

**A Summary of
Public Laws and Resolves Affecting
Title 29-A, Maine Motor Vehicle Statutes
127th Legislature, First Regular Session**

Prepared by the Maine Bureau of Motor Vehicles
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The full text of Public Laws and Resolves passed during the First Regular Session of the 127 Legislature can be found online at: <http://legislature.maine.gov/ros/LOM/LOMDirectory.htm>

Laws are effective on October 15, 2015, unless otherwise noted.

Public Law 9, LD 238, "An Act To Extend the Period of Time for Persons Who Purchase Special Fuel and Gasoline for Off-highway Use To Apply for the Special Fuel and Gasoline Tax Refunds."

Emergency. Effective April 2, 2015

This bill extends, from 12 months to 18 months, the period of time within which an application for a refund of taxes paid on internal combustion engine fuel or on special fuel may be made by a person who purchases and uses the fuel for any use other than the operation of a registered motor vehicle on the highways of the State and has paid the tax imposed on that fuel for highway use.

Public Law Chapter 13, LD 214, "An Act To Stay Certain Suspensions Imposed by the Secretary of State Pending Appeal."

This bill clarifies that a suspension of a person's driver's license by the Secretary of State based upon a determination that the person negligently operated a motor vehicle in a manner that caused the death of another person is stayed upon a request for a hearing by the person.

Public Law Chapter 17, LD 173, "An Act To Amend the Laws Governing the Gold Star Family Registration Plate."

This bill provides for issuance of gold star family registration plates for family members, including grandparents, of a person who dies while honorably serving as an active member of the United States Armed Forces who did not fit the gold star lapel button guidelines established in 10 United States Code, Section 1126 (2010). In other words, the service member died while on active duty, but not in combat.

The bill also provides that the issuance of gold star family registration plates for those newly eligible is contingent upon the Department of the Secretary of State receiving donations from any public or private source to cover the cost of manufacturing the registration plates.

The bill also authorizes the issuance of gold star family vanity registration plates. The "GS" class code will be used for both plates. The new plate will have a slightly different graphic, and will be segregated by the numbering system.

Public Law Chapter 26, LD 375, "An Act To Create a Blue Alert Program in Maine"

This bill creates the Blue Alert Program to notify the public, through various state agencies and media outlets, when a law enforcement officer has been killed or injured or is missing and the Department of Public Safety determines that public notification would be useful in apprehending a suspected offender or finding a missing officer.

Public Law Chapter 31, LD 37, "An Act Regarding Emergency Lights on a Vehicle Used by a Member of a Municipal or Volunteer Fire or Emergency Medical Services Department."

This bill increases the number of emergency lights allowed on personal vehicles used by firefighters and emergency medical service personnel by increasing the number of such lights allowed on the front of the vehicles and allowing such lights on the rear of the vehicles. It allows one red auxiliary emergency light to be mounted on the rear of personal vehicles used by firefighters and emergency medical service personnel.

Public law Chapter 32, LD 196, "An Act To Ensure the Safety of Stationary Public Utility Emergency Service Vehicles."

This bill adds "public utility emergency service vehicle" to the list of stationary vehicles for which a motorist must move to a nonadjacent lane, if possible, or slow down.

"Public service vehicle" means a vehicle used to assist members of the public or law enforcement officers with disabled vehicles or to remove debris from a roadway, or a vehicle used to construct, maintain, inspect or repair utility infrastructure, including, but not limited to, electricity, water, sewer, cable, telephone, gas and natural gas infrastructure. "Public service vehicle" includes a wrecker.

Public Law Chapter 46, LD 515, "An Act To Amend the Law Regarding Commercial Learner's Permits." Emergency. Effective April 2, 2015

This bill repeals the requirement that limits eligibility for a commercial learner's permit to an applicant 18 years of age or older in a section of law that was to take effect July 8, 2015.

Public Law Chapter 51, LD 288, "An Act To Amend the Requirement of When Headlights Must Be Used."

This bill requires headlights be used from sunset to sunrise. (Previous law was ½ hour after sunset to ½ hour before sunrise.)

Public Law Chapter 52, LD 390, "An Act To Enforce Restrictions in Parking Spaces and Access Designated for Persons with a Walking Disability."

This bill provides that testimony under oath with clear photographic evidence from a person with a disability or the driver of a vehicle transporting a person with a disability is prima facie evidence that a violation of a disability parking restriction has occurred. This provision applies to the registered owner's liability for a vehicle illegally parked in a disability parking space or access aisle.

