

LD 1433 - An Act to Amend the Motor Vehicle Laws	Bill Summary	Testimony NOTES
<p>Sec. 1. 29-A MRSA §101, sub-§3, ¶E, as amended by PL 2005, c. 314, §2, is further amended to read: E. Not a reconstructed vehicle; and</p>	<p>Makes a technical correction.</p>	<p>Sections 1 thru 8, 11 and 48 – create a definition of off-road and amend definitions of “antique vehicle,” “antique motorcycle,” and “custom vehicles” to ensure that off-road vehicles are not included in those definitions. <i>The proposed amendments prevent off-road vehicles from being registered as on-road-vehicles. It does not have an impact on ATVs operating on roadways as allowed in Title 12 Section 13157-A.</i></p>
<p>Sec. 2. 29-A MRSA §101, sub-§3, ¶F, as enacted by PL 2005, c. 314, §3, is amended to read: F. Not an altered vehicle; and</p>	<p>Makes a technical correction.</p>	
<p>Sec. 3. 29-A MRSA §101, sub-§3, ¶G is enacted to read: G. <u>Not an off-road vehicle.</u></p>	<p>Clarifies that an off-road vehicle is not considered to be an antique auto.</p>	<p><i>This is simply amending the definition of an ANTIQUE VEHICLE to include “not an off-road vehicle”. This will prevent off road vehicles being registered and driven as antique vehicles.</i></p>
<p>Sec. 4. 29-A MRSA §101, sub-§4, ¶C, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read: C. Maintained primarily for use in exhibitions, club activities, parades or other functions of public interest; and</p>	<p>Makes a technical correction.</p>	
<p>Sec. 5. 29-A MRSA §101, sub-§4, ¶D, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read: D. Not used as its owner's primary mode of transportation of passengers or goods; and</p>	<p>Makes a technical correction.</p>	
<p>Sec. 6. 29-A MRSA §101, sub-§4, ¶E is enacted to read: E. <u>Not an off-road vehicle.</u></p>	<p>Clarifies that an off-road vehicle is not considered to be an antique motorcycle.</p>	<p><i>This is simply amending the definition of an ANTIQUE MOTORCYCLE to include “not an off-road vehicle”. This will prevent off road vehicles being registered and driven as antique motorcycles.</i></p>
<p>Sec. 7. 29-A MRSA §101, sub-§19-A, as repealed and replaced by PL 2011, c. 139, §1, is amended to read: 19-A. Custom vehicle. "Custom vehicle" means a motor vehicle manufactured after model year 1948 that: A. Is at least 25 years old or was manufactured to resemble a motor vehicle that is at least 25 years old; and B. Has been altered or modified from the manufacturer's original design or has a body constructed from nonoriginal material; and C. <u>Is not an off-road vehicle.</u></p>	<p>Clarifies that an off-road vehicle is not considered to be a custom vehicle.</p>	<p><i>This is simply amending the definition of a CUSTOM VEHICLE to include “not an off-road vehicle”. This will prevent off road vehicles being registered and driven as custom vehicles.</i></p>

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<p>Sec. 8. 29-A MRSA §101, sub-§47-A, as enacted by PL 2005, c. 577, §6, is amended to read:</p> <p>47-A. Off-road vehicle. "Off-road vehicle" means a motor vehicle that, because of the vehicle's design and configuration, <u>original manufacture or original intended use</u>, does not meet the inspection standards of chapter 15, <u>the Federal Motor Vehicle Safety Standards, the United States Environmental Protection Agency's pollutant requirements or the National Highway Traffic and Safety Administration's crash testing standards</u> and that is not a moped or motorcycle.</p>	Amends and clarifies the definition of an off-road vehicle.	<p><i>This clarifies the definition of an "OFF ROAD VEHICLE" so that vehicles that do not meet the FMVSS such as foreign mini trucks or "KEI" vehicles and/or are purposefully built as an off road vehicle such as surplus military vehicles cannot be registered and generally driven on the road. The "Original intended use" language is intended to account for antique vehicles, antique motorcycles and custom vehicles that were originally intended to be driven on our roadways versus vehicles that were never intended to be driven on the roadways. Current statute is vague in these area's and many vehicles that do not meet the FMVSS, EPA standards and other criteria are being registered as antiques or with regular passenger car plates.</i></p>
<p>Sec. 9. 29-A MRSA §201, sub-§6 is enacted to read:</p> <p>6. Rules. <u>The Secretary of State may adopt rules to implement the provisions of this section. The rules may include requirements for agent training, accounting standards, inventory control processes and the collection and transmission of data and funds between agents and the bureau. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.</u></p>	Allows for routine technical rulemaking for municipal agents similar to other rule-making authority.	29-A MRSA §201 provides authorization for the SOS to appoint, train and revoke appointments of municipal agents. Section 9 of the LD adds §201, sub§6 to allow the SOS to adopt RT rules to manage the program to include defining accounting standards, inventory control, processing and securing credentials, inventory maintenance and collecting funds and other expectations and requirements of BMV agents.
<p>Sec. 10. 29-A MRSA §351, sub-§5, as amended by PL 2001, c. 671, §4, is further amended to read:</p> <p>5. Expiration of 14-day temporary registration plate. Notwithstanding the provisions of this section, a person who operates a vehicle with an expired temporary registration plate issued pursuant to section 462 <u>954</u> commits:</p> <p>A. A traffic infraction for which a forfeiture of not more than \$50 may be adjudged if the registration has been expired for less than 150 days; or</p> <p>B. A Class E crime if the registration has been expired for 150 days or more.</p>	Updates a cross-reference.	<p>Moves some language from §462 to §954 as these are dealer requirements.</p> <p>MADA notes that LD 1104, which the committee voted unanimously OTP, increased the temporary plate period from 14 to 30 days.</p> <p>See also section 32.</p>
<p>Sec. 11. 29-A MRSA §354, as enacted by PL 2005, c. 577, §8, is amended to read:</p> <p>§354. Off-road vehicles <u>Off-road vehicles may not be registered in accordance with this Title. Vehicles owned and operated by government entities are not subject to the provisions of this section.</u></p>	Adds a provision for the continued use by government entities of off-road vehicles.	Provides that government entities who own or operate off-road vehicles are exempt from registration provisions. <i>Currently many government entities use surplus military vehicles for special purposes and would need to be excluded in the prohibition of registration.</i>

