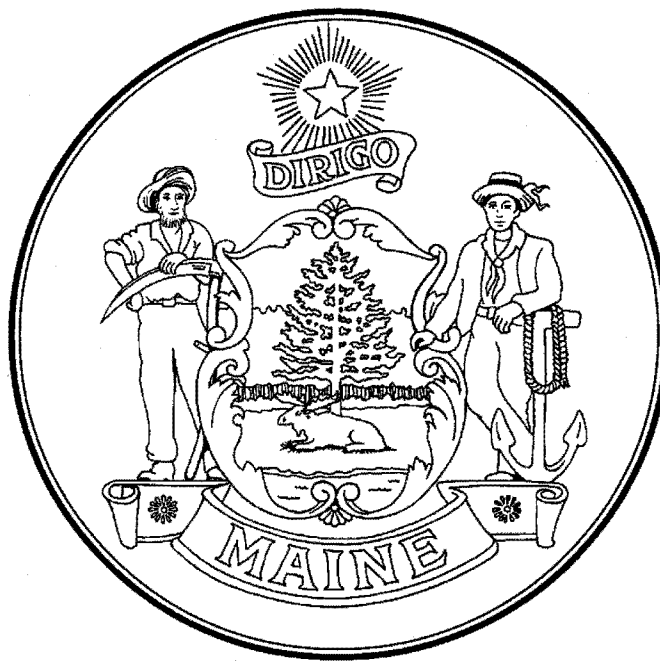


# MAINE STATE LEGISLATURE

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**128th Maine State Legislature  
Committee Activity**

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Committee: Transportation

LD: 1577

Title: An Act To Amend the Motor Vehicle Laws

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Public Hearing(s): 05/09/17 1:05 PM

Work Session(s): 05/16/17 1:15 PM

Reported Out: 05/26/2017

Committee Report(s): OTP-AM

Committee History: 5/16/2017 3:44:56 PM Work Session Held

5/16/2017 3:45:03 PM Voted

5/23/2017 7:58:46 AM Work Session Reconsidered

5/23/2017 7:58:59 AM Voted



# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 1577

H.P. 1084

House of Representatives, May 4, 2017

### An Act To Amend the Motor Vehicle Laws

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Submitted by the Secretary of State pursuant to Joint Rule 204.  
Reference to the Committee on Transportation suggested and ordered printed.

*R. B. Hunt*

ROBERT B. HUNT  
Clerk

Presented by Representative McLEAN of Gorham.  
Cosponsored by Senator COLLINS of York and  
Representatives: BRYANT of Windham, CEBRA of Naples, GILLWAY of Searsport,  
PARRY of Arundel, PERKINS of Oakland, SCHNECK of Bangor, Senators: MIRAMANT of  
Knox, ROSEN of Hancock.

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

2       **Sec. 1. 5 MRSA §17716**, as amended by PL 2007, c. 491, §135, is further  
3 amended to read:

4       **§17716. Motor vehicle detectives**

5       A motor vehicle ~~investigator~~ detective, senior motor vehicle ~~investigator~~ detective,  
6 principal motor vehicle ~~investigator~~ detective or chief motor vehicle ~~investigator~~  
7 detective who elects the retirement option provided in section 17851, subsection 14 shall  
8 contribute to the State Employee and Teacher Retirement Program or have pick-up  
9 contributions made by the employer as provided in section 17852, subsection 15.

10       **Sec. 2. 5 MRSA §17851, sub-§14**, as enacted by PL 1997, c. 402, §2, is amended  
11 to read:

12       **14. Motor vehicle detectives; option.** A motor vehicle ~~investigator~~ detective, senior  
13 motor vehicle ~~investigator~~ detective, principal motor vehicle ~~investigator~~ detective or  
14 chief motor vehicle ~~investigator~~ detective qualifies for a service retirement benefit upon  
15 reaching 55 years of age after completing at least 25 years of creditable service in that  
16 capacity if notice of election of the option and payment of employee contributions and  
17 actuarial costs are made as provided in section 17852, subsection 15.

18       **Sec. 3. 5 MRSA §17852, sub-§15**, as amended by PL 2007, c. 491, §§171, 172,  
19 is further amended to read:

20       **15. Motor vehicle investigators and motor vehicle detectives; option.** The  
21 retirement benefit of a person who qualifies under section 17851, subsection 14 and who  
22 retires upon or after reaching 55 years of age is computed in accordance with subsection  
23 1 if:

24       A. The person was first employed as a motor vehicle investigator or a motor vehicle  
25 detective on or after October 1, 1997, elects the option provided in section 17851,  
26 subsection 14 and pays to the State Employee and Teacher Retirement Program an  
27 increased employee payroll contribution in an amount that equals the full actuarial  
28 cost of electing that option; or

29       B. The person was first employed as a motor vehicle investigator before October 1,  
30 1997, elects the option provided in section 17851, subsection 14 and pays to the State  
31 Employee and Teacher Retirement Program a single payment or periodic payments of  
32 a lump sum or a combination of single and periodic payments of that amount that  
33 equals the full actuarial cost of electing that option for service before that date.

34       A person who requests calculation of the full actuarial cost, regardless of whether the  
35 person elects the option, must pay to the retirement system by a single lump sum payment  
36 the reasonable administrative costs of determining the full actuarial costs. Payment of the  
37 full actuarial cost related to service on or after October 1, 1997 is made as part of the  
38 employee payroll contribution.

1 For the purposes of this subsection, "full actuarial cost" means that the person's payment  
2 or payments must fully offset any unfunded liability that would or does result from  
3 retirement under the option provided in section 17851, subsection 14 and must fully fund  
4 the cost of the person's retirement prior to normal retirement age so that an additional  
5 employer contribution is not required.

6 A person who makes the election provided in section 17851, subsection 14 at any time  
7 after the date on which the person is first employed as a motor vehicle investigator or a  
8 motor vehicle detective must include interest, at a rate to be set by the board not to exceed  
9 regular interest by 5 or more percentage points, applied as of the date on which the person  
10 was first employed in that capacity to the contributions the person would have paid or had  
11 picked up by the employer had the person elected that option at the date of first  
12 employment.

13 This subsection takes effect October 1, 1997. Election to retire under this subsection is a  
14 one-time irrevocable election. A person who was first employed as a motor vehicle  
15 investigator or a motor vehicle detective on or after October 1, 1997 must make the  
16 election no later than 90 days after the date of first employment. A person who was first  
17 employed in that capacity before October 1, 1997 must make the election no later than  
18 January 1, 1998.

19 **Sec. 4. 5 MRSA §17852, sub-§16**, as enacted by PL 1997, c. 401, §3, is further  
20 amended to read:

21 **16. Motor vehicle detectives exercising option; retirement before 55 years of**  
22 **age.** For a person exercising the option provided in section 17851, subsection 14 who  
23 makes the payments required in subsection 15 and who retires before reaching 55 years of  
24 age, the retirement benefit is determined as follows.

25 A. For members with 10 years of creditable service on July 1, 1993, the retirement  
26 benefit is determined in accordance with subsection 1, except that:

27 (1) The amount arrived at under subsection 1 is reduced by applying to that  
28 amount the percentage that a life annuity due at 55 years of age bears to the life  
29 annuity due at the age of retirement; and

30 (2) For the purpose of making the computation under subparagraph (1), the  
31 board-approved tables of annuities in effect at the date of the member's retirement  
32 are used.

33 For the purpose of calculating creditable service under this subsection only,  
34 "creditable service" includes time during which a member participated in the  
35 voluntary cost-savings plan or the voluntary employee incentive program; authorized  
36 by Public Law 1989, chapter 702, Part F, section 6 and Public Law 1991, chapter  
37 591, Part BB and chapter 780, Part VV; 10 years of combined creditable service  
38 under this Part and Title 3, chapter 29; or creditable service available to a member  
39 that the member was eligible to purchase on June 30, 1993 and that the member does  
40 purchase in accordance with rules adopted by the board.

41 B. For members who do not have 10 years of creditable service on July 1, 1993, the  
42 retirement benefit is determined in accordance with subsection 1, except that the  
43 benefit is reduced by 6% for each year that the person's age precedes 55 years of age.

1       **Sec. 5. 20-A MRSA §12552, sub-§2**, as amended by PL 2009, c. 421, §1, is  
2 further amended to read:

3       **2. Law enforcement officer.** "Law enforcement officer" means an active state  
4 police officer, municipal police officer, county sheriff or deputy sheriff in this State.  
5 "Law enforcement officer" also means an active game warden, fire marshal, forest ranger,  
6 Baxter State Park ranger, detective employed by the Office of the Attorney General  
7 pursuant to Title 5, section 202, person employed by the Department of Corrections as an  
8 investigative officer as defined in Title 34-A, section 1001, subsection 10-A, juvenile  
9 community corrections officer as described in Title 34-A, section 5602, probation officer,  
10 security officer appointed by the Commissioner of Public Safety pursuant to Title 25,  
11 section 2908, motor vehicle ~~investigator~~ detective or supervisor appointed by the  
12 Secretary of State pursuant to Title 29-A, section 152, military security police officer  
13 appointed by the Adjutant General, University of Maine System police officer or marine  
14 patrol officer, if employed on a full-time basis in that position in this State.

15       **Sec. 6. 25 MRSA §1611, sub-§5**, as amended by PL 2013, c. 147, §2, is further  
16 amended to read:

17       **5. Law enforcement officer or officer.** "Law enforcement officer" or "officer"  
18 means an active state police officer, municipal police officer, county sheriff, deputy  
19 sheriff, game warden, an employee of the Office of the State Fire Marshal who has law  
20 enforcement powers pursuant to section 2396, subsection 7, fire marshal, judicial  
21 marshal, forest ranger, Baxter State Park ranger, a detective employed by the Office of  
22 the Attorney General pursuant to Title 5, section 202, a person employed by the  
23 Department of Corrections as an investigative officer as defined in Title 34-A, section  
24 1001, subsection 10-A, a juvenile community corrections officer as described in Title  
25 34-A, section 5602, a probation officer, a security officer appointed by the Commissioner  
26 of Public Safety pursuant to section 2908, a motor vehicle ~~investigator~~ detective or  
27 supervisor appointed by the Secretary of State pursuant to Title 29-A, section 152, a  
28 military security police officer appointed by the Adjutant General, a University of Maine  
29 System police officer or marine patrol officer in this State.

30       **Sec. 7. 29-A MRSA §101, sub-§80-A** is enacted to read:

31       **80-A. Tow-away transporter combination.** "Tow-away transporter combination"  
32 means a combination of vehicles, with a combined gross weight not exceeding 26,000  
33 pounds, consisting of a truck or truck and tractor and 2 trailers or semitrailers, which do  
34 not carry property and constitute inventory property of a manufacturer, distributor or  
35 dealer of such trailers or semitrailers.

36       **Sec. 8. 29-A MRSA §152, sub-§2**, as amended by PL 2007, c. 12, §1, is further  
37 amended to read:

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

1 A motor vehicle ~~investigator~~ detective has the powers and duty to enforce all provisions  
2 of this Title and Title 17-A and all the laws of the State with the same powers that a  
3 sheriff has in a county. A motor vehicle ~~investigator~~ detective is at all times subject to all  
4 other investigatory duties assigned by the Secretary of State.

5 **Sec. 9. 29-A MRSA §201, sub-§1**, as enacted by PL 1993, c. 683, Pt. A, §2 and  
6 affected by Pt. B, §5, is amended to read:

7 **1. Appointment of agents by Secretary of State; scope of authority.** With the  
8 approval of the municipal officers, the Secretary of State may appoint a municipal tax  
9 collector, or other persons designated by a municipality, to collect excise taxes on  
10 vehicles and to receive applications for ~~licenses~~, noncommercial driver's license renewals;  
11 and duplicates, nondriver identification card renewals and duplicates and new  
12 registrations and renewals of registrations of motor vehicles, trailers and semitrailers.  
13 The Secretary of State may authorize a municipal agent to issue ~~licenses, registrations and~~  
14 renewals and duplicates of noncommercial driver's licenses and, nondriver identification  
15 cards, new registrations and renewals of registrations or may limit the agent's authority to  
16 the issuance of renewals only.

17 **Sec. 10. 29-A MRSA §201, sub-§3**, as amended by PL 2005, c. 573, §2, is  
18 further amended to read:

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

22 A. A municipal agent may charge an applicant a fee not to exceed \$3 over the  
23 required fee for each renewal of a noncommercial driver's license or nondriver  
24 identification card or registration issued and a fee not to exceed \$4 over the required  
25 fee for each new ~~license or~~ registration issued.