Public Law Chapter 87, LD 444, "An Act To Allow a Motor Vehicle Excise Tax Credit for a Vehicle No Longer in Use"

Current law provides for a motor vehicle excise tax credit for the owner of a vehicle that is totally lost by fire, theft or accident or is totally junked or abandoned. This bill clarifies that the motor vehicle excise tax credit is available only if the vehicle's ownership is transferred, the vehicle is totally lost by fire, theft or accident, the vehicle is totally junked or abandoned *or the use of the vehicle is totally discontinued*. In the case of a leased vehicle, the credit is available only if the registration is transferred. This bill requires the owner of the vehicle to provide a signed statement attesting that the vehicle from which the credit is being transferred is totally discontinued and states that if the owner who has totally discontinued use of a vehicle later seeks to register that vehicle, no excise tax credits may be applied with respect to the registration of that vehicle or any subsequent transfer of that vehicle's registration.

Public Law Chapter 88, LD 520, "An Act To Amend the Requirement for a Certificate of Title for Junk and Scrap Automobiles and Vehicles." Emergency. Effective July 1, 2015

This bill provides that a recycler, salvage vehicle dealer or scrap processor may accept a vehicle without a certificate of title or certificate of salvage if certain conditions are met: The vehicle model year is 1995, 1996, 1997, 1998 or 1999; the recycler, salvage vehicle dealer or scrap processor obtains the seller's name and address and maintains the seller's name and address and vehicle identification number of the scrapped vehicle for a period of at least one year; and the recycler, salvage vehicle dealer or scrap processor reports the destruction of the vehicle to the Secretary of State within 30 days.

Public Law Chapter 89, LD 529. "An Act to Amend the Law Concerning Motor Vehicles at Railroad Crossings."

This bill clarifies that the operator of a motor vehicle approaching a railroad crossing must stop the vehicle not fewer than 15 feet and not more than 50 feet from the nearest rail of the railroad track and may not proceed if a clearly visible electric or mechanical signal device warns of the approach of a train; a crossing gate is lowered or a flagger gives or continues to give a signal or warning of the approach or passage of a train; a train is visible and is in hazardous proximity to the crossing; or a sign, device or law requires the vehicle to stop.

Public Law Chapter 98, LD 514, "An Act To Amend the Laws Governing the Location of Motor Vehicle Excise Tax Collection for Motor Vehicles Owned by Public Utilities" Effective [January 1, 2017](#).

This bill treats public utilities in the same manner as other corporations and partnerships by requiring the payment of excise tax to the place where the owner has a permanent location where its motor vehicles are kept. Effective January 1, 2017.

Public Law Chapter 113, LD 737. "An Act to Amend the laws Regarding Learners' Permits and Intermediate Licenses."

Amends the current laws prohibiting the holder of a learner's permit or intermediate license from using a mobile telephone while operating a motor vehicle to also prohibit such a person from using a handheld electronic device while operating a motor vehicle, and provides that the definitions in these provisions and in the provisions of current law that prohibit minors from using certain electronic devices while operating a motor vehicle are consistent.

Provides for a voluntary intermediate driver decal program administered by the Secretary of State, and requires the Department of the Secretary of State, Bureau of Motor Vehicles to submit a report no later than February 1, 2017 to the joint standing committee of the Legislature having jurisdiction over transportation matters with an update on the decal program.

Provides that the joint standing committee of the Legislature having jurisdiction over transportation matters may submit a bill to the First Regular Session of the 128th Legislature relating to the subject matter of this report.

Public Law Chapter 114, LD 682. "An Act to Ensure the Administration of Written Driving Tests."

Current law provides that any required examination for a learner's permit may be administered only by the Secretary of State, and the bill clarifies the Secretary of State's authority regarding these examinations. The bill provides that the Secretary of State may waive this requirement on receipt of a Maine driver education course completion certificate.

Public Law Chapter 119, LD 554 "An Act Concerning Commercial Vehicles at Canadian Weight Limits Traveling to Certain Points in the State." , Emergency. Effective May 29, 2015.