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<p>Sec. 12. 29-A MRSA §462, as amended by PL 2019, c. 397, §§6 and 7, is repealed.</p>	<p>Repeals the section of law on temporary registration plates. (see section 32 below)</p>	<p>Moves two subsections for temporary plates – see section 32 of LD.</p> <p>MADA notes that LD 1104, which the committee voted unanimously OTP, increased the temporary plate period from 14 to 30 days.</p>
<p>Sec. 13. 29-A MRSA §468, sub-§10, ¶B, as amended by PL 2013, c. 66, §1, is further amended to read: B. The sponsor of the specialty plate under this subsection provides a list of 500 names <u>for each class requested</u>, dated signatures and current plate numbers of supporters who have signed a statement declaring they intend to purchase and display the motorcycle, trailer or commercial vehicle class of specialty license plate; and</p>	<p>Adds a requirement that a sponsor of a specialty license plates must provide a list of 500 names for each class requested.</p>	<p>Amends §468 regarding specialty plates by clarifying the requirements to issue additional versions or classes of a specialty plate. <i>A simple clarification to what the intent was originally but never explicitly stated.</i></p>
<p>Sec. 14. 29-A MRSA §468, sub-§11 is enacted to read: 11. Additional specialty plates. <u>The Secretary of State may not authorize additional specialty license plate sponsors to begin the collection of names and associated fees unless there are fewer than 15 active specialty license plates. The Secretary of State shall keep a list of all approved requests in order of the date the request was approved. The Secretary of State shall approve the collection of names and associated fees in order of the date the request was approved.</u></p>	<p>Adds language to limit the number of active specialty license plates to no more than 15.</p>	<p>Adds provision to §468 to place a maximum limit on the number of specialty plates allowed at one time. <i>This provision was inserted before LD 1618 was contemplated or initiated. This could be removed pending the final report of the working group formed by 1618.</i></p>
<p>Sec. 15. 29-A MRSA §501, sub-§7, ¶H is enacted to read: <u>H. A temporary registration plate may not be used on a house trailer or mobile home unless the operator of the vehicle possesses the written certificate from the tax collector required by section 1002, subsection 9.</u></p>	<p>Enacts the restriction that a temporary registration plate may not be used when moving a house trailer or mobile home unless the operator has a written certificate from the tax collector proving that property taxes have been paid.</p>	<p>Adds a provision to require written confirmation that property taxes have been paid before a temporary registration plate can be issued to move a mobile home.</p>
<p>Sec. 16. 29-A MRSA §522, as amended by PL 2009, c. 174, §22, is repealed.</p>	<p>Repeals the authority of the Secretary of State to issue placards for deaf, hard-of-hearing and late-deafened persons.</p>	<p>These placards are now issued by the Bureau of Rehabilitation Services, Division of Deaf, Hard of Hearing and Late Deafened and is a duplicative process that provides no additional benefit to the customer. BMV does have an option for these customers to request an international disability symbol be placed on their license of nondriver identification card. BMV has 21 customers who</p>

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		have elected to have this symbol displayed on their license or nondriver identification card.
<p>Sec. 17. 29-A MRSA §602, sub-§11, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:</p> <p>11. Recycler. "Recycler" means a person engaged in the business of purchasing or acquiring <u>salvage in any manner vehicles or vehicle parts</u> for the purpose of:</p> <p>A. Reselling the vehicle or its component parts <u>as salvage or scrap</u>;</p> <p>B. Rebuilding or repairing the vehicle <u>salvage vehicles</u> for the purpose of resale;</p> <p>C. Selling <u>or storing</u> the vehicle's <u>parts or</u> basic materials;</p> <p>D. Permitting the display or storage of the vehicle or its parts <u>salvage vehicles</u>; or</p> <p>E. Acting as a scrap processor; or</p> <p>F. Advertising in any form that an individual or business engages in any of the activities in paragraphs A to E.</p>	Changes the definition of "recycler" for consistency.	Sections 17 and 34 amend T. 29-A §602 and §1101 to further define a recycler and clarifies the sales, acquisition of and storage of vehicles or vehicle parts obtained, maintained or sold by this type of business.
<p>Sec. 18. 29-A MRSA §664-A, sub-§1, as amended by PL 2009, c. 598, §29, is further amended to read:</p> <p>1. Vehicle sold by dealer. A vehicle that is sold by a dealer must be accompanied by a properly assigned and valid certificate of title or certificate of salvage at the time of its sale. A dealer may retain and process certificates of title and certificates of salvage at the dealer's primary facility if in the case when the dealer displays a vehicle at an annex facility the dealer maintains a copy of the certificate of title or certificate of salvage at the annex facility. <u>A dealer selling a vehicle to a lessee who elects to purchase the leased vehicle at the end of the lease term is exempt from this provision.</u></p>	Exempts a dealer from being required to provide a certificate of title at the time of sale for a leased vehicle being purchased from a lessee.	Sections 18, 19 and 20 amend §664-A, resale by dealer. Will allow an auto dealer to immediately resell a leased vehicle back to the lessee w/o having the title in their possession or on premise. This will provide a convenience benefit to the customer to assume ownership of the vehicle at the end of the lease w/o executing a lease extension while the dealer is waiting for the leasing company to send the paper title to the dealer.
<p>Sec. 19. 29-A MRSA §664-A, sub-§3, as enacted by PL 1997, c. 437, §20, is amended to read:</p> <p>3. Transfer. When transferring possession of a vehicle held for resale to a retail purchaser <u>or selling a leased vehicle to the lessee</u>, a dealer shall comply with section 654.</p>	Clarifies that a dealer is required to complete an application for certificate of title or certificate of salvage when selling a leased vehicle.	Clarifies that a dealer that sells the leased vehicle back to the lessee is required to complete a title application as required in §654 as soon as they receive the previous title from the lessor.
<p>Sec. 20. 29-A MRSA §664-A, sub-§5, as amended by PL 2011, c. 556, §6, is further amended to read:</p> <p>5. Sold at auction. Except for a vehicle sold to a dealer at a vehicle auction licensed under section 852 <u>1051</u>, a vehicle that is sold at an auction must be accompanied by a valid certificate of title or salvage at the time of its sale. The seller of a vehicle sold to a dealer at a vehicle auction licensed under section 852 <u>1051</u> must provide the purchasing dealer with a valid certificate of title or certificate of salvage within 30 days.</p>	Amends the law governing licenses issued to auction locations.	Section 20 also corrects a cross-reference.
<p>Sec. 21. 29-A MRSA §702, sub-§2-A is enacted to read:</p>	Requires lienholders to register for a unique	Will allow the Bureau to create a lienholder database by requiring lienholders to register and

