48 is immediately vacated.

2 8. Hearing. An habitual offender whose work-restricted
license has been revoked may request a hearing within 30 days of
the revocation.

4 A stay of revocation may not be issued pending a hearing.

6 If, after the hearing, the Secretary of State finds that the
8 person is not the same person named in the transcript or
10 abstract, the revocation must be stayed and a work-restricted
license must be reissued.

12 If the Secretary of State finds that the person is the same
14 person named in the transcript or abstract, the revocation must
be invoked.

16 9. New offense. An habitual offender who is adjudicated or
18 convicted of a violation of the provisions of this Title while
operating under a work-restricted license is not entitled to any
20 further relief during the remaining term of the revocation.

22 §2557. Operating after habitual offender revocation

24 1. Crime. A person commits a crime as defined in
subsection 2 if that person operates a motor vehicle on a public
26 way, as defined in Title 17-A, section 505, subsection 2, when
that person's license to operate a motor vehicle has been revoked
under this subchapter and that person:

28 A. Has received written notice of the revocation from the
30 Secretary of State;

32 B. Has been orally informed of the revocation by a law
enforcement officer;

34 C. Has actual knowledge of the revocation; or

36 D. Is a person to whom written notice was sent in
38 accordance with section 2458, subsection 4.

40 2. Offense; penalty. Violation of this section is:

42 A. A Class D crime if:

44 (1) The person has no conviction for operating after
46 revocation within the previous 5 years; and

48 (2) The person has no conviction for violating section
2411 within the previous 5 years; and

50 B. A Class C crime if:

2 (1) The person has one or more convictions for
4 operating after revocation within the previous 5 years;
 or

6 (2) The person has one or more convictions for
8 violating section 2411 within the previous 5 years.

10 The Secretary of State may not grant relief from habitual
12 offender status under section 2554 until at least 3 years after
 the original date scheduled for eligibility to apply for relief
 of that status.

14 3. Presumption of identity. If the name and date of birth
16 of the person being prosecuted are the same as those of the
 habitual offender whose privilege to operate has been suspended,
 it is prima facie evidence that it is the same person.

18 4. Notice to Secretary of State. A law enforcement officer
20 who has arrested or charged a person with violating this section
22 shall notify the Secretary of State of that action.

24 SUBCHAPTER VI

26 GENERAL ENFORCEMENT PROVISIONS

28 §2601. Uniform Summons and Complaint

30 1. Form of Uniform Summons and Complaint. Every law
32 enforcement agency in this State shall use traffic summonses for
34 criminal traffic offenses defined in Title 23, section 1980 or
36 this Title in the form known as the Uniform Summons and
38 Complaint, which must be uniform throughout the State and must be
40 issued in books with summonses in no less than quadruplicate and
42 meeting the requirements of this chapter. The Uniform Summons
44 and Complaint must include, at a minimum, the signature of the
46 officer, a brief description of the alleged offense, the time and
48 place of the alleged offense and the time, place and date the
50 person is to appear in court. The Uniform Summons and Complaint
 must also include a statement that signing the summons does not
 constitute an admission or plea of guilty and that refusal to
 sign after having been ordered to do so by a law enforcement
 officer is a separate Class E crime. A person to whom a Uniform
 Summons and Complaint is issued or delivered must give a written
 promise to appear. The form of the Uniform Summons and Complaint
 must be approved by the Chief Judge of the District Court prior
 to its use.

2. Creation of forms. The Commissioner of Public Safety is
 responsible for creating the forms of Uniform Summons and

Complaint, subject to the approval of the forms by the Chief Judge of the District Court.

3. Form of Violation Summons and Complaint. Every law enforcement agency in this State shall use traffic summonses for traffic infractions in the form known as the Violation Summons and Complaint, which must be uniform throughout the State and must be issued in books with summonses in no less than quadruplicate and meeting the requirements of this chapter. The form must include, at a minimum, the signature of the officer, a brief description of the alleged offense, the time and place of the alleged offense and the date on or before which the person is to file a written answer with the violations bureau. The Violation Summons and Complaint must also include a statement that signing the summons does not constitute an admission or plea of guilty and that refusal to sign after having been ordered to do so by a law enforcement officer is a separate Class E crime. The form of the Violation Summons and Complaint must be approved by the Chief Judge of the District Court prior to its use.

4. Responsibility for issuance and disposition. The summons and complaint forms must be printed and distributed as follows.

A. The Commissioner of Public Safety is responsible for all Uniform Summons and Complaint and Violation Summons and Complaint forms issued to law enforcement agencies or others.

B. The chief executive officer of every law enforcement agency or that chief executive officer's designee is responsible for the further issuance of summons and complaint forms to individual law enforcement officers and for the proper disposition of those forms.

5. Illegal disposition. It is unlawful and official misconduct for any law enforcement officer or other officer or public employee to dispose of a Violation Summons and Complaint or a Uniform Summons and Complaint or any portion of either or of the record of the issuance of a Violation Summons and Complaint or a Uniform Summons and Complaint in a manner other than as required under rules adopted pursuant to this section. Any person who solicits or aids in the disposition or attempted disposition of a Violation Summons and Complaint or a Uniform Summons and Complaint or any portion of either in any unauthorized manner commits a Class E crime.

6. Uniform Summons and Complaint as summons. A Uniform Summons and Complaint, when issued or delivered to a person by a law enforcement officer or served on the person in the manner prescribed by rule of the Supreme Judicial Court, acts as a

summons to appear in court on the date and time specified in the summons or to otherwise respond in accordance with law on or before the date and time specified in the summons. Any person who fails to appear in court as directed by the summons or to otherwise respond in accordance with law on or before the date and time specified in the summons commits a Class E crime. Upon the person's failure to appear or respond, the court may issue a warrant of arrest. It is an affirmative defense to prosecution under this subsection that the failure to appear or respond resulted from just cause.

7. Violation Summons and Complaint as summons. The Violation Summons and Complaint, when issued or delivered to a person by a law enforcement officer or served on the person in the manner prescribed by rule of the Supreme Judicial Court, acts as an order to file written answer to the complaint on or before the date specified in the summons.

8. When a lawful complaint. If the Uniform Summons and Complaint is duly sworn to as required by law and otherwise legally sufficient in respect to the form of a complaint and to charging commission of the offense alleged in the summons to have been committed, then the summons when filed with a court having jurisdiction constitutes a lawful complaint for the purpose of the commencement of any prosecution of a misdemeanor or Class D or Class E crime under Title 23, section 1980 or this Title. When filed with the violations bureau, the Violation Summons and Complaint is considered a lawful complaint for the purpose of the commencement of a traffic infraction proceeding.

