

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY

S.P. 683 - L.D. 1981

An Act Regarding the Regulation of Tiny Homes

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Secretary of State, industry and individuals have an urgent need to clarify the regulatory landscape so that tiny homes can be registered and titled and the industry may resume production; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 29-A MRSA §101, sub-§80-C is enacted to read:

80-C. Tiny home. "Tiny home" means a living space permanently constructed on a frame or chassis and designed for use as permanent living quarters that:

- A. Complies with American National Standards Institute standard A 119.5 on plumbing, propane, fire and life safety and construction or National Fire Protection Association standard 1192 on plumbing, propane and fire and life safety for recreational vehicles;
- B. Does not exceed 400 square feet in size;
- C. Does not exceed any dimension allowed for operation on a public way under this Title; and
- D. Is a vehicle without motive power.

"Tiny home" does not include a trailer, semitrailer, camp trailer, recreational vehicle or manufactured housing.

Sec. 2. 29-A MRSA §501, sub-§7, as amended by PL 2011, c. 556, §4, is further amended to read:

7. Temporary registration permit. The Secretary of State may issue a temporary registration permit for the purpose of moving certain vehicles otherwise required to be registered or for a tiny home as follows.

A. A temporary registration permit is ~~for one trip only~~ limited in use for transportation of a vehicle after sale, transportation necessary for service or repairs of a vehicle, occasional seasonal relocation of a vehicle or transportation necessary for the relocation of a tiny home:

(1) Between the points of origin and destination and intermediate points, as set forth in the permit; or

(2) From the point of origin to the destination and back to the point of origin, including any intermediate points, as set forth in the permit.

B. A temporary registration permit is for the transit of the vehicle only. The vehicle may not be used for the transportation of passengers or property, for compensation or otherwise, unless specifically authorized on the temporary registration permit. If the vehicle is a chartered bus that is not covered by a reciprocity agreement with the state or country of registration, the Secretary of State may authorize transportation of passengers.

C. The Secretary of State may not issue a temporary registration permit that is valid for longer than 10 days from the effective date of the registration.

D. The fee for a temporary registration permit issued under paragraph A, subparagraph (1) is \$12. The fee for a temporary registration permit issued under paragraph A, subparagraph (2) is \$25.

E. The temporary registration permit must be carried in the vehicle at all times.

F. A person who operates or moves a vehicle outside the routes specified in the temporary registration permit commits a traffic infraction and may not be fined less than \$25 nor more than \$200.

G. The Secretary of State may issue unassigned temporary registration permits to a vehicle auction business licensed under section 1051 to allow the movement of a vehicle sold to a dealer.

Sec. 3. 29-A MRSA §603, sub-§1-A is enacted to read:

1-A. Fee of \$100. A fee of \$100 must be paid to the Secretary of State for the following:

A. A certificate of title for a tiny home; or

B. A certificate of title for manufactured housing.

Sec. 4. 29-A MRSA §651, sub-§7 is enacted to read:

7. **Tiny homes.** The Secretary of State shall issue certificates of title for new tiny homes beginning with model year 2020. The Secretary of State shall issue a certificate of title for a used tiny home of any model year that was previously issued a State of Maine certificate of title. A certificate of title issued pursuant to this subsection remains in effect unless cancelled pursuant to section 669.

Sec. 5. 29-A MRSA §652, sub-§9-A is enacted to read:

9-A. Tiny homes. A tiny home that is:

A. Sold before January 1, 2020; or

B. Model year 2019 or older;

Sec. 6. 29-A MRSA §654, sub-§6 is enacted to read:

6. **Tiny homes.** The following provisions govern application for a certificate of title for a tiny home.

A. An application for a tiny home must be submitted to the Secretary of State by the retail seller. If the tiny home is purchased new out of state, the application must be submitted by the lien holder or the owner. The application must be accompanied by the manufacturer's certificate of origin.

B. An application for a used tiny home must be submitted by the retail seller. In the absence of a retail seller located in this State, the application must be submitted by the lienholder. In the absence of a retail seller and a lienholder, the application must be submitted by the owner. The application must be accompanied by any previous State of Maine certificate of title.

