

MAINE STATE LEGISLATURE

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2 1. Application. If a certificate of title or certificate
3 of salvage is lost, stolen, mutilated or destroyed or becomes
4 illegible, the owner or legal representative of the owner named
5 in the certificate, as shown by the records of the Secretary of
6 State, shall promptly make application for and may obtain a
7 duplicate upon furnishing information satisfactory to the
8 Secretary of State. A duplicate certificate of title or
9 certificate of salvage must contain the legend, "This is a
10 duplicate certificate and may be subject to the rights of a
11 person under the original certificate." It must be mailed to the
12 owner named on the certificate unless that owner gives written
13 authorization to mail the certificate to another person. If a
14 certificate of lien has been lost, stolen, mutilated or destroyed
15 or becomes illegible, the first lienholder shown on the
16 certificate may apply for and obtain a duplicate upon furnishing
17 information satisfactory to the Secretary of State.

18
19 2. Time. The Secretary of State may not issue a duplicate
20 until 15 days after receipt of the application.

21
22 3. Surrender of original. A person recovering an original
23 certificate for which a duplicate has been issued shall promptly
24 surrender the original to the Secretary of State. Violation of
25 this subsection is a Class E crime.

26 **§662. Transfer of interest in vehicle**

27
28 1. Transfer of interest by owner. If an owner transfers an
29 interest in a vehicle, other than by the creation of a security
30 interest, the owner shall execute, at the time of delivery of the
31 vehicle, an assignment and warranty of title to the transferee in
32 the space provided on the certificate or as the Secretary of
33 State prescribes. The warranty must include the odometer
34 information required by section 752.

35 The owner shall deliver the certificate and assignment to the
36 transferee or to the Secretary of State.

37
38 Except as provided in section 664, an owner must provide the
39 transferee with a properly released certificate of lien if one
40 was issued to a lienholder.

41
42 A transferee other than a dealer licensed under chapter 9 shall
43 obtain a title in the transferee's name before transferring the
44 vehicle to another person.

45
46 2. Delivery of certificate by lienholder. Unless the
47 transfer was a breach of the security agreement, upon request of
48 the owner or transferee, a lienholder in possession of the
49 certificate shall deliver the certificate to the transferee or to the
50 Secretary of State.

2 certificate of title, certificate of salvage or certificate of
3 lien shall deliver a certificate to the transferee or, upon
4 receipt of the assignment, the application for a new certificate
5 and the fee, the lienholder shall deliver them to the Secretary
6 of State. The delivery of the certificate does not affect the
7 rights of a lienholder.

8 3. Retention. If a security interest is reserved or
9 created at the time of the transfer, the certificate must be
10 retained by or delivered to the lienholder. The parties shall
11 comply with sections 701 and 752.

12 4. Transfer effective. Except as provided in section 664
13 and as between the parties, a transfer by an owner is not
14 effective until the provisions of this section and section 665
15 have been fulfilled and the required fees have been paid. An
16 owner who has delivered possession of the vehicle and has
17 complied with this section and section 665 is not liable
18 thereafter as owner for damages resulting from operation of the
19 vehicle.

20 5. Transfer to dealer. When a dealer licensed under
21 chapter 9 acquires a vehicle, the dealer must possess a transfer
22 form in accordance with section 752 for the transfer of that
23 vehicle to the dealer and that transfer form must state the
24 odometer reading, the names of the transferors and the name of
25 the dealer as transferee. A dealer who violates this subsection
26 commits a traffic infraction. A minimum fine of \$200 must be
27 adjudged for each infraction. This forfeiture may not be
28 suspended.

29 **§663. Transfer on death of spouse**

30 On the death of a married resident owner of a motor vehicle
31 registered in this State, ownership of the motor vehicle passes
32 to the surviving spouse if no will provides otherwise and
33 permission is granted by a lienholder. Registration and title of
34 the vehicle must be transferred to the surviving spouse at no fee
35 and is exempt from the purchase and use tax.

36 **§664. Resale by dealer**

37 1. Vehicle held by dealer. If a dealer holds a vehicle for
38 resale and obtains the certificate of title or certificate of
39 salvage, the dealer is not required to deliver the certificate to
40 the Secretary of State.

41 2. Transfer. When transferring a vehicle held for resale
42 to a retail purchaser, a dealer shall comply with section 654.

2 3. Unreleased security interest. If a certificate of title
shows an unreleased security interest, a dealer may not transfer
4 the vehicle unless the dealer possesses a properly released
certificate of lien or a certificate is forthcoming from a
lienholder.

6 4. Sold or displayed for sale at auction. A vehicle being
sold or displayed for sale at an auction must be accompanied by a
8 valid certificate of title at the time of its sale or display. A
salvage vehicle sold or displayed for sale at an auction or
10 insurance salvage pool must be accompanied by a valid certificate
of salvage at the time of its sale or display for sale, unless it
12 is accompanied by a certificate of title from a jurisdiction that
does not issue certificates of salvage.

14 5. Exemption. A vehicle exempt under section 652 or a
vehicle coming from a jurisdiction that does not issue
16 certificates of title must be accompanied by information and
documents to establish the ownership of the vehicle and the
18 existence or nonexistence of a security interest in it.

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

22 §665. Involuntary transfers of interest in motor vehicle

24 1. Other than voluntary transfer. If the interest of an
owner in a vehicle passes to another, other than by voluntary
26 transfer, the owner shall immediately surrender the certificate
of title or certificate of salvage to the transferee or the
28 Secretary of State. Except as otherwise provided in this
section, the transferee shall promptly deliver to the Secretary
30 of State the last certificate, if available, proof of the
transfer and an application for a new certificate.

32 2. Interest terminated by lienholder. If the interest of
the owner is terminated or the vehicle is sold under a security
34 agreement by a lienholder named in the certificate of title or
salvage, the following provisions apply.

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

40 B. The transferee shall promptly deliver to the Secretary
of State the last certificate of title or certificate of
42 salvage, an application for a new certificate and an
affidavit made on behalf of the lienholder that the vehicle
44 was repossessed and the interest of the owner was lawfully
terminated or sold pursuant to the terms of the security
46 agreement.

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

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

12 E. If the lienholder holds the vehicle for resale, the
14 lienholder need not apply for a new certificate. Upon
transfer to another person, the lienholder shall promptly
16 mail or deliver to the transferee or to the Secretary of
State the certificate showing the lien to be released and
18 the affidavit and other documents required to be sent to the
Secretary of State by the transferee.

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

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

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

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

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

38 B. If the owner is unknown, the State may proceed to
40 perfect title.

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

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

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

4 A. Ownership of the vehicle passes to that individual and
6 the ownership of the vehicle by any other person named on a
8 certificate of title, certificate of salvage, certificate of
lien or certificate of registration for the vehicle is
extinguished.

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

14 C. If there is a lien on the vehicle, the lienholder shall
16 surrender a certificate of title or salvage or certificate
18 of lien for the vehicle to the Secretary of State. The
delivery of the certificate to the Secretary of State does
not affect the rights of the lienholder.

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

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

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

36 **§667. Salvage**

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

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

48 B. By the owner of the vehicle, the owner shall surrender
50 the certificate of title to the Secretary of State and apply
for a certificate of salvage in accordance with section 654

2 prior to the transfer of the vehicle, unless the owner
3 transfers the vehicle to a recycler licensed under this
4 chapter.

6 2. Assignment of ownership. At the time the salvage
7 vehicle is transferred, the insurer, the insurer's designee or
8 the owner shall endorse the assignment of ownership on the
9 certificate of salvage and surrender it to the transferee of the
10 salvage vehicle. If a vehicle owner retains a salvage vehicle as
11 part of a settlement with an insurer, the insurer shall comply
12 with this section and endorse the assignment of ownership on the
13 certificate of salvage and surrender it to the vehicle owner.

14 3. Surrender and cancellation of certificate. Surrender and
15 cancellation of a certificate of title or certificate of salvage
16 must be as follows.

18 A. An owner who scraps or dismantles a vehicle shall
19 immediately surrender the certificate of title or
20 certificate of salvage to the Secretary of State for
21 cancellation.

22 B. A person who acquires a vehicle to be scrapped or
23 dismantled shall immediately surrender the certificate to
24 the Secretary of State. If an owner transfers a vehicle for
25 which a certificate of salvage has not been issued to a
26 salvage dealer or recycler licensed under this chapter, the
27 vehicle is deemed declared by the owner to be a salvage
28 vehicle, and the salvage dealer or recycler shall
29 immediately apply for a certificate of salvage for the
30 vehicle in accordance with section 654, unless the vehicle's
31 certificate of title is surrendered in compliance with this
32 subsection.

34 C. A person who repairs or rebuilds for operation on public
35 ways a salvage vehicle shall comply with subsection 4 and
36 shall:

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

42 (2) If the vehicle was insured, obtain a certificate
43 of salvage or a certificate of title from the insurer
44 and apply for a certificate of salvage.

46 4. Repaired or rebuilt vehicle. If a salvage vehicle is
47 repaired or rebuilt for operation on a public way, the vehicle
48 may only be titled or registered for operation or offered for
49 sale in this State if:

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

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

6 C. If necessary, a new vehicle identification number is
8 assigned.

10 Upon demand of the Secretary of State or a transferee, a repairer
12 or rebuilder shall produce receipts of purchase of the vehicle or
14 for component parts used in the repairing or rebuilding process,
16 or both. If new parts are not used to rebuild a salvage vehicle,
18 the rebuilder shall produce the vehicle identification number of
20 the vehicles from which the parts were taken and the certificates
 of title or the certificates of salvage for the vehicles if not
 already surrendered. The repairer or rebuilder shall disclose,
 in writing, to the transferee of a repaired or rebuilt salvage
 vehicle the fact that the vehicle was a salvage vehicle and shall
 disclose what repairs were made to the vehicle.

22 5. Distinctive. The following legends apply to
24 certificates of title issued subsequent to issuance of
 certificates of salvage for vehicles.

26 A. The legend "salvage" must appear on a certificate of
28 title if:

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

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

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

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

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

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

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

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

8 (1) A salvage vehicle has at least one, but less than
10 5, component parts replaced; or

12 (2) A certificate of title with the legend "rebuilt"
14 issued by the Secretary of State or by any other
 jurisdiction accompanies an application to the State
16 for a subsequent certificate of title.

18 D. If a salvage vehicle for which a certificate of title
 has been issued by this State with any of the legends
20 described in this section is subsequently titled in another
 jurisdiction and later retitled in this State, any
22 subsequent certificate of title from this State must also
 contain the legends appearing on the previous certificate of
24 title from this State.

26 6. Violation. A person who violates this section commits a
 Class D crime.

28 §668. Suspension or revocation of certificate of title or
30 certificate of salvage

32 1. Findings. The Secretary of State shall suspend or
 revoke a certificate of title, certificate of salvage or
34 certificate of registration on notice and reasonable opportunity
 to be heard, if the Secretary of State finds:

36 A. A certificate of title or certificate of salvage was
 fraudulently procured or erroneously issued;

38 B. A vehicle has been scrapped or dismantled;

40 C. A person failed to deliver a certificate of title or
42 certificate of salvage or an application for certificate of
 title or certificate of salvage or fails to furnish
44 information the Secretary of State requests within 10 days
 after the time required; or

46 D. A person failed to mail or deliver a certificate of
48 title or certificate of salvage to the Secretary of State
 following the creation of a security interest by court order

2 or other governmental action or following an involuntary
3 transfer.

4 2. Validity. Suspension or revocation of a certificate
5 does not affect the validity of a security interest noted on it.

6 3. Certificate delivered. When the Secretary of State
7 suspends or revokes a certificate of title, certificate of
8 salvage or certificate of registration, the owner or person in
9 possession of that document, immediately upon receiving notice of
10 the suspension or revocation, shall deliver the document and
11 registration plates to the Secretary of State.

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

15 SUBCHAPTER III

16 SECURITY INTEREST

17 §701. Creation of security interests

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

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

22 B. Immediately deliver the certificate of title,
23 application and fee to the lienholder.

24 2. Delivery by lienholder. The lienholder shall
25 immediately deliver the certificate, application and fee to the
26 Secretary of State.

27 3. Additional. Upon request of the owner or subordinate
28 lienholder, a lienholder in possession of the certificate of
29 title shall deliver the certificate to the subordinate lienholder
30 for delivery to the Secretary of State. Upon receipt from the
31 subordinate lienholder of an owner's application and fee, the
32 lienholder shall deliver them to the Secretary of State with the
33 certificate. The delivery of the certificate does not affect the
34 rights of the first lienholder under that lienholder's security
35 agreement.

36 4. New certificate. Upon receipt of the certificate, the
37 application and fee, the Secretary of State shall issue a new
38 certificate containing the name and address of the new
39 lienholders and mail the certificate of title to the owner. The
40 lienholders and mail the certificate of title to the owner. The

Secretary of State shall also mail a certificate of lien to the first lienholder.

§702. Perfecting security interest

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

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

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

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

C. The required fee.

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

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

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

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

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

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

C. If the security interest was not perfected under the law of the jurisdiction in which the vehicle was located when the security interest attached, that interest may be perfected in this State and perfection dates from the time of perfection in this State.

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

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

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

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

§703. Exemptions

This subchapter does not affect:

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

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

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

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

10 **§704. Assignment of security interest**

12 1. Assignment. A lienholder may assign a security interest
14 to a person other than the owner without affecting the interest
16 of the owner or the validity of the security interest.

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

24 3. Liability. The lienholder remains liable for an
26 obligation as lienholder until the assignee is named as
28 lienholder on the certificate of title or certificate of salvage.

30 4. Endorsement. The assignee may, but need not to perfect
32 the assignment, have a certificate of title or certificate of
34 salvage issued with the assignee named as lienholder, upon
36 delivering to the Secretary of State the certificate and an
38 assignment by the lienholder named in the certificate in the form
40 the Secretary of State prescribes, together with an application
42 and the required fee.

44 **§705. Release of security interest**

46 1. Release on satisfaction. Upon satisfaction of the
48 security interest of the lienholder, the lienholder shall, within
50 10 days after demand or, in any event, within 20 days, execute a
 release of the security interest in the space provided on the
 certificate. The lienholder shall:

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

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

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

2 2. Prior lienholder. If the certificate of title,
3 certificate of salvage or certificate of lien is in the
4 possession of a prior lienholder, the satisfied lienholder shall
5 execute a release and deliver it to the owner or to a person who
6 delivers to the lienholder an authorization from the owner to
7 receive the release.

8 Upon the satisfaction of a subordinate security interest in a
9 vehicle for which the certificate of title, certificate of
10 salvage or certificate of lien is in the possession of a prior
11 lienholder, the lienholder whose security interest is satisfied
12 shall execute, within 10 days after demand and, in any event,
13 within 20 days, a release in the form the Secretary of State
14 prescribes and mail or deliver the release to the owner or any
15 person who delivers to the lienholder an authorization from the
16 owner to receive that release. The subordinate lienholder whose
17 security interest is satisfied shall mail or deliver a copy of
18 the release to the first lienholder named in the certificate of
19 title or certificate of salvage for the vehicle and shall notify
20 the Secretary of State that the lien has been satisfied in a
21 manner prescribed by the Secretary of State.

22 **§706. Lienholder to furnish information**

23 Upon request of the owner, another lienholder named on the
24 certificate of title or certificate of salvage or a dealer to
25 which the vehicle has been transferred, a lienholder shall
26 disclose pertinent information as to the security agreement, the
27 indebtedness secured by that agreement and certificate of title
28 or certificate of salvage numbers.

29 **§707. Method of perfecting security interest exclusive**

30 This subchapter provides the exclusive method for perfecting
31 and giving notice of security interests subject to this
32 subchapter. These security interests are exempt from other
33 provisions of law concerning the filing of instruments creating
34 or evidencing security interests.

35 **SUBCHAPTER IV**

36 **ANTITHEFT PROVISIONS AND PENALTIES**

37 **§751. Altering, forging or counterfeiting certificates**

38 A person is guilty of a Class D crime if that person:

39 1. Certificate. Alters, forges or counterfeits a
40 certificate of title, certificate of salvage or certificate of
41 lien;

2 2. Assignment. Alters or forges an assignment of a
4 certificate of title or certificate of salvage or an assignment
6 or release of a security interest on a certificate of title,
 certificate of salvage, certificate of lien or an official form
 of the Secretary of State;

8 3. Possession of forgery. Has possession of or uses a
10 certificate knowing that the certificate of title, certificate of
12 salvage or certificate of lien had been altered, forged or
 counterfeited;

14 4. False statement. Uses a false or fictitious name or
16 address, makes a material false statement, fails to disclose a
18 security interest or conceals any other material fact in an
 application for a certificate of title, certificate of salvage,
 certificate of lien or on any documents in support of that
 application; or

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

24 **§752. Odometers; transfers**

26 1. Information on transfer. At the time of transfer of a
28 motor vehicle, each transferor shall furnish to the transferee
30 the information required by this subsection in accordance with
32 the federal Truth in Mileage Act of 1986, Public Law 99-579, and
34 the rules promulgated under 49 Code of Federal Regulations, Part
36 580. The information must be on the reverse of any title or
38 manufacturer's certificate of origin that complies with the
40 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:

42 A. The date of the transfer;

44 B. The odometer reading at the time of transfer, not to
 include 1/10th of miles;

46 C. The transferor's printed name and current address;

48 D. The transferee's printed name and current address;

2 E. The identity of the vehicle being transferred, including
4 its make, model, year and body type and its vehicle
6 identification number if on a form other than a title; and

8 F. The transferor's certification that:

10 (1) To the best of the transferor's knowledge, the
12 odometer reading reflects the actual mileage;

14 (2) The odometer reading reflects the amount of
16 mileage in excess of its mechanical limit; or

18 (3) The odometer reading is not the actual mileage.
20 If the odometer reading is not the actual mileage, the
22 transferor shall give reasons for the discrepancy on a
24 form prescribed by the Secretary of State.

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

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

48 §753. Other offenses

A person commits a Class E crime if that person:

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

2. Delivery to Secretary of State. Fails to deliver a
certificate of title or certificate of salvage or application for
a certificate of title or certificate of salvage to the Secretary
of State within 10 days after the time required;

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

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

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

8 6. Other. Violates a provision of this chapter that,
10 notwithstanding section 104, is not expressly declared a traffic
12 infraction or another class of crime.

14 **§754. Examination and impoundment of vehicle**

16 1. Examination of identification numbers. A State Police
18 officer or a motor vehicle investigator may examine the vehicle
20 identification numbers of a vehicle or vehicle part. Failure to
22 allow the examination is a Class E crime.

24 2. Impoundment. When a State Police officer or an
26 investigator has reasonable grounds to believe that a vehicle
28 identification number is fictitious, removed or altered, or that
30 a violation of law involving a vehicle or vehicle part has taken
32 place, the police officer or investigator may impound the vehicle
34 or vehicle part and hold the vehicle or part until the violation
36 is cleared.

38 3. Vehicle identification numbers. A manufacturer or
40 assembler of a vehicle shall provide that vehicle with a vehicle
42 identification number and on request shall supply the Secretary
44 of State and the Chief of the State Police with all available
46 information concerning the location of vehicle identification
48 numbers and other identifying numbers on that vehicle.

The Secretary of State may refuse to register or issue a
certificate of title for a vehicle made by a manufacturer or
assembler who fails to comply with this section.

The vehicle identification number for a motor vehicle must
conform with the requirements of the Federal Government.

4. Vehicle disposal. Impounded vehicles that are
unclaimed, recovered after theft or unidentifiable become the
property of the State. The Secretary of State shall dispose of
those vehicles in the following manner.

A. Within 10 days after impoundment, the Secretary of State
shall notify by registered or certified mail, return receipt
requested, the last known owner and all lienholders of
record. The notice must describe the year, make, model and
vehicle identification number, if known. The notice must
state that failure of the owner or lienholder to exercise
the owner's or the lienholder's right to reclaim the vehicle

within 30 days from receipt of notice means the vehicle is abandoned.

B. After expiration of the 30-day notice period, the Secretary of State may dispose of the vehicle at public auction or report the vehicle as abandoned under Title 33, chapter 37.

§755. Report of theft; recovery of unclaimed vehicle

1. Enforcement officers. A law enforcement officer who learns of the theft of a vehicle not since recovered or of the recovery of a vehicle whose theft or conversion the officer knows or has reason to believe has been reported to the Secretary of State shall report the theft or recovery of a motor vehicle to the Secretary of State.

2. Owner or lienholder. An owner or a lienholder may report the theft or conversion of a vehicle to the Secretary of State.

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

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

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

§756. Impeachment of defendant

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

CHAPTER 9

DEALERS

SUBCHAPTER I

GENERAL PROVISIONS

§851. Definitions

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

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

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

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

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

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

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

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

A. Located within the State;

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

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

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

2 E. In which the public may contact the dealer at all
3 reasonable times;

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

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

8
9
10 4-A. Full-time employee. "Full-time employee" means any
11 person who is employed and works at least 30 hours per week.

12
13 5. Full-time sales representative. "Full-time sales
14 representative" means an employee who is employed by a dealer
15 who, under any form of contract, sells, offers for sale or
16 attempts to negotiate a sale or exchange of an interest in a
17 vehicle.

18
19 6. Immediate family. "Immediate family" means a spouse or
20 child residing in the same household as the dealer.

21
22 7. Light trailer. "Light trailer" means a trailer or
23 semitrailer with an unladen gross weight of 3,000 pounds or less.

24
25 8. Motorcycle dealer. "Motorcycle dealer" means a dealer
26 whose primary business is the buying or selling of new or used
27 motorcycles, or both, or motor-driven cycles, or both.

28
29 9. New vehicle dealer. "New vehicle dealer" means a dealer
30 whose primary business is the buying and selling of new motor
31 vehicles and who has a franchise from a distributor or
32 manufacturer.

33
34 10. Trailer dealer. "Trailer dealer" means a dealer whose
35 primary business is the buying and selling of new or used
36 trailers or semitrailers, or both.

37
38 11. Used car dealer. "Used car dealer" means a dealer
39 whose primary business is the buying and selling of used motor
40 vehicles.