This bill allows certain commercial vehicles with a 7-axle configuration to travel from the United States-Canada border in Calais to Woodland Pulp LLC mill or its successor and the former oriented strand board facility in Baileyville. The bill provides that this allowance does not take effect unless the chief engineer of the Department of Transportation conducts an analysis and determines that commercial vehicles of the proposed configuration and weight can be safely operated on the proposed routes of travel. The allowance is repealed on January 1, 2018. The bill requires the Department of Transportation to monitor and evaluate the effects of this allowance on road conditions and to report to the joint standing committee of the Legislature having jurisdiction over transportation matters during the Second Regular Session of the 127th Legislature and the First Regular Session of the 128th Legislature, and provides that the joint standing committee has authority to submit a bill during the First Regular Session of the 128th Legislature regarding the subject matter of the report.

The bill revises the authorized route of travel in the Town of Van Buren in the current law allowing certain commercial vehicles at Canadian weight limits to travel from the United States-Canada border to certain points in the State.

Current law authorizes the Department of Transportation to adopt rules, in consultation with the Department of Public Safety and the Department of the Secretary of State, that allow certain commercial motor vehicles that exceed gross vehicle weight limits and vehicle dimension standards established in statute to travel upon designated routes.

Public Law Chapter 159, LD 987. “An Act to Suspend the Right of an Out-of-state Toll Violator to Operate a Motor Vehicle on Maine Roads.”

This bill permits the Maine Turnpike Authority, in the case of a toll-violation on a vehicle registered in another jurisdiction and when the authority knows only the license plate of a toll violator and not the identity of the registered owner, to send a notice of violation to the registered owner, if known. The notice must contain a warning that if tolls are not paid, the owner's right to operate the motor vehicle in Maine may be suspended. The MTA may use various databases to obtain registrant information.

If the registered owner of a vehicle from another jurisdiction fails to pay or contest the notice of liability, the authority is directed to notify the Secretary of State. The Secretary of State then suspends the right of the owner to operate the vehicle in Maine and notifies the owner, if known.

The bill also authorizes a law enforcement officer to remove a vehicle to a suitable parking place if it is being operated under a registration that is suspended for failure to pay tolls.

Public Law Chapter 164, LD 1301, “An Act To Improve the Safety of Vulnerable Users in Traffic and To Clarify the Responsibilities of Bicyclists and Pedestrians”

This bill creates a “vulnerable user law” to protect people on public ways who are not in motor vehicles. A "vulnerable user" is defined as a pedestrian, a person performing emergency work or a person riding or using a non-motorized device or certain motorized devices such as a scooter, Segway or electric personal assistive mobility device. A motorist who assaults, attempts to assault, taunts or distracts a vulnerable user, because that person is a vulnerable user, commits a traffic infraction and is subject to the same penalties as a person who texts while operating a motor vehicle.

The bill requires a driver education course to contain at least 30 minutes of instruction to impart the understanding and skills necessary to operate a motor vehicle safely in a situation in which a vulnerable user is sharing the road with that motor vehicle.

The bill amends the law to specify that operators must yield the right-of-way to pedestrians who have shown visible intent to enter the marked crosswalk.

The bill specifies that a person riding a bicycle is required to obey traffic control devices such as lights, stop signs and yield signs.

The bill clarifies the law regarding travel down one-way streets to allow travel against the direction indicated when directed by a law enforcement officer or traffic control device.

The bill specifies that a person riding a bicycle or scooter or operating on roller skis has the same rights and duties as a person operating a motor vehicle pursuant to the Maine Revised Statutes, Title 29-A, chapter 19, which deals with the operation of a vehicle, except for laws that expressly apply to bicycles, scooters and roller skis or the law expressly only applies to motor vehicles.

The bill specifies that the operator of a motor vehicle passing a bicyclist or roller skier proceeding in the same direction must exercise due care by taking into consideration the speed of the motor vehicle and other conditions and leaving a reasonable and proper distance between the motor vehicle and the bicycle or roller skier, but not less than 3 feet, while the motor vehicle is passing the bicycle or roller skier.

Public Law Chapter 167, LD 1388, “An Act to Clarify the Used Car Information Laws.”

This bill adds definitions of "livery service," "rideshare" and "vehicle history report." The bill also exempts a car dealer from liability for providing a consumer a vehicle service history report that the dealer did not prepare if the dealer also provides the consumer with a disclosure. Finally, this bill increases the minimum amount of damage required to be disclosed from \$2,000 to \$3,000.

Public Law Chapter 176, LD 1175, “An Act to Amend the Motor Vehicle Statutes.”

This is Department of Public Safety’s omnibus bill. It makes the following changes:

Makes a violation of federal regulations regarding rest breaks, logbook information and filing of drivers' records of duty status a traffic infraction for the purposes of Maine's commercial motor vehicle motor safety laws.