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<p>2-A. Lienholder registration. A lienholder who secures a lien on 15 or more titles annually is required to register with the Secretary of State for a lienholder identification number in accordance with rules adopted by the Secretary of State.</p>	<p>identifier to enable the bureau to maintain accurate records on lienholders.</p>	<p>obtain an identification number. This will provide for electronic communication to lien holders.</p>
<p>Sec. 22. 29-A MRSA §752-A, sub-§2, as repealed and replaced by PL 2005, c. 683, Pt. A, §49, is amended to read: 2. Ten Twenty years old. A vehicle, <u>beginning with model year 2011</u>, that is <u>10</u> 20 years old or older.</p>	<p>Amends the statute to comply with the National Highway Traffic Safety Administration's final rule regarding odometer disclosures under 49 Code of Federal Regulation 580.17, the Federal Truth in Mileage Act. Beginning January 1, 2021, vehicles with model year 2011 must have the odometer captured. Vehicles model year 2010 and earlier remain exempt under the new rule.</p>	<p>Current law provides that vehicles that are 10 years old are exempt from the odometer disclosure. LD proposes to make vehicles beginning with model year 2011 exempt from odometer disclosure when they reach 20 years old rather than 10 years old. This is consistent with a new federal rule.</p> <p><i>This provision reduces odometer exempt vehicles by a model year, one year at a time. Since vehicles are sold across state lines on a regular basis, it will be easier for dealers and consumers to obtain odometer readings on vehicles when they are required by federal rule.</i></p>
<p>Sec. 23. 29-A MRSA §852, sub-§2, as amended by PL 2003, c. 434, §11 and affected by §37, is further amended by repealing the first blocked paragraph.</p>	<p>See Sec. 24 below.</p>	<p>Strikes the licensed recycler sentences from §852, sub§2 b/c this is covered under the license fees section (§1105) for recyclers.</p>
<p>Sec. 24. 29-A MRSA §903, sub-§3, as amended by PL 2009, c. 435, §14, is amended by enacting a new first blocked paragraph to read: <u>A reduction in the number of plates under this subsection must be based on rules adopted by the Secretary of State. A dealer shall maintain a surety bond adequate to cover the number of sales indicated by that dealer's plates.</u></p>	<p>Amends the law regarding the number of plates issued to dealers.</p>	<p>Adds language that refers to Appendix A in the Dealer Rules, Chapter 103, which contains a chart that defines the number of dealer plates allowed to a dealer, which is based on the total number of annual vehicle sales.</p> <p>Also adds clarifying language that the surety bond coincides with the number of annual sales. By adding this clarifying language, it provides the Bureau with the ability to accurately assign or reduce the number of dealer plates allowed to a specific dealer as well as ensuring the surety bond is at the appropriate coverage.</p>
<p>Sec. 25. 29-A MRSA §952, sub-§1, ¶D, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read: D. A suitable office in which business is conducted and records of the business are kept; <u>and</u></p>	<p>Makes a technical correction.</p>	<p>Sections 25 thru 31 amend §952, the requirements of a dealer license by reorganizing language that describes the facilities and vehicle requirements.</p>

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<p>Sec. 26. 29-A MRSA §952, sub-§1, ¶E, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read: E. At least one mechanic, who may be the owner, who has a thorough knowledge of the vehicles being handled; and.</p>	<p>Makes a technical correction.</p>	
<p>Sec. 27. 29-A MRSA §952, sub-§1, ¶F, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.</p>	<p>Repeals the provision requiring that on all used motor vehicles offered for sale, the written vehicle history statement is required to be conspicuously affixed to the vehicle. (See section 29 below)</p>	<p>Sections 27 – 31 reorganize language that describes vehicle dealer facilities and vehicle requirements.</p>
<p>Sec. 28. 29-A MRSA §952, sub-§1-A is enacted to read: 1-A. Display license. A dealer shall display the dealer's license at the dealer's place of business.</p>	<p>Reenacts the provision repealed in section 31 below.</p>	
<p>Sec. 29. 29-A MRSA §952, sub-§1-B is enacted to read: 1-B. Vehicles. A dealer shall: A. <u>On all used motor vehicles offered for sale, ensure that the written vehicle history statement is conspicuously affixed to the vehicle pursuant to Title 10, section 1475; and</u> B. <u>For all vehicles sold, comply with the provisions of Title 10, chapter 217.</u></p>	<p>Reenacts the requirement that dealers must place a written vehicle history statement on all used motor vehicles for sale and to comply with Title 10, chapter 217 (used car requirements) as a condition of their license. (See section 27 above)</p>	
<p>Sec. 30. 29-A MRSA §952, sub-§3, as amended by PL 2001, c. 671, §18, is further amended to read: 3. Penalty. A person who fails to comply with subsection <u>subsections 1, paragraphs A to F or subsection 4 1-A and 1-B</u> commits a traffic infraction.</p>	<p>Updates a cross-reference.</p>	
<p>Sec. 31. 29-A MRSA §952, sub-§4, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.</p>	<p>Repeals the requirement that a dealer must display their license at the dealer's place of business. (see section 28 above)</p>	
<p>Sec. 32. 29-A MRSA §954, sub-§8 is enacted to read: 8. Temporary registration plates. <u>Temporary registration plates are governed in accordance with this subsection.</u> A. <u>A temporary registration plate may be issued by an authorized dealer only in conjunction with a sale of a vehicle within this State or for the purpose of driving</u></p>	<p>Reenacts statutory sections regarding the issuance of temporary registration plates and certificates. (see section 12 above)</p>	<p>Moves statutory references from the vehicle registration, in §462 to §954. These temporary registrations are issued in Maine by auto dealers and should be positioned in statute accordingly.</p>