41
42 12. Used motor vehicle. "Used motor vehicle" means a motor
43 vehicle that has been registered at least once or is not covered
44 by a manufacturer's new car warranty.

45
46 13. Vehicle auction. "Vehicle auction" means selling a
47 vehicle by bidding at a public or private sale.
48

2 14. Vehicle auction business. "Vehicle auction business"
means a business that operates a vehicle auction for gain or
4 compensation.

6 §852. Fees

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

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

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

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

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

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

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

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

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

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

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

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

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

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

46 §853. Suspension and revocation

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

SUBCHAPTER II

APPLICATION FOR DEALER LICENSE

§901. Application

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

2. Contents. An application must contain the following:

A. The applicant's name, type of business organization and place of business;

B. The qualifications and business history of the applicant and the same information for each partner, officer or director;

C. Whether the applicant has been found guilty of a criminal offense involving fraud or conversion within the past 5 years or has been held liable for a judgment involving fraud, misrepresentation or conversion. For a corporation or partnership, the same information must be provided for each director, officer or partner; and

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

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

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

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

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

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

4 4. Surety bonds. A dealer other than an equipment and
6 light trailer dealer shall file with the Secretary of State and
 maintain a surety bond in the following amount, based on the
 prior year's sales:

8 A. For 0 to 50 sales, \$5,000;

10 B. For 51 to 100 sales, \$10,000;

12 C. For 101 to 150 sales, \$15,000;

14 D. For 151 to 200 sales, \$20,000; or

16 E. For 201 sales and over, \$25,000.

18 Initial licensees shall file a bond based on projected sales.

20 Persons beginning in the business as licensed vehicle dealers are
22 subject to review after initial bonding depending on volume.

24 All licensees must be reviewed annually by the Secretary of State
 to determine compliance with the correct amount of the bonds.

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

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

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

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

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

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

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

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

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

8 C. For a dealer licensed under this chapter, failure to
10 have an established place of business;

12 D. Failure to notify the Secretary of State in writing at
14 least 30 days prior to moving the location of an established
 place of business;

16 E. Failure to maintain a surety bond;

18 F. Defrauding of a retail buyer to the buyer's or another's
20 damage;

22 G. Conviction of any fraudulent act in connection with the
 business of selling motor vehicles or parts or being held
24 liable by a civil judgment involving fraud,
 misrepresentation or conversion;

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

30 I. Submission of a check, draft or money order to the
 Secretary of State that is dishonored or refused upon
32 presentation;

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

42 K. Failure to appear at a hearing required by the Secretary
 of State or failure to appear in court to answer a summons;
44 or

46 L. Failure to comply or to maintain compliance with section
 1612.

48 2. Procedures. The procedures of chapter 23, subchapter
50 III apply to a suspension.

2 3. Plate reduction. The number of plates allowed a motor
4 vehicle dealer who fails to sell a minimum of one vehicle per
6 month or 12 vehicles within a 12-month period must be reduced to
8 one dealer plate unless the Secretary of State determines that
10 the reduction is not warranted.

12 4. Continuing business. A person may not continue to
14 engage in the business of buying or selling of vehicles after
16 suspension or revocation of the dealer license. A person is
18 guilty of a Class E crime if that person continues in business
20 after suspension or revocation. That crime is punishable by a
22 fine of not less than \$200, which may not be suspended.

24 5. Refusal to surrender. A dealer who fails or refuses to
26 surrender a license, plates, registration certificates or
28 temporary plates on demand of the Secretary of State following
30 the suspension, revocation or nonrenewal of a dealer license
32 commits a Class E crime.

34 §904. Vicarious liability

36 1. Acts of officers, directors, trustees or partners.
38 There is sufficient cause for the denial, suspension or
40 revocation of the license of a partnership or corporation if an
42 officer, director, trustee or partner has committed an act or
44 omitted a duty that would be cause for denying, suspending or
46 revoking a license to the party as an individual.

48 2. Acts of sales representative. A licensee is responsible
50 for the acts of a sales representative acting as the licensee's
52 agent, if the licensee approved of or had knowledge of the acts
54 or other similar acts and, after such approval or knowledge,
56 retained the benefit, proceeds, profits or advantages accruing
58 from those acts or otherwise ratified those acts.

60 SUBCHAPTER III

62 LICENSING OF DEALERS

64 §951. Licensing of dealers

66 1. Definition. A person is "engaged in the business of
68 buying, selling, exchanging, offering to negotiate, negotiating
70 or advertising a sale of vehicles" if that person:

72 A. Buys vehicles for the purpose of resale;

74 B. Sells more than 5 vehicles in any 12-month period; or

2 C. Displays 3 or more vehicles for sale within a 30-day
3 period on premises controlled by that person.

4 Vehicles owned and registered by that person for at least 6
5 months are not included for purposes of this definition.

6 2. Dealers must be licensed. A person may not engage in
7 the business of buying, selling, exchanging, offering to
8 negotiate, negotiating or advertising a sale of vehicles unless
9 that person has been issued a license under this subchapter.
10 Violation of this subsection is a Class E crime.

11 3. Term. The term of a license is from the date of
12 issuance to the 31st day of December.

13 4. Exemption. Financial institutions, as defined in Title
14 9-B, section 131, subsections 17 and 17-A, are exempt from the
15 requirements of this section when selling vehicles repossessed
16 and sold by full-time employees of the institution. Financial
17 institutions that do not use full-time employees to repossess and
18 sell vehicles must use dealers licensed pursuant to this chapter.

19 5. Approval of location. All branch and annex locations
20 must be approved and licensed. The annual fee for each branch or
21 annex location is \$75. Violation of this subsection is a Class E
22 crime.

23 **§952. Requirements**

24 1. Facilities. To qualify for a dealer license, an
25 applicant must maintain the following facilities and personnel:

26 A. Facilities for the display of vehicles being handled;

27 B. A repair department for repair of 2 vehicles
28 simultaneously;

29 C. Sufficient tools and equipment for servicing of the
30 vehicles handled;

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

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

35 F. On all used motor vehicles offered for sale, the written
36 vehicle history statement required to be conspicuously
37 affixed to the vehicle pursuant to Title 10, section 1475.

2 2. Exemptions. A person who held used car registration
3 plates on January 1, 1964 is exempt from subsection 1, paragraphs
4 B and E. This exemption expires if that person sells or
5 discontinues that business and subsequently becomes licensed
6 again on or after January 1, 1985.

7 A vehicle manufacturer who does not retail vehicles directly to
8 the public is exempt from the requirements under subsection 1,
9 except the requirement under paragraph D.

10 3. Penalty. A person who fails to comply with subsection
11 1, paragraphs A to E or subsection 4 commits a Class E crime.

12 4. Display. The dealer must display the license at the
13 dealer's place of business.

14 **§953. License to deal in new vehicle**

15 1. License; new vehicle dealer. A person may not have on a
16 licensed facility at any one time more than 5 new vehicles unless
17 the person is licensed as a new vehicle dealer.

18 2. Requirements. A new vehicle dealer license may be
19 issued only to:

20 A. A sales branch or agency of a manufacturer of vehicles;

21 B. A distributor of new vehicles who holds an unexpired
22 appointment in writing from the manufacturer of such
23 vehicles; or

24 C. A dealer in new vehicles who holds an unexpired
25 appointment in writing from the manufacturer of such
26 vehicles or from an authorized distributor of such vehicles.

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

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

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

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

2 B. "Preparation service" means an adjustment, inspection,
4 test, repair, replacement of parts, cleaning, polishing or
6 other labor performed by the dealer without prior written
8 authorization of the purchaser.

10 C. "Optional equipment" means equipment, protective
12 coating, special feature, appliance, part or accessory added
14 to a vehicle and not included in the manufacturer's
16 suggested retail price.

18 6. Penalty. A person who fails to comply with this section
20 commits a Class E crime.

22 §954. Special dealer licenses and plates

24 1. Equipment. Equipment dealer plates and a license may be
26 issued to a person engaged in the manufacturing or buying and
28 selling of:

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

32 B. Farm equipment;

34 C. Construction vehicles or equipment; or

36 D. Industrial vehicles or equipment.

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

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

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

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

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

2 B. A transporter plate may not be:

4 (1) Used in lieu of registration plates;

6 (2) Loaned to another;

8 (3) Used for personal reasons; or

10 (4) Used on a towing vehicle.

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

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

20 2. Used vehicle dealer obtaining a new vehicle franchise. A
22 used vehicle dealer who obtains a new vehicle franchise from a
24 manufacturer or distributor shall immediately surrender the used
vehicle plates and certificates and the Secretary of State shall
issue the appropriate class of plates.

26 3. Penalty. A person who fails to comply with this section
28 commits a Class E crime.

30 **§956. Record of transactions**

32 1. Record of vehicles. A dealer shall complete and
34 maintain for a period of not less than 3 years after the date of
transaction a record of the purchase or sale of a vehicle and the
following:

36 A. A description of the vehicle, including make, model,
38 model year, body type, vehicle identification number, color
and whether the vehicle is new or used;

40 B. The name and address of the person from whom purchased;

42 C. The name of the legal owner, if different from the name
44 from whom purchased in paragraph B;

46 D. The name and address of the purchaser;

48 E. The mileage of the vehicle when received and sold;

2 F. Copies of the warranty and of the disclosure statement,
pursuant to Title 10, section 1474, received and issued by
4 the dealer with the sale;

6 G. An invoice disclosing from whom the vehicle was
obtained. If the vehicle was obtained from another dealer,
8 the dealer's name must be disclosed; and

10 H. On a used motor vehicle offered for sale, the written
vehicle history statement required by Title 10, section 1475.

12 2. Inspection. The records, vehicles and vehicle parts in
the dealer's possession must be available for inspection during
14 the dealer's normal business hours by the Secretary of State, law
enforcement officers or representatives of the office of the
16 Attorney General.

18 3. Filing. A copy of the records, except the information
required by subsection 1, paragraphs F, G and H, must be filed
20 with the Secretary of State on a form prescribed by the Secretary
of State, immediately following the sale or disposition of the
22 vehicle.

24 4. Federal requirements. A dealer shall comply with the
federal Truth in Mileage Act of 1986, Public Law 99-579, as
26 amended, and the regulations promulgated under 49 Code of Federal
Regulations, Part 580, as amended, in keeping of records.

28 5. Personnel. The dealer shall maintain a current record
30 of all sales representatives and full-time employees employed by
the dealer, including but not limited to the general manager, the
32 sales manager and the service manager. The record must include
the full name, date of birth, social security number and home
34 address of each full-time employee and the position held by
each. Those records must be available for inspection by the
36 Secretary of State, the Attorney General and law enforcement
officers.

38 6. Penalty. Violation of this section is a Class E crime.
40

42 SUBCHAPTER IV

44 DISPLAY

46 §1001. Display and content of license

48 1. Specify place of business. A dealer license must
specify the location of each place of business occupied by the
50 licensee in conducting business.

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

5 3. Display. A license must be conspicuously displayed at
6 each location.

8 **§1002. Vehicle and equipment dealer plates**

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

14 A. Purposes directly connected with the business of buying,
15 selling, testing, adjusting, servicing, demonstrating or
16 exchanging the vehicle, including use of that vehicle by a
17 full-time employee to attend schools and seminars designed
18 to assist the employee in the testing, adjusting or
19 servicing of vehicles;

20 B. Personal use by a manufacturer or dealer. There may be
21 no more than one dealer plate for the personal use of the
22 manufacturer or dealer and one dealer plate for the personal
23 use of the immediate family of the dealer;

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

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

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

32 F. Use by the manufacturer or dealer when the combined
33 weight of the vehicle and the load does not exceed 10,000
34 pounds unless the vehicle, by design, exceeds 10,000 pounds
35 without a load.

36 2. Term. Dealer plates are valid for the calendar year.
37 On and after December 25th, dealer plates issued for the next
38 year may be displayed. The Secretary of State may determine the
39 number and conditions of use of dealer plates.

40 3. Penalty. A violation of subsection 1 is a traffic
41 infraction for which a minimum penalty of \$200 must be adjudged
42 for each infraction. That penalty may not be suspended.

2 4. Service vehicle. A dealer may attach to that dealer's
3 service vehicles specially designed service vehicle plates.
4 These plates may be used only in direct connection with the
5 licensee's business. A dealer may attach a service vehicle plate
6 only to a vehicle used for the service or repair of vehicles sold
7 or being repaired by the dealer. A dealer may not attach a
8 service vehicle plate to a vehicle that delivers parts to
9 individuals or to businesses that are not owned by the licensee.

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

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

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

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

23 A. Motorized graders;

24 B. Power shovels;

25 C. Front-end loaders;

26 D. Backhoes;

27 E. Rubber-tired bulldozers;

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

29 G. Motor cranes;

30 H. Road sweepers;

31 I. Sidewalk cleaners;

32 J. Log skidders;

33 K. Other related heavy equipment;

34 L. Farm tractors;

2 M. Self-propelled combines;

4 N. Harvesters;

6 O. Other related farm machinery; or

8 P. Equipment or a motor vehicle taken in trade.

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

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

30 A. A vehicle dealer or equipment dealer may operate a
32 wrecker with a dealer wrecker plate if the wrecker is used
34 only in direct connection with the service or repair
36 business of the dealer.

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

42 C. The annual fee for a dealer wrecker plate is \$50 per
44 plate for attachment to a wrecker that does not exceed
46 24,000 pounds gross vehicle weight and \$200 for attachment
48 to a wrecker that does not exceed 80,000 pounds gross
50 vehicle weight. For additional plates applied for after
52 September 1st and before December 31st, the fee is 1/2 the
54 plate fee.

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

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

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

72 7. Demonstrating a loaded truck. A dealer must obtain a
74 written permit from the Secretary of State to demonstrate a

2 loaded truck, truck tractor, trailer, semitrailer or combination
3 of vehicles bearing dealer plates.

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

6 A permit may be issued to a nonresident dealer when reciprocity
7 has been established.

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

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

15 **9. Mobile homes.** A mobile home may not be moved over a
16 public way unless the operator of the vehicle hauling it has in
17 possession a written certificate from the tax collector of the
18 municipality in which the mobile home is situated on the day of
19 the move, identifying the mobile home and stating that all
20 applicable property taxes, including those for the current tax
21 year, have been paid or that the mobile home is exempt from
22 taxes. The tax year is the period from April 1st to March 31st.
23 For the purposes of this subsection, taxes for the current tax
24 year include taxes not yet committed. If the amount of these
25 taxes can not then be determined, the amount must be presumed to
26 be the same as the previous year's taxes until the current year's
27 taxes are assessed. Notwithstanding Title 36, section 506, the
28 tax collector may accept prepayment of these taxes and shall
29 repay any amount paid in excess of that finally assessed, with
30 interest on that amount as provided in Title 36, section 506-A.
31 If a mobile home was moved into the municipality after April 1st
32 so that no tax was assessed in the previous year and will be
33 moved from the municipality before the commitment of the current
34 year's taxes but after April 1st, the term "previous year's
35 taxes" means taxes estimated by using the prior year's tax rate.

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

41 **§1003. Loaner registration certificate and plates**

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

2 2. Permissible use. A loaner plate may be used on a
vehicle owned by the licensee for the sole purpose of loaning the
4 vehicle to a customer when the customer's vehicle is disabled and
in the garage for repairs. The limit on the use of the loaned
6 vehicle is 7 consecutive days. The Secretary of State may extend
the period to no more than 30 days.

8 3. Disabled vehicle registration; restrictions;
permissions. The registration certificate assigned to the
10 disabled vehicle must be carried in the loaner vehicle and
produced upon demand of a law enforcement officer. Restrictions
12 imposed on or permissions granted to the disabled vehicle apply
to the loaner vehicle.

14 4. Record. A complete record must be kept at the
16 licensee's established place of business, stating the hour and
date the vehicle is loaned and returned, the serial number of the
18 vehicle loaned, the loaner plate number and the registration
number of the customer's vehicle. Failure to keep this record is
20 a Class E crime.

22 5. Operator license. Before releasing a vehicle to an
operator, the licensee must see that the operator has a current
24 operator license and record that operator's name and address.

26 6. Personal use. A loaner plate may not be used by the
licensee for personal use or pleasure, in lieu of registration.

28 7. Special initial registration plates. A new car dealer
30 holding special initial registration plates issued pursuant to
section 457 may apply for special loaner plates bearing the same
32 combination of letters and numbers as appears on the initial
registration plates. Special loaner plates may not be used to
34 supplement existing loaner registration numbers assigned. The
Secretary of State shall charge an additional \$30 fee per special
36 loaner registration plate.

38 **§1004. Transit placard**

40 A transit placard may be issued upon application to the
Secretary of State by any person involved in the business of
42 importing new motor vehicles to facilitate the movement over the
highway of the motor vehicles from the port of entry to a storage
44 yard within a 10-mile radius of the port.

46 A transit placard must be displayed in or on any
unregistered motor vehicle that is being operated or towed from
48 the port to a storage yard. In no event may any transit placard
be used for any purpose other than that is permitted under this
50 section. Transit placards may not be used on a towing vehicle.

2 Transit placards expire at the end of the month one year
3 from the month of issue.

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

8 **SUBCHAPTER V**

10 **VEHICLE AUCTION BUSINESS**

12 **§1051. Vehicle auction business license**

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

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

24 3. Facilities. A vehicle auction business must maintain
25 proper facilities for display of vehicles being auctioned. The
26 Secretary of State may waive the provision of this subsection for
27 an auction business that does not auction vehicles on its own
28 premises if the facilities used are proper for the display of
29 vehicles.

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

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

35 A. Attend all motor vehicle auctions;

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

38 C. Inspect all vehicles to be auctioned.

39 6. Location. Except as provided in subsection 3, a vehicle
40 auction business license authorizes business at the licensed
41 premises only. The boundaries of the business are determined by

the plan submitted with the application and may be altered with the approval of the Secretary of State.

7. Nontransferability. A vehicle auction business license is not transferable.

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

9. Penalty. A person who fails to obtain a vehicle auction business license as required by this section commits a Class E crime.

§1052. Record of transactions by vehicle auction business

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

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

A. A description of the vehicle;

B. The name of the transferor and transferee;

C. The date of the transaction;

D. The odometer reading at the time of sale;

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

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

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

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

5. Availability of records for inspection. All books, records and files related to the sale of vehicles or vehicle parts must be available during normal business hours for inspection by the Secretary of State, law enforcement officers or representatives of the office of the Attorney General. The records must be kept in compliance with the federal Truth in

Mileage Act of 1986, Public Law 99-579 and regulations promulgated under 49 Code of Federal Regulations, Part 580.

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

SUBCHAPTER VI

LICENSING OF RECYCLERS

§1101. Recycler license required

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

2. Insurance salvage pool. A person may not engage in business as an insurance salvage pool without a license issued under this subchapter or under section 1051.

3. Dealer registration. A person licensed under this section who displays, sells, exchanges, offers to negotiate, negotiates or advertises the sale of rebuilt or repaired salvage vehicles must comply with chapter 9, subchapter III.

4. Term. The term of a license is from the date of issuance to December 31st.

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

§1102. Exemptions

The following are exempt from this subchapter:

1. Financial institutions. A financial institution, as defined in Title 9-B, section 131, subsections 17 and 17-A;

2. Insurance companies. An insurance company licensed to do business in this State;

3. Persons performing repairs to own vehicles. A person performing repairs to a vehicle registered in that person's name;

4. Certain retail businesses. A retail business that primarily sells new or rebuilt auto parts and does not buy salvage vehicles to dismantle for inventory; and

5. Towing businesses. A towing business or garage that tows accident-damaged vehicles and stores them while awaiting disposition or that acquires vehicles pursuant to chapter 15, subchapter III, if the vehicles are disposed of through sale or transfer immediately upon gaining ownership.

2 **§1103. License requirements**

4 To qualify for a license, an applicant must:

6 1. Established place of business. Have an established
8 place of business that is a permanent commercial location within
 the State:

10 A. That is easily accessible and open to the public at all
12 reasonable times;

14 B. At which the business of a recycler may be carried on in
 accordance with all applicable laws, codes, zoning and land
16 use regulations;

18 C. At which the public may contact the recycler at all
 reasonable times; and

20 D. At which the books, records and files necessary to
22 conduct business at that place are kept and maintained;

24 2. Sign. Display an exterior sign permanently affixed to
 the land or buildings;

26 3. Storage and display facilities. Have proper facilities
28 for storage and display of vehicles being handled; and

30 4. Office. Have a suitable office from which business is
 conducted and in which records of the business are kept.

32 **§1104. Application for license**

34 An application for a recycler license must contain the
36 following information in such form as the Secretary of State may
 prescribe:

38 1. Identification. The applicant's name, type of business
40 organization and place of organization;

42 2. History. The qualifications and business history of the
 applicant and any partner, officer or director;

44 3. Criminal and civil record. Whether the applicant has
46 been found guilty of any criminal offense within the past 5 years
 involving fraud or conversion or has had a judgment of liability
48 in a civil action involving fraud, misrepresentation or
 conversion. For a corporation or partnership, the application
50 must provide the information required in this subsection for all
 directors, officers or partners;

2 4. Place of business. A satisfactory report from a
4 representative of the Secretary of State that the applicant has
 an established place of business at each business location in the
6 State; and

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

10 **§1105. License fees**

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

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

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

22 **§1106. Action on application for license or renewal**

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

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

34 **§1107. Display and content of license**

36 1. Content. A recycler license must specify:

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

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

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

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

50 **§1108. Denial, suspension or revocation of a recycler license**

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

6 A. A material misstatement in an application for a license;

8 B. Failure to comply with a provision of this subchapter,
10 any lawful rule adopted by the Secretary of State or any
12 provision of Title 17-A or this Title as they relate to the
14 sales of vehicles or parts;

16 C. Failure to maintain an established place of business;

18 D. Failure to notify the Secretary of State in writing 30
20 days prior to moving or ceasing operation;

22 E. The defrauding of a buyer, to the buyer's or another's
24 damage, in the conduct of the licensee's business;

26 F. Conviction of a fraudulent act in connection with the
28 business of selling motor vehicles or parts or being held
30 liable by a civil judgment involving fraud,
32 misrepresentation or conversion;

34 G. Violation of Title 5, sections 206 to 212; Title 17,
36 section 3203; or Title 30-A, sections 3751 to 3760;

38 H. Submission of a check, draft or money order to the
40 Secretary of State that is dishonored or refused upon
42 presentation;

44 I. Certification by the State Tax Assessor that a tax,
46 other than property tax, considered final under Title 36,
48 remained unpaid in an amount exceeding \$1,000 for a period
50 greater than 60 days after notice of finality and that the
 licensee or applicant refused to cooperate with the Bureau
 of Taxation in establishing and remaining in compliance with
 a reasonable plan for meeting that liability; or

J. Failure to appear at a hearing required by the Secretary
 of State or failure to appear in court pursuant to a lawful
 summons.

