

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 Improve Highway Maintenance Safety**

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

**Sec. 1. 29-A MRSA §2054, sub-§2, ¶C**, as amended by PL 2015, c. 31, §1 and c. 32, §2, is further amended to read:

C. The use of amber, white and green lights on vehicles is governed by the following.

(1) A vehicle engaged in highway maintenance or in emergency rescue operations by emergency management and public safety agencies and a public service vehicle may be equipped with auxiliary lights that emit an amber light or a combination of amber and white lights or any shade between amber and white. The amber and white lights may be located on the front, rear or sides of the vehicle and may flash, oscillate, strobe or blink.

(1-A) A Department of Labor motor vehicle operated by a workplace safety inspector may be equipped with auxiliary lights that emit an amber light.

(1-B) A highway maintenance vehicle operating under direction of the department or the Maine Turnpike Authority may include green lighting, which may be located on the front, rear or sides of the vehicle and may flash, oscillate, strobe or blink.

(2) A wrecker must be equipped with a flashing light mounted on top of the vehicle in such a manner as to emit an amber light over a 360-degree angle. The light must be in use on a public way or a place where public traffic may reasonably be anticipated when servicing, freeing, loading, unloading or towing a vehicle.

(3) A vehicle engaged in snow removal or sanding operations on a public way must be equipped with and display an auxiliary light that provides visible light coverage over a 360-degree range. The light must emit an amber beam of light and be equipped with a blinking or strobe light function and have sufficient intensity to be visible at 500 feet in normal daylight. When the left wing of a plow is in operation and extends over the center of the road, an auxiliary light must show the extreme end of the left wing. That light may be attached to the vehicle so that the beam of light points at the left wing. The light illuminating the left wing may be controlled by a separate switch or by the regular lighting system and must be in operation at all times when the vehicle is used for plowing snow on public ways.

(4) A vehicle equipped and used for plowing snow on other than public ways may be equipped with an auxiliary rotary flashing light that must be mounted on top of the vehicle in such a manner as to emit an amber beam of light over a 360-degree angle, or an amber strobe, or combination of strobes, that emits at a minimum a beam of 50 candlepower and provides visible light coverage over a 360-degree range. The light may be in use on a public way only when the vehicle is entering the public way in the course of plowing private driveways and other off-highway locations.

(5) A rural mail vehicle may be equipped with auxiliary lights.

(a) The lights used to the front must be white or amber, or any shade between white and amber.

(b) The lights used to the rear must be amber or red, or any shade between amber and red.

(c) The lights, whether used to the front or rear, must be mounted at the same level and as widely spaced laterally as possible.

(d) The lights, whether used to the front or rear, must flash simultaneously.

(e) The lights must be visible from a distance of at least 500 feet in normal daylight.

(6) A vehicle used or provided by a contract security company to assist in traffic control and direction at construction or maintenance sites on a public way may be equipped with amber auxiliary lights.

(7) A Department of Public Safety vehicle operated by a motor carrier inspector or motor vehicle inspector may be equipped with auxiliary lights that emit an amber light.

(8) A vehicle used by an animal control officer appointed pursuant to Title 7, section 3947 may be equipped with auxiliary lights that emit a flashing amber light.

(9) A refuse, garbage or trash business vehicle used by an individual to transport refuse, garbage and trash may be equipped with auxiliary lights that emit a flashing amber light.

(10) A vehicle used by an individual to transport and deliver newspapers may be equipped with auxiliary lights that emit a flashing amber light.

**Sec. 2. 29-A MRSA §2069**, as amended by PL 2015, c. 159, §4, is further amended to read:

**§ 2069. Authority to remove an improperly parked vehicle; vehicles used in commission of a crime**

**1. Parked in violation.** A law enforcement officer ~~or, employees or agents of the Department of Transportation or employees or agents of the Maine Turnpike Authority~~ may cause the removal of a vehicle or require the operator to move the vehicle from a location in violation of section 2068, subsection 1 ~~or of rules adopted by the Maine Turnpike Authority~~ to a location where parking is permitted.

**2. Interfering with snow removal, normal traffic movement.** A law enforcement officer may cause the removal to a suitable parking place, at the expense of the registered owner, of a vehicle interfering with snow removal or the normal movement of traffic or parked within the limits of a right-of-way. The Department of Transportation ~~or the Maine Turnpike Authority~~ may take the same action, ~~through use of their employees or agents,~~ for a vehicle standing on property under its ~~jurisdiction~~their respective jurisdictions.

**3. Vehicle used in connection with a crime or operating after suspension traffic infraction.** A law enforcement officer may cause the removal to a suitable parking place of a vehicle connected with:

- A. The arrest of the operator or owner of that vehicle;
- B. The issuance of a summons for a traffic infraction as described in section 2412-A, subsection 8;
- C. A suspended registration pursuant to Title 23, section 1980 or the suspension of the owner's right to operate the vehicle pursuant to section 2461 for failure to pay a toll; or
- D. The commission of a crime.

When a vehicle has been removed pursuant to paragraph C, the vehicle may be released only after the tolls, fees and penalties have been paid and the vehicle's registration has been reinstated or the owner's right to operate the vehicle has been restored.

**4. Liability for damages; charges.** The State, a political subdivision of the State, ~~the Maine Turnpike Authority~~ or a law enforcement officer is not liable for damage that may be caused by removal of a vehicle or for any towing or storage charges, ~~nor is any 3rd-party agent acting on behalf of these entities.~~

**5. Notification.** Upon removal of a vehicle in accordance with this section, the notification requirements and provisions for payment of towing and storage costs in chapter 15, subchapter 3 apply.

## SUMMARY

This bill amends current law to allow vehicles engaged in highway maintenance or in emergency rescue operations by emergency management and public safety agencies and public service vehicles to

be equipped with auxiliary lights that emit a combination of amber and white lights or any shade between amber and white. It also allows the use of green lighting for any highway maintenance vehicle that is operating under the direction of the Department of Transportation or the Maine Turnpike Authority.

This bill also amends current law to allow the Maine Turnpike Authority to remove a vehicle from the Maine Turnpike if it is improperly parked, abandoned or interfering with snow removal in the same manner that the Department of Transportation may remove such a vehicle on a road under its jurisdiction. It also clarifies that a 3rd-party agent such as an independent contractor working for the Department of Transportation or the Maine Turnpike Authority is entitled to the same immunity from liability for these removals as employees of the department or authority.