

# MAINE STATE LEGISLATURE

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## ACTIVITY SHEET

**COMMITTEE:** TRANSPORTATION

**L.D.** 1817

**TITLE:** An act To Strengthen and Clarify Maine's Motor Vehicle  
Laws

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**HEARING DATE:** April 3,07

**WORK SESSION DATES:** 5/1/07

5/22/07

**REPORTED OUT DATE:** 6/04/07

**COMMITTEE REPORT:** OTP-AM



# 123rd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2007

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Legislative Document

No. 1817

S.P. 646

April 3, 2007

### An Act To Strengthen and Clarify Maine's Motor Vehicle Laws

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Submitted by the Department of Public Safety pursuant to Joint Rule 204.  
Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator DAMON of Hancock.  
Cosponsored by Representative MARLEY of Portland and Representatives: FISHER of  
Brewer, HOGAN of Old Orchard Beach.

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

2       **Sec. 1. 29-A MRSA §1752, sub-§6**, as enacted by PL 1993, c. 683, Pt. A, §2 and  
3    affected by Pt. B, §5, is amended to read:

4       **6. Moped or motorized bicycle or tricycle.** A moped or a motorized bicycle or  
5    tricycle;

6       **Sec. 2. 29-A MRSA §1753, sub-§1**, as enacted by PL 1993, c. 683, Pt. A, §2 and  
7    affected by Pt. B, §5, is amended to read:

8       **1. Inspection required.** Except as provided in subsection 4, a commercial motor  
9    vehicle that is required to be registered in this State, is used in intrastate or interstate  
10   commerce and ~~that~~ has a gross vehicle weight or gross vehicle weight rating greater than  
11   10,000 pounds, including the gross vehicle weight rating or gross weight of any trailer or  
12   semitrailer, must be inspected annually pursuant to this chapter. Except as provided in  
13   subsection 4, a trailer or semitrailer that has a gross vehicle weight or gross vehicle  
14   weight rating greater than 7,000 pounds, independent of the towing vehicle, must be  
15   inspected annually. A trailer or semitrailer ~~used with a commercial vehicle required to be~~  
16   ~~inspected~~ must also be inspected: annually when:

17       A. Engaged in interstate commerce and used with a motor vehicle that has a gross  
18       vehicle weight or gross vehicle weight rating greater than 10,000 pounds, including  
19       the gross vehicle weight or gross vehicle weight rating of a trailer or semitrailer and  
20       load; or

21       B. Except as provided in subsection 4, engaged in intrastate commerce and used with  
22       a motor vehicle that has a gross vehicle weight or gross vehicle weight rating greater  
23       than 10,000 pounds, including the gross vehicle weight or gross vehicle weight rating  
24       of a trailer or semitrailer and load.

25       **Sec. 3. 29-A MRSA §1753, sub-§4, ¶D**, as enacted by PL 1993, c. 683, Pt. A, §2  
26    and affected by Pt. B, §5, is amended to read:

27       D. A farm truck or a fish truck exempted under section 1752; ~~and~~

28       **Sec. 4. 29-A MRSA §1753, sub-§4, ¶E**, as enacted by PL 1993, c. 683, Pt. A, §2  
29    and affected by Pt. B, §5, is amended to read:

30       E. A trailer or semitrailer displaying a valid certificate of inspection from another  
31    state or a federally approved commercial vehicle inspection program until the normal  
32    expiration of its certificate of inspection; ~~and~~

33       **Sec. 5. 29-A MRSA §1753, sub-§4, ¶F** is enacted to read:

34       F. A camp trailer.

35       **Sec. 6. 29-A MRSA §1756, sub-§5**, as enacted by PL 1993, c. 683, Pt. A, §2 and  
36    affected by Pt. B, §5, is repealed.

1       **Sec. 7. 29-A MRSA §1757**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected  
2 by Pt. B, §5, is repealed.

3       **Sec. 8. 29-A MRSA §1762, sub-§1**, as enacted by PL 1993, c. 683, Pt. A, §2 and  
4 affected by Pt. B, §5, is amended to read:

5       **1. Licensing of official inspection stations.** The Chief of the State Police may  
6 license garages as ~~part time or full time~~ official inspection stations.

7       **Sec. 9. 29-A MRSA §1762, sub-§2**, as enacted by PL 1993, c. 683, Pt. A, §2 and  
8 affected by Pt. B, §5, is repealed.

9       **Sec. 10. 29-A MRSA §1762, sub-§2-A** is enacted to read:

10       **2-A. Requirements.** To qualify as an official inspection station, a garage must  
11 comply with rules adopted by the Chief of the State Police.

12       **Sec. 11. 29-A MRSA §1762, sub-§4**, as enacted by PL 1993, c. 683, Pt. A, §2  
13 and affected by Pt. B, §5, is amended to read:

14       **4. Term of license.** The license is valid for 2 years from ~~January 1st of the year of~~  
15 ~~issue~~ the date of final license approval.

16       **Sec. 12. 29-A MRSA §1762, sub-§7**, as enacted by PL 1995, c. 65, Pt. A, §101  
17 and affected by §153 and Pt. C, §15, is amended to read:

18       **7. Hearing; appeals.** If a person is aggrieved by the decision of the Chief of the  
19 State Police in refusing approval, that person may, within 30 days of notification of  
20 refusal to license, request a hearing before the Chief of the State Police or the chief's  
21 designee. After the hearing, if an applicant is aggrieved by the final action of the chief,  
22 the applicant may appeal the decision in accordance with Title 5, Part 18.

23       **Sec. 13. 29-A MRSA §1763, first ¶**, as amended by PL 2003, c. 633, §3, is  
24 further amended to read:

25       Notwithstanding Title 5, section 10003, a State Police officer or employee of the  
26 State Police designated as a motor vehicle inspector may immediately suspend or revoke  
27 the license issued to any official inspection station or the inspection mechanic certificate  
28 issued to any inspecting mechanic for a violation of this chapter or the rules ~~promulgated~~  
29 adopted pursuant to section 1769. The penalty for a first offense is a license suspension  
30 for a period of up to 6 months. The penalty for a 2nd or subsequent offense is a license  
31 suspension for a period of up to one year or license revocation.