2. Proximity to veterans' cemetery. A license may be
 denied if a place of business is within one mile of a federally
 owned or state veterans' cemetery, unless the Secretary of State
 finds that:

A. The conduct of the business will not unduly interfere or
 degrade the purposes of the cemetery;

2 B. The business and location will be adequately screened
4 for sight and noise; and

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

10 3. Refusal to surrender license. Any recycler who fails or
12 refuses to surrender the license upon demand of the Secretary of
14 State following the suspension or revocation of that license,
16 commits a Class E crime.

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

30 **§1109. Vicarious liability**

32 1. Corporators or partners. If a licensee is a partnership
34 or corporation, it is sufficient cause for denial, suspension or
36 revocation of a license if an officer, director, trustee or
38 partner of the partnership or corporation has committed an act or
40 omitted a duty that would be cause for denying, suspending or
42 revoking a license.

44 2. Employees. A licensee is responsible for the acts of
46 employees if that licensee approved of or had knowledge of the
48 acts or other similar acts and after that approval or knowledge
50 retained the benefit, proceeds, profits or advantages accruing
52 from the acts or otherwise ratified the acts.

54 **§1110. Records of transactions**

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

60 A. Every vehicle or component part received or disposed of;
62 its make, model, model year, vehicle identification number
64 and any other part identifying number; the date of its
66 receipt or disposition; and the name and address of the
68 person from whom received or to whom given; and

70 B. Every vehicle scrapped or dismantled by the licensee,
72 the date of that action and the vehicle's make, model, model
74 year and vehicle identification number.

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

2. Availability. The records, the place of business and the vehicles and vehicle parts in the possession of the licensee must be available for inspection during normal business hours by the Secretary of State, a law enforcement officer or representatives of the office of the Attorney General.

3. Compliance with federal law. In the keeping of records, a licensee shall comply with the federal Truth in Mileage Act of 1986, Public Law 99-579, as amended, and the regulations of the United States Secretary of Transportation, 49 Code of Federal Regulations, Part 580.

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

§1111. Surrendering certificate

A recycler who scraps or dismantles a vehicle shall deliver the certificate of title or certificate of salvage to the Secretary of State for cancellation. Except for a dismantled vehicle that has been repaired or rebuilt, a certificate of title or registration to the vehicle may not be issued again. Violation of this section is a Class E crime.

§1112. Identification number

A recycler may not possess or exercise control over a vehicle or vehicle part that has had the vehicle identification number removed. It is not a defense that the recycler did not know that the vehicle identification number had been removed. Violation of this section is a Class E crime.

CHAPTER 11

DRIVER'S LICENSE

SUBCHAPTER I

GENERAL PROVISIONS

§1251. License required

1. Violation. A person commits an offense of operating a motor vehicle without a license if that person operates a motor vehicle on a public way or parking area without being licensed or in violation of a condition or restriction on the license. For a resident, that license must be issued by this State.

2 2. Penalty. Operating without a license is a Class E
4 crime, except that if the license has expired within 30 days, the
 offense is a traffic infraction.

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

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

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

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

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

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

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

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

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

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

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

48 **§1252. Classes**

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

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

4 A. A Class A license may be issued for the operation of a
6 combination of vehicles with a gross vehicle weight rating
8 or registered weight of 26,001 or more pounds, if the gross
 vehicle weight rating or gross weight of the vehicles being
 towed is in excess of 10,000 pounds.

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

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

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

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

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

32 A Class C license authorizes:

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

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

40 (3) A person to operate military vehicles including
42 National Guard vehicles; or

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

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

2 A nonresident school bus driver picking up and discharging school
4 children or driving in conjunction with school-related activities
6 may operate a vehicle with a certificate issued by the Secretary
8 of State.

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

14 **3. Mopeds.** A moped may not be operated:

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

22 B. On an interstate highway or on a way on which a bicycle
24 is prohibited.

26 **4. Examination.** The Secretary of State shall examine an
28 applicant for the class for which the applicant applies.

30 **5. Immediate examination.** An applicant for a Class A or
32 Class B license who provides satisfactory evidence that an
34 immediate examination is needed for employment purposes must be
36 examined within 10 days of notification.

38 **6. Endorsement.** The Secretary of State shall endorse each
40 license with its class and a special endorsement for specific
42 types of vehicles.

44 **7. Violation.** A person commits a Class E crime if that
46 person operates a vehicle not included within the class of
48 license issued to that person.

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

§1253. Commercial licenses

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

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

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

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

B. Require commercial drivers to have a single license;

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

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

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

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

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

E. Provide maximum safety on public ways.

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

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

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

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

5. Operation with a blood-alcohol level of 0.04% or more or under the influence of intoxicating liquor or drugs. The

Secretary of State shall suspend, without preliminary hearing, the commercial license of a person who has operated or attempted to operate a commercial motor vehicle while having 0.04% or more by weight of alcohol in the blood or while under the influence of intoxicating liquor or drugs.

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

§1254. Special licenses

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

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

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

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

§1255. Members of the Armed Forces

1. Privileges. A resident who is serving on active duty in the United States Armed Forces and otherwise qualified to operate a motor vehicle:

A. Shall receive a license on application to the Secretary of State;

B. Is exempt from the payment of a fee for a license;

C. May operate a motor vehicle, notwithstanding the expiration date of that person's license, without obtaining a new license; and

2 D. Shall, while operating a motor vehicle, carry conclusive
3 evidence of membership in the Armed Forces.

4 2. After discharge. The privileges of this section remain
5 in effect for a period of 30 days after discharge or release from
6 the Armed Forces.

8 3. Revocation or suspension. This section does not permit
9 a person whose license or right to operate is revoked or
10 suspended or who has been refused a license to operate a motor
11 vehicle.

12 **§1256. Special restricted license**

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

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

25 A. An application must include:

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

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

30 (b) Use of a motor vehicle is necessary for
31 transportation to and from a public secondary
32 school, a private secondary school approved for
33 attendance purposes by the Commissioner of
34 Education or an applied technology center or
35 region that the applicant is attending;

36 (2) A verification of school attendance; and

37 (3) A statement by the principal of the school of the
38 lack of a readily available alternative means of
39 transportation.

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

4 2. Employment need. A person seeking to qualify for a
5 special restricted license based on employment need must file an
6 application. If the applicant qualifies under paragraph A, after
7 passing an examination for operation of a motor vehicle as
8 provided in section 1301 a special restricted license must be
9 issued to the applicant.

10 A. An application must include:

11 (1) A signed, notarized statement from the applicant
12 and the applicant's parent or guardian that:

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

15 (b) Use of a motor vehicle is necessary for
16 transportation to, from or in connection with
17 employment of the applicant; and

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

19 B. This license only authorizes the holder to operate a
20 motor vehicle between the holder's residence, school and
21 place of employment and other places necessary in direct
22 connection with that employment.

23 3. Suspension of provisional license. A special restricted
24 license is a provisional license. Notwithstanding chapter 23,
25 subchapter III, article 2 and in addition to section 1302,
26 subsection 2, the Secretary of State shall suspend a special
27 restricted license when:

28 A. The holder is convicted of or adjudicated to have
29 committed a violation of the license restriction or of a
30 motor vehicle moving violation when holding a special
31 restricted license. A person whose license is suspended
32 pursuant to this paragraph is not entitled to another
33 special restricted license; or

34 B. The Secretary of State receives written notice from the
35 holder, parent, guardian, principal or employer that the
36 holder no longer qualifies for a special restricted license.

37 4. Hearing. If requested the Secretary of State shall
38 provide an opportunity for hearing on the suspension as soon as
39 practicable.

40

After hearing, the Secretary of State, for good cause shown, may continue, modify or rescind the suspension.

This subsection does not apply when a person is convicted of or adjudicated to have committed an offense that carries a suspension or revocation period as determined pursuant to this section.

§1257. Restricted licenses

The Secretary of State may restrict a license to operation:

1. Specific vehicle. Of a specified vehicle;

2. Daylight. During daylight hours;

3. Area operation. Within a designated area; or

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

§1258. Medical Advisory Board

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

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

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

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

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

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

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

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

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

16 4. Board review. The Secretary of State, having cause to
18 believe that a licensed driver or applicant may not be physically
20 or mentally qualified to be licensed, may obtain the advice of
22 the board, a member of the board or another medical or
24 paramedical professional licensed or certified in a medical
26 specialty as follows.

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

34 B. The person under review may deliver a written report to
36 the board and the board must give due consideration to the
38 report.

40 C. The Secretary of State may request that the board
42 interview in person someone whose ability to operate a motor
44 vehicle safely is unascertainable through written reports or
46 records.

48 5. Suspension pending compliance. The license of a person
50 under review who refuses to submit to an examination or to
52 provide information as requested by the Secretary of State
54 pursuant to this subchapter may be suspended until the individual
56 complies with the request.

58 6. Immunity. A member of the board or other person making
60 an examination and report of opinion, recommendation or advice to
62 the Secretary of State in good faith is immune from criminal or
64 civil liability for so doing. A physician or other person who
66 becomes aware of a physical, mental or emotional impairment that
68 appears to present an imminent threat to driving safety and
70 reports this information to the Secretary of State in good faith
72 is immune from criminal or civil liability for so doing. The
74 immunity for damages under this subsection applies only to the
76 extend this immunity is not in conflict with federal law or
78 regulation.

80 7. Confidentiality. A report received or made by the
82 board, or a member, for the purpose of assisting the Secretary of
84 State in determining whether a person is qualified to be licensed

is confidential and only for the use of the board, the Secretary of State and the person under review.

These reports may not be divulged to another person unless the person under review gives written permission.

SUBCHAPTER II

ISSUING LICENSES

§1301. Application

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

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

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

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

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

§1302. Minors

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

A. Signed by a parent or guardian;

B. Signed by the spouse of the minor, provided the spouse is 18 years of age or older;

C. When the minor has no parent, guardian or spouse who has attained the age of 18 years of age, signed by the employer of the minor if that employer is 18 years of age or older; or

2 D. Accompanied by an attested copy of a court order of
3 emancipation under Title 15, section 3506-A.

4
5 2. Suspension. If a person who has signed the application
6 files with the Secretary of State a notarized written request
7 that the license be suspended, the Secretary of State shall,
8 pursuant to chapter 23, suspend the license without hearing. A
9 suspension under this section may not be construed against the
10 minor in any manner.

11 **§1303. Vision test requirements**

12
13 1. Test requirement. A person must pass the vision portion
14 of a license examination:

15
16 A. At the time of the first license renewal after attaining
17 40 years of age;

18
19 B. At every 3rd license renewal after the renewal in
20 paragraph A until attaining 65 years of age; and

21
22 C. At every license renewal after attaining 65 years of age.

23
24 2. Exceptions. In lieu of a test, a person may submit:

25
26 A. An acceptable certificate signed by a doctor,
27 optometrist, registered nurse or other person approved by
28 the Secretary of State, setting forth the person's visual
29 acuity in each eye, both eyes combined and field of vision.
30 The certificate must indicate that it is based on an
31 examination completed within one year of the date of
32 application; or

33
34 B. Satisfactory evidence of a valid Interstate Commerce
35 Commission driver's license issued within the past year.

36
37 **§1304. Instruction permits**

38
39 1. Instruction permits. The following provisions apply to
40 instruction permits.

41
42 A. A person who is 15 years of age or older and has
43 completed a course in driver education may apply for an
44 instruction permit.

45
46 B. After an applicant has successfully passed all parts of
47 an examination other than the driving test, the Secretary of
48 State may issue an instruction permit.

2 C. The permit entitles the permittee to drive a motor
4 vehicle on the public ways. The permittee must have the
6 permit in immediate possession while driving on the public
8 ways.

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

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

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

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

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

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

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

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

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

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

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

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

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

D. An instruction permit is valid for one year.

2 E. Failure to complete the driving test within one year
4 from issue date requires reexamination for the instruction
6 permit. In the case of a motorcycle or motor-driven cycle
8 learner's permit, failure to complete the driving test
within one year from issue date of the permit requires
another completion of the motorcycle driver education course
required by section 1352 before a subsequent permit is
issued.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 **§1305. Temporary licenses**

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

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

36 A. Successfully pass a complete examination; or

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

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

44 **§1306. Waiver**

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

2 **§1307. Examination fees**

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

8 1. Class A or Class B license. The examination fee for a
10 Class A or Class B license is \$35, which includes the first road
test. A reexamination is \$15.

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

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

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

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

36 **§1308. Reexamination of accident-prone driver**

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

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

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

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

4 §1309. Reexamination of incompetent or unqualified operators

6 1. Reexamination may be required. The Secretary of State,
7 having good cause to believe that a licensed operator is
8 incompetent or otherwise not qualified to be licensed, may
9 require, on at least 5 days prior written notice, that operator
10 to submit to an examination.

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

16 3. Refusal to submit to examination. Refusal or neglect of
17 the licensee to submit to an examination is sufficient ground for
18 suspension.

20 SUBCHAPTER III

22 DRIVER EDUCATION

24 §1351. Driver education

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

32 2. Approved course. An approved driver education course is
33 a course given by a:

36 A. Public secondary school;

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

40 C. Applied technology center or an applied technology
41 region; or

42 D. Person licensed by the Board of Commercial Driver
43 Education.

44 3. Certificate. A successful course completion certificate
45 may be issued if the course meets the standards adopted by the
46 Commissioner of Education or the commercial driver education
47 school licensing requirements under Title 32, chapter 95. A
48 successful course completion certificate may be issued if the course
49 meets the standards adopted by the Commissioner of Education or
50 the commercial driver education school licensing requirements under
51 Title 32, chapter 95. A successful course completion certificate

certificate may not be issued to a person who was not at least 15 years of age when beginning the course.

§1352. Motorcycle driver education

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

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

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

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

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

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

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

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

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

B. The Secretary of State shall:

(1) Conduct certification courses; and

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

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

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

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

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

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

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

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

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

§1353. Fees

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

SUBCHAPTER IV

LICENSE

§1401. Contents of license

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

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

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

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

C. Another person approved by the Secretary of State.

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

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

§1402. Anatomical gifts

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

2. Willingness to make anatomical gift. The Secretary of State shall make available without additional fee an organ donor decal that expresses the licensee's willingness to make an anatomical gift. The decal must state: The decal affixed hereto indicates a willingness on the part of the licensee to make an anatomical gift upon his/her death.

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

DECLARATION OF
ANATOMICAL GIFT

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

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

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

.....

.....

.....

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

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

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

Signature.....

Address.....

.....

Witness.....

Address.....

.....

Witness.....

Address.....

.....

COMPLETION OF THIS
CARD IS OPTIONAL

§1403. Living wills

Subject to available funding, the Secretary of State shall
make living will forms available in offices of the Bureau of
Motor Vehicles. The form must be in substantially the form

provided in Title 18-A, section 5-702 and with the addition of a title at the top of the form to read "LIVING WILL" and the following information at the end: "Completion of this form is optional."

§1404. Coded licenses

The Secretary of State shall provide that a license issued to:

1. Under 21. A person less than 21 years of age bears a distinctive color code; and

2. Prior convictions. A person convicted of operating under the influence of intoxicating liquor or drugs or with an excessive blood-alcohol level, as defined in section 2453, subsection 2, within 6 years of the date the license is issued, reissued or returned after a period of suspension bears a coded notation of that fact.

§1405. Duplicate documents

1. Lost or destroyed licenses, registration certificates and instruction permits. If a license, registration certificate or instruction permit is lost or destroyed, a person may obtain a duplicate upon furnishing proof of loss or destruction.

2. Additional licenses, registration certificates and instruction permits. If satisfied that public safety will not be endangered, the Secretary of State may issue a duplicate to a person who has an original.

3. Fee. The fee for a duplicate license, registration certificate and instruction permits is \$2. An additional fee of \$2 is required for a photograph.

4. Change of photograph. When a request is made for a change on an operator's photograph license, that license is a duplicate.

§1406. Expiration

1. Expiration of license; persons under 65 years of age. Effective July 1, 1993, a license to operate a motor vehicle issued to a person under 65 years of age expires at midnight on the license holder's 6th birthday following the date of issuance.

2. Expiration of license; persons 65 years of age and over. Effective July 1, 1993, a license to operate a motor vehicle issued to a person 65 years of age or older at the date

of issuance expires at midnight on that license holder's 4th birthday following the date of issuance.

3. Leap year birthday. A person born on February 29th is deemed to have been born on March 1st.

4. Renewals. Prior to the expiration of the license, the Secretary of State shall send the holder a renewal application.

5. Fee; 6-year license. The fee for the 6-year license is \$27. The fee for the 6-year commercial driver's license is \$38.

6. Fee; 4-year license. The fee for the 4-year license is \$18. The fee for the 4-year commercial driver's license is \$25.

§1407. Change of location or status

When a person, after applying for or receiving a driver's license or registration, moves from the address named in the application or on the license or registration issued or changes name, that person shall, within 10 days, notify the Secretary of State, in writing, of the old and new addresses or former and new names and of the number of the licenses and registrations held.

§1408. License or permit to be carried and exhibited on demand

1. Immediate possession required. A licensee, including a temporary licensee or holder of an instruction permit, must have the license in immediate possession when operating a motor vehicle.

2. Display. On demand of a law enforcement officer, the licensee must produce the license for inspection.

3. Dismissal. A person served with a Violation Summons and Complaint charging a violation of this section may have the complaint dismissed if that person shows satisfactory evidence that the person held a valid license at the time of the alleged violation. The clerk of the District Court Violations Bureau must dismiss the complaint if, prior to the date required for filing an answer to the complaint, the person charged files a copy of the Violation Summons and Complaint with the bureau, together with evidence that the person held a valid license at the time of the alleged violation. If a person files a timely answer of not contested to a Violations Summons and Complaint alleging a violation of this section and that person presents satisfactory evidence to the court at the time of trial that the person held a valid license at the time of the alleged violation, the court must dismiss the complaint.

§1409. Amputee and disabled veteran

A license fee is not required from:

1. Federal motor vehicle. An amputee veteran who has received a motor vehicle from the United States Government under authority of P.L. 663, 79th Congress, as amended, or P.L. 187, 82nd Congress, as amended;

2. Service-connected disability. An amputee veteran receiving compensation for service-connected disability from the Veterans Administration or the United States Armed Forces and who has a specially designed motor vehicle; or

3. One hundred percent service-connected disability. A veteran with 100% service-connected disability.

SUBCHAPTER V

DRIVER LICENSE COMPACT

Article 1

Compact

§1451. Findings and declaration of policy -- Article I

1. Findings. The party states find that:

A. The safety of their streets and highways is materially affected by the degree of compliance with state and local ordinances related to the operation of motor vehicles;

B. Violation of such a law or ordinance is evidence that the violator engages in conduct that is likely to endanger the safety of persons and property; and

C. The continuance in force of a license to drive is predicated upon compliance with laws and ordinances related to the operation of motor vehicles, in whichever jurisdiction the vehicle is operated.

2. Policy. It is the policy of each of the party states to:

A. Promote compliance with the laws, ordinances and administrative rules and regulations related to the operation of motor vehicles by their operators in each of the jurisdictions where such operators drive motor vehicles; and

2 B. Make the reciprocal recognition of licenses to drive and
4 eligibility therefor more just and equitable by considering
6 the overall compliance with motor vehicle laws, ordinances
8 and administrative rules and regulations as a condition
 precedent to the continuance or issuance of any license by
 reason of which the licensee is authorized or permitted to
 operate a motor vehicle in any of the party states.

10 **§1452. Definitions -- Article II**

12 As used in this compact:

14 1. Conviction. "Conviction" means a conviction of any
16 offense related to the use or operation of a motor vehicle that
18 is prohibited by state law, municipal ordinance or administrative
20 rule or regulation, or a forfeiture of bail, bond or other
 security deposited to secure appearance by a person charged with
 having committed any such offense, and which conviction or
 forfeiture is required to be reported to the licensing authority.

22 2. Home state. "Home state" means the state that has issued
24 and has the power to suspend or revoke the use of the license or
 permit to operate a motor vehicle.

26 3. State. "State" means a state, territory or possession of
28 the United States, the District of Columbia or the Commonwealth
 of Puerto Rico.

30 **§1453. Reports of conviction -- Article III**

32 The licensing authority of a party state shall report each
34 conviction of a person from another party state occurring within
36 its jurisdiction to the licensing authority of the home state of
38 the licensee. The report must clearly identify the person
40 convicted; describe the violation specifying the section of the
 statute, code or ordinance violated; identify the court in which
 action was taken; indicate whether a plea of guilty or not guilty
 was entered, or whether the conviction was a result of the
 forfeiture of bail, bond or other security; and must include any
 special findings made in connection with the conviction.

42 **§1454. Effect of conviction -- Article IV**

44 1. Convictions. The licensing authority in the home state,
46 for the purposes of suspension, revocation or limitation of the
48 license to operate a motor vehicle, shall give the same effect to
50 the conduct reported, pursuant to Article III of this compact, as
 it would if such conduct had occurred in the home state, in the
 case of convictions for:

2 A. Manslaughter or negligent homicide resulting from the
3 operation of a motor vehicle;

4 B. Driving a motor vehicle while under the influence of
5 intoxicating liquor or a narcotic drug, or under the
6 influence of any other drug to a degree that renders the
7 driver incapable of safely driving a motor vehicle;

8 C. Any felony in the commission of which a motor vehicle is
9 used; or

10 D. Failure to stop and render aid in the event of a motor
11 vehicle accident resulting in the death or personal injury
12 of another.