26 B. In a municipality in which agents are authorized to issue ~~licenses~~, registrations or  
27 renewals of noncommercial driver's licenses, nondriver identification cards or  
28 registrations for applicants from another municipality or from an unorganized  
29 territory, the agent may charge those applicants \$1 in addition to the fees authorized  
30 by this subsection for each ~~license~~, registration or renewal.

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

33 D. A municipal agent authorized to process permits and decals for vehicles with  
34 gross vehicle weight in excess of 6,000 may charge a fee not to exceed \$1 over the  
35 required fee for each permit or decal issued.

36 E. A municipal agent may charge a fee not to exceed \$1 over the required fee for the  
37 issuance of a duplicate registration, duplicate noncommercial driver's license or  
38 duplicate nondriver identification card.

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

1 G. A municipal agent may charge an applicant a fee not to exceed \$1 over the  
2 required fee when an applicant is requesting issuance of a set of plates designated as  
3 specialty plates by the Secretary of State to replace previously issued plates.

4 H. The Secretary of State may authorize municipal agents to charge a fee not to  
5 exceed \$1 over the required fee for other transactions that the municipal agent carries  
6 out on behalf of the Secretary of State and that are not listed in this subsection.

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

8 **Sec. 11. 29-A MRSA §256**, as enacted by PL 1995, c. 645, Pt. B, §6 and affected  
9 by §24, is amended to read:

10 **§256. Federal Driver's Privacy Protection Act of 1994**

11 The Secretary of State shall ~~comply with~~ adopt routine technical rules to implement  
12 the provisions of Title 18, United States Code, Chapter 123 in disclosing records.

13 **Sec. 12. 29-A MRSA §525, sub-§6, ¶B**, as amended by PL 1995, c. 482, Pt. B,  
14 §13 and affected by §22, is further amended to read:

15 B. A cab card must be carried in the vehicle at all times. For the purposes of this  
16 paragraph, "cab card" means identification issued or approved by the Secretary of  
17 State that contains the legal name and address of the person who has established a  
18 fuel use reporting account for the vehicle. With the approval of the Secretary of  
19 State, the cab card may be carried and presented in an electronic format.

20 **Sec. 13. 29-A MRSA §525, sub-§9-A**, as repealed and replaced by PL 2003, c.  
21 688, Pt. A, §32 and affected by §33, is amended to read:

22 **9-A. Violation.** The following penalties apply to violations of this section.

23 A. Except as provided in paragraph B, a person who violates this section commits a  
24 ~~Class E crime~~ traffic infraction.

25 B. A person who displays or causes or permits to be displayed a false decal or permit  
26 or a decal or permit issued to another person commits a ~~Class D E~~ crime.

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

31 The court shall impose a fine of at least \$250, which may not be suspended.

32 ~~Violation of this section is a strict liability crime as defined in Title 17-A, section 34,~~  
33 ~~subsection 4-A.~~

34 **Sec. 14. 29-A MRSA §525, sub-§10**, as amended by PL 2009, c. 213, Pt.  
35 YYYY, §1, is further amended to read:

36 **10. Suspension.** If a person fails to file a fuel tax report or to pay any taxes, interest,  
37 penalties or audit assessment as required pursuant to Title 36, chapter 459 or any rule



1 adopted pursuant to this section, the Secretary of State shall suspend the person's fuel tax  
2 license, all fuel decals issued to the person and that person's privilege to operate as a  
3 motor carrier. The operation of a vehicle after suspension under this section is a traffic  
4 infraction. A suspension or revocation issued by another jurisdiction pursuant to the  
5 International Fuel Tax Agreement is a suspension in this State. In order to be reinstated,  
6 the person must file all delinquent tax returns and pay all assessments, interest and  
7 penalties. In addition, the person must pay a \$50 reinstatement fee pursuant to section  
8 2486, subsection 1.

9 **Sec. 15. 29-A MRSA §525, sub-§15** is enacted to read:

10 **15. Pilot projects.** Notwithstanding any provision of this section, the Secretary of  
11 State, in consultation with the State Tax Assessor and the Commissioner of Public Safety,  
12 may participate in a pilot project relative to the distribution and display of International  
13 Fuel Tax Agreement credentials and may modify or waive requirements for the display of  
14 fuel decals for approved licensees.

15 **Sec. 16. 29-A MRSA §654, sub-§2,** as amended by PL 2011, c. 356, §16, is  
16 further amended to read:

17 **2. Purchased from the dealer.** If the application is for a vehicle purchased from a  
18 dealer, in addition to the requirement set forth in subsection 1, the application must be  
19 signed by the dealer and must contain the name and the address of any lienholder or  
20 assignee holding an interest created or reserved at the time of sale and the date of the lien.  
21 The dealer shall, within 30 days after the sale, deliver the application to the Secretary of  
22 State. The dealer must deliver a copy of the application to the lienholder.

23 ~~Violation of this subsection is a traffic infraction for which a fine of not less than \$100~~  
24 ~~and not more than \$500 may be adjudged for each infraction.~~

25 A. Violation of this subsection is a traffic infraction when the application is delivered  
26 to the Secretary of State more than 30 days but less than 90 days after the date of sale.

27 B. Violation of this subsection is a Class E crime when the application has not been  
28 delivered to the Secretary of State 90 days or more after the date of sale.

29 **Sec. 17. 29-A MRSA §664-A, sub-§1,** as amended by PL 2009, c. 598, §29, is  
30 further amended to read:

31 **1. Vehicle sold by dealer.** A vehicle that is offered for sale or sold by a dealer must  
32 be accompanied by a properly assigned and valid certificate of title or certificate of  
33 salvage ~~at the time of its sale~~. A dealer may retain and process certificates of title and  
34 certificates of salvage at the dealer's primary facility if in the case when the dealer  
35 displays a vehicle at an annex facility the dealer maintains a copy of the certificate of title  
36 or certificate of salvage at the annex facility.

37 **Sec. 18. 29-A MRSA §754, sub-§1,** as enacted by PL 1993, c. 683, Pt. A, §2 and  
38 affected by Pt. B, §5, is amended to read:

1           **1. Examination of identification numbers.** A State Police officer or a motor  
2 vehicle ~~investigator~~ detective may examine the vehicle identification numbers of a  
3 vehicle or vehicle part. Failure to allow the examination is a Class E crime.

4           **Sec. 19. 29-A MRSA §901, sub-§4,** as enacted by PL 1993, c. 683, Pt. A, §2 and  
5 affected by Pt. B, §5, is amended to read:

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

9           A. For 0 to 50 sales, ~~\$5,000~~ \$25,000;

10          B. For 51 to 100 sales, ~~\$10,000~~ \$50,000;

11          C. For 101 to 150 sales, ~~\$15,000~~ \$75,000; or

12          D. For 151 ~~to 200~~ sales and over, ~~\$20,000; or~~ \$100,000.

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

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

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

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

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

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

23           **Sec. 20. 29-A MRSA §1002, sub-§8, ¶B,** as enacted by PL 2003, c. 652, Pt. B,  
24 §5 and affected by §8, is amended to read:

25           B. A dealer must obtain a written permit from the Secretary of State to operate a  
26 vehicle or combination of vehicles carrying a load. The permit must be issued in  
27 accordance with the following provisions.

28           (1) The operation of the vehicle or combination of vehicles and load must be in  
29 conjunction with the sale or purchase of a motor vehicle, vehicle or equipment by  
30 the dealer.

31           (2) The load must consist of a motor vehicle, trailer or equipment that the dealer  
32 is licensed to sell.

33           (3) The load may not consist of more than one automobile, truck or truck tractor  
34 at any time.

35           (4) The initial fee and renewal fee for a permit issued under this paragraph are  
36 \$200 each.

1 (5) A permit expires ~~one year~~ 90 days from the date of issuance and may be  
2 renewed ~~annually~~.

3 (6) A permit must contain the name and address of the licensed dealer, an  
4 effective date, an expiration date and any other information required by the  
5 Secretary of State.

6 **Sec. 21. 29-A MRSA §1301, sub-§6-A**, as enacted by PL 2011, c. 149, §4, is  
7 amended to read:

8 **6-A. Confidentiality.** Except as ~~authorized under~~ required by 18 United States  
9 Code, Section 2721(b), the Secretary of State may not disseminate information collected  
10 under subsection 6 ~~to any entity without specific authorization from the Legislature~~. For  
11 every willful violation of this subsection, a person commits a civil violation for which a  
12 fine of not more than \$500 may be adjudged.

13 **Sec. 22. 29-A MRSA §1303, sub-§2, ¶A**, as enacted by PL 1993, c. 683, Pt. A,  
14 §2 and affected by Pt. B, §5, is amended to read:

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

19 **Sec. 23. 29-A MRSA §1304, sub-§2, ¶C**, as amended by PL 2005, c. 577, §19,  
20 is further amended to read:

21 C. An applicant for a motorcycle permit must complete a motorcycle ~~driver rider~~  
22 education program course as required by section 1352.

23 **Sec. 24. 29-A MRSA §1304, sub-§2, ¶E**, as amended by PL 2015, c. 473, §14,  
24 is further amended to read:

25 E. If the holder of a learner's permit fails to complete the driving test within 2 years  
26 from the date of issuance of a learner's permit the holder must retake the motorcycle  
27 ~~driver rider~~ education program course for a subsequent learner's permit to be issued.

28 **Sec. 25. 29-A MRSA §1352**, as amended by PL 2015, c. 473, §§15 and 16, is  
29 further amended to read:

30 **§1352. Motorcycle rider education**

31 **1. Motorcycle rider education required.** Notwithstanding any other provision of  
32 law, a motorcycle learner's permit, license or endorsement may not be issued to a person,  
33 unless that person presents a certificate of successful completion of a motorcycle ~~driver~~  
34 rider education program course and examination approved by the Secretary of State.

35 **2. Education course.** The following provisions apply to motorcycle ~~driver rider~~  
36 education programs courses.

37 A. A motorcycle ~~driver rider~~ education program course must consist of classroom  
38 and hands-on instruction directly related to the actual operation of motorcycles,

1 emphasizing safety measures designed to ensure greater awareness of careful and  
2 skillful operation of motorcycles.

3 B. The ~~program~~ course may be offered by a public secondary school, a private  
4 secondary school approved for attendance purposes by the Commissioner of  
5 Education, a career and technical education center or career and technical education  
6 region or adult education program conducted under Title 20-A, chapter 316.

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

9 E. The Secretary of State must approve a motorcycle ~~driver rider~~ education ~~program~~  
10 course.

11 **3. Instructors.** The following provisions apply to the ~~certification~~ licensing of  
12 instructors.

13 A. A person may not conduct a motorcycle ~~driver rider~~ education ~~program~~ course  
14 unless ~~certified~~ licensed by the Secretary of State as a qualified instructor.

15 B. The Secretary of State shall:

16 (1) Conduct, or authorize other qualified persons to conduct, ~~certification~~  
17 instructor preparation courses; and

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

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

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

25 B. The Secretary of State shall charge a ~~program~~ course fee comparable to other  
26 motorcycle ~~driver rider~~ education ~~programs~~ courses.

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

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

31 **6. Waiver of examination.** The Secretary of State may waive the required:

32 A. Written examination on receipt of a completion certificate; and

33 B. Road examination ~~for the holder of a valid motor vehicle operator's license~~ on  
34 receipt of a certificate demonstrating successful completion of a novice rider course  
35 approved by the Secretary of State. An endorsement issued pursuant to this  
36 paragraph prohibits the holder from carrying a passenger for a period of 60 days  
37 following the date of issuance of the endorsement.

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

4           **Sec. 26. 29-A MRSA §1353**, as enacted by PL 1993, c. 683, Pt. A, §2 and  
5 affected by Pt. B, §5, is amended to read:

6           **§1353. Motorcycle rider education fees**

7           The annual fee for an instructor ~~certification~~ license is \$100. The annual fee for  
8 inspection of a motorcycle education classroom is \$50. The annual fee for inspection of a  
9 motorcycle driving range is \$50.