32       **Sec. 14. 29-A MRSA §1764, sub-§2, ¶A**, as enacted by PL 1993, c. 683, Pt. A,  
33 §2 and affected by Pt. B, §5, is repealed.

34       **Sec. 15. 29-A MRSA §1916, sub-§1, ¶C**, as enacted by PL 1993, c. 683, Pt. A,  
35 §2 and affected by Pt. B, §5, is further amended to read:

1 C. A side window or rear window is composed of, covered by or treated with a  
2 material that ~~has results in~~ a light transmittance of less than ~~50%~~ 35%; or

3 **Sec. 16. 29-A MRSA §1916, sub-§2, ¶C**, as enacted by PL 1993, c. 683, Pt. A,  
4 §2 and affected by Pt. B, §5, is repealed.

5 **Sec. 17. 29-A MRSA §1916, sub-§3**, as enacted by PL 1993, c. 683, Pt. A, §2  
6 and affected by Pt. B, §5, is further amended to read:

7 **3. Light transmittance certificate.** The owner or operator of a motor vehicle with  
8 tinted windows that are not replaced in accordance with Federal Motor Vehicle Safety  
9 Standard 205 or windows covered by or treated with tinting material must acquire a light  
10 transmittance certificate and must show the certificate to the inspection mechanic at the  
11 time of inspection.

12 The Chief of the State Police may authorize a person to examine window glazing and tint  
13 material to determine compliance with this subsection. A person ~~who, for compensation,~~  
14 ~~installs tinted replacement windows or window tinting materials~~ authorized under this  
15 subsection may issue a certificate for a motor vehicle that complies with the light  
16 transmittance standards and shall ensure compliance and issue a certificate for a vehicle  
17 on which that person has installed the tinted window or tinting material.

18 Upon request, the Bureau of State Police shall provide light transmittance certificates to  
19 ~~persons who, for compensation, install tinted replacement windows or window tinting~~  
20 ~~materials~~ a person authorized to issue a certificate under this subsection. Light  
21 transmittance certificates provided by the Bureau of State Police to installers in  
22 accordance with this subsection remain the property of the State.

23 ~~An installer~~ A person authorized to issue a certificate under this subsection who is  
24 adjudicated of a violation of this section or files an answer of "not contested" to a  
25 summons for a violation of this section shall return all unissued light transmittance  
26 certificates to the Bureau of State Police within 10 days of adjudication or of filing the  
27 answer. The Bureau of State Police may not provide that installer with light  
28 transmittance certificates for a period of 6 months after the date of adjudication or filing  
29 an answer of "not contested."

30 **Sec. 18. 29-A MRSA §1917, sub-§4, ¶B**, as enacted by PL 1993, c. 683, Pt. A,  
31 §2 and affected by Pt. B, §5, is further amended to read:

32 B. Readings must be taken in ~~2 adjacent~~ at least one major tread ~~grooves~~ groove  
33 and must include at least 2 points in each of the grooves not closer than 15 inches.

34 **Sec. 19. 29-A MRSA §1920**, as amended by PL 2005, c. 276, §2, is repealed.

35 **Sec. 20. 29-A MRSA §2054, sub-§1, ¶E-1** is enacted to read:

36 E-1. "Fire department vehicle" means a vehicle owned by, registered to and  
37 maintained by a governmental agency or political subdivision that is equipped and  
38 used primarily for response to a fire or emergency situation.



- 1 11. Create a definition for "fire department vehicle";
- 2 12. Establish a traffic infraction for failure to yield; and
- 3 13. Clarify "apparent property damage" in the definition of "reportable accident."



STATE OF MAINE  
123RD LEGISLATURE

LEGISLATIVE NOTICES

JOINT STANDING COMMITTEE ON TRANSPORTATION

Sen. Dennis S. Damon, Senate Chair  
Rep. Boyd P. Marley, House Chair

PUBLIC HEARING: Tuesday, April 3, 2007, 1:00 pm, Room 126 State House

- (L.D. 763) Bill "An Act To Allow Early Retirement for Captains in the Maine State Ferry Service" (H.P.0584) (Presented by Representative PINGREE of North Haven) (Cosponsored by Senator DAMON of Hancock, Senator SAVAGE of Knox)
- (L.D. 1154) Bill "Resolve, Directing the Department of Transportation to Expend Funds for Commerce in Casco Bay" (H.P.0847) (EMERGENCY) (Presented by Representative MARLEY of Portland)
- Postponed**
- (L.D. 1164) Bill "An Act To Sustain Island Communities" (S.P.0412) (Presented by Senator DAMON of Hancock) (Cosponsored by Senator SAVAGE of Knox, Representative PINGREE of North Haven, Representative MACDONALD of Boothbay, Representative MARLEY of Portland, Representative MAZUREK of Rockland, Representative RECTOR of Thomaston)
- (L.D. 1249) Bill "An Act To Amend the Composition of the Maine Port Authority" (S.P.0435) (Presented by Senator DAMON of Hancock) (Cosponsored by Representative MARLEY of Portland)
- (L.D. 1097) Bill "An Act Relating to Safe and Effective Use of Casco Bay Bridge" (H.P.0815) (Presented by Representative BLISS of South Portland) (Cosponsored by Senator BROMLEY of Cumberland, Senator BARTLETT II of Cumberland, Representative DILL of Cape Elizabeth, Representative EBERLE of South Portland, Representative KAENRATH of South Portland, Representative MCDONOUGH of Scarborough, Representative PENDLETON of Scarborough)
- (L.D. 1054) Bill "Resolve, Directing the Department of Transportation To Repair Underground Pipes on Main Street and Church Street in Stockton Springs BY REQUEST" (H.P.0772) (Presented by Representative WEDDELL of Frankfort)
- (L.D. 1174) Bill "Resolve, To Stabilize the Naples Waterfront" (H.P.0855) (Presented by Representative CEBRA of Naples) (Cosponsored by Senator HASTINGS III of Oxford, Senator DIAMOND of Cumberland, Senator SNOWE-MELLO of Androscoggin, Representative CRESSEY, JR. of Cornish, Representative MUSE of Fryeburg, Representative ROBINSON of Raymond, Representative SYKES of Harrison)

