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No. 1072

S.P. 441

In Senate, March 9, 2023

An Act Regarding the Bureau of Motor Vehicles

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator CHIPMAN of Cumberland.
Cosponsored by Representative WILLIAMS of Bar Harbor and
Senator: GROHOSKI of Hancock, Representatives: ALBERT of Madawaska, ANKELES of
Brunswick, CRAFTS of Newcastle, MASON of Lisbon, O'CONNELL of Brewer,
THERIAULT of Fort Kent, WHITE of Waterville.

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

2 **Sec. 1. 29-A MRSA §152, sub-§5**, as amended by PL 1997, c. 776, §5, is further
3 amended to read:

4 **5. Assign new identification number.** Assign a new identification number to a
5 vehicle if it has none, or if the vehicle's identification number is destroyed or obliterated,
6 or if the frame, chassis or, if the vehicle is a truck, the cab is changed, or if the vehicle is a
7 reconstructed motorcycle, and shall issue a new certificate of title showing the new
8 identification number upon surrender of the old certificate and completion of an application
9 for title and payment of the fee; ~~and~~

10 **Sec. 2. 29-A MRSA §152, sub-§6**, as enacted by PL 1993, c. 683, Pt. A, §2 and
11 affected by Pt. B, §5, is amended to read:

12 **6. Other data.** Require data necessary on forms, applications, certificates, licenses or
13 other documents; and

14 **Sec. 3. 29-A MRSA §152, sub-§7** is enacted to read:

15 **7. Waive penalty or fee.** Waive a penalty or fee required under this Title if the
16 Secretary of State or the secretary's designee determines that the circumstances justify a
17 waiver. The Secretary of State shall adopt rules to administer this subsection that must
18 include but are not limited to rules identifying circumstances that may justify a waiver.
19 Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5,
20 chapter 375, subchapter 2-A.

21 **Sec. 4. 29-A MRSA §160** is enacted to read:

22 **§160. Restriction of weapons in bureau offices**

23 A person may not carry firearms, dangerous weapons, explosives, incendiary devices
24 or implements that by their nature are capable of being used to injure a person or destroy
25 property in any bureau office. This section does not apply to a law enforcement officer
26 who is on duty or off duty.

27 **Sec. 5. 29-A MRSA §251, sub-§2-A**, as enacted by PL 2003, c. 434, §4 and
28 affected by §37, is amended to read:

29 **2-A. Databases.** The Secretary of State may provide databases of records pertaining
30 to applications, registrations and certifications of vehicles and to driver's licenses to
31 individuals, businesses and other entities as allowed by section 256 and all other applicable
32 laws. The Secretary of State shall adopt rules to establish a fee schedule and governing
33 procedures.

34 **Sec. 6. 29-A MRSA §351, sub-§5**, as amended by PL 2001, c. 671, §4, is further
35 amended to read:

36 **5. Expiration of ~~14-day~~ 30-day temporary registration plate.** Notwithstanding the
37 provisions of this section, a person who operates a vehicle with an expired temporary
38 registration plate issued pursuant to section 462 954-A commits:

39 A. A traffic infraction for which a ~~forfeiture~~ fine of not more than \$50 may be adjudged
40 if the registration has been expired for less than 150 days; or

41 B. A Class E crime if the registration has been expired for 150 days or more.

1 **Sec. 7. 29-A MRSA §460-A**, as enacted by PL 2011, c. 356, §4, is repealed.

2 **Sec. 8. 29-A MRSA §462**, as amended by PL 2021, c. 126, §1, is reallocated to
3 29-A MRSA §954-A.

4 **Sec. 9. 29-A MRSA §501, sub-§7, ¶A**, as amended by PL 2019, c. 650, §2, is
5 further amended to read:

6 A. A temporary registration permit is limited in use for transportation of a vehicle after
7 sale, transportation necessary for service or repairs of a vehicle, occasional seasonal
8 relocation of a vehicle or occasional transportation necessary for the relocation of a
9 tiny home:

10 (1) Between the points of origin and destination and intermediate points, as set
11 forth in the permit; or

12 (2) From the point of origin to the destination and back to the point of origin,
13 including any intermediate points, as set forth in the permit.