Requires that all factory-installed brake lights must be operational and meet certain standards.

Restricts persons operating motor vehicles from being able to view a television, screen or other device capable of receiving or showing visual content. For the purposes of the provision, "visual content" includes, but is not limited to, television broadcasts, recorded video and video streamed through electronic or other means. "Visual content" does not include content displayed on a device that was installed for the effective or safe operation of a motor vehicle or on a device used for global positioning or navigation. Video equipment used by law enforcement and emergency personnel may be visible to the vehicle operator.

Allows a person to ride in a vehicle being towed by a wrecker.

Prohibits persons from attaching or displaying on a vehicle registration plate a registration validation device issued for another vehicle.

Public Law Chapter 206, LD 1320, “An Act to Amend the Laws Relating to Motor Vehicles.”

This is BMV’s omnibus bill. It makes several changes to motor vehicle law:

The bill changes the definition of “pickup truck” to include trucks registered up to 10,000 pounds. It repeals the option of combining the registered weight of a pickup truck with that of a 2,000 pound or less trailer for a maximum of 8,000 pounds combined weight. Pickup trucks now must be registered for the actual combined weight of the truck and trailer (excluding camper trailers.) The pickup truck may

have either a commercial-type plate or a passenger-type plate up to 10,000 pounds. (This includes specialty plates.) The fee for a 6,001 to 10,000 pound registration is \$37 regardless of plate type. It is preferred that pickup trucks be registered with passenger-type plates.

The bill changes the vanity plate law to clarify the Secretary of State's authority to deny or recall plates which the Secretary determines encourage violence or may result in acts of violence or promote other unlawful activity. Removes "obscene, contemptuous, profane, or prejudicial" as criteria for denying vanity plates.

The bill increases the registration fee for an antique auto to \$30.

The bill clarifies that reports made or received in determining whether a person is qualified to be issued a driver's license may be used by the medical personnel treating the person.

The bill requires that a form created by the Commissioner of Public Safety must be used by scrap metal processors to collect and keep certain information when a scrap metal transaction occurs.

The bill discontinues the "muffler bypass permit" as this permit is obsolete.

The bill clarifies that the cancellation fee for all commercial examinations, including a Class C commercial examination, is \$30.

The bill increases the fee for duplicate learner's permits from \$2 to \$5 to support the costs associated with issuance. A federal rule effective July 8, 2015 requires that a commercial driver's license permit be issued with the same security features as a base license. This will require a card-type permit to be issued with the same associated costs for production.

Public Law Chapter 244, LD 891, "An Act to Help Municipalities Dispose of Abandoned Property."

This bill authorizes municipalities, through the adoption of an appropriate ordinance, to provide for the care, maintenance and security of abandoned mobile homes, up to and including taking possession and disposing of the abandoned mobile home. It establishes the following criteria, process and notice requirements for implementation of the ordinance.

Either a court or the municipal officers may make the determination that a mobile home has been abandoned according to the evidence of abandonment. The municipal officers must provide notice to correct to the responsible party, the owner of record of the mobile home and any recorded lienholders and must hold a hearing, with proper notice to the responsible party, prior to making a determination of abandonment. After a determination of abandonment, the municipality may issue to the responsible party a notice of the municipality's intention to take corrective action within 60 days if the property defects have not been remedied by the responsible party. Corrective action by the municipality includes recovering costs from the responsible party and may include a \$500 per day fine and taking possession and disposing of the mobile home and all related personal property. The notice required for the abandonment hearing and for the notice to correct must be attached to the mobile home. Additionally, the notice must be either hand-delivered or mailed by certified mail, or, if that delivery is not successful, the notice must be published twice consecutively in a daily or weekly newspaper. A responsible party may appeal a finding of abandonment by the municipal officers to the Superior Court. A landowner may petition the municipality to investigate a suspected abandoned mobile home that does not belong to the landowner but is located on the landowner's property and the municipality may take appropriate

action consistent with the procedures in this bill.

Public Law Chapter 279, LD 1379, “An Act to Establish Transportation Network Company Insurance.” Emergency, Effective June 30, 2015.

This bill creates a permitting process for transportation network companies to provide transportation services, establishes requirements for drivers providing transportation services on behalf of transportation network companies, establishes minimum motor vehicle liability insurance requirements for transportation network companies and drivers and prohibits municipalities from regulating transportation network companies and drivers. The Secretary of State (BMV, Motor Carrier Services) is required to create a permit process, collect a \$10,000 fee, and enforce insurance requirements.