CONTACT PERSON:

Kathie Bilodeau  
100 State House Station  
Augusta, ME 04333-0100  
287-4148

## WORK SESSION AGENDA

### TRANSPORTATION

05/22/07

1:00 pm

Room 126 State House

- (L.D. 1817) Bill "An Act To Strengthen and Clarify Maine's Motor Vehicle Laws" (S.P.0646) (Presented by Senator DAMON of Hancock) (Cosponsored by Representative MARLEY of Portland, Representative FISHER of Brewer, Representative HOGAN, SR. of Old Orchard Beach)
- (L.D. 860) Bill "An Act To Amend Certain Laws Affecting Transportation" (S.P.0270) (Presented by Senator DAMON of Hancock) (Cosponsored by Representative MARLEY of Portland)
- (L.D. 513) Bill "An Act To Amend the Motor Vehicle Laws" (S.P.0168) (Presented by Senator DAMON of Hancock) (Cosponsored by Senator SAVAGE of Knox, Representative MARLEY of Portland, Representative CEBRA of Naples, Representative FISHER of Brewer, Representative MILLS of Farmington, Representative THOMAS of Ripley)
- (L.D. 1164) Bill "An Act To Sustain Island Communities" (S.P.0412) (Presented by Senator DAMON of Hancock) (Cosponsored by Senator SAVAGE of Knox, Representative PINGREE of North Haven, Representative MACDONALD of Boothbay, Representative MARLEY of Portland, Representative MAZUREK of Rockland, Representative RECTOR of Thomaston)

#### CONTACT PERSON:

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Kathie Bilodeau  
100 State House Station  
Augusta, ME 04333-0100  
287-4148

## Joint Standing Committee on Transportation

**Date:** April 3, 07

[illegible]



STATE OF MAINE  
Department of Public Safety  
Maine State Police  
42 State House Station  
Augusta, Maine  
04333-0042

JOHN ELIAS BALDACCI  
GOVERNOR  
ANNE H. JORDAN  
COMMISSIONER

COL. PATRICK FLEMING  
CHIEF  
LT. COL. JOHN DYER  
DEPUTY CHIEF

**Testimony of Lt. Christopher Grotton**  
**In Support of LD 1817**  
*An Act To Strengthen and Clarify Maine's Motor Vehicle Laws*

**Presented by Sen. Damon**  
**Hearing: May 01, 2007 at 1:00 pm**  
**Room 126 Statehouse**

Senator Damon, Representative Marley, and Members of the Joint Standing Committee on Transportation, my name is Lt. Chris Grotton, and I am here to represent the Department of Public Safety and the Maine State Police to testify in support of LD 1817.

**Section 1** of the bill clarifies that mopeds are exempt from annual safety inspection. These slow-speed, limited use vehicles have not been widely inspected and were not intended to be subject to annual inspection. We became aware of some confusion regarding this policy, and believe that this can be clarified by listing these as an exempt vehicle.

**Section 2** of the bill is the result of many discussions over the past four years regarding the confusion surrounding the inspection of trailers. Currently, the requirement for a trailer to be inspected hinges on whether or not the towing vehicle is considered a 'commercial vehicle', and if the towing unit, trailer and load weigh 10,000 pounds or more. This has become confusing for the industry and law enforcement, and problematic for industries that typically use heavy pickup trucks and trailers (landscapers, small construction companies, farming and agricultural businesses, etc.) In our opinion, the determination of when a trailer must be inspected should be objectively clear, and should not change when the same trailer is towed by different trucks.

This section seeks to accomplish three things;

- This clarifies when a trailer must be inspected, regardless of the vehicle used to tow it.
- Clearly establish the threshold for trailers and semi-trailers to be inspected.
- Retain Maine's compliance with Federal Motor Carrier Safety Regulations for inter- and intra-state commerce.

Sections 3, 4, and 5 clarify that camp trailers are exempt from annual inspection. Historically these trailers have not been inspected, and we believe that by adding this language it will clarify that they are exempt.

Section 6 of the bill repeals language in statute that is unnecessary and redundant with the inspection rules. We have received feedback from several people that were confused by the redundant language between statute and rule regarding inspection standards and vehicle equipment. It is our opinion that this could be clarified by retaining the broad guidelines and requirements in statute, while relying on rule to set forth the specific standards and requirements. This is the approach used in most regulatory programs, and the old language retained in current statute is inadequate to provide full guidance, thus creating confusion when the public discovers that there are additional regulations contained in rule.

Section 7 - we are requesting that this section of the bill be stricken

Section 8 of the bill eliminates old language regarding part time inspection stations.

Sections 9 and 10 eliminate the inadequate language regarding inspection station requirements. This language is not current or comprehensive, and has led to confusion about these standards. Section 10 creates a reference to the current regulations which provide full guidance to the public and the industry about these regulations.

Section 11 changes the date of license expirations to allow for a full two-year license term. This is consistent with other professional licenses, and allows a licensee to receive the full benefit of their two year license. This also allows us to avoid renewing all licenses during the same time period each year.

Section 12 clarifies that an administrative hearing to grieve agency action against licensee is heard by the designee of the Chief of the State Police, making the language consistent with current practice.

Section 13 allows us to apply discretion in establishing the period of suspension for violations of the inspection regulations. Current statute requires a six month suspension for the first violation, and a one year suspension for second and subsequent violations. Our office reviews investigations depicting violations ranging from administrative paperwork violations or subtle defects to flagrant defects that resulted in a fatal motor vehicle crash. Current Maine statute would require the same penalty regardless of the severity or specific facts of the case. It is our opinion that this wide variety of circumstances requires the flexibility to apply discretion.