14 **Sec. 10. 29-A MRSA §523, sub-§3**, as amended by PL 2017, c. 43, §2 and
15 amended by PL 2019, c. 377, §6, is further amended to read:

16 **3. Special veterans registration plates.** The Secretary of State, on application and
17 evidence of payment of the excise tax required by Title 36, section 1482 and the registration
18 fee required by section 501 or by section 504, subsection 1 for a vehicle with a registered
19 gross weight over 10,000 pounds, shall issue a registration certificate and a set of special
20 veterans registration plates to be used in lieu of regular registration plates for a vehicle with
21 a registered gross weight of not more than 26,000 pounds to any person who has served in
22 the United States Armed Forces and who has been honorably discharged, any person who
23 has served a minimum of 20 years in the National Guard and has been honorably discharged
24 or to a person who has served in the United States Armed Forces for at least 3 years and
25 continues to serve. If a person who qualifies for a special veterans registration plate under
26 this subsection is the primary driver of 3 vehicles, the Secretary of State may issue in
27 accordance with this section a set of special veterans registration plates for each vehicle.

28 Each application must be accompanied by the applicant's Armed Forces Report of Transfer
29 or Discharge, DD Form 214, certification from the United States Veterans Administration
30 or the appropriate branch of the United States Armed Forces verifying the applicant's
31 military service and honorable discharge, ~~or~~ a letter from the Department of Defense,
32 Veterans and Emergency Management, Maine Bureau of Veterans' Services verifying
33 active duty military service and length of service or a Form 22 from the United States
34 Department of Defense, National Guard Bureau indicating a minimum of 20 years of
35 service.

36 The Secretary of State shall recall a special veterans registration plate of a recipient who
37 has been less than honorably discharged from the United States Armed Forces.

38 All surplus revenue collected for issuance of the special registration plates is retained by
39 the Secretary of State to maintain and support this program.

40 The surviving spouse of a special veteran plate recipient issued plates in accordance with
41 this subsection may retain and display the special veteran plates as long as the surviving
42 spouse remains unmarried. Upon remarriage, the surviving spouse may not use the special
43 veteran plates on a motor vehicle, but may retain them as a keepsake. Upon the death of

1 the surviving spouse, the family may retain the special veteran plates, but may not use them
2 on a motor vehicle.

3 The Secretary of State may issue a special disability registration plate for veterans in
4 accordance with section 521, subsections 1, 5, 7 and 9. The special disability registration
5 plate for veterans must bear the International Symbol of Access.

6 The Secretary of State may issue a set of special veterans registration plates when the
7 qualifying veteran is the primary driver of a company-owned vehicle if:

8 A. The company is owned solely by a veteran who qualifies for a veteran plate under
9 this section;

10 B. The vehicle is leased by a veteran who qualifies for the veteran plate under this
11 subsection; or

12 C. The vehicle is leased by the employer of a veteran who qualifies for the veteran
13 plate and the employer has assigned the vehicle exclusively to the veteran. The
14 employer must attest in writing that the veteran will have exclusive use of the vehicle
15 and agrees to the display of the special veteran plate.

16 **Sec. 11. 29-A MRSA §523, sub-§3-A**, as amended by PL 2011, c. 356, §12 and
17 amended by PL 2019, c. 377, §6, is further amended to read:

18 **3-A. Motorcycle plates; veterans.** In addition to any plate issued pursuant to
19 subsection 3, the Secretary of State, on application and evidence of payment of the excise
20 tax required by Title 36, section 1482 and the registration fee required by section 515,
21 subsection 1, shall issue a registration certificate and a special veterans registration plate
22 for up to 3 designated motorcycles owned or controlled by a person who has served in the
23 United States Armed Forces and who has been honorably discharged, a person who has
24 served a minimum of 20 years in the National Guard and has been honorably discharged
25 or to a person who has served in the United States Armed Forces for at least 3 years and
26 continues to serve.

27 Each application must be accompanied by the applicant's Armed Forces Report of Transfer
28 or Discharge, DD Form 214, certification from the United States Department of Veterans
29 Affairs or the appropriate branch of the United States Armed Forces verifying the
30 applicant's military service and honorable discharge, ~~or~~ a letter from the Department of
31 Defense, Veterans and Emergency Management, Maine Bureau of Veterans' Services
32 verifying active duty military service and length of service or a Form 22 from the United
33 States Department of Defense, National Guard Bureau indicating a minimum of 20 years
34 of service.

