

131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 1455

S.P. 573

In Senate, March 30, 2023

An Act to Establish the Weighing Point Preclearance Program

Reference to the Committee on Transportation suggested and ordered printed.

DAREK M. GRANT Secretary of the Senate

Presented by Senator FARRIN of Somerset. Cosponsored by Representative PARRY of Arundel.

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

Sec. 1. 29-A MRSA §2366 is enacted to read:

§2366. Weighing Point Preclearance Program

- 1. **Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.
 - A. "Preclearance system" means an electronic system that verifies a commercial motor vehicle's size, weight, registration and safety records as the commercial motor vehicle drives on a highway and allows compliant commercial motor vehicles to bypass weighing points.
 - B. "Preclearance system provider" means a provider of the preclearance system under subsection 6.
- C. "Program" means the Weighing Point Preclearance Program established pursuant to subsection 2.
 - D. "State Police" means the Department of Public Safety, Bureau of State Police.
 - E. "Weighing point" means a roadside station where commercial motor vehicles are required to stop for weight and safety inspections by the State Police.
- 2. Establishment of program. The State Police shall establish the Weighing Point Preclearance Program in accordance with the commercial motor vehicle information systems and networks electronic screening truck inspection and weighing point preclearance standards authorized by the Federal Motor Carrier Safety Administration.
- Any proposed infrastructure to be installed within the right-of-way of a state highway pursuant to this subsection must be designed and constructed in accordance with standards from the department, as applicable, and reviewed by the department, as applicable, for approval prior to construction. All costs associated with the design, inspection, installation, maintenance and operation of the preclearance system is the responsibility of the preclearance system provider.
- 3. Department preclearance system program. If the department administers a program that is not the Weighing Point Preclearance Program and that uses a preclearance system, the department shall determine which weighing points must participate in that program, and all preclearance system providers' devices and platforms must be treated equally and used concurrently at participating weighing points in accordance with this section.
- 4. Operation of program. The State Police shall operate the program at each location where commercial motor vehicle weight enforcement is conducted. A preclearance system provider's devices and platform must be used uniformly at each location where the program is operated in accordance with subsection 6.
- 5. Program standards. The State Police shall establish standards for the program in order to meet the needs of the State and conform with weighing point preclearance programs in other states, including standards regarding safety history and preclearance credential status.
- 6. Preclearance system criteria and devices. The preclearance system used by the program must meet the following criteria.

- A. The preclearance system must use global positioning system technology or infrastructure-based equipment and be able to be used at both fixed weighing point facilities and mobile or remote locations.
 - B. The preclearance system must be a system that is broadly deployed across the United States for interstate operability purposes on the effective date of this section.
 - 7. Software and hardware. Computer software and hardware that are necessary for the use of the preclearance system under subsection 6 must be made available at no cost to the State Police. The preclearance system provider is responsible for all costs of operating and maintaining the computer software and hardware. The computer software and hardware must meet the following criteria.
 - A. The computer software and hardware must meet the requirements of the Federal Motor Carrier Safety Administration for compliance with the commercial motor vehicle information systems and networks electronic screening truck inspection and weighing point preclearance standards.
 - B. Hardware installed in a commercial motor vehicle pursuant to the program must be operated in compliance with applicable state law and rules relating to hands-free devices and distracted driving.
 - C. Program preclearance information must be transmitted and received by the commercial motor vehicle driver through electronic messaging within the cab of the commercial motor vehicle.
 - **8.** Data access. The State Police and the department, as applicable, have unrestricted access to data provided by the preclearance system under subsection 6 as part of the program, including real-time event data and real-time sensor data.
 - 9. Rules; consultation. The State Police may adopt rules as necessary to implement the provisions of this section, including designating authorized devices that meet the requirements under subsection 7 for use in the program. The State Police may consult with the department as necessary for the implementation of this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

30 SUMMARY

This bill establishes the Weighing Point Preclearance Program, which is operated by the Department of Public Safety, Bureau of State Police and which uses an electronic system that verifies a commercial motor vehicle's size, weight, registration and safety records as the commercial motor vehicle drives on a highway and allows compliant commercial motor vehicles to bypass weighing points. The bill also provides that if the Department of Transportation administers a separate program that uses a preclearance system, the department must determine which weighing points must participate in that program, and all preclearance system providers' devices and platforms must be treated equally and used concurrently at participating weighing points.