Section 14 describes fleet inspection stations and sets forth the requirements for a station to become a fleet inspection station. This language is unnecessary because the full requirements for a fleet station are included in regulation.

Section 15 of the bill seeks to update statutory language related to window tint. As the Committee has heard in previous bills, the current standard is the "net 35 %" approach which is more clear for the public as well as enforcement. This concept was proposed in a previous bill, and the two bills should be reviewed to ensure consistency. If this issue is resolved through the previous bill, we would recommend that this be removed in a Committee amendment.

Section 16 of the bill removes unnecessary language. The window tint on factory tinted windows is regulated by the net 35% standard.

Section 17 of the bill clarifies the requirement that persons authorized to issue window tint certificates must be licensed by the Chief of the State Police.

**Section 18** of the bill simplifies the procedure to be followed when measuring tire tread depth. As we completed a final review of the printed bill, we realized that the language should indicate that tire tread depth *'readings must be taken in ALL major tread grooves and must include at least two points not closer than 15 inches.'* The intent of this language is to ensure that tires have at least 2/32 of an inch at all points on a tire.

**Section 19** - we are requesting that this section of the bill be stricken.

**Section 20** of the bill creates a definition of 'fire department vehicle'. This is necessary due to confusion surrounding the lights authorized to be installed and used by fire and rescue apparatus. During the 121<sup>st</sup> Legislature, the Transportation Committee authorized fire trucks and ambulances to display one blue light on the rear of the vehicle. At that time it was clearly the intent to install this blue light on pieces of apparatus, as opposed to personal vehicles. There has been some confusion due to the lack of a definition for the term 'fire department vehicle'. In speaking with members of the fire community, it is my belief that there is general agreement about the need for this clarification.

**Sections 21 and 22** of the bill were crafted to resolve an omission in statute. Several months ago we were informed by the Chief Judge that the language regarding posted yield signs was insufficient to charge a person with the violation of failing to yield at a yield sign. The statute only addresses a circumstance where a person fails to yield and collides with a pedestrian or vehicle. This does not allow law enforcement to take action in a situation such as a driver who fails to yield entering the interstate and causes a hazard or causes two other vehicles to collide. This proposed language would resolve this gap by creating a violation for failing to yield the right of way to a vehicle or pedestrian on a through way.

**Section 23** of the bill seeks to resolve an issue that was brought to our attention as a result of a criminal prosecution. Maine, like most states sets a threshold limit for a crash to be considered serious enough to require a police investigation and report. It has been widely understood that this monetary value threshold is based upon the market value of the repair. This approach is designed to establish a limit at which a person should report the crash, and to attach appropriate penalties when a person fails to properly report a vehicle crash that exceeds the 'apparent amount of damage'. In a recent court case, it was argued that if the vehicle was in fact worth less than this damage threshold, than it was not possible to reach the apparent monetary limit, and therefore no crash involving the vehicle could be reportable. Section 23 of our bill is designed to clarify that the 'apparent property damage' must be based on the market value of the repair, and may not be limited to the current value of the vehicle.

Finally, there is one additional item that we would like to bring to the Committee's attention that arose after this bill was printed. The Attorney General's office has requested that we include language to clarify that Detectives appointed by the Attorney General would be allowed to operate a motor vehicle that displays a blue light as authorized for other emergency vehicles.

Potential language as drafted by the AG's office;

**29-A MRSA § 2054 1 B (8-A) is enacted to read;**

**8-A. An Office of the Attorney General vehicle operated by an Attorney General Detective appointed pursuant to Title 5, section 202;**

On behalf of the Department of Public Safety and the Maine State Police, I urge you to carefully consider these issues as you deliberate this bill, and I would be happy to answer any questions that you might have.

**Amendment to LD 1817 - "An Act to Strengthen and Clarify Maine's Motor Vehicle Laws"**

**Drafted by Lt Chris Grotton, Department of Public Safety, Bureau of State Police**

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

**Remove Section 7 of the bill**

**Replace Section 17 of the bill with the following:**

**Sec. 17. 29-A MRSA §1916, sub-§3 as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is further amended to read:**

**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.

The Chief of the State Police may authorize a person to examine window glazing and tint material to determine compliance with this subsection. A person who, for compensation, installs tinted replacement windows or window tinting materials authorized under this subsection 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 a person authorized to issue a certificate under this subsection. 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~~ A person authorized to issue a certificate under this subsection 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 non-issued light transmittance certificates to the Bureau of State Police within 10 days of adjudication or of filing the answer. The Bureau of State Police may not provide that person ~~installer~~ with light transmittance certificates for a period of 6 months after the date of adjudication or filing an answer of "not contested."



**Replace Section 18 of the bill with the following:**

**Sec. 18. 29-A MRSA §1917, sub-§4, ¶B, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is further amended to read:**

B. Readings must be taken in ~~2 adjacent~~ at least one major tread ~~grooves~~ grooves and must include at least 2 points in each of the grooves not closer than 15 inches.

**Remove Section 19 of the bill**

**Amend the bill to add Sec. 24 as follows;**

**Sec. 24. 29-A MRSA §2054, sub-§1, ¶B 20 and 21 are enacted to read:**

(20) An Office of the Attorney General vehicle operated by an Attorney General Detective appointed pursuant to Title 5, section 202;

(21) A Department of the Secretary of State vehicle operated by a Bureau of Motor Vehicle Investigator.

**Sec. 25. 29-A MRSA §1759, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, and further amended by PL 1999, c. 41 §2 is amended to read:**

**§1759. Temporary permits and warnings**

1. Issuance. A law enforcement officer, an employee of a municipal police department designated by the chief, an employee of a sheriff's department designated by the sheriff, an employee of the Department of Public Safety ~~State~~ Police designated by the Chief of the State Police or an employee of the Bureau of Motor Vehicles designated by the Secretary of State may issue a permit allowing operation of an uninspected vehicle to an inspection station for inspection.