13 2. Other convictions. As to other convictions, reported
14 pursuant to Article III, the licensing authority in the home
15 state shall give such effect to the conduct as is provided by the
16 laws of the home state.

17 3. Similar offenses. If the laws of a party state do not
18 provide for offenses or violations denominated or described in
19 precisely the words employed in subsection 1 of this Article, the
20 party state shall construe the denominations and descriptions
21 appearing in subsection 1 as being applicable to and identifying
22 those offenses or violations of a substantially similar nature
23 and the laws of the party state must contain such provisions as
24 may be necessary to ensure that full force and effect is given to
25 this Article.

26 **§1455. Applications for new licenses -- Article V**

27 Upon application for a license to drive, the licensing
28 authority in a party state shall ascertain whether the applicant
29 has ever held, or is the holder of a license to drive issued by
30 any other party state. The licensing authority in the state where
31 application is made may not issue a license to drive to the
32 applicant if:

33 1. License suspended. The applicant has held such a
34 license, but the same has been suspended by reason, in whole or
35 in part, of a violation and if such suspension period has not
36 terminated;

37 2. License revoked. The applicant has held such a license,
38 but the same has been revoked by reason, in whole or in part, of
39 a violation and if such revocation has not terminated, except
40 that after the expiration of one year from the date the license
41 was revoked, such person may make application for a new license
42 if permitted by law. The licensing authority may refuse to issue

a license to any such applicant if, after investigation, the licensing authority determines that it will not be safe to grant to such person the privilege of driving a motor vehicle on the public highways; or

3. Surrender of license. The applicant is the holder of a license to drive issued by another party state and currently in force unless the applicant surrenders such license.

§1456. Applicability of other laws -- Article VI

Except as expressly required by provisions of this compact, nothing contained herein may be construed to affect the right of any party state to apply any of its other laws related to licenses to drive to any person or circumstance, nor to invalidate or prevent any driver license agreement or other cooperative arrangement between a party state and a nonparty state.

§1457. Compact administrator and interchange of information -- Article VII

The head of the licensing authority of each party state shall be the administrator of this compact for that state. The administrators, acting jointly, have the power to formulate all necessary and proper procedures for the exchange of information under this compact.

The administrator of each party state shall furnish to the administrator of each other party state any information or documents reasonably necessary to facilitate the administration of this compact.

§1458. Entry into force and withdrawal -- Article VIII

This compact must enter into force and become effective as to any state when it has enacted the same into law.

Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal may take effect until 6 months after the executive head of the withdrawing state has given notice of the withdrawal to the executive heads of all other party states. No withdrawal may affect the validity or applicability by the licensing authorities of the states remaining party to the compact of any report of conviction occurring prior to the withdrawal.

§1459. Construction and severability -- Article IX

2 This compact must be liberally construed so as to effectuate
3 the purposes thereof. The provisions of this compact must be
4 severable and if any phrase, clause, sentence or provision of
5 this compact is declared to be contrary to the constitution of
6 any party state or of the United States of the applicability
7 thereof to any government, agency, person or circumstance is held
8 invalid, the validity of the remainder of this compact and the
9 applicability thereof to any government, agency, person or
10 circumstance may not be affected thereby. If this compact is held
11 contrary to the constitution of any state party thereto, the
12 compact must remain in full force and effect as to the remaining
13 states and in full force and effect as to the state affected as
14 to all severable matters.

15 Article 2

16 Provisions Related to Compact

17 §1471. Ratification

18 The driver license compact is hereby enacted into law and
19 entered into with all other jurisdictions legally joining therein
20 in the form substantially as provided in this subchapter.

21 §1472. Licensing authority

22 As used in the compact, the term "licensing authority" with
23 reference to this State, means the Secretary of State. The
24 Secretary of State shall furnish to the appropriate authorities
25 of any other party state any information or documents reasonably
26 necessary to facilitate the administration of Articles III, IV
27 and V of the compact.

28 §1473. Expenses

29 The compact administrator provided for in Article VII of the
30 compact is not entitled to any additional compensation on account
31 of service as administrator, but is entitled to expenses incurred
32 in connection with duties and responsibilities as administrator,
33 in the same manner as for expenses incurred in connection with
34 any other duties or responsibilities of office or employment.

35 §1474. Executive head defined

36 As used in the compact, with reference to this State, the
37 term "executive head" means the Governor.

38 §1475. Duty of court to report action on licenses

Any court of this State, which has jurisdiction to take any action suspending, revoking or otherwise limiting a license to drive, shall report any such action and the adjudication upon which it is based to the Secretary of State within 5 days on forms furnished by the Secretary of State.

CHAPTER 13

FINANCIAL RESPONSIBILITY AND INSURANCE

SUBCHAPTER I

GENERAL PROVISIONS

§1551. Definitions

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

1. Certificate. "Certificate" means the certificate of an insurance company or a surety company authorized to transact business in this State under Title 24-A that certifies that the company has issued a motor vehicle liability policy covering the vehicle involved in the accident.

2. Conviction. "Conviction" means conviction, adjudication or judgment, and includes but is not limited to a forfeiture of bail or collateral deposited to secure a defendant's appearance in court, on a charge of violating a motor vehicle law that has not been vacated.

3. Evidence of insurance. "Evidence of insurance" means:

A. A motor vehicle insurance identification card; or

B. A motor vehicle liability insurance policy or binder issued pending the issuance of the actual policy or insurance identification card.

4. Insurance identification card. "Insurance identification card" means a card issued to an insured by an insurer pursuant to Title 24-A, section 2412, subsection 7; or a card issued by the Secretary of State to a person who elects to provide proof of financial responsibility in accordance with section 1605.

5. Judgment. "Judgment" means a judgment that has become final without appeal by expiration of the time within which appeal might have been perfected, or by final affirmance on

appeal, rendered by a court of competent jurisdiction of any state or of the United States.

6. Motor vehicle liability bond. "Motor vehicle liability bond" means a bond certified as proof of financial responsibility in accordance with section 1605.

7. Motor vehicle liability policy. "Motor vehicle liability policy" means a policy of liability insurance certified as proof of financial responsibility in accordance with section 1605, and includes, but is not limited to, a motor vehicle liability bond.

8. Owner. "Owner" means a person who holds:

A. Legal title to a vehicle;

B. A right to possession and a right to purchase a vehicle on performance of conditions stated in a conditional sale or lease agreement; or

C. A mortgage on the vehicle, if the mortgagor is entitled to possession.

9. OUI. "OUI" means operating under the influence of intoxicants or with an excessive blood-alcohol level.

10. Person. "Person" means every person, firm, copartnership, association or corporation, but not the State or any political subdivision of the State.

11. Policy. "Policy" means a motor vehicle liability insurance policy or motor vehicle liability bond.

12. Secretary of State. "Secretary of State" means the Secretary of State or the Secretary of State's deputy.

13. State. "State" means a state of the United States, the District of Columbia or a province of the Dominion of Canada.

§1552. Application

The provisions of this chapter do not apply to a snowmobile or an ATV, unless the ATV is registered for highway use.

§1553. Administration

The Secretary of State shall administer and enforce this chapter.

SUBCHAPTER II

GENERAL FINANCIAL RESPONSIBILITY

§1601. Required maintenance of financial responsibility

1. Requirement. An operator or owner of a vehicle registered in this State shall maintain the amounts of motor vehicle financial responsibility specified in section 1605.

2. Evidence of insurance or financial responsibility. When a law enforcement officer stops an operator for a moving violation or the operator is involved in an accident that must be reported under section 2251, the officer shall request the operator to produce evidence of liability insurance or financial responsibility.

3. Failure to produce evidence of insurance. If a person fails to produce evidence of liability insurance or financial responsibility, this failure is prima facie evidence that the person is uninsured and in violation of this section.

4. Dismissal. A person served with a Violations Summons and Complaint charging a violation of this section may have the complaint dismissed if that person shows satisfactory evidence of liability insurance or financial responsibility that was in effect at the time of the alleged violation. The clerk of the District Court Violations Bureau must dismiss the complaint if, prior to the date required for filing an answer to the complaint, the person charged files a copy of the Violation Summons and Complaint with the bureau, together with satisfactory evidence of liability insurance or financial responsibility that was in effect at the time of the alleged violation. If a person files a timely answer of not contested to a Violations Summons and Complaint alleging a violation of this section and that person presents to the court at the time of trial satisfactory evidence of liability insurance or financial responsibility that was in effect at the time of the alleged violation, the court must dismiss the complaint.

5. Penalty. Violation of this section is a traffic infraction, for which a forfeiture of not less than \$100 and not more than \$500 may be assessed.

6. Suspension. Thirty days after the receipt of an abstract of an adjudication of a violation of this section, the Secretary of State shall suspend:

A. The license of that person;

B. The registration of a vehicle owned by that person; or

2 C. The right to apply for a driver's license or vehicle
4 registration.

6 The suspension continues until that person provides evidence of
8 insurance to the Secretary of State.

10 7. Multiple convictions. A person who is convicted of 2 or
12 more violations of this section within a 3-year period is subject
14 to the proof of financial responsibility requirements provided in
16 section 1605.

18 8. Agent immunity from liability. An insurance agent,
20 broker or agency may not be held liable for an inaccurate
22 insurance identification card if the card was issued based on
24 information contained in the records of that person or was issued
26 based on false or misleading statements made by the insured.

28 9. Exemption. The provisions of this section do not apply
30 to:

32 A. A governmental vehicle;

34 B. A vehicle owned or controlled by a dealer as defined by
36 chapter 9, subchapter I; or

38 C. A vehicle registered as a vehicle for hire.

40 **§1602. Proof demanded**

42 1. Demand. On receipt of an accident report required under
44 section 2251, the Secretary of State shall demand of the owner or
46 operator proof of financial responsibility under section 1605.

48 This subsection does not apply to:

A. The owner of a vehicle operated by a person that
obtained possession or control without the owner's express
or implied consent;

B. The owner or operator of a vehicle involved in an
accident when the Secretary of State is satisfied that
neither the owner nor the operator caused the accident;

C. The owner or operator of a vehicle involved in an
accident caused by an act of a 3rd party that was a motor
vehicle violation of which that 3rd party has been convicted
or adjudicated;

2 D. The owner or operator of a vehicle involved in an
4 accident in which damage or injury was caused only to the
6 person or property of the owner or operator, unless at the
8 time of the accident that owner or operator was violating
10 provisions of this Title;

12 E. The operator of a motor vehicle licensed by the Public
14 Utilities Commission;

16 F. An owner or operator of a vehicle covered by a policy,
18 in effect at the time of the accident;

20 G. An operator who is not the owner of a vehicle and who is
22 covered by a policy, in effect at the time of the accident,
24 for the operation of vehicles not owned by the operator;

26 H. The operator or owner of a vehicle if the liability of
28 the operator or owner for damages resulting from the
30 accident is, in the judgment of the Secretary of State,
32 covered by any other form of policy. A policy is effective
34 under this paragraph;

36 (1) If it is issued by an insurer, insurance company
38 or surety company authorized to do business in this
40 State; or

42 (2) If the vehicle is not registered in this State, or
44 was registered outside the State at the effective date
46 of the policy, if the policy meets the amounts of
48 financial responsibility required by section 1605;

50 I. The operator of a vehicle owned by the State or a
political subdivision, or by a corporation that has complied
with section 1605, subsection 3, paragraph C; or

J. The owner of a vehicle operated by another individual 18
years of age or older when the owner was not negligent in
giving consent to that individual to use the vehicle.

2. Suspension. If within 30 days of the date of demand the
required proof has not been given, the Secretary of State shall:

A. Suspend the license of that person;

B. Suspend the registration of a vehicle owned by that
person; or

C. Suspend or deny the right to apply for a driver's
license or vehicle registration.

2 3. Duration of suspension. The suspension or period of
3 denial must continue until the person provides proof of financial
4 responsibility under section 1605.

5 4. Restricted license. If the Secretary of State finds
6 that suspension imposes an extreme hardship for which there is no
7 other practical remedy and that the safety of the public will not
8 be impaired and if judgment has not been rendered, the Secretary
9 of State may issue a restricted license, subject to restrictions,
10 conditions and immediate suspension if misused.

11 5. Waiver. The Secretary of State may waive the
12 requirement of filing proof of financial responsibility 3 years
13 from the date of demand for compliance, if no further proof is
14 required under this subchapter.

15 6. Insurance report. Within 15 days of receipt of notice
16 from the Secretary of State that a policy was carried at the time
17 of the accident or that the liability for damages was covered by
18 another form of insurance or bond, an insurance carrier shall
19 notify the Secretary of State if that policy was not in effect at
20 the time of the accident.

21 7. Erroneous information. If erroneous information of
22 financial responsibility is furnished, the Secretary of State
23 shall take appropriate action after the receipt of correct
24 information.

25 **§1603. Suspension**

26 1. Suspension of license or registration following
27 conviction or adjudication. On receipt of an abstract of
28 conviction or adjudication of a person for a violation of a motor
29 vehicle law other than OUI, the Secretary of State may suspend
30 the license of that person and the registration of a vehicle
31 registered in the name of that person until that person gives
32 proof of financial responsibility under section 1605.

33 2. Suspension of license or registration following OUI
34 convictions. On receipt of an attested copy of the court record
35 of an OUI conviction when the person has been previously
36 convicted within a 6-year period of OUI, the Secretary of State
37 may not reinstate the person's license until the person gives
38 proof of financial responsibility. The period of suspension
39 under this subsection may not be less than the original period of
40 suspension imposed for the conviction.

41 3. Minimum. After a conviction or adjudication of a person
42 for a violation of a motor vehicle law and reinstatement of that

2 person's license and registration; the person shall maintain
3 proof of financial responsibility for at least 3 years.

4 4. Conviction or adjudication in another state. The
5 Secretary of State shall take action as required in this section
6 upon receiving proper evidence of a conviction or adjudication in
7 another state.

8
9 5. Waiver. The Secretary of State may waive the demand for
10 proof of financial responsibility after 3 years from the date of
11 demand for proof.

12
13 6. General suspension. After an accident, the Secretary of
14 State, on reasonable grounds appearing on records in the
15 Secretary of State's office, may suspend a person's license or
16 registration until that person gives proof of financial
17 responsibility for a period as the Secretary of State may require.

18
19 7. Unsatisfied judgment. Upon receipt of a judgment
20 against the owner or operator of a vehicle involved in an
21 accident that resulted from a cause of action that arose from
22 that accident, the Secretary of State shall immediately suspend
23 the license and registration of the judgment debtor.

24
25 A. A suspension remains in effect until the owner or
26 operator has obtained a written release, a discharge in
27 bankruptcy or a judgment of no liability, has filed an
28 installment payment of judgment agreement pursuant to
29 section 1604 or has fully satisfied the judgment.

30
31 B. Prior to restoration, the owner or operator must provide
32 proof of financial responsibility.

33
34 8. Penalty. A person commits a Class E crime if that
35 person gives information required in a report of traffic accident
36 or otherwise as provided in this section, knowing or having
37 reason to believe that information is false.

38
39 9. Return license, certificates and plates. A person whose
40 license or registration has been suspended shall immediately
41 return every license, registration certificate and registration
42 plate issued to that person to the Secretary of State. A person
43 commits a Class E crime if that person, after notice of
44 suspension, fails or refuses to return every license,
45 registration certificate and registration plate.

46 **§1604. Installment payment of judgment; default**

47
48 1. Installment payment agreement. The Secretary of State
49 may restore any license and registration certificates and plates
50

2 suspended pursuant to section 1603, subsection 7, paragraph A
4 upon receipt of a court order permitting the judgment debtor to
6 make installment payments on the judgment if any installment is
8 not in default and the person files and maintains proof of
10 financial responsibility with the Secretary of State.

12 2. Default. Following notice that the judgment debtor has
14 failed to make any installment payment as specified by the order,
16 the Secretary of State shall suspend the license and registration
18 certificates and plates of the judgment debtor. The suspension
20 must continue until the judgment is completely satisfied or the
22 debtor has secured a written release from the judgment creditor
24 in the form required by the Secretary of State.

26 **\$1605. Proof of financial responsibility**

28 1. Requirements. To be accepted as proof of financial
30 responsibility, a policy must:

32 A. Conform to section 1606, subsection 2;

34 B. Include the condition that the obligor must, within 30
36 days of rendition of judgment, satisfy the judgment in an
38 action to recover damages:

40 (1) To property or for bodily injury, including death;

42 (2) Accidentally sustained during the term of the
44 policy by a person other than the insured, employees of
46 the insured actually operating the motor vehicle or
48 another person responsible who is entitled to worker's
50 compensation benefits; and

(3) Arising out of the ownership, operation,
maintenance, control or use of a vehicle within the
limits of the United States of America or Canada; and

C. Be in the amount or limit of at least:

(1) \$10,000 for damage to property;

(2) \$20,000 for injury to or death of any one person;
and

(3) \$40,000 for one accident resulting in injury to or
death of more than one person.

2. Scope of proof. Insurance in the minimum amounts listed
in subsection 1, paragraph C must be furnished for each vehicle
registered. Separate proof of financial responsibility is not

2 required for a trailer, semitrailer, camp trailer or mobile home,
3 registered to a person required to file proof of financial
4 responsibility, that is covered by a policy on a vehicle
5 registered by that person and provides the coverage required for
6 a motor vehicle liability policy.

7 3. Methods of giving proof. Proof of financial
8 responsibility may be given by the following methods:

9 A. By filing with the Secretary of State a certificate from
10 an insurance or surety company;

11 B. By the deposit of money or securities; or

12 C. For a corporation, by satisfying the Secretary of State
13 that the corporation has financial ability to comply with
14 the requirements of this subchapter.

15 4. Money or securities deposited as proof. A person may
16 give proof of financial responsibility by delivering to the
17 Secretary of State a receipt of the Treasurer of State showing a
18 deposit of money or securities approved by the Treasurer of State
19 with a value or amount equal to that required in a policy.

20 Securities must be of a type that may legally be purchased by
21 savings banks or for trust funds.

22 Money or securities deposited are subject to execution to satisfy
23 a judgment, but are not otherwise subject to attachment or
24 execution.

25 The depositor shall also provide evidence that there are no
26 unsatisfied judgments against the depositor registered in the
27 office of the clerk of any Superior Court in this State.

28 5. May substitute other proof. The Secretary of State shall
29 return or cancel proof on acceptance of other adequate proof of
30 financial responsibility.

31 6. Operating without giving proof. A person commits a
32 Class E crime if that person is required to maintain proof of
33 financial responsibility and, without authorization from the
34 Secretary of State and without that proof, operates a vehicle or
35 knowingly permits a vehicle owned by that person to be operated
36 by another on a public way.

37 7. Restricted license. When a person is required to
38 maintain proof of financial responsibility, the Secretary of
39 State may issue a restricted license to that person authorizing

the operation of a vehicle as long as the owner maintains proof of financial responsibility.

§1606. Filing

A policy may not be certified as proof of financial responsibility until a copy of the form of the policy has been on file with the Superintendent of Insurance for at least 30 days or the Superintendent of Insurance has approved in writing the form of the policy.

1. Form. The Superintendent of Insurance shall approve a form of policy that contains:

A. The name and address of the insured;

B. A description of the vehicle covered;

C. The premium charges;

D. The policy period;

E. The limits of liability; and

F. An agreement that insurance is provided under this subchapter.

2. Required provisions. Even if not expressed, a policy is subject to the following provisions.

A. The liability of a company under a policy must become absolute when the loss or damage covered by the policy occurs.

B. Satisfaction by the insured of a final judgment for that loss or damage may not be a condition precedent to the obligation of the company to make payment on account of the loss or damage.

C. A policy may not be canceled or annulled by an agreement between the company and the insured after the insured has become liable for loss or damage.

D. On recovery of a final judgment for a loss or damage specified in this section, if the judgment debtor at the accrual of the cause of action was insured against liability under a policy, the judgment creditor may have the insurance proceeds applied to satisfy the judgment.

2 E. The policy, the written application and a rider or
4 endorsement constitute the entire contract between the
6 parties.

8 F. If the death, insolvency or bankruptcy of the insured
10 occurs within the policy period, the policy must cover the
12 legal representatives of the insured during the unexpired
14 portion.

16 3. Default judgment. When the defendant has defaulted,
18 damages may not be assessed, except by special order of the
20 court, until expiration of 30 days after the plaintiff gives
22 notice of default to the company that issued the policy.

24 Notice may be given by mail, postage prepaid, to the company that
26 issued the policy or to its agent.

28 If satisfied that the insured has failed to comply with the terms
30 of the policy by failing to notify the company that issued the
32 policy of an accident, the Secretary of State may revoke the
34 insured's license and registration for an appropriate period.

36 4. Recovery may not be barred. A statement of the insured
38 or principal or a violation of the policy may not operate to
40 defeat or avoid the policy so as to bar recovery within the limit
42 provided in the policy.

44 5. Cancellation of policy. A policy certified as proof of
46 financial responsibility may not be canceled until at least 10
48 days after notice of cancellation has been filed in the office of
50 the Secretary of State.

A policy subsequently certified terminates on the effective date
of certification the insurance previously certified with respect
to a motor vehicle designated in both certificates.

The company may specify on a certificate the expiration date of
the policy. When an expiration date is provided, the policy is
deemed terminated for purposes of this chapter on and after that
date, unless that policy has been previously canceled or
superseded.

When an expiration date is not specified on the certificate, the
policy continues until canceled or superseded in accordance with
section 1605, subsection 5.

6. Company doing business in another state. A policy is
not effective unless issued by a company authorized to do
business in this State.

2 If a vehicle is not registered in this State on the effective
3 date of the policy, the policy is not effective unless the
4 company, if not authorized to do business in this State, executes
5 a power of attorney authorizing the Secretary of State to accept
6 service of notice or process on its behalf in any action on the
7 policy arising from an accident.

8 **§1607. Satisfied judgments**

10 1. Satisfaction. To meet the obligation of financial
11 responsibility only, a judgment is satisfied:

12 A. When \$20,000 has been credited on a judgment for bodily
13 injury to or death of one person as the result of one
14 accident rendered in excess of that amount;

15 B. Subject to paragraph A, when \$40,000 has been credited
16 on a judgment for bodily injury to or death of 2 or more
17 people as the result of one accident rendered in excess of
18 that amount; or

19 C. When \$10,000 has been credited on a judgment for injury
20 to or destruction of property of others as a result of one
21 accident rendered in excess of that amount.