9. Responsibility of law enforcement officer to file summonses and complaints with District Court. A law enforcement officer issuing a Violation Summons and Complaint charging the commission of a traffic infraction shall file the original of the Violation Summons and Complaint with the violations bureau within 5 days of the issuance of the Violation Summons and Complaint. A law enforcement officer issuing a Uniform Summons and Complaint that charges the commission of an offense shall file the original of the Uniform Summons and Complaint with the District Court having jurisdiction over the offense or in such other location as instructed by the Chief Judge of the District Court without undue delay and, in any event, within 5 days after the issuance of the Uniform Summons and Complaint.

10. Refusal to sign. A person who refuses to sign a Uniform Summons and Complaint or a Violation Summons and Complaint after having been ordered to do so by a law enforcement officer commits a Class E crime. A law enforcement officer may not order a person to sign the Uniform Summons and Complaint for

2 a civil violation unless the civil violation is an offense
3 defined in Title 12; Title 28-A, section 2052; or this Title.

4 **§2602. Jurisdiction**

6 1. Traffic infractions. The District Court has original
7 and exclusive jurisdiction over prosecutions for traffic
8 infractions.

10 2. Other violations. The District Court has original and
11 concurrent jurisdiction with the Superior Court over prosecutions
12 for other violations of this Title.

14 3. Class C or greater. For Class C or greater crimes, the
15 District Court jurisdiction is subject to Title 4, section 152.

16 4. Fines. Fines and forfeitures collected under this Title
17 accrue to the General Fund, except that of fines and forfeitures
18 collected under sections 511, 2356, 2361, 2380, 2388 and 2389,
19 only \$5 or 13%, whichever is greater, accrues to the General Fund
20 and the balance accrues to the General Highway Fund.

22 **§2603. Speedy trial**

24 A person arrested for violation of a provision of this
25 Title, except sections 2103, 2105, 2411 and 2521, must be given
26 an immediate trial if so demanded of the officer making the
27 arrest.

30 1. Bail. If for any reason it is impracticable to give the
31 person arrested an immediate trial, the officer making the arrest
32 shall immediately take that person before a bail commissioner.

34 The bail commissioner, before admitting the person to bail, shall
35 require the person's name, place of residence, the number of the
36 driver's license and the registration number of the motor vehicle
37 operated at the time of arrest.

38 The bail commissioner shall make a record on the bail bond and
39 may take personal recognizance for an appearance in court on a
40 specified day, not less than 2 days later, if requested.

42 2. Personal recognizance. The officer may also accept the
43 personal recognizance of that person for an appearance.

46 **§2604. Traffic infraction; general penalty**

48 A traffic infraction must be punished by a fine of not less
49 than \$25 nor more than \$250 when no other penalty is specifically
50 provided.

2 **§2605. Suspension on nonappearance or nonpayment of fine**

4 **1. Suspension by clerk.** If a person fails to appear in
6 court on the date and time specified in response to a Uniform
 Summons and Complaint, a summons, a condition of bail or order of
8 court for any criminal violation of Title 23, section 1980; a
 civil violation under Title 28-A, section 2052; or any criminal
10 provision of this Title, or for any further appearance ordered by
 the court, including one for the payment of a fine, either in
12 person or by counsel, or fails to pay a fine imposed for a
 criminal traffic offense, the clerk shall suspend the person's
14 license or permit, the right to operate a motor vehicle in this
 State and the right to apply for or obtain a license or permit.

16 If a person who is not an individual fails to appear or pay a
 fine in a criminal traffic offense, the clerk shall suspend the
18 registration of the motor vehicle involved in the offense or that
 person's right to operate that vehicle in the State.

20 **2. Notification by Secretary of State.** On receipt of a
22 copy of an order of any such suspension in a criminal traffic
 offense, the Secretary of State shall immediately notify that
24 person of the suspension by regular mail or personal service.

26 **3. Effect of suspension.** A court-ordered suspension has
 the same force and effect as a suspension by the Secretary of
28 State. The suspension remains in effect until the person
 appears, either in person or by counsel, or pays the fine.

30 **4. Recission of suspension.** On appearances or payment of
32 the fine, whichever was the basis for the suspension, and on the
 condition of payment of a \$25 reinstatement fee to the Secretary
34 of State, the clerk of the court in which the suspension was
 ordered shall rescind the suspension and notify the Secretary of
36 State who, upon receipt of the \$25 reinstatement fee, shall
 delete any record of the suspension from that person's driving
38 record.

40 **§2606. Enforcement of suspension**

42 **1. Confiscation of license, certificate or plates.** If a
 law enforcement officer, in the course of stopping or detaining a
44 motor vehicle, obtains a suspended license or certificate of
 registration, or a license issued by another state, foreign
46 country or province when that person's license or certificate of
 registration is under suspension, the officer shall confiscate
48 that license, certificate or plates and transmit the confiscated
 items together with a report of the circumstances to the
50 Secretary of State.

2 **2. Investigation.** On request of the Secretary of State,
4 notification of the suspension must be served, and the
6 certificate, license or plates must be confiscated. If the
8 license, certificate or plates can not be confiscated, an
 investigation must be undertaken by the sheriff of the county in
 which that person resides by a state or local law enforcement
 officer or by an employee of the Secretary of State.

10 **§2607. Conviction record to Secretary of State; public record**

12 **1. Transmission of abstract.** For every conviction or
14 adjudication of a violation relative to motor vehicles or to the
16 operation of a vehicle, a court shall transmit to the Secretary
18 of State an abstract, duly certified, setting forth the name of
 the court, the docket number of the case, the names of the
 parties, the nature of the offense, the date of the offense, the
 date of hearing, the plea, the judgment and the result.

20 **2. Speeding.** In a case involving a violation of sections
22 2072 to 2074, the abstract must contain the legal speed involved
 and the speed of which the person was convicted.

24 **3. Public records.** Abstracts are open to public inspection
26 during reasonable hours.

28 **4. Electronic reporting.** When a court is equipped with a
30 computer terminal or other electronic data processing equipment
32 having the capacity to transmit to and retrieve from the official
34 motor vehicle records of the Secretary of State all information
 included in the abstract, the court may use the computer terminal
 or electronic data processing equipment in lieu of a written
 document.

