



## Department of the Secretary of State Bureau of Motor Vehicles

Shenna Bellows  
Secretary of State

Catherine Curtis  
Deputy Secretary of State

### JOINT STANDING COMMITTEE ON TRANSPORTATION

#### L.D. 63 “An Act to Clarify That Certain Imported Motor Vehicles Are Not Off-road Vehicles”

*Testimony Provided by Shenna Bellows, Secretary of State*

March 21, 2023

Senator Chipman, Representative Williams and distinguished members of the Joint Standing Committee on Transportation, my name is Shenna Bellows. I am the Secretary of State and chief motor vehicle officer. Thank you for the opportunity to provide testimony in opposition to L.D. 63 “An Act To Clarify That Certain Imported Motor Vehicles Are Not Off-road Vehicles.”

Historically, Maine has adopted the philosophy that all vehicles designated for use on Maine roadways must meet the Federal Motor Vehicle Safety Standards at the time of manufacture, the United States Environmental Protection Agency's pollutant requirements or the National Highway Traffic and Safety Administration's crash testing standards. This is reflected in current Maine law, 29-A MRSA §101, sub-§47-A, which states that vehicles that do not meet these standards and were not originally manufactured to meet Federal Motor Vehicle Safety Standards are considered “Off-road Vehicles.” Off-road in the statute does not mean vehicles that are capable of navigating difficult terrain, like ATVs but rather vehicles that do not meet the standards set for use on Maine roadways. It’s an important distinction that can be difficult for members of the public to understand, but it is this legal definition, rooted in federal highway safety and crash testing standards, that makes certain vehicles such as the Delica minivan an “off-road” vehicle.

The question we encourage you to consider today is whether this Committee and the 131<sup>st</sup> Legislature would like to change direction when it comes from vehicles permitted on Maine roadways and depart from the requirements that all vehicles meet federal safety and pollutant requirements. What we appreciate about these federal standards is the objectivity and the data that backs them up. Should Maine adopt a different approach that is exception-based, we anticipate that the Committee will start to see many more exceptions-based bills from enthusiasts who are passionate about specific types of vehicles. Our mission at the Bureau of Motor Vehicles is roadway safety, and one way to support roadway safety is to ensure that vehicles meet qualifications to be registered and titled.

Under federal law, 49 USC, §30112 vehicles must meet federal motor vehicle safety standards before they can be imported into the US. Under §30112(b)(9), however, vehicles that are at least 25 years old are not required to meet these safety standards *to be imported*.

Although they can be imported without modifications once they are 25 years old, it does not mean they are safe for US roadways, nor can they meet Maine inspection standards. For example, many of these vehicles are right-hand drive and their headlights are aligned for the opposite side of the road and tend to blind on-coming traffic.

The Bureau has received inquiries from owners and enthusiasts of the Mitsubishi Delicia, 25-year-old and older models of which are being imported to the U.S. While we understand the affinity many have for this vehicle, it is simply not safe – neither for the driver nor others – to allow this vehicle on our roads. One might argue that the vehicle could be rehabilitated to meet the standards for inspection purposes, but that would be a dramatic shift away from uniform and consistent use of the federal standards.

One might argue that such vehicles should be titled as antique vehicles or farm vehicles with the statutory limitations associated with each, but the purposes for which hobbyists are seeking to use the Delica minivan for example. 29A MRSA §101(3) defines an antique auto as an automobile or truck manufactured in or after model year 1916 that is more than 25 years old that is equipped with an engine manufactured either at the same time as the vehicle or to the specifications of the original engine and is substantially maintained in original or restored condition primarily for use in exhibitions, club activities, parades or other functions of public interest. On our website, we caution individuals seeking to register a vehicle as an antique vehicle that:

**“An antique auto may not be used as the owner’s primary mode of transportation of passengers or goods and may not be a reconstructed vehicle or altered vehicle.”** Bureau of Motor Vehicles, Registrations (maine.gov)

Similarly, farm trucks are limited to use in farming. Again, from our website:

**“You may use a farm plate if the truck is used primarily in conjunction with the operation of a farm and the farmer's private transportation. A truck may not have a farm plate if the truck is used for retail delivery, timber harvesting, or for for-hire related work.”** Bureau of Motor Vehicles, Commercial Vehicles (maine.gov)

The 25-year exception for importation of vehicles that do not meet American safety and environmental standards should not result in an automatic waiver of Maine’s longstanding commitment to safety standards on our roadways. While these vehicles may look similar to a minivan, they are not minivans that are manufactured for sale in the U.S. nor do they meet U.S. safety and emissions standards.



**1989 Mitsubishi Delica**

The safety of Maine’s road users and protecting our environment are of paramount importance to the Department, and it is for these reasons we are respectfully opposing this bill and recommend a unanimous ought not to pass vote from this committee. Thank you for your time today and I will be happy to answer any questions.