22 2. Settlement payments. Payments made in settlement of a
23 claim for bodily injury, death or property damage arising from a
24 motor vehicle accident must be credited against the amounts
25 provided for in this section.

26 **§1608. Hearing**

27 1. Request for hearing. A person aggrieved by a decision
28 of the Secretary of State in applying this chapter, within 10
29 days after receipt of the decision, may request in writing a
30 hearing by the Secretary of State.

31 2. Stay of decision. Pending a hearing, the decision may
32 be stayed.

33 3. Determination of issuance. If the Secretary of State
34 holds a hearing to determine whether or not a license or
35 registration should be issued to a person against whom the
36 provisions of this subchapter have been invoked, the Secretary of
37 State shall provide notice of the hearing to the other party
38 involved in the accident that gave rise to this subchapter being
39 invoked.

40 **§1609. Nonresidents; accidents in other states**

1. Nonresidents. The following provisions apply to nonresidents.

A. This chapter applies to a person who is not a resident of this State.

B. If a nonresident has failed to give proof of financial responsibility, that nonresident may not operate a vehicle in this State and may not allow a vehicle owned by that nonresident to be operated in this State.

C. The Secretary of State may not issue to a nonresident a license or register a vehicle owned by a nonresident in the same manner as required with respect to a resident of this State.

D. The operation by a nonresident, or with a nonresident owner's express or implied consent, of a vehicle on a public way acts as an appointment of the Secretary of State to be the nonresident's attorney, on whom may be served all lawful processes in an action growing out of an accident in which that nonresident or vehicle may be involved.

E. When a nonresident's operating privilege is suspended, the Secretary of State shall transmit a certified copy of the record of that action to the appropriate official in the nonresident's state.

2. Accidents in other states. On receipt of certification that the operating privilege of a resident of this State has been suspended or revoked by another state for failure to provide proof of financial responsibility under circumstances that require the Secretary of State to suspend a nonresident's operating privilege had an accident occurred in this State, the Secretary of State may suspend the license of that resident and the registrations of vehicles owned by that resident.

The suspension may continue until the resident furnishes proof of compliance with the law of the other state.

§1610. Savings clause

This chapter does not limit a plaintiff in a civil action from relying on other processes provided by law.

§1611. Insurance, bond or self-insurance required

1. Insurance, bond or self-insurance required. The Secretary of State may not register any motor vehicle for rent, lease, hire or livery and a person may not operate or cause to be

operated on any public way in the State such a motor vehicle until the owner or owners of that vehicle procure insurance or a bond covering the operation of that vehicle by:

A. Presenting a valid and sufficient insurance policy from:

(1) An insurance company authorized by the Superintendent of Insurance to transact business in this State; or

(2) With the approval of the Secretary of State, an insurance company authorized to transact business in any state that provides an indemnity bond bonding the insurance company in an amount the Secretary of State prescribes and having as surety a surety company authorized by the Superintendent of Insurance to transact business in this State;

B. Presenting a good and sufficient indemnity bond, approved by the Secretary of State, bonding the applicant in an amount the Secretary of State prescribes and having as surety 2 responsible individuals or a surety company authorized to transact business in this State; or

C. Presenting a declaratory judgment issued by the Interstate Commerce Commission authorizing the owner to self-insure.

2. Minimum insurance requirements. The minimum insurance requirements are as follows.

A. There is a \$350,000 combined single limit for rental vehicles, emergency vehicles and for-hire transportation vehicles for transporting freight or merchandise but not passengers.

B. For vehicles used exclusively to transport passengers for hire between points within the State, including motor vehicles under contract with the State, a municipality or a school district for the transportation of students, but not vehicles defined as school buses in section 2301, subsection 5, there is a combined single limit of:

(1) One hundred twenty-five thousand dollars, or split limits consisting of \$50,000 per person and \$100,000 per occurrence for bodily injury liability, and \$25,000 for property damage liability for vehicles not under contract with the State, a municipality or a school district for the transportation of students that are

designed to carry no more than 3 passengers behind the driver's seat;

(2) Three hundred thousand dollars for vehicles that are designed to carry 4 to 7 passengers behind the driver's seat, except as provided in subparagraph (1);

(3) Seven hundred fifty thousand dollars for vehicles that are designed to carry 8 to 15 passengers behind the driver's seat;

(4) One million five hundred thousand dollars for vehicles that are designed to carry 16 to 30 passengers behind the driver's seat; and

(5) Two million dollars for vehicles that are designed to carry 31 or more passengers behind the driver's seat.

C. For vehicles used to transport passengers for hire between points within the State and points outside the State, but not vehicles defined as school buses in section 2301, subsection 5, or vehicles under contract with the State, municipality or school district for the transportation of students, there is a combined single limit of:

(1) For vehicles with 15 or fewer passengers, \$1,500,000; and

(2) For vehicles with 16 or more passengers, \$5,000,000.

The Secretary of State shall mark or stamp for-hire vehicle registrations not in compliance with this paragraph as "intrastate only." Car pools or van pools as defined in section 556, subsection 6 and taxicabs are exempt from the provisions of this paragraph but are subject to the provisions of paragraph B.

D. For school buses as defined in section 2301, subsection 5 there is a combined single limit of:

(1) For school buses with up to 30 passengers, \$500,000; and

(2) For school buses with 31 or more passengers, \$1,000,000.

3. Maintenance of insurance. The owner or owners of any vehicle subject to this section shall maintain at all times the

2 required amount of insurance or bond during the term of the
3 vehicle's registration. For vehicles registered in this State,
4 the Secretary of State shall immediately suspend or revoke,
5 pursuant to chapter 23, the registration certificate and
6 registration plates of any vehicle for which the insurance or
7 bond in the amounts required is not maintained. Any person whose
8 registration certificate, registration plates and operating
9 authority license have been suspended or revoked pursuant to this
10 section shall immediately return the registration certificate,
11 registration plates and the operating authority license to the
12 Secretary of State. For vehicles not required to be registered
13 in this State, the Secretary of State shall suspend the person's
14 operating authority license or right to operate in this State.

15 4. Additional requirements. In addition to this section,
16 those for-hire carriers not exempted under section 556 must
17 comply as required pursuant to sections 552 and 553.

18 5. Coverage of insurance or bond. The required insurance
19 policy or bond must adequately provide liability insurance for
20 the collection of damages for which the holder of a permit or the
21 owner of a motor vehicle or vehicles may be liable by reason of
22 the operation of a motor vehicle or vehicles subject to this
23 chapter.

24 6. Exemption. All vehicles owned by a municipality or
25 school district are exempt from the insurance requirements
26 established in this section.

27 **§1612. Insurance before registration for dealers and transporters**

28 The Secretary of State may not issue a dealer, transporter,
29 loaner, motorcycle dealer or trailer dealer license or
30 registration plates under chapter 9, subchapter I, except to
31 equipment dealers or dealers who are only licensed to sell
32 trailers with a gross vehicle weight rating of 3,000 pounds or
33 less, and which do not request dealer registration plates in
34 conjunction with the license, until the applicant has procured
35 and filed with the Secretary of State a certificate showing that
36 the applicant is covered by an automobile bodily injury and
37 property damage liability insurance policy providing coverage as
38 set forth in this Title with respect to the plates issued,
39 approved by the Superintendent of Insurance, insuring against any
40 legal liability in accordance with the terms of that policy for
41 personal injury or death of any one person in the sum of \$20,000
42 and for any number of persons in the sum of \$40,000 and against
43 property damage in the sum of \$10,000 which injury, death or
44 damage may result from or have been caused by the operation of
45 any vehicle bearing such registration plates. In lieu of such
46 insurance, the applicant may file with the Secretary of State a

2 bond or bonds issued by a surety company authorized to do
4 business in the State in the amount of at least \$20,000 on
6 account of injury to or death of any one person and subject to
8 such limits as respects injury to or death of one person; of at
10 least \$40,000 on account of any one accident resulting in injury
12 to or death of more than one person; and of at least \$10,000 for
14 damage to property of others.

16 Notwithstanding this section, a trailer or mobile home
18 dealer, licensed pursuant to section 954, who certifies to the
20 Secretary of State that the dealer does not haul trailers or
22 mobile homes on the public roads and highways of the State is not
24 required to file certification of liability insurance or surety
26 bond. The Secretary of State may not issue temporary plates or
28 dealer plates to a trailer or mobile home dealer exempted from
30 filing certification of liability insurance or surety bond under
32 this paragraph.

34 Notwithstanding Title 4, section 1151, subsection 2 and
36 Title 5, sections 10003 and 10051, the Secretary of State has the
38 authority to suspend a motor vehicle dealer license upon the
40 dealer's failure to maintain insurance as required by this
42 section.

44 The operation, or the release for operation, of any vehicle
46 registered under chapter 9, subchapter I that is not in
48 compliance with this section is a Class E crime.

SUBCHAPTER III

VICARIOUS LIABILITY

§1651. Liability for minor

1 An owner who knowingly permits a minor to operate that
3 owner's vehicle on a public way is jointly and severally liable
5 with that minor for damages caused by the negligence of the minor
7 in operating that vehicle.

§1652. Owner and renter jointly and severally liable

1 1. Liability. An owner engaged in the business of renting
3 motor vehicles, with or without drivers, who rents a vehicle to
5 another for use on a public way, is jointly and severally liable
7 with the renter for damage caused by the negligence of the renter
9 in operating the vehicle and for any damages caused by the
11 negligence of a person operating the vehicle by or with the
13 permission of the renter.

2 2. Applicability. This section does not apply to a rental
as part of a bona fide transaction involving the sale of a motor
4 vehicle.

6 3. Limitation. This section does not give to a passenger
in a rented vehicle a right of action against the owner.

8 4. Contributory negligence. This section does not affect
contributory negligence as a defense.

10 §1653. Allowing impaired operator

12 1. Liability. An owner or person having control of a motor
14 vehicle who, having knowledge or reason to know that a person is
under the influence of intoxicating liquor or drugs or has a
16 blood-alcohol level of .08% or more by weight of alcohol in the
blood, permits that person to operate that motor vehicle is
18 jointly and severally liable with that person for damages caused
by the negligence of the person.

20 2. Not exclusive. This section does not limit and does not
22 diminish any cause of action or right of recovery that is or may
become available under the common law.

24
26 CHAPTER 15

28 INSPECTION AND REPAIR

30 SUBCHAPTER I

32 INSPECTION

34 §1751. Motor vehicle inspection

36 1. Inspection required. Except as provided in this chapter
or section 2307, subsection 1, a motor vehicle required to be
38 registered in this State must have an annual inspection. A
person may have a motor vehicle inspected more frequently.

40 2. Equipment subject to inspection. The following equipment
42 is subject to inspection:

44 A. Body components;

46 B. Brakes;

48 C. Exhaust system;

50 D. Glazing;

2 E. Horn;

4 F. Lights and directional signals;

6 G. Rearview mirrors;

8 H. Reflectors;

10 I. Running gear;

12 J. Safety seat belts on 1966 and subsequent models;

14 K. Steering mechanism;

16 L. Tires;

18 M. Windshield wipers;

20 N. Catalytic converter on 1983 and subsequent models; and

22 O. Filler neck restriction on 1983 and subsequent models.

24 3. Inspection fee. The inspection fee is \$6 for each
26 inspection and is payable whether the vehicle passes inspection
or not.

28 **§1752. Motor vehicles exempt from inspection**

30 The following are exempt from inspection:

32 1. Registered in another state. A motor vehicle owned and
34 registered in another state and displaying a valid certificate of
36 inspection from another state or a federally approved commercial
vehicle inspection program;

38 2. Farm tractors. A farm tractor;

40 3. Antique autos. An antique auto registered under section
457;

42 4. Farm truck. A farm truck that:

44 A. Is operated within a 20-mile radius from the main
46 entrance of the farm where the vehicle is customarily kept;

48 B. Has a partial annual inspection of the running gear,
50 steering mechanism, brakes, exhaust system and lights; and
tires under section 1917, subsection 3; and

2 C. Bears the name of the municipality in which the excise
tax is paid in 4-inch letters on the left door of the cab;

4 5. Island vehicles. A motor vehicle that is:

6 A. Used for the conveyance of passengers;

8 B. Registered for a fee of \$2 under section 501, subsection
2; and

10 C. Operated exclusively on an island having no roads
12 maintained or supported by the State;

14 6. Motorized bicycle or tricycle. A motorized bicycle or
16 tricycle;

18 7. Fish truck. A fish truck that:

20 A. Is operated within a 20-mile radius of the municipality
where excise tax on the truck is paid;

22 B. Has a partial annual inspection consisting of the
24 running gear, steering mechanism, brakes, exhaust system and
lights; and

26 C. Bears the name of the municipality in which the excise
28 tax is paid in 4-inch letters on the left door of the cab;

30 8. Woods tractor. A converted motor vehicle used as a
woods tractor that:

32 A. Is operated within a 10-mile radius of the farm where
34 the vehicle is customarily kept or in the immediate vicinity
of the work site where wood is being harvested;

36 B. Is operated only in daylight hours; and

38 C. Has a partial annual inspection of running gear,
40 steering mechanism, brakes and exhaust system; and tires
under section 1917, subsection 3; and

42 9. Registered in this State. A motor vehicle registered in
44 this State displaying a valid certificate of inspection from
another state or a federally approved commercial vehicle
46 inspection program until its normal expiration.

48 §1753. Inspection of commercial vehicles, trailers and
semitrailers

2 1. Inspection required. Except as provided in subsection
4 4, a commercial motor vehicle that is required to be registered
6 in this State, is used in intrastate or interstate commerce and
8 that has a gross vehicle weight or gross vehicle weight rating
10 greater than 10,000 pounds, including the gross vehicle weight
12 rating or gross weight of any trailer or semitrailer, must be
14 inspected annually. A trailer or semitrailer used with a
16 commercial vehicle required to be inspected must also be
18 inspected.

20 2. Scope of inspection. The Chief of the State Police
22 shall adopt rules for the inspection required by subsection 1
24 that meet the requirements of 49 Code of Federal Regulations,
26 Section 396.17.

28 3. Fee. The fee for an inspection under this section is
30 based on the inspector's normal hourly labor charge and is due
32 whether or not the vehicle passes inspection. A licensed
34 inspection station shall post the hourly labor charge in a
36 conspicuous place.

38 4. Vehicles exempt from annual inspection. The following
40 vehicles are exempt from the requirements of this section:

42 A. When used exclusively in intrastate commerce, a trailer
44 or semitrailer with a gross vehicle weight, including any
46 load, that does not exceed 3,000 pounds;

48 B. When used exclusively in intrastate commerce, a
50 semitrailer designed and used exclusively for dispensing
52 cable from reels attached to the semitrailer, commonly
54 called a reel trailer, and any semitrailer designed and used
56 exclusively to support the ends of poles being transported,
58 commonly called a pole dolly, when the gross weight of the
60 semitrailer and load does not exceed 12,000 pounds;

62 C. Any mobile home, empty storage trailer or empty storage
64 semitrailer displaying a trailer transit plate in accordance
66 with section 954, subsections 4 and 5;

68 D. A farm truck or a fish truck exempted under section
70 1752; and

72 E. A trailer or semitrailer displaying a valid certificate
74 of inspection from another state or a federally approved
76 commercial vehicle inspection program until the normal
78 expiration of its certificate of inspection.

80 5. Proof of inspection. Proof of inspection must be shown
82 either by a report that certifies that the inspection satisfies

the requirements of this section or by an inspection sticker placed on the vehicle. If proof is shown by a report, the report must be produced on the demand of a law enforcement officer.

§1754. Inspection by dealers and transporters

1. Inspection standards. A holder of a dealer license or a transporter registration certificate may permit a vehicle to be operated on a public way only if the vehicle:

A. Meets inspection standards;

B. Is owned by the dealer or holder of the transporter registration certificate and is operated by the owner or the owner's employee for the sole purpose of travelling to a body repair establishment and is mechanically safe but requires body repairs;

C. Is sold or transferred to another person, meets inspection standards and displays a valid certificate of inspection issued within 60 days of the sale or transfer; or

D. If operated by a dealer or holder of a transporter registration certificate, is operated only from a point of purchase to the licensee's place of business. For the purposes of this paragraph, "point of purchase" includes, but is not limited to, an auto auction, distribution center or another licensed vehicle dealer.

This subsection does not allow the operation of an unsafe motor vehicle on a public way.

2. Remove prior certificate. If the vehicle bears a prior inspection certificate, that certificate must be removed.

3. Violations. The provisions of this subsection apply to violations of this section.

A. A violation of this section is a traffic infraction for which a penalty of not more than \$1,000 for each violation may be assessed.

B. A violation of this section is also a violation of the provisions governing unfair trade practice under Title 5, chapter 10.

C. It is not a defense to this section that the dealer or holder did not know that the vehicle did not meet inspection standards or required a certificate.

§1755. Inspection of fire trucks

A fire chief, or a municipal official of a municipality without a fire chief, may contract with a licensed inspection station for a licensed inspection mechanic to perform an inspection at the location where fire trucks are customarily kept.

§1756. Inspection standards

1. Inspection standards. Equipment subject to inspection must:

A. Be in good working order;

B. Be safely attached or secured to the chassis or body of the vehicle;

C. Be mechanically safe;

D. Not pose a hazard to the occupant of the vehicle or to the general public; and

E. Meet the standards set forth in rules adopted by the Chief of the State Police.

2. Inspection standard for catalytic converter. Notwithstanding the inspection standards of subsection 1, a catalytic converter subject to the inspection required by section 1751, subsection 2, paragraph N must meet the rules promulgated by the Chief of the State Police and must be safely attached or secured to the chassis or body of the vehicle.

3. Windows. In addition to the standards set forth in subsection 1, windows must meet the standards of sections 1915 and 1916.

4. Fenders. Except as provided by section 1953, subsection 2, paragraph E, a motor vehicle other than a street rod must be equipped with fenders or fenders and extensions. When a wheel and tire are installed that permit the tire tread to extend beyond the natural fender configuration, the fenders must be modified or extended to cover the exposed tire tread.

5. Safety seat belts. On 1980 and subsequent models, safety seat belts must be inspected to ensure that:

A. The motor vehicle has the proper number for that make and model; and

B. Each belt is fully functional.

2 **§1757. Standard for rejection for nonfunctioning equipment**

4 A motor vehicle must be rejected for violation of the
6 inspection standard for equipment if any equipment described in
8 section 1751, subsection 2 does not function sufficiently for the
safety of the general public or is loose and not securely
attached to the vehicle.

10 **§1758. Issuance of sticker; placement on vehicle**

12 1. Windshield placement. If a motor vehicle meets the
14 inspection standard, an official inspection sticker must be
placed in the lower left-hand corner of the windshield or in the
16 center of the windshield in back of the rearview mirror.

18 2. Without windshield. If the vehicle is not normally
equipped with a windshield, the certificate of inspection must be
20 kept with the registration certificate of the vehicle.

22 **§1759. Temporary permits and warnings**

24 1. Issuance. A law enforcement officer or employee of the
Bureau of Motor Vehicles designated by the Secretary of State may
26 issue a permit allowing operation of an uninspected vehicle to an
inspection station for inspection.

28 2. Reconstructable vehicle. This section does not apply to
30 reconstructable motor vehicles as defined in Title 10, section
1471.

32 3. Warning. The owner or operator of a vehicle operated
34 with an expired inspection sticker during the first month
immediately after expiration may not be issued a summons to court
36 by may only be issued a warning. This warning must state that
the vehicle must be inspected within 2 business days. Failure to
38 comply with a warning is a violation punishable in accordance
with section 1768.

40 **§1760. Examination and impoundment of vehicles**

42 1. Examination for compliance. A law enforcement officer
44 in uniform may stop and examine a motor vehicle to determine
whether the vehicle's equipment complies with the requirements of
46 section 1756.

48 2. Scope of inspection. The officer may demand and inspect
the driver's license, the certificate of registration, permits
50 and the identification numbers of the motor vehicle.

2 3. Probable cause for inspection. A law enforcement
4 officer may require the operator to proceed to an official
 inspection station and submit the vehicle to an inspection and
 tests as may be appropriate on reasonable grounds to believe that:

6 A. A vehicle is unsafe or not equipped as required by law;
 or

8 B. The vehicle's equipment does not conform to the
10 inspection standard.

12 **§1761. Certified inspection mechanics**

14 1. Performance of inspection. No person other than a
16 holder of an inspection mechanic certificate may perform an
 inspection or issue or sign a certificate of inspection.

18 2. Requirements for inspection mechanic certification. To
20 receive an inspection mechanic certificate, an applicant must:

22 A. Pass a written or oral examination that is designed to
24 test knowledge of motor vehicle inspection and the method of
 inspecting and testing motor vehicle equipment; and

26 B. Be a person of honesty, integrity and reliability.

28 3. Examination fee. Applicants for inspection mechanic
30 certification must pay to the Chief of the State Police a fee of
 \$1 for an application for examination or for renewal of a
 certificate.

32 4. Term of certification. An inspection mechanic
34 certificate is valid for a period of 5 years from the date of
 issue.

36 5. Renewal. An examination is not required if application
38 for a renewal is made within one year of expiration.

40 6. Remission of certificate. If the holder of an
42 inspection mechanic certificate no longer performs inspections,
 the certificate must be remitted immediately to the Chief of the
 State Police.

44 7. Notification of change in place of employment. Prior to
46 inspecting vehicles for a new employer, the holder of an
48 inspection mechanic certificate shall notify the Chief of the
 State Police of a change of place of employment .

50 8. Testing in parking area. Notwithstanding sections 1251,
 1252 and 1253, a certified inspection mechanic who has a valid

2 operator's license of any class may operate a motor vehicle in a
4 parking area adjacent to an official inspection station for the
6 purpose of testing equipment as required by the rules adopted
8 pursuant to this chapter.

6 **§1762. Official inspection stations**

8 **1. Licensing of official inspection stations.** The Chief of
10 the State Police may license garages as part-time or full-time
12 official inspection stations.