36 **§2608. Suspension for failure to appear, answer or pay a fine in**
 a traffic infraction offense

38 If a person fails to answer in any traffic infraction
40 proceeding under Title 23, section 1980 or any traffic infraction
42 provision of this Title by the date specified in the Violation
44 Summons and Complaint, fails to appear for trial or pay a fine
46 assessed in any traffic infraction proceeding, the clerk shall
 suspend the person's license or permit, right to operate a motor
 vehicle in this State and the right to apply for or obtain a
 license or permit.

48 If a person who is not an individual fails to appear, answer
 or pay a fine in a traffic infraction proceeding, the clerk shall
 suspend the registration of the motor vehicle involved in the

2 offense or that person's right to operate that vehicle in the
3 State.

4 The clerk shall immediately notify that person of the
5 suspension by regular mail or personal service. The suspension
6 has the same force and effect as a suspension by the Secretary of
7 State. The suspension remains in effect until the person answers
8 or appears, either in person or by counsel, or pays the fine. On
9 answer, appearance or payment of the fine, whichever was the
10 basis for the suspension, and on condition of payment of a \$25
11 reinstatement fee to the Secretary of State, the clerk of the
12 court in which the suspension was ordered shall rescind the
13 suspension and notify the Secretary of State who, upon receipt of
14 the \$25 reinstatement fee, shall delete any record of the
15 suspension from that person's driving record.

16 Written notice is sufficient if sent by regular mail to the
17 last known name and address provided by the person on the
18 Violation Summons and Complaint, written answer to a Violation
19 Summons and Complaint, a written pleading filed with the
20 violations bureau or, if the person has not so provided an
21 address, to the address shown on the Violation Summons and
22 Complaint, a copy of which has been served on the person. The
23 notice must also state that the license, permit or right to
24 operate will not be reinstated and the person may not operate a
25 motor vehicle before payment of the reinstatement fee as required
26 under section 2486.

27 **PART B**

28 **Sec. B-1. 10 MRSA c. 208-A is enacted to read:**

29 **CHAPTER 208-A**

30 **FARM MACHINERY DEALERSHIPS**

31 **§1271. Definitions**

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

34 1. **Current net price.** "Current net price" means the price
35 listed in the supplier's price list or catalog in effect at the
36 time the dealer agreement is terminated, less any applicable
37 discounts allowed.

38 2. **Dealer.** "Dealer" means a person, corporation or
39 partnership primarily engaged in the business of retail sales of
40 farm and utility tractors, farm implements, farm machinery, yard
41 and garden equipment, attachments, accessories and repair parts.

2 "Dealer" does not include a person, corporation or partnership
3 primarily engaged in the business of retail sales of heavy
4 construction, industrial and utility equipment, attachments,
5 accessories and repair parts.

6 3. Dealer agreement. "Dealer agreement" means a written or
7 oral contract or agreement between a dealer and a wholesaler,
8 manufacturer or distributor by which the dealer is granted the
9 right to sell or distribute goods or services or to use a trade
10 name, trademark, service mark, logotype or advertising or other
11 commercial symbol.

12 4. Inventory. "Inventory" means farm, utility or
13 industrial equipment, implements, machinery, yard and garden
14 equipment, attachments or repair parts. These terms do not
15 include heavy construction equipment.

16 5. Net cost. "Net cost" means the price the dealer paid
17 the supplier for the inventory, less all applicable discounts
18 allowed, plus the amount the dealer paid for freight costs from
19 the supplier's location to the dealer's location, plus reasonable
20 cost of assembly or disassembly performed by the dealer.

21 6. Supplier. "Supplier" means a wholesaler, manufacturer
22 or distributor of inventory as defined in this subchapter who
23 enters into a dealer agreement with a dealer.

24 7. Termination. "Termination" of a dealer agreement means
25 the cancellation, nonrenewal or noncontinuance of the agreement.

26 **§1272. Usage of trade**

27 The terms "utility" and "industrial", when used to refer to
28 equipment, machinery, attachments, yard and garden equipment or
29 repair parts, have the meanings commonly used and understood
30 among dealers and suppliers of farm equipment as usage of trade
31 in accordance with Title 11, section 1-205, subsection 2.

32 **§1273. Notice of termination of dealer agreements**

33 1. Notice of termination. Notwithstanding any agreement to
34 the contrary, prior to the termination of a dealer agreement, a
35 supplier shall notify the dealer of the termination not less than
36 90 days prior to the effective date of the termination. The
37 supplier may immediately terminate the agreement at any time upon
38 the occurrence of any of the following events:

39 A. The filing of a petition for bankruptcy or for
40 receivership either by or against the dealer;

2 B. The making by the dealer of an intentional and material
misrepresentation as to the dealer's financial status;

4 C. Any default by the dealer under a chattel mortgage or
6 other security agreement between the dealer and the supplier;

8 D. Discontinuance by the dealer of more than 50% of the
10 dealer's business related to the handling of goods provided
by the supplier;

12 E. The commencement of voluntary or involuntary dissolution
or liquidation of the dealer if the dealer is a partnership
14 or corporation;

16 F. A change in location of the dealer's principal place of
business as provided in the agreement without the prior
18 written approval of the supplier;

20 G. Withdrawal of an individual proprietor, partner, major
shareholder or the involuntary termination of the manager of
22 the dealership or a substantial reduction in the interest of
a partner or major shareholder without the prior written
24 consent of the supplier; or

26 H. Breach by the dealer of a written obligation contained
in the agreement.

28 2. Time of notice. Unless there is an agreement to the
contrary, a dealer who intends to terminate a dealer agreement
30 with a supplier shall notify the supplier of that intent not less
than 90 days prior to the effective date of the termination.
32

34 3. Notice in writing. Notification required by this
section must be in writing and be made by certified mail or by
36 personal delivery and must contain:

38 A. A statement of intention to terminate the dealer
agreement;

40 B. A statement of the reasons for the termination; and

42 C. The date on which the termination is effective.

44 **§1274. Supplier's duty to repurchase**

46 1. Repurchase. Whenever a dealer enters into a dealer
agreement under which the dealer agrees to maintain an inventory,
48 and the agreement is terminated by either party as provided in
this subchapter, the supplier, upon written request of the dealer
50 filed within 30 days of the effective date of the termination,

shall repurchase the dealer's inventory as provided in this subchapter. There is no requirement for the supplier to repurchase inventory pursuant to this section if:

A. The supplier and dealer have made a written agreement with respect to repurchase;

B. The dealer has made an intentional and material misrepresentation as to the dealer's financial status;

C. The dealer has defaulted under a chattel mortgage or other security agreement between the dealer and supplier; or

D. The dealer has filed a voluntary petition in bankruptcy.

2. Death of dealer. Whenever a dealer enters into a dealer agreement in which the dealer agrees to maintain an inventory and the dealer or the majority stockholder of the dealer, if the dealer is a corporation, dies or becomes incompetent, the supplier shall, at the option of the heir, personal representative, or guardian of the dealer, or the person who succeeds to the stock of the majority stockholder, repurchase the inventory as if the agreement had been terminated. The heir, personal representative, guardian or succeeding stockholder has one year from the date of the death of the dealer or majority stockholder to exercise the option under this chapter.

