

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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

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

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

6. Moped or motorized bicycle or tricycle. A moped or a motorized bicycle or tricycle;

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

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

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

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

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

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

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

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

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

F. A camp trailer.

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

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

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

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

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

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

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

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

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

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

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

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

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

Notwithstanding Title 5, section 10003, a State Police officer or employee of the State Police designated as a motor vehicle inspector may immediately suspend or revoke the license issued to any official inspection station or the inspection mechanic certificate issued to any inspecting mechanic for

a violation of this chapter or the rules ~~promulgated~~adopted pursuant to section 1769. The penalty for a first offense is a license suspension for a period of up to 6 months. The penalty for a 2nd or subsequent offense is a license suspension for a period of up to one year or license revocation.

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

Sec. 15. 29-A MRSA §1916, sub-§2, ¶C, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

Sec. 16. 29-A MRSA §1916, sub-§3, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

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

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

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

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

Sec. 17. 29-A MRSA §1917, sub-§4, ¶B, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

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

Sec. 18. 29-A MRSA §2054, sub-§1, ¶B, as amended by PL 2005, c. 14, §1, is further amended to read:

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

- (1) An ambulance;
- (2) A Baxter State Park Authority vehicle operated by a Baxter State Park ranger;
- (3) A Bureau of Marine Patrol vehicle operated by a coastal warden;
- (4) A Department of Conservation vehicle operated by a forest ranger;
- (5) A Department of Conservation vehicle used for forest fire control;
- (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;
- (7) A Department of Inland Fisheries and Wildlife vehicle operated by a warden;
- (8) A Department of Public Safety vehicle operated by a capital security officer appointed pursuant to Title 25, section 2908, a state fire investigator or a Maine Drug Enforcement Agency officer;
- (9) An emergency medical service vehicle;
- (10) A fire department vehicle;
- (11) A hazardous material response vehicle, including a vehicle designed to respond to a weapon of mass destruction;
- (12) A railroad police vehicle;
- (13) A sheriff's department vehicle;
- (14) A State Police or municipal police department vehicle;
- (15) A vehicle operated by a chief of police, a sheriff or a deputy sheriff when authorized by the sheriff;

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

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

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

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

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

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

Sec. 19. 29-A MRSA §2054, sub-§1, ¶E-1 is enacted to read:

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

Sec. 20. 29-A MRSA §2054, sub-§9, as amended by PL 2003, c. 97, §1, is further amended to read:

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

- A. Pass in a lane not adjacent to that of the authorized emergency vehicle or wrecker, if possible; or
- B. If passing in a nonadjacent lane is impossible or unsafe, pass the emergency vehicle or wrecker at a careful and prudent speed reasonable for passing the authorized emergency vehicle or wrecker safely.

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

Sec. 21. 29-A MRSA §2057, sub-§10, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

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

Sec. 22. 29-A MRSA §2057, sub-§10-A is enacted to read:

10-A. Failure to yield; traffic infraction. A person commits a traffic infraction if the person operates a vehicle past a yield sign and fails to yield the right-of-way to a vehicle or pedestrian proceeding on the intersecting way.

Sec. 23. 29-A MRSA §2251, sub-§1, as amended by PL 1999, c. 61, §1, is further amended to read:

1. Definition. As used in this section, "reportable accident" means an accident on a public way or a place where public traffic may reasonably be anticipated, resulting in bodily injury or death to a person or apparent property damage of \$1,000 or more. Apparent property damage under this subsection must be based upon the market value of the necessary repairs and may not be limited to the current value of the vehicle or property.

Effective September 20, 2007