Sec. 7. 29-A MRSA §667, sub-§7, as enacted by PL 2005, c. 678, §9 and affected by §13, is amended to read:

7. Exemption. Certificates of title issued for manufactured housing and tiny homes are exempt from this section.

Sec. 8. 29-A MRSA §669, as enacted by PL 2005, c. 678, §10 and affected by §13, is amended to read:

§669. Cancellation of certificate of title to manufactured housing and tiny homes

1. Real property transactions. This section governs cancellation of a certificate of title to manufactured housing or a tiny home by the owner of the manufactured housing or tiny home when the manufactured housing or tiny home becomes affixed to real property owned by the owner of the manufactured housing or tiny home.

2. Cancellation. A certificate of title to manufactured housing or a tiny home may be cancelled by the Secretary of State if the owner of the real property records the following documents in the registry of deeds for the county in which the real property is located:

A. The original certificate of title to the manufactured housing or tiny home;

B. A description of the manufactured housing or tiny home, including model year, make, width, length and identification number, and a statement by any recorded lienholder on the certificate of title that the security interest has been released or that such security interest will be released upon cancellation of the certificate of title as set forth in this section;

C. The legal description of the real property; and

D. A sworn statement by the owner of the real property, as shown on the real property deed, that the owner of the real property is the owner of the manufactured housing or tiny home and that the manufactured housing or tiny home is permanently affixed to the real property in accordance with state law.

3. Recording. The register of deeds, upon receipt of the documents set forth in subsection 2, shall record the documents.

4. Request for cancellation. An owner of manufactured housing or a tiny home shall file a written request with the Secretary of State for cancellation of the certificate of title to the manufactured housing or tiny home after completion of the requirements in subsections 2 and 3 and by returning the recorded certificate of title. The Secretary of State shall cancel the certificate of title upon receipt of the written request from the owner of the manufactured housing or tiny home requesting cancellation of the certificate of title, accompanied by the certificate of title and documents listed in subsection 2 that have been recorded pursuant to subsection 3. Upon cancellation of the certificate of title, the Secretary of State shall issue a document certifying that the certificate of title has been cancelled.

5. Liens. For purposes of perfection, realization and foreclosure of security interests, if a certificate of title has been cancelled pursuant to this section, a separate security interest in the manufactured housing or tiny home does not exist, and the manufactured housing or tiny home may be secured only as part of the real property through a mortgage under Title 33.

6. Applicability. This section applies to manufactured housing or tiny homes required to be titled under section 651 and to any person who voluntarily elects to cancel a certificate of title to manufactured housing or a tiny home pursuant to this section.

7. Taxation not affected. Nothing in this section may be construed to affect the taxation of manufactured housing or tiny homes.

8. No change to common law. Nothing in this section may be construed to modify or change existing common law.

Sec. 9. 29-A MRSA §705, sub-§5, as enacted by PL 2009, c. 435, §13, is amended to read:

5. Manufactured housing or tiny home. This subsection governs satisfaction of a security interest in manufactured housing or a tiny home.

A. Upon satisfaction of a security interest in manufactured housing or a tiny home, the lienholder whose security interest is satisfied shall execute, within 60 days, a

release in the form the Secretary of State prescribes and mail or deliver the release to the owner or any person who delivers to the lienholder an authorization from the owner to receive that release. The lienholder shall also within 60 days of satisfaction of its security interest notify the Secretary of State in the form the Secretary of State prescribes that the lien has been satisfied.

B. The owner and subordinate lienholder, if any, may each recover \$1,000 from a lienholder who fails to release the security interest and notify the Secretary of State that the lien has been satisfied within the 60-day time period under paragraph A.

Sec. 10. 29-A MRSA §708, as amended by PL 2013, c. 125, §4, is further amended to read:

§708. Manufactured housing or tiny home

This subchapter applies to perfection of security interests in manufactured housing or a tiny home that is not permanently affixed to real property that is owned by the owner of the manufactured housing or tiny home.