## OFFICE OF POLICY AND LEGAL ANALYSIS

Date: 21 May 2007  
To: Transportation Committee  
From: Jon Clark, Deputy Director

### LD 1817 An Act to Strengthen and Clarify Maine's Motor Vehicle Laws

#### SUMMARY

This bill, which was *submitted by the Department of Public Safety*, amends the motor vehicle laws in various ways:

1. (Sec. 1) Adds mopeds to the list of vehicles exempt from motor vehicle inspections;
2. (Sec. 2) Details the circumstances under which a trailer or semitrailer must be inspected: if over 7,000 lbs, independent of towing vehicle; or if the total weight of vehicle, trailer/semi-trailer and load is over 10,000 lbs (current exceptions in law preserved, e.g., trailer and load not exceed 3,000 lbs). Under current law, a trailer/semitrailer is required to be inspected if used with a commercial vehicle that is required to be inspected;
3. (Sec. 3 – 5) Specifies that camp trailers are exempt from annual inspection
4. (Sec. 6) Repeals statutory standards for seat belt inspections (leaves standards to rules);
5. (Sec. 7) Repeals a provision requiring inspection rejection for certain malfunctioning equipment (*DPS asked that this section of the bill be removed*)
6. (Sec. 8) Removes language allowing the State Police to license part-time inspection stations;
7. (Sec. 9-10) Removes statutory standards for certifying an inspection mechanic and adds a provision requiring a inspection garages to comply with rules of the Chief of the State Police;
8. (Sec. 11) Modifies when inspection station licenses expire (currently the 2-year term runs from January 1<sup>st</sup> of year of issuance; bill changes to run from date of issuance);
9. (Sec. 12) Clarifies that inspection station license appeal hearings may be conducted by a designee of the Chief of the State Police (current practice);
10. (Sec. 13) Modifies penalties with respect to violations by inspection stations or inspection mechanics; current law requires a 6 month suspension for a 1<sup>st</sup> offense and a year suspension or license revocation for a 2<sup>nd</sup> or subsequent violations; the bill allows the State Police discretion to suspend for shorter periods;
11. (Sec. 14) Repeals statutory standards for licensing fleet inspection stations (leaves standards to rules);
12. (Sec. 15) Amends the laws regarding reflective and tinted glass to provide a 35% net light transmittance for side and rear windows (*issue addressed in LD 1487 voted OTPA on 5/1/07*);<sup>1</sup>

<sup>1</sup> LD 1487 changes law as follows: A side window or rear window is composed of, covered by or treated with a material that ~~has~~ allows a light transmittance of less than ~~50%~~ 35% net of glass and material

13. (Sec. 16) Repeals language creating an exception to the window tinting requirements for original installation or original replacement windows that are in conformance with federal standards, but provides that if the light transmittance is less than 70% no further tinting is allowed (DPS indicates all tinting is adequately covered by the 35% net standard and so the language proposed to be repealed is unnecessary);
14. (Sec. 17) Provides that persons who issue certificates of compliance with respect to window tinting must be authorized to do so by the State Police (*DPS has proposed modifications to this section*);
15. (Sec. 18) Modifies the law regarding measuring tire tread depths (*DPS proposed amendment: "Readings must be taken in all major tread grooves and must include at least 2 points not closer than 15 inches"*);
16. (Sec. 19) Repeals a provision relating to vehicle frame height (*DPS asked that this section of the bill be removed*);
17. (Sec. 20) Creates a definition for "fire department vehicle" in a provision of law allowing fire department vehicles to be equipped with and display certain types of lights (blue light on rear of vehicle; alternate flashing headlights; red auxiliary or emergency lights);
18. (Sec. 21- 22) Establishes a traffic infraction for failure to yield (currently it's Class E crime if a person fails to yield *and* actually collides with vehicle or pedestrian); and
19. (Sec. 23) Clarifies "apparent property damage" in the definition of "reportable accident" so that reporting requirements are based on market value of necessary repairs and are not limited by the market value of the vehicle (which may be less than the cost of repairs).

DPS also requested an *additional provision* requested by the AG be *added to the bill* to allow detectives appointed by the AG to display a blue light as authorized for other emergency vehicles:

**Sec. X. 29-A MRSA §2054, sub§1, ¶B, sub¶ 20** is enacted to read:

20. An Office of the Attorney General vehicle operated by an Attorney General Detective appointed pursuant to Title 5, section 202.

Secretary of State is also *proposing an amendment* to allow BMV investigator's to display a blue light.

#### TESTIMONY

**Proponents:** *DPS- State Police*

- See written testimony of Lt. Grotton

**Opponents:**

None

#### NOTES:

The committee by letter dated 30 March 2007, requested that Lt. Grotton consider developing a definition of "imprudent speed" for inclusion in this bill (see attached letter); Lt Grotton has reviewed the law and at this point does not have any suggestions for improving current law.

**FISCAL IMPACT:** No net fiscal impact

DENNIS S. DAMON, DISTRICT 28, CHAIR  
 BILL DIAMOND, DISTRICT 12  
 CHRISTINE R. SAVAGE, DISTRICT 22



STATE OF MAINE

BOYD P. MARLEY, PORTLAND, CHAIR  
 CHARLES D. FISHER, BREWER  
 GEORGE W. HOGAN, SR., OLD ORCHARD BEACH  
 EDWARD J. MAZUREK, ROCKLAND  
 ANN E. PEOPLES, WESTBROOK  
 CHARLES KEN THERIAULT, MADAWASKA  
 WILLIAM P. BROWNE, VASSALBORO  
 DOUGLAS A. THOMAS, RIPLEY  
 RICHARD M. CEBRA, NAPLES  
 KIMBERLEY C. ROSEN, BUCKSPORT

KAREN NADEAU-DRILLEN, LEGISLATIVE ANALYST  
 LOCK KIERMAIER, LEGISLATIVE ANALYST (OFFPR)  
 KATHIE BILODEAU, COMMITTEE CLERK

## ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

## COMMITTEE ON TRANSPORTATION

March 30, 2007

Lieutenant Christopher Grotton  
 Maine State Police  
 Traffic Division  
 20 State House Station  
 Augusta, ME 04333

RE: LD 642 – An Act to Clarify Laws Concerning Posted Speed Limit

Dear Lieutenant Grotton,

Today, the Joint Standing Committee on Transportation voted unanimously “Ought Not to Pass” on the above referenced bill. LD 642 was a concept draft which proposed to require that speed limits be clearly posted within 100 feet of a change in speed limit. The bill also proposed to create a definition for “imprudent speed.”