35 The Secretary of State shall recall a special veterans registration plate of a recipient who
36 has been less than honorably discharged from the United States Armed Forces.

37 All surplus revenue collected for issuance of the special veterans registration plates is
38 retained by the Secretary of State to maintain and support this program.

39 Upon request the Secretary of State shall issue special veterans registration plates for a
40 motorcycle that are also vanity plates. These plates are issued in accordance with this
41 section and section 453. Vanity plates issued under this subsection may not duplicate
42 vanity plates issued in another class of plate.

1 The surviving spouse of a recipient of a special veterans registration plate issued in
2 accordance with this subsection may retain and use the plate or plates as long as the
3 surviving spouse remains unmarried. Upon remarriage, the surviving spouse may not use
4 the plate or plates, but may retain them. Upon the death of the surviving spouse, the family
5 may retain the plate or plates, but may not use them.

6 The Secretary of State may not issue special commemorative decals under subsection 5 or
7 6 for use on special veterans registration plates for a motorcycle.

8 **Sec. 12. 29-A MRSA §702, sub-§2-A**, as enacted by PL 2021, c. 216, §20, is
9 amended to read:

10 **2-A. Lienholder registration.** A lienholder who ~~secures a lien on 15 or more titles~~
11 ~~annually~~ participates in the electronic lien titling program is required to register with the
12 Secretary of State for a lienholder identification number in accordance with rules adopted
13 by the Secretary of State.

14 **Sec. 13. 29-A MRSA §1251, sub-§6, ¶C**, as amended by PL 1995, c. 482, Pt. B,
15 §17, is further amended to read:

16 C. A spouse of a member of the United States Armed Forces while accompanying that
17 member on active duty assignment to this State, and who is not a resident of this State
18 and who has a valid license issued by another jurisdiction; ~~and~~

19 **Sec. 14. 29-A MRSA §1251, sub-§6, ¶D**, as corrected by RR 2003, c. 2, §92, is
20 amended to read:

21 D. A person operating a motor vehicle in a parking area under the supervision of an
22 instructor during career and technical education as defined by Title 20-A, section
23 8301-A, subsection 2-A; ~~and~~

24 **Sec. 15. 29-A MRSA §1251, sub-§6, ¶E** is enacted to read:

25 E. A person who is not a citizen of the United States and who has a valid license issued
26 by a foreign jurisdiction for up to one year after becoming a resident of this State.

27 **Sec. 16. 29-A MRSA §1253, sub-§7** is enacted to read:

28 7. Conviction for severe forms of trafficking in persons. The Secretary of State
29 shall permanently revoke, without preliminary hearing, the commercial driver's license of
30 a person who has been convicted of a felony involving an act or practice of severe forms
31 of trafficking in persons, as defined in 22 United States Code, Section 7102.11 (2000), in
32 which a commercial motor vehicle was used. This permanent revocation is pursuant to the
33 requirements of 49 Code of Federal Regulations, Part 383.51.

34 **Sec. 17. 29-A MRSA §1301, sub-§6-A**, as amended by PL 2017, c. 229, §19, is
35 further amended to read:

36 **6-A. Confidentiality.** Except as required by 18 United States Code, Section 2721(b)
37 or as needed to implement the federal National Voter Registration Act of 1993, the federal
38 Help America Vote Act of 2002 or other federal election law within the central voter
39 registration system described under Title 21-A, chapter 3, subchapter 7, the Secretary of
40 State may not disseminate information collected under subsection 6. For every willful
41 violation of this subsection, a person commits a civil violation for which a fine of not more
42 than \$500 may be adjudged.

1 **Sec. 18. 29-A MRSA §1302, sub-§1, ¶C**, as enacted by PL 1993, c. 683, Pt. A,
2 §2 and affected by Pt. B, §5, is amended to read:

3 C. When the minor ~~has no~~ does not have a parent, guardian or spouse who has attained
4 ~~the age of~~ 18 years of age, signed by the employer of the minor if that employer is 18
5 years of age or older; ~~or~~

6 **Sec. 19. 29-A MRSA §1302, sub-§1, ¶D**, as enacted by PL 1993, c. 683, Pt. A,
7 §2 and affected by Pt. B, §5, is amended to read:

8 D. Accompanied by an attested copy of a court order of emancipation under Title 15,
9 section 3506-A; or

10 **Sec. 20. 29-A MRSA §1302, sub-§1, ¶E** is enacted to read:

11 E. Accompanied by evidence that the minor is an unaccompanied noncitizen minor
12 under federal immigration law and otherwise meets all other eligibility criteria under
13 state and federal law.

