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Date: (Filing No. S-)

TRANSPORTATION

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**STATE OF MAINE
SENATE
131ST LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 573, L.D. 1455, “An Act to Establish the Weighing Point Preclearance Program”

Amend the bill by striking out everything after the enacting clause and inserting the following:

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

§2366. Weighing Point Preclearance Program

The State Police shall establish the Weighing Point Preclearance Program, referred to in this section as "the program," to provide a preclearance system capable of determining a commercial motor vehicle's size, weight, registration and safety records as the commercial motor vehicle travels on a highway and allowing compliant commercial motor vehicles to bypass weighing points.

1. Definitions. For purposes of 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 travels on a highway and allows compliant commercial motor vehicles to bypass weighing points.

B. "State Police" means the Department of Public Safety, Bureau of State Police.

C. "Weighing point" means a state-owned station where commercial motor vehicles are required to stop for weight and safety inspections by the State Police.

2. Standards. The program must be in accordance with the commercial motor vehicle information systems and networks electronic screening commercial vehicle inspection and weighing point preclearance standards authorized by the Federal Motor Carrier Safety Administration. The State Police shall, in accordance with Title 5, chapter 155, select preclearance system providers to implement the program. The State Police may remove from the program any preclearance system provider who fails to comply with the requirements of this section. The State Police may adopt rules as necessary to implement

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1 the provisions of this section. The State Police may consult with the department and the
2 Maine Turnpike Authority as necessary in the implementation of the program. Rules
3 adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter
4 375, subchapter 2-A.

5 **3. Review.** The State Police shall establish standards for the program in order to meet
6 the needs of the State. The State Police shall establish a review process to be conducted
7 every 5 years to evaluate any new preclearance system providers or technologies.

8 **4. Report.** Preclearance system providers, except those on the Maine Turnpike, shall
9 provide a monthly report to the State Police on the number of commercial vehicles that
10 have bypassed each weighing point that uses the preclearance system.

11 **Sec. 2. Weighing Point Preclearance Program.** The following provisions
12 govern the Weighing Point Preclearance Program established under the Maine Revised
13 Statutes, Title 29-A, section 2366, referred to in this section as "the program." Any
14 proposed infrastructure to be installed within the right-of-way of a state highway as part of
15 a preclearance system must be designed and constructed in accordance with standards
16 established by the Department of Public Safety and must be reviewed and approved by the
17 Department of Public Safety, the Department of Transportation and the Maine Turnpike
18 Authority, as applicable, prior to construction. All costs associated with the design,
19 inspection, installation, maintenance, operation, modification, replacement and removal of
20 a preclearance system is the responsibility of the preclearance system provider.

21 Any infrastructure to be installed within the right-of-way on the Maine Turnpike as
22 part of a preclearance system must be reviewed and approved by the Maine Turnpike
23 Authority. The preclearance system provider must enter into a revocable license agreement
24 with the Maine Turnpike Authority prior to construction. A provider of a preclearance
25 system within the Maine Turnpike right-of-way that allows the weighing of commercial
26 vehicles in motion must provide reports to the Maine Turnpike Authority, in a format and
27 as frequently as the Maine Turnpike Authority directs, showing the number and
28 classification of vehicles weighed by this method and the weights of each vehicle. Each
29 report must include all data recorded since the time of the most recent prior report.

30 1. The State Police shall operate the program at designated locations where commercial
31 motor vehicle weight and safety inspections are conducted. A preclearance system
32 provider's devices and computer software and hardware must be used uniformly at each
33 location where the program is operated in accordance with subsection 4.

34 2. The preclearance systems used by the program must meet the following criteria.

35 A. A preclearance system must use global positioning system technology or
36 infrastructure-based equipment and be able to be used at both fixed weighing points
37 and mobile or remote locations.

38 B. A preclearance system must be a system that is broadly deployed across the United
39 States for interstate operability purposes.

40 C. A preclearance system must allow for the State Police to select commercial vehicles
41 for manual inspection and visual verification.