Sec. 11. 29-A MRSA §954, sub-§6, as enacted by PL 2019, c. 397, §15, is amended to read:

6. Trailer transit plate. A business that delivers or services mobile homes or tiny homes, leases or transports storage trailers or transports light trailers, modular homes or frames for transporting modular homes may apply for a trailer transit license and plate. The transit plate may not be loaned, used in place of registration plates on another vehicle, used for personal reasons or used on the towing vehicle. Issuance of a trailer transit license and plate does not exempt the holder from compliance with any state law or municipal ordinance governing the movement of mobile homes, tiny homes, storage trailers, modular homes or frames for transporting modular homes or light trailers over the highways of this State and does not exempt the holder from required permits or certificates prior to moving the vehicles. Trailer transit plates issued pursuant to this subsection may be used only subject to the following conditions.

- A. A storage trailer must be empty during transportation.
- B. A light trailer may be transported with a load appropriate for the light trailer, as long as the load is owned by or in the custody of the transporting business.
- C. A light trailer may be transported with a trailer transit plate only if the business owner or an employee of the business accompanies the vehicle transporting the light trailer.

Fees for trailer transit licenses and plates are established in section 852. Trailer transit licenses are exempt from section 951, subsection 6.

For purposes of this subsection, "business" means a corporation, firm, partnership, joint venture, sole proprietorship or other commercial entity. For the purposes of this subsection, "modular home" has the same meaning as in Title 30-A, section 4358, subsection 1, paragraph A, subparagraph (2).

A person who violates this subsection commits a traffic infraction.

Sec. 12. 29-A MRSA §1902, sub-§4, as amended by PL 1999, c. 183, §5, is further amended to read:

4. Trucks; specific requirements. Special mobile equipment or a truck, truck tractor, tiny home, trailer or semitrailer must be equipped with adequate brakes acting on all wheels of all axles, except that the following need not meet this requirement:

- A. A trailer or semitrailer not exceeding a gross weight of 3,000 pounds;
- B. A vehicle towed by use of a wrecker;
- C. A vehicle meeting braking requirements of the motor carrier safety regulations of the United States Department of Transportation;
- D. A semitrailer with a gross weight of semitrailer and load not to exceed 12,000 pounds, designed and used exclusively:
 - (1) For the dispensing of cable from attached reels, commonly called a reel trailer; or
 - (2) To support the end of poles while being transported, commonly called a pole dolly; and
- F. A dolly axle, so-called, on a farm truck transporting agricultural products and supplies.

A dolly axle may not be considered in determining the gross weight or axle limits permitted on the vehicle.

A 2-axle or 3-axle farm truck equipped with a dolly axle is considered a 2-axle or 3-axle vehicle.

Sec. 13. 29-A MRSA §1905, sub-§1, as amended by PL 2005, c. 314, §10, is further amended to read:

1. Requirement. Except as provided in subsection 3, a motor vehicle with 3 or more wheels or a tiny home, trailer or semitrailer must have on the rear 2 lights, one on each side of the axis, each capable of displaying a red light visible for a distance of at least 100 feet behind the vehicle.

Sec. 14. 29-A MRSA §1905-A, sub-§1, as enacted by PL 1995, c. 584, Pt. A, §2, is amended to read:

1. Requirement. Except as provided in subsection 3, a motor vehicle, tiny home, trailer or semitrailer must be equipped with electric flashing turn signal lamps. A motor vehicle must emit white or amber light from the turn signals to the front of the vehicle and a motor vehicle, trailer or semitrailer must emit amber or red light from the turn signals to the rear of the vehicle.

Sec. 15. 29-A MRSA §1905-B, sub-§1, as enacted by PL 2015, c. 176, §2, is amended to read:

1. Requirement. All factory-installed brake lights or equivalent replacements on a motor vehicle, tiny home, trailer or semitrailer must be present and operating properly and must emit a steady red light when a slight pressure is placed on the brake pedal, and the light emitted must be visible for a distance of at least 100 feet behind the vehicle. For purposes of this section, "steady red light" means a red light that is either immediately constant and not pulsating or that pulsates for a short period and then becomes constant.