We are writing to you about the latter issue – the definition of “imprudent speed.” The sponsor brought the bill forward on the behalf of a constituent, a truck driver, and it is our understanding that there may not be consistency in the use of the “imprudent speed” law by law enforcement. The Transportation Committee appreciates the sponsor’s concerns and would like the Department of Public Safety/Maine State Police to provide input on this matter. More specifically, the Committee would like a clearer definition of “imprudent speed” and request that the department provide suggested language.

Currently, the following provision in Title 29-A, section 2074 provides some guidance:

**29A § 2074. Rates of speed**

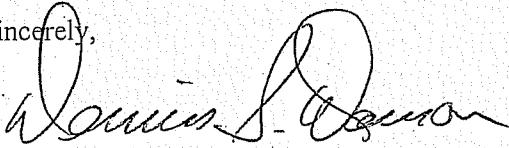
*An operator shall operate a vehicle at a careful and prudent speed not greater than is reasonable and proper having due regard to the traffic, surface and width of the way and of other conditions then existing.*

Subsections under this section go on to describe maximum speed limits for certain conditions.

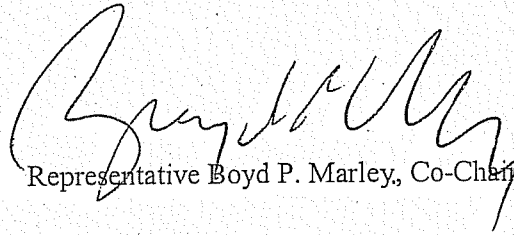
It is our understanding that Department of Public Safety submitted an omnibus bill, LR 499 – “An Act to Strengthen and Clarify Maine’s Motor Vehicle Laws” – which should become a printed legislative document in the next few days. The Transportation Committee agreed that LR 499 would be an appropriate vehicle to clarify the definition of “imprudent speed.” We respectfully request that the Department of Public Safety – Maine State Police prepare a definition of “imprudent speed” as a possible amendment to the Department’s omnibus bill.

We appreciate your continued cooperation in these policy matters.

Sincerely,



Senator Dennis S. Damon, Co-Chair



Representative Boyd P. Marley, Co-Chair

CC: Members of the Joint Standing Committee on Transportation  
Representative Stacey Allen Fitts

Committee: TRA  
Drafted by: JC  
File Name: G:\COMMITTEES\TRA\AMENDS\123rd1st\049902.doc(5/21/2007 4:41:00 PM)  
LR (item)#: 499(2)  
New Title?: N  
Add Emergency?: N  
Date: 23 May 2007

**LD 1817**  
**COMMITTEE AMENDMENT**

Amend the bill by striking Sec. 7.

Amend the bill by striking Sec. 15 *(35% net provision dealt with in LD 1487)*

Amend the bill in Sec. 17 as follows *(changes highlighted)*:

**Sec. 17. 29-A MRSA §1916, sub-§3,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is further amended to read:

**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.

The Chief of the State Police may authorize a person to examine window glazing and tint material to determine compliance with this subsection. A person who, for compensation, installs tinted replacement windows or window tinting materials authorized under this subsection 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 a person authorized to issue a certificate under this subsection. 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~~ A person authorized to issue a certificate under this subsection who is adjudicated of a violation of this section or files an answer of "not contested" to a summons for a violation of this section shall return all unissued light transmittance certificates to the Bureau of State Police within 10 days of adjudication or of filing the answer. The Bureau of State Police may not provide that ~~installer~~ person with light transmittance certificates for a period of 6 months after the date of adjudication or filing an answer of "not contested."

Amend the bill by inserting the following new section:

**Sec. X. 29-A MRSA §1759, sub§ 1** is amended to read:

**1. Issuance.** A law enforcement officer, an employee of a municipal police department designated by the chief, an employee of a sheriff's department designated by the sheriff, an employee of the State Police Department of Public Safety designated by the Chief of the State Police or an employee of the Bureau of Motor Vehicles designated by the Secretary of State may issue a permit allowing operation of an uninspected vehicle to an inspection station for inspection.

Amend the bill by replacing **Sec. 18** with the following:

**Sec. 18. 29-A MRSA §1917, sub-§4, ¶B,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is further amended to read:

B. Readings must be taken in 2 adjacent all major tread grooves and must include at least 2 points in each of the grooves not closer than 15 inches.

Amend the bill by striking **Sec. 19.**

Amend the bill by inserting after **Sec. 20** the following new sections:

**Sec. X. 29-A MRSA §2054, sub§ 9** is amended to read:

**9. Stationary ~~authorized emergency vehicles.~~** The operator of a vehicle passing a stationary authorized emergency vehicle using an emergency light or a stationary wrecker using its authorized lights, with due regard to the safety and traffic conditions, shall:

A. Pass in a lane not adjacent to that of the authorized emergency vehicle or wrecker, if possible; or

B. If passing in a nonadjacent lane is impossible or unsafe, pass the emergency vehicle or wrecker at a careful and prudent speed reasonable for passing the authorized emergency vehicle or wrecker safely.

A violation of this subsection is a traffic infraction for which a minimum fine of \$250 must be adjudged.

**Sec. X. 29-A MRSA §2054, sub-§1, ¶B 20 and 21** are enacted to read:

(20) An Office of the Attorney General vehicle operated by an Attorney General Detective appointed pursuant to Title 5, section 202; and

(21) A Department of the Secretary of State vehicle operated by a Bureau of Motor Vehicle Investigator.