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<p><u>or otherwise moving a vehicle purchased in this State to another state or country for titling, registration, use or resale in that state or country. A temporary registration plate may be issued via electronic means pursuant to rules adopted by the Secretary of State.</u></p> <p><u>B. Except a transporter licensee or loaner licensee, a person licensed as a dealer may, on the sale or exchange of a motor vehicle or trailer, attach to the motor vehicle's or trailer's rear a temporary registration plate. For the purposes of this paragraph, "loaner licensee" means a person to whom the Secretary of State has granted permission to use loaner plates on vehicles owned by that person for the purpose of loaning those vehicles to customers whose vehicles are being repaired at the licensee's business location.</u></p> <p><u>C. The fee for a temporary registration plate is \$1 per plate. A purchaser may operate the motor vehicle or trailer with a temporary registration plate for a period of 14 consecutive days without payment of an annual registration fee. If the purchaser is a nonresident member of the United States Armed Forces, the purchaser may operate a motor vehicle or trailer for a period of 20 consecutive days without payment of an annual registration fee. At the end of this initial period, a resident who is unable to comply with the requirements of chapter 7 or a nonresident member of the United States Armed Forces who has applied for but has not yet received a registration certificate from a home state may request the Secretary of State to extend this period without charge for an additional 20 days.</u></p> <p><u>D. A temporary registration plate may not be used on a loaded truck without a written permit from the Secretary of State.</u></p> <p><u>E. A temporary registration plate for a motorcycle must be the same size as the regular motorcycle plate.</u></p> <p><u>F. A person attaching a temporary registration plate to a vehicle sold or exchanged by that person shall mark on the plate the date of expiration and immediately notify the Secretary of State of the sale or exchange, giving the name and address of the purchaser, the number of the temporary plate and other information as the Secretary of State may require. The date may not be less than one inch in height and must be written with indelible or waterproof ink.</u></p> <p><u>G. When a temporary registration plate is attached to a vehicle, the Secretary of State must furnish the purchaser with a temporary registration certificate. A temporary registration certificate may be issued only in conjunction with the issuance of a temporary registration plate by an authorized dealer.</u></p> <p><u>H. A person who issues temporary registration plates may not:</u></p> <p><u>(1) Attach a plate to a vehicle that the person did not sell, lease or transfer; or</u></p> <p><u>(2) Provide the plates to another person other than by attachment to a vehicle as authorized by this subsection.</u></p>		<p>MADA notes that LD 1104, which the committee voted unanimously OTP, increased the temporary plate period from 14 to 30 days.</p>

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<p><u>A person who violates this paragraph commits a traffic infraction.</u></p> <p><u>I. A person who issues temporary registration plates and certificates shall maintain a written record on a form prescribed by the Secretary of State of the use or disposal of every plate. The record must be available for inspection by the Secretary of State at the person's place of business and the person shall submit the record annually upon application for renewal of a dealer license. A person who violates this paragraph commits a traffic infraction.</u></p>		
<p>Sec. 33. 29-A MRSA §1002, sub-§4, as amended by PL 2005, c. 433, §14 and affected by §28, is further amended to read:</p> <p>4. Service vehicle. A licensed new or used car dealer may attach to that dealer's service vehicles specially designed service vehicle plates. These plates may be used only in direct connection with the licensee's business new or used car license. A dealer may attach a service vehicle plate only to a vehicle used for the service or repair of vehicles sold or being repaired by the dealer. A dealer may not attach a service vehicle plate to a vehicle that delivers parts to individuals or to businesses that are not owned by the licensee dealer.</p> <p>A. A dealer is not entitled to more than 3 service vehicle plates at each established place of business.</p> <p>B. The weight limit for a service vehicle, including the combined weight of vehicle and load, may not exceed 24,000 pounds. This weight limit does not apply to service vehicles of equipment dealers.</p> <p>C. The fee for a service vehicle plate is \$50 annually per plate.</p> <p>D. A vehicle to which a service vehicle plate is attached must have the name of the licensed dealership on the sides of the vehicle in letters at least 3 inches in height and clearly visible. The name of any other business may not be displayed on the sides of the vehicle to which the service vehicle plate is attached.</p>	<p>Provides clarity on which dealers may use service vehicle plates.</p>	<p>Clarifies that a licensed new or used car dealer may use service plates in connection w/vehicle sales. Some vehicle and equipment dealers have ventured into the sales of different consumer products like storage sheds and it is necessary to clarify that the use of a dealer service plate can only be used in direct connection with the new and used car dealer license.</p>
<p>Sec. 34. 29-A MRSA §1101, sub-§1, as repealed and replaced by PL 1997, c. 776, §33, is amended to read:</p> <p>1. Recycler. "Recycler" means a person engaged in the business of purchasing or acquiring salvage in any manner vehicles or vehicle parts for the purpose of:</p> <p>A. Reselling the vehicle or its component parts as salvage or scrap;</p> <p>B. Rebuilding or repairing the vehicle salvage vehicles for the purpose of resale;</p> <p>C. Selling or storing the vehicle's parts or basic materials;</p> <p>D. Displaying or storing the vehicle or its parts salvage vehicles; or</p> <p>E. Acting as a scrap processor; or</p> <p>F. Advertising in any form that an individual or business engages in any of the activities in paragraphs A to E.</p> <p>A person may not engage in business as a recycler without a recycler license issued under this subchapter.</p>	<p>Closes loopholes that allow individuals or businesses to engage in unlawful activities without being licensed as recyclers and more clearly defines the activity of a licensed recycler.</p>	<p>Sections 17 and 34 propose to amend T. 29-A §602 and §1101 to further define a recycler and clarifies the sales, acquisition of and storage of vehicles or vehicle parts obtained, maintained or sold by this type of business.</p>