Sec. 16. 29-A MRSA §1917, sub-§2, as amended by PL 2013, c. 30, §1, is further amended to read:

2. Safe tires required. A motor vehicle or tiny home may not be operated on a public way unless it is equipped with tires in safe operating condition. A tire mounted on a motor vehicle or tiny home is not considered to be in safe operating condition unless it meets the visual and tread depth requirements set forth in subsections 3 and 4 and the vehicle is in compliance with the frame height requirements provided in section 1920.

Sec. 17. 29-A MRSA §2061, sub-§1, as amended by PL 2015, c. 176, §4, is further amended to read:

1. Prohibition. A person commits a traffic infraction if that person occupies a camp trailer, mobile home, tiny home, semitrailer or trailer while it is being moved on a public way.

Sec. 18. 29-A MRSA §2385, sub-§4, as amended by PL 1999, c. 468, §4, is further amended to read:

4. Trailers and tiny homes. A trailer, tiny home or semitrailer that is wider than the vehicle towing it must be equipped with reflective material or a lamp on each front corner that is visible to oncoming traffic.

Sec. 19. 29-A MRSA §2389, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. Limitation on drawn trailers and tiny homes. Only one tiny home, trailer or semitrailer may be drawn by a motor vehicle, except that a combination of a truck tractor, semitrailer and full trailer may be operated on the Interstate Highway System and those qualifying federal aid primary system highways designated by the Secretary of the United States Department of Transportation, pursuant to the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, Section 411. "Driveaway" and "towaway" operations, as defined by the Secretary of State, may include a combination of saddlemount vehicles not to exceed 3 units in contact with the road.

Sec. 20. 29-A MRSA §2390, sub-§1, as amended by PL 2017, c. 165, §10 and c. 229, §34, is further amended by amending the first paragraph to read:

1. Trucks Tiny homes, trucks, trailers and recreational vehicles. The following maximum length limits apply to tiny homes, trucks, trailers and recreational vehicles and include permanent or temporary structural parts of the vehicle and load, but do not

include refrigeration units or other nonload-carrying appurtenances permitted by federal regulation.

- A. A vehicle may not exceed 45 feet, except as provided in this section.
- B. The maximum overall length of a combination of vehicles may not exceed 65 feet unless otherwise permitted by law.
- C. A trailer or semitrailer may be greater than 45 feet but not more than 48 feet in structural length only if the distance between the center of the rearmost axle of the truck tractor and the center of the rearmost axle of the trailer or semitrailer does not exceed 38 feet.

The overall length of the combination of truck tractor and trailer or semitrailer in this paragraph may not exceed 69 feet, including all structural parts of the vehicle, permanent or temporary, and any load carried on or in the vehicle, including any rear overhang.

The interaxle distance and overall combination vehicle length maximum limits required by this paragraph do not apply on the Interstate Highway System and those qualifying federal aid primary system highways designated by the Secretary of the United States Department of Transportation, pursuant to the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, Section 411.

D. The load on a combination vehicle transporting tree-length logs exclusively may extend rearward beyond the body of the vehicle by no more than 8 1/2 feet, as long as no more than 25% of the length of the logs extends beyond the body and the total length of the vehicle and load does not exceed 74 feet.

E. A combination of truck tractor and full trailer or semitrailer may be operated on the Interstate Highway System and those qualifying federal aid primary system highways designated by the Secretary of the United States Department of Transportation, pursuant to the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, Section 411, with an overall length in excess of 65 feet, if the trailer or semitrailer length does not exceed 48 feet.

F. A combination of truck tractor, semitrailer and full trailer, or a combination of truck tractor and 2 semitrailers, may be operated on the Interstate Highway System and those qualifying federal aid primary system highways designated by the Secretary of the United States Department of Transportation, pursuant to the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, Section 411, with an overall length in excess of 65 feet, if no semitrailer or trailer length exceeds 28.5 feet. This vehicle combination may also operate on other highways designated by the Commissioner of Transportation.