Amend the bill to make the sections read consecutively.

**SUMMARY**

This amendment:

1. Removes the provision of the bill that would have repealed a law requiring inspection rejection for certain malfunctioning equipment;
2. Removes the provision of the bill establishing a 35% net light transmittance standard for side and rear windows. This provision has been addressed in other legislation;
3. Clarifies language in the provision of the bill relating to the persons authorized by the Chief of the State Police to examine window glazing and tint material for compliance with laws governing light transmittance;
4. Replaces the provision of the bill relating to readings for tire tread wear. The bill required readings to be taken in at least one major tread groove; the amendment requires the readings to be in all major tread grooves;
5. Removes the provision of the bill relating to vehicle frame height;
6. Clarifies that the Chief of State Police may designate employees of the Department of Public Safety who may not be employees of the State Police to issue permits allowing operation of an un-inspected vehicle to in inspection station for inspection;
7. Adds stationary wreckers using authorized lights to the law requiring motorists to use caution when passing stationary emergency vehicles; and
8. Adds provisions allowing an Attorney General Detective or a Bureau of Motor Vehicle Investigator to use a blue light.



11-8.  
COPY

L.D. 1817

1  
2 Date:

(Filing No. S- )

3 **TRANSPORTATION**

4 Reproduced and distributed under the direction of the Secretary of the Senate.

5 **STATE OF MAINE**

6 **SENATE**

7 **123RD LEGISLATURE**

8 **FIRST REGULAR SESSION**

9 COMMITTEE AMENDMENT " " to S.P. 646, L.D. 1817, Bill, "An Act To  
10 Strengthen and Clarify Maine's Motor Vehicle Laws"

11 Amend the bill by striking out all of section 7 and inserting the following:

12 'Sec. 7. 29-A MRSA §1759, sub-§1, as amended by PL 1999, c. 41, §2, is further  
13 amended to read:

14 1. **Issuance.** A law enforcement officer, an employee of a municipal police  
15 department designated by the chief, an employee of a sheriff's department designated by  
16 the sheriff, an employee of the State Police Department of Public Safety designated by  
17 the Chief of the State Police or an employee of the Bureau of Motor Vehicles designated  
18 by the Secretary of State may issue a permit allowing operation of an uninspected vehicle  
19 to an inspection station for inspection.'

20 Amend the bill by striking out all of section 15.

21 Amend the bill by striking out all of sections 17, 18 and 19 and inserting the  
22 following:

23 'Sec. 17. 29-A MRSA §1916, sub-§3, as enacted by PL 1993, c. 683, Pt. A, §2  
24 and affected by Pt. B, §5, is amended to read:

25 3. **Light transmittance certificate.** The owner or operator of a motor vehicle with  
26 tinted windows that are not replaced in accordance with Federal Motor Vehicle Safety  
27 Standard 205 or windows covered by or treated with tinting material must acquire a light  
28 transmittance certificate and must show the certificate to the inspection mechanic at the  
29 time of inspection.

30 The Chief of the State Police may authorize a person to examine window glazing and tint  
31 material to determine compliance with this subsection. A person who, for compensation,  
32 ~~installs tinted replacement windows or window tinting materials~~ authorized under this  
33 subsection may issue a certificate for a motor vehicle that complies with the light

1 transmittance standards ~~and shall ensure compliance and issue a certificate for a vehicle~~  
2 ~~on which that person has installed the tinted window or tinting material.~~

3 Upon request, the Bureau of State Police shall provide light transmittance certificates to  
4 ~~persons who, for compensation, install tinted replacement windows or window tinting~~  
5 ~~materials~~ a person authorized to issue a certificate under this subsection. Light  
6 transmittance certificates provided by the Bureau of State Police ~~to installers~~ in  
7 accordance with this subsection remain the property of the State.

8 ~~An installer~~ A person authorized to issue a certificate under this subsection who is  
9 adjudicated of a violation of this section or files an answer of "not contested" to a  
10 summons for a violation of this section shall return all unissued light transmittance  
11 certificates to the Bureau of State Police within 10 days of adjudication or of filing the  
12 answer. The Bureau of State Police may not provide that ~~installer~~ person with light  
13 transmittance certificates for a period of 6 months after the date of adjudication or filing  
14 an answer of "not contested."

15 **Sec. 18. 29-A MRSA §1917, sub-§4, ¶B,** as enacted by PL 1993, c. 683, Pt. A,  
16 §2 and affected by Pt. B, §5, is amended to read:

17 B. Readings must be taken in ~~2 adjacent~~ all major tread grooves and must include at  
18 least 2 points in each of the grooves not closer than 15 inches.

19 **Sec. 19. 29-A MRSA §2054, sub-§1, ¶B,** as amended by PL 2005, c. 14, §1, is  
20 further amended to read:

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

22 (1) An ambulance;

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

25 (3) A Bureau of Marine Patrol vehicle operated by a coastal warden;

26 (4) A Department of Conservation vehicle operated by a forest ranger;

27 (5) A Department of Conservation vehicle used for forest fire control;

28 (6) A Department of Corrections vehicle used for responding to the escape of or  
29 performing the high-security transfer of a prisoner, juvenile client or juvenile  
30 detainee;

31 (7) A Department of Inland Fisheries and Wildlife vehicle operated by a  
32 warden;

33 (8) A Department of Public Safety vehicle operated by a capital security officer  
34 appointed pursuant to Title 25, section 2908, a state fire investigator or a Maine  
35 Drug Enforcement Agency officer;

36 (9) An emergency medical service vehicle;

37 (10) A fire department vehicle;

(11) A hazardous material response vehicle, including a vehicle designed to respond to a weapon of mass destruction;

(12) A railroad police vehicle;

(13) A sheriff's department vehicle;

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

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

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

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

(18) A Federal Government vehicle operated by a federal law enforcement officer; and

(19) A vehicle operated by a municipal rescue chief, deputy chief or assistant chief;

(20) An Office of the Attorney General vehicle operated by a detective appointed pursuant to Title 5, section 202; and

(21) A Department of the Secretary of State vehicle operated by a motor vehicle investigator.'