§1275. Repurchase terms

1. Examination of records. Within 90 days from receipt of the written request of the dealer, a supplier under the duty to repurchase inventory pursuant to section 1274 may examine any books or records of the dealer to verify the eligibility of any item for repurchase. Except as otherwise provided in this subchapter, the supplier shall repurchase from the dealer all inventory previously purchased from the supplier in the possession of the dealer on the date of termination of the dealer agreement.

2. Payment terms. The supplier shall pay the dealer:

A. One hundred percent of the net cost of all new and undamaged and complete farm, utility and industrial equipment, implements, machinery, yard and garden equipment and attachments, less a reasonable allowance for deterioration attributable to weather conditions at the dealer's location;

B. Ninety percent of the current net prices of all new and undamaged repair parts; and

2 C. Eighty-five percent of the current net prices of all new
4 and undamaged superseded repair parts.

6 3. Return costs. The party that initiates the termination
8 of the dealer agreement shall pay the cost of the return,
10 handling, packing and loading of the inventory.

12 4. Payment date. Payment to the dealer required under this
14 section must be made by the supplier not later than 60 days after
16 receipt of the inventory by the supplier. The supplier is
18 entitled to apply any payment required under this section to be
20 made to the dealer, as a setoff against any amount owed by the
22 dealer to the supplier.

24 **§1276. Exceptions to repurchase requirement**

26 1. Exceptions. The provisions of this chapter do not
28 require the repurchase from a dealer of:

30 A. A repair part with a limited storage life or otherwise
32 subject to physical or structural deterioration including,
34 but not limited to, gaskets or batteries, but excluding
36 industrial "press on" or industrial pneumatic tires;

38 B. A single repair part normally priced and sold in a set
40 of 2 or more items;

42 C. A repair part that, because of its condition, can not be
44 marketed as a new part without repackaging or reconditioning
46 by the supplier or manufacturer;

48 D. An item of inventory for which the dealer does not have
50 title free of all claims, liens and encumbrances other than
 those of the supplier;

E. Any inventory that the dealer elects to retain;

F. Any inventory ordered by the dealer after receipt of
 notice of termination of the dealer agreement by either the
 dealer or supplier;

G. Any inventory that was acquired by the dealer from a
 source other than the supplier; or

H. Any farm, utility or industrial equipment, implements,
 machinery, yard and garden equipment or attachments that
 were purchased by the dealer more than 30 months prior to
 the termination of the dealer agreement.

§1277. Transfer of business

2 1. Transfer. A supplier may not unreasonably withhold or
4 delay consent to any transfer of the dealer's business or
6 transfer of the stock or other interest in the dealership,
8 whenever the dealer to be substituted meets the material and
10 reasonable qualifications and standards required of its dealers.
12 If a supplier determines that a proposed transferee does not meet
14 its qualifications and standards, it shall give the dealer
written notice thereof, stating the specific reasons for
withholding consent. A prospective transferee may not be
disqualified from being a dealer because it is a publicly held
corporation. A supplier has 45 days to consider a dealer's
request to make a transfer under this subsection.

16 2. Withhold consent. Notwithstanding subsection 1, no
18 supplier may withhold consent to, or in any manner retain a right
20 of prior approval of, the transfer of the dealer's business to a
22 member or members of the family of the dealer or the principal
24 owner of the dealer. As used in this subsection, "family" means
and includes the spouse, parent, siblings, children, stepchildren
and lineal descendants, including those by adoption of the dealer
or principal owner of the dealer.

26 3. Assume obligations. Whenever a transfer of a dealer's
28 business occurs, the transferee shall assume all the obligations
30 imposed on and succeed to all the rights held by the selling
dealer by virtue of any agreement, consistent with this
subchapter, entered into prior to the transfer between the
selling dealer and one or more suppliers.

32 4. Burden of proof. In any dispute as to whether a
34 supplier has denied consent in violation of this section, the
36 supplier has the burden of proving a substantial and reasonable
justification for the denial of consent.

§1278. Uniform commercial practice

38 1. Security interest. Nothing contained in this chapter
40 may be construed to release or terminate a perfected security
42 interest of the supplier in the inventory of the dealer.

44 2. Repurchase of inventory. A repurchase of inventory
46 under this chapter is not subject to the bulk sales provisions of
Title 11, section 6-101, et seq.

§1279. Warranty obligations

48 1. Payment of warranty claim. Whenever a supplier and a
50 dealer enter into an agreement providing consumer warranties, the

2 supplier shall pay any warranty claim made by the dealer for
3 warranty parts or service within 30 days after its receipt and
4 approval. The supplier shall approve or disapprove a warranty
5 claim within 30 days after its receipt. If a claim is not
6 specifically disapproved in writing within 30 days after its
7 receipt, it is deemed to be approved and payment must be made by
8 the supplier within 30 days.

9
10 2. Indemnity. Whenever a supplier and a dealer enter into
11 a dealer agreement, the supplier shall indemnify and hold
12 harmless the dealer against any judgment for damages arising from
13 breach of warranty or rescission of the sale by the supplier.

14 **§1280. Remedies**

15 1. Jurisdiction. Concurrent jurisdiction under this
16 chapter is in the District Court or Superior Court of the city or
17 county where the dealer has its principal place of business. The
18 court may grant equitable relief as is necessary to remedy the
19 effects of conduct that it finds to exist and is prohibited under
20 this chapter, including, but not limited to, declaratory judgment
21 and injunctive relief.

22
23 2. Recovery. In addition to any other remedies available
24 at law or in equity, if a supplier has attempted or accomplished
25 an annulment, cancellation or termination, or refused to continue
26 or renew an agreement without good cause or withheld or delayed
27 consent in violation of section 1273 or 1277, then the dealer is
28 entitled to recover losses and damages, together with the cost of
29 the action and reasonable legal fees. These damages include
30 compensation for the value of the agreement and the good will of
31 the dealer's business.