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<p>Sec. 35. 29-A MRSA §1102-A, as enacted by PL 2009, c. 435, §17, is repealed and the following enacted in its place: §1102-A. Mobile crushers 1. Mobile crushers permitted. <u>A person operating a mobile crusher in this State, whether based in or outside of the State, is subject to the provisions of this subchapter except the provisions of section 1103. The Secretary of State may adopt rules for the permitting of mobile crushers. For purposes of this section, "mobile crusher" means a transportable device that is used to crush motor vehicles.</u> 2. Penalty. <u>Violation of this section is a traffic infraction.</u></p>	<p>Amends the law regarding mobile crushers to provide a penalty for violations.</p>	<p>Adds a traffic infraction penalty should a mobile crusher violate the provisions of that section.</p>
<p>Sec. 36. 29-A MRSA §1108, sub-§1, ¶B, as amended by PL 1995, c. 482, Pt. A, §20, is further amended to read: B. Failure to comply with a provision of this subchapter, any lawful rule adopted by the Secretary of State or any provision of Title 17 or Title 17-A or this Title as they relate to being a proper person to be in the business of the sales of <u>acquiring or selling vehicles or parts;</u></p>	<p>Clarifies that recycling of vehicles includes the actions of acquiring and selling vehicles or parts.</p>	<p>Amends §1108, denial, suspension or revocation of a recycler license by adding clarifying language to reflect not only the sale of vehicles or its parts but also the acquisition of such.</p>
<p>Sec. 37. 29-A MRSA §1110, sub-§1, as amended by PL 2019, c. 397, §16, is further amended to read: 1. Record keeping. A licensee shall maintain business records for 5 years, including a record of: A. Every <u>A record of every</u> vehicle received or disposed of; its make, model, model year, vehicle identification number; the date of its receipt or disposition; and the name and address of the person from whom received or to whom given; A-1. Every <u>A record of every</u> component part, as defined in section 602, subsection 2, received or disposed of; its part identifying number; the date of its receipt or disposition; and the name and address of the person from whom received or to whom given; B. Every <u>A record of every</u> vehicle scrapped or dismantled by the licensee, the date of that action and the vehicle's make, model, model year and vehicle identification number; and C. The <u>A record of the</u> seller's name and address from a government-issued photograph identification document or credential. For purposes of this subsection, "government-issued photograph identification document or credential" includes, but is not limited to, a current and valid United States passport, military identification card, driver's license or nondriver identification card.; <u>and</u> D. <u>Copies of titles, transfers and other documents used for titling purposes.</u> A licensed mobile crusher must maintain an operator log for each location. The log must contain the make, model, model year and vehicle identification number of each vehicle crushed and the date of that action.</p>	<p>Changes the record-keeping requirements of recyclers.</p>	<p>Amends §1110, records of transactions for licensed recyclers to include copies of titles, transfers and the documents used for titling in their business records.</p>

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<p>A scrap processor is exempt from the requirements set forth in paragraph A-1 for vehicles received that are already dismantled.</p>		
<p>Sec. 38. 29-A MRSA §1256, as amended by PL 2015, c. 473, §§12 and 13, is further amended to read:</p> <p>§1256. Special restricted license</p> <p>A person who is 15 years of age and who has successfully completed a driver education course and passed an examination for operation of a motor vehicle as provided in section 1301 may be issued a special restricted license based on educational, employment or medical need without the person's having held a permit for a period of 6 months as required by section 1304, subsection 1, paragraph H, subparagraph (1) as follows.</p> <p>1. Educational need. A person seeking to qualify for a special restricted license based on educational need must file an application. If the applicant qualifies under paragraph A, <u>has held a permit for a period of 6 months</u> and has completed a minimum of 70 hours of driving, including 10 hours of night driving, while accompanied by a parent, guardian or licensed driver at least 20 years of age, a special restricted license must be issued to the applicant.</p> <p>A. An application must include:</p> <p>(1) A signed notarized statement from the applicant and the applicant's parent or guardian that:</p> <p>(a) No readily available alternative means of transportation exists; and</p> <p>(b) Use of a motor vehicle is necessary for transportation to and from a public secondary school, a private secondary school approved for attendance purposes by the Commissioner of Education or a career and technical education center or region that the applicant is attending;</p> <p>(2) A verification of school attendance; and</p> <p>(3) A statement by the principal of the school of the lack of a readily available alternative means of transportation.</p> <p>B. A special restricted license issued pursuant to this subsection only authorizes the holder to operate a motor vehicle between the holder's residence and school unless accompanied by a licensed driver who meets the requirements of section 1304, subsection 1, paragraph E, subparagraphs (1) to (4).</p> <p>2. Employment need. A person seeking to qualify for a special restricted license based on employment need must file an application. If the applicant qualifies under paragraph A, <u>has held a permit for a period of 6 months</u> and has completed a minimum of 70 hours of driving, including 10 hours of night driving, while accompanied by a parent, guardian or licensed driver at least 20 years of age, a special restricted license must be issued to the applicant.</p> <p>A. An application must include:</p>	<p>Tightens the requirements for special restricted licenses by requiring applicants who are 15 years of age to hold a permit for 6 months before applying for a special restricted license.</p>	<p>Amends provisions relating to special restricted licenses issued to 15-year-olds. Requires the 15-year-old to hold a permit for 6 months before applying for the special restricted license. It brings consistency across licenses.</p>