10           **Sec. 27. 29-A MRSA §1401, sub-§2**, as amended by PL 2003, c. 434, §19 and  
11 affected by §37, is further amended to read:

12           **2. Photograph or digital image.** A license, except for a temporary license, must  
13 bear a full-face ~~color~~ photograph or digital image of the licensee. The following are  
14 exempt from the photographic or digital image requirement:

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

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

17           **Sec. 28. 29-A MRSA §1401, sub-§6**, as repealed and replaced by PL 2011, c.  
18 149, §5, is amended to read:

19           **6. Storage, recording, retention and distribution of digital images and digitized**  
20 **signatures.** Digital images and digitized signatures used to produce a license are  
21 confidential and may be distributed only for use by a law enforcement agency in carrying  
22 out its functions or as otherwise authorized ~~under the provisions of 18 United States~~  
23 ~~Code, Section 2721~~ by rule adopted pursuant to section 256. The Secretary of State may  
24 store, record and retain digital images and digitized signatures used only for the purpose  
25 of producing a license. A violation of this subsection is a violation of section 2103,  
26 subsection 4.

27           **Sec. 29. 29-A MRSA §1405, sub-§3**, as repealed and replaced by PL 2015, c.  
28 206, §7, is amended to read:

29           **3. Fee.** The fee for a duplicate registration certificate is \$2. The fee for a duplicate  
30 learner's permit, duplicate license or duplicate nondriver identification card is \$5. The  
31 fee for the expedited issuance of a duplicate license or nondriver identification card is an  
32 additional \$10. The reason for the expedited issuance must be provided and the Secretary  
33 of State shall determine if expedited issuance is warranted.

34           **Sec. 30. 29-A MRSA §1406-A, sub-§2-A** is enacted to read:

35           **2-A. Expedited issuance of driver's license.** An applicant requesting the expedited  
36 issuance of a driver's license under this section must pay an additional fee of \$10 and

1 provide the reason for the request. The Secretary of State shall determine if expedited  
2 issuance is warranted.

3 **Sec. 31. 29-A MRSA §1408, sub-§1**, as amended by PL 2013, c. 381, Pt. B, §26,  
4 is further amended to read:

5 **1. Immediate possession required.** A licensee, including a temporary licensee or  
6 holder of a learner's permit, must have the license in immediate possession when  
7 operating a motor vehicle. Possession may be in electronic form. For purposes of this  
8 section, "electronic form" means a digital representation of the information contained in a  
9 physical license or permit on a portable electronic device.

10 **Sec. 32. 29-A MRSA §1408, sub-§2**, as enacted by PL 1993, c. 683, Pt. A, §2  
11 and affected by Pt. B, §5, is amended to read:

12 **2. Display.** On demand of a law enforcement officer, the licensee must produce the  
13 license or an electronic version of the license for inspection. The use of a portable  
14 electronic device to provide license information does not constitute consent for a law  
15 enforcement officer to access other contents of the portable electronic device.

16 **Sec. 33. 29-A MRSA §2054, sub-§1, ¶B**, as amended by PL 2011, c. 657, Pt. W,  
17 §5 and repealed and replaced by c. 691, Pt. A, §30, is further amended to read:

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

- 19 (1) An ambulance;
- 20 (2) A Baxter State Park Authority vehicle operated by a Baxter State Park  
21 ranger;
- 22 (3) A Bureau of Marine Patrol vehicle operated by a coastal warden;
- 23 (4) A Department of Agriculture, Conservation and Forestry vehicle operated by  
24 a forest ranger;
- 25 (5) A Department of Agriculture, Conservation and Forestry vehicle used for  
26 forest fire control;
- 27 (6) A Department of Corrections vehicle used for responding to the escape of or  
28 performing the high-security transfer of a prisoner, juvenile client or juvenile  
29 detainee;
- 30 (7) A Department of Inland Fisheries and Wildlife vehicle operated by a warden;
- 31 (8) A Department of Public Safety vehicle operated by a police officer appointed  
32 pursuant to Title 25, section 2908, a state fire investigator or a Maine Drug  
33 Enforcement Agency officer;
- 34 (9) An emergency medical service vehicle;
- 35 (10) A fire department vehicle;
- 36 (11) A hazardous material response vehicle, including a vehicle designed to  
37 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;
- (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;
- (21) A Department of the Secretary of State vehicle operated by a motor vehicle ~~investigator~~ detective; and
- (22) A University of Maine System vehicle operated by a University of Maine System police officer.

**Sec. 34. 29-A MRSA §2303, sub-§1, ¶C**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

**Sec. 35. 29-A MRSA §2390, sub-§1, ¶K** is enacted to read:

K. A tow-away transporter combination may be operated with an overall length not exceeding 82 feet on the interstate highway system and those qualifying federal aid primary system highways designated by the Secretary of the United States Department of Transportation pursuant to the federal Fixing America's Surface Transportation Act, Public Law 114-94, Section 5523 (2016).

**Sec. 36. 29-A MRSA §2451, sub-§3**, as repealed and replaced by PL 2015, c. 329, Pt. A, §17, is amended to read:

**3. Suspension period.** Unless a longer period of suspension is otherwise provided by law and imposed by the court, the Secretary of State shall suspend the license of a person convicted of OUI for the following minimum periods:

- A. One hundred fifty days, if the person has one OUI conviction within a 10-year period;
- B. Three years, if the person has 2 OUI offenses within a 10-year period;
- C. Six years, if the person has 3 OUI offenses within a 10-year period; ~~or~~

1 E. Eight years, if the person has 4 or more OUI offenses within a 10-year period; or

2 F. Ten years, if the person has a prior conviction for a Class B or Class C OUI  
3 offense pursuant to section 2411, subsection 1-A, paragraph D, subparagraph (2).

4 For the purposes of this subsection, a conviction or suspension has occurred within a 10-  
5 year period if the date of the new conduct is within 10 years of a date of suspension or  
6 imposition of sentence. The 10-year limitation does not apply to a prior conviction for a  
7 Class B or Class C OUI offense; the conviction may have occurred at any time.

8 **Sec. 37. 29-A MRSA §2472, sub-§2-B,** as amended by PL 2013, c. 496, §16, is  
9 further amended to read:

10 **2-B. Reexamination.** The holder of a juvenile provisional license convicted of an  
11 offense listed in section 2551-A, subsection 1, paragraph A, as limited by section 2551-A,  
12 subsection 3, must successfully complete an examination ~~pursuant to section 1301,~~  
13 ~~subsection 4~~ as prescribed by the Secretary of State within 90 days after that license is  
14 restored. Failure to successfully complete the examination results in a subsequent  
15 suspension.

## 16 SUMMARY

17 This bill makes the following changes to the motor vehicle laws:

18 1. It allows a municipal official or other persons designated by the municipality to  
19 receive and process applications for noncommercial driver's license renewals and  
20 duplicates and nondriver identification card renewals and duplicates through the  
21 municipality;

22 2. It allows the Secretary of State to carry out procedures established in rules for the  
23 disclosure of personal information contained in motor vehicle records in accordance with  
24 state and federal law;

25 3. It clarifies that the Secretary of State may authorize the display of the International  
26 Fuel Tax Agreement cab card in electronic format and reduces most violations of the  
27 International Fuel Tax Agreement laws from a Class E crime to a traffic infraction. It  
28 also makes clear that a suspension issued by another International Fuel Tax Agreement  
29 jurisdiction is a suspension in Maine. It further authorizes the Secretary of State to  
30 participate in any pilot project related to International Fuel Tax Agreement licenses and  
31 decals;

32 4. It changes the violation provisions for when a dealer fails to file a title application  
33 with the Secretary of State within 30 days from a traffic infraction and fine for any  
34 violation to a traffic infraction for applications filed more than 30 days to less than 90  
35 days after the sale and a Class E crime for applications not filed 90 days or more after the  
36 sale. It also requires that vehicles offered for sale by a dealer must be accompanied by a  
37 valid certificate of title and raises the amounts of the surety bond on projected dealer  
38 sales;



- 1           5. It reduces the term for a permit to carry a load for vehicles weighing more than  
2 10,000 pounds while displaying a dealer plate to 90 days from one year;
- 3           6. It prohibits disclosure of social security numbers in motor vehicle records except  
4 as required by federal law;
- 5           7. It modernizes language and provides consistency between statute and the rules  
6 governing motorcycle rider education requirements. It allows a person without a driver's  
7 license to complete the mandatory basic rider education course and be issued a Maine  
8 license restricted to the operation of a motorcycle without a road examination. It also  
9 modifies the statutory language regarding fees associated with the motorcycle rider  
10 education program to be consistent with other references to rider education;
- 11          8. It removes the requirement that a driver's license bear a color photograph of the  
12 licensee and allows the Secretary of State to adopt rules to determine the authorized  
13 distribution of digital images and digitized signatures. It allows a person to have and  
14 present a mobile driver's license in electronic form if one is made available. It also  
15 creates an additional fee for expediting the issuance of driver's licenses and nondriver  
16 identification cards and duplicates;
- 17          9. It streamlines the requirement in the licensing of new school bus operators by  
18 allowing certain Department of Education training requirements to be completed after  
19 hiring;
- 20          10. It clarifies and makes consistent the Secretary of State's administrative driver's  
21 license suspension authority with court-ordered suspension authority; and
- 22          11. It allows the Secretary of State to administer only the road test in conjunction  
23 with the reexamination process for a suspended juvenile provisional license and removes  
24 the requirement to provide a written examination to fulfill the restoration requirements.
- 25          12. It amends the law to conform to current testing practices for visual acuity.
- 26          13. It changes the position name of motor vehicle investigator to motor vehicle  
27 detective to be consistent with the position name change negotiated in the Maine State  
28 Employees Association contract.
- 29          14. It defines "tow-away transporter combination" as a truck or truck tractor towing  
30 2 trailers or semitrailers when the trailers or semitrailers are the property being  
31 transported by a manufacturer, distributor or dealer and establishes a maximum total  
32 vehicle length for the configuration of 82 feet. This change is required pursuant to the  
33 federal Fixing America's Surface Transportation Act.

STATE OF MAINE  
128TH LEGISLATURE

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LEGISLATIVE NOTICES

JOINT STANDING COMMITTEE ON TRANSPORTATION

Sen. Ronald Collins, Senate Chair  
Rep. Andrew McLean, House Chair

PUBLIC HEARING: Tuesday, May 09, 2017, 1:00 PM, State House, Room 126

- (L.D. 1559) Bill "An Act To Remove the Law Mandating a Front License Plate" (HP1075)  
(Presented by Representative CEBRA of Naples)
- (L.D. 1577) Bill "An Act To Amend the Motor Vehicle Laws" (HP1084) (Presented by  
Representative MCLEAN of Gorham) (Cosponsored by Senator COLLINS of York,  
Senator MIRAMANT of Knox, Senator ROSEN of Hancock, Representative PARRY of  
Arundel, Representative SCHNECK of Bangor, Representative GILLWAY of Searsport,  
Representative BRYANT of Windham, Representative PERKINS of Oakland,  
Representative CEBRA of Naples) Submitted by the Secretary of State pursuant to  
Joint Rule 204.

CONTACT PERSON:

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Darlene Simoneau  
100 State House Station  
Augusta, ME 04333-0100  
287-4148

STATE OF MAINE  
128TH LEGISLATURE

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LEGISLATIVE NOTICES

JOINT STANDING COMMITTEE ON TRANSPORTATION

Sen. Ronald Collins, Senate Chair  
Rep. Andrew McLean, House Chair

PUBLIC HEARING: Tuesday, May 16, 2017, 1:00 PM, State House, Room 126

- (L.D. 1595) Bill "An Act Regarding Inspection Requirements for Public Safety and Municipal Vehicles Owned by Island Communities" (HP1099) (Presented by Representative COOPER of Yarmouth) (Cosponsored by Senator BREEN of Cumberland, Senator DOW of Lincoln, Representative DEVIN of Newcastle, Representative SYLVESTER of Portland, Representative KUMIEGA of Deer Isle) Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

WORK SESSION IMMEDIATELY FOLLOWING HEARINGS

- (L.D. 1009) Bill "Resolve, To Require the Maine Turnpike Authority To Study the Feasibility of Constructing a Gorham Connector" (HP0710) (Presented by Representative MCLEAN of Gorham)
- (L.D. 1577) Bill "An Act To Amend the Motor Vehicle Laws" (HP1084) (Presented by Representative MCLEAN of Gorham) (Cosponsored by Senator COLLINS of York, Senator MIRAMANT of Knox, Senator ROSEN of Hancock, Representative PARRY of Arundel, Representative SCHNECK of Bangor, Representative GILLWAY of Searsport, Representative BRYANT of Windham, Representative PERKINS of Oakland, Representative CEBRA of Naples) Submitted by the Secretary of State pursuant to Joint Rule 204.
- (L.D. 1440) Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2018 and June 30, 2019" (HP0995) (EMERGENCY) (Presented by Representative MCLEAN of Gorham) (Cosponsored by Senator COLLINS of York, Representative PARRY of Arundel)

CONTACT PERSON:

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

TESTIMONY SIGN IN SHEET



## **Department of the Secretary of State**

### **Bureau of Motor Vehicles**

*Matthew Dunlap*  
Secretary of State

*Patty A. Morneault*  
Deputy Secretary of State

Testimony of Patty Morneault  
Deputy Secretary of State, Bureau of Motor Vehicles

May 9, 2017

Testifying in Favor

LD 1577 "An Act to Amend the Motor Vehicle Laws"

Senator Collins, Representative McLean and members of the Joint Standing Committee on Transportation. My name is Patty Morneault, I live in Turner. I am the deputy secretary of state for BMV. I am representing the bureau today testifying in support of LD 1577.

