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Testimony of David W. Guilmette  
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Before the Joint Standing Committee on Transportation  
Thursday, March 18, 2021

Testifying in opposition to L.D. 431  
An Act To Repeal the Requirement That Certain Motor Vehicles Be Inspected

Senator Diamond, Representative Martin, Members of the Transportation Committee, my name is David Guilmette and I am the Director of the Division of Enforcement, Anti-Theft and Regulations for the Bureau of Motor Vehicles. I am representing the bureau today speaking in opposition to L.D. 431, "An Act to Repeal the Requirement That Certain Motor Vehicles Be Inspected".

The bureau feels that certain sections of L.D. 431 raise serious consumer protection issues. 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 dealer. We also feel that by repealing certain sections of 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 when a used motor vehicle is purchased. An example of this would be a steering mechanism. If faulty, this could certainly be life threatening,

As law stands today, an automobile dealer can only sell used cars one of two ways to a person (consumer) other than another car dealer.

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 inspect ability. 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 road at the time the motor vehicle is purchased.
  
2. A dealer can sell a reconstructable motor vehicle to a consumer other than another car dealer, 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 a person, 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. When sold, the motor vehicle must be towed from the dealer's premises; it cannot be driven, because it is an unsafe motor vehicle.

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 what the car salesperson tells us. Do we want to rely on the salesperson saying the motor vehicle is safe, or because we can see the motor vehicle has a new inspection sticker on the windshield, and the Used Car Buyer Guide on the side window says the dealer is providing a warranty of inspect ability?

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. There is no accurate way to judge the effect that this bill would have on complaints to us from consumers. My experience tells me, that if L.D. 431 is passed, our consumer complaints will increase substantially.