14 **Sec. 21. 29-A MRSA §1354, sub-§2**, as amended by PL 2021, c. 216, §§42 and
15 43, is further amended to read:

16 **2. Licenses required.** A person may not operate a driver education school, conduct
17 driver education or act as an instructor unless licensed by the Secretary of State.

18 A. A Class A 1 driver education school license may be issued to a driver education
19 school that employs Class A 1 instructors and that is authorized to teach both the
20 classroom and behind-the-wheel phases of driver education and behind-the-wheel
21 private lessons to individuals who hold a valid learner's permit, driver's license or
22 temporary driver's license. A driver education school licensed under this paragraph
23 may also employ Class B 2 instructors to provide the behind-the-wheel phase of driver
24 education and behind-the-wheel private lessons. A driver education school licensed
25 under this paragraph may teach both the classroom and behind-the-wheel phases of
26 driver education and behind-the-wheel private lessons.

27 B. A Class A 1 instructor license authorizes the holder to teach both the classroom and
28 behind-the-wheel phases of driver education as an employee or affiliate of a licensed
29 driver education school.

30 C. A Class B 2 instructor license authorizes the holder to teach only the behind-the-
31 wheel phase of driver education as an employee or affiliate of a licensed driver
32 education school.

33 C-1. A Class 3 instructor license authorizes the holder to teach only the classroom
34 phase of driver education as an employee or affiliate of a licensed driver education
35 school.

36 D. A Class B 2 driver education school license may be issued to a driver education
37 school that employs a Class A 1 or Class B 2 instructor. A driver education school
38 licensed under this paragraph may provide only behind-the-wheel private lessons to
39 individuals who hold a valid learner's permit, driver's license or temporary driver's
40 license.

41 **Sec. 22. 29-A MRSA §1354, sub-§4, ¶I**, as enacted by PL 2021, c. 216, §44, is
42 amended to read:

1 I. The applicant shall submit to having fingerprints taken. The Bureau of Motor
2 Vehicles shall make available an approved list of agencies providing fingerprinting.
3 Upon payment to an approved agency by the applicant and after the approved agency
4 takes or causes to be taken the applicant's fingerprints and forwards the fingerprints to
5 the State Bureau of Identification, the State Bureau of Identification shall conduct state
6 and national criminal history record checks. Fingerprinting is required upon initial
7 application and every 5 6 years thereafter.

8 **Sec. 23. 29-A MRSA §1410, sub-§12** is enacted to read:

9 **12. Temporary nondriver identification card.** The Secretary of State may issue a
10 temporary nondriver identification card to an applicant that is valid for up to 90 days.

11 **Sec. 24. 29-A MRSA §2454, sub-§1**, as enacted by PL 1995, c. 368, Pt. AAA,
12 §19, is amended to read:

13 **1. Minimum revocation.** Subject to the longer period of revocation provided in
14 subsection 2, the license of any person who, as a result of the operation of a motor vehicle
15 in such a manner as to cause the death of any person, is convicted of criminal homicide or
16 an attempt of criminal homicide, or who is adjudicated to have committed a juvenile
17 offense of criminal homicide or an attempt of criminal homicide, must be revoked
18 immediately by the Secretary of State upon receipt of an attested copy of the court records,
19 without further hearing, for a period of at least 5 years as long as the attested copy of court
20 records is received within one year of the date of conviction.

21 **Sec. 25. 29-A MRSA §2458, sub-§2-A**, as amended by PL 2019, c. 467, §1, is
22 further amended to read:

23 **2-A. Minimum suspension for negligent operation.** The Secretary of State without
24 preliminary hearing shall suspend for a period of at least one year a person's license if the
25 Secretary of State, based on the Secretary of State's records or other sufficient evidence,
26 finds that person to have negligently operated a motor vehicle in a manner so as to cause
27 the death of another person. Prior to the ~~determination~~ and issuance of the suspension, the
28 Secretary of State shall notify any immediate family of the victim and shall consider written
29 or oral statements received from the immediate family in response to the notice. Upon
30 suspending the person's license, the Secretary of State shall notify that person of an
31 opportunity for hearing as provided in section 2483. If a person whose license is suspended
32 under this subsection requests a hearing, the suspension is stayed pursuant to section 2483.