LD 1577 is the bureau's omnibus bill providing technical changes to various sections of Title 29-A and other statutes referencing the bureau's operations.

Sections 1 through 5 and sections 8, 19 and 33 change the position name of motor vehicle investigator to motor vehicle detective to be consistent with the position name change negotiated in the Maine State Law Enforcement Association contract.

Sections 7 and 35 define tow-away transporter combination vehicles as a truck or truck tractor towing 2 trailers or semitrailers when the trailers or semitrailers being transported are the property of a manufacturer, distributor, or dealer, and establish a maximum total vehicle length for the configuration of 82 feet. The change is required pursuant to the federal Fixing America's Surface Transportation Act.

Sections 9 and 10 allow a municipal official or other persons designated by the municipality to receive and process applications for noncommercial driver's license renewals and duplicates.

Section 11 allows the Secretary of State to carry out procedures established in rules for the disclosure of personal information contained in motor vehicle records in accordance with state and federal law.

Sections 12 through 15 clarify that the Secretary of State may authorize the display of the International Fuel Tax Agreement (IFTA) cab card in electronic format, and reduce most violations of the agreement from a Class E crime to a traffic infraction. The sections also make clear that a suspension issued by another IFTA jurisdiction is a suspension in Maine, and further authorizes the Secretary of State to participate in any pilot project related to IFTA licenses and decals.

Sections 16, 17 and 19 change the violation provisions for when a dealer fails to file a title application with the Secretary of State within 30 days. Applications filed more than 30 days to less than 90 days after sale are a traffic infraction and fine, and applications filed 90 days or more after the sale are a Class E crime. The changes also include requirements that vehicles offered for sale by a dealer must be accompanied by a valid certificate of title and raises the amounts of surety bond on projected dealer sales.

Section 20 reduces the term for a permit to carry a load for vehicles weighing more than 10,000 pounds while displaying a dealer plate from one year to 90 days.

Section 21 prohibits disclosure of social security numbers in motor vehicle records except as required by federal law.

Section 22 amends the law to conform to current testing practices for visual acuity.

Sections 23 through 26 modernize language and provide consistency between statute and the rules governing motorcycle rider education requirements, allow a person without a driver's license to complete the mandatory basic rider education course and be issued a Maine license restricted to the operation of a motorcycle without a road examination, and modifies the statutory language regarding fees associated with the motorcycle rider education course to be consistent with other references to rider/driver education.

Section 27 removes the requirement that a driver's license bear a color photograph.

Section 28 allows the Secretary of State to adopt rules to determine the authorized distribution of digital images and digitized signatures.

Sections 29 and 30 create an additional fee for expediting the issuance of driver's licenses and duplicates of driver's licenses and non-driver identification cards.

Sections 31 and 32 allow a person to have and present a mobile driver's license in electronic form if one is made available.

Section 34 repeals §2303, sub-§1, paragraph C to streamline the requirement in the licensing of new school bus operators by allowing the Department of Education training, physical, mental and moral requirements to be completed after hiring.

Section 36 clarifies and makes consistent the Secretary of State's administrative driver's license authority with court-ordered suspension authority.

Section 37 allows the Secretary of State to administer only the road test in conjunction with the reexamination process for a suspended juvenile provisional license and removes the requirement to provide a written examination to fulfill the restoration requirement.

That concludes my testimony, thank you for your time and consideration and I am happy to answer any questions.



P.O. Box 2667  
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Augusta, Maine 04338-2667

**AUTOMOBILE DEALERS ASSOCIATION INC**

PHONE 623-3882 • FAX (207) 623-2318  
E-MAIL [info@maineautodealers.com](mailto:info@maineautodealers.com)

Senator Ronald F. Collins  
Representative Andrew J. McLean  
Members of the Transportation Committee

RE: L.D. 1577 – An Act To Amend The Motor Vehicle Laws

The Maine Automobile Dealers Association (MADA) is the state-wide organization of franchised new car and truck dealerships, all of whom belong to MADA. We sell and service both new and pre-owned vehicles from 116 licensed dealerships in all areas of Maine with the help of over 6,000 employees. Our member dealerships sold approximately 125,000 new and used vehicles to customers in 2016, over 65% of all such sales through Maine-licensed dealerships.

MADA writes regarding two (2) sections of this LD – Sections 17 and 19.

We respectfully oppose Section 17, and we provide comment on Section 19.

Section 17 significantly changes dealerships' ability to display and sell pre-owned vehicles. Current law provides that a dealership must have in its possession the title to a vehicle "at the time of its sale". LD 1577 would require that dealerships have the title in hand when a vehicle is "offered for sale". This is a critical difference, depending on what is meant by "offered for sale".

If one assumes that "offered for sale" means displayed in dealership inventory (either on dealership websites or at the physical location), there is the likelihood that a period of time would elapse before the dealership could even place a used vehicle where the public could see it and develop interest in buying it.

To understand this issue, one must first understand how the title on many used vehicles gets to the dealership.

The vast majority of customers finance the purchase of a vehicle – new or used. Maine law provides that the title to a motor vehicle resides with the customer if there is no outstanding loan or lease, but with the lienholder when a vehicle purchase has been financed or there is a lease. MADA's issue with Section 17 is not with those instances in which the customer has the title, nor in most cases in which the lienholder is a Maine financial institution.

In many cases, however, the customer trading in a motor vehicle is not in possession of the title because the loan has not yet been paid off at the national financial institution. In such cases, the dealership has to first determine which financial institution holds the loan, contact that financial institution for the amount necessary to pay off the customer's loan, and ask if there are other liens on the vehicle (or check on potential multiple liens through a subscriber search of Bureau of Motor Vehicle title records via INFORME). Once the amount of any outstanding loan is known, the customer trading the vehicle is asked to complete and sign documents which summarize the trade-in, including a MVT-16 Transfer of Ownership (moves ownership of vehicle from customer to dealership) and a document authorizing the financial institution to send the paid-off title to the dealership.

While the quickest method of paying off the lienholder would normally be through the Automated Clearing House (ACH) Network, many of the national financial institutions do not accept this method of payment. Thus, the dealership sends its check to the lienholder via overnight or 2-day service, the lienholder states that it will take 10-15 business days to process that payment, that it (the lienholder) will then direct the department with physical possession of the title (generally there is one such central repository in the country – and at a different location from the office processing payments) to notate the lien release and send it (via first class mail) to the dealership. If that process goes smoothly, and the title does not go to the customer (happens often), the dealership receives the paid-off title about 30 days after the actual trade-in date. If the process has problems, it can be 45 days or more.

Holding a used vehicle away from potential customers and out of commerce for 30 days or more increases dealership expense for floor plan (inventory financing) as well as depreciation (value of vehicle declines month-to-month), combining to be several hundred dollars.

And, for lease customers wishing to purchase their leased vehicle, changing the current system would essentially prohibit a legal transfer from the leasing company (the owner and in possession of the title), since it is impossible to have the title present on the day the customer wants to exercise the right of purchase.

\*\*\* For the reasons stated above, MADA respectfully requests that Section 17 of LD 1577 be rejected.\*\*\*

Improvements to this title transfer problem could be realized in two ways: 1) use by the national financial institutions of BMV's electronic lien release system (a well-received change developed by BMV a few years ago, but used mostly by Maine financial institutions); and 2) an electronic titling system (not a panacea, but a very significant improvement).

Section 19 of LD 1577 significantly increases the surety bond which licensed Maine dealerships must obtain, both in terms of the amount of the bond as well as its cost to purchase (400 to 500% higher than current levels for both surety amount and cost). MADA supports an increase in the bond levels, given current values of vehicles. We point out the significant change, given that complaints from dealerships about the cost increase are bound to be heard. Questions were asked about what the surety covers, so we attach the current form mandated by BMV.

Thank you for the opportunity to present our thoughts on Sections 17 and 19 of LD 1577.

Sincerely,



Thomas T. Brown, Jr.  
President



**Appendix B****SURETY BOND FOR MOTOR VEHICLE DEALER****BOND #** \_\_\_\_\_

KNOW ALL MEN BY THESE PRESENTS:

That we \_\_\_\_\_ of \_\_\_\_\_, State of Maine, as Principal, and  
(Name of Dealership) (city/town)\_\_\_\_\_ a Corporation organized and existing under the laws of the State of.  
(Name of Bonding Company)

and authorized to do business in the State of Maine, as Surety, are held and firmly bound unto the Secretary of State, State of Maine, in the penal sum of \_\_\_\_\_ dollars (\$\_\_\_\_\_), lawful money of the United States of America, for which payment well and truly be made, we and each of us, bind ourselves, our heirs, executors, administrators, successors, personal representatives and assigns, jointly and severally, firmly by these presents.

**SIGNED, SEALED and DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_.**  
.....

Whereas the above bounden Principal has or is about to make application to the Secretary of State, State of Maine, Bureau of Motor Vehicles, for a license authorizing said Principal to engage in the business of a motor vehicle dealer in accordance with Title 29A M.R.S.A. and rules promulgated thereunder by the Secretary of State, and if so licensed, said Principal is required to furnish a Surety Bond pursuant to 29-A M.R.S.A. §901(4).

Now, therefore, the condition of this Obligation is such that if the said Principal shall faithfully observe the provisions of Title 29-A M.R.S.A., and all the rules promulgated thereunder relating to the business of a motor vehicle dealer, then this Obligation shall be null and void, otherwise to remain in full force and effect.

This bond shall be for the use and benefit of the Secretary of State, State of Maine, and for any person, firm or operation who may suffer loss because the Principal fails to comply with the above-mentioned laws and Rules.

This bond shall run concurrently with the period of the motor vehicle dealer's license granted to the Principal and shall terminate at 11:59 p.m. on the last day of the period of such license, unless said bond is continued in force for another license period by the issuance of a continuation certificate signed by the Surety.

The Surety may cancel at any time by giving thirty (30) days written notice by registered or certified mail to the Secretary of State, State of Maine, Bureau of Motor Vehicles. The Surety shall not be discharged from any liability which shall accrue prior to expiration of such thirty (30) day period.

Principal and Surety agree to be bound by the laws of the State of Maine as to the interpretation of this instrument.