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<p>(1) A signed, notarized statement from the applicant and the applicant's parent or guardian that:</p> <ul style="list-style-type: none"> (a) No readily available alternative means of transportation exists; and (b) Use of a motor vehicle is necessary for transportation to, from or in connection with employment of the applicant; and <p>(2) A verification of employment by the employer.</p> <p>B. A special restricted license issued pursuant to this subsection only authorizes the holder to operate a motor vehicle between the holder's residence, school and place of employment and other places necessary in direct connection with that employment unless accompanied by a licensed driver who meets the requirements of section 1304, subsection 1, paragraph E, subparagraphs (1) to (4).</p> <p>2-A. Medical need. A person seeking to qualify for a special restricted license based on medical need must file an application. The Secretary of State may grant a person who is 15 years of age a special restricted license under circumstances of medical necessity that are experienced by the person or a member of the person's immediate family if the Secretary of State determines the circumstances to be exigent and not inconsistent with the interest of highway safety and if that person has held a permit for a period of 6 months and completed a minimum of 70 hours of driving, including 10 hours of night driving, while accompanied by a parent, guardian or licensed driver at least 20 years of age. The Secretary of State may reduce the required minimum hours of driving under this subsection if the secretary determines a reduction is not inconsistent with the interest of highway safety.</p> <p>A. An application must include:</p> <ul style="list-style-type: none"> (1) A signed, notarized statement from a physician attesting to the existence of circumstances of medical necessity; and (2) A signed, notarized statement from the applicant or the applicant's parent or guardian that: <ul style="list-style-type: none"> (a) No readily available alternative means of transportation exists; and (b) Use of a motor vehicle is necessary for transportation in connection with circumstances of medical necessity that are experienced by the person or a member of the person's immediate family. <p>B. A special restricted license issued pursuant to this subsection only authorizes the holder to operate a motor vehicle between the holder's residence and school and locations necessitated by the circumstances of medical necessity unless accompanied by a licensed driver who meets the requirements of section 1304, subsection 1, paragraph E, subparagraphs (1) to (4).</p> <p>3. Suspension of provisional license. A special restricted license is a provisional license. Notwithstanding chapter 23, subchapter III <u>3</u>, article 2 and in addition to</p>		

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<p>section 1302, subsection 2, the Secretary of State shall suspend a special restricted license when:</p> <p>A. The holder is convicted of or adjudicated to have committed a violation of the license restriction or of a motor vehicle moving violation when holding a special restricted license. A person whose license is suspended pursuant to this paragraph is not entitled to another special restricted license; or</p> <p>B. The Secretary of State receives written notice from the holder, parent, guardian, physician, principal or employer that the holder no longer qualifies for a special restricted license.</p>		
<p>Sec. 39. 29-A MRSA §1304, sub-§2, ¶I is enacted to read:</p> <p><u>I. A learner's permit may be issued by the Secretary of State or by the provider of a motorcycle rider education course under section 1352.</u></p>	<p>Enacts a new section of law allowing a motorcycle rider education instructor to issue a learners' permit to an applicant upon completion of the course.</p>	<p>Amends learner's permits by allowing motorcycle permits to be issued by motorcycle education schools.</p>
<p>Sec. 40. 29-A MRSA §1351, sub-§3, as repealed and replaced by PL 1997, c. 393, Pt. A, §36 and affected by §37, is amended to read:</p> <p>3. <u>Certificate Completion certificates.</u> A successful course completion certificate may be issued if the course meets the standards adopted by the Secretary of State. A certificate may not be issued to a person who was not at least 15 years of age when beginning the course. <u>The certificate may be used as a temporary learner's permit for the operation of a noncommercial Class C motor vehicle for 60 days from the course completion date displayed on the front of the certificate. The permittee must be in possession of the certificate while operating a motor vehicle and accompanied by a licensed operator who has held a valid driver's license for at least 2 years; is at least 20 years of age; is occupying the seat beside the operator; and is licensed to operate the class of vehicle operated by the permittee.</u></p>	<p>Allows the course completion certificate issued by a driver's education school to act as a 60-day temporary permit.</p>	<p>Authorizes driver education completion certificates to act as a 60-day temporary learner's permit to provide the Bureau time to receive, assess and validate records from the driver education schools before issuing the 2-year learner's permit.</p>
<p>Sec. 41. 29-A MRSA §1352, sub-§3, as amended by PL 2019, c. 337, §3, is further amended to read:</p> <p>3. <u>Instructors; instructor license requirements.</u> <u>The Secretary of State shall adopt rules governing the issuance and renewal of instructor licenses.</u> The following provisions apply to the licensing of instructors.</p> <p>A. A person may not conduct a motorcycle rider education course unless licensed by the Secretary of State as a qualified instructor.</p> <p>B. The Secretary of State shall:</p> <p>(1) Conduct, or authorize other qualified persons to conduct, instructor preparation courses; and</p>	<p>Adds requirements regarding background checks for motorcycle instructor licenses.</p>	<p>Sections 41, 42 and 43 of LD amend motorcycle rider education instructors license requirements by adding the requirement to submit to a background check upon application or renewal of instructor's license.</p>

