



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. 320 "An Act to Repeal Certain Motor Vehicle Inspection Requirements"

Testimony of Shenna Bellows, Secretary of State and
Cathie Curtis, Deputy Secretary for the Bureau of Motor Vehicles,
Department of the Secretary of State

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Senator Nangle, Representative Crafts, Members of the Transportation Committee, I am speaking in opposition of L.D. 320 "An Act to Repeal Certain Motor Vehicle Inspection Requirements" as this bill raises serious consumer protection concerns.

The sections of this bill that affect changes in Title 10, §1471 and §1474, will have a negative impact on the consumer when a used motor vehicle is purchased from a licensed vehicle dealer. These Title 10 laws relate to the Used Car Information Act provide consumers with their primary protection from automobile dealers. Altering these laws could have snowball effects on other parts of 29A M.R.S.A., Chapter 9 which regulates vehicle dealers. Also, repealing Title 29-A §1751-1 and 2, and §1754-1-A, will eliminate the inspection of safety equipment which will have a negative impact on the consumer as well, when a used motor vehicle is purchased. Examples of this would be a steering mechanism; if it is faulty could certainly be life threatening to an operator. Or a chassis frame that is rusted so badly that if the vehicle is involved a motor vehicle crash, it could completely fail and threaten the safety of the occupants. Vehicles in Maine must withstand many changes in the environment which can alter the integrity of a motor vehicle if not routinely cared for and inspected. As the law stands today, an automobile dealer can only sell used cars one of two ways directly to a consumer.

1. A dealer can sell a used motor vehicle to a consumer and provide a temporary registration, only if the dealer provides a warranty of inspectability. This warranty must be stated on the Used Car Buyers Guide affixed to the motor vehicle at the time it is offered for sale. The used motor vehicle must display an inspection sticker that is no older than sixty days. This tells the consumer that the motor vehicle has been inspected by a licensed inspection mechanic and is safe to operate on the roadway at the time the motor vehicle is purchased.
2. A dealer can sell a motor vehicle to a consumer that can be reconstructed only if the dealer has the motor vehicle inspected by a licensed inspection mechanic to determine what safety items will not pass inspection. When the dealer offers the motor vehicle for sale to the consumer, the dealer must affix to the motor vehicle, a disclosure stating that the motor vehicle is unsafe and does not meet Maine State Inspection Standards. The unsafe motor vehicle form is completed in lieu of a passed inspection and denotes the exact issues that led to the vehicle failing the inspection. When sold, the motor vehicle must be towed from the dealer's premises; it cannot be driven off the lot, because it is unsafe to do so.

It is generally accepted that most people do not purchase a motor vehicle very often. The average person trades a motor vehicle approximately every four to five years. Because we do not purchase motor vehicles every day, we rely heavily on the new inspection sticker on the windshield as well as the Used Car Buyer Guide on the side window stating the dealer is providing a warranty of inspectability.

The Bureau of Motor Vehicles is charged with licensing the Automobile Dealers in our State and the enforcement of the laws, rules and regulations that apply to the dealers. Although the Bureau regulates the automobile industry, we enjoy an extremely good relationship with the dealers. My experience tells me, that if L.D. 320 is passed, our consumer complaints will increase substantially. Between 2020 and 2024 our Enforcement Service Division detectives have worked an average of 70 cases annually related to dealer warranty (inspection) issues. In that same timeframe detectives have taken 61 forms of enforcement action against dealers for violations related to inspection matters. It is our concern that without this minimum standard safety inspection/warranty that more complaints will be received requiring an additional detective to investigate complaints.

Title 29-A § 1751-1 and 2 specifically note an itemized safety inspection that must be completed before a used motor vehicle is displayed or sold to a consumer. If there are no set standards by which a dealer would have to ensure the safety of a used motor vehicle, we could also see consumers needing to take their own issues up in civil litigation which could further stress our court systems.

That concludes my testimony. Thank you for your time. I will try to answer any questions.