\_\_\_\_\_  
(Principal)

By: \_\_\_\_\_ Date \_\_\_\_\_  
Witness \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
(Surety Company)

By: \_\_\_\_\_ Date \_\_\_\_\_  
Witness \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
(Address of Surety Company)

## LD 1577 – An Act To Amend the Motor Vehicle Laws

LD 1577 - An Act To Amend the Motor Vehicle Laws	Bill Summary	Testimony/Notes
<p><b>Sec. 1. 5 MRSA §17716</b>, as amended by PL 2007, c. 491, §135, is further amended to read:</p> <p><b>§ 17716. Motor vehicle detectives</b>  A motor vehicle <del>investigator</del><u>detective</u>, senior motor vehicle <del>investigator</del><u>detective</u>, principal motor vehicle <del>investigator</del><u>detective</u> or chief motor vehicle <del>investigator</del><u>detective</u> who elects the retirement option provided in section 17851, subsection 14 shall contribute to the State Employee and Teacher Retirement Program or have pick-up contributions made by the employer as provided in section 17852, subsection 15.</p>	<p>Changes the position name of motor vehicle “investigator” to be consistent with the position name negotiated in the Maine State Employees Association contract.</p>	<p>Sections 1 thru 6, 8, 18 and 33 change position name of motor vehicle “investigator” to “detective” to be consistent w/position name change negotiated in the ME State Law Enforcement Assoc. contract.</p>
<p><b>Sec. 2. 5 MRSA §17851, sub-§14</b>, as enacted by PL 1997, c. 402, §2, is amended to read:</p> <p><b>14. Motor vehicle detectives; option.</b> A motor vehicle <del>investigator</del><u>detective</u>, senior motor vehicle <del>investigator</del><u>detective</u>, principal motor vehicle <del>investigator</del><u>detective</u> or chief motor vehicle <del>investigator</del><u>detective</u> qualifies for a service retirement benefit upon reaching 55 years of age after completing at least 25 years of creditable service in that capacity if notice of election of the option and payment of employee contributions and actuarial costs are made as provided in section 17852, subsection 15.</p>	<p>See section 1.</p>	<p>See section 1.</p>
<p><b>Sec. 3. 5 MRSA §17852, sub-§15</b>, as amended by PL 2007, c. 491, §§171, 172, is further amended to read:</p> <p><b>15. Motor vehicle investigators and motor vehicle detectives; option.</b> The retirement benefit of a person who qualifies under section 17851, subsection 14 and who retires upon or after reaching 55 years of age is computed in accordance with subsection 1 if:</p> <p>A. The person was first employed as a motor vehicle investigator <u>or a motor vehicle detective</u> on or after October 1, 1997, elects the option provided in section 17851, subsection 14 and pays to the State Employee and Teacher Retirement Program an increased employee payroll contribution in an amount that equals the full actuarial cost of electing that option; or</p> <p>B. The person was first employed as a motor vehicle investigator before October 1, 1997, elects the option provided in section 17851, subsection 14 and pays to the State Employee and Teacher Retirement Program a single payment or periodic payments of a lump sum or a combination of single and periodic payments of that amount that equals the full actuarial cost of electing that option for service before that date. [PL 2007, c. 491, § 172 (AMD).]</p> <p>A person who requests calculation of the full actuarial cost, regardless of whether the person elects the option, must pay to the retirement system by a single lump sum payment the reasonable administrative costs of determining the full actuarial costs. Payment of the full actuarial cost related to service on or after October 1, 1997 is made as part of the employee payroll contribution.</p> <p>For the purposes of this subsection, "full actuarial cost" means that the person's payment or payments must fully offset any unfunded liability that would or does result from retirement under the option provided in section 17851, subsection 14 and must fully fund the cost of the person's retirement prior to normal retirement age so that an additional employer contribution is not required.</p> <p>A person who makes the election provided in section 17851, subsection 14 at any time after the date</p>	<p>See section 1.</p>	<p>See section 1.</p>

## LD 1577 – An Act To Amend the Motor Vehicle Laws

<p>on which the person is first employed as a motor vehicle investigator <u>or a motor vehicle detective</u> must include interest, at a rate to be set by the board not to exceed regular interest by 5 or more percentage points, applied as of the date on which the person was first employed in that capacity to the contributions the person would have paid or had picked up by the employer had the person elected that option at the date of first employment.</p> <p>This subsection takes effect October 1, 1997. Election to retire under this subsection is a one-time irrevocable election. A person who was first employed as a motor vehicle investigator <u>or a motor vehicle detective</u> on or after October 1, 1997 must make the election no later than 90 days after the date of first employment. A person who was first employed in that capacity before October 1, 1997 must make the election no later than January 1, 1998.</p>		
<p><b>Sec. 4. 5 MRSA §17852, sub-§16</b>, as enacted by PL 1997, c. 401, §3, is further amended to read:</p> <p><b>16. Motor vehicle detectives exercising option; retirement before 55 years of age.</b> For a person exercising the option provided in section 17851, subsection 14 who makes the payments required in subsection 15 and who retires before reaching 55 years of age, the retirement benefit is determined as follows.</p> <p>A. For members with 10 years of creditable service on July 1, 1993, the retirement benefit is determined in accordance with subsection 1, except that:</p> <p>(1) The amount arrived at under subsection 1 is reduced by applying to that amount the percentage that a life annuity due at 55 years of age bears to the life annuity due at the age of retirement; and</p> <p>(2) For the purpose of making the computation under subparagraph (1), the board-approved tables of annuities in effect at the date of the member's retirement are used.</p> <p>For the purpose of calculating creditable service under this subsection only, "creditable service" includes time during which a member participated in the voluntary cost-savings plan or the voluntary employee incentive program; authorized by Public Law 1989, chapter 702, Part F, section 6 and Public Law 1991, chapter 591, Part BB and chapter 780, Part VV; 10 years of combined creditable service under this Part and Title 3, chapter 29; or creditable service available to a member that the member was eligible to purchase on June 30, 1993 and that the member does purchase in accordance with rules adopted by the board.</p> <p>B. For members who do not have 10 years of creditable service on July 1, 1993, the retirement benefit is determined in accordance with subsection 1, except that the benefit is reduced by 6% for each year that the person's age precedes 55 years of age.</p>	See section 1.	See section 1.
<p><b>Sec. 5. 20-A MRSA §12552, sub-§2</b>, as amended by PL 2009, c. 421, §1, is further amended to read:</p> <p><b>2. Law enforcement officer.</b> "Law enforcement officer" means an active state police officer, municipal police officer, county sheriff or deputy sheriff in this State. "Law enforcement officer" also means an active game warden, fire marshal, forest ranger, Baxter State Park ranger, detective employed by the Office of the Attorney General pursuant to Title 5, section 202, person employed by the Department of Corrections as an investigative officer as defined in Title 34-A, section 1001, subsection 10-A, juvenile community corrections officer as described in Title 34-A, section 5602, probation officer, security officer appointed by the Commissioner of Public Safety pursuant to Title 25, section 2908, motor vehicle investigator <u>or detective</u> or supervisor appointed by the Secretary of State</p>	See section 1.	See section 1.

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pursuant to Title 29-A, section 152, military security police officer appointed by the Adjutant General, University of Maine System police officer or marine patrol officer, if employed on a full-time basis in that position in this State.		
<p><b>Sec. 6. 25 MRSA §1611, sub-§5</b>, as amended by PL 2013, c. 147, §2, is further amended to read:</p> <p><b>5. Law enforcement officer or officer.</b> "Law enforcement officer" or "officer" means an active state police officer, municipal police officer, county sheriff, deputy sheriff, game warden, an employee of the Office of the State Fire Marshal who has law enforcement powers pursuant to section 2396, subsection 7, fire marshal, judicial marshal, forest ranger, Baxter State Park ranger, a detective employed by the Office of the Attorney General pursuant to Title 5, section 202, a person employed by the Department of Corrections as an investigative officer as defined in Title 34-A, section 1001, subsection 10-A, a juvenile community corrections officer as described in Title 34-A, section 5602, a probation officer, a security officer appointed by the Commissioner of Public Safety pursuant to section 2908, a motor vehicle <del>investigator</del><u>detective</u> or supervisor appointed by the Secretary of State pursuant to Title 29-A, section 152, a military security police officer appointed by the Adjutant General, a University of Maine System police officer or marine patrol officer in this State.</p>	See section 1.	See section 1.
<p><b>Sec. 7. 29-A MRSA §101, sub-§80-A</b> is enacted to read:</p> <p><b>80-A. Tow-away transporter combination.</b> "<u>Tow-away transporter combination</u>" means a combination of vehicles, with a combined gross weight not exceeding 26,000 pounds, consisting of a truck or truck and tractor and 2 trailers or semitrailers, which do not carry property and constitute inventory property of a manufacturer, distributor or dealer of such trailers or semitrailers.</p>	Defines "tow-away transporter combination" Est max total veh length for config of 82 ft. Req per federal FAST Act.	Strike sections 7 and 35. LD 1524, DPS omnibus bill, already addressed this. Sec. 11 of LD 1524 - "Stinger-steered auto transporter"
<p><b>Sec. 8. 29-A MRSA §152, sub-§2</b>, as amended by PL 2007, c. 12, §1, is further amended to read:</p> <p><b>2. Deputize agents, examiners and detectives.</b> Appoint and deputize agents, examiners and motor vehicle <del>investigators</del><u>detectives</u>, stationed at convenient places, to receive applications for registration and licenses for the operation of vehicles, to conduct examinations and to perform assigned duties. A motor vehicle <del>investigator</del><u>detective</u> has the powers and duty to enforce all provisions of this Title and Title 17-A and all the laws of the State with the same powers that a sheriff has in a county. A motor vehicle <del>investigator</del><u>detective</u> is at all times subject to all other investigatory duties assigned by the Secretary of State.</p>	See section 1.	See section 1.
<p><b>Sec. 9. 29-A MRSA §201, sub-§1</b>, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:</p> <p><b>1. Appointment of agents by Secretary of State; scope of authority.</b> With the approval of the municipal officers, the Secretary of State may appoint a municipal tax collector, or other persons designated by a municipality, to collect excise taxes on vehicles and to receive applications for <del>licenses, noncommercial driver's license renewals, and duplicates, nondriver identification card renewals and duplicates and new</del> registrations and renewals of registrations of motor vehicles, trailers and semitrailers. The Secretary of State may authorize a municipal agent to issue <del>licenses, registrations and renewals and duplicates of noncommercial driver's licenses and, nondriver identification cards, new registrations and renewals of registrations</del> or may limit the agent's authority to the issuance of renewals only.</p>	Allows a municipal official or other persons designated by the municipality to receive and process applications for noncommercial driver's license renewals and duplicates and nondriver identification card renewals and duplicates through the municipality.	See also section 10.

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<p><b>Sec. 10. 29-A MRSA §201, sub-§3</b>, as amended by PL 2005, c. 573, §2, is further amended to read:</p> <p><b>3. Service fees.</b> Municipal agents appointed in accordance with subsection 1 may charge service fees for <del>licenses, registrations and renewals of licenses and registrations</del> as follows.</p> <p>A. A municipal agent may charge an applicant a fee not to exceed \$3 over the required fee for each renewal of a <u>noncommercial driver's license or nondriver identification card</u> or registration issued and a fee not to exceed \$4 over the required fee for each new <del>license or</del> registration issued.</p> <p>B. In a municipality in which agents are authorized to issue <del>licenses, registrations or renewals of noncommercial driver's licenses, nondriver identification cards</del> or registrations for applicants from another municipality or from an unorganized territory, the agent may charge those applicants \$1 in addition to the fees authorized by this subsection for each <del>license, registration or renewal</del>.</p> <p>C. A municipal agent authorized to issue temporary registration permits may charge an applicant a fee not to exceed \$1 over the required permit fee.</p> <p>D. A municipal agent authorized to process permits and decals for vehicles with gross vehicle weight in excess of 6,000 may charge a fee not to exceed \$1 over the required fee for each permit or decal issued.</p> <p>E. A municipal agent may charge a fee not to exceed \$1 over the required fee for the issuance of a duplicate registration, <u>duplicate noncommercial driver's license or duplicate nondriver identification card</u>.</p> <p><del>F. A municipal agent may charge any applicant a fee not to exceed \$2 over and above the required operator's license fee for each renewal issued.</del></p> <p>G. A municipal agent may charge an applicant a fee not to exceed \$1 over the required fee when an applicant is requesting issuance of a set of plates designated as specialty plates by the Secretary of State to replace previously issued plates.</p> <p>H. The Secretary of State may authorize municipal agents to charge a fee not to exceed \$1 over the required fee for other transactions that the municipal agent carries out on behalf of the Secretary of State and that are not listed in this subsection.</p> <p>The municipality may retain all service fees authorized in this subsection.</p>	See section 9.	See section 9.
<p><b>Sec. 11. 29-A MRSA §256</b>, as enacted by PL 1995, c. 645, Pt. B, §6 and affected by §24, is amended to read:</p> <p><b>§ 256. Federal Driver's Privacy Protection Act of 1994</b></p> <p>The Secretary of State shall <del>comply with</del> <u>adopt routine technical rules to implement</u> the provisions of Title 18, United States Code, Chapter 123 in disclosing records.</p>	Allows SOS to carry out procedures est in rules for disclosure of personal info contained in MV records in accord w/state federal law.	
<p><b>Sec. 12. 29-A MRSA §525, sub-§6, ¶B</b>, as amended by PL 1995, c. 482, Pt. B, §13 and affected by §22, is further amended to read:</p> <p>B. A cab card must be carried in the vehicle at all times. For the purposes of this paragraph, "cab card" means identification issued or approved by the Secretary of State that contains the legal name and address of the person who has established a fuel use reporting account for the vehicle. <u>With the approval of the Secretary of State, the cab card may be carried and presented in an electronic format.</u></p>	Clarifies that the SOS may authorize the display of International Fuel Tax Agreement (IFTA) cab card in electronic format.	Sections 12 thru 15 – all related to IFTA.

