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S.P. 581

In Senate, December 18, 2015

An Act To Amend Maine's Motor Vehicle Laws

Submitted by the Secretary of State pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 18, 2015. Referred to the Committee on Transportation pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator COLLINS of York.

Cosponsored by Representative McLEAN of Gorham and

Senators: DIAMOND of Cumberland, GERZOFSKY of Cumberland, Representatives:
CHENETTE of Saco, DOORE of Augusta, FOLEY of Wells, NADEAU of Winslow,
POULIOT of Augusta.

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

2 **Sec. 1. 29-A MRSA §101, sub-§15-A**, as enacted by PL 2009, c. 315, §3, is
3 amended to read:

4 **15-A. Combination vehicle.** "Combination vehicle" means a motor vehicle
5 consisting of a truck or truck tractor in combination with one or more trailers or
6 semitrailers.

7 **Sec. 2. 29-A MRSA §201, sub-§2, ¶C**, as amended by PL 1997, c. 776, §6, is
8 further amended to read:

9 C. If authorized to issue registrations and renewals of registrations, issue:

10 (1) Registrations for pickup trucks registered for ~~9,000~~ 10,000 pounds or less
11 gross vehicular weight, automobiles, trailers, semitrailers and farm tractors; and

12 (2) Registrations for trucks of greater gross weight than provided in
13 subparagraph (1), after the agent has satisfactorily participated in special training
14 as prescribed by the Secretary of State.

15 **Sec. 3. 29-A MRSA §401, sub-§2**, as corrected by RR 2009, c. 2, §81, is
16 amended to read:

17 **2. Content of application.** An application must contain information requested by
18 the Secretary of State, including legal name, residence and address of the registrant,
19 current mileage of a motor vehicle, a brief description of the vehicle, the maker, the
20 vehicle identification number, the year of manufacture, and the type of motor fuel or
21 motive power and, for trucks, truck tractors and special mobile equipment, the gross
22 weight. A registrant that is a corporation, trust, limited partnership or other similar entity
23 must provide either a federal taxpayer identification number or an identification number
24 issued by the department. An initial application for registration must be signed by the
25 registrant or the registrant's legal representative. The Secretary of State shall keep initial
26 applications on file until that registration is terminated.

27 **Sec. 4. 29-A MRSA §452, sub-§4**, as enacted by PL 2003, c. 452, Pt. Q, §3 and
28 affected by Pt. X, §2, is amended to read:

29 **4. Plainly visible and legible.** Registration plates, including the numbers, letters and
30 words, must always be plainly visible and legible. A registration plate may not be
31 obscured by a frame or covering or any device that prohibits the plate from being read
32 visually or electronically.

33 **Sec. 5. 29-A MRSA §456-A, sub-§8, ¶A**, as enacted by PL 2011, c. 356, §3, is
34 amended to read:

35 A. A vehicle that qualifies for a specialty license plate under section 468, subsection
36 ~~8; and~~

37 **Sec. 6. 29-A MRSA §456-A, sub-§8, ¶B**, as enacted by PL 2011, c. 356, §3, is
38 repealed.

1 **Sec. 7. 29-A MRSA §456-F, sub-§7, ¶B**, as enacted by PL 2007, c. 703, §10, is
2 amended to read:

3 B. A truck registered under section 504, subsection 1 ~~or section 505~~.

4 **Sec. 8. 29-A MRSA §504**, as amended by PL 2007, c. 647, §3 and affected by §8,
5 is further amended to read:

6 **§504. Registration of trucks and truck tractors**

7 **1. Truck or truck tractor.** For a truck or truck tractor equipped with pneumatic
8 tires, the following annual registration fee schedule applies.

9 A. For gross weight from 0 to 6,000 pounds, the fee is \$35.

10 Beginning July 1, 2009, \$10 of the fee must be transferred on a quarterly basis by the
11 Treasurer of State to the TransCap Trust Fund established by Title 30-A, section
12 6006-G.