12 **2. Requirements.** To qualify as an official inspection
14 station, a garage must meet the following requirements and the
16 rules adopted by the Chief of the State Police.

16 A. The buildings must be structurally sound with a level
18 floor and sufficient width and length for inspections.

18 B. Doors must be of sufficient size to accommodate the
20 class of vehicle indicated in the station license.

22 C. The station must be equipped with a screen or chart and
24 other equipment approved by the Chief of the State Police to
26 test lights and other motor vehicle equipment subject to
28 inspection.

28 D. The station must employ a certified inspection mechanic.

30 E. The station must perform vehicle inspections while it is
32 open to the general public.

32 F. A full-time inspection station must be open to the
34 general public for 35 hours or more per week. A part-time
36 inspection station must be open to the general public for at
38 least 16 but less than 35 hours per week.

38 **3. Examination of premises and operator of garage.** Before
40 a license is granted, the premises must be examined and the
42 operator of the garage investigated as to reliability and fitness.

42 **4. Term of license.** The license is valid for 2 years from
44 January 1st of the year of issue.

44 **5. Licenses not transferable.** A license may not be
46 assigned or transferred or used at other than a designated
48 location.

48 **6. Posting of license on premises.** A license must be
50 posted in a conspicuous place at the designated location.

2 **§1763. Suspension or revocation of license or inspection**
3 **mechanic certificate**

4 Notwithstanding Title 5, section 10003, a State Police
5 officer may immediately suspend or revoke the license issued to
6 any official inspection station or the inspection mechanic
7 certificate issued to any inspecting mechanic for a violation of
8 this chapter or the rules promulgated pursuant to section 1769.
9 The penalty for a first offense is a license suspension for a
10 period of 6 months. The penalty for a 2nd or subsequent offense
11 is a license suspension for a period of one year or license
12 revocation.

13 Pursuant to Title 5, chapter 375, the Chief of the State
14 Police or the chief's designee shall schedule a hearing, if
15 requested by the owner of an official inspection station, an
16 employee of that station or the inspection mechanic, to review
17 the suspension or revocation. The suspension or revocation
18 remains in effect pending the final agency decision and during
19 any appeal of that decision.

20 As a prerequisite to reinstatement following a license
21 suspension or revocation, the Chief of the State Police may
22 require an inspection mechanic to satisfactorily complete the
23 inspection mechanic examination provided for in section 1761,
24 subsection 2.

25 **§1764. Fleet inspection stations**

26 **1. License by Chief of the State Police.** The Chief of the
27 State Police may license fleet inspection stations to inspect 10
28 or more vehicles registered in the name of a single owner.

29 **2. Requirements.** To qualify as a fleet inspection station,
30 a station must:

31 **A. Meet the standards of section 1762, subsection 2,**
32 **paragraphs A, B and C; and**

33 **B. Have at least 10 vehicles registered in the name of the**
34 **fleet inspection station owner or be under contract to the**
35 **owner of the fleet of vehicles for exclusive maintenance.**

36 **3. Limit to fleet vehicles.** Fleet station inspections are
37 limited exclusively to fleet vehicles.

38 **4. Employment of certified inspection mechanics.** A fleet
39 inspection station must employ a sufficient number of certified
40 inspection mechanics to inspect every vehicle in the fleet
41 annually.

2 A certified inspection mechanic may inspect fleets of vehicles at
4 the fleet station, if proper inspection equipment is available.

6 Fleet vehicles must be inspected by a certified inspection
8 mechanic who may issue and sign inspection certificates.

10 Fleet vehicle inspectors are subject to the same provisions as
12 certified inspection mechanics.

14 **§1765. Out-of-doors inspections**

16 A certified inspection mechanic may inspect a vehicle
18 out-of-doors if:

20 1. Class of vehicles. The vehicle conforms to the class of
22 vehicle that the inspection station license authorizes for
24 inspection; and

26 2. Altered vehicles. Alterations or additions to the basic
28 design or structure of the vehicle not produced by the original
30 manufacturer prevent the vehicle from entering inside the
32 inspection station.

34 **§1766. Inspection stickers**

36 1. Stickers remain property of State. Inspection stickers
38 and materials issued to inspection stations by the Chief of the
40 State Police remain the property of the State.

42 2. Stock of stickers. An inspection station must stock a
44 sufficient number of stickers to meet all demands. The stickers
46 must be made of a material and quality of adhesive prescribed by
48 the Chief of the State Police.

50 3. Fee. Stickers are furnished by the Chief of the State
Police at \$1 each.

4. Statement of intent to hire a certified mechanic. If a
station is disqualified by the loss of a certified mechanic, the
owner shall, within 5 working days, return all stickers to the
Chief of the State Police.

The owner may file a statement of intent to hire a certified
inspection mechanic within 14 working days, in which case the
Chief of the State Police shall hold the returned stickers for
the licensee.

If a statement of intent is not filed, returned stickers may be
reissued.

2 5. Return or refund of unused stickers. Within 20 working
4 days of the calendar year or the suspension, revocation or
6 termination of an inspection license, unused or expired stickers
8 must be returned to the Chief of the State Police and the
 purchase price refunded or exchanged for current year stickers.
 Refunds or exchanges may only be made for full sheets of unused
 stickers.

10 6. Return of inspection materials. Upon suspension,
12 revocation or termination of an inspection license, the station
14 owner or manager shall return all inspection materials to the
 Chief of the State Police, who shall issue a receipt for the
 returned materials.

16 **§1767. Disposition of fees**

18 The revenues generated by this chapter must be credited to
20 the General Highway Fund.

22 **§1768. Unlawful acts**

24 1. Display of fictitious certificate. A person commits a
26 Class E crime if that person displays or permits to be displayed
28 on a vehicle a certificate of inspection knowing the certificate
 to be fictitious or issued to another vehicle or issued without
 an inspection having been made.

30 2. Use of counterfeit certificate of inspection. A person
32 commits a Class E crime if the person makes, possesses, issues or
34 knowingly uses an imitation or counterfeit of an official
 certificate of inspection or a certificate of inspection that was
 not issued by an official inspection station in accordance with
 law.

36 3. Misrepresentation of vehicle inspection station. A
38 person commits a Class E crime if that person represents a place
40 as an official inspection station and the station is not
 operating under a valid license.

42 4. Issuance of certificate for substandard vehicle. A
44 person commits a Class E crime if that person knowingly causes an
 official inspection sticker to be attached to a vehicle that does
 not conform to the inspection standard.

46 5. Operation of defective vehicle. A person commits a
48 Class E crime if that person operates a vehicle on a public way
50 with equipment on the vehicle that does not conform to the
 standards of this subchapter.

2 6. Alteration after inspection. A person commits a Class E
3 crime if that person alters equipment after inspection so that
4 the equipment does not conform to the standards of this
5 subchapter.

6 7. Operation of vehicle without certificate of inspection.
7 An owner or operator of a vehicle required to be inspected
8 commits a traffic infraction if that person operates that vehicle
9 or permits that vehicle to be operated without displaying a
10 current and valid certificate of inspection or producing the
11 certificate on demand of a police officer.

12 **§1769. Rules**

13 1. Scope. The Chief of the State Police may adopt rules:

14 A. For the administration and enforcement of this chapter;

15 B. To designate periods of time during which owners of
16 vehicles must display or produce a certificate of
17 inspection; and

18 C. Concerning the inspection of registered special mobile
19 equipment not ordinarily operated over the highway.

20 2. Review of rules by Legislature. The joint standing
21 committee of the Legislature having jurisdiction over
22 transportation matters shall review the rules prior to adoption.

23 **§1770. Penalties**

24 1. General penalty. Notwithstanding Title 17-A, and unless
25 otherwise specified, a violation of this chapter is a Class E
26 crime, punishable by a fine of not less than \$25 nor more than
27 \$500 or by imprisonment for not more than 30 days, or by both.

28 2. Traffic infraction. A violation of the rules adopted by
29 the Chief of the State Police pertaining to this subchapter is a
30 traffic infraction subject to a forfeiture of not less than \$25
31 nor more than \$250.

32 **SUBCHAPTER II**

33 **REPAIR**

34 **§1801. Definitions**

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

1. Customer. "Customer" means a person, including, but not limited to, an agent, who contracts with a repair facility for repair of a motor vehicle.

2. Flat rate. "Flat rate" means a method of calculating charges for labor that is based on the specific repair done and not on the amount of time actually spent on that repair.

3. Repair. "Repair" means the examination, maintenance, servicing, adjustment, improvement, replacement, removal or installation of a part of a motor vehicle, including, but not limited to, body work, painting and incidental services such as storage and towing, and excluding the sale of motor fuel.

4. Repair facility. "Repair facility" means a motor vehicle repair facility offering services to the general public for compensation.

§1802. Maximum charge for repair

1. Written designation by customer. Before a repair facility begins repairing a customer's motor vehicle, the customer may designate in writing a specific amount of charges for repair in excess of which the customer does not agree to be liable without further specific agreement, either oral or written.

2. No liability without agreement. A customer is not liable for a charge in excess of the specific amount designated in accordance with subsection 1 without further specific oral or written agreement.

§1803. Inspection of parts

Before demanding payment of any charge, a repair facility must allow a customer to inspect replaced parts and must return replaced parts to the customer on request unless the facility is required to return the parts to the manufacturer or distributor under a bona fide warranty or exchange arrangement.

§1804. Used parts

Unless the customer specifically agrees before installation of the part, a repair facility may not install a used, reconditioned or rebuilt part.

§1805. Notices

1. Form of notice. A repair facility must post the following notice in a place where it is reasonably likely to be seen by customers. The notice must be completed with information

on charges and printed so that it is conspicuous and can be read
by the average person.

The following form must be used:

"NOTICE TO OUR CUSTOMERS

REQUIRED UNDER STATE LAW

Before we begin making repairs, you have a right to put in
writing the total amount you agree to pay for repairs. You will
not have to pay anything over that amount unless you agree to it
when we contact you later.

Before you pay your bill, you have a right to inspect any
replaced parts. You have a right to take with you any replaced
parts, unless we are required to return the parts to our
distributor or manufacturer.

We can not install any used or rebuilt parts unless you
specifically agree in advance.

You can not be charged any fee for exercising these rights.

WE CHARGE \$ PER HOUR FOR LABOR.

(We round off the time to the nearest .)"

2. Flat rate. The notice must also contain the following
if it applies:

"We also charge a flat rate for some repairs. Our service
manager will explain what a flat rate is and show you how much it
may cost you."

3. Availability of guide. The notice must also contain the
following:

"The current edition of the National Automobile Dealer's
Association Official Used Car Guide New England Edition is
available for your review upon request."

§1806. Fee prohibited

A repair facility may not, directly or indirectly, charge a
fee for performing an obligation or for exercising a right under
this subchapter.

§1807. Unfair trade practice

A repair facility's failure to comply with this subchapter constitutes an unfair trade practice under Title 5, chapter 10.

§1808. Waiver prohibited

The duties imposed by and rights created under this subchapter may not be waived or otherwise modified. Any waiver or modification is contrary to public policy and is void and unenforceable.

§1809. Savings clause

This subchapter is in addition to and does not limit or replace other rights or procedures provided by statute or common law.

SUBCHAPTER III

ABANDONED VEHICLES

§1851. Application

This subchapter applies to a vehicle that is:

1. Towed at request of owner or driver. Towed at the request of the owner or driver;

2. Towed because illegally parked or left standing. Towed pursuant to section 2068 or 2069;

3. Towed because left without permission. Towed after being left on property without permission;

4. Left without permission. Left on property without the permission of the property owner or person in charge of the property or premises where the vehicle is located;

5. Left after repair completed. Left at a place of business after being repaired pursuant to a written work order signed by the person requesting the repair work; or

6. Left on residential property. Left on an individual's residential property for more than 6 months.

A vehicle towed for snow removal purposes is exempt from the provisions of this subchapter for 48 hours immediately following completion of the tow.

§1852. Abandonment defined

For the purposes of this subchapter, a vehicle is considered "abandoned" if the owner or lienholder does not retrieve it and pay all reasonable charges for towing, storing and authorized repair of the vehicle within 14 days of publication as required by section 1854 or within 14 days of receipt of the notice required by section 1855.

§1853. Letter of ownership or certificate of title

If a person abandons a vehicle as described in section 1851, the owner of the premises or property where the vehicle is located may obtain a letter of ownership or a certificate of title by complying with this subchapter.

§1854. Unknown owner

1. Inquiry in writing. If the owner or lienholder of a vehicle is unknown, the owner of the premises where the vehicle is located shall inquire of the Secretary of State in writing whether the Secretary of State's records contain information as to the owner and lienholder, if any, of the vehicle. If only the lienholder is unknown, the inquiry required by this section may be made by telephone and need only be confirmed in writing with the Secretary of State.

2. Contents of inquiry. This inquiry must include the vehicle's make, model, year, body type, vehicle identification number and any registration and plates on the vehicle.

3. Response. On receipt of the inquiry, the Secretary of State shall provide the holder of the vehicle with the name and address of the vehicle's owner and lienholder or shall state that no record of the vehicle is on file.

4. Publication. If the Secretary of State finds no record of the vehicle, the owner of the premises where the vehicle is located shall publish a notice at least twice in a newspaper of general circulation in the county where the premises is located. That notice must clearly:

A. Describe the vehicle;

B. State that if the owner of the vehicle or lienholder has not properly retrieved it and paid all reasonable charges for its towing and storage within 14 days from date of last publication, ownership of the vehicle will pass to the owner of the premises where the vehicle is located; and

C. State how the owner of the premises may be contacted.

§1855. Owner or lienholder known

2 1. Mailing of notice. If the owner of a vehicle is known,
4 the owner of the premises where the vehicle is located shall mail
6 notice to the owner. If the lienholder is known, notice must
 also be sent to the lienholder.

8 2. Contents; demand. The notice must clearly describe the
10 vehicle and must give the vehicle's location and the storage
12 fee. The notice must state that if the owner or lienholder has
14 not properly retrieved the vehicle and paid all reasonable
 charges for towing, storage and authorized repair work within 14
 days of receipt of the notice, ownership of the vehicle will pass
 to the owner of the premises where the vehicle is located.

16 3. Mailing. The notice must be sent by certified mail,
18 return receipt requested. If the notice is returned unclaimed or
20 can not be delivered, the person required to give the notice
 shall comply with the publication requirements of section 1854
 within 10 work days of the return of the notice.

22 **§1856. Change of ownership**

24 1. Evidence of compliance. A person who has complied with
26 section 1854 or 1855 shall present evidence of compliance to the
28 Secretary of State immediately after the 14-day notice period.
30 The Secretary of State may not issue a letter of ownership or
 certificate of title until at least 30 days after the date on
 which the person first has possession of and control over the
 vehicle.

32 2. Issuance of certificate; letter of ownership. The
34 Secretary of State, upon being satisfied that the person has
36 notified or has attempted to notify all parties with an interest
 in the vehicle, may issue certificates of title or letters of
 ownership as follows.

38 A. For a vehicle not required to be titled, on presentation
40 of sufficient evidence and payment of a \$5 fee, the
 Secretary of State may issue a letter of ownership to the
 owner of the premises on which the vehicle is located.

42 B. For vehicles subject to chapter 7, on presentation of
44 sufficient evidence and application for certificate of title
46 in accordance with section 654 and payment of a fee set
48 forth in section 603, the Secretary of State may issue a
 certificate of title to the owner of the premises on which
 the vehicle is located.

2 If the owner or lienholder of the vehicle retrieves it and
3 pays the towing, storage and repair charges before the Secretary
4 of State issues a letter of ownership or certificate of title,
5 the person holding the vehicle must immediately release it to the
6 person paying the charges and must immediately notify the
7 Secretary of State of the release.

8 **§1857. Limits**

10 If the inquiry to the Secretary of State required by section
11 1854 or the notice required by section 1855 is made more than 30
12 days after receipt of a vehicle described in section 1851, the
13 person holding the vehicle may not collect more than 30 days of
14 storage fees. Daily storage charges must be reasonable and total
15 storage charges may not exceed \$600 for a 30-day period.

16 **§1858. Abandonment of vehicle on public way**

18 Abandonment of a vehicle on a public way is a traffic
19 infraction. A person who is found to have abandoned a vehicle
20 under this subsection is responsible for any towing charges that
21 are directly related to the abandonment of the vehicle.

22 **§1859. Removal of vehicle**

24 Removal of a vehicle described in section 1851 or of any
25 part or accessory from the vehicle without the written consent of
26 the person in charge or the owner of the premises or property
27 where the vehicle is located is a Class E crime. This subsection
28 applies to all persons, including the owner of the vehicle.

30 **CHAPTER 17**

32 **EQUIPMENT**

34 **SUBCHAPTER I**

36 **GENERAL PROVISIONS**

38 **§1901. General restriction**

40 A person may not use, sell or equip a vehicle with a lens,
41 muffler, reflector, lighting device, window-tinting material or
42 other aftermarket equipment contrary to this Title or contrary to
43 the rules of the Chief of the State Police.

44 **§1902. Brakes**

46 1. General rule. A motor vehicle must have adequate brakes
47 in good working order that are sufficient to control the vehicle.
48

2 2. Specific standards. Brakes must be adjusted so as to
3 stop:

4 A. A 2-wheel brake vehicle, within a distance of 45 feet,
5 from a speed of 20 miles per hour;

6 B. A 4-wheel brake vehicle, within 30 feet, from a speed of
7 20 miles per hour; or

8 C. A motorcycle or motor-driven cycle, within 30 feet, from
9 a speed of 20 miles per hour.

10 3. Parking brakes. A vehicle, except a 2-wheel motorcycle
11 or 2-wheel motor-driven cycle, must be equipped with parking
12 brakes adequate to hold the vehicle on any grade on which it is
13 operated, under all conditions of loading, on a surface free from
14 snow, ice or loose material. Parking brakes:

15 A. Must be capable of being applied by the driver's
16 muscular effort, spring action or equivalent means;

17 B. May be operated with assistance of the service brakes or
18 other source of power, provided that failure of the service
19 brake actuation system or other power assisting mechanism
20 does not prevent the parking brakes from being applied;

21 C. Must be designed so that, once applied, they remain
22 applied with the required effectiveness despite leakage or
23 exhaustion of any source of energy;

24 D. May share the same brake drums, brake shoes and lining
25 assemblies, brake shoe anchors and mechanical brake shoe
26 actuation mechanisms associated with the wheel brake
27 assemblies used for service brakes; and

28 E. If the means of applying the parking and service brakes
29 are connected, must be constructed so that failure of one
30 part does not leave the vehicle without operative brakes.

31 4. Trucks; specific requirements. A truck, truck tractor,
32 trailer or semitrailer must be equipped with adequate brakes
33 acting on all wheels of all axles, except that the following need
34 not meet this requirement:

35 A. A trailer or semitrailer not exceeding a gross weight of
36 3,000 pounds;

37 B. A vehicle towed by use of a wrecker;

2 C. A vehicle meeting braking requirements of the motor
3 carrier safety regulations of the United States Department
4 of Transportation;

5 D. A semitrailer with a gross weight of semitrailer and
6 load not to exceed 12,000 pounds, designed and used
7 exclusively:

8 (1) For the dispensing of cable from attached reels,
9 commonly called reel trailers; or

10 (2) To support the end of poles while being
11 transported, commonly called pole dollies; and

12 F. A dolly axle, so-called, on a farm truck transporting
13 agricultural products and supplies.

14 A dolly axle may not be considered in determining the gross
15 weight or axle limits permitted on the vehicle.

16 A 2-axle or 3-axle farm truck equipped with a dolly axle is
17 considered a 2-axle or 3-axle vehicle.

18 5. Multiple axles. If equipped with 3 or more axles, a
19 truck, tractor or truck tractor manufactured prior to August 1,
20 1980 need not have brakes on the front wheels; if the vehicle is
21 equipped with 2 or more steerable axles, the wheels of one such
22 axle need not have brakes.

23 6. Rules. The Chief of the State Police may adopt rules
24 governing the sufficiency and adjustment of brakes.

25 **§1903. Adequate signaling device**

26 A motor vehicle must have a suitable and adequate horn or
27 other device for signaling. A signaling device or horn may not
28 be unnecessarily sounded.

29 **§1904. Headlights**

30 1. General rule. A motor vehicle must be equipped with
31 headlights of sufficient power and so adjusted and operated as to
32 enable the operator to proceed with safety under all ordinary
33 conditions of highway and weather.

34 2. Location of headlights. On a motor vehicle, a headlight
35 must be located at a height, measured from the center of the
36 headlight, of not more than 54 inches nor less than 22 inches
37 above the level surface on which the vehicle stands. Headlights
38 on snow plows may be at a height greater than 54 inches.

2 3. White light. Headlights must be equipped with lenses or
3 reflectors that emit only white light.

4 4. Number of headlights. A motor vehicle must have mounted
5 on the front at least 2 headlights, one on each side. A
6 motorcycle or motor-driven cycle must have one mounted headlight.

7 5. Requirements. The following requirements apply to a
8 headlight.

9 A. If the vehicle is mechanically constructed so that it is
10 limited to less than 15 miles per hour, it must have
11 headlights capable of furnishing sufficient candlepower to
12 render any substantial object clearly discernible on a level
13 way at least 50 feet directly ahead and at the same time at
14 least 7 feet to the right of the axis of the vehicle for a
15 distance of at least 25 feet.

16 B. If the vehicle is mechanically constructed so that it
17 can exceed 15 miles per hour, it must have headlights
18 capable of furnishing sufficient candlepower to render any
19 substantial object clearly discernible on a level way at
20 least 200 feet directly ahead and at the same time at least
21 7 feet to the right of the axis of the vehicle for a
22 distance of at least 100 feet.

23 C. A headlight capable of furnishing more than 4
24 candlepower, if equipped with a reflector, may not be used
25 unless the headlight is designed, equipped or mounted so
26 that no portion of the beam of light, when projected 75 feet
27 or more ahead, rises above a plane of 42 inches higher than
28 and parallel with the level surface on which the vehicle
29 stands.