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<p><b>Sec. 13. 29-A MRSA §525, sub-§9-A</b>, as repealed and replaced by PL 2003, c. 688, Pt. A, §32 and affected by §33, is amended to read:</p> <p><b>9-A. Violation.</b> The following penalties apply to violations of this section.</p> <p>A. Except as provided in paragraph B, a person who violates this section commits a <del>Class E crime</del><u>traffic infraction</u>.</p> <p>B. A person who displays or causes or permits to be displayed a false decal or permit or a decal or permit issued to another person commits a <del>Class DE</del> crime.</p> <p>An owner or operator stopped for violating this section and against whom enforcement action has been taken does not commit a subsequent violation of this section involving the same vehicle until after the close of business on the next business day following the date of the violation.</p> <p>The court shall impose a fine of at least \$250, which may not be suspended.</p> <p><del>Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.</del></p>	<p>Reduces most violations of the IFTA laws from Class E crime to a traffic infraction.</p>	<p>Strike section 13. LD 1524, DPS omnibus bill, addressed this issue. Sec. 3 of LD 1524 decriminalized certain provisions of law regarding fuel tax licensing and reporting.</p>
<p><b>Sec. 14. 29-A MRSA §525, sub-§10</b>, as amended by PL 2009, c. 213, Pt. YYYY, §1, is further amended to read:</p> <p><b>10. Suspension.</b> If a person fails to file a fuel tax report or to pay any taxes, interest, penalties or audit assessment as required pursuant to Title 36, chapter 459 or any rule adopted pursuant to this section, the Secretary of State shall suspend the person's fuel tax license, all fuel decals issued to the person and that person's privilege to operate as a motor carrier. <u>The operation of a vehicle after suspension under this section is a traffic infraction. A suspension or revocation issued by another jurisdiction pursuant to the International Fuel Tax Agreement is a suspension in this State.</u> In order to be reinstated, the person must file all delinquent tax returns and pay all assessments, interest and penalties. In addition, the person must pay a \$50 reinstatement fee pursuant to section 2486, subsection 1.</p>	<p>Makes clear that a suspension issued by another IFTA jurisdiction is a suspension in Maine.</p>	
<p><b>Sec. 15. 29-A MRSA §525, sub-§15</b> is enacted to read:</p> <p><b>15. Pilot projects.</b> <u>Notwithstanding any provision of this section, the Secretary of State, in consultation with the State Tax Assessor and the Commissioner of Public Safety, may participate in a pilot project relative to the distribution and display of International Fuel Tax Agreement credentials and may modify or waive requirements for the display of fuel decals for approved licensees.</u></p>	<p>Authorizes the SOS to participate in any pilot project related to IFTA licenses and decals.</p>	
<p><b>Sec. 16. 29-A MRSA §654, sub-§2</b>, as amended by PL 2011, c. 356, §16, is further amended to read:</p> <p><b>2. Purchased from the dealer.</b> If the application is for a vehicle purchased from a dealer, in addition to the requirement set forth in subsection 1, the application must be signed by the dealer and must contain the name and the address of any lienholder or assignee holding an interest created or reserved at the time of sale and the date of the lien. The dealer shall, within 30 days after the sale, deliver the application to the Secretary of State. The dealer must deliver a copy of the application to the lienholder.</p> <p><del>Violation of this subsection is a traffic infraction for which a fine of not less than \$100 and not more than \$500 may be adjudged for each infraction.</del></p> <p><u>A. Violation of this subsection is a traffic infraction when the application is delivered to the Secretary of State more than 30 days but less than 90 days after the date of sale.</u></p> <p><u>B. Violation of this subsection is a Class E crime when the application has not been delivered to the</u></p>	<p>Changes violation provisions. for when dealer fails to file a title app w/SOS w/in 30 days from TI &amp; fine for any violation to: a TI for apps filed more than 30 days to less than 90 days after the sale; and Class E crime for apps not filed 90 days or more after the sale.</p>	<p>Section 16, 17 and 19 relate to dealers.</p> <p>Joint Rule 319: CRJ Committee review of provisions creating or enhancing criminal penalties.</p>

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Secretary of State 90 days or more after the date of sale.		
<p><b>Sec. 17. 29-A MRSA §664-A, sub-§1</b>, as amended by PL 2009, c. 598, §29, is further amended to read:</p> <p><b>1. Vehicle sold by dealer.</b> A vehicle that is <u>offered for sale or</u> sold by a dealer must be accompanied by a properly assigned and valid certificate of title or certificate of salvage <del>at the time of its sale</del>. A dealer may retain and process certificates of title and certificates of salvage at the dealer's primary facility if in the case when the dealer displays a vehicle at an annex facility the dealer maintains a copy of the certificate of title or certificate of salvage at the annex facility.</p>	Requires that vehicle offered for sale by a dealer must be accompanied by a valid certificate of title.	MADA opposes section 17. This section significantly changes dealerships' ability to display and sell pre-owned vehicles.
<p><b>Sec. 18. 29-A MRSA §754, sub-§1</b>, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:</p> <p><b>1. Examination of identification numbers.</b> A State Police officer or a motor vehicle <del>investigator</del><u>detective</u> may examine the vehicle identification numbers of a vehicle or vehicle part. Failure to allow the examination is a Class E crime.</p>	See section 1.	See section 1.
<p><b>Sec. 19. 29-A MRSA §901, sub-§4</b>, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:</p> <p><b>4. Surety bonds.</b> A dealer other than an equipment and light trailer dealer shall file with the Secretary of State and maintain a surety bond in the following amount, based on the prior year's sales:</p> <p>A. For 0 to 50 sales, <del>\$5,000</del><u>\$25,000</u>;</p> <p>B. For 51 to 100 sales, <del>\$10,000</del><u>\$50,000</u>;</p> <p>C. For 101 to 150 sales, <del>\$15,000</del><u>\$75,000</u>; or</p> <p>D. For 151 <del>to 200 sales and over</del>, <del>\$20,000</del>, or <u>\$100,000</u>.</p> <p><del>E. For 201 sales and over, \$25,000.</del></p> <p>Initial licensees shall file a bond based on projected sales.</p> <p>Persons beginning in the business as licensed vehicle dealers are subject to review after initial bonding depending on volume.</p> <p>All licensees must be reviewed annually by the Secretary of State to determine compliance with the correct amount of the bonds.</p> <p>Failure to maintain such a bond is grounds for immediate suspension of the dealer license.</p> <p>Any persons with a claim against the bond required by this subsection must file the claim within 3 years from the date of sale.</p>	Raises the amounts of the surety bond on projected dealer sales.	MADA NFNA comment: Significantly increases the surety bond which licensed ME dealerships must obtain, both in terms of the amount of the bond as well as its cost to purchase (400-500% higher than current levels for both surety amount and cost). MADA supports an increase in the bond levels, given current values of vehicles, but concerned about significant increase.
<p><b>Sec. 20. 29-A MRSA §1002, sub-§8, ¶B</b>, as enacted by PL 2003, c. 652, Pt. B, §5 and affected by §8, is amended to read:</p> <p>B. A dealer must obtain a written permit from the Secretary of State to operate a vehicle or combination of vehicles carrying a load. The permit must be issued in accordance with the following provisions.</p> <p>(1) The operation of the vehicle or combination of vehicles and load must be in conjunction with the sale or purchase of a motor vehicle, vehicle or equipment by the dealer.</p> <p>(2) The load must consist of a motor vehicle, trailer or equipment that the dealer is licensed to sell.</p> <p>(3) The load may not consist of more than one automobile, truck or truck tractor at any time.</p> <p>(4) The initial fee and renewal fee for a permit issued under this paragraph are \$200 each.</p>	Reduces the term for a permit to carry a load for vehicles weighing more than 10,000 pounds while displaying a dealer plate from one year to 90 days.	



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<p>(5) A permit expires <del>one year</del> <u>90 days</u> from the date of issuance and may be renewed <del>annually</del>.</p> <p>(6) A permit must contain the name and address of the licensed dealer, an effective date, an expiration date and any other information required by the Secretary of State.</p>		
<p><b>Sec. 21. 29-A MRSA §1301, sub-§6-A</b>, as enacted by PL 2011, c. 149, §4, is amended to read:</p> <p><b>6-A. Confidentiality.</b> Except as <del>authorized under</del> <u>required by</u> 18 United States Code, Section 2721(b), the Secretary of State may not disseminate information collected under subsection 6 <del>to any entity without specific authorization from the Legislature</del>. For every willful violation of this subsection, a person commits a civil violation for which a fine of not more than \$500 may be adjudged.</p>	<p>Prohibits disclosure of social security numbers in Motor vehicle records except as required by federal law.</p>	<p>According to BMV, recommendation of the RTK Advisory Committee.</p>
<p><b>Sec. 22. 29-A MRSA §1303, sub-§2, ¶A</b>, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:</p> <p>A. An acceptable certificate signed by a doctor, optometrist, registered nurse or other person approved by the Secretary of State, setting forth the person's visual acuity in each eye, <del>both eyes combined</del> and field of vision. The certificate must indicate that it is based on an examination completed within one year of the date of application; or</p>	<p>Amends the law to conform current testing practices for visual acuity.</p>	
<p><b>Sec. 23. 29-A MRSA §1304, sub-§2, ¶C</b>, as amended by PL 2005, c. 577, §19, is further amended to read:</p> <p>C. An applicant for a motorcycle permit must complete a motorcycle <del>driver</del> <u>rider</u> education <del>program</del> <u>course</u> as required by section 1352.</p>	<p>Modernizes lang/provides consistency btwn statute and rules governing motorcycle rider education requirements.</p>	<p>Sections 23 thru 26.</p>
<p><b>Sec. 24. 29-A MRSA §1304, sub-§2, ¶E</b>, as amended by PL 2015, c. 473, §14, is further amended to read:</p> <p>E. If the holder of a learner's permit fails to complete the driving test within 2 years from the date of issuance of a learner's permit the holder must retake the motorcycle <del>driver</del> <u>rider</u> education <del>program</del> <u>course</u> for a subsequent learner's permit to be issued.</p>		
<p><b>Sec. 25. 29-A MRSA §1352</b>, as amended by PL 2015, c. 473, §§15 and 16, is further amended to read:</p> <p><b>§ 1352. Motorcycle rider education</b></p> <p><b>1. Motorcycle rider education required.</b> Notwithstanding any other provision of law, a motorcycle learner's permit, license or endorsement may not be issued to a person, unless that person presents a certificate of successful completion of a motorcycle <del>driver</del> <u>rider</u> education <del>program</del> <u>course</u> and examination approved by the Secretary of State.</p> <p><b>2. Education course.</b> The following provisions apply to motorcycle <del>driver</del> <u>rider</u> education <del>programs</del> <u>courses</u>.</p> <p>A. A motorcycle <del>driver</del> <u>rider</u> education <del>program</del> <u>course</u> must consist of classroom and hands-on instruction directly related to the actual operation of motorcycles, emphasizing safety measures designed to ensure greater awareness of careful and skillful operation of motorcycles.</p> <p>B. The <del>program</del> <u>course</u> may be offered by a public secondary school, a private secondary school approved for attendance purposes by the Commissioner of Education, a career and technical education center or career and technical education region or adult education program conducted under Title 20-A, chapter 316.</p>		