32
33 3. Arbitration. Nothing contained in this section may bar
34 the right of an agreement to provide for binding arbitration of
35 disputes. Any arbitration must be consistent with the provisions
36 of this chapter and Title 14, chapter 706, and the place of any
37 arbitration must be in the city or county in which the dealer
38 maintains the dealer's principal place of business in the State.

39
40 4. Renewal of agreement. No supplier may cancel, terminate
41 or refuse to continue to renew an agreement during the 90-day
42 period set forth in section 1273 or during the pendency of
43 litigation or arbitration, except under the conditions set forth
44 in section 1273, subsection 1.

45 **§1281. Management**

46
47 A supplier may not require or prohibit any change in
48 management or personnel of any dealer unless the current or
49 management or personnel of any dealer unless the current or
50 management or personnel of any dealer unless the current or

2 potential management or personnel fails to meet reasonable
3 qualifications and standards required by the supplier for its
4 dealers.

6 **§1282. Waiver of chapter void**

8 The provisions of this chapter are deemed to be incorporated
9 in every agreement and supersede and control all other provisions
10 of the agreement. A supplier may not require any dealer to waive
11 compliance with any provision of this chapter. Any contract or
12 agreement purporting to do so is void and unenforceable to the
13 extent of the waiver or variance. Nothing in this chapter may be
14 construed to limit or prohibit good faith settlements of disputes
15 voluntarily entered into between the parties.

16 **§1283. Applicability**

18 This subchapter applies to agreements in effect as of
19 October 1, 1989. In addition, the chapter applies to any
20 agreements entered into after October 1, 1989. The provisions of
21 this chapter are also applicable to any renewal or amendment of
22 the agreements.

24 **§1284. Reasonableness and good faith**

26 1. Good faith. Every agreement entered into under this
27 chapter imposes on the parties the obligation to act in good
28 faith.

30 2. Reasonableness. This chapter imposes on every term and
31 provision of any agreement a requirement of reasonableness.
32 Every term or provision of any agreement must be interpreted so
33 that the requirements or obligations imposed are reasonable.

34 **Sec. B-2. 36 MRSA c. 111-A is enacted to read:**

36 **CHAPTER 111-A**

38 **BUS TAXATION PRORATION AGREEMENT**

40 **SUBCHAPTER 1**

42 **AGREEMENT**

44 **§1492. Purposes and principles -- Article I**

46 1. Purposes of agreement. It is the purpose of this
48 agreement to set up a system whereby any contracting state may
49 permit owners of fleets of buses operating in 2 or more states to
50 prorate the registration of the buses in such fleets in each

2 state in which the fleets operate on the basis of the proportion
4 of miles operated within such state to total fleet miles, as
6 defined herein.

8 2. Principle of proration of registration. It is hereby
10 declared that in making this agreement the contracting states
12 adhere to the principle that each state should have the freedom
14 to develop the kind of highway user tax structure that it
16 determines to be most appropriate to itself, that the method of
18 taxation of interstate buses should not be a determining factor
20 in developing its user tax structure, and that annual taxes or
22 other taxes of the fixed fee type upon buses which are not
24 imposed on a basis that reflects the amount of highway use should
26 be apportioned among the states, within the limits of
28 practicality, on the basis of vehicle miles traveled within each
30 of the states.

32 §1493. Definitions -- Article II

34 1. Administrator. "Administrator" means the official or
36 agency of a state administering the fee involved, or, in the case
38 of proration of registration, the official or agency of a state
40 administering the proration of registration in that state.

42 2. Base state. "Base state" means the state from or in
44 which the bus is most frequently dispatched, garaged, serviced,
46 maintained, operated or otherwise controlled, or in the case of a
48 fleet bus the state to which it is allocated for registration
50 under statutory requirements. In order that this section may not
be used for the purpose of evasion of registration fees, the administrators of the contracting states may make the final decision as to the proper base state, in accordance with section 1494, subsection 8, to prevent or avoid such evasion.

3. Bus. "Bus" means any motor vehicle of a bus type
engaged in the interstate transportation of passengers and subject to the jurisdiction of the Interstate Commerce Commission, or any agency successor thereto, or one or more state regulatory agencies concerned with the regulation of passenger transport.

4. Contracting state. "Contracting state" means a state
that is a party to this agreement.

5. Fleet. As to each contracting state, "fleet" includes
only those buses that actually travel a portion of their total miles in such state. A fleet must include 3 or more buses.

6. Person. "Person" includes any individual, firm,
copartnership, joint venture, association, corporation, estate,

trust, business trust, receiver, syndicate or any other group or combination acting as a unit.

7. Proration of registration. "Proration of registration" means registration of fleets of buses in accordance with section 1495, Article IV.

8. Reciprocity. "Reciprocity" means that each contracting state, to the extent provided in this agreement, exempts a bus from registration and registration fees.

9. Registration. "Registration" means the registration of a bus and the payment of annual fees and taxes as set forth in or pursuant to the laws of the respective contracting states.

10. State. "State" includes the States of the United States, the District of Columbia, the territories of the United States, the Provinces of Canada, and the States, Territories and Federal District of Mexico.

§1494. General provisions -- Article III

1. Effect on other agreements, arrangements and understandings. On and after its effective date, this agreement supersedes any reciprocal or other agreement, arrangement or understanding between any 2 or more of the contracting states covering, in whole or in part, any of the matters covered by this agreement; but this agreement may not affect any reciprocal or other agreement, arrangement or understanding between a contracting state and a state or states not a party to this agreement.

2. Applicability to exempt vehicles. This agreement does not require registration in a contracting state of any vehicles that are in whole or part exempt from registration under the laws or regulations of such state without respect to this agreement.

3. Inapplicability to caravanned vehicle. The benefits and privileges of this agreement may not be extended to a vehicle operated on its own wheels, or in tow of a motor vehicle, transported for the purpose of selling or offering the same for sale to or by any agent, dealer, purchaser or prospective purchaser.

4. Other fees and taxes. This agreement does not waive any fees or taxes charged or levied by any state in connection with the ownership or operation of vehicles other than registration fees as defined herein. All other fees and taxes must be paid to each state in accordance with the laws thereof.

2 5. Statutory vehicle regulations. This agreement does not
3 authorize the operation of a vehicle in any contracting state
4 contrary to the laws or regulations thereof, except those
5 pertaining to registration and payment of fees; and with respect
6 to such laws or regulations, only to the extent provided in this
7 agreement.