33 **Sec. 26. Retroactivity.** That section of this Act that amends the Maine Revised
34 Statutes, Title 29-A, section 2454, subsection 1 applies to all records received by the
35 Secretary of State on or after July 1, 2022.

36 SUMMARY

37 This bill does the following.

38 1. It restricts the carrying of weapons in Department of the Secretary of State, Bureau
39 of Motor Vehicles offices to on-duty or off-duty law enforcement officers.

40 2. It allows the Secretary of State or the secretary's designee to waive a penalty or fee
41 if it is determined that the circumstances that caused the penalty or fee to justify the waiver.

- 1 3. It reallocates the provisions of law governing the issuance of temporary license
2 plates from the laws governing motor vehicle registration to the laws governing motor
3 vehicle dealers, who issue the plates. It also changes cross-references as needed and makes
4 a change for consistency with current law.
- 5 4. It repeals the honorary consul license plate as the Federal Government has advised
6 states not to issue them.
- 7 5. It specifies that the issuance of a temporary registration permit for the transportation
8 of a tiny home is for occasional transportation only.
- 9 6. It requires a lienholder who participates in the electronic lien titling program to
10 register with the Secretary of State.
- 11 7. It exempts a person who is not a citizen of the United States and who has a valid
12 driver's license issued by a foreign jurisdiction from the requirement to obtain a Maine
13 driver's license for up to one year after becoming a resident of this State.
- 14 8. It requires the Secretary of State to permanently revoke, without preliminary
15 hearing, the commercial driver's license of a person who has been convicted of a felony
16 involving an act or practice of severe forms of human trafficking in which a commercial
17 motor vehicle was used. This requirement is mandated by federal law.
- 18 9. It allows the Secretary of State to provide social security numbers within the
19 Department of the Secretary of State to implement the federal National Voter Registration
20 Act of 1993, the federal Help America Vote Act of 2002 or other federal election law within
21 the central voter registration system.
- 22 10. It allows the Secretary of State to accept an application for a driver's license for a
23 minor if it is accompanied by evidence that the minor is an unaccompanied noncitizen
24 minor under federal immigration law and otherwise meets the legal status criteria under
25 state and federal law.
- 26 11. It extends the fingerprinting requirement for driver education instructors from
27 every 5 years to every 6 years, to coincide with their instructor license renewals, which are
28 every 2 years.
- 29 12. It allows the issuance of a temporary nondriver identification card to an applicant
30 that is valid for up to 90 days.
- 31 13. It amends the provision of law that requires the Secretary of State to suspend
32 without preliminary hearing for a period of at least one year a person's driver's license if
33 the Secretary of State finds that person to have negligently operated a motor vehicle in a
34 manner so as to cause the death of another person by clarifying that the Secretary of State
35 is required to notify only the immediate family of the victim prior to the suspension and is
36 required to consider written or oral statements received from the immediate family in
37 response to the notice.

1 14. It clarifies that the Secretary of State may provide databases of records pertaining
2 to applications, registrations and certifications of vehicles and to driver's licenses to
3 individuals, businesses and other entities only as allowed by law.

4 15. It amends the laws governing the issuance of special veterans registration plates
5 for motor vehicles and motorcycles by adding an eligibility for National Guard members
6 who have served a minimum of 20 years and have been honorably discharged to qualify
7 for the plates.

8 16. It changes the categories of instructor licensure for driver education schools from
9 Class A and Class B to Class 1, Class 2 and Class 3 and specifies that a Class 3 instructor
10 license authorizes the holder to teach only the classroom phase of driver education as an
11 employee or affiliate of a licensed driver education school.

12 17. It provides that when a person has operated a motor vehicle in such a manner as to
13 cause the death of a person or has been convicted of criminal homicide or attempted
14 criminal homicide, the Secretary of State may revoke that person's driver's license for at
15 least 5 years without further hearing upon receipt of an attested copy of the court records
16 as long as the attested copy is received within one year of the date of conviction.