13 B. For gross weight from 6,001 to 10,000 pounds, the fee is \$37.

14 C. For gross weight from 10,001 to 12,000 pounds, the fee is \$48.

15 D. For gross weight from 12,001 to 14,000 pounds, the fee is \$81.

16 E. For gross weight from 14,001 to 16,000 pounds, the fee is \$105.

17 F. For gross weight from 16,001 to 18,000 pounds, the fee is \$130.

18 G. For gross weight from 18,001 to 20,000 pounds, the fee is \$161.

19 H. For gross weight from 20,001 to 23,000 pounds, the fee is \$188.

20 I. For gross weight from 23,001 to 26,000 pounds, the fee is \$220.

21 J. For gross weight from 26,001 to 28,000 pounds, the fee is \$267.

22 K. For gross weight from 28,001 to 32,000 pounds, the fee is \$308.

23 L. For gross weight from 32,001 to 34,000 pounds, the fee is \$342.

24 M. For gross weight from 34,001 to 38,000 pounds, the fee is \$379.

25 N. For gross weight from 38,001 to 40,000 pounds, the fee is \$403.

26 O. For gross weight from 40,001 to 42,000 pounds, the fee is \$426.

27 P. For gross weight from 42,001 to 45,000 pounds, the fee is \$450.

28 Q. For gross weight from 45,001 to 48,000 pounds, the fee is \$497.

29 R. For gross weight from 48,001 to 51,000 pounds, the fee is \$533.

30 S. For gross weight from 51,001 to 54,000 pounds, the fee is \$568.

31 T. For gross weight from 54,001 to 55,000 pounds, the fee is \$580.

32 U. For gross weight from 55,001 to 60,000 pounds, the fee is \$640.

33 V. For gross weight from 60,001 to 65,000 pounds, the fee is \$699.

- 1 W. For gross weight from 65,001 to 69,000 pounds, the fee is \$762.
- 2 X. For gross weight from 69,001 to 72,000 pounds, the fee is \$797.
- 3 Y. For gross weight from 72,001 to 75,000 pounds, the fee is \$821.
- 4 Z. For gross weight from 75,001 to 78,000 pounds, the fee is \$857.
- 5 AA. For gross weight from 78,001 to 80,000 pounds, the fee is \$877.
- 6 BB. For gross weight from 80,001 to 90,000 pounds, the fee is \$982.
- 7 CC. For gross weight from 90,001 to 94,000 pounds, the fee is \$1,026.
- 8 DD. For gross weight from 94,001 to 100,000 pounds, the fee is \$1,234.

9 **2. Credit for certain motor vehicles.** If a ~~commercial~~ motor vehicle registered for a
10 gross weight of 23,001 pounds or more is operated only in the truck tractor-semitrailer
11 configuration, a credit of \$40 is allowed for the original annual registration fee. The
12 owner of the vehicle must be issued a truck tractor registration plate, which must be
13 displayed on its front.

14 **3. On ways adjoining premises.** A registration or license is not required for the use
15 of a truck, trailer or tractor on that part of a way adjoining the premises of the vehicle's
16 owner.

17 **4. Federal heavy vehicle use tax; proof of payment required.** Except as provided
18 by 26 Code of Federal Regulations, Section 41.6001-2(b)(3), a registration certificate
19 may not be issued for a motor vehicle subject to the use tax imposed by the Internal
20 Revenue Code of 1986, 26 United States Code, Section 4481, until the applicant has
21 presented proof of payment as prescribed by the Secretary of the United States Treasury.

22 The Secretary of State shall keep records and may issue evidence to comply with 26 Code
23 of Federal Regulations, Part 41, revised as of May 23, 1985, and the Internal Revenue
24 Code of 1986, 26 United States Code, Sections 4481, 4482 and 4483.

25 Pursuant to rule, the Secretary of State may certify that a vehicle qualifies for exemptions
26 under 26 Code of Federal Regulations, Section 41.4483-3(g) or Section 41.4483-6(b),
27 revised as of May 23, 1985.

28 **5. Truck or truck tractor and semitrailer.** In computing fees for a combination of
29 truck or truck tractor and semitrailer, the vehicle to be registered for gross weight is the
30 truck or truck tractor and the rate is the same as for a truck of similar gross vehicle
31 weight. The gross weight used to determine the registration fee under subsection 1 is the
32 combined gross weight of the truck or truck tractor and semitrailer.