8 6. Violations. Each contracting state reserves the right to
9 withdraw, by order of the administrator thereof, all or any part
10 of the benefits or privileges granted pursuant to this agreement
11 from the owner of any vehicle or fleet of vehicles operated in
12 violation of any provision of this agreement. The administrator
13 shall immediately give notice of any such violation and
14 withdrawal of any such benefits or privileges to the
15 administrator of each other contracting state in which vehicles
16 of such owner are operated.

17 7. Cooperation. The administrator of each of the
18 contracting states shall cooperate with the administrators of the
19 others and each contracting state hereby agrees to furnish such
20 aid and assistance to each other within its statutory authority
21 as will aid in the proper enforcement of this agreement.

22 8. Interpretation. In any dispute between or among
23 contracting states arising under this agreement, the final
24 decision regarding interpretation of questions at issue relating
25 to this agreement must be reached by joint action of the
26 contracting states, acting through the administrator thereof, and
27 must upon determination be placed in writing.

28 9. Effect of headings. Article and section heading
29 contained herein may not be deemed to govern, limit, modify or in
30 any manner affect the scope, meaning or intent of the provisions
31 of any Article or part hereof.

32 10. Entry into force. This agreement enters into force and
33 becomes binding between and among the contracting states when
34 enacted or otherwise entered into by any 2 states. Thereafter, it
35 enters into force and becomes binding with respect to any state
36 when enacted into law by such state. If the statutes of any state
37 so authorize or provide, such state may become party to this
38 agreement upon the execution thereof by an executive or
39 administrative official thereof acting on behalf of and for such
40 state.

41 **\$1495. Proration of registration -- Article IV**

42 1. Applicability. Any owner of a fleet may register the
43 buses of said fleet in any contracting state by paying to said
44 state total registration fees in an amount equal to that obtained
45

by applying the proportion of in-state fleet miles divided by the total fleet miles, to the total fees which would otherwise be required for regular registration of each and all of such vehicles in such contracting state.

All fleet pro-rata registration fees must be based upon the mileage proportions of the fleet during the period of 12 months ending on August 31st next preceding the commencement of the registration year for which registration is sought. Except, that mileage proportions for a fleet not operated during such period in the state where application for registration is made will be determined by the administrator upon the sworn application of the applicant showing the operations during such period in other states and the estimated operations during the registration year for which registration is sought, in the state in which application is being made; or if no operations were conducted during such period a full statement of the proposed method of operation.

If any buses operate in 2 or more states which permit the proration of registration on the basis of a fleet of buses consisting of a lesser number of vehicles than provided in section 1493, Article II, subsection 5, such fleet may be prorated as to registration in such states, in which event the buses in such fleet may not be required to register in any other contracting states if each such vehicle is registered in some contracting state, except to the extent it is exempt from registration as provided in section 1494, Article III, subsection 2.

If the administrator of any state determines, based on the administrator's method of the operation thereof, that the inclusion of a bus or buses as a part of a fleet would adversely affect the proper fleet fee that should be paid to that administrator's state, having due regard for fairness and equity, the administrator may refuse to permit any or all of such buses to be included in that administrator's state as a part of such fleet.

2. Total fleet miles. Total fleet miles, with respect to each contracting state, means the total miles operated by the fleet in such state, in all other contracting states, in other states having proportional registration provisions, in states with which such contracting state has reciprocity, and in such other states as the administrator determines should be included under the circumstances in order to protect or promote the interest of that administrator's state; except that in states having laws requiring proration on the basis of a different determination of total fleet miles, total fleet miles must be determined on such basis.

2 3. Leased vehicles. If a bus is operated by a person other
4 than the owner as a part of a fleet that is subject to this
6 Article, then the operator of such fleet must be deemed to be the
 owner of said bus for the purposes of this Article.

8 4. Extent of privileges. Upon the registration of a fleet
10 in a contracting state pursuant to this Article, each bus in the
12 fleet may be operated in both interstate and intrastate
 operations in such state, except as provided in section 1494,
 Article III, subsection 5.

14 5. Application for prorotation. The application for prorotation
16 of registration must be made in each contracting state upon
 substantially the application forms and supplements authorized by
 joint action of the administrators of the contracting states.

18 6. Issuance of identification. Upon registration of a
20 fleet, the state that is the base state of a particular bus of
22 the fleet shall issue the required license plates and
24 registration card for such bus and each contracting state in
26 which the fleet of which such bus is a part, operates shall issue
 a special identification identifying such bus as a part of a
 fleet that has fully complied with the registration requirements
 of such state. The required license plates, registration cards
 and identification must be appropriately displayed in the manner
 required by or pursuant to the laws of each respective state.

28 7. Additions to fleet. If any bus is added to a prorated
30 fleet after the filing of the original application, the owner
32 shall file a supplemental application. The owner shall register
34 such bus in each contracting state in like manner as provided for
36 buses listed in an original application and the registration fee
 payable must be determined on the mileage proportion used to
 determine the registration fees payable for buses registered
 under the original application.

38 8. Withdrawals from fleet. If any bus is withdrawn from a
40 prorated fleet during the period for which it is registered or
42 identified, the owner shall notify the administrator of each
44 state in which it is registered or identified of such withdrawal
 and shall return the plates, and registration card or
 identification as may be required by or pursuant to the laws of
 the respective states.

46 9. Audits. The administrator of each contracting state
48 shall, within the statutory authority of such administrator, make
50 any information obtained upon an audit of records of any
 applicant for prorotation of registration available to the
 administrators of the other contracting states.

2 10. Errors in registration. If it is determined by the
4 administrator of a contracting state, as a result of such audits
6 or otherwise, that an improper fee has been paid that
8 administrator's state, or errors in registration found, the
10 administrator may require the fleet owner to make the necessary
12 corrections in the registration of the fleet and payment of fees.

14 **§1496. Reciprocity -- Article V**

16 1. Grant of reciprocity. Each of the contracting states
18 grants reciprocity as provided in this Article.

20 2. Applicability. The provisions of this agreement with
22 respect to reciprocity applies only to a bus properly registered
24 in the base state of the bus, which state must be a contracting
26 state.

28 3. Nonapplicability to fleet buses. The reciprocity granted
30 pursuant to this Article does not apply to a bus which is
32 entitled to be registered or identified as part of a prorated
34 fleet.

36 4. Extent of reciprocity. The reciprocity granted pursuant
38 to this Article permits the interstate operation of a bus and
40 intrastate operation that is incidental to a trip of such bus
42 involving interstate operation.