30 D. The top of a main beam of light may not be higher than
31 the headlight center.

32 E. An electric bulb or other lighting device of a greater
33 capacity than 32 candlepower may not be used, except for the
34 standard equipment sealed beam unit.

35 F. A headlight may not project the top of a main beam, at a
36 distance of 25 feet ahead of the vehicle, on an
37 approximately level stretch of highway, onto the body of a
38 person or an object, at a height greater than that of the
39 center of the front light from the highway.

2 6. Motorcycle. A motorcycle or motor-driven cycle that
3 does not have an adequate beam for headlights is restricted to
4 daytime operation.

5 7. Exception for farm tractors. This section does not
6 apply to unregistered farm tractors.

8 **§1905. Rear lights**

10 1. Requirement. Except as provided in subsection 3, a
11 motor vehicle with 3 or more wheels must have on the rear 2
12 lights, one on each side of the axis, each capable of displaying
13 a red light visible for a distance of at least 100 feet behind
14 the vehicle.

16 2. Vehicles used in conjunction. When a vehicle is used in
17 conjunction with another vehicle, only the last must carry the
18 lights.

20 3. Vehicles manufactured with one rear light. If a vehicle
21 was manufactured with only a single rear light, that light is
22 sufficient if the light complies with the visibility requirement
23 and is in the center or to the left of the vehicle's axis.

24 4. Exception for farm tractors. This section does not
25 apply to unregistered farm tractors.

28 **§1906. Clearance lights**

30 A vehicle 7 feet or more in width must have a green or amber
31 light attached to the extreme left of the front, adjusted to
32 indicate the extreme left lateral extension of the vehicle or
33 load and at least one red light on the extreme left lateral
34 extension of the vehicle or load on the rear.

36 A vehicle with a closed body 8 feet or more in height must
37 display 2 green or amber lights attached to the extreme left of
38 the front of its body, one at the top and the other at the
39 bottom. The vehicle must also display at least one red light on
40 the extreme upper left lateral extension of its body.

42 Body width lights and height lights must be visible not less
43 than 200 feet in the direction towards which the vehicle is
44 proceeding or facing.

46 In place of body width lights and height lights, a vehicle
47 may be equipped with an adequate reflector conforming as to color
48 and location to the requirements for the light.

50 This section does not apply to unregistered farm tractors.

2 **§1907. Rear reflectors**

4 A vehicle must be equipped with at least one adequate
6 reflector securely attached to the rear. The reflector:

8 1. Part of rear light. May be a part of the rear light;

10 2. Color. Must be red; and

12 3. Reflection. Must be designed, located and maintained to
14 reflect at night on an unlighted highway, from at least 200 feet,
the lawful undimmed headlights of a vehicle approaching from the
rear.

16 4. Exception for unregistered farm tractors. This section
18 does not apply to unregistered farm tractors.

20 **§1908. Location of rear lights, reflectors and signal lamps**

22 On a vehicle 7 feet wide or wider, all rear lights,
24 reflectors and signal lights must be within 12 inches of the
extreme extension of the vehicle. On flat-body dump trucks, rear
26 lights and signal lamps may be mounted on the rear of the frame.
This section does not apply to unregistered farm tractors or to
trailers with rear lights, reflectors and signal lights installed
by the commercial manufacturer.

28 **§1909. Registration lamp**

30 A vehicle must have a white light capable of illuminating
32 the rear registration plate so that the characters on the plate
34 are visible for a distance of at least 50 feet. This section
does not apply to unregistered farm tractors.

36 **§1910. Rules governing lights on vehicles**

38 The Chief of the State Police may adopt rules governing the
40 adjustment, use and operation of lights on vehicles.

42 **§1911. Hydraulic brake fluid**

44 1. Definition. "Hydraulic brake fluid" means the liquid
medium through which force is transmitted to the brakes in the
46 hydraulic brake system of a vehicle.

48 2. Requirement. Hydraulic brake fluid must be distributed
and serviced with due regard for the safety of the occupants of
50 the vehicle and the public.

2 3. Rules. The Commissioner of Public Safety may adopt rules
3 establishing standards and specifications for hydraulic brake
4 fluid that must correlate with and, so far as practicable,
5 conform to current standards and specifications of the Society of
6 Automotive Engineers applicable to the fluid.

7 4. Prohibition. A person may not distribute, have for sale,
8 offer for sale, sell or service a vehicle with hydraulic brake
9 fluid unless that fluid complies with the requirements of this
10 section.

11 **§1912. Mufflers**

12 1. Muffler required. A person may not operate a motor
13 vehicle unless that vehicle is equipped with an adequate muffler
14 properly maintained to prevent excessive or unusual noise.

15 2. Cutouts prohibited. Except as provided in subsection 5,
16 a muffler or exhaust system may not be equipped with a cutout,
17 bypass or similar device.

18 3. Amplification prohibited. A person may not operate a
19 motor vehicle with an exhaust system that has been modified to
20 amplify or increase the noise emitted by the motor above that
21 emitted by the muffler originally installed on the vehicle.

22 4. Exhaust system fastened to engine. The entire exhaust
23 system must be complete, without leakage and securely fastened to
24 the engine block and frame.

25 5. Racing meets. Notwithstanding subsection 2, an owner or
26 operator of a motor vehicle used occasionally in racing meets may
27 obtain a permit from the Secretary of State for installing a
28 cutout, bypass or similar device on the exhaust system of that
29 motor vehicle.

30 The cutout, bypass or similar modification must be kept closed
31 and inoperative while the vehicle is on a public way.

32 The permit must be in the vehicle at all times while on a public
33 way.

34 The Secretary of State shall determine the eligibility of all
35 applicants for a permit.

36 The permit fee is \$1 for the registration year.

37 **§1913. Mirrors**

2 1. Mirrors required. A person may not operate on a public
3 way a vehicle so constructed, equipped, loaded or used that the
4 operator is prevented from having a constantly free and
5 unobstructed view of the way immediately to the rear, unless
6 there is attached a mirror or reflector placed and adjusted to
7 afford the operator a clear, reflected view of the highway to the
8 rear of the vehicle for a distance of at least 200 feet.

9 2. Temporary mirrors. When a vehicle is operated without a
10 trailer or semitrailer, temporary outside rearview mirrors must
11 be removed or otherwise adjusted so as not to extend beyond the
12 width of the automobile.

13 3. Motorcycles. A motorcycle or motor-driven cycle must be
14 equipped with a rear view mirror mounted and adjusted to afford
15 the operator a clear, reflected view of the highway in the rear
16 for a distance of at least 200 feet.

17 **§1914. Safety seat belts**

18 1. Safety seat belts required. A person may not buy, sell,
19 lease, trade or transfer from or to a resident at retail a model
20 year 1966 or later motor vehicle, unless that vehicle is equipped
21 with safety seat belts installed for use in the left and right
22 front seats.

23 **§1915. Windows**

24 1. Safety glass. A motor vehicle must be equipped with
25 safety glass wherever glass is used in partitions, doors, windows
26 or windshields.

27 "Safety glass" means a product composed of glass or of other
28 materials, manufactured, fabricated or treated to prevent
29 shattering and flying of broken glass.

30 The Commissioner of Public Safety may maintain a list of the
31 approved types of glass.

32 Replacements of glass partitions, doors, windows or windshields
33 must be made with safety glass.

34 2. Window repairs. When a window, other than the
35 windshield, is broken, the operator may repair the window by
36 temporarily replacing it with an opaque substance until there is
37 a reasonable opportunity for replacement.

38 **§1916. Reflective and tinted glass**

1. Windows to be unobscured. A person may not operate a motor vehicle and an inspection mechanic may not issue a certificate of inspection for a motor vehicle, if:

A. A window is composed of, covered by or treated with any material that is reflective;

B. The front windshield is composed of, covered by or treated with a material that reduces the light transmittance through the window more than the original installation window or an original replacement window;

C. A side window or rear window is composed of, covered by or treated with a material that has a light transmittance of less than 50%; or

D. A front windshield, front door window or window at either end of a rear passenger seat does not contain 2-way glass that provides the occupants with a clear view of the road and a person outside the vehicle with a clear view of the occupants and the interior of the vehicle.

2. Exceptions. The following exceptions apply.

A. The provisions of subsection 1 do not apply to:

(1) A certificate or other paper required or allowed by law to be displayed;

(2) The label attached to a window showing the price, estimated mileage and other federally mandated information commonly known as the manufacturer's suggested retail price label;

(3) Sun-screening or window-tinting material along a 4-inch strip at the top of the windshield; or

(4) Motor vehicles for which the Chief of the State Police has granted an exception because the health of the owner or a person who usually occupies the vehicle is adversely affected by sunlight. The Chief of the State Police may, upon proper application, provide the owner of a motor vehicle with a certificate of exemption that must be displayed upon the request of a law enforcement officer.

B. The provisions of subsection 1, paragraphs C and D do not apply to side windows behind the operator's seat or the rear window of the following motor vehicles, provided that the vehicle is equipped with 2 outside rear view mirrors,

one on each side, adjusted so that the operator has a clear view of the highway behind the vehicle:

(1) A bus that transports passengers for hire;

(2) A motor vehicle used to transport human remains by a funeral establishment, as described in Title 32, section 1501, or by a medical examiner, appointed pursuant to Title 22, section 3022 or 3023; or

(3) A limousine that regularly transports passengers for hire, has a carrying capacity of more than 6 passengers and whose owner is required to obtain an operating permit pursuant to section 552.

C. The provisions of subsection 1, paragraphs C and D, do not apply to side windows behind the operator's seat or the rear window of a motor vehicle that is equipped with original installation windows or original replacement windows, originally installed or replaced in conformance with Federal Motor Vehicle Standard 205, except that any such window with a light transmittance of less than 70% may not be covered by or treated with any material that further reduces the light transmittance.

3. Light transmittance certificate. The owner or operator of a motor vehicle with tinted windows that are not replaced in accordance with Federal Motor Vehicle Safety Standard 205 or windows covered by or treated with tinting material must acquire a light transmittance certificate and must show the certificate to the inspection mechanic at the time of inspection.

A person who, for compensation, installs tinted replacement windows or window-tinting materials may issue a certificate for a motor vehicle that complies with the light transmittance standards and shall ensure compliance and issue a certificate for a vehicle on which that person has installed the tinted window or tinting material.

Upon request, the Bureau of State Police shall provide light transmittance certificates to persons who, for compensation, install tinted replacement windows or window-tinting materials. Light transmittance certificates provided by the Bureau of State Police to installers in accordance with this subsection remain the property of the State.

An installer who is adjudicated of a violation of this section or files an answer of "not contested" to a summons for a violation of this section shall return all unissued light transmittance certificates to the Bureau of State Police within 10 days of

2 adjudication or of filing the answer. The Bureau of State Police
3 may not provide that installer with light transmittance
4 certificates for a period of 6 months after the date of
5 adjudication or filing an answer of "not contested."

6 **4. Violations. A person may not:**

8 A. Install a replacement window in or window-tinting
9 material on a motor vehicle that does not meet the standards
10 of subsections 1 and 2;

12 B. Fail to issue a certificate as required by subsection 3,
13 after installing for compensation a tinted replacement
14 window or window-tinting material;

16 C. Alter the window-tinting materials after a certificate
17 has been issued pursuant to subsection 3 and then display
18 the certificate as proof that the windows meet the standards
19 of subsection 1 or 2;

20 D. Display or permit to be displayed a light transmittance
21 certificate, knowing the certificate to be fictitious or
22 issued to another motor vehicle or issued without the motor
23 vehicle meeting the standards of subsection 1 or 2;

26 E. Knowingly cause a light transmittance certificate to be
27 issued for a motor vehicle that does not meet the standards
28 of subsection 1 or 2;

30 F. Operate or cause the operation of a motor vehicle that
31 does not meet the requirements of this section; or

32 G. Fail to return all unissued light transmittance
33 certificates to the Bureau of State Police in accordance
34 with subsection 3.

36 **5. Presumption. If the operator of a motor vehicle with a**
37 **tinted replacement window or window-tinting material installed**
38 **fails to produce a certificate as required by subsection 3 on the**
39 **request of a law enforcement officer, it is presumed that the**
40 **motor vehicle does not meet the requirements of this section.**

42 **6. Penalty. A person who is adjudicated of a violation of**
43 **this section commits a traffic infraction that must be punished**
44 **by a forfeiture of not less than \$100.**

46 **7. Rules. The Chief of the State Police may adopt rules to**
47 **implement and administer this section and to collect reasonable**
48 **fees for that administration.**
49
50

§1917. Tires

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

A. "Tread depth" means the amount of tread design on the tire. "Tread depth" includes original, retread and recap tread design and, in respect to a special mileage commercial tire, recut, regrooved and siped tread design.

B. "Special mileage commercial tire" means a tire manufactured with an extra layer of rubber between the cord body and original tread design, which extra layer is designed for the purpose of recutting or regrooving, and which tire is specifically labelled as a "special mileage commercial tire."

2. Safe tires required. A motor vehicle may not be operated on a public way unless it is equipped with tires in safe operating condition. A tire mounted on a motor vehicle is not considered to be in safe operating condition unless it meets the visual and tread depth requirements set forth in subsections 3 and 4.

3. Visual requirements. A tire is not in safe operating condition if that tire has:

A. A fabric break or a cut in excess of one inch in any direction as measured on the outside of the tire and deep enough to reach the body cords;

B. A temporary repair by the use of blowout patches or boots;

C. A bump, bulge or knot related to separation or partial failure of the tire structure;

D. A portion of the ply or cord structure exposed; or

E. Sidewalls damaged to the extent that the body cords are damaged.

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

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

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

6 C. Readings for a tire that has the tread design running
8 across the tire or for a siped tire must be taken at or near
10 the center of the tire at 2 points of the circumference not
12 closer than 15 inches.

14 5. Exemptions. A farm vehicle used exclusively for
16 agricultural purposes, including, but not limited to, a
18 self-propelled combine, self-propelled corn and hay harvesting
20 machine or tractor used exclusively for agricultural purposes, is
22 exempt from this section.

24 **§1918. Regrooved tires**

26 A person commits a Class E crime if that person distributes,
28 has for sale, offers for sale, sells or uses on a motor vehicle a
30 pneumatic tire that has been regrooved below the original tread
32 depth, unless that tire was originally manufactured with extra
34 undertread material.

36 **§1919. Studded tires**

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

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

56 This section does not apply to fire department vehicles or
58 school buses during the months school is in regular session.

60 **§1920. Vehicle frame height**

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

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

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

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

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

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

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

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

24 **§1921. Television prohibited from vehicles**

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

30 **§1922. Advertisements on motor vehicles**

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

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

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

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

50

2 B. May identify the cargo in transit.

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

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

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

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

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

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

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

26 SUBCHAPTER II

28 TRUCKS

30 §1951. Name of owner or lessee displayed

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

36 §1952. Flares; emergency signals

38 1. Carry flares. A truck or truck tractor with a
40 registration for operation with gross vehicle weight in excess of
42 10,000 pounds must be equipped with 2 red flags, 3 flares and 3
red lanterns or red emergency reflectors. A vehicle transporting
inflammable liquids or gas in bulk may not carry flares.

44 2. Disabled vehicle. When a truck or truck tractor with a
46 registration for operation with gross vehicle weight in excess of
48 10,000 pounds is disabled on a public way, the operator shall,
during the time that lights are required to be illuminated, place
emergency signals as follows:

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

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

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

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

18 **§1953. Splash guards**

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

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

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

30 B. A dump truck:

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

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

40 C. A truck tractor when not hauling a trailer or
42 semitrailer;

44 D. A fire department vehicle;

46 E. A motor vehicle equipped with fenders; or

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

CHAPTER 19

OPERATION

SUBCHAPTER I

RULES OF THE ROAD

§2051. Traffic lanes

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

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

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

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

B. In preparation for a left turn; or

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

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

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

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

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

§2052. Divided highways

1. Divider defined. For purposes of this section, a "divider" means an intervening space, a physical barrier or a

2 clearly indicated dividing space dividing 2 ways and constructed
3 to impede vehicular traffic over it.

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

6
7 3. Crossing. An operator may not drive a vehicle over,
8 across or within a divider, or an opening or crossover of a
9 divider. An operator may not disobey the restrictions on
10 official signs at an opening or crossover of a divider.

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

14
15 5. Limiting use. The Department of Transportation or a
16 municipality, with respect to a way under that authority's
17 jurisdiction, may prohibit the use of a way by pedestrians,
18 bicycles or other nonmotorized traffic, motorized bicycles or
19 tricycles, or motor-driven cycles.

20
21 On limiting the use, the authority shall erect and maintain
22 official signs stating the prohibition. A person may not disobey
23 the restrictions stated on those signs.

24
25 6. Ways with speed limit of 65 miles per hour. An operator
26 driving on a limited-access way with a speed limit of 65 miles
27 per hour is restricted in ordinary operation to the right-hand
28 lane and may use adjacent lanes for overtaking and passing
29 another vehicle, but must return to the right-hand lane at the
30 earliest opportunity. This requirement does not apply to an
31 authorized emergency vehicle, or to a vehicle otherwise directed
32 by posted signs, a law enforcement officer or a highway
33 maintenance crew.

34
35 **§2053. Right-of-way**

36
37 1. Keeping right. When operators of vehicles approach each
38 other from opposite directions, each must travel to the right of
39 the center of the travel portion of the public way to allow the
40 other to pass without interference. When it is unsafe or
41 difficult to pass without interference, an operator must stop at
42 a reasonable time and convenient place, to allow the other to
43 pass.

44
45 2. Slow-moving vehicles. An operator of a vehicle moving
46 slowly shall keep the vehicle as close as practicable to the
47 right-hand boundary of the public way, and allow faster moving
48 vehicles reasonably free passage to the left.

49
50

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

6 A. At a traffic circle or rotary; or

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

10 4. Private to public intersection. An operator of a
12 vehicle entering a public way from a private way must yield the
 right-of-way to a vehicle on the public way or to a pedestrian.
14 After yielding, the operator of the vehicle must proceed
 cautiously.

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

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

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

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

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

40 A. Within a construction or maintenance area indicated by
42 official traffic control devices; or

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

46 §2054. Emergency and auxiliary lights; sirens; privileges

48 1. Definitions. As used in this section, unless the
50 context otherwise indicates, the following terms have the
 following meanings.

2 A. "Ambulance" means any vehicle designed, constructed and
4 routinely used or intended to be used for the transportation
6 of ill or injured persons and licensed by Maine Emergency
8 Medical Services pursuant to Title 32, chapter 2-B.

8 B. "Authorized emergency vehicle" means any one of the
10 following vehicles:

10 (1) An ambulance;

12 (2) A Baxter State Park Authority vehicle operated by
14 a Baxter State Park ranger;

16 (3) A Bureau of Marine Patrol vehicle operated by a
18 coastal warden;

20 (4) A Department of Conservation vehicle operated by a
22 forest ranger;

24 (5) A Department of Conservation vehicle used for
26 forest fire control;

28 (6) A Department of Corrections vehicle used for
30 responding to the escape of or performing the
32 high-security transfer of a prisoner, juvenile client
34 or juvenile detainee;

36 (7) A Department of Inland Fisheries and Wildlife
38 vehicle operated by a warden;

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

48 (9) An emergency medical service vehicle;

(10) A fire department vehicle;

(11) A hazardous material response vehicle;

(12) A railroad police vehicle;

(13) A sheriff's department vehicle;

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

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

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

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

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

18 C. "Auxiliary light" means a light, other than standard
20 equipment lighting such as headlights, taillights,
22 directional signals, brake lights, clearance lights, parking
24 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.

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

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

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

38 G. "Hazardous material response vehicle" means a vehicle
40 equipped for and used in response to reports of emergencies
42 resulting from actual or potential releases, spills or leaks
44 of, or other exposure to, hazardous substances that is
46 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.

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

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

6 2. Authorized lights. Authorized lights are governed as
follows.

8 A. Only an ambulance; an emergency medical service vehicle;
10 a fire department vehicle; a police vehicle; a Department of
12 Conservation vehicle used for forest fire control; a
14 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.

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

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

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

28 (2) A wrecker must be equipped with a flashing light
30 mounted on top of the vehicle in such a manner as to
32 emit an amber light over a 360° angle. The light must
34 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.

36 (3) A vehicle engaged in snow removal or sanding
38 operations on a public way must be equipped with and
40 display at least 2 auxiliary lights mounted on the
42 highest practical point on the vehicle and provide
44 visible light coverage over a 360° range. The lights
46 must emit an amber beam of light, be at least 6 inches
in diameter and be equipped with blinking attachments.
In lieu of the lights specified, a vehicle may be
equipped with at least one auxiliary rotating flashing
light having 4-inch sealed beams and showing amber
beams of light over a 360° range or an amber strobe, or
combination of strobes, that emits at a minimum a beam
of 1,000,000 candlepower and provides visible light
coverage over a 360° range. When the left wing of a
50 plow is in operation and extends over the center of the

road, an auxiliary light must show the extreme end of the left wing. That light may be attached to the vehicle so that the beam of light points at the left wing. The light illuminating the left wing may be controlled by a separate switch or by the regular lighting system and must be in operation at all times when the vehicle is used for plowing snow on public ways.

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

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

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

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

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

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

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

(6) A vehicle used or provided by a contract security company to assist in traffic control and direction at construction or maintenance sites on a public way may be equipped with auxiliary lights. The auxiliary lights must be amber.

D. Emergency lights used on a police vehicle; a Department of Corrections vehicle as described in subsection 1, paragraph B, subparagraph (6); a vehicle operated by a chief

2 of police, a sheriff or a deputy sheriff; and a vehicle
4 operated by a qualified deputy sheriff or other qualified
6 individual performing court security-related functions and
8 services must emit a blue light or a combination of blue and
10 white light. No other vehicle may be equipped with or
12 display a blue light, except that on any vehicle, or replica
14 of a vehicle, manufactured prior to 1952 and registered
16 under section 457, the taillight may contain a blue or
18 purple insert of not more than one inch in diameter.

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

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

42 (1) Emergency lights used on an ambulance, an
44 emergency medical service vehicle, a fire department
46 vehicle, a fire vehicle or a hazardous material
48 response vehicle must emit a red light or a combination
of red and white light.