33 **Sec. 9. 29-A MRS §507, first ¶**, as enacted by PL 1993, c. 683, Pt. A, §2 and
34 affected by Pt. B, §5, is amended to read:

35 When a truck is properly base registered in this State, the registrant may increase the
36 registered gross vehicle weight of the truck upon application and payment of the proper
37 fee. Temporary registered gross weight increases may be issued by the Bureau of Motor
38 Vehicles, the Bureau of the State Police or by any agent appointed by the Secretary of

1 State who has been appointed for that specific purpose. ~~Agents must be either municipal~~
2 ~~tax collectors or town or city managers.~~

3 **Sec. 10. 29-A MRSA §521, sub-§3, ¶B**, as amended by PL 1995, c. 645, Pt. A,
4 §4, is further amended to read:

5 B. The placard must be blue with white print and contain the International Symbol
6 of Access, at least 3 inches high, centered on the placard. The placard must contain
7 the permit number, the expiration date and the seal of the Secretary of State. In the
8 case of an organization or agency, the placard must be green with white print and
9 contain the same information, except that the name of the organization must appear
10 along with the expiration date that must be determined by the Secretary of State. ~~A~~
11 ~~placard issued to a person with a disability under this section expires in the~~
12 ~~applicant's month of birth in the 4th year following the date of issuance.~~

13 **Sec. 11. 29-A MRSA §1251, sub-§5**, as enacted by PL 1993, c. 683, Pt. A, §2
14 and affected by Pt. B, §5, is amended to read:

15 **5. Age limit.** A license, ~~except a special restricted license under section 1256~~, may
16 not be issued to a person who has not attained 16 years of age.

17 **Sec. 12. 29-A MRSA §1256**, as amended by PL 2013, c. 606, §§1 to 5, is
18 repealed.

19 **Sec. 13. 29-A MRSA §1304, sub-§2, ¶E**, as amended by PL 2013, c. 381, Pt. B,
20 §16, is further amended to read:

21 E. ~~Failure~~ If the holder of a learner's permit fails to complete the driving test within 2
22 years from the date of issuance of a learner's permit requires reexamination the holder
23 must retake the motorcycle driver education program for a subsequent learner's
24 permit to be issued.

25 **Sec. 14. 29-A MRSA §1352, sub-§2, ¶A**, as amended by PL 2005, c. 577, §21,
26 is further amended to read:

27 A. A motorcycle driver education program must consist of ~~an 8-hour block of~~
28 classroom and hands-on instruction directly related to the actual operation of
29 motorcycles, emphasizing safety measures designed to ensure greater awareness of
30 careful and skillful operation of motorcycles.

31 **Sec. 15. 29-A MRSA §1352, sub-§2, ¶D**, as enacted by PL 1993, c. 683, Pt. A,
32 §2 and affected by Pt. B, §5, is repealed.

33 **Sec. 16. 29-A MRSA §1354, sub-§10**, as enacted by PL 2013, c. 381, Pt. C, §3,
34 is amended to read:

35 **10. Surety bond.** ~~The~~ Except for a noncommercial driver education school exempt
36 from license fees under subsection 5-A, paragraph D, the Secretary of State shall require
37 a driver education school licensed pursuant to subsection 2 to provide a surety bond to
38 guarantee the discharge of the duties required under this subchapter.

1 **Sec. 17. 29-A MRSA §1752, sub-§3**, as amended by PL 2013, c. 381, Pt. A, §4,
2 is repealed.

3 **Sec. 18. 29-A MRSA §1752, sub-§10**, as amended by PL 2011, c. 8, §1, is
4 further amended to read:

5 **10. Experimental motor vehicle.** A vehicle registered as an experimental motor
6 vehicle pursuant to section 470. An experimental motor vehicle must meet minimum
7 equipment standards pursuant to section 470, subsection 2; and

8 **Sec. 19. 29-A MRSA §1752, sub-§11**, as amended by PL 2011, c. 8, §2, is
9 further amended to read:

10 **11. Low-speed vehicle.** A low-speed vehicle registered pursuant to section 501,
11 subsection 11. A low-speed vehicle must be equipped in accordance with section 1925;
12 and

13 **Sec. 20. 29-A MRSA §1752, sub-§12**, as enacted by PL 2011, c. 8, §3, is
14 repealed.

15 **Sec. 21. 29-A MRSA §1752-A** is enacted to read:

16 **§1752-A. Antique autos and motorcycles**

17 An antique auto or an antique motorcycle registered pursuant to section 457 and
18 manufactured prior to 1992 is exempt from inspection. An antique auto or an antique
19 motorcycle registered pursuant to section 457 and manufactured in or after 1992 is
20 subject to a biennial inspection congruent with the year of manufacture.

21 **Sec. 22. 29-A MRSA §2356**, as amended by PL 2009, c. 598, §39, is further
22 amended to read:

23 **§2356. Operation of a vehicle exceeding registered weight**

24 **1. Operation prohibited.** A person commits a traffic infraction if that person
25 operates or causes operation of a vehicle in excess of its registered weight on a public
26 way.