44 5. Other agreements. Nothing in this agreement may be
46 construed to prohibit any of the contracting states from entering
48 into separate agreements with each other for the granting of
50 temporary permits for the intrastate operation of vehicles
52 registered in the other state; nor to prevent any of the
54 contracting states from entering into agreements to grant
56 reciprocity for intrastate operation within any zone or zones
58 agreed upon by the states.

60 **§1497. Withdrawal or revocation -- Article VI**

62 Any contracting state may withdraw from this agreement upon
64 30 days written notice to each other contracting state, which
66 notice may be given only after the repeal of this agreement by
68 the legislature of such state, if adoption was by legislative
70 act, or after renunciation by the appropriate administrative
72 official of such contracting state if the laws thereof empower
74 that official so to renounce.

76 **§1498. Construction and severability -- Article VII**

2 This compact must be liberally construed so as to effectuate
3 the purposes thereof. The provisions of this compact are
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 state or of the United States or the applicability thereof to
7 any government, agency, person or circumstance is held invalid,
8 the validity of the remainder of this compact and the
9 applicability thereof to any government, agency, person or
10 circumstance are not affected thereby. If this compact is held
11 contrary to the constitution of any state participating herein,
12 the compact remains in full force and effect as to the remaining
13 party states and in full force and effect as to the state
14 affected as to all severable matters.

16 SUBCHAPTER II

18 PROVISIONS RELATED TO AGREEMENT

20 §1499. Ratification

21 The Bus Taxation Proration Agreement is enacted into law and
22 entered into with all jurisdictions legally joining therein in
23 the form substantially as provided in this subchapter.

24 §1499-A. Administrator, defined

25 As used in the agreement, with reference to this State, the
26 term "administrator" means Secretary of State.

28 §1499-B. Exemptions

29 The Secretary of State has the power to make such exemptions
30 from the coverage of the agreement as may be appropriate and to
31 make such changes in methods for the reporting of any information
32 required to be furnished to this State pursuant to the agreement
33 as, in the Secretary of State's judgment, is suitable, provided
34 that any such exemptions or changes are not contrary to the
35 purposes set forth in section 1492, Article 1, and is made in
36 order to permit the continuance of uniformity of practice among
37 the contracting states with respect to buses. Any such exemption
38 or change must be made by rule or regulation and is not effective
39 unless made by the same procedure required for other rules and
40 regulations of the Secretary of State's department.

41 §1499-C. Withdrawal from agreement

42 Unless otherwise provided in any statute withdrawing this
43 State from participation in the agreement, the Governor must be
44 the officer to give notice of withdrawal therefrom.

2

STATEMENT OF FACT

4

6 This bill repeals the Maine Revised Statutes, Title 29 and
8 replaces that Title with a new Title 29-A, which is both a
10 revision and a recodification of the prior law. Part A of the
bill contains the text of the new Title. Part B of the bill
contains recodified portions of former Title 29 that are placed
in appropriate sections of other existing Titles.

STATE OF MAINE
116TH LEGISLATURE

LEGISLATIVE NOTICES

JOINT STANDING COMMITTEE ON TRANSPORTATION

Sen. Joseph C. Brannigan, Senate Chair
Rep. William B. O'Gara, House Chair

PUBLIC HEARING: Monday, January 10, 1994, 1:30 pm, Room 122, State
Office Building

(L.D. 841) Bill "An Act to Revise and Recodify the Maine Revised Statutes, Title
29" (S.P.0277) Submitted pursuant to Resolve 1987, chapter 33.

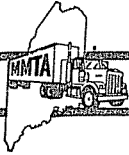
CONTACT PERSON: Joan Colford
State House Station 115
Augusta, ME 04333 287-4148

TESTIMONY SIGN-IN SHEET

COMMITTEE: TRANSPORTATION

SUBJECT: L.D. 841 AN ACT TO REVISE AND RECODIFY THE MAINE REVISED STATUTES,
TITLE 29

NAME	TOWN/AFFILIATION	PROPONENT/OPPONENT
1. William Dowling	Bureau Motor Vehicles	Proponent
2. Judge Alan Pease	Retired judge Maine District Court Testifying as an individual	Proponent
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		



MAINE MOTOR TRANSPORT ASSOCIATION

524 Western Avenue P.O. Box 857 Augusta, Maine 04332 (207) 623-4128 FAX: (207) 623-4096

DATE: January 31, 1994

TO: Senator Joseph Brannigan, Chair
Representative William O'Gara, Chair
Members of the Joint Standing Committee on Transportation

FROM: Dale E. Hanington, Executive Director

RE: LD 841

I am sorry that I was unable to be at the work session you had on January 25th covering Chapters 1-9 of LD 841. I would make the following observations and recommendations regarding those Chapters:

Page 4, Section 15, Paragraph A, Line 35: may want to amend to read: has a gross vehicle weight rating, combined gross vehicle weight rating or a registered weight of 26,001 or more pounds;

Page 9, Section 51-A: "pick-up trucks" are commonly registered for more than 6,000 pounds. When this is done, they display a "commercial" plate rather than a regular passenger vehicle plate. The additional weight is necessary to accommodate plow equipment or cargo they may transport.

Page 11, Section 66, Line 38: as part of the definition for "special mobile equipment" in regards to well drillers and wood-sawing equipment these pieces of equipment must be used "for-hire". This is in the current definition; however, I don't understand the rationale for this distinction between "for-hire" and private use.

Page 14, Section 104: makes any violation of Title 29A a Class E crime unless otherwise provided. Currently, any violation of Title 29 is a traffic infraction unless otherwise provided. Recommend that it stays as is.

Page 25 & 26, Section 301: "Forging official documents". The section of the current law which states that a photocopy of a valid registration may be made for file purposes is missing. I would recommend broadening this exception to the point of removing "for file purposes". Somebody can make a photocopy of a perfectly legal registration, with all fees paid, and



Maine's Exclusive Affiliate Of American Trucking Associations, Inc.

Page 2
January 31, 1994
RE: LD 841

receives a mandatory \$1,000 fine plus a 10% surcharge for a total of \$1,100. At the same time, somebody can illegally attach improper registration plates to their vehicle and receive a \$60 fine. I would like to discuss this possibility further.

Page 27, Section 351, Paragraph 1: would make equipment violations a Class E crime. Currently, these violations are traffic infractions and, in my opinion, should stay that way.