Public Law Chapter 303, LD 284, “An Act to Amend the Laws Concerning Overwidth Farm Tractors on Public Ways.”

The bill clarifies that all overwidth farm tractors, farming vehicles and equipment are exempt from obtaining overwidth permits, by removing the modifiers “light” and “lightweight.”

Public Law Chapter 329, LD 1381, “An Act to Correct Errors and Inconsistencies in the Laws of Maine.” Emergency. Effective July 12, 2015

This bill corrects an inconsistency in Title 29-A section 2451 regarding OUI suspension periods.

Resolve 11, LD 143, “Resolve, Regarding Legislative Review of Portions of Chapter 4: Maine Motor Carrier Safety Regulation, a Major Substantive Rule of the Department of Public Safety, Bureau of State Police.” Emergency. Effective April 29, 2015.

This resolve provides for legislative review of portions of Chapter 4: Maine Motor Carrier Safety Regulation, a major substantive rule of the Department of Public Safety, Bureau of State Police. The rule changes the US DOT number requirement from greater than 10,000 pounds, to greater than 26,000 pounds. Intrastate trucks between 10,001 and 26,000 pounds no longer are required to have a USDOT number.

Resolve 19, LD 74, “Resolve, To Require the Director of the Bureau of Maine Veterans' Services To Make Recommendations To Ensure Equity in the Benefits Provided to Military Service Members.”

This resolve requires the Director of Bureau of Maine Veterans' Services to provide recommendations on streamlining of criteria for services and benefits to veterans and military service members. The Veterans Affairs Committee may submit legislation to the 2nd session.

Resolve 21, LD 1172, “Resolve, Regarding Legislative Review of Rules for Permitting Overlimit Commercial Motor Vehicles of Specified Configurations To Travel Designated Routes, a Late-filed Major Substantive Rule of the Department of Transportation” Emergency. Effective June 9, 2015

This resolve requires the Department of Transportation to make additional changes to the Rules for Permitting Overlimit Commercial Motor Vehicles of Specified Configurations To Travel Designated Routes, a major substantive rule of the department, before final adoption is authorized. It requires the

department to provide that B-train double configurations are allowed on designated routes, contingent upon passage into law of changes allowing B-train double configuration to be used on those routes.

Resolve 23, LD 1273, “Resolve, to Create a License Plate to Recognize the Bicentennial of the State.”

This resolve requires the Secretary of State to issue a reflectorized, commemorative simulated registration plate in recognition and celebration of the bicentennial of the State, which became the 23rd state on March 15, 1820. The Secretary of State shall design the plate, and the plate must bear the date of its expiration, which is December 31, 2020. Notwithstanding the Maine Revised Statutes, Title 29-A, section 454, the State of Maine Bicentennial commemorative plate may be displayed by covering, but not removing, the front registration plate on a motor vehicle, including a motor vehicle registered outside this State and operated within it, beginning January 1, 2018 to December 31, 2020. The plate may not be displayed on a truck tractor .

The Secretary of State must develop a plan for the sale and distribution of the State of Maine Bicentennial commemorative plates. The fee for the State of Maine Bicentennial commemorative plate is \$25, which must be credited as follows:

1. Nine dollars per plate to the Secretary of State for the costs associated with the production and issuance of the plates; and
2. Sixteen dollars per plate to the Maine State Cultural Affairs Council established under the Maine Revised Statutes, Title 5, section 12004-G, subsection 7-A; and be it further

The State of Maine Bicentennial commemorative plate may not be sold or displayed on a motor vehicle except as provided in this resolve.

Resolve 43, LD 260, “Resolve, to Create a License Plate to Recognize the Centennial of the United States Navy Reserve.” *Emergency. Effective July 4, 2015*

This resolve creates a special commemorative, simulated motor vehicle registration plate in celebration of the centennial of the United States Navy Reserve, which takes place March 3, 2015. The Secretary of State is directed to design and issue the plate, which may be displayed until March 3, 2016 covering the front registration plate. The fee is fifteen dollars. Five dollars remains with the Secretary of State to cover costs, and ten dollars goes to the Maine Military Family Relief Fund . Revenue generated by the sale of the plate in excess of the cost of production and issuance will be deposited in the Maine Military Family Relief Fund.