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<p>(2) Establish reasonable qualification standards and requirements for licensing. The requirements must include a provision to demonstrate proficiency in operating a motorcycle.</p> <p>D. The Secretary of State may, at any reasonable time, monitor and evaluate an instructor's performance to determine compliance with this section.</p> <p>E. The instructor shall immediately notify the Secretary of State, in writing, whenever the instructor's mailing address or name changes.</p> <p><u>F. An applicant for a license under this subsection shall submit to a Department of Public Safety, State Bureau of Identification background check upon initial and renewal application. The Bureau of Motor Vehicles shall request the background check from the State Bureau of Identification. A fee must be assessed at the time of initial and renewal application pursuant to Title 25, section 1541, subsection 6.</u></p> <p><u>G. The Secretary of State shall use state and federal criminal history record information for the purpose of screening motorcycle rider education instructors in order to determine whether issuance of a motorcycle rider education instructor license is granted or maintained.</u></p>		
<p>Sec. 42. 29-A MRSA §1352, sub-§5, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:</p> <p>5. Completion certificates. An instructor shall issue a completion certificate to a student who has successfully completed the course. <u>The certificate may be used as a temporary motorcycle permit for the operation of a motorcycle for 60 days from the course completion date displayed on the front of the certificate. The individual must be in possession of the certificate while operating a motorcycle, must wear a helmet and cannot carry passengers while operating a motorcycle. If "passed 3-Wheel BRC" is stamped on the front of the certificate, the individual is restricted to the operation of a 3-wheel motorcycle.</u></p>	<p>Allows the course completion certificate issued by motorcycle rider education schools to act as a 60-day temporary permit.</p>	<p>Clarifies the purpose of the completion certificate.</p>
<p>Sec. 43. 29-A MRSA §1352, sub-§6, ¶B, as amended by PL 2017, c. 229, §23, is further amended to read:</p> <p>B. Road examination on receipt of a certificate demonstrating successful completion of a novice rider <u>motorcycle rider education</u> course approved by the Secretary of State. An endorsement issued pursuant to this paragraph prohibits the holder from carrying a passenger for a period of 60 days following the date of issuance of the endorsement.</p>	<p>Updates the name of the motorcycle education course.</p>	
<p>Sec. 44. 29-A MRSA §1354, sub-§2, ¶A, as amended by PL 2011, c. 556, §12, is further amended to read:</p> <p>A. A Class A driver education school license may be issued to a driver education school that employs Class A or Class B instructors and that is authorized to teach both the classroom and behind-the-wheel phases of driver education <u>and behind-the-wheel private lessons to individuals who hold a valid learner's permit, driver's</u></p>	<p>Clarifies the definition of a Class A driver education school.</p>	<p>Clarifies the definitions of Class A and Class B driver education schools by making it clear that a Class A licensed school can provide classroom and behind the wheel instructions. However, a Class B school and Class B instructors can only provide behind the wheel instruction.</p>

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<p><u>license or temporary driver's license. A driver education school licensed under this paragraph may also employ Class B instructors to provide the behind-the-wheel phase of driver education and behind-the-wheel private lessons. A driver education school licensed under this paragraph may teach both the classroom and behind-the-wheel phases of driver education and behind-the-wheel private lessons.</u></p>		
<p>Sec. 45. 29-A MRSA §1354, sub-§2, ¶D is enacted to read: <u>D. A Class B driver education school license may be issued to a driver education school that employs a Class A or Class B instructor. A driver education school licensed under this paragraph may provide only behind-the-wheel private lessons to individuals who hold a valid learner's permit, driver's license or temporary driver's license.</u></p>		
<p>Sec. 46. 29-A MRSA §1354, sub-§4, as amended by PL 2011, c. 556, §14, is further amended to read: 4. Instructor license requirements. With assistance from the Technical Review Panel established in subsection 6, the Secretary of State shall adopt rules governing the issuance and renewal of instructor licenses. In addition to the requirements established by rule, each applicant must meet the following requirements: A. The applicant must be at least 21 years of age and have a high school diploma or its equivalent; B. The applicant must have at least 4 years of driver experience as a licensed operator <u>and possess a valid driver's license;</u> C. The applicant may not have had a license revoked pursuant to chapter 23, subchapter 5 within the preceding 6-year period; D. The applicant may not have had an OUI as defined in section 2401, subsection 8 within the preceding 6-year period; E. The applicant must pass an examination consisting of a knowledge, vision and road test in the type of vehicle for which the license is to be used as prescribed by the Secretary of State; and F. The applicant must complete an educational program prescribed by the Secretary of State; <u>G. The applicant shall submit to a Department of Public Safety, State Bureau of Identification background check upon initial and renewal application. The Bureau of Motor Vehicles shall request the background check from the State Bureau of Identification. A fee must be assessed at the time of initial and renewal application pursuant to Title 25, section 1541, subsection 6;</u> <u>H. The Secretary of State shall use state and federal criminal history record information for the purpose of screening driver education instructors in order to</u></p>	<p>Adds requirements regarding background checks for motorcycle instructor licenses.</p>	<p>Adds State Bureau of Identification (SBI) background check and fingerprint requirements. These safety measures are for the added protection of minors with whom instructors interact.</p>

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<p>determine whether issuance of a driver education instructor license is granted or maintained; and</p> <p><u>I. The applicant shall submit to having fingerprints taken. The Bureau of Motor Vehicles shall make available an approved list of agencies providing fingerprinting. Upon payment to an approved agency by the applicant and after the approved agency takes or causes to be taken the applicant's fingerprints and forwards the fingerprints to the State Bureau of Identification, the State Bureau of Identification shall conduct state and national criminal history record checks. Fingerprinting is required upon initial application and every 5 years thereafter.</u></p>		
<p>Sec. 47. 29-A MRS §1909, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:</p> <p>§1909. Registration lamp</p> <p>A vehicle must have a white light capable of illuminating the rear registration plate so that the characters on the plate are visible for a distance of at least 50 feet. This section does not apply to unregistered farm tractors <u>or vehicles with valid temporary plates issued by licensed car dealers.</u></p>	Exempts vehicles with temporary plates from the requirement of needing a registration plate lamp.	Exempts temporary plates from being displayed on the rear where the registration lamp is located.
<p>Sec. 48. 29-A MRS §2092, sub-§3 is enacted to read:</p> <p>3. Government vehicles. <u>Vehicles owned and operated by government entities are not subject to the provisions of this section.</u></p>	Adds a provision for the continued use by government entities of off-road vehicles.	See section 1 of LD.
<p>Sec. 49. 29-A MRS §2472, sub-§2-A, as enacted by PL 2011, c. 654, §11 and affected by §16, is amended to read:</p> <p>2-A. Driver improvement program. A person whose license is suspended pursuant to subsection 2 shall complete a minimum of 4 hours of a driver improvement program approved by the Secretary of State before the suspension may be terminated.</p>	Provides flexibility in what the Secretary of State may consider when approving a driver improvement program.	Strikes the 4-hour minimum requirement to provide flexibility to the Bureau when approving a driver improvement program <i>to provide flexibility for on-line classes.</i>
<p>Sec. 50. 29-A MRS §2508, sub-§1, as amended by PL 2013, c. 187, §2 and c. 389, §3 and affected by §7, is further amended to read:</p> <p>1. Installation of ignition interlock device. Notwithstanding the periods of suspension pursuant to section 2411 or 2451, subsection 3, the Secretary of State may reinstate the license of a person convicted of a violation of section 2411, except for a violation of section 2411, subsection 1-A, paragraph D, subparagraph (1-A), or whose license is suspended by the Secretary of State pursuant to section 2453 or 2453-A if the person satisfies all other conditions for license reinstatement and installs an ignition interlock device approved by the Secretary of State in the motor vehicle the person operates, under the following conditions.</p> <p>A. The license of a person with 2 OUI offenses may be reinstated after 9 months of the suspension period has run <u>been served</u> if the person has installed for a period</p>	<i>Clarifies language</i> regarding when a person is eligible to install an ignition interlock device during the term of the person's suspension and when that person can remove the device without penalty.	Ignition interlock device – provides further clarity and concise language when a person is eligible to install an ignition interlock device (IID) during the term of their suspension and when the device can be removed without penalty.