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<p>C. A motorcycle <del>program</del><u>course</u> offered independently of an approved driver education course may not be offered for credit toward a high school diploma.</p> <p>E. The Secretary of State must approve a motorcycle <del>driver</del><u>rider</u> education <del>program</del><u>course</u>.</p> <p><b>3. Instructors.</b> The following provisions apply to the <del>certification</del><u>licensing</u> of instructors.</p> <p>A. A person may not conduct a motorcycle <del>driver</del><u>rider</u> education <del>program</del><u>course</u> unless <del>certified</del><u>licensed</u> by the Secretary of State as a qualified instructor.</p> <p>B. The Secretary of State shall:</p> <p>(1) Conduct, or authorize other qualified persons to conduct, <del>certification</del><u>instructor preparation</u> courses; and</p> <p>(2) Establish reasonable qualification standards and requirements for <del>certification</del><u>licensing</u>. The requirements must include a provision to demonstrate proficiency in operating a motorcycle.</p> <p><b>4. Instructor availability.</b> When a <del>certified</del><u>licensed</u> instructor is not available in a geographic area, the Secretary of State may assign a qualified instructor for the <del>program</del><u>course</u> subject to the following provisions.</p> <p>A. The requesting authority must ensure a minimum class size of 6 students.</p> <p>B. The Secretary of State shall charge a <del>program</del><u>course</u> fee comparable to other motorcycle <del>driver</del><u>rider</u> education <del>programs</del><u>courses</u>.</p> <p>C. An instructor is not a "teacher" within the meaning of Title 5, section 17001, subsection 42 or Title 20-A.</p> <p><b>5. Completion certificates.</b> An instructor shall issue a completion certificate to a student who has successfully completed the course.</p> <p><b>6. Waiver of examination.</b> The Secretary of State may waive the required:</p> <p>A. Written examination on receipt of a completion certificate; and</p> <p>B. Road examination <del>for the holder of a valid motor vehicle operator's license</del> on receipt of a certificate demonstrating successful completion of a novice rider course approved by the Secretary of State. An endorsement issued pursuant to this paragraph prohibits the holder from carrying a passenger for a period of 60 days following the date of issuance of the endorsement.</p> <p><b>7. Suspension and revocation.</b> The Secretary of State may suspend, revoke or deny a certificate of completion or an instructor's <del>certificate</del><u>license</u> for just cause in accordance with the Maine Administrative Procedure Act.</p>	<p>Allows a person without a driver's license to complete the mandatory basic rider education course and be issued a Maine license restricted to the operation of a motorcycle without a road examination.</p>	
<p><b>Sec. 26. 29-A MRSA §1353</b>, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:</p> <p><b>§ 1353. Motorcycle rider education fees</b></p> <p>The annual fee for <u>an</u> instructor <del>certification</del><u>license</u> is \$100. The annual fee for inspection of a motorcycle education classroom is \$50. The <u>annual</u> fee for inspection of a motorcycle driving range is \$50.</p>	<p>Modifies statutory language regarding fees associated with the motorcycle rider education program to be consistent with other references to rider education.</p>	

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<p><b>Sec. 27. 29-A MRSA §1401, sub-§2</b>, as amended by PL 2003, c. 434, §19 and affected by §37, is further amended to read:</p> <p><b>2. Photograph or digital image.</b> A license, except for a temporary license, must bear a full-face color photograph or digital image of the licensee. The following are exempt from the photographic or digital image requirement:</p> <p>B. A person in active military service stationed outside the State; and</p> <p>C. Another person approved by the Secretary of State.</p>	<p>Removes the requirement that a driver's license bear a color photograph of the licensee.</p>	
<p><b>Sec. 28. 29-A MRSA §1401, sub-§6</b>, as repealed and replaced by PL 2011, c. 149, §5, is amended to read:</p> <p><b>6. Storage, recording, retention and distribution of digital images and digitized signatures.</b> Digital images and digitized signatures used to produce a license are confidential and may be distributed only for use by a law enforcement agency in carrying out its functions or as otherwise authorized <del>under the provisions of 18 United States Code, Section 2721</del> <u>by rule adopted pursuant to section 256</u>. The Secretary of State may store, record and retain digital images and digitized signatures used only for the purpose of producing a license. A violation of this subsection is a violation of section 2103, subsection 4.</p>	<p>Allows the SOS to adopt rules to determine the authorized distribution of digital images and digitized signatures.</p>	
<p><b>Sec. 29. 29-A MRSA §1405, sub-§3</b>, as repealed and replaced by PL 2015, c. 206, §7, is amended to read:</p> <p><b>3. Fee.</b> The fee for a duplicate registration certificate is \$2. The fee for a duplicate learner's permit, duplicate license or duplicate nondriver identification card is \$5. <u>The fee for the expedited issuance of a duplicate license or nondriver identification card is an additional \$10. The reason for the expedited issuance must be provided and the Secretary of State shall determine if expedited issuance is warranted.</u></p>	<p>Creates an additional fee for expediting the issuance of driver's licenses and nondriver identification cards and duplicates.</p>	<p>Sections 29 and 30. BMV note: Need an amendment to include initial issuance of nondriver identification card.</p>
<p><b>Sec. 30. 29-A MRSA §1406-A, sub-§2-A</b> is enacted to read:</p> <p><b>2-A. Expedited issuance of driver's license.</b> <u>An applicant requesting the expedited issuance of a driver's license under this section must pay an additional fee of \$10 and provide the reason for the request. The Secretary of State shall determine if expedited issuance is warranted.</u></p>	<p>See section 29.</p>	<p>See section 29.</p>
<p><b>Sec. 31. 29-A MRSA §1408, sub-§1</b>, as amended by PL 2013, c. 381, Pt. B, §26, is further amended to read:</p> <p><b>1. Immediate possession required.</b> A licensee, including a temporary licensee or holder of a learner's permit, must have the license in immediate possession when operating a motor vehicle. <u>Possession may be in electronic form. For purposes of this section, "electronic form" means a digital representation of the information contained in a physical license or permit on a portable electronic device.</u></p>	<p>Allows a person to have and present a mobile driver's license in electronic form if one is made available.</p>	<p>Sections 31 and 32.</p>
<p><b>Sec. 32. 29-A MRSA §1408, sub-§2</b>, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:</p> <p><b>2. Display.</b> On demand of a law enforcement officer, the licensee must produce the license <u>or an electronic version of the license for inspection. The use of a portable electronic device to provide license information does not constitute consent for a law enforcement officer to access other contents of the portable electronic device.</u></p>	<p>See section 31.</p>	<p>See section 31.</p>

## LD 1577 – An Act To Amend the Motor Vehicle Laws

<p><b>Sec. 33. 29-A MRSA §2054, sub-§1, ¶B</b>, as amended by PL 2011, c. 657, Pt. W, §5 and repealed and replaced by c. 691, Pt. A, §30, is further amended to read:</p> <p>B. "Authorized emergency vehicle" means any one of the following vehicles:</p> <ol style="list-style-type: none"> <li>(1) An ambulance;</li> <li>(2) A Baxter State Park Authority vehicle operated by a Baxter State Park ranger;</li> <li>(3) A Bureau of Marine Patrol vehicle operated by a coastal warden;</li> <li>(4) A Department of Agriculture, Conservation and Forestry vehicle operated by a forest ranger;</li> <li>(5) A Department of Agriculture, Conservation and Forestry vehicle used for forest fire control;</li> <li>(6) A Department of Corrections vehicle used for responding to the escape of or performing the high-security transfer of a prisoner, juvenile client or juvenile detainee;</li> <li>(7) A Department of Inland Fisheries and Wildlife vehicle operated by a warden;</li> <li>(8) A Department of Public Safety vehicle operated by a police officer appointed pursuant to Title 25, section 2908, a state fire investigator or a Maine Drug Enforcement Agency officer;</li> <li>(9) An emergency medical service vehicle;</li> <li>(10) A fire department vehicle;</li> <li>(11) A hazardous material response vehicle, including a vehicle designed to respond to a weapon of mass destruction;</li> <li>(12) A railroad police vehicle;</li> <li>(13) A sheriff's department vehicle;</li> <li>(14) A State Police or municipal police department vehicle;</li> <li>(15) A vehicle operated by a chief of police, a sheriff or a deputy sheriff when authorized by the sheriff;</li> <li>(16) A vehicle operated by a municipal fire inspector, a municipal fire chief, an assistant or deputy chief or a town forest fire warden;</li> <li>(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;</li> <li>(18) A Federal Government vehicle operated by a federal law enforcement officer;</li> <li>(19) A vehicle operated by a municipal rescue chief, deputy chief or assistant chief;</li> <li>(20) An Office of the Attorney General vehicle operated by a detective appointed pursuant to Title 5, section 202;</li> <li>(21) A Department of the Secretary of State vehicle operated by a motor vehicle <del>investigator</del><u>detective</u>;</li> <li>and</li> <li>(22) A University of Maine System vehicle operated by a University of Maine System police officer.</li> </ol>	<p>See section 1.</p>	<p>See section 1.</p>
<p><b>Sec. 34. 29-A MRSA §2303, sub-§1, ¶C</b>, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.</p> <p><i>C. Meets all training, physical, mental and moral requirements of the Commissioner of Education, as certified to the Secretary of State in writing;</i></p>	<p>Streamlines req in licensing of new school bus operators by allowing certain DOE training req. to be completed after hiring.</p>	

## LD 1577 – An Act To Amend the Motor Vehicle Laws

<p><b>Sec. 35. 29-A MRSA §2390, sub-§1, ¶K</b> is enacted to read:  <u>K. A tow-away transporter combination may be operated with an overall length not exceeding 82 feet on the interstate highway system and those qualifying federal aid primary system highways designated by the Secretary of the United States Department of Transportation pursuant to the federal Fixing America's Surface Transportation Act, Public Law 114-94, Section 5523 (2016).</u></p>	<p>See section 7.</p>	<p>Strike sections 7 and 35.  LD 1524, DPS omnibus bill, already addressed this.  Sec. 11 of LD 1524  “Stinger-steered auto transporter”</p>
<p><b>Sec. 36. 29-A MRSA §2451, sub-§3</b>, as repealed and replaced by PL 2015, c. 329, Pt. A, §17, is amended to read:  <b>3. Suspension period.</b> Unless a longer period of suspension is otherwise provided by law and imposed by the court, the Secretary of State shall suspend the license of a person convicted of OUI for the following minimum periods:  A. One hundred fifty days, if the person has one OUI conviction within a 10-year period;  B. Three years, if the person has 2 OUI offenses within a 10-year period;  C. Six years, if the person has 3 OUI offenses within a 10-year period; <del>or</del>  E. Eight years, if the person has 4 or more OUI offenses within a 10-year period; <del>or</del>  <u>F. Ten years, if the person has a prior conviction for a Class B or Class C OUI offense pursuant to section 2411, subsection 1-A, paragraph D, subparagraph (2).</u>  For the purposes of this subsection, a conviction or suspension has occurred within a 10-year period if the date of the new conduct is within 10 years of a date of suspension or imposition of sentence. <u>The 10-year limitation does not apply to a prior conviction for a Class B or Class C OUI offense; the conviction may have occurred at any time.</u></p>	<p>Clarifies and makes consistent with the SOS’s administrative driver’s license suspension authority with court-ordered suspension authority.</p>	
<p><b>Sec. 37. 29-A MRSA §2472, sub-§2-B</b>, as amended by PL 2013, c. 496, §16, is further amended to read:  <b>2-B. Reexamination.</b> The holder of a juvenile provisional license convicted of an offense listed in section 2551-A, subsection 1, paragraph A, as limited by section 2551-A, subsection 3, must successfully complete an examination <del>pursuant to section 1301, subsection 4</del> as prescribed by the Secretary of State within 90 days after that license is restored. Failure to successfully complete the examination results in a subsequent suspension.</p>	<p>Allows the SOS to administer only the road test in conjunction with the reexamination process for a suspended juvenile provisional license and removes the requirement to provide a written examination to fulfill the restoration requirements.</p>	<p>Section 1301, subsection 4 requires both physical exam (i.e. road test) and written exam.</p>

Sec. 7. 29-A MRSA §101, sub-§80-A is enacted to read:

**80-A. Tow-away transporter combination.** "Tow-away transporter combination" means a combination of vehicles, with a combined gross weight not exceeding 26,000 pounds, consisting of a truck or truck and tractor and 2 trailers or semitrailers, which do not carry property and constitute inventory property of a manufacturer, distributor or dealer of such trailers or semitrailers.