Page 55, Section 511, Paragraph 1, last subparagraph: excludes trailers and semitrailers from the two year registration cycle. Currently, only camp trailers are excluded because excise tax is required on these vehicles. Currently, a trailer or semitrailer may be registered for the two year period.

Page 56, Section 512: currently, Title 29, Section 245-C states, "A person registering pursuant to section 245-A or 245-B may register a semitrailer for fewer than 5 years only to maintain a common expiration date for a fleet." This provision is missing from the new law.

Page 59, Line 19: there appears to be a "typo"; word should be "mobile" not "motor".

Maine Highway Transportation Reform Act:

Page 69: this section needs to be coordinated with LD 1697, sections 17 through 25 to ensure the changes necessary for the Single State Registration System.

Page 70, Section 553, paragraph 3: appears to prohibit an owner-operator from leasing with a company that already has operating authority.

MEMORANDUM

TO: Joint Committee on Transportation

FR: Alan C. Pease

DATE: January 25, 1994

RE: L.D. 841, Title 29-A

Based on several years of personal observations of the method of handling traffic matters and particularly based on my experiences in helping establish the District Court Violations Bureau and in assisting the implementation of its operations, I submit the proposed substantive changes in the procedure for seeking a dismissal of a Violation Summons and Complaint alleging one of the three following traffic infractions:

1. Section 403 (Page 30, lines 21—36), failing to display registration;
2. Section 1408 (Page 153, lines 28—48), failing to display license; and
3. Section 1601 (Page 161, lines 4—50 and page 152, lines 2—16), failing to produce proof of insurance.

Each of the above sections makes it a traffic infraction to fail to display the appropriate proof at the request of a law enforcement officer. For example, under section 403 a person is required to carry the vehicle's registration certificate in the vehicle and must produce it on request of a law enforcement officer. It may be that for some reason the registration certificate is not in the vehicle when the law enforcement officer asks to see it. Upon the failure to produce the registration certificate, the officer may serve a Violation Summons and Complaint on the person alleging a violation of the failure to produce law.

In this example, rather than requiring a person appear in court to contest the alleged violation, when, in fact, the person does have the registration certificate, the statute now permits the person to show proof to the officer that the vehicle was duly registered at the time of the alleged violation. The proof must be submitted at least 24 hours prior to the date set for the person's court appearance, to the officer who issued the complaint or to an officer designated by the issuing officer. Similar provisions exist for failing to produce a license (section 1406) and failure to produce proof of insurance (section 1601).

The current procedure is unworkable in many respects. The person served with a complaint often does not know the name of the issuing officer or the designated officer or how to find that

officer. The person served may be from an area far distant from the place of the alleged violation and it may mean a long trip back to the appropriate law enforcement agency to find the issuing officer or designated officer. Even if the person does satisfy the issuing officer that the registration/license/insurance was valid at the time of the alleged violation, it may be done so late in the process that the officer is unable to notify the District Court Violations Bureau and prevent the Bureau from entering a judgment by default against the person served. Many times the officer simply does not file an appropriate and timely dismissal.

Often the person served simply does not understand the procedure and sends information directly to the Violations Bureau. The Bureau personnel are then in a quandary, as the Bureau actually has no authority to dismiss the charge. Most of the failure to show proof of insurance cases, dismissed because the person charged actually had insurance but did not have an insurance card in the vehicle, are dismissed because the person charged actually files proof of insurance with the Bureau, not because the person charged shows proof of insurance later to the officer.

In many cases the person charged with failing to display evidence of insurance will file an answer of not contested with the Bureau and also file a copy of the insurance card or some other document purporting to show that insurance was in effect at the time of the alleged violation. It is obvious that this procedure is not recognized by statute, yet merely to accept the answer of not contested and send the person a notice of the trial date and place confuses the issue for the person charged even more. The person has either misunderstood the directions of the officer or received no directions as to how the charge could be dismissed by presenting proof of insurance to the officer.

In other cases, the person charged has presented the officer with proof of insurance within the prescribed time period, but the officer, because of the officer's busy schedule, has not filed an appropriate dismissal with the Bureau. In these instances the person charged has not bothered to file an answer with the Bureau and the next thing that person knows a notice of license suspension arrives in the mail. Needless to say, additional headaches are created for all concerned.

To make it less complicated for the officer and for the person charged, and to save the staff at the Violations Bureau the uncertainty of what should be done in these cases, my suggestion is to amend the bill to provide a simplified method of taking care of these situations. My proposal is that

the Violations Bureau be given authority to dismiss the complaint if proper evidence is filed with the Bureau showing that the person charged had a valid registration/license/insurance at the time of the alleged violation. This evidence would be filed with the Bureau prior to the date required for an answer. If the person charged elects to do so, an answer of not contested may be filed and the person can present appropriate proof to the court at trial showing that the person charged had a valid registration/license/insurance at the time of the alleged violation.

I have set forth below language to replace the appropriate portions of LD 841.

Replace subsection 2 of section 403 at page 30, lines 28—36 with the following.

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

Replace subsections 3 and 4 of section 1408 at page 153, lines 38—48 with the following.

3. Dismissal. A person served with a Violation Summons and Complaint charging a violation of this section may have the complaint dismissed if that person shows satisfactory evidence that the person held a valid license at the time of the alleged violation. The clerk of the District Court Violations Bureau must dismiss the complaint if, prior to the date required for filing an answer to the complaint, the person charged files with the Bureau a copy of the violation summons and complaint together with evidence that the person held a valid license at the time of the alleged violation. If a person files a timely answer of not contested to a Violations Summons and Complaint

alleging a violation of this section and that person presents satisfactory evidence to the court at the time of trial that the person held a valid license at the time of the alleged violation, the court must dismiss the complaint.

Replace subsection 4 of section 1601 at page 161, lines 22—27 with the following.

4. Dismissal. A person served with a Violation Summons and Complaint charging a violation of this section may have the complaint dismissed if that person shows satisfactory evidence of liability insurance or financial responsibility that was in effect at the time of the alleged violation. The clerk of the District Court Violations Bureau must dismiss the complaint if, prior to the date required for filing an answer to the complaint, the person charged files with the Bureau a copy of the violation summons and complaint together with satisfactory evidence of liability insurance or financial responsibility that was in effect at the time of the alleged violation. If a person files a timely answer of not contested to a Violations Summons and Complaint alleging a violation of this section and that person presents satisfactory evidence to the court at trial of liability insurance or financial responsibility that was in effect at the time of the alleged violation, the court must dismiss the complaint.