42 3. Computer software and hardware that are necessary for the use of the preclearance
43 system must be made available at no cost to the State Police. The preclearance system

1 provider is responsible for all costs of operating and maintaining the computer software
2 and hardware. The computer software and hardware must meet the following criteria.

3 A. The computer software and hardware must meet the requirements of the Federal
4 Motor Carrier Safety Administration for compliance with the commercial motor
5 vehicle information systems and networks electronic screening commercial vehicle
6 inspection and weighing point preclearance standards.

7 B. Hardware installed in a commercial vehicle pursuant to the program must be
8 operated in compliance with applicable state law and rules relating to hands-free
9 devices and distracted driving.

10 C. Program preclearance information must be transmitted and received by the
11 commercial vehicle driver through electronic messaging within the cab of the
12 commercial vehicle.

13 D. The computer software and hardware must meet applicable standards set by the
14 Department of Administrative and Financial Services, Office of Information
15 Technology.

16 4. The State Police and the Department of Public Safety, as applicable, must have
17 unrestricted access to data provided by the preclearance system as part of the program,
18 including real-time event data, real-time sensor data and any recorded data captured by the
19 preclearance system. Recorded data captured by the preclearance system must be
20 maintained by the preclearance system provider for at least 30 days from the date of
21 recording.

22 The Maine Turnpike Authority must have access to this data for any weighing points
23 overseen by the authority.

24 5. By January 3, 2024, the State Police shall report on which preclearance system
25 provider or providers are selected for the program and how the development of the program
26 has progressed and include any proposed statutory changes to the Joint Standing
27 Committee on Transportation. The committee may report out a bill related to the report to
28 the Second Regular Session of the 131st Legislature.

29 For the purposes of this section, "preclearance system," "State Police" and "weighing
30 point" have the same meanings as in Title 29-A, subsection 1.'

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

33 SUMMARY

34 This amendment replaces the bill and does the following.

35 1. It changes the definition in the bill of "weighing point" to clarify that weighing points
36 are state owned.

37 2. It adds language to clarify that the Weighing Point Preclearance Program must
38 follow the current statutory procurement process for departments and agencies of State
39 Government.

1 3. It removes the requirement that the preclearance program must align with other state
2 preclearance programs. It adds a review process to be conducted every 5 years to evaluate
3 any new preclearance system providers or technologies.

4 4. It adds that any infrastructure to be installed within the right-of-way on the Maine
5 Turnpike as part of a preclearance system must be reviewed and approved by the Maine
6 Turnpike Authority. The preclearance system provider must enter into a revocable license
7 agreement with the authority prior to beginning any construction.

8 5. It adds that cost of modification, replacement or removal of a preclearance system
9 must be covered by the preclearance system provider.

10 6. It adds 3 criteria to the criteria in the bill that the preclearance system must meet.
11 The preclearance system must allow for the Department of Public Safety, Bureau of State
12 Police to select vehicles for manual inspection and visual verification. Preclearance system
13 providers, except those on the Maine Turnpike, must provide a monthly report of the
14 number of commercial vehicles that have bypassed each weighing point that uses the
15 preclearance system. For preclearance system within the Maine Turnpike right-of-way that
16 allows the weighing of vehicles in motion, the preclearance system must provide reports to
17 the authority, in a format and as frequently as the authority directs, showing the number
18 and classification of vehicles weighed by this method and the weights of each vehicle; each
19 report must include all data recorded since the time of the most recent prior report.

20 7. It adds that all computer software and hardware must meet applicable standards set
21 by the Department of Administrative and Financial Services, Office of Information
22 Technology.

23 8. It adds that the Department of Public Safety and the Bureau of State Police must
24 have access to any recorded data captured by the preclearance system for at least 30 days
25 from the date of recording and that the Maine Turnpike Authority must have access to this
26 data for any weighing points overseen by the authority.

27 9. It adds that the Bureau of State Police may remove from the program any
28 preclearance system provider who fails to comply with the requirements of the program.

29 10. It adds that the Bureau of State Police is required to report on the program to the
30 Joint Standing Committee on Transportation by January 3, 2024.

31 **FISCAL NOTE REQUIRED**

32 **(See attached)**