Amend the bill by inserting after section 20 the following:

'Sec. 21. 29-A MRSA §2054, sub-§9, as amended by PL 2003, c. 97, §1, is further amended to read:

**9. Stationary vehicles.** The operator of a vehicle passing a stationary authorized emergency vehicle using an emergency light or a stationary wrecker using its authorized lights, with due regard to the safety and traffic conditions, shall:

A. Pass in a lane not adjacent to that of the authorized emergency vehicle or wrecker, if possible; or

B. If passing in a nonadjacent lane is impossible or unsafe, pass the emergency vehicle or wrecker at a careful and prudent speed reasonable for passing the authorized emergency vehicle or wrecker safely.

A violation of this subsection is a traffic infraction for which a minimum fine of \$250 must be adjudged.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

**SUMMARY**

This amendment:

1. Removes the provision of the bill that would have repealed a law requiring inspection rejection for certain malfunctioning equipment;
2. Removes the provision of the bill establishing a 35% net light transmittance standard for side and rear windows. This provision has been addressed in other legislation;
3. Clarifies language in the provision of the bill relating to the persons authorized by the Chief of the State Police to examine window glazing and tint material for compliance with laws governing light transmittance;
4. Replaces the provision of the bill relating to readings for tire tread wear. The bill required readings to be taken in at least one major tread groove; the amendment requires the readings to be in all major tread grooves;
5. Removes the provision of the bill repealing the provision of law dealing with vehicle frame height;
6. Clarifies that the Chief of State Police may designate employees of the Department of Public Safety who may not be employees of the State Police to issue permits allowing operation of an uninspected vehicle to an inspection station for an inspection;
7. Adds stationary wreckers using authorized lights to the law requiring motorists to use caution when passing stationary emergency vehicles; and
8. Adds provisions allowing a detective employed by the Attorney General or motor vehicle investigator to use emergency lights.

**FISCAL NOTE REQUIRED**

(See attached)



Approved: 04/26/07 *MAC*

# 123rd MAINE LEGISLATURE

LD 1817

LR 499(01)

## An Act To Strengthen and Clarify Maine's Motor Vehicle Laws

**Fiscal Note for Original Bill**  
**Sponsor: Sen. Damon of Hancock**  
**Committee: Transportation**  
**Fiscal Note Required: No**

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### Fiscal Note

No net fiscal impact

### Correctional and Judicial Impact Statements

This bill establishes and eliminates certain traffic infractions.



Approved: 05/30/07 *MAC*

# 123rd MAINE LEGISLATURE

LD 1817

LR 499(02)

**An Act To Strengthen and Clarify Maine's Motor Vehicle Laws**

**Fiscal Note for Bill as Amended by Committee Amendment " "**

**Committee: Transportation**

**Fiscal Note Required: Yes**

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## Fiscal Note

No net fiscal impact

## Correctional and Judicial Impact Statements

This bill establishes and eliminates certain traffic infractions.



Approved: 06/10/07 *MRC*

# 123rd MAINE LEGISLATURE

LD 1817

LR 499(03)

**An Act To Strengthen and Clarify Maine's Motor Vehicle Laws**

**Fiscal Note for Bill as Engrossed with:**

**C "A" (S-200)**

**Committee: Transportation**

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## **Fiscal Note**

No net fiscal impact

## **Correctional and Judicial Impact Statements**

This bill establishes and eliminates certain traffic infractions.

# Committee Voting Tally Sheet

LD'S

LD #: 1817

Committee: Joint Standing Committee on Transportation

Date: May 22, 07

Motion: OTPA

Motion by: Rep. Peoples

Seconded by: Rep. Cebra

| Those Voting<br>in Favor of the<br>Motion | Recommendation of those opposed to the<br>Motion |     |        |           |          | Absent | Abstain |
|-------------------------------------------|--------------------------------------------------|-----|--------|-----------|----------|--------|---------|
|                                           | ONTP                                             | OTP | OTP-AM | New Draft | Re-Refer |        |         |

## Senators

|                           |                  |  |  |  |  |  |  |
|---------------------------|------------------|--|--|--|--|--|--|
| Sen. Dennis Damon (chair) | X <del>DPD</del> |  |  |  |  |  |  |
| Sen. William Diamond      | X                |  |  |  |  |  |  |
| Sen. Christine Savage     | X                |  |  |  |  |  |  |

## Representatives

|                          |    |  |  |  |  |  |  |
|--------------------------|----|--|--|--|--|--|--|
| Rep. Boyd Marley (chair) | X  |  |  |  |  |  |  |
| Rep. William Browne      | X  |  |  |  |  |  |  |
| Rep. Charles Fisher      | X  |  |  |  |  |  |  |
| Rep. Edward Mazurek      | X  |  |  |  |  |  |  |
| Rep. George Hogan        | X  |  |  |  |  |  |  |
| Rep. Douglas Thomas      | X  |  |  |  |  |  |  |
| Rep. Richard Cebra       | X  |  |  |  |  |  |  |
| Rep. Kimberly Rosen      | X  |  |  |  |  |  |  |
| Rep. Charles Theriault   | X  |  |  |  |  |  |  |
| Rep. Ann Peoples         | X  |  |  |  |  |  |  |
| TOTALS                   | 13 |  |  |  |  |  |  |



# SENATE REPORT

## THE COMMITTEE ON Transportation

to which was referred the following:

An Act To Strengthen and Clarify Maine's Motor Vehicle Laws

S.P. 646

L.D. 1817

has had the same under consideration, and asks leave to report that the same  
OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT “ “

  
(Signature) SEN. DAMON

of Hancock  
For the Committee

(Type)  
Rep. of (Town) and/or Sen. of (County)

(Signatures)

# SENATE REPORT

Printed on recycled paper