27 **2. Prima facie evidence.** Operation of a vehicle is prima facie evidence that the
28 operation was caused by the vehicle registrant.

29 **4. Penalty.** Notwithstanding Title 17-A, section 4-B, the fine for a violation of
30 subsection 1 is twice the difference in the registration fees for the actual weight and the
31 registered weight of the vehicle. The minimum fine for a violation of this section is \$25.

32 **6. Private ways exempted.** This section does not apply to operating on private
33 ways.

34 **7. Notice of failure to appear or noncompliance with orders.** If a person after
35 being ordered to appear to answer a violation fails to appear or after appearing fails to

1 comply with an order issued pursuant to this section, the court shall notify the Secretary
2 of State.

3 **8. Suspension of registrations.** After receiving notice pursuant to subsection 7, the
4 Secretary of State shall suspend the person's ~~commercial~~ registration certificates and
5 plates and the privilege to operate a ~~commercial~~ motor vehicle in this State. The
6 suspension remains in effect until the person appears in court and complies with a court
7 order.

8 **9. Subsequent violation.** A person issued a summons for violating this section does
9 not commit a subsequent violation of this section involving the same vehicle and same
10 load until the next business day.

11 **Sec. 23. 29-A MRSA §2458, sub-§6, ¶A,** as enacted by PL 1997, c. 111, §2, is
12 amended to read:

13 A. For the purposes of this subsection, unless the context otherwise indicates, the
14 following terms have the following meanings.

15 (1) "Entity" means a corporation, firm, partnership, sole proprietorship, joint
16 venture, association, fiduciary, trust, estate or any other legal or commercial
17 entity.

18 (2) "Related entity" includes:

19 (a) All entities owned, operated or controlled by the person or named entity,
20 by related individuals, by any person who is an officer or director of the
21 named entity or by shareholders of the named entity;

22 (b) Any entity that has as an officer, director or partner an individual whose
23 license or authority to engage in the business or commercial activity has been
24 suspended;

25 (c) Any entity that has an officer, partner or 25% of its directors in common
26 with the named entity; and

27 (d) Any entity in which 25% of the outstanding shares are owned or
28 controlled by the suspended person or by an individual, related individual or
29 entity who, taken together, also owned 25% or more of the outstanding
30 shares of the named entity.

31 (3) "Related individual" means a spouse, domestic partner, parent, grandparent,
32 sibling, child or grandchild, whether by blood or marriage, of a person whose
33 license or authority to engage in the business or commercial activity has been
34 suspended.

35 (4) "Suspension" means a suspension or revocation.

36 SUMMARY

37 This bill amends the motor vehicle laws as follows.

38 It clarifies that a combination vehicle may include a truck-trailer configuration.

1 It allows municipal agents to issue registrations for pickup trucks up to 10,000
2 pounds rather than the current 9,000-pound limit.

3 It amends the vehicle registration laws to require registration information on a motor
4 vehicle's motive power for vehicles that do not use motor fuels, such as electric vehicles.

5 It makes clear that a registration plate may not be obscured by a plate frame or
6 covering or other device that prevents the plate from being read.

7 It repeals the authorization for truck and truck tractor lobster registration plates and
8 farm truck agriculture education registration plates.

9 It removes the word "commercial" from the laws regarding registration of trucks and
10 truck tractors so as to include trucks and truck tractors that are used privately.

11 It removes an obsolete requirement that an agent who issues temporary registered
12 gross weight increases be either a municipal tax collector or town or city manager.

13 It corrects a discrepancy regarding the maximum length of time for which a
14 permanent disability parking placard may be issued. The limit is 6 years.

15 It requires antique autos and antique motorcycles manufactured after 1991 to be
16 subject to a biennial inspection.

17 It removes the word "commercial" from the laws regarding the operation of a vehicle
18 exceeding its registered weight.

19 It amends the definition of "related entity" to include a domestic partner in the
20 provision regarding suspension or revocation of the license or authority to engage in a
21 business or commercial activity under the motor vehicle major offenses laws.

22 It removes the requirement for a noncommercial driver education school to obtain a
23 surety bond if the school offers driver education as a course credit and does not charge a
24 fee for the driver education course.

25 It repeals the provision of law that allows a person who is at least 15 years of age to
26 obtain a special restricted license under certain conditions without having held a permit
27 for a period of 6 months.

28 It changes the motorcycle driver education requirement from an 8-hour block of
29 instruction to classroom and hands-on instruction.