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

(3) Members of an emergency medical service licensed
by Maine Emergency Medical Services may display and use
on a vehicle a flashing red signal light of the same
proportion, in the same location and under the same
conditions as those permitted municipal and volunteer
firefighters, when authorized by the chief official of
the emergency medical service.

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

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

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

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

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

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

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

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

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

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

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

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

10 7. Duty to drive with due regard for safety. Subsections
12 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
 all persons, nor do those subsections protect the operator from
 the consequences of the operator's reckless disregard for the
 safety of others.

16 8. Standards for lights on highway maintenance vehicles.
18 The Commissioner of Transportation, with the consent of the Chief
20 of the State Police, shall adopt standards and specifications for
22 headlights, clearance lights, identification lights and other
24 lights on highway maintenance vehicles. These standards must
26 include prescribed usage for the various lights when a highway
28 maintenance vehicle is in operation. The standards and
30 specifications adopted pursuant to this section must correspond
 to and so far as practical conform with those approved by the
 national association of state highway officials. The standards
 and specifications adopted pursuant to this section are in
 addition to and do not supersede the lighting requirements
 established in subsections 1 to 7 and sections 1904 to 1909.

32 Highway maintenance vehicles owned by a municipality or
34 performing maintenance under contract to a municipality must meet
36 the lighting requirements established in subsections 1 to 7 and
 sections 1904 to 1909. A municipality may adopt the standards
 and specifications developed in accordance with this subsection.

38 §2055. Animals on a public way

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

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

50 3. Frightened animals. When a person riding, driving or
 leading an animal that appears to be frightened signals by

2 putting up a hand or by other visible sign, an operator
3 approaching from the opposite direction must stop as soon as
4 possible and remain stationary as long as necessary and
5 reasonable to allow the animal to pass. When traveling in the
6 same direction, the operator must use reasonable caution in
7 passing an animal.

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

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

14 **§2056. Pedestrians**

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

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

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

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

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

30 A. Other than within a marked crosswalk; or

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

33 6. Pedestrian prohibitions. A pedestrian may not:

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

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

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

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

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

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

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

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

22 **§2057. Traffic-control devices**

24 An operator shall obey a traffic-control device, unless
26 otherwise directed by a law enforcement officer. A
traffic-control device conforming to the requirements for these
devices is presumed to comply with this chapter.

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

32 A. A green light:

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

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

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

48 B. A yellow light:

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

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

C. A red light:

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

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

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

(2) If a steady arrow, means the operator may not enter the intersection to make the movement indicated by that arrow; or

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

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

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

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

B. The number of pedestrians using the intersection; and

C. The complexity of the intersection.

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

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

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

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

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

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

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

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

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

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

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

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

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

50 A. Where the intersection is regulated by a traffic control
 device, at a sign or marking on the pavement indicating

where the stop is to be made or, in the absence of a sign or marking, at the device; or

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

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

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

§2058. Through ways

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

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

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

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

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

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

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

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

4 §2059. One-way road

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

10 §2060. Turning at intersections

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

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

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

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

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

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

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

§2061. Riding in trailers

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

2. Exceptions. This section does not apply to:

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

B. A trailer being utilized for farming or agricultural purposes; or

C. A trolley trailer, as defined in section 101, subsection 87, when all passengers on the trolley trailer are seated and the towing machine does not exceed 10 miles per hour.

§2062. Motorcycles

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

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

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

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

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

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

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

4. Lane use; motorcycles and mopeds. An operator of a motorcycle other than a moped may fully use a lane.

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

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

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

6 5. Passing. A motorcycle operator may not overtake or pass
8 in the lane occupied by the vehicle being overtaken, except for
passing a bicycle. This subsection does not apply to a law
enforcement officer performing an officer's duties.

10 6. Between lines. A person may not operate a motorcycle
12 between lanes of traffic or between adjacent lines or rows of
vehicles.

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

20 For the purpose of this section, "motorcycle" includes
22 "motor-driven cycle."

24 **§2063. Bicycles and toy vehicles**

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

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

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

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

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

50 A. Special regulations; and

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

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

6
7 7. Penalties. A person 17 years of age or over who
8 violates this section commits a traffic infraction with a maximum
9 fine of \$10.

10
11 8. Impoundment. The chief of police of a municipality, or
12 if there is no chief of police, the chair of the local
13 legislative body, when satisfied that a juvenile under the age of
14 17 years has ridden a bicycle in violation of this section, may
15 impound the bicycle for a period not to exceed 5 days for the
16 first offense, 10 days for a 2nd offense and 30 days for a
17 subsequent offense.

18 **§2064. No coasting on grade in neutral**

19
20 An operator, when traveling on a downgrade, may not coast
21 with the gears of the vehicle in neutral.

22
23 **§2065. Driving over fire hose**

24
25 An operator of a motor vehicle may not drive over an
26 unprotected hose of a fire department laid down on a way for a
27 fire or alarm without the consent of the police or fire
28 department official in command.

29
30 **§2066. Following too closely**

31
32 1. Prohibition. An operator of a vehicle may not follow
33 another vehicle more closely than is reasonable and prudent,
34 having due regard for the speed of the vehicles, the traffic and
35 the condition of the way.

36
37 2. Vehicles towing other vehicles. An operator of a
38 vehicle towing another vehicle, when traveling outside of a
39 business or residential district and following a vehicle towing
40 another vehicle and when conditions permit, shall leave
41 sufficient space so that an overtaking vehicle may enter the
42 space between the 2 vehicles without danger. This subsection
43 does not prohibit a motor vehicle towing another vehicle from
44 overtaking and passing another vehicle.

45
46 3. Motorcades. Motor vehicles being driven outside of a
47 business or residential district in a caravan or motorcade must
48 be operated as to allow sufficient space between vehicles so that
49 an overtaking vehicle may enter the space between vehicles
50

without danger. This subsection does not apply to funeral processions.

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

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

§2067. Lights

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

2. Dimming. When a vehicle equipped with multiple-beam road lights approaches an oncoming vehicle within 500 feet or follows a vehicle within 300 feet, the operator shall dim the headlights or switch to a low beam and shall turn off a fog or auxiliary light allowed by section 2054, subsection 2, paragraph E that exceeds 20,000 candlepower.

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

§2068. Parking

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

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

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

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

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

8
9 C. The Department of Transportation may place signs
10 prohibiting or restricting the stopping, standing or parking
11 of vehicles on a public way or within 10 feet of the
12 traveled portion of a way or on property under its
13 jurisdiction, where stopping, standing or parking is
14 dangerous to those using the way or would unduly interfere
15 with the free movement of traffic.

16 An operator may not stop, stand or park a vehicle in
17 violation of the restriction on such a sign.

18
19 D. This subsection does not apply to a vehicle that is:

20
21 (1) Disabled to the extent that it is impossible to
22 avoid stopping and temporarily leaving the vehicle; or

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

26
27 2. Brakes set. An operator may not allow a motor vehicle
28 to stand on a public way and remain unattended without
29 effectively setting its brakes.

30
31 3. Moving parked vehicle. A person may not move a vehicle
32 that is stopped, standing or parked on a public way until
33 movement can be made with reasonable safety.

34
35 4. Opening and closing doors. A person may not open the
36 door of a motor vehicle on the side of moving traffic unless
37 opening the door is reasonably safe to do and can be done without
38 interfering with the movement of traffic.

39
40 5. Open doors. A person may not leave a door of a vehicle
41 open on the side of moving traffic for a period of time longer
42 than necessary to load or unload passengers.

43
44 §2069. Authority to remove an improperly parked vehicle;
45 vehicles used in commission of a crime

46
47 1. Parked in violation. A law enforcement officer or the
48 Department of Transportation may cause the removal of a vehicle
49
50

2 or require the operator to move the vehicle from a location in
3 violation of section 2068, subsection 1 to a location where
4 parking is permitted.

6 2. Interfering with snow removal, normal traffic movement.
7 A law enforcement officer may cause the removal to a suitable
8 parking place, at the expense of the registered owner, of a
9 vehicle interfering with snow removal or the normal movement of
10 traffic or parked within the limits of a right-of-way. The
11 Department of Transportation may take the same action for a
12 vehicle standing on property under its jurisdiction.

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

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

24 5. Notification Upon removal of a vehicle in accordance
25 with this section, the notification requirements and provisions
26 for payment of towing and storage costs in chapter 15, subchapter
27 III apply.

28 **§2070. Passing another vehicle**

30
31
32 1. Passing on left. An operator of a vehicle passing
33 another vehicle proceeding in the same direction must pass to the
34 left at a safe distance and may not return to the right until
35 safely clear of the passed vehicle.

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

38
39
40 A. Shall give way to the right in favor of the passing
41 vehicle upon audible signal; and

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

44
45
46 3. Visibility. A passing vehicle may be operated to the
47 left of the way's center only when the left side is clearly
48 visible and free of oncoming traffic for a sufficient distance
49 ahead to permit overtaking to be completed without interfering
50 with the safe operation of an approaching or passed vehicle.

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

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

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

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

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

19
20
21 6. Passing on the right. An operator may pass a vehicle on
22 the right only under the following conditions:

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

25
26 B. On a way with unobstructed pavement not occupied by
27 parked vehicles and of sufficient width for 2 or more lines
28 of traffic in each direction; or

29
30 C. On a way on which traffic is restricted to one
31 direction, when the roadway is free from obstructions and of
32 sufficient width for 2 or more lines of traffic.

33
34
35 An operator may pass on the right only under conditions
36 permitting that movement in safety. An operator may not overtake
37 by driving off the pavement or main traveled portion of the way.

38 **§2071. Turning and signals**

39
40
41 1. Prohibition. An operator may not turn a vehicle or move
42 right or left on a public way unless the movement can be made
43 with reasonable safety.

44
45 2. Turn signal. An operator may not turn a vehicle without
46 giving an appropriate signal if other traffic may be affected by
47 that movement.

48
49 A turn signal must be given continuously during at least the last
50 100 feet traveled before turning.

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

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

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

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

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

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

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

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

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

34 §2072. U-turns

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

42 §2073. Authority to regulate speeds

44 1. Authority to regulate. Except as provided in section
46 2075, subsection 2 and notwithstanding section 2074, subsection
 1, the Commissioner of Transportation, with the approval of the
 Chief of the State Police, may:

48 A. Restrict the maximum rate of speed on a public way where
50 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 §2074. Rates of speed
49
50

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

6 1. Rates of speed. Except when conditions or other
8 regulations require a lower speed, the following are maximum
10 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
14 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
26 obstructed when at any time during the last 50 feet of an
28 approach to an intersection there is not a clear and
30 uninterrupted view of the intersection and of the traffic on
32 all ways entering the intersection for a distance of 200
34 feet from it;

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

28 D. Forty-five miles per hour on all other public ways
30 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
36 school. At all other times, a school bus may not exceed 55
38 miles per hour; and

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

42 2. 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
48 distance of at least 1/4 of a mile. Municipal officers may
50 designate a compact or built-up portion by appropriate signs.

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

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

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

10 **§2075. Other speed regulations**

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

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

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

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

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

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

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

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

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
notice of the speed limit.

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

16 A. Radar;

18 B. An electronic device that measures speed by
20 radiomicrowaves, laser 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 **§2076. 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
over the crossing.

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

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

3. Required stops. The operator of the following vehicles
may not cross a railroad track at a grade crossing unless the

vehicle stops between 50 feet and 15 feet from the nearest rail,
listens, looks in each direction along the tracks for an
approaching train and ascertains that no train is approaching:

A. A bus transporting passengers;

B. A motor vehicle transporting any quantity of chlorine;

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

(1) Explosives A;

(2) Explosives B;

(3) Poison gas;

(4) Flammable solid W;

(5) Radioactive;

(6) Flammable;

(7) Blasting agent;

(8) Nonflammable gas;

(9) Chlorine;

(10) Poison;

(11) Oxygen;

(12) Flammable gas;

(13) Combustible;

(14) Flammable solid;

(15) Oxydizer;

(16) Organic peroxide;

(17) Corrosive; or

(18) Dangerous;

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

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.

§2077. Working on ways

Sections 2051, 2053, 2055, 2056, 2066, 2068 and 2076 do not
apply to a person, team, motor vehicle and other equipment
actually engaged in work on the surface of a public way, but does
apply to such a person and vehicle when traveling to or from such
work.

§2078. Emergency rule

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

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

§2079. Unnecessary noise

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

§2080. Operation of all-terrain vehicles

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

§2081. Use of safety seat belts

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

2. Children under 4. When a child who is less than 4 years
of age is being transported in a motor vehicle that is required
by the United States Department of Transportation to be equipped
with safety seat belts, the operator must have the child properly
secured in accordance with the manufacturer's instructions in a
child safety seat.

3. Person between 4 and 19. When a person 4 years of age
or older, but less than 19 years of age, is a passenger in a

2 vehicle that is required by the United States Department of
4 Transportation to be equipped with seat belts, the operator must
6 have the person properly secured in a seat belt or in a child
8 safety seat. When a person who is less than 19 years of age is
10 the operator of a vehicle that is required by the United States
12 Department of Transportation to be equipped with seat belts, that
14 operator must be properly secured in a seat belt.

16 4. Enforcement. The following provisions apply to
18 subsections 2 and 3.

20 A. The requirements do not apply to a passenger over one
22 year of age when the number of passengers exceeds the
24 vehicle seating capacity and all of the seat belts are in
26 use.

28 B. A person against whom enforcement action has been taken
30 is not guilty of a subsequent violation of subsection 2
32 until 24 hours have elapsed from the date and time of the
34 first violation indicated on the Violation Summons and
36 Complaint.

38 C. A violation of this section is a traffic infraction.
40 The court shall waive the fine for a first violation of
42 subsection 2 by a parent or legal guardian if the parent or
44 legal guardian provides the court with satisfactory evidence
46 that the parent or legal guardian has acquired a child
48 safety seat for continuous use by the child within 30 days
50 of the violation.

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

§2082. Windows

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

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

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

4
6 4. Location of inspection stickers. No portion of a
sticker other than an inspection sticker may be more than 4
inches from the bottom edge of the windshield. If the inspection
8 sticker is located in the lower left hand corner of the
windshield, the other sticker must be located to the right of it.

10
12 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
14 bearing the name or service emblem of the agency authorized to
act.

16
18 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
20 view of the operator to the front or sides or interfere with the
operator's control over the driving mechanism of the vehicle.

22
24 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
26 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
28 paragraph commits a civil violation for which a forfeiture not to
exceed \$50 may be adjudged. This paragraph does not apply to law
30 enforcement officers engaged in the performance of official
duties.

32
34 §2083. Protective headgear

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

38
40 A. If under 15 years of age, a passenger on a motorcycle,
motor-driven cycle or an attached side car;

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

44
46 C. An operator of a motorcycle or motor-driven cycle,
operating under a learner's permit or within one year of
successfully completing a driving test; and

48
50 D. A passenger of an operator required to wear headgear.

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

5 3. Standard. Protective headgear must conform with minimum
6 standards of construction and performance as prescribed by the
7 American National Standards Institute specifications Z 90.1 or by
8 the Federal Motor Vehicle Safety Standard No. 218.

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

14 5. Violation. Violation of this section is a traffic
15 infraction.

16 **§2084. Bicycles**

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

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

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

24 C. Reflector strips on the pedals and handlebars.

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

28 **SUBCHAPTER II**

29 **VIOLATIONS**

30 **§2101. Permitting unlawful use**

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

35 **§2102. Unlawful use of license, instruction permit or**
36 **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. Notwithstanding this subsection, a person may photocopy a certificate of registration solely for record-keeping purposes without the written consent of the Secretary of State.

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

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

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

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

D. Obtains a driver's license through violation of subsection 1 or 2 when the person's operating privileges have been revoked pursuant to chapter 23, subchapter V or have been suspended pursuant to this Title or an order of a court; or

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

Aggravated misstatement of fact is a Class D crime.

§2104. Improper plates

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

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

§2105. Vehicle with no identification marks

A person commits a Class D crime if that person knowingly buys, sells, receives, disposes of, conceals or possesses a motor

2 vehicle, semitrailer or trailer from which the manufacturer's
3 serial number or other distinguishing number or mark has been
4 removed or altered to conceal or misrepresent the identity of the
5 vehicle.

6 **§2106. Tampering with odometer**

8 **1. Odometer.** A person is guilty of a Class D offense if
9 that person:

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

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

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

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

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

34 **§2107. Tampering with signs**

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

40 **§2108. 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
notice for construction or repairs unless permission to pass is
expressly granted by a person in charge of the work.

6 **§2109. 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
subscription, or sell merchandise or a ticket of admission to an
entertainment or public gathering.

14 **§2110. 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
passengers for hire, unless the hitchhiker is known to the driver
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
the Maine Turnpike; or

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

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

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

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

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

§2111. Air pollution control systems

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

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

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

The suspension may be appealed as provided in section 2485.

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

§2112. Drinking while operating a motor vehicle

1. Definitions. As used in this section, "alcohol" means an alcoholic, spirituous, vinous, fermented or other alcoholic beverage, or combination of liquors and mixed liquors, intended for human consumption that contains more than 1/2 of 1% of alcohol by volume.

2. Violation; penalty. A person who drinks alcohol while operating a motor vehicle on a public way commits a traffic infraction for which a forfeiture not to exceed \$500 may be adjudged.

SUBCHAPTER III

ACCIDENT AND THEFT REPORTS

§2251. Accident reports

1. Definition. As used in this section, "reportable accident" means an accident on a public way or a place where

2 public traffic may reasonably be anticipated, resulting in bodily
3 injury or death to a person or apparent property damage of \$500
4 or more.

5 2. Report required. A reportable accident must be reported
6 immediately by the quickest means of communication to a state
7 police officer, or to the nearest state police field office, or
8 to the sheriffs's office, or to a deputy sheriff, within the
9 county in which the accident occurred, or to the office of the
10 police department, or to an officer, of the municipality in which
11 the accident occurred. The accident must be reported by:

12 A. The operator of an involved vehicle;

13 B. A person acting for the operator; or

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

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

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

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

21 C. May publish statistical information on the number, cause
22 and location of accidents.

23 4. Investigation. A law enforcement officer who
24 investigates a reportable accident shall:

25 A. Interview participants and witnesses; and

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

29 Every reported accident must be promptly investigated.

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

33 5. Forty-eight-hour report. An operator of a vehicle
34 involved in a reportable accident shall, within 48 hours after
35 the accident, make a written report of the accident to the
36 Secretary of State on forms provided by the Secretary of State.

2 The Secretary of State may require supplemental reports when the
3 original report is insufficient.

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

8 The person reporting shall furnish additional relevant
9 information as the Secretary of State requires.

12 The Secretary of State may rely on the accuracy of the
13 information until there is reason to believe that the information
14 is erroneous.

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

20 A report or statement contained in the accident report, a
21 statement made or testimony taken at a hearing before the
22 Secretary of State held under section 2483, or a decision made as
23 a result of that report, statement or testimony may not be
24 admitted in evidence in any trial, civil or criminal, arising out
25 of the accident.

26 A report may be admissible in evidence solely to prove compliance
27 with this section.

30 The Chief of the State Police may disclose the date, time and
31 location of the accident and the names and addresses of
32 operators, owners, injured persons, witnesses and the
33 investigating officer. On written request, the chief may furnish
34 a photocopy of the investigating officer's report at the expense
35 of the person making the request.

36 8. Violation. A person commits a Class E crime if that
37 person:

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

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

46 9. Prima facie evidence. The absence of notice to a law
47 enforcement agency with jurisdiction where the accident occurred
48 is prima facie evidence of failure to report an accident.
49

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

12 11. Exemption. The operator of a snowmobile as defined by
14 Title 12, section 7821, or an all-terrain vehicle as defined by
16 Title 12, section 7851, unless the all-terrain vehicle is
18 registered for highway use by the Secretary of State under this
20 Title, is exempt from the reporting requirements of subsections 2
22 and 5.

24 §2252. Accidents involving death or personal injury

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

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

42 A. The operator's name and address;

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

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

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

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

60 §2253. Accidents involving vehicle damage

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

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

2 A. The operator's name and address;

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

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

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

14 **§2254. Accidents involving unattended vehicle**

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

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

26 A. The operator's name and address;

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

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

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

34 **§2255. Accidents involving property damage**

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

40 2. Provide information. The operator shall provide to the
42 property owner:

44 A. The operator's name and address;

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

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

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

4 §2256. Garage proprietor to report serious accident

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

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

16 §2257. Thefts

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

20 A. Maintain a record of stolen motor vehicles; and

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

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

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

36 SUBCHAPTER IV

38 SCHOOL BUSES

40 §2301. Definitions

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

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

48 2. Private school activity bus. "Private school activity
49 bus" means a privately owned motor vehicle with a carrying
50

2 capacity of 10 to 15 passengers that is not operated with public
3 funds and that is used by a private school to transport students
4 other than to and from home and school.

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

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

17 5. School bus. "School bus" means a motor vehicle with a
18 carrying capacity of 10 or more passengers used to transport
19 children as approved by school authorities to and from school,
20 school activities, municipally operated activities or activities
21 of a nonprofit corporation or association. It does not include a
22 private motor vehicle used to transport members of the owner's
23 household, or a private school activity bus.

24 §2302. School bus markings; lights; mirrors

25 1. Identifications. Each school bus:

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

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

28 (2) Located between the warning signal lamps as high
29 as possible without impairing front and rear visibility
30 of the lettering;

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

34 C. Must be painted national school bus glossy yellow,
35 except that the hood may be lusterless black;

36 D. Must have bumpers of glossy black unless painting is
37 impracticable through use of rubber, reflective material or
38 other devices;

2 E. Must be equipped with a system of signal lights that
4 conform to school bus requirements approved by the
6 Commissioner of Education;

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

14 G. May be equipped with a system of stop arms to be
16 operated only with the red signal lights; and

18 H. May be equipped with reflective strips of national
20 school bus yellow.

22 2. Smaller buses. A school bus with a carrying capacity of
24 20 or fewer passengers is required to comply only with the
26 requirements of subsection 1, paragraphs C, D and F.

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

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

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

§2303. School bus operator requirements

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

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

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

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