G. A stinger-steered autotransporter may be operated on the Interstate Highway System and those qualifying federal aid primary system highways designated by the Secretary of the United States Department of Transportation, pursuant to the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, Section 411, with an overall length not to exceed 80 feet.

H. A combination vehicle designed for and transporting automobiles may be operated with an additional front overhang of not more than 4 feet and rear overhang of not more than 6 feet.

I. Drive-away saddlemount vehicle transporter combinations with an overall length not exceeding 97 feet may be operated on the Interstate Highway System and those qualifying federal aid primary system highways designated by the Secretary of the United States Department of Transportation pursuant to the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, Section 411.

J. Notwithstanding any other provision of this subsection, a single semitrailer whose total structural length exceeds 48 feet but does not exceed 53 feet may be operated in combination with a truck tractor on a highway network if the following conditions are met.

(1) The wheelbase of the semitrailer, measured as the distance from the kingpin to the center of the rearmost axle of the semitrailer, may not exceed 43 feet.

(2) The kingpin setback of the semitrailer, measured as the distance from the kingpin to the front of the semitrailer, may not exceed 3 1/2 feet in length.

(3) The rear overhang of the semitrailer, measured as the distance from the center of the rear tandem axles of the semitrailer to the rear of the semitrailer, may not exceed 35% of the wheelbase of the semitrailer.

(4) The semitrailer must be equipped with a rear underride guard that is of sufficient strength to prevent a motor vehicle from penetrating underneath the semitrailer, extends across the rear of the semitrailer to within an average distance of 4 inches of the lateral extremities of the semitrailer, exclusive of safety bumper appurtenances, and is placed at a height not exceeding 22 inches from the surface of the ground as measured when the semitrailer is empty and is on a level surface.

(5) The semitrailer must be equipped with vehicle lights that comply with or exceed federal standards and reflective material approved by the Commissioner of Transportation that must be located on the semitrailer in a manner prescribed by the commissioner. The semitrailer must display a conspicuous warning on the rear of the semitrailer indicating that the vehicle combination has a wide turning radius.

(8) Except as provided in subparagraph (10), the overall length of the truck tractor and semitrailer combination of vehicles traveling beyond the national network may not exceed 74 feet, including all structural parts of the vehicle, permanent or temporary, and any load carried on or in the vehicle. For the purposes of this subparagraph, "national network" means those highways in the State identified under 23 Code of Federal Regulations, Appendix A to Part 658.

(9) Notwithstanding section 2380, the width of the semitrailer must be 102 inches, except that the width of the rear safety bumper and appurtenances to the safety bumper may not exceed 103 inches and except that the width of a flatbed or lowboy semitrailer, measured as the distance between the outer surface edges of the semitrailer's tires, must be at least 96 inches but no more than 102 inches.

(10) For vehicles whose overall length exceeds 74 feet, including all structural parts of the vehicle, permanent or temporary, and any load carried on or in the vehicle, access is permitted to service facilities or terminals within one mile of the national network. For purposes of this subparagraph, "national network" means those highways in the State identified under 23 Code of Federal Regulations, Appendix A to Part 658.

(12) This vehicle combination may not transport cargo that has been prohibited for this vehicle combination by the Commissioner of Transportation.

(13) This paragraph does not apply to a trailer or semitrailer when transporting or returning empty from transporting a nondivisible load or object under the provisions of an overlimit permit granted by section 2382.

Nothing in this paragraph limits the authority of the department under Title 23, section 52 to adopt rules prohibiting or limiting access by semitrailers or other vehicles to a highway or portion of a highway or other segment of the transportation infrastructure in order to ensure public safety.

K. A tow-away transporter combination may be operated with an overall length not exceeding 82 feet on the interstate highway system and those qualifying federal aid primary system highways designated by the Secretary of the United States Department of Transportation pursuant to the federal Fixing America's Surface Transportation Act, Public Law 114-94, Section 5523 (2016).

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.