**FAST ACT LANGUAGE-**

**Section 5523 Commercial Delivery of Light- and Medium-Duty Trailers** – The FAST Act amends 49 U.S.C. 31111(a), to include the term "trailer transporter towing unit," which means a power unit that is not used to carry property when operating in a towaway trailer transporter combination. "Towaway trailer transporter combination" means a combination of vehicles consisting of a trailer transporter towing unit and 2 trailers or semitrailers with a total weight that does not exceed 26,000 pounds; and in which the trailers or semitrailers carry no property and constitute inventory property of a manufacturer, distributor, or dealer of such trailers or semitrailers. A State may not prescribe or enforce a regulation of commerce that has the effect of imposing an overall length limitation of less than 82 feet on a towaway trailer transporter combination. [49 U.S.C. 31111(b)(1)(H)]



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# Tandem Trailer Deliveries Fact Sheet: Congress Enacts Federal Length Exemption



The Fixing America's Surface Transportation (FAST) Act, approving \$305 billion in highway and transit spending and extending federal highway programs through 2020, became law on December 4, 2015 (Pub. L. 114-94). Contained in the new law is a provision that enables light-and medium-duty trailer manufacturers to deliver their products to dealers in combinations of two subject to existing size and weight limits and additional restrictions. This fact sheet provides an overview of the new law and its impact on NATM members.

## Authorizing Tandem Trailer Combinations up to 82 Feet in Length

The FAST Act identifies a new category of "towaway trailer transporter combination" vehicles as "*a combination of vehicles consisting of a [powered vehicle not carrying property] and 2 trailers or semitrailers with a total weight that does not exceed 26,000 pounds and in which the trailers or semitrailers carry no property and constitute inventory property of a manufacturer, distributor, or dealer of such trailers or semitrailers.*"<sup>1</sup> As revised by the FAST Act, federal law now provides that "*a State may not prescribe or enforce a regulation of commerce that ... has the effect of imposing an overall length limitation of less than 82 feet*"<sup>2</sup> on any such towaway trailer transporter combination.

The effect of this provision is to permit tandem trailer deliveries in combinations of up to 82 feet in length, and to supersede the prior state law length limitations for such combinations that date back to the Intermodal Transportation Efficiency Act of 1991<sup>3</sup>. Tandem trailer operations must be conducted in compliance with other applicable state and federal commercial motor vehicle regulations, including any commercial drivers license (CDL) requirements.

## Providing Access to National Highways

The FAST Act guarantees “reasonable access” to the interstate highway system for towaway trailer transporter combinations. Specifically, it amends existing law to provide that “*a State may not enact or enforce a law denying . . . reasonable access between*” the interstate highway system and “*terminals, facilities for food, fuel, repairs, and rest, and points of loading and unloading for . . . any towaway trailer transporter combination.*”<sup>4</sup> As such, towaway trailer transporter combinations are authorized for travel on certain secondary and state-maintained roads that are necessary to access interstate highways.



**NATM**  
CARRYING IT TO CONGRESS

Existing DOT regulations under 23 C.F.R. Part 658.19 provide further interpretation of the definition of “reasonable access.” In general, states may not impose vehicle dimension limits that are more restrictive than federal requirements, and may not “*enact or enforce any law denying access within 1 road-mile from [interstate highways] using the most reasonable and practicable route available except for specific safety reasons on individual routes.*”<sup>5</sup> Past court decisions have held that states cannot adopt access restrictions that frustrate the congressional goal of facilitating uniform, nationwide access to the interstate highway system for commercial motor vehicles.<sup>6</sup>

## Setting a Consistent Nationwide Standard

The FAST Act sets a consistent national standard for tandem trailer length and highway access for light- and medium-duty trailers. As the law specifically bars states from enacting or enforcing contrary length or highway access limitations, a court confronting a state law or regulation inconsistent with the FAST Act would likely find it to be preempted by the new federal statute. This has been in the case in prior judicial considerations of the preemptive effect of the statutory length and width provisions under 49 U.S. Code Chapter 311, Subchapter II and its predecessor statutes. As the court noted in *U.S. v. State of Connecticut*, “[a] long history of law has established beyond the slightest doubt that Congress has preeminent under the Commerce Clause of the Constitution . . . to pre-empt those state laws in conflict with congressional enactments.”<sup>7</sup>

## Implementation

During the course of the coming months, NATM expects the U.S. Department of Transportation to provide guidance to state and local Departments of Transportation and law enforcement offices as to the implementation of provisions contained in the new law. States may take the opportunity to update their vehicle codes and regulations to incorporate the provisions of the new law. As implementation at the state and federal levels gets underway, NATM encourages its member companies to consult with legal counsel for guidance on compliance with the new law based on their specific situation.<sup>8</sup>

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<sup>1</sup> 49 U.S.C. § 31111(a), revised pursuant to the FAST Act.

<sup>2</sup> 49 U.S.C. § 31111(b)(1)(H), revised pursuant to the FAST Act.

<sup>3</sup> See 49 U.S.C. § 31112(b); 23 C.F.R. Part 658.23.

<sup>4</sup> 49 U.S.C. § 31114(a), revised pursuant to the FAST Act.

<sup>5</sup> 23 C.F.R. §§ 658.19(g);(d).

<sup>6</sup> See, e.g., *Aux Sable Liquid Products v. Murphy*, 526 F.3d 1028, 1036 (7th Cir., 2008).

<sup>7</sup> *U.S. v. State of Connecticut*, 566 F.Supp.571, 574 (D. Conn., 1983).

<sup>8</sup> The discussions set forth in this fact sheet are for informational purposes only. They do not take into account the qualifications, exceptions and other considerations that may be relevant to particular situations. These discussions should not be construed as legal advice, which has to be addressed to particular facts and circumstances involved in any given situation.



SENATE

KIMBERLEY C. ROSEN, DISTRICT 8, CHAIR  
SCOTT W. CYRWAY, DISTRICT  
G. WILLIAM DIAMOND, DISTRICT

JANE ORBETON, SENIOR LEGISLATIVE ANALYST  
DANIEL TARTAKOFF, LEGISLATIVE ANALYST



HOUSE

CHARLOTTE WARREN, HALLOWELL, CHAIR  
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THOMAS R. W. LONGSTAFF, WATERVILLE  
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PATRICK W. COREY, WINDHAM  
LLOYD C. HERRICK, PARIS

STATE OF MAINE  
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE  
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

**TO:** Senator Ronald F. Collins, Senate Chair  
Representative Andrew J. McLean, House Chair  
Joint Standing Committee on Transportation

**FROM:** Senator Kimberley C. Rosen, Senate Chair *KCR*  
Representative Charlotte Warren, House Chair *CW*  
Joint Standing Committee on Criminal Justice and Public Safety *DET*

**RE:** Review of LDs 1524 and 1577

**DATE:** May 26, 2017

We are writing to you in reference to LDs 1524 and 1577, which, on May 25, 2017, we reviewed and evaluated for the impact of each bill on the criminal justice system pursuant to Joint Rule 319.

As a result of that review, we submit to you the following findings.

1. In reference to LD 1524, An Act To Amend Maine Motor Vehicle Laws, as amended, we reviewed the proposed provision relating to the increase from a Class E to a Class D crime for operating or permitting the operation of a motor vehicle without proof of financial responsibility. We do not have any specific concerns or recommendations as a result of our review of the impact of that provision on the criminal justice system.
2. In reference to LD 1577, An Act To Amend the Motor Vehicle Laws, as amended, we reviewed the proposed provision relating to the changed penalty for failure of a motor vehicle dealer to file a title application with the Secretary of State. We do not have any specific concerns or recommendations as a result of our review of the impact of that provision on the criminal justice system.

Please do not hesitate to contact our committee analyst, Dan Tartakoff, at 287-1670, should you have any questions about our recommendations.

cc. Members, Joint Standing Committee on Criminal Justice and Public Safety  
Members, Joint Standing Committee on Transportation

Date:

(Filing No. H- )

**TRANSPORTATION**

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
128TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT " " to H.P. 1084, L.D. 1577, Bill, "An Act To Amend the Motor Vehicle Laws"

Amend the bill by striking out all of sections 13 and 17.

Amend the bill by inserting after section 32 the following:

'Sec. 33. 29-A MRSA §1410, sub-§2-A is enacted to read:

2-A. Expedited issuance of nondriver identification cards. An applicant requesting the expedited issuance of a nondriver identification card under this section must pay an additional fee of \$10 and provide the reason for the request. The Secretary of State shall determine if expedited issuance is warranted.'

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

**SUMMARY**

This amendment strikes the provision in the bill that reduces most violations of the International Fuel Tax Agreement laws from a Class E crime to a traffic infraction. The amendment also strikes the requirement that a vehicle offered for sale by a motor vehicle dealer must be accompanied by a valid certificate of title.

The bill creates an additional fee for expediting the issuance of driver's licenses and for expediting duplicates of driver's licenses and nondriver identification cards. The amendment also creates an additional fee for expediting the issuance of nondriver identification cards.

ROFS  
COPY

L.D. 1577

Date:

(Filing No. H- )

## TRANSPORTATION

Reproduced and distributed under the direction of the Clerk of the House.

### STATE OF MAINE HOUSE OF REPRESENTATIVES 128TH LEGISLATURE FIRST REGULAR SESSION

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The bill creates an additional fee for expediting the issuance of driver's licenses and for expediting duplicates of driver's licenses and nondriver identification cards. The amendment also creates an additional fee for expediting the issuance of nondriver identification cards.

**FISCAL NOTE REQUIRED**  
(See attached)

# COMMITTEE AMENDMENT

**128th MAINE LEGISLATURE****LD 1577****LR 675(02)****An Act To Amend the Motor Vehicle Laws****Fiscal Note for Bill as Amended by Committee Amendment " "****Committee: Transportation****Fiscal Note Required: Yes**

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**Fiscal Note**

	<b>FY 2017-18</b>	<b>FY 2018-19</b>	<b>Projections FY 2019-20</b>	<b>Projections FY 2020-21</b>
<b>Net Cost (Savings)</b>				
Highway Fund	(\$112,500)	(\$150,000)	(\$150,000)	(\$150,000)
<b>Revenue</b>				
Highway Fund	\$112,500	\$150,000	\$150,000	\$150,000

**Fiscal Detail and Notes**

The bill establishes a \$10 fee for the expedited issuance of a duplicate driver's license and nondriver identification card and would result in an increase in Highway Fund revenue of \$112,500 in fiscal year 2017-18 and \$150,000 in fiscal year 2018-19. This analysis is based upon the average number of duplicate driver's licenses and nondriver identification cards issued over the last three years.

# TRANSPORTATION COMMITTEE VOTING SHEET

LD: 1577

Date: May 16, 2017

Motion: OTPA

Motion by: Rep McLean

Seconded by: Rep Parry

Those Voting in Favor of the Motion	Recommendation of those opposed to the Motion					Absent	Abstain

Rep Austin	✓						
Rep Sheats	✓						
Rep Grant	✓ <i>DMB</i>						
Sen Miramant	✓						
Sen Rosen							
Sen Collins	✓						
Rep McLean	✓						
Rep Parry	✓						
Rep Bryant	✓						
Rep Gillway	✓						
Rep Schneck	✓						
Rep Perkins	✓						
Rep Cebra							
<b>TOTALS</b>							

# TRANSPORTATION COMMITTEE VOTING SHEET

LD: 1577

Date: May 23, 2017

Motion: OTPA

Motion by: Rep Parry

Seconded by: Rep Bryant

		Recommendation of those opposed to the Motion					Absent	Abstain
	Those Voting in Favor of the Motion							
Rep Austin	✓							
Rep Sheats	✓							
Rep Grant	✓							
Sen Miramant	✓							
Sen Rosen	✓							
Sen Collins	✓							
Rep McLean	✓							
Rep Parry	✓							
Rep Bryant	✓							
Rep Gillway	✓							
Rep Schneck	✓							
Rep Perkins	✓							
Rep Cebra	✓							
TOTALS	13							

## COMMITTEE VOTING TALLY SHEET

LD # or Confirmation: LD 1577

Committee: Transportation

Date: 05/23/2017

Motion: Ought To Pass As Amended

Motion by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Those Voting in Favor of the Motion	Recommendation of those opposed to the Motion					Absent	Abstain

### Senators

Sen. Collins	X						
Sen. Miramant	X						
Sen. Rosen	X						

### Representatives

Rep. McLean	X						
Rep. B. Austin	X						
Rep. Bryant	X						
Rep. Cebra	X						
Rep. Gillway	X						
Rep. Grant	X						
Rep. Parry	X						
Rep. Perkins	X						
Rep. Schneck	X						
Rep. Sheats	X						

# HOUSE REPORT

THE COMMITTEE ON Transportation

to which was referred the following:

An Act To Amend the Motor Vehicle Laws

H.P. 1084

L.D. 1577

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

*Andrew McLean*

(Signature) REP. MCLEAN

of Gorham

For the Committee

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(Type)

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

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(Signatures)

# HOUSE REPORT

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