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<p>of 2 years an ignition interlock device approved by the Secretary of State in the motor vehicle the person operates <u>for the length of suspension time remaining</u>.</p> <p>A-1. The license of a person with one OUI offense may be reinstated after 30 days of the suspension period has run <u>been served</u> if the person has installed for a period of 150 days or the length of time remaining for a suspension imposed pursuant to section 2411, subsection 5, paragraph A, subparagraph (2), whichever is shorter, <u>for the length of time remaining for the suspension</u> an ignition interlock device approved by the Secretary of State in the motor vehicle the person operates.</p> <p>B. The license of a person with 3 OUI offenses may be reinstated after 3 years of the suspension period has run <u>been served</u> if the person has installed for a period of 3 years <u>for the length of time remaining for the suspension</u> an ignition interlock device approved by the Secretary of State in the motor vehicle the person operates.</p> <p>C. The license of a person with 4 or more OUI offenses may be reinstated after 4 years of the suspension period has run <u>been served</u> if the person has installed for a period of 4 years <u>for the length of time remaining for the suspension</u> an ignition interlock device approved by the Secretary of State in the motor vehicle the person operates.</p> <p>D. The license of a person convicted of a violation of section 2411, subsection 1-A, paragraph D, subparagraph (1) or a person whose driver's license is suspended by the Secretary of State pursuant to section 2453 or 2453-A for a period specified by section 2411, subsection 5, paragraph D-1 may be reinstated after 3 years of the suspension period has run <u>been served</u> if the person has installed for a period of 3 years <u>for the length of time remaining for the suspension</u> an ignition interlock device approved by the Secretary of State in the motor vehicle the person operates.</p> <p>A person whose license is reinstated pursuant to this subsection shall pay an administrative fee of \$50 to the Secretary of State, in addition to the fee required by section 2486, subsection 1-A.</p>		
<p>Amendments</p>		
<p>Add to section 32 of LD the following:</p> <p>Mobile homes. <u>A temporary registration plate may not be used on a house trailer or mobile home unless the operator of the vehicle possesses the written certificate from the tax collector required by section 1002, subsection 9.</u></p> <p>Unavailability. <u>The Secretary of State, if unable to furnish immediately a plate or marker, may issue a temporary certificate with temporary plates. The</u></p>		<p>LD 1433 repeals §462; this amendment moves two more sections to §954 which you will find in section 32 of the LD.</p>

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<p><u>certificate must be carried and plates displayed in the same manner as regular certificates and plates.</u></p>		
<p>Sec. A-1. 29-A MRSA §453, sub-§2 is amended to read: 2. Fee. The annual service <u>administrative</u> fee for a vanity registration plate is \$25 in addition to the regular motor vehicle registration fee. The service <u>administrative</u> fee must be credited to the General Highway Fund, except that, beginning July 1, 2009, \$10 of the service <u>administrative</u> fee must be transferred on a quarterly basis by the Treasurer of State to the TransCap Trust Fund established by Title 30-A, section 6006-G. A sum sufficient to defray the cost of this program must be allocated annually from the General Highway Fund.</p>		<p>Amendments A-1 and A-2 to LD 1433 relate to the vanity and purple heart plate language – changes “service” fee to “administrative” fee – for more consistent use of terms.</p>
<p>Sec. A-2. 29-A MRSA §524, sub-§4, 5th ¶ is amended to read: The Secretary of State shall determine the design of the Purple Heart plate. Upon request and as provided by section 453, the Secretary of State shall issue Purple Heart plates that are also vanity plates. Purple Heart vanity plates are issued in accordance with this section and section 453. The annual service <u>administrative</u> fee for vanity plates required in section 453 is credited to the Highway Fund</p>		<p><i>Amendments A-1 and A-2 to LD 1433 relate to the vanity and purple heart plate language – changes “service” fee to “administrative” fee – for more consistent use of terms.</i></p>
<p>MADA also suggest an amendment - 29-A MRSA §956, sub-§2 is amended to read: 2. Inspection. The records, vehicles and vehicle parts in the dealer's possession must be available for inspection during the dealer's normal business hours by the Secretary of State, law enforcement officers or representatives of the office of the Attorney General. <u>A dealership group may retain books and records at a central office facility as long as records could be sent electronically to each of its facilities should the above referenced agencies request such records.</u></p>		<p>MADA: Dealerships today are moving to electronic storage of information pertaining to sales, service and all aspects of the business. For those dealership groups with multiple separately-licensed facilities owned by the same individuals, there is also the effort to centralize record-keeping. Currently, each separately licensed dealership facility must retain its records at that facility even if that facility is part of a dealership group. Dealers would like to store their records in a central office location and to electronically provide documents back to one of its facilities when necessary. This arrangement is currently allowed for dealerships that have an annex (T. 29-A §957, sub-§1), but not for dealerships